

Planning Committee

5 July 2017

Item No	Site/ Video/ Photos	Application Number	Location	Proposal	Rec.	Decision
1	S	17/00126/OUTMAJ	Fleetwood Pier The Esplanade Fleetwood Lancashire	Outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking (re-submission 16/00407/OUTMAJ)	PER	
2	S	17/00472/FUL	Rear Of Former Saracens Head Hotel 200 Park Lane Preesall Poulton-Le- Fylde Lancashire FY6 0NW	Part retrospective application for the erection of a detached dwelling	PER	

arm/rg/pla/cr/17/0507nc1

Committee Report**Date: 5 July 2017****Item Number 01****Application Number 17/00126/OUTMAJ****Proposal Outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking (re-submission 16/00407/OUTMAJ)****Location Fleetwood Pier The Esplanade Fleetwood Lancashire****Applicant Simmo Developments Ltd****Correspondence Address c/o McAteer Associates Ltd
4 St Johns Wood Lostock Bolton BL6 4FA****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr John Studholme****1.0 INTRODUCTION**

1.1 The application is a resubmission of application 16/00407/OUTMAJ which was refused by the Planning Committee on 4th January 2017. It is brought before the planning committee at the request of Councillor Duffy. Given the prominent position of the site on the Esplanade, the scheme is considered to be of local significance. As well as the application refused in January two previous applications were also brought before the committee for determination, both were for hotel developments, one in 2010 and one in 2013 – see section 4.0 Relevant Planning History. A site visit shall be carried out as there are new Members on the Planning Committee since the previous application was on the Agenda in January.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is on the landward part of the former pier structure and is wholly within the conservation area. The site currently retains the floor of the former pier, and the rest of the site and pier was cleared as a result of a fire towards the end of 2008. Remedial/tidying up works were carried out to the exposed floor area of the site after a request by the council. The works included the erection of a low fence around the site and the covering of the floor area with hardcore and sand. Further works were carried out earlier this year to remove basements and re-level the land. On the Esplanade to the west of the site sits a modest sized single storey ice cream kiosk. There are no other buildings on the seaward side of the Esplanade proximate to the application site. The closest most notable buildings on the sea-ward side of the Esplanade are the leisure centre approximately 165m to the west and the Radar Training Station and Lower Lighthouse approximately 160m to the east.

2.2 Opposite the site on the south side of the Esplanade is a row of terraced properties with views out towards the sea. The distance of these buildings to the nearest part of the proposed building is approximately 29m. The terraces are split by a side road, Windsor Terrace. To the east of Windsor Terrace the houses are two-storey and to the west they are three-storey. The two-storey dwellings are approximately 9m to ridge height and the three-storey approximately 11m to ridge.

2.3 The application site is located immediately adjacent to the Wyre Estuary SSSI and Morecambe Bay Special Protection Area (SPA) and Ramsar site, and as noted in the report on the previous application approximately 0.03 hectares of the proposed development site lies within these statutory designated sites. The remainder of the site is unallocated on the adopted Wyre Borough Local Plan Proposals Map.

3.0 THE PROPOSAL

3.1 The application is an outline proposal for the erection of 15 apartments for persons aged 55 and over, together with a retail unit and car parking. Details of Access, Appearance, Layout and Scale are all applied for at this stage, but Landscaping is a Reserved Matter for future determination if outline permission is granted. Accordingly, the site layout plan is indicative in respect of hard and soft landscaping, surface treatments, lighting, planting, seating etc.

3.2 The principle differences between the development proposed now and that which was refused in January are a reduction in height of the building and also in the size of the proposed retail unit. As a consequence of the reduced retail unit size there are also minor changes to the south elevation facing the Esplanade. The height to the top of the third floor (roof level) parapet as now proposed is 325mm lower than previously and the overall height, to the top of the lantern, would be 500mm lower. The applicant has used different base levels for measuring the height of the building including, on the current application drawings, ordnance datum levels, on the previous application drawings, levels from the proposed ground floor car park level and for both applications, levels measured from street level (from a point at the landward edge of the site opposite the end of the zebra crossing). For comparison and using the latter street level position as the base level, the overall height of the building as now proposed is 11.645m compared to 12.145m previously. The building would extend approximately 48m along the Esplanade frontage and have a maximum depth of approximately 36m.

3.3 As for the previous application, the proposed building would be a four-storey building. The floor plan would be shaped like a reversed figure 7 or a V with one side of the V longer than the other. The point of the V would face the sea. The shorter side would be to the east and set at right angles to the Esplanade. The bottom floor level would be partially below the Esplanade street level and would comprise underground car and cycle parking, bin store and lobby areas. Above the car parking level would be three further floors. On each of the first and second floors there would be six flats, two on the short side, one at the point of the V, and three in the longer side. There would be three flats on the third floor. All the flats would be two-bedroom and would have a balcony. On top of the roof there would be a central lantern feature which would house lift machinery and provide light to the stairwell. At street level, on the landward side facing the Esplanade, there would be a flat-roofed single-storey 125sqm retail unit. The proposed retail unit in the previous application was larger at 168sqm. The exterior of the building would mostly comprise glazing framed by vertical cantilevered balcony structures with glazed balustrading wrapping around each level.

3.4 Vehicular access to the car park would be from the Outer Promenade roadway using the same location as was used for access to the pier. There would be 16 car parking spaces and a separate secure bike store showing 10 cycle spaces but with room for more. The main pedestrian entrance to the flats would be from the Esplanade frontage adjacent to the retail unit. This entrance would provide access to a lobby area lifts and staircase as well as the car park. The retail unit entrance would also be from the Esplanade at the opposite side of the unit from the flats entrance, that is, the western side.

3.5 The main finishing materials would be a mixture of glazing, white Corian Rainscreen High Gloss (polished concrete) insert panels, powder coated aluminium finishes to eaves and soffits, glass balustrades with stainless steel detailing to all balconies and self-coloured white concrete at the lowest level. This would present a contemporary, substantially glazed building. Exact material colours/types/specifications can be controlled by condition.

3.6 For the previous application, there were objections from the Environment Agency, Natural England and Wyre Coastal Engineers on nature conservation grounds relating to the SSSI /SPA/ Ramsar site status of the estuary and flood risk. These objections were addressed through modifications to the proposals and these changes have been carried through to the current application. Although the development overlaps the edge of the Designated Sites/ foreshore, this land would not be developed on directly – a proposed promenade walkway would be cantilevered out over the Designated Sites/foreshore. The walkway would be approximately 3m width along its entire seaward length behind the proposed building and cantilevered out over a small section of the foreshore.

4.0 RELEVANT PLANNING HISTORY

4.1 The Pier has a history spanning the last century. It was built in 1910 and a pavilion was added the following year. The structure was closed after a fire in its cinema caused substantial damage and it did not reopen until 1958. It retained a 1950s/60 utilitarian appearance until its eventual demise. In its life, it had been an amusement complex, bar and dancehall. The pier closed again in 2000 but reopened in 2003. It closed again soon afterwards on health and safety grounds and eventually suffered massive structural failure during the 2008 fire that resulted in its demolition.

4.2 10/00050/FULMAJ - Erection of mixed use development consisting of 43 hotel rooms (C1), retail units (A1), restaurant/cafe units (A3), bar/drinking establishments (A4) and leisure/gymnasium facilities. Refused Nov 2010.

4.2.1 Development comprised a modern four storey building, with "Art Deco" themes. The height of that building would (at its highest point) have been 15.5m to the top of the flat roof (including ventilation equipment located on the roof of the central part of the building) and 12.8 metres to the main roof. The total length of the building, parallel with the promenade would have been 63m. The maximum depth would have been 30m.

4.2.2 The main materials of construction were to have been a mixture of glazing, polished concrete insert panels coloured white, stainless steel satin polish finish to eaves/soffit detail, glass balustrades with stainless steel detailing to all balconies and standing seam detailing to the roof margin. This was considered to present a contemporary building, substantially glazed, but with an air of seaside/nautical architecture about it.

4.2.3 The application was brought before planning committee and was refused on the basis of the size and scale of the building.

4.3 11/00801/FULMAJ - Erection of two storey mixed use development consisting of 18 hotel rooms (C1), retail units (A1), restaurant/cafe units (A3), bar/drinking establishments (A4) and leisure uses (D2). Approved July 2013.

4.3.1 Development comprised a modern two-storey building, with an 'Art Deco' feel. On the ground floor, there was to have been a retail unit, a restaurant, café, leisure use (gym), refuse storage and the hotel reception. Hotel accommodation was to have been at first floor. The height of the proposed building would (at its highest point) have been 9.1m to the top of the flat roof of the raised central part of the building (including rooftop plant) which is 1.8m higher than the second floor roof) and 6.83m to the main second floor roof. The total length of the building, parallel with the promenade was to be 63m. The maximum depth would have been 30m.

4.3.2 The main materials of construction were to have been a mixture of glazing, polished concrete insert panels coloured white, stainless steel satin polish finish to eaves/soffit detail, glass balustrades with stainless steel detailing to all balconies and standing seam detailing to the roof margin. This was considered to present a contemporary, substantially glazed building.

4.3.3 This application was determined at the planning committee because the proposal was considered to be of local significance. The applicant modified the scheme having had regard for the council's reason for refusing the earlier scheme. Approval was given in August 2013 and so the permission has now recently lapsed.

4.4 16/00407/OUTMAJ – outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking – Refused January 2017.

4.4.1 The proposed development was the same as that now proposed except for the differences previously outlined in terms of height, the size of the retail unit and the appearance of the retail unit elevation. The application was recommended for approval but was refused at committee. The reason for refusal was as follows:

The proposed development, by reason of its height, scale, mass, design and appearance would appear as an obtrusive, alien, and incongruous form of development on a prominent promenade location, out of keeping and to the detriment of the appearance and character of the Fleetwood Conservation Area, contrary to Policies SP14 and ENV9 and TREC7 of the adopted Wyre Borough Local Plan (1999) and the National Planning Policy Framework, specifically sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment).

5.0 RELEVANT PLANNING POLICIES

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

5.2 Twelve core planning principles are identified. These include supporting sustainable economic development to meet local need whilst securing high quality design and a good standard of amenity. The different roles and characters of different areas must be considered and the natural environment should be conserved and enhanced. Full account of flood risk must be taken. Heritage assets must be conserved in a manner appropriate to their significance. The effective use of land is encouraged and patterns of growth must be actively managed to make fullest use of sustainable transport modes.

5.3 Sections 2, 4, 6, 7, 8, 10 and 11 of the NPPF are of most relevance.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.4 The NPPG includes the following sections which are of most relevance:

- Conserving and Enhancing the Historic Environment
- Design
- Ensuring the vitality of town centres
- Flood risk and coastal change
- Health and well-being
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space

ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.5 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF. The following policies are of most relevance:

- SP14 - Standards of design and amenity
- ENV9 - Conservation Areas
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- H13 - Open space in new housing developments
- CIS6 - Securing adequate servicing and infrastructure

EMERGING LOCAL PLAN

5.6 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between 17th June and 7th August 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. Presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012). The following policies are of most relevance:

- CS1 - Spatial strategy for Wyre Borough Council
- CS3 - Strategy for Fleetwood
- CS13 - Sustainable development

- CS14 - Quality of Design
- CS15 - Economy, regeneration and learning
- CS16 - Transport, accessibility and movement
- CS18 - Green infrastructure
- CS19 - Biodiversity and geodiversity
- CS25 - Flood risk and water resources
- CS28 - The historic environment

FLEETWOOD SEAFRONT MASTERPLAN - A DELIVERY FRAMEWORK

5.7 This document is not adopted planning policy but it has been referred to by objectors. It is an aspirational document from 2009 which carries limited weight. Finalised after the fire, Zone 12 in the document refers to The Pier. It says that proposals must reflect the site is in private ownership [whilst the Council is freeholder there is a private long leasehold owner]. The document states that the future uses of the Pier zone that would be most conducive to the development of the seafront, would be hotel, retailing (including the provision of restaurants/cafés) or leisure uses. These would be likely to act as the visual attractor necessary to entice people from the town centre towards the sea front and vice versa.

The document cites only two criteria to guide development on the site:

- 1) The urgent need to change the current appearance of the site, as a minimum transforming it from a negative to a neutral factor in the area;
- 2) The need to appreciate in future design terms that this site is (and must remain) the visual gateway for the Seafront from Euston Park and the prime vehicular and pedestrian links from the Town Centre;

WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

5.8 This identified that the level of viability for residential developments across the Borough could only sustain a maximum of 30% affordable dwellings, although in some areas it would be a lesser percentage.

FYLDE COAST STRATEGIC MARKET ASSESSMENT (FEBRUARY 2014)

5.9 This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth projections in the 2015 Employment Land Study Update and Addendum. The SHMA Addendum II indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. There is an estimated need for 300 affordable homes per year (over the next 5 years).

6.0 RELEVANT SITE CONSTRAINTS

6.1 The site is constrained by the following:

- Fleetwood Conservation Area
- Setting of nearby Listed Buildings including the radar training station, lower lighthouse and North Euston Hotel to the north-east and the Mount pavilion to the south-west
- Public Right of Way 2-1-FP 26 runs immediately to the west of the site
- Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC), Ramsar site, Morecambe Bay & Duddon Estuary potential SPA, Wyre Estuary Site of Special Scientific Interest (SSSI).

7.0 CONSULTATION RESPONSES

7.1 FLEETWOOD TOWN COUNCIL – object and are disappointed that the application has been re-submitted with no substantial changes. They consider the re-submission a waste of council tax payers’ money. They comment that the appearance of the site is not a reason for it to be developed and ask why it is a mess and why has the leaseholder not been required to clear it up. Previous objections on the following grounds are repeated:

- Visual Amenity – uninterrupted views have been enjoyed. The 4-storey proposal would be too large in scale and modern in design and therefore detrimental to visual amenity.
- Effect on Listed Buildings and Conservation Area - the development would substantially harm the significance of nearby heritage assets with no substantial public benefit. The design and materials are out of keeping and incongruous contrary to policy ENV9 (development in and adjoining conservation areas).
- Flood Risk – the proposed site has been subject to flooding in the past. It would be irresponsible in the extreme to grant permission for a residential development.
- Overlooking / loss of privacy – the size and scale would have a negative impact on residential properties opposite which would suffer overlooking and loss of privacy.
- The Fleetwood Seafront Masterplan – the proposals would conflict with this formally adopted document.

7.2 ENVIRONMENT AGENCY (EA) – initially objected as the applicant had submitted an early version of the Flood Risk Assessment (FRA) (Version 3) instead of the version that had already been considered as acceptable when submitted with the previous application. Following submission of the correct FRA (Version 4), the objection was withdrawn. It was confirmed that although part of the application site falls within Flood Zones 2 and 3 with respectively medium and high probability of flooding, the site plan in the FRA satisfactorily demonstrated that all the proposed development is within Flood Zone 1 with a low probability of flooding. It was also confirmed that the proposals regarding the design of the sea defence was satisfactory and that provided the development was carried out in accordance with the FRA recommendations it would be safe in terms of flood risk. It was advised that the local planning authority would have to determine whether or not the site satisfies the Sequential and Exception Tests set out in the NPPF. There were no objections with regard to biodiversity.

7.3 HISTORIC ENGLAND - No objections. Comments are as for the previous application although it is noted that the scale of the proposed building has been reduced. A summarised history of the pier is given up to the fire in 2008. It is noted that the pier itself was a focal point and it is therefore felt to be appropriate, that a new focal point should be created in this location as without it, the legibility of the Esplanade is undermined. As such, the principle of redeveloping the site is accepted. It is considered that the proposed design takes reference from Fleetwood’s revival as a resort in the early 20th century drawing on Art Deco style in a contemporary way. The building would add to

the quality of the area establishing a strong sense of place with a presence befitting the location. It is concluded that the proposals would change but still preserve the character of Fleetwood Conservation Area and due to the high quality of the contextual design it could be said to enhance it. The application meets the requirements of the NPPF in particular paragraphs 131, 132 and 137.

7.4 UNITED UTILITIES - No objections subject to conditions and informatives.

7.5 NATURAL ENGLAND (NE) – no objection and it is considered that the proposed development will not have significant adverse impacts on designated European sites which include: Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC), Ramsar site and Morecambe Bay & Duddon Estuary potential SPA. Nor are there any objections or anticipated damage or destruction in respect of the Wyre Estuary Site of Special Scientific Interest (SSSI).

It is noted, however, there is no Habitats Regulations Assessment (HRA) to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered.

In advising on the requirements relating to HRA, and to assist you in screening for the likelihood of significant effects, Natural England advise:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

To meet the requirements of the Habitats Regulations, they further advise recording the decision that a likely significant effect can be ruled out providing the mitigation measures proposed are secured and implemented. It is recommended that to justify your conclusions regarding the likelihood of significant effects the following are referred to:

- The letter from ERAP dated 21 July 2016 (ref. 2015_280b),
- The Fleetwood Pier - Construction Noise Prediction data by Bureau Veritas Acoustics & Vibration Group dated 25 January 2016 (ref. UK.2217157-2/RC1),
- Ecology Survey and Assessment by ERAP dated April 2016 (ref. 2015_280).

Natural England's advice is based on the following key measures in their proposals and these should be included as part of the HRA and strictly implemented by the applicant.

- The submission and approval of a drainage plan to prevent any contaminated water reaching Morecambe Bay
- The preparation and distribution of a home owners pack to be distributed to all new residents, highlighting the sensitivity of Morecambe Bay to recreational disturbance.

The application site encroaches into the Morecambe Bay Special Area of Conservation (SAC) and Special Protection Area (SPA) which are European designated sites (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect their interest features. The site is also listed as Morecambe Bay Ramsar site. The above mentioned sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site also encroaches into the Wyre Estuary Site of Special Scientific Interest (SSSI) and is within 500m of the Lune Estuary SSSI.

Further notes and advice are provided on the Wyre-Lune Recommended Marine Conservation Zone (which is expected to become a Potential MCZ which would make it a material planning consideration), the England Coastal Path (which is proposed to give access by foot around the whole English coast by 2020), Local Considerations to be assessed and considered, Protected Species for which standing advice is available and Impact Risk Zones mapping.

7.6 RAMBLERS ASSOCIATION – none received.

7.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - No objections, subject to conditions. The detailed comments from GMEU were the same as for the previous application and are as follows.

The application site is located immediately adjacent to the Wyre Estuary SSSI and Morecambe Bay Special Protection Area (SPA) and Ramsar, and approximately 0.03 hectares of the proposed development site lies within these statutory designated sites. Under the terms of the Conservation of Habitats and Species Regulations 2010 (as amended) the application must therefore be subject to an Assessment of potential impacts on the SPA/Ramsar. A Habitats Regulations Assessment (HRA) has been completed by GMEU on behalf of the council as local planning authority.

The SPA/Ramsar has been designated because it supports internationally important populations of birds, particularly wintering birds and birds on passage migration. A comprehensive Ecological survey and assessment has been submitted in support of the application, which includes bird surveys. A separate 'construction noise prediction' report has also been prepared; this report has relevance to Ecology because birds using the Estuary can be subject to noise disturbance. These reports have been prepared by suitably qualified consultants and are to appropriate standards. It is not considered that any further surveys need to be carried out.

The Ecology assessment has concluded that the habitats within the actual application site do not contribute to the important habitats within the designated site(s) and do not represent suitable habitats for use by wintering birds. GMEU would not disagree with this conclusion; the site, which was occupied by Fleetwood Pier until 2008, is located between the promenade and beach, areas which are currently regularly disturbed by pedestrians and dog walkers. The site is also adjacent to The Esplanade, with existing large-scale residential development to the south. It is unlikely to have substantive value for birds, and this is borne out in the results of the bird surveys. Given the overall size of the SPA (more than 36,000 ha) the direct land-take arising from the development is insignificant. So direct land-take from the development will not have any harmful impacts on the special interest of the SPA/Ramsar.

The main potential impacts of the development on the SPA/Ramsar/SSSI are most likely to be caused by increased disturbance to birds, both by disturbance caused by construction noise and by post-development disturbance caused by population increases and people living in the development using the Estuary for recreation.

As regards construction noise, the Noise Disturbance report indicates that construction noise would be closely associated with the actual construction site; the noise contours indicate that in areas of the Estuary where birds begin to be recorded in significant numbers (some 60-80m north of the application site) noise levels even in a 'worst-case' scenario will be below 35-45 dBA, relatively quiet and unlikely in my view to cause undue disturbance to birds. Construction activities will also be time-limited. Access to the site is possible using existing well-used highways. GMEU therefore consider that construction activities would not cause harm to the special interest of the SPA/SSSI.

Potential harm caused by increased recreational disturbance once the development is operational is considered more difficult to quantify. However, it is noted that the development comprises only 15 apartments for people aged 55 and over. Given the scale of other development in the area, including residential and business use, GMEU would not anticipate that this level of population increase would lead to a measurable increase in recreational disturbance effects on the Estuary. Nevertheless, precaution is advised. GMEU recommend that –

- new residents be issued with information about the status and importance of the Estuary and
- there should be no direct access from the 'front' of the development onto the foreshore.

7.8 FLEETWOOD CIVIC SOCIETY – Objection on the grounds that:

- Even with a reduction in height the building would be overbearing by way of density, scale, proportions, height and fenestration and contrary to ENV9 it would not complement its surroundings.
- As the lower level car parking is on the seaward side of the Esplanade flooding is a concern.
- Open vistas should remain and the pier had a much lesser impact on the open views.

7.9 LANCASHIRE CONSTABULARY - Standard advice on designing out crime prevention as for the previous application but with the addition of a recommended condition relating to construction phase security.

7.10 LCC HIGHWAYS – no objections subject to conditions relating to construction phase wheel washing and highway improvements including relocation of street furniture carriageway narrowing, upgrading two bus stops to quality standards with shelters and seats, zebra crossing relocation and creation of a lay-by/loading area. Advice to be included in informatives is provided. LCC Highways referred the application to their Rights of Way Section for their comments.

7.11 LCC LEAD LOCAL FLOOD AUTHORITY – initially objected but following submission of an updated Flood Risk Assessment it was confirmed there are no objections subject to conditions requiring submission and approval of a surface water drainage scheme; completion of the sustainable urban drainage system (SuDS) scheme prior to first occupancy; and surface water management and maintenance plans for the completed scheme and the construction phase.

7.12 LCC PUBLIC RIGHTS OF WAY OFFICER – none received

7.13 WBC HEAD OF ENGINEERING SERVICES (COASTAL AND GENERAL ENGINEERS) – no objection in principle but with comments as follows. The site lies adjacent to sea defences maintained by Wyre Council and a new section of wall is proposed. Full construction details and a detailed method statement for the construction of the seawall need to be submitted to and agreed. The details should include how construction would be achieved from the landward side of the sea defence wall and the design should include measures to avoid or minimise scouring of the wall base and adjacent sand dune habitats. This would require full sediment movement modelling by a reputable company with appropriate skills and experience to ensure that any new seawall would have no detrimental impact on the existing defences or beach levels. These details

would have to be supplied in advance for approval. Clarification of surface water drainage is required. FRA states that surface water will discharge to Irish Sea, while application states that surface water will discharge to mains sewer. For clarity, it is expected that surface water would not discharge to mains sewer.

7.14 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE) -

Recommend approval subject to conditions

7.15 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION CONTROL) - No objections subject to conditions

7.16 WBC HEAD OF OPERATIONS (WASTE AND RECYCLING) – none received

8.0 REPRESENTATIONS

8.1 1102 responses received as of 20th June.

8.2 Of these responses two were letters of support one to say that change is needed and one to say it would be nice to see this eyesore site developed with housing and to bring jobs.

8.3 Of the objections the overwhelming majority were duplicated replies and included multiple replies from single addresses. As for the previous proposal the objections included the following grounds:

- Visual Amenity – residents have become accustomed to uninterrupted views across Morecambe Bay; the building is too large and modern
- Heritage and Conservation – the development would out of keeping and substantially harm the significance of nearby heritage assets contrary to the NPPF and local plan policy ENV9
- Impact on Neighbouring Properties – there would be overlooking and loss of privacy
- Use of Site – residential use would be contrary to the Fleetwood Seafront Masterplan; leisure use is preferred; it would set a precedent for residential development on the foreshore / seaward side of the Esplanade
- Highway Safety
- Flood Risk: the site is within 250m of Flood Zone 2 and 3
- The site is owned by the Council not the applicant as indicated on certificate A

9.0 CONTACT WITH APPLICANT/AGENT AND PROCEDURAL NOTES

9.1 Clarification of the ownership of the site was sought from the applicant and a revised certificate was submitted (Certificate B replacing Certificate A). Further contact was made regarding issues raised by consultees.

10.0 ISSUES

The main planning issues are considered to be:

- Principle
- Heritage impact
- Design and visual impact
- Residential amenity impact

- Highway access and parking
- Ecological impact
- Flood risk and drainage
- Contributions

PRINCIPLE

10.1 The site is a previously developed site in a sustainable location close to town centre facilities and accessible by public transport including buses and nearby trams. Paragraph 14 of the NPPF says there is a presumption in favour of sustainable development which means that development proposals that accord with the development plan should be approved without delay and that, where the development plan is absent, silent or out-of-date permission, should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF's policies taken as a whole, or where specific policies in the NPPF indicate development should be restricted. Paragraph 17 of the NPPF sets out twelve core planning principles one of which is that planning should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value." Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date when a 5 year supply of deliverable housing sites cannot be demonstrated. Paragraph 50 requires a wide choice of high quality homes for inclusive and mixed communities, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

10.2 With regard to the NPPF and housing need, the most up to date evidence for Wyre is the Fylde Coast Strategic Market Assessment (2013) (SHMA), and based on the identified objectively assessed need, the Council cannot currently demonstrate a 5 year supply of housing. In line with NPPF paragraph 49 the policies relating to housing supply must therefore be considered out-of-date and a key issue is whether the proposal would deliver sustainable development.

10.3 NPPF paragraph 7 sets out three mutually dependent dimensions or roles to sustainable development: economic, social and environmental. For the proposed scheme these can be assessed as follows.

- Economic role - the government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. The applicants say in their Supporting Statement that the development would represent a considerable investment creating more employment opportunities and the retail element would also create jobs and boost the local economy by providing additional spend in the shops.
- Social role - the scheme will deliver 15 apartments for the over 55s which would make a contribution towards meeting the housing supply shortfall.
- Environmental role - as identified by the applicants in their Supporting Statement, the development would bring an unused and untidy site into active use removing an environmental eyesore on a prominent site.

10.4 In respect of the proposed retail element of the proposed development, planning permission 11/00801/FULMAJ included retail units, café/restaurant uses and bar/drinking establishments. Although this permission has expired it establishes the principle for retail use.

10.5 On the basis of the above the proposed development is acceptable in principle.

HERITAGE IMPACT

10.6 Under s72 Planning (Listed Building and Conservation Areas) act 1990 the Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The site is within the Fleetwood Conservation Area, which is a designated heritage asset. There are also a number of Listed Buildings nearby (such as: North Euston Hotel; Lower Lighthouse; Radar Training Station; Drinking Fountain adjoining Euston Park; Mount Pavilion; Mount Gardens) and a number of non-designated heritage assets: (Mount Public House; Marine Hall; Euston Park). Advice from the Conservation Officer at Chorley Borough Council (BC), who is retained by Wyre BC to provide the Council with professional conservation advice in the absence of a suitably qualified officer in-house, is that the current site is considered to have a negative impact on the appearance and significance of the conservation area. Redevelopment of the site, in an appropriate manner, is therefore considered to be welcomed.

10.7 The NPPF requires local authorities to consider the impact of proposals on the significance of heritage assets. This means the impact on both the conservation area as a whole and on nearby Listed Buildings. Part of the consideration of new development is taking into account the contribution it can make to local character and distinctiveness and the positive contribution heritage assets can make to sustainable communities and their economic vitality. It is considered that the small-scale retail function of the ground floor unit would contribute to the economic vitality of the conservation area.

10.8 The proposed design is similar to that proposed in the previous application except for the reductions in height of the building and the size of the proposed retail unit as detailed at section 3.2. As for the previous application, it is considered that the contemporary design is appropriate. The proposed modern design of the building would contrast with the Victorian architecture and the buildings in the surrounding area. This is considered a better option than a traditional Victorian or Neo-classical architecture design which would risk being a pastiche and potentially dilute the quality of the conservation area and affect the significance of existing historical architecture. The contrast created by the proposed design should be seen for what it is - an evolutionary change which, through the use of conditions to carefully control and guide the external appearance and materials palette, would add to the distinctiveness of the character of the conservation area. The proposed building would not obscure views within the conservation area or from outside with the very limited exception of views from out at sea. Nor would the proposed building impact upon views to or from nearby listed buildings.

10.9 The site is close to a number of listed buildings of which the North Euston Hotel, the Radar Training Station, the Lower Lighthouse and the Mount Pavilion and Gardens (all Grade II listed) are visible from the site. Given the limited visibility of the location to or from listed buildings, it is considered that the proposal would have either no impact or at most a neutral impact on the setting of these heritage features.

10.10 Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character of the conservation area. The NPPF suggests that

where such applications will lead to significant harm or total loss of significance, local planning authorities should refuse development. In this case there are no objections from Historic England or the Conservation Officer. The proposals would improve an unsightly area of previously developed land and would go some way to screen unsympathetic, modern development to the west from the listed buildings to the east. It is therefore considered that, subject to a condition requiring further details of materials, the proposals would not have any negative impact on heritage assets but would preserve and enhance the character and setting of Fleetwood Conservation Area and nearby listed buildings and would meet the requirements of policy ENV9 (Conservation Areas) and the NPPF.

DESIGN & VISUAL IMPACT

10.11 In the report on the previous application (16/00407/OUTMAJ) it was said that “modern architecture which has an 'Art Deco' influence is a common style of architecture ... for seaside locations ... examples of this are the Midland Hotel at Morecambe and the Bexhill Pavilion on the South Coast”. The previous proposal, which was broadly similar to the current proposal, was described as “a modern, 21st Century take on the style ... flowing lines and ample curves with a horizontal emphasis produce a design which is considered to be an appropriate response to the site context”. It was noted that regard should be had to the 2013 approval of application 11/00801/FULMAJ for a building with a similar external appearance. At 9.1m and extending over a length of 63m that building was lower but longer than either the previously or currently proposed buildings. For each of these the proposed length would be 48m but the height for the previously proposed building (16/00407/OUTMAJ) was 12.145m and for the currently proposed would be 11.645m.

10.12 The highest part of the building would be set towards the rear, seaward side of the site away from the facing houses. The V shape, the stepped design of the upper floors and the substantial glazing would help reduce the building's visual mass and impact on the street scene and give the building a light and reflective appearance which would not be overbearing. This is illustrated in the submitted 3-dimensional visualisations of the proposal which show the proposed building in the context and demonstrate that from street level the third floor is set sufficiently back from the two storey elevations so as to appear secondary and subservient to the main building. The curves, balconies and stepped floors help articulate the upper portions of the building and add architectural interest and detail to the roofline of the structure. Particularly on longer views from along the Esplanade and from the estuary and sea, the building would reflect the lines of the upper decks of a streamlined cruise-liner.

10.13 It is considered that the suggested materials would present a contemporary, substantially glazed building with an Art Deco theme. The main finishing materials would be a mixture of glazing, white Corian Rainscreen High Gloss (polished concrete) insert panels, powder coated aluminium finishes to eaves and soffits, glass balustrades with stainless steel detailing to all balconies and self-coloured white concrete at the lowest level. Exact material colours, types and specifications have not been clarified and would have to withstand the environmental conditions of the location. This can be controlled by condition.

10.14 Landscaping is a reserved matter which is not for consideration at this stage but details will be required of appropriate surfacing materials for the harsh environment and how the boundary of the site and public highway will be visually delineated.

10.15 With regards to crime prevention through design, the building would have a high degree of natural and perceived surveillance as a direct consequence of the predominant use of glazing to private and public spaces within the buildings. Accordingly, the use of

CCTV is unlikely to prove necessary to defend the building but it is possible that the door entry system may incorporate this technology. However, in addition to the same advice as provided for the previous application, Lancashire Constabulary's Designing Out Crime Officer has recommended a condition requiring construction phase site security.

IMPACT ON NEIGHBOURING AMENITY

10.16 The proposal will clearly change the views enjoyed from properties on the opposite side of the Esplanade. However, notwithstanding that there is no right to a view and any loss or change would not be a material consideration, the proposed building is considered to represent an improvement on that approved under planning permission 11/00801/FULMAJ. The shorter length – 48m as opposed to 63m – and the shape of the current proposal mean that views would be restricted over a shorter length of the Esplanade

10.17 SPG 4 (Spacing Guidance for New Housing) sets the minimum separation distance between facing habitable room windows at 21m. At its closest the proposed building would be over 29m away from the existing properties opposite and this distance is considered to be ample in terms of privacy and amenity distances, as it clearly exceeds the minimums established by SPG4. Additionally, as the proposed development is to the north of the nearest residential buildings on the opposite side of the road, there would be no loss of direct sunlight to other properties.

10.18 Any noise arising from the use of the retail unit could create an impact. However, given the separation distance, it is considered there would be no unacceptable adverse impact on residential amenity. Any impact at all would be less than would have arisen from the commercial development previously approved under 11/00801/FULMAJ. In order to protect the future amenity of residents of the proposed building and nearby occupiers from disturbance from the retail unit a condition would be added to any permission limiting the hours of operation and deliveries. Conditions relating to noise are suggested by the Council's Environmental Health Officer to safeguard future residents. Any alternative commercial uses proposed in the ground floor unit in future would require separate planning consent and be assessed on merit.

10.19 The application proposes a retail unit at ground floor. The commercial unit has a large flat roof over, but this is overlooked by existing and proposed residential units. The applicant's noise assessment has specified maximum noise limits for building services plant associated with the unit and states that plant should not be roof mounted due the proximity of residential facades. Environmental Health have proposed a series of conditions controlling this aspect. The redesign now incorporates shielded fascia parapets and integrated flue paths up the building that would not detract from its design but offer reasonable design solutions for future ventilation/extraction mitigation if necessary. Environmental Health also proposes conditions to ensure such plant is controlled if it is required. At this stage there are not considered to be any specific odour concerns with a retail unit.

10.20 Despite there being no outdoor amenity space, the proximity to the beach, Promenade and local greenspace at Euston Park and the Mount is recognised. Furthermore, it is noted that each apartment would benefit from a balcony affording sea views. Each balcony would be approximately 1.5m deep and between 9 and 10m long, with the corner properties featuring longer curved balconies in excess of 20m. These balconies are considered to be of a sufficient size to enable sitting out (weather permitting).

10.21 In the interests of visual amenity and to give residents some privacy, it was recommended in connection with the previous proposal that solid/opaque balustrading should be provided. This would help hide anything on the balconies from view. For example, as there is no communal laundry room any drying laundry could be hidden.

10.22 The proposed access arrangements into the site are as the previously submitted proposal which were considered to be acceptable. The arrangements for the current proposal are broadly similar except that the lobby and bin store areas are now larger as a consequence of the reduction in the size of the retail unit. The Council's Waste Management team were satisfied with the previous proposals and whilst they have not responded on the current application it can be assumed there would be no objection as if anything the proposed larger internal storage area is an improvement.

CRIME PREVENTION ISSUES

10.23 The proposal incorporates a public walkway on the rear (seaward) part of the site. Whilst the lower floor balconies to the side and rear do offer a point of egress to a climbing trespasser from the seaward side, they would be overlooked by the apartments themselves. At this stage, limited details of the balustrading have been submitted but use of obscured glazing or similar would help shield empty flats from opportunistic view. Equally, in the absence of a hard and soft landscaping scheme, a comprehensive lighting scheme has not been detailed. External lighting, combined with the internal lighting visible through the glazing has the potential to help discourage criminal and inappropriate activity around the base of the new building. A suitable lighting scheme can be secured through a condition. Any submitted lighting scheme must have adequate regard for the impact on neighbouring amenity and not be detrimental to it.

10.24 The ground floor of the building is designed so as to create no areas of recess that offer the potential for concealment. Although plans do not show security shutters over the windows or doors to the retail unit it should be noted that these would not be acceptable and would require separate approval. The provision of secure concealed car parking at ground floor level is welcomed.

HIGHWAY, ACCESS AND PARKING

10.25 LCC Highways consider the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, provided there are cycle stands for the retail units and the narrowing of the carriageway at the zebra crossing. Adequate off road parking is proposed and the site is in a highly accessible location for public transport with adequate facilities for off-road parking at nearby public car parks. In order to promote social inclusion and encourage walking, cycling and public transport as sustainable forms of travel, LCC Highways recommend: provision of two cycle stands for the retail unit, carriageway narrowing to 7m to allow shorter crossing distance and to act as a speed reducing feature, upgrading two bus stops on The Esplanade to quality bus stop standards (including a bus shelter and seating). These works would need to be constructed under a section 278 agreement. Separately from these works the proposed new access to the car parking area and the proposed service bay would be from a private road which would not be subject to any future adoption agreement but nevertheless the proposed arrangements would have to be in accordance with the submitted details. LCC Highways noted that the development adjoins a public right of way. There has been no response from the Public Rights of Way Officer on this application or the previous one. However, as the proposed access would use the same access point as originally existed for the pier and neither this access nor any other aspects of the proposals would involve any change to the right of way itself Public Rights of Way Section, no objections are anticipated. On this basis it is considered that the

proposals would be satisfactory in respect of highways impacts subject to conditions as recommended.

CONTRIBUTIONS

Education Contribution

10.26 A residential development of ten or more units ordinarily requires a contribution towards local education provision (and provision affordable housing). However, the application form states that the proposal is to be occupied by residents of 55 years and older (which is reflected in the development description) and can be conditioned to remain as such. With a condition to restrict occupancy to those over 55 years in age attached to any planning permission it is reasonable to conclude it unlikely that the development will generate any school age children and therefore no education contribution would be required.

Affordable Housing

10.27 With regard to planning obligations NPPG (Paragraph: 031 Reference ID: 23b-031-20161116) says affordable housing contributions should not be sought from developments of 10 units or less and with a maximum combined gross floor space of no more than 1000sqm. This exemption does not apply to this development. NPPF paragraph 50 requires Local Authorities to identify the affordable housing need for an area and then, "set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities." Draft Policy CS21 in the Emerging Local Plan relates to affordable housing provision and this is supported by the 2010 Housing Viability Study. This identifies a requirement for new housing development comprising 15 or more dwellings to provide affordable housing on site at 30%. The council has typically relaxed the requirement to provide affordable housing in situations where the type of specialist accommodation has an assisted living or on-site care-delivery dimension. However, for the proposed development there is no such dimension to this proposal and the scheme therefore lacks any social dimension that has exempted other schemes from the affordable housing requirement. The Council's Affordable Housing Officer has not responded on the current application. Any information received will be included in an update for the committee. Advice on the previous application was that it would be unlikely that a Registered Provider would acquire affordable units within this development owing to management and current limited financial capacity issues and on that basis it would therefore be appropriate to seek an off-site commuted sum. If the 30% requirement was applied to this 15 unit development it would produce a requirement for 4.5 affordable units. As the predominant need in Fleetwood is for 2-bed units and using the 4.5 multiplier this equates to a Commuted Sum Payable of £84,240. This contribution would need to be secured by a Section 106 agreement.

Public Open Space

10.28 In accordance with Policy H13 of the adopted Wyre Borough Local Plan, the development of fifteen residential units would not breach the threshold where public open space must be provided or a contribution sought towards off-site provision or improvement. In any event, balconies are provided as a supplement to the open space already provided by the Esplanade and beach around the site.

10.29 Works are proposed to the public realm that includes the provision of a partly cantilevered walkway on the seaward side and the dedication of the route as a public right of way, together with as yet undefined hard and soft landscaping and lighting

improvements around the lower level of the building's exterior. Landscaping will be dealt with at reserved matters stage and conditions can require lighting and material schedules to be agreed.

ECOLOGY

10.30 Natural England, GMEU and the Environment Agency have been consulted on the application and there are no objections subject to conditions. A Habitats Regulations Assessment (HRA) has been carried out by GMEU on behalf of the council. HRA screening of European protected sites established that potentially the Morecambe Bay Special Area of Conservation (SAC), Morecambe Bay RAMSAR site and Morecambe Bay Special Protection Area (SPA) would be affected by the proposals. Following further screening of the special qualifying features of interest, assessment of potential harm, and consideration of possible in-combination effects, it was concluded that the proposals would not have any significant impact on the special interest of European Protected Sites, subject to a condition requiring a drainage plan with details of measures to be taken to prevent any contaminated water reaching the Bay. In addition it was recommended in GMEU's HRA that a home owners pack highlighting the sensitivity of Morecambe Bay to recreational disturbance and highlighting alternative recreational opportunities in the vicinity, away from the more sensitive areas.

FLOOD RISK AND DRAINAGE

10.31 Previous schemes have not encroached outside of flood zone 1 and were not required to demonstrate compliance with the sequential or exceptions tests. The Environment Agency's (EA) objection to the scheme as originally submitted raised concerns about the portion of building and walkway that sat out into zone 3. Following amendments the majority of the application site - including all of the building - is now within the Flood Zone 1 area, and does not require a Flood Risk Assessment (FRA). However, part of the application site (the seaside walkway to the rear of the site connecting to the existing esplanade) still lies within Flood Zone 3, which is defined as having a high probability of flooding in the NPPG. The site sits adjacent to the estuary/sea and Flood Zones 2 and 3 are to the immediate north of the site. None of the actual building will be within either zone 2 or 3.

10.32 It is for the local planning authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. The seaward path/walkway offers no accommodation and is intended for designated as a public right of way, just like the remainder of the seaside promenade that already benefits from this designation. As no part of the building will be within flood zone 2 or 3 the applicant is not required to satisfy the sequential test.

10.33 In terms of the pathway, the Council specifically requested this feature in discussions on the previous application to ensure that public access along the promenade is retained post-development. To build the pathway elsewhere in the borough would serve no purpose and the use of the path is not considered to involve a use that has a high vulnerability to flood risk such as living or sleeping accommodation. In respect of the first part of the Exceptions Test the pathway is considered to provide clear sustainability benefits which outweigh the flood risk harm and on the basis that the Environment Agency and the Council's Drainage Engineer do not object to the flood risk assessment, this is considered to be acceptable and the Exceptions Test is considered to be passed.

Drainage Issues:

10.34 United Utilities have no objections to the proposal but advise that no surface water drain directly or indirectly into the public sewer. The EA wish to see a condition imposed on any approval given, in respect of a surface water drainage strategy. The Council's Engineer has no objections on drainage grounds. There are no outstanding drainage issues that cannot be controlled by condition.

Flood Risk / Coastal Issues:

10.35 Application 11/00801/FULMAJ was approved with a condition requiring a detailed method statement for the construction of the sea defence wall. The details were to show how construction of the sea defence wall would be achieved from the landward side of the sea defence and the design of the wall was to include measures to avoid or minimise scouring of the wall base and adjacent sand dune habitats. A similar condition is required now together with a condition requiring a full sediment movement modelling exercise to be undertaken to demonstrate no detrimental effects on the existing defences or beach levels.

11.0 CONCLUSION

11.1 The proposal is to redevelop a previously developed site in the town of Fleetwood which is considered to be in a sustainable location and is accessible by public transport and close to other facilities and venues in the town.

11.2 The proposal is considered to be of an acceptable scale, massing and design. It is considered that the modern, contemporary design would add to the local distinctiveness of Fleetwood Conservation Area and act as a new architectural beacon and draw factor to the town.

11.3 Subject to conditions, the proposals would satisfy the requirements of consultees with the exception of the Fleetwood Civic Society and Fleetwood Town Council who object. Those objections and other objections received have been considered and taken into account. The proposal however is considered to comply with the requirements of the relevant local policies and guidance and the NPPF and is therefore considered acceptable.

12.0 HUMAN RIGHTS ACT IMPLICATIONS

12.1 Article 8 - Right to respect for private and family life - has been considered in coming to the recommendation of the Committee.

12.2 Article 1 of the First Protocol - Protection of property has also been considered in coming to this recommendation to Committee.

13.0 RECOMMENDATION

13.1 Resolve to grant outline planning permission subject to conditions and the completion of a section 106 legal agreement to secure appropriate financial contributions towards off-site affordable housing contributions and to secure the occupancy of the units for residents aged 55 years and above. To authorise the Head of Planning Services to issue the decision under delegated powers upon the satisfactory completion of the S106 legal agreement.

Recommendation: Permit

Conditions: -

1. In the case of any reserved matter, namely landscaping, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:

- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

3. No development shall take place until samples of the materials to be used for all hard surfaced areas of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

4. Prior to commencement of the development, details of the appearance and specification of all external plant and any external services to be affixed / installed to the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail and shall be maintained and retained in accordance with the approved details unless prior written approval is given to alternative details.

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust mitigation measures during the construction period
- (b) control of noise, vibration and light emanating from the site during the construction period
- (c) hours and days of construction work for the development
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic.
- (h) how the project would protect the adjacent designated/protected sites during construction, addressing direct and indirect impacts including contamination, runoff, sedimentation and deposition of airborne dust and debris.

The construction of the development shall be carried out in accordance with the approved CEMP.

6. No development approved by this permission shall be commenced until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy shall be in accordance with the sustainable drainage hierarchy, with evidence of an assessment of the ground conditions to be submitted. For the avoidance of doubt, surface water must drain separate from the

foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems. The strategy details shall include, as a minimum:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) details of water quality controls, where applicable including details of measures to be taken to prevent any contaminated water from reaching Morecambe Bay

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

7. A detailed lighting scheme of any lighting to be installed on the building and within the development site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The lighting scheme should demonstrate that effects of diffuse light pollution onto the designated areas will be avoided wherever possible and that low level lighting should be used throughout the development and directed away from the protected areas. Thereafter the agreed lighting scheme shall be retained, managed and maintained in accordance with the approved details.

8. No works shall take place, including site clearance and construction, during the wintering bird season, between September to February (inclusive) in any year.

9. Prior to any development commencing, a detailed method statement for the construction of the sea defence wall shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include how construction of the sea defence wall is to be achieved from the landward side of the sea defence wall and the design of such wall shall include design measures to avoid or minimise scouring of the wall base and adjacent sand dune habitats. The works shall be carried out in accordance with the agreed method statement.

10. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in

accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority prior to the development of the site. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

11. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and be subject to the written approval of the Local Planning Authority prior to the commencement of development. The measures shall include, as a minimum: ventilation of confined spaces within the building, a well-constructed ground slab, a low permeability gas membrane, minimum penetration (ideally none) of the ground slab by services, and passive ventilation to the underside of the building. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. Any gas monitoring must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided. Results shall be submitted for approval in writing by the Local Planning Authority.

12. Prior to the commencement of the development, full construction and finished details (including materials, cross-sections, means of connection to The Esplanade) of the walkway to the sea-ward side of the development hereby approved, together with details of providing and maintaining future public access onto this walkway from The Esplanade (but preventing direct access between the walkway and foreshore), shall be submitted to and approved in writing by the local planning authority. The approved walkway including connection / access strategy should be implemented in accordance with these details prior to first occupation of the development hereby approved and retained thereafter.

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway improvement works, namely relocation of street furniture (e.g. lighting equipment) affected by the development, upgrading of the two bus stops in front of the site on The Esplanade to quality bus stop standards and reduction of the carriageway width including potential relocation of the zebra crossing and creation of a lay-by / loading area, has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be first occupied or opened for trading until the site access and the off-site works of highway improvement have been constructed and completed in accordance with the approved scheme details.

14. Prior to commencement of development, a communication strategy designed for future occupiers of the development to publicise / inform them about the status and importance of the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) shall be submitted to and approved in writing by the Local Planning Authority. The communication strategy shall be implemented in accordance with the approved details.

15. Prior to commencement of the development hereby approved details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

16. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following drawing numbers:

- 1328 PL100 (Site Location Plan)
- 1328 PL201 Rev C (Proposed Site Plan)
- 1328 PL300 Rev C (Ground Floor Plan)
- 1328 PL301 Rev C (First Floor Plan)
- 1328 PL302 Rev C (Second Floor Plan)
- 1328 PL303 Rev C (Third Floor Plan)
- 1328 PL304 Rev C (Roof Plan)
- 1328 PL400 Rev C (Proposed Sections)
- 1328 PL401 Rev C (Proposed Site Sections, Indicative Levels)
- 1328 PL500 Rev C (East & South Proposed Elevations)
- 1328 PL501 Rev C (West Proposed Elevations and 3D Visuals)

17. The retail premises hereby approved shall not be open to the public outside the hours of 08.00 - 18.00 Monday to Saturday, 09.00 - 16.00 Sundays and Bank Holidays.

18. Deliveries and services to and from the retail premises hereby approved shall not occur outside the hours of 07:00 to 19:00 on any day.

19. The following standards in accordance with BS8233: 2014 and WHO guidelines shall be met at the nearest noise sensitive premises

- LAeq 50 dB 16 hours - gardens and outside living areas
- LAeq 35 dB 8 hours - indoors day time (23.00-07.00)
- LAeq 30dB 8hours- indoors night time (23.00-07.00)
- LAFmax 45dB 8 hours- indoors night time (23.00-07.00)
- LAFmax 45dB 4 hours- indoors evenings (19.00-23.00)

The maximum instantaneous Noise Levels (LAFmax) from the proposed development shall not exceed 60 dB (A) evening (19.00-23.00) and night time (23.00-07.00) at the nearest noise sensitive premises

20. Noise mitigation measures as stated in the approved noise reports comprising the Environmental Noise Study Report (UK2217157) Jan 2016 and Construction Noise Prediction Letter (UK.2217157-2/RC1 shall be implemented in full prior to the first occupation of any part of the retail or residential units to which they relate and shall be permanently maintained thereafter. The developer shall certify to the local planning authority in writing that the noise mitigation measures agreed have been installed in accordance with the approved details within one calendar month of their installation.

21. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted and approved in writing by the Local Planning Authority which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i) on-going inspections relating to performance and asset condition assessments
- ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

22. Prior to commencement of development a full sediment movement modelling exercise shall be undertaken to demonstrate no detrimental effects on the adjacent beach levels or existing defence measures.

- a) Scoping details of the anticipated modelling should first be approved in writing by the local planning authority prior to the carrying out of the survey required.
- b) The modelling work should be carried out by a suitably qualified professional in line with the approved scoping details.
- c) The results and full survey / modelling shall then be submitted to the Local Planning Authority and approved in writing;
- d) Any necessary remedial works or mitigation resulting from the survey approved in section (c) shall be incorporated into the sea wall construction, having regard for the requirements of condition 9 of this consent and implemented in full prior to the first occupation of the development hereby approved.

23. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (RWO Associates (15106/FRA.1 [Apr 2016] ver.3) including the mitigation measures contained therein. The mitigation measures shall be fully implemented prior to first occupation of the development to which they relate or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: -

- 1. This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
- 3. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
- 4. In the interests of visual and residential amenity and to preserve the integrity of the design of the building and to comply with Policy SP14 of the Adopted Wyre Borough Local Plan (1999).

5. In the interests of protecting residential amenity and the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) and to comply with the provisions of the NPPF.

6. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and in the interests of protecting the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) in accordance with the NPPF. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services.

7. In the interests of protecting residential amenity and the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) to reduce impacts on wintering birds using the foreshore to comply with the provisions of the NPPF.

8. In the interests of protecting the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) and to comply with the provisions of the NPPF.

9. In the interests of protecting the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) and to comply with the provisions of the NPPF.

10. The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. In order to ensure the details are visually acceptable, to ensure satisfactory public access to the coastal path is achieved and retained and in the interests of protecting the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI).

13. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. In the interests of protecting the adjacent Morecambe Bay Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI).

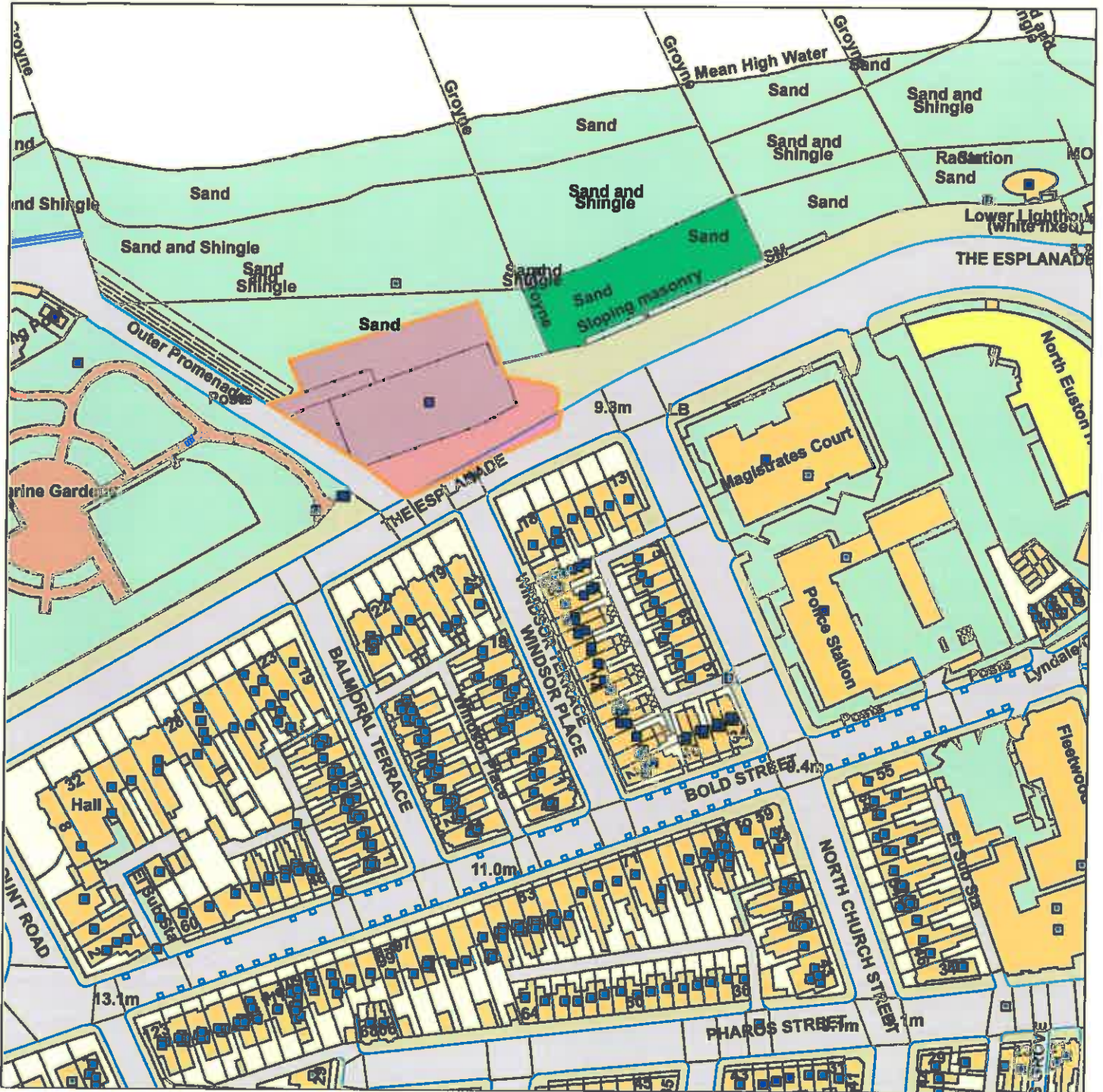
15. To ensure that the development has an acceptable impact on neighbouring amenity and visual impact in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and for the avoidance of doubt..

16. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details
17. To safeguard the amenity of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
18. To safeguard the amenity of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
19. In the interests of safeguarding the amenity of existing and future neighbouring residents in accordance with SP14
20. In the interests of safeguarding the amenity of existing and future neighbouring residents in accordance with SP14
21. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system.
22. In the interests of ensuring that the resulting sea defence wall does not have undue negative impacts on the tidal movements of sands forming the beach and foreshore, or the existing areas of flood capacity along the foreshore, and in accordance with the NPPF.
23. To accord with the advice issued by the Environment Agency and to reduce the risk of flooding on the development and from the development onto adjacent properties and land in accordance with the NPPF.

arm/rg/pla/cr/17/0507nc2

Planning Committee

17/00126/OUTMAJ - Fleetwood Pier



Scale: 1:1733

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	22 June 2017
SLA Number	100018720

Committee Report**Date: 05.07.2017**

Item Number	02
Application Number	17/00472/FUL
Proposal	Part retrospective application for the erection of a detached dwelling
Location	Rear Of Former Saracens Head Hotel 200 Park Lane Preesall Poulton-Le-Fylde Lancashire FY6 0NW
Applicant	Mr S Edge
Correspondence Address	c/o Sunderland Peacock & Associates Mr Duncan Isherwood Hazelmere Pimlico Road Clitheroe BB7 2AG
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 A previous application at this site (ref 17/00069/FUL) for a similar proposal, was reported to the Planning Committee on the 5th April 2017 following a request from Councillors Taylor and Moon. A site visit is proposed for this application as there are new Members on Planning Committee since this visit in April and a visit is useful to appreciate the proposal beyond the plans submitted with the application and 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 rear car park area of the former Saracens Head Public House and is located on the western side of Park Lane close to the junction with Back Lane within the small rural settlement of Preesall Hill. The former Saracens Head public house has now been converted to a single dwelling house and the car park has since been separated and is now under separate ownership. The application site (former car park) has an established access off Park Lane which measures 6m in width along with a 22m sloping driveway which decreases in gradient to the south west by approximately 2m. The former car park covers a total site area of approximately 0.08 hectares (0.19 acres) and is on a lower level to that of the former Saracens Head and the point of access off Park Lane. Against the eastern boundary the site level is 15.79m Above Ordnance Datum (AOD) and gradually slopes to the western boundary to 15.30 AOD (0.49m variance).

2.2 Within the site and currently under construction is a 2 storey detached residential dwelling which forms the subject of this application. At the time of compiling this report the external envelope of the dwelling has been constructed and was fully insulated with ground and first floor windows installed. The boundary treatment to the side and rear of the site largely comprises prominent red brick and stone built walls 3m-4m in height including a retaining wall along the eastern boundary. Along the southern boundary and western

boundary there is a high-level concrete post and panel fence. The immediate surrounding area is predominantly residential in character; to the north is 194 - 198 Park Lane to the east is the former Saracens Head (200 Park Lane) to the south is 1 & 2 England's Cottage which back on to the site and to the west on a much lower level is a mature group of trees and open agricultural land. The application site is within an area designated as countryside in the adopted Wyre Borough Local Plan. Preesall Hill is identified as a rural settlement in Policy SP8 of the Local Plan.

3.0 THE PROPOSAL

3.1 This application seeks part retrospective planning consent for the erection of a 2 storey 4 bedroom detached residential dwelling house with integral double garage. The plans show the property to be of a modern flat roof contemporary design made up over two storeys with a balcony to the western elevation with a full height obscure privacy screen on the southern and northern elevation. The property measures 11.4m in width and 20m in length (including the single storey garage and projecting terrace) to a maximum height of 6m (at the point closest to the western boundary of the site). The roof formation is of a staggered/stepped design. Sleeping accommodation is shown at ground floor whilst the living, kitchen and dining accommodation is at first floor level. The materials proposed for the construction comprises of a mixture of horizontal cedar timber boarding at first floor level and off white K-rend below. The windows and doors comprise of grey powder coated aluminium. The garden area is to be located to the west of the building.

3.2 At present the dwelling is partially constructed and reflects the plans previously submitted and subsequently refused by Members at Planning Committee in April under application reference 17/00069/FUL. Following the refusal of the previous application this application seeks to reduce the scale of the first floor and remove the cinema room and gymnasium resulting in a lower middle section and resulting in a stepped/staggered roof formation. The development on site has all windows and doors installed including obscure glazing to all first floor windows on both the northern and southern elevations. The dwelling is set off the northern boundary wall by 3.3m closing to 2.9m to the west. The single storey garage is set off the eastern boundary by 1.2m and the southern elevation of the dwelling is set off the southern boundary wall by 1.2m closing to 0.9m.

4.0 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history:

4.2 17/00069/FUL - Part retrospective application for the erection of a detached dwelling (Resubmission of 16/00356/FUL) -Refused for the following reason:

The proposed development, by reason of its height, scale, mass and design would appear as an overbearing and overly intrusive form of development as seen from neighbouring properties, particularly nos. 1 and 2 Back Lane, resulting in an unacceptable adverse impact on residential amenity contrary to Policy SP14 of the adopted Wyre Borough Local Plan (1999) and Supplementary Planning Guidance 4: Spacing Guidelines for New Housing Layouts.

4.3 16/00356/FUL - Erection of a detached dwelling - Permitted

4.4 15/00064/FUL - Change of use from public house to one residential dwelling including creation of first floor balcony to rear - Permitted

4.5 14/00817/FUL - Conversion of existing public house to form 3 no two-storey apartments including first floor extension to the rear and erection of 2 semi-detached dwellings - Permitted

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 Section 1 - Delivering sustainable development

Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of business. Local Planning Authorities should be proactive to meet the development needs of business.

5.1.2 Section 6 - Delivering a wide choice of high quality homes

There is a need to boost significantly the supply of housing. Provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development. Deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

5.1.3 Section 7 - Requiring Good Design

Paragraph 56 states the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 60 states planning decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.1.4 Section 10 - Meeting the challenges of climate change, flooding and coastal change
Inappropriate development in areas at risk of flooding should be avoided by directing development away for areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

5.1.5 Section 11 - Conserving and enhancing the natural environment

This requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

5.1.6 Section 12 - Conserving and enhancing the historic environment

Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise (Paragraph 129). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining

the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Paragraph 135).

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

5.2.2 The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:-

- Policy SP8 - Definition of Small Rural Settlements
- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-off

5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.3.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

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

5.4 EMERGING LOCAL PLAN

5.4.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between the 17th of June and the 7th of August 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. Presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.4.2 Relevant policies in the emerging Local Plan include:
CS13 Sustainable development
CS14 Quality of Design

6.0 CONSULTATION RESPONSES

6.1 PREESSALL TOWN COUNCIL

6.1.1 Objects - The Town Council objects to the proposal on the grounds that it does not address the concerns raised in its February objection to application 17/00069/FUL. Impact on neighbours is so great that it would prevent the residents from their right to use and enjoyment of those properties. This is contrary to council policy SP14 of the (1999) adopted plan and supplementary planning guidance 4: spacing guidelines for new housing layouts. The previous approved plans stated that there would be a single flat roof not exceeding 5.5m to the highest point. Even after reducing the height of the gym/ cinema room area the

property continues to be higher than the approved plan. The increased dimensions of 200mm as stated in the application do not take the 700mm 'wedge' into account. The proposed structure continues to be overbearing in relation to neighbouring properties and continues to be intrusive to no. 1 and no. 2 England's cottages, Back Lane and Village Farm, Park Lane. The obscure glazed windows are top hung and when open can result in overlooking in to neighbouring properties. The issues of drainage is still an issue, the new building has been built over the top of the existing drainage system which is used by the former Saracens head.

6.2 UNITED UTILITIES

6.2.1 At the time of compiling this report there has been no observations received.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.3.1 No objections, in highway terms this application has the same implications as the previous applications 16/00356/FUL and 17/00069/FUL. The car parking levels and access arrangements are the same.

6.4 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.4.1 No objections, following the submission of the drainage plan.

6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.5.1 At the time of compiling this report there have been no observations received.

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

6.6.1 No objections subject to a condition requiring a desk top survey being carried out.

6.7 WYRE BC HEAD OF BUILT ENVIRONMENT (BUILDING CONTROL)

6.7.1 No objections, comments have been brought forward from the previous application which advised that the existing drainage that comes from the Saracens Head at a higher level passes across the former car park with the new dwelling being constructed above. Due to the proposed footprint of the building, the structural toe of the existing retaining wall and inability to maintain an adequate fall to drainage if diverted outside the footprint, the drainage run has been kept in its existing location. Building regulations approval has been sought and granted and the new foundations and walls (lintel over) did not expose any extra loading on this drain. The existing inspection chamber is to be maintained within the garage. Soakaways are unsuitable for the dwelling surface water due to the site constraints with proximity to the dwelling and adjacent boundary walls. It is recommended that on completion of the dwelling a camera survey to confirm that there is no damage or movement to the drainage run is undertaken.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 5 letters of objection received along with supporting photographic images. The primary reasons for opposition are:

- Lack of Enforcement Action by the LPA
- Visual Impacts

- Development still too high
- Too close to neighbouring boundaries
- Scale, mass and is overly intrusive
- Windows are top hung resulting in loss of privacy
- Discrepancies in AOD and floor levels
- Discrepancies in the Design and Access Statement and the dimensions provided
- Building is on a wedge foundation and is too high
- Height of the building exceeds the height previously approved Proposed raised flower beds will cause dampness on the boundary wall
- Privacy screens on the balcony should be bricked up to prevent overlooking
- Legal conveyance on boundary walls
- Loss of amenity - noise and privacy
- Overbearing Impacts
- Impacts upon the historic environment

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 A request for full drainage plans to be submitted (foul and surface water drainage) has been made. These plans have subsequently been provided.

9.0 ISSUES

9.1 The key considerations in this application are:

- Principle of Development and Compliance with Planning Policy
- Design and Visual Impacts upon the Character of the Area
- Impacts upon Residential Amenity
- Flood Risk and Drainage
- Highway Safety and Parking
- Ecology and Trees
- Contamination

Principle of Development and Compliance with Planning Policy

9.2 The principle of this application and compliance with Local and National Planning Policy remains largely unchanged. Members refused planning consent for application 17/00069/FUL with the primary reason being the height, scale and mass of the development resulting in an overbearing impact upon the neighbouring residents. Whilst design matters and impacts upon neighbouring amenity will be fully assessed as part of this revised scheme later in this report, the principle of residential development on this site has already been established under planning permissions 14/00817/FUL and 16/00356/FUL. These recent approvals carry substantial weight in assessing the principle as there has been no change in relevant planning policy since and the Council remains unable to demonstrate a supply of housing land for a five year period.

9.3 The application site is within the defined countryside area. Saved Policy SP13 seeks to resist development in the countryside unless there is an essential need for agriculture or forestry, suitable forms of tourism related activities, the re use or refurbishment of a listed building, the conversion of a rural building or the development of a single infill plot of not less than five dwellings provided that it can be demonstrated that there will be no effect on the character of that group or on the locality. SP13 also goes on to state that all development will be considered with regards to issues of amenity, scale and design. In this instance the proposal would not satisfy the exceptions set out within Saved Policy SP13, however at present the Council cannot demonstrate a 5 year supply of housing and as such

the housing supply policies in the adopted Local Plan, including Policy SP13, must be considered in that context. Policy SP13 can no longer be considered in isolation and para 14 of the NPPF is also relevant which states “where policies of the development plan are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...”. It is acknowledged that the provision of 1 additional dwelling would assist in contributing to the future housing needs of Wyre, albeit very marginally.

9.4 The site is within Preesall Hill which is a defined Small Rural Settlement due to the existence of necessary infrastructure. The supporting text to policy SP8 states that in the rural settlements development proposals are expected to be small in scale with housing proposals not normally exceeding two dwellings.

9.5 Paragraph 49 of NPPF states that in the event that the Council is unable to demonstrate a 5 year supply of deliverable housing land, housing applications should be considered in the context of the presumption in favour of sustainable development. The three dimensions to sustainable development set out the economic, social and environmental roles of the planning system. Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. In geographical terms the application site is not considered to be isolated, as there is community and local infrastructure within Preesall Hill. The site lies immediately south of the Black Bull Public House and approximately 135m west of Preesall Fleetwood Charity primary school and 300m north of St Aidans C of E High school. Adjacent to the site is a designated bus stop. In addition the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of a high environmental value. Whilst the site is a former car park which was free from structures, in planning land use terms it is categorised as a brownfield site and is considered to be of minimal environmental value. In principle the application site is seen to provide a sustainable location and the proposed dwelling would provide economic, social and environmental benefits to the locality which in turn would comply with the provisions set out within the NPPF.

Design and Visual Impacts upon the Character of the Area

9.6 Application 17/00069/FUL was refused by Members due to the scale and bulk of the dwelling as currently built on site. This application seeks to re-apply with the main change being the removal of the first floor gymnasium and cinema room which significantly reduces the bulk and massing at first floor level and reverts back to the three stage stepped roof design previously approved under application 16/00356/FUL (albeit higher) which is a material planning consideration in assessing the design and visual impact of this application.

9.7 Saved Policy SP14 of the Local Plan seeks to apply consistent principles and high standards of design and amenity for all types of development and sets out a list of criteria which developments should satisfy. Criteria (B) sets out that development should be acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials. Section 7 (Requiring Good Design) of the NPPF echoes the criteria and provisions of SP14 by setting out that it is important to plan positively for the achievement of high quality and inclusive design for all developments including individual buildings. It states that planning decisions should not stifle originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The proposed dwelling represents a modern contemporary flat roof dwelling, externally finished in a mixture of off white k-rend and horizontal cedar cladding. The design of the dwelling has been generally dictated by the topography of the site and the surrounding high-level boundary walls.

Internally the main living accommodation is sited at first floor level utilising the outlook and views across the landscape to the west. The integral garage provides 2 parking spaces along with room to the front of the garage for further parking which would comply with the parking standards set out within Section 4 of SPG4. The proposed site plan shows a grassed garden area to the north and west which would provide a sufficient area of private amenity.

9.8 The contemporary design of the dwelling is in contrast to the majority of surrounding residential properties which are of more traditional construction but which vary in design style and materials, however this juxtaposition is considered to be acceptable in this instance due to the location of the site which sits on a much lower gradient to the majority of surrounding properties and is enclosed and contained by high-level boundary walls to the north east and south. In accordance with the design principles set out within the NPPF the design of the proposal is seen to provide architectural interest to the former disused car park and is seen to represent a quality design of individual character.

9.9 The dwelling is set back from Park Lane by approximately 32m and sits on a much lower gradient, the removal of the first floor cinema room and gymnasium which is located to the east of the dwelling will significantly reduce and break up the visual bulk and massing which in turn will reduce its prominence from within the surrounding street scene. The proposed ground level of the application site sits approximately 3m lower than the point of access off Park Lane. Due to these variations in levels and the overall height of the proposed dwelling which measures 6m in height in conjunction with the low lying stepped flat roof design, the dwelling will appear relatively unnoticed when travelling from both the north and south along Park Lane. At present the proposed dwelling is most noticeable when viewed from Back Lane to the south of the site, however the reduction in the length and the bulk and massing at first floor as proposed in this application will also decrease the visual dominance along the southern boundary which in turn will make the dwelling more visually discrete when viewed from Back Lane. Whilst each application is assessed on its own merit's the design of the proposed dwelling is now seen to reflect that which was originally approved under application 16/00356/FUL. As such the development complies with the provisions of Saved Policy SP14 of the Wyre Borough Local Plan and the NPPF.

Impacts upon Residential Amenity

9.10 The dwelling as built on site (and as submitted under application 17/00069/FUL) was refused by Members of the Planning Committee due to the dwellings height, scale, mass and design which was seen to have an overbearing and overly intrusive impact on neighbouring properties in particular on no's 1 and 2 England's Cottages located on Back Lane which back on to the site at a splayed oblique angle. There is approximately 12m from the rear elevation of the cottages to that of the side (southern) elevation of the proposed dwelling. The spacing guidance set out within SPG4 requires there to be 13m separation distance where a rear elevation faces a side elevation of a 2 storey development. In this instance the proposal would fall marginally short of this guidance however given the splayed angle of the properties and the provision of first floor obscure glazed windows on number 2 England Cottage along with the reduction in bulk and massing the proposal is not considered to result in an unacceptable overbearing or imposing impact. As part of this application the removal of the first floor cinema room and the gymnasium will reduce the first floor in length to approximately 8.4m (including the rear balcony), a reduction of 7.1m from what is currently in situ. There will also be a reduction in height with the central section measuring 4.4m at its highest point compared to 6.0m of the previously refused scheme. These reductions substantially reduce the bulk and massing along the southern boundary and also result in the removal of one of the large obscure glazed first floor windows on the southern elevation. Furthermore the existing high level boundary wall provides a high level of screening from the development and the first floor window in the southern elevation of the

proposed dwelling is to be non-opening and obscure glazed. The Parish Council have highlighted that the dwelling will still be 200mm higher than that originally approved under application 16/00356/FUL, whilst this is not disputed the minor increase in height does not exacerbate the impacts upon the neighbouring properties to a level that would result in any overbearing impacts. This minor increase in height is also balanced out as the overall width of the dwelling has been reduced from that which was previously approved with a greater set back from the northern boundary. A condition requiring non opening obscure glazing to be retained therefore is recommended. The proposed plans show a full length obscure glazed privacy screen to be installed to the southern elevation of the terraced/balcony area to the rear. To prevent overlooking and loss of privacy into the neighbouring garden(s) a condition is necessary to ensure this is also provided and retained thereafter.

9.11 The removal of the first floor section will also reduce the impacts upon the recently converted residential dwelling of the former Saracens head which is located to the east of the site. The proposed dwelling will be on a much lower level to this dwelling and whilst the separation distance falls short of the 21m set out within SPG4 the proposal would not have any overbearing or adverse impacts on this dwelling. Neither will it result in any unacceptable overlooking or loss of privacy impact.

9.12 To the north lies the curtilage of Village Farm, 194-198 Park Lane. The northern elevation of the proposed property would be sited 2.9m from the northern boundary at the closest point; however this distance is greater in most part due to the angle of the boundary line. These distances together with the high boundary wall along here are considered acceptable. This neighbouring property is sited approximately 8m from the northern boundary and towards the front of the site, so there would be no unacceptable impact from the new dwelling. At present there are 4 obscure glazed windows located in the northern elevation, the proposed revisions will remove two of these which currently serve the cinema and gymnasium and reduce the bulk and massing to the north. The remaining first floor windows are to be conditioned requiring non opening obscure glazing to be retained at all times. The proposed plans show a full length obscure glazed privacy screen to be installed to the northern elevation of the terraced/balcony area to the rear. To prevent overlooking and loss of privacy a condition is also considered necessary to ensure that this is provided and retained thereafter. The proposed development would not result in any unacceptable overbearing impact, overlooking or loss of privacy into any habitable rooms or areas of private amenity of this neighbouring property.

9.13 The revisions proposed in this application will not result in any additional adverse impacts upon neighbouring amenity above and beyond that which was approved under application 16/00356/FUL. The dwelling in the location proposed on a much lower gradient and surrounded by high-level boundary walls will not result in any adverse or detrimental impacts upon neighbouring properties, and as such is considered to be in accordance with Policy SP14 of the Local Plan. Whilst there is a minor shortfall in the separation distances against the spacing guidance within SPG4 to some neighbouring properties, for reasons identified above this shortfall would not unacceptably compromise the amenity of the neighbouring dwellings.

Flood Risk and Drainage

9.14 The application site is not located within a designated Flood Zone. It is therefore not necessary to apply the sequential and exceptions tests. Following the request of the Councils Drainage Engineer full details of the drainage of the site have been submitted. These plans show that foul drainage will be connected to the existing mains drain located in Park Lane and surface water drainage will be connected to the surface water drain which runs beneath the subject property. During the course of the previous application the applicant undertook a camera survey which determined that this drain is a sole surface water

drain which connects to an underground chamber 10.3m to the west of the site. The proposed drainage scheme is considered to be acceptable and in line with the hierarchy for sustainable drainage principles (SUDS) as set out within the National Planning Policy Guidance (NPPG). The Council's Drainage Engineer has advised that the proposed site drainage is acceptable. A condition requiring full technical details of the drainage scheme is to be conditioned accordingly.

9.15 Concerns from the Parish Council regarding the dwelling being constructed over an existing sewer which falls from the former Saracens Head to the rear/west of the site and passes under the dwelling have been raised. The Council's Building Control Officer has confirmed that this drain has been appropriately reinforced and to prevent any impacts/damage from the dwelling. An advice note is recommended to be attached advising the applicant to undertake a camera survey of this drain following completion to ensure that no damage has occurred.

Highway Safety and Parking

9.16 The proposed dwelling is shown to provide adequate levels of off street parking provision within the site which would comply with the parking requirements set out within SPG4. The site was a former car park which would have generated a significant amount of vehicular movements to and from the site. The proposed vehicular movements associated with 1 dwelling are significantly less and as such will improve highway safety impacts upon Park Lane. Lancashire County Council Highways have raised no objections to the proposal. The site provides adequate levels of visibility towards the north and the south.

Ecology and Trees

9.17 The proposal does not require the demolition of any existing structures and the site is free from vegetation and trees. As such an ecological survey is not required. Under application 14/00817/FUL a bat survey was carried out which found no evidence of roosting bats within the former public house. No trees will be affected by the development. The proposed landscaping demonstrated on the submitted site plan is considered to be acceptable.

Contamination

9.18 The Council's Environmental Health Pollution Control Officer has requested that a condition is attached requiring a Desk Top survey to be undertaken to determine if there is any potential impacts arising from on-site land contamination. As such a land contamination desk study condition is recommended.

10.0 CONCLUSION

10.1 The principle of residential development on the site is acceptable. As part of this application the applicant has shown willing to amend the scheme to address the concerns previously raised by Members of the Planning Committee and revert back to the original approved scheme under application 16/00356/FUL, as much as possible, with the main material difference being the removal of the first floor cinema room and gymnasium. With these changes as shown on the submitted plans the proposed dwelling is considered to represent a contemporary and interesting architectural design which in the location proposed on a substantially lower level and set back from Park Lane and Back Lane is not seen to result in any adverse or detrimental impacts upon the character and amenity of the surrounding area. Subject to conditions requiring the first floor windows and privacy screens to be non-opening and obscure glazed the proposal would not result in any adverse impacts upon neighbouring residential amenity. It is recommended that the proposed development

would comply with the saved policies set out within the adopted Wyre Borough Local Plan and the provisions of the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 23/05/2017 including the following plans:

- Proposed Site Plan Drawing Number 4530-4-02 Rev D
- Proposed Floor and Elevation plans (Revised Drawing Number 4530-4-01E)

2. The development shall be carried out using those materials specified on the plan 4530-401E namely:

- Render - K-Rend, silicone scrapped texture, colour Polar White
- Cladding - Horizontal timber cedar boarding treated in a cedar oil

3. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

4. Prior to first occupation of the dwelling hereby approved all the first floor windows on the south facing elevation and the first floor windows on the north facing elevation adjacent to the northern boundary have been installed as non-opening and fitted with obscure glazing equivalent to Grade Level 5 (most obscure) and these shall be maintained and retained thereafter. Any subsequent repaired or replacement windows shall be installed as non-opening and fitted to the same level of obscurity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling shall not be altered or extended, nor shall any building, structure or enclosure (other than those approved as part of this planning application or conditions associated with this planning permission) be erected within the curtilage of the dwelling without the prior planning permission of the Local Planning Authority.

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

7. Notwithstanding the details submitted with the application, prior to first occupation of the development hereby approved, full technical details of the proposed drainage scheme for all surface water and foul drainage (as set out on plan 4530-4-02D with surface water connecting to the existing surface water drain within the site and foul connecting to the existing mains drain along Park Lane) shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development and thereafter maintained and managed in accordance with this agreed detail.

8. No first occupation of the development shall occur until the privacy screen for the first floor rear balcony (as shown on Drawing Number 4530-4-01E on the north and south side elevations) has been fitted with obscure glazing equivalent to Grade Level 5 (most obscure). The obscure glazing and the privacy screen shall be maintained and retained at all times thereafter.

9. There shall be no changes to the existing ground level as shown on the approved proposed site plan unless proposed level changes are submitted to and approved in writing by the Local Planning Authority prior to such change taking place. The development shall be constructed and completed in accordance with the agreed level details.

10. The flat roofs at first floor (above the garage and ground floor bedrooms 2 & 3) shall not be used as a balcony, roof garden, sitting out area or for any purpose of a similar nature without the prior written consent of the Local Planning Authority

11. The existing walls on the north, east and southern boundaries of the site shall be retained and maintained at their existing heights as shown by the TW / TF (wall / fence) levels indicated on the approved site plan (drawing number 4530 -4 -02D) unless their subsequent reduction in height or replacement is first agreed in writing by the Local Planning Authority.

Reasons: -

1. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

2. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

3. To ensure that the development presents a satisfactory appearance in the street picture and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

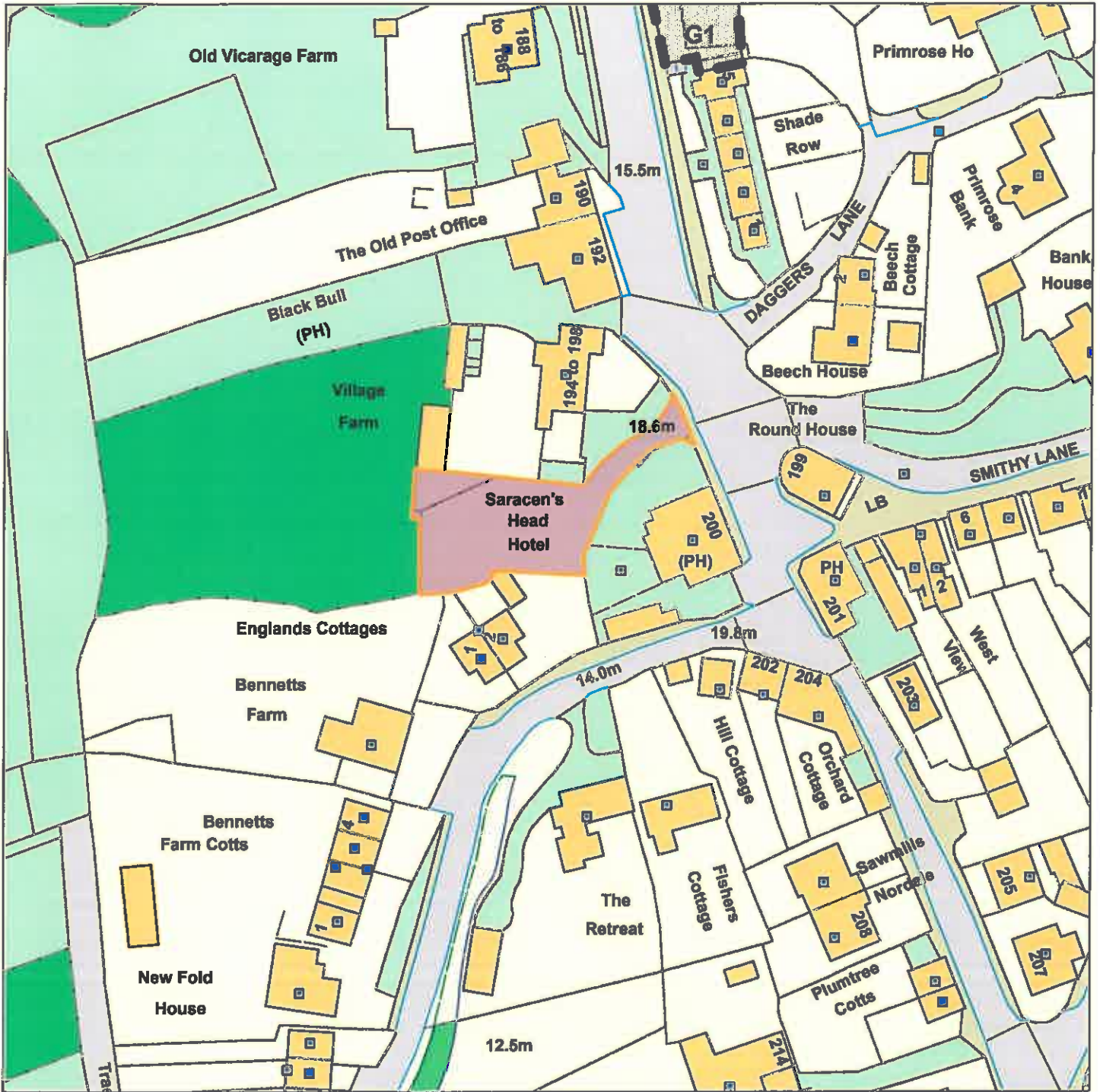
4. To protect the amenity of the occupants of nearby residential properties in accordance with saved policy SP14 of the Wyre Borough Local Plan (1999).

5. To ensure high quality design and protect the visual amenity of the area whilst also safeguarding the privacy of adjoining residents and future occupiers, in accordance with NPPF and Policy SP14 of the Adopted Wyre Local Plan.
6. The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and Policy CORE 11 of the Wyre Borough Local Plan 2001 - 2016 (first deposit draft).
7. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with NPPF.
8. To protect the amenity of the occupants of the nearby residential properties in accordance with saved policy SP14 of the Wyre Borough Local Plan (1999).
9. In the interests of the visual amenity of the area and of residential amenity and in accordance with Saved Policy SP14 of the Wyre Borough Local Plan.
10. To protect the privacy and amenities of occupiers of neighbouring residential properties in accordance with Saved Policy SP14 of the Wyre Borough Local Plan
11. To protect the amenity of the occupants of nearby residential properties in accordance with saved policy SP14 of the Wyre Borough Local Plan (1999).

Notes: -

1. Following the completion of the dwelling it is recommended that the existing drainage which runs below the dwelling is camera surveyed to confirm that there is no damage or movement to the run

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Scale : 1:1040

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	22 June 2017
SLA Number	100018720