

**Committee Report****Date: 07.09.2022**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>22/00510/FUL</b>
<b>Proposal</b>	<b>Change of use of land and former classroom building to ancillary living accommodation (granny annex)/domestic curtilage in association with 1 Spring Bank Cottage, erection of front balcony to 1 and 2 Spring Bank Cottages and changes to external finishes and window openings(resubmission of 21/01407/FUL)</b>
<b>Location</b>	<b>Spring Bank Cottages Wyre Side Knott End-on-sea Poulton-Le-Fylde Lancashire FY6 0AA</b>
<b>Applicant</b>	<b>John Tootill</b>
<b>Correspondence Address</b>	<b>c/o Mr Lee Fenton Carrfield Ingol Lane Hambleton FY6 9BJ</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Andrea Stewart**

Site Notice Date: 08.06.22

Press Notice Date: 15.06.22

**1.0 INTRODUCTION**

1.1 This planning application has been requested to be presented before planning committee at the request of Cllr Moon. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is located on the western coastline of the River Wyre. The property is within a row of dwellings with a public right of way to the front and rear. To the rear the land is elevated and beyond this is Knott End golf club and towards the south is a row of cottages. To the front of the dwellings is a slipway and jetty. The frontage of the two dwellings at the application site face and overlook the Wyre Estuary. The previous use of the property prior to the use as two dwellings was as a nautical school with classrooms and short term accommodation for students. The application site lies within Natural England's SSSI Impact Risk Zones (IRZ) for Morecambe Bay & Duddon Estuary SPA/Ramsar and is located within metres of the site's boundary.

### **3.0 THE PROPOSAL**

3.1 This planning application is for the change of use of land and former classroom building to ancillary living accommodation (granny annex)/domestic curtilage in association with 1 Spring Bank Cottage, erection of front balcony to 1 and 2 Spring Bank Cottages and changes to external finishes and window openings (resubmission of 21/01407/FUL).

### **4.0 RELEVANT PLANNING HISTORY**

4.1 LPA20 - Boat shed - Approved

4.2 02/76/0001 - Boat shed - Approved

4.3 02/80/1438 - General Purpose Room - Approved

4.4 03/00708 - Change of use for mixed use development with local heritage centre, part cafe and two residential cottages - Approved

4.5 21/01407/FUL - Change of use of land and former classroom building to ancillary living accommodation (granny annex)/domestic curtilage in association with 1 Springbank Cottage, erection of front balcony to 1 and 2 Springbank Cottages and changes to external finishes. - Withdrawn

### **5.0 PLANNING POLICY**

#### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP4 - Coastal Change Management Area
- CDMP1 - Environmental Protection
- CDMP3 - Design
- CDMP2 - Flood Risk and Surface Water Management
- CDMP4 - Environmental Assess
- CDMP5 - Historic Environment
- HP5 - Residential Curtilages

#### **5.2 EMERGING LOCAL PLAN PARTIAL REVIEW**

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

draft WLPPR31 forms a material consideration of limited weight in the consideration of planning applications.

### 5.3 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.3.1 The NPPF sets out a presumption in favour of sustainable development. Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity.

## OTHER MATERIAL CONSIDERATIONS

### 5.4 WYRE SUPPLEMENTARY PLANNING GUIDANCE

#### 5.4.1 Extending Your Home Supplementary Planning Document

- Design Note 1 General Principles
- Design Note 8 Front Extensions
- Design Note 10 Rural Areas

## 6.0 CONSULTATION RESPONSES

### 6.1 PREEALL TOWN COUNCIL

6.1.1 Objection - Concerned that the ancillary accommodation could be used as a dwelling in its own right. As the site is within flood Zone 3 further evidence is suggested to ensure the suitability and sustainability of the annexe. Concern is raised regarding the access arrangements of supplies/ building materials to the site and no access be made along the riverside pathway. The pavement in this area is fragile and is known to have given way approximately 15 years ago as the land is manmade and not natural riverbank.

### 6.2 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.2.1 No observations received from this application however comments received from 21/01407/FUL have been acknowledged. GMEU have screened the development against the impacts upon the European protected sites and have concluded that the proposal can be screened out of any further assessments under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. It is unlikely that any protected species will be affected by the works proposed however a condition requiring new bird and bat boxes should be attached.

### 6.3 HEALTH AND SAFETY EXECUTIVE (HSE)

6.3.1 Does not advise against the proposal.

### 6.4 WYRE COUNCIL HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.4.1 No objection an adequate flood risk assessment and escape route has been submitted.

### 6.5 RIGHTS OF WAY OFFICER (LCC)

6.5.1 No comments received at the time of compiling this report

## 6.6 RAMBLER ASSOCIATION

6.6.1 No comments received at the time of compiling this report

## 7.0 REPRESENTATIONS

7.1 One letter of objection received due to a dispute regarding access to the properties where cars are being driven along a public footpath.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing this planning application there has been contact with the agent to request additional drainage details which have been received. To provide updates and agree extended determination dates.

## 9.0 ISSUES

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

- Principle of the Development
- Visual Impact, Design and Impact on the street scene
- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking
- Flood Risk
- Ecology
- Historic Environment

Principle of development

9.2 Development to an existing property within its curtilage is generally acceptable in principle. In this planning application it also includes the extension of the domestic curtilage and the change of use of a former classroom into ancillary living accommodation in association with 1 Spring Bank Cottages. The application site is located within the countryside area and also within an area defined as a Coastal Change Management area and as such Policy SP4 is relevant. In such areas it allows for small scale extensions to existing buildings, such as that proposed within this application. Policy HP5 of the WLP31 is relevant as it relates to 'Residential Curtilages' outside of settlement boundaries. Policy HP5 'Residential Curtilages' sets out that new proposals should not have a detrimental impact on the character of the area. As set out within this report it is considered that the proposal would comply with the provisions of policy HP5. The single storey detached ancillary accommodation/annex would also be in scale and proportion to the main dwelling and can be secured as ancillary living accommodation by reason of an appropriately worded condition. The ancillary accommodation would share the access, parking and garden to that of the main dwelling at 1 Spring Bank Cottage and would form secondary accommodation as it has a functional link with the main dwelling.

Visual Impact, Design and Impact on the street scene

9.3 The application site includes two distinct elements, the first being a pair of former fisherman's cottages dating from the early 19th Century, whilst the second is a 20th Century former education block that was previously used as a classroom for the once associated sailing school. The application site is in a remote coastal area with

no immediate public highway in the vicinity. There is a public right of way to the front and rear of the site and distant views of the properties can be seen from the coastline and Fleetwood to the west.

9.4 In assessing the planning application the design and visual impact of the proposal is an important consideration. The NPPF requires good design along with WLP31 Policy CDMP3 'Design'. Supplementary Planning Document 'Extending your Home', design note 1 'General Principles' requires proposals to complement the architecture of the original property, to appear subordinate to the original property and not form an overly dominant feature.

9.5 The proposal involves significant changes to the main front elevation of the properties at 1 and 2 Springfield Cottages with the change of design, size and shape of front windows/door. The new windows formed would be of a defined design and larger. The proposals include new patio doors being formed at first floor. The windows/doors would be finished in grey/white UPVC with black painted sills. The proposals include the removal of two pitched roofed porches to the main front doors/entrances of each of the properties. A first floor balcony is proposed to the full width of the existing front elevation of both cottages but this projects only 1m beyond the main front elevation of the dwellings. The balcony is an open structure and would be constructed in black wrought iron. Alterations to the main building includes the main building being whitewashed textured render with a black plinth.

9.6 Although the cottages are considered to be non-designated heritage assets (as set out in paragraph 9.17-9.20) they have only a limited degree of significance and although the changes to the main front elevation of the dwellings are significant the changes to the external appearance on balance are of an acceptable design and are not considered to be harmful to the visual amenity of the cottages or the amenity of the area. The proposed use of materials is also considered to be acceptable and would comply with the provisions of Policy CDMP3 of the WLP31.

9.7 The change of use of the former classroom building does not include significant external alterations with only changes to windows and doors. The buildings footprint remains unchanged. The change of use of land to domestic curtilage other than the existing building surrounding the annex building is small and visually the change of use of the building and small area around the building would not be significantly different to the existing situation and not visually detrimental.

9.8 The proposals are not considered to be visually detrimental to the character of the existing dwelling or area and would comply with Policy CDMP3 of the adopted Wyre Borough Local Plan.

#### Impact on Residential Amenity

9.9 The proposals impact on residential amenity is greatest on each of the semi-detached dwellings within the curtilage of the application site. The additional floor area added is that of the front balcony that projects 1m beyond the main front elevation of the dwellings. The balcony is modest in size and mass and would not have a detrimental impact due to the loss of light or overbearing impact for each of the dwellings. There would be limited amounts of overlooking between dwellings as a result of the projecting front balcony. The other changes/additional windows would also not result in a detrimental impact from overlooking.

9.10 The use of the classroom building as an ancillary annex to the main dwelling at 1 Springbank Cottages has limited impact and would not result in any detrimental

impact upon residential amenity. The proposals do not have any detrimental impact on residential amenity and would comply fully with Policy CDMP3 of the WLP31.

#### Impacts upon Highway Safety and Parking

9.11 Parking provision will remain unchanged as a result of this application. Currently parking for the cottages is located to the rear on land elevated from the position of the main house. The proposal would not result in an increase in car parking provision at the site and would not have any adverse impacts upon highway or pedestrian safety.

#### Flood Risk

9.12 The application site is located in an area with a high risk of flooding (Flood Zone 3) an adequate flood risk assessment has been submitted with the planning application and the Councils Drainage Engineer has no objections to the proposal. The proposal complies with Policy CDMP2 of the adopted Wyre Borough Local Plan.

#### Ecology

9.13 The application site lies within Natural England's SSSI Impact Risk Zones (IRZ) for Morecambe Bay & Duddon Estuary SPA/Ramsar. The consultation response represents GMEU's Stage 1 HRA Screening opinion to the LPA and the proposal can be screened out of any further assessment under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The proposal does not impact on any feature which could be considered part of the SPA or Functionally Linked Land, which would hold the biodiversity interest of foraging/roosting land for overwintering wildfowl and waders. Due to the exposed location and the minor nature of the changes it is unlikely that protected bats would be present or affected by the proposals. A condition will be attached regarding biodiversity enhancements in the form of a house sparrow terrace which shown on the submitted drawing to the rear of the properties. An informative will also be attached regarding the applicant's responsibilities should protected species be unexpectedly encountered.

9.14 The proposals would not have a detrimental impact on ecology and the proposals comply with Policy CDMP4 of the adopted Wyre Borough Local Plan

#### Historic Environment

9.15 The site includes two distinct elements, the first being a pair of former fisherman's cottages perhaps dating from the early 19th Century, whilst the second is a 20th Century former education block that was previously used as a classroom for the once associated sailing school. The cottages are considered to be non-designated heritage assets however they have only of a limited degree of significance having been much altered throughout their history. A heritage statement has been submitted with the planning application which concludes that the building has had considerable alterations. The interiors, in particular, retain little or nothing of any historical interest. The former classroom building is also considered to have little or no architectural, aesthetic or historic interest and is not considered to be a heritage asset.

9.16 It is considered that the proposed development would preserve the essential character of the heritage assets. It is also recognised that the accommodation, as it stands currently, requires considerable adaptation and updating to allow current ways of living to be accommodated. It is considered therefore that the current

proposal would provide the buildings with a secure and sustainable future. No objections have been raised by the Conservation Officer.

9.17 The proposed development is considered to sustain the significance of the non-designated heritage asset and would comply with the provisions of the NPPF and Policy CDMP5 of the WLP31

Other Matters

Objection from Parish Council

9.18 An objection has been raised by the Parish Council and an objector due to concern that supplies/ building materials to the site and stating no access is made along the riverside pathway as the pavement in this area is fragile and is known to have given way approximately 15 years ago as the land is man-made and not natural riverbank. In response to these observations the applicant has submitted a drawing indicating the route for construction traffic which is not along the riverside pathway but to the rear of the property across the golf course.

Public Right of Way (PROW)

9.19 A public right of way runs to the front and rear of the application site. The proposals would not have a detrimental impact on the public right of way as there would be no development on it, nor would the proposal affect its setting or require a stopping up order or diversion.

## **10.0 CONCLUSION**

10.1 The proposed balcony and associated works along with the conversion of the former classroom and curtilage extension is considered to be of a suitable scale and appearance and would not have a detrimental impact on the character of the area. It would also not have a significant impact on neighbouring amenity. All other relevant material planning considerations have been assessed to be acceptable and the proposal would comply with the NPPF and the above mentioned Development Plan policies. Subject to conditions, the proposal is recommended for approval.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 Grant full planning permission subject to conditions

**Recommendation: Permit**

**Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 18.05.2022 including the following plans/documents:

- Location plan received on 18.05.22
- Site plan LF/JT/3711A received on 19.07.22
- Proposed plans and elevation drawing 3710 received on 18.05.22
- Construction route plan drawing received on 19.07.22

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

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

3. The development shall be carried out strictly using those materials specified on the approved plan 3710 unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The single storey detached building to the north of Spring Bank Cottages hereby permitted shall be used for purposes incidental or ancillary to the residential use of the dwelling known as 1 Spring Bank Cottage Wyre Side, Knott End, FY6 OAA, and for no other purpose.

Reason: The use of the extension (building) as a separate dwellinghouse would require further consideration in accordance with Policies CDMP3 and SP4 of the Wyre Local Plan (2011-31)

5. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) received on and the following mitigation and access/egress measures detailed within the FRA received on 18.05.22.

The mitigation/access/egress measures shall be fully implemented prior to first occupation of the ancillary/annex living accommodation in the detached building north of 1 Spring Bank Cottage or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

6. Before first use of the development hereby approved the sparrow nesting terrace to the rear of the dwellings as shown on drawing LF/JT/3711A shall be positioned and thereafter retained on the building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

**Notes: -**

1. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

2. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.