

**Committee Report****Date: 02.11.2022****Item Number 04****Application Number 22/00975/FUL****Proposal Change of use of existing classroom to form ancillary living accommodation in association with no. 1 Spring Bank Cottage.****Location The Old Sea Centre Wyre Side Knott End-on-sea Poulton-Le-Fylde Lancashire FY6 0AA****Applicant John Tootill****Correspondence Address c/o Mr Lee Fenton Carrfield Ingol Lane Hambleton FY6 9BJ****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Andrea Stewart**

Site Notice Date: 28.09.22

Press Notice Date: 12.10.22

**1.0 INTRODUCTION**

1.1 This application is being presented to the Planning Committee because it is a follow-on application to a previous application which had a call-in-request from Councillor Moon and was decided by Members at the September 2022 Planning Committee (22/00510/FUL). Members will recall that the previous application applied for a front balcony and external alterations as well as ancillary living accommodation. The applicant has separated these elements into two planning applications. This application relates to the ancillary accommodation element. The front balcony and external alteration elements form part of a separate application (22/00976/FUL) which is also presented to the Committee.

1.2 As an organised site visit for Members took place prior to the September 2022 Planning Committee meeting, this application will be presented to Members with the aid of photographs.

**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 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 Zone (IRZ) for Morecambe Bay & Duddon Estuary SPA/Ramsar, with these Internationally Designated Sites located close to the site's boundary.

### **3.0 THE PROPOSAL**

3.1 This planning application is for the change of use of existing classroom to form ancillary living accommodation in association with no. 1 Spring Bank Cottage. It is the same as the ancillary accommodation proposed in the previous application (22/00510/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

4.6 22/00510/FUL - 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) - Refused for the following reason:

The development proposed would by reason of its design and size of the balcony and windows and the removal of the storm porches have a detrimental impact on the significance of the non-designated heritage asset and would not comply with the provisions of Policy of CDMP5 of the Wyre Local Plan 2011-2031 and the National Planning Policy Framework.

An Appeal has been lodged with the Planning Inspectorate (confirmation of appeal start date is pending)

4.7 22/00976/FUL - Erection of front balcony to 1 and 2 Spring Bank Cottages and changes to external finishes and window openings - Pending

### **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
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assess
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport

## 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 10 Rural Areas

## 6.0 CONSULTATION RESPONSES

### 6.1 PREESALL TOWN COUNCIL

6.1.1 No comments received at the time of compiling this report

### 6.2 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.2.1 [Comments taken from a previous application]. 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 No comments received at the time of compiling this report. Comments taken from a previous application Do Not Advise Against.

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

6.4.1 No comments received at the time of compiling this report. Comments taken from a previous application raise no objection.

#### 6.5 RIGHTS OF WAY OFFICER (LCC)

6.5.1 [Comments taken from the concurrent application] The Public Rights of Way (PROW) Officer has identified footpath 2-3-FP54 crosses the proposed site and advises that the PROW should not be obstructed at any time by machinery, vehicles or materials particularly whilst taking delivery of materials. Users of the footpath should not be delayed any longer than 5 minutes by vehicle movements (loading/off-loading operations). For health and safety risk for users to pass the vehicles within this time operations must halt to allow safe passage of the public. If complaints are received regarding obstruction of the footpath the applicant could be subject to enforcement proceedings.

#### 6.6 RAMBLER ASSOCIATION

6.6.1 No comments received at the time of compiling this report

### 7.0 REPRESENTATIONS

7.1 One representation received with an objection summarised as below -

- Health and Safety concerns due to extra traffic crossing Knott End Golf Course

### 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing the planning application there has been contact with the agent to request revised drawings showing a smaller curtilage around the annex building and link footpath to the main dwelling, these drawings have been received.

### 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 Whilst Policy SP4 does not specifically list conversions to ancillary accommodation as being an appropriate form of development in the countryside, it would be unreasonable to say that they would be in direct conflict with the objective of this policy subject to them having an acceptable impact on the open and rural

character of the countryside. This will be considered in the section on visual impact below. The proposal also involves increasing the domestic curtilage to include the proposed annex. Policy HP5 of the WLP31 is relevant and sets out that curtilage extensions should not have a detrimental impact on the character of the area. Again this will be considered in the section on visual impact below, but it is considered that the proposal would comply with the provisions of policy HP5. The single storey detached ancillary accommodation/annex would 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 / 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 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 cottage at 1 Spring Bank Cottages at the site and the attached cottage at the site are considered to be non-designated heritage assets (as set out in paragraph 9.11) and they have only a limited degree of significance and the proposal for the annex in this application does not have a visual detrimental impact on these cottages. The proposed materials are acceptable. The domestic curtilage of the existing dwelling would increase by a small amount to include the annex building and allow a pedestrian footpath around the annex building, linking the annex to the main dwelling at 1 Spring Bank Cottages. This small increase in domestic curtilage would not be significant and not visually detrimental.

9.5 The proposals are not considered to be visually detrimental to the character of the existing dwelling or area and would comply with Policies SP4, HP5 and CDMP3 of the adopted Wyre Borough Local Plan.

Impact on the residential Amenity -

9.6 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 would comply with Policy CDMP3 of the WLP31.

Impacts upon Highway Safety and Parking

9.7 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 site is accessed via a private track the construction/ contractor vehicles use this route from the south-east approach. This avoids the use of the track which runs adjacent the river Wyre from Knott End which is a popular pedestrian and cycle route and is likely to be unsuitable for heavy load. 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. It complies with policy CDMP6 of the Wyre Local Plan.

#### Flood Risk

9.8 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. The proposal complies with Policy CDMP2 of the Wyre Local Plan.

#### Ecology

9.9 The application site lies within Natural England's SSSI Impact Risk Zone (IRZ) and close to Morecambe Bay & Duddon Estuary SPA/Ramsar. In the previous application GMEU provided a Stage 1 HRA Screening opinion to Wyre BC advising that 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. As such any significant adverse effects on the SPA/Ramsar are very unlikely. 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 can be attached securing biodiversity enhancements in the form of a house sparrow terrace which is shown on the proposed plan to the rear of the properties. An informative can also be attached regarding the applicant's responsibilities should protected species be unexpectedly encountered.

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

#### Historic Environment

9.11 The proposed development site consists of a 1960s constructed former classroom that was previously utilised as a sailing school. It is of no architectural, aesthetic or historic interest. Any limited interest it may have would be from its association with the site from a social history point of view. The building is not considered to be a heritage asset (non-designated). The adjacent former fishermen's cottages are considered to be non-designated heritage assets, however given the limited external changes proposed for the former classroom it is considered that there would be no material impact upon the adjacent cottages. No objections have been raised by the Conservation Officer. This application is therefore considered to be in conformity with section 16 of the National Planning Policy Framework and Policy CDMP5 of the Wyre Local Plan 2011 - 2031

#### Other Issues

##### Public Right of Way (PROW)

9.12 A PROW runs to the front and rear of the application site. It is considered that the proposals would not have a detrimental impact on the PROW as there would be no development on it, nor would the proposal affect its setting or require a stopping up order or diversion. As such there is no conflict with policy CDMP6. It is proposed that the delivery of materials to the site would be along the footpath to the rear of the site over the golf course. This would need to take account of comments from the PROW Officer at LCC which can be added as an informative to any planning

permission granted. Any temporary obstruction of the footpath would be a matter for LCC to investigate.

## Consultation

9.13 The press notice expires on 02.11.2022 (the day of Planning Committee). For the avoidance of doubt, Members are still able to consider and decide on the application, although if a representation was received later that same day raising a new material planning issue that members ought to consider, then the application would need to be brought back to a future planning committee. If no representation is received or if no new material planning issue is raised then the application would not need to be brought back to planning committee on this issue.

## 10.0 CONCLUSION

10.1 The proposed 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 nor 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 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 27.09.2022 including the following plans/documents:
  - Revised Location plan received on 17.10.22
  - Revised proposed site plan. Proposed floorplan and elevation drawing LF/JT/3720 received on 17.10.22

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 LF/JT/3720 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 21.09.22 and the following mitigation and access/egress measures detailed within the FRA.

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.

**Reasons: -**

**Notes: -**

1. The Public Rights of Way Officer at Lancashire County Council have identified footpath 2-3-FP54 within the proposed site and The Right of Way should not be obstructed at any time by machinery, vehicles or materials particularly whilst taking delivery of materials. Users of the footpath should not be delayed any longer than 5 minutes by vehicle movements (loading/off-loading operations). For health and safety risk for users to pass the vehicles within this time operations must halt to allow safe passage of the public. If complaints are received regarding obstruction of the footpath the applicant could be subject to enforcement proceedings by Lancashire County Councils Public Rights of Way Officer.