

Committee Report

Date:02.11.2022

Item Number 03

Application Number 22/00976/FUL

Proposal **Erection of front balcony to 1 and 2 Spring Bank Cottages and changes to external finishes and window openings.**Location **Spring Bank Cottages 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, but also ancillary living accommodation. The applicant has separated the elements into two planning applications. This application relates to the front balcony and external alteration elements. The ancillary accommodation forms part of a separate application (22/00975/FUL) which is also presented to the Planning 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 erection of front balcony to 1 and 2 Spring Bank Cottages and changes to external finishes and window openings. There is no change to their design or appearance compared to the previous application (22/00510/FUL). A heritage assessment accompanies the application.

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 22/00975/FUL - Change of use of existing classroom to form ancillary living accommodation in association with no. 1 Spring Bank Cottage - 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
- CDMP3 - Design
- CDMP2 - Flood Risk and Surface Water Management
- 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 (SPD)

- 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 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 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 PUBLIC RIGHTS OF WAY OFFICER (LCC)

6.5.1 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 RAMBLERS ASSOCIATION

6.6.1 No comments received at the time of compiling this report

7.0 REPRESENTATIONS

7.1 No representations have been received at the time of compiling this report

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During processing this planning application there has been contact with the agent to request the domestic curtilage of the dwelling be amended, revised drawings have been received as requested.

9.0 ISSUES

9.1 The main issues in this application are as follows:

Principle of development

9.2 Whilst Policy SP4 does not specifically list domestic extensions or alterations 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.

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 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. Wyre BC's 'Extending your Home' SPD (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 As stated at paragraph 3.1 of this report, there is no change to the design or appearance of the front balcony, external finishes or window openings compared to the previous application which was presented before Members. As per the officer recommendation in that application, officers are of the view that the design and visual impact is acceptable. The reason for that is set out below.

9.6 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 almost 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.

9.7 Although the cottages are considered to be non-designated heritage assets (as set out in paragraph 9.14) 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.

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

Impact on the residential Amenity -

9.9 The 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, however a high screen at first floor level would avoid overlooking into the neighbouring first floor windows. As such a condition should be attached to ensure this screen as shown on the submitted drawings is provided and retained. The other changes/additional windows would not result in a detrimental impact from overlooking. The proposal complies with policy CDMP3 of the Wyre Local Plan.

Impacts upon Highway Safety and Parking

9.10 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. The proposal complies with policy CDMP6 of the Wyre Local Plan.

Flood Risk

9.11 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

9.12 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.

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

Historic Environment

9.14 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.

9.15 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.

9.16 The application includes a Heritage Assessment by the applicant's heritage consultant, an architectural historian and published author who has spent more than 40 years studying and working with buildings of town and countryside. In his report summary it concludes that 'as an undesignated asset, the significance of the properties extends to the strictly local context (i.e. Knott End) as a pair of altered fishermen's cottages built alongside the river probably in the early 19th century. Given the extensive alteration of the fabric, both internally and externally, this significance now derives from their historical function, and later communal role as the Sea Centre, rather than their architectural merits' and that 'the proposals will sustain this significance, while making some improvements to the exterior appearance of the cottages'.

9.17 As stated at paragraphs 3.1 and 9.5 of this report, there is no change to the design or appearance of the front balcony, external finishes or window openings compared to the previous application. As per the officer recommendation in that application, officers remain of the view that 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 Issues

Public Right of Way (PROW)

9.18 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

9.19 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 balcony and associated works are considered to be of a suitable scale, design 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 27.09.22 including the following plans/documents:

- Revised Location plan received on 17.10.22
- Revised Proposed site plan, floorplans and elevation drawing LF/JT3720 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 revised plan LF/JT3720 received on 17.10.22 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 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.

5. Before first use of the development hereby approved the sparrow nesting terrace to the rear of the dwellings as shown on drawing LF/JT3720 received on 17.10.22 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.

6. Prior to first use of the front balcony hereby approved a 1.8m high obscure glazed privacy screen at a scale of 5 [where 1 is hardly obscured and 5 is totally obscured] as shown on drawing LF/JT3720 shall be installed between 1 and 2 Spring Bank Cottages and thereafter retained. Any subsequent repaired or replacement glazing shall be fitted with obscure glass to the same level of obscurity.

Reason: To protect neighbouring amenity in accordance with NPPF and Policy CDMP3 of the Adopted Wyre Local Plan.

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.
2. 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.