

**Committee Report****Date: 01.05.24**

<b>Item Number</b>	<b>05</b>
<b>Application Number</b>	<b>23/01150/FULMAJ</b>
<b>Proposal</b>	<b>Proposed erection of 2 no. buildings comprising of 12 holiday cottages (C3) with ancillary on site retail shop, wellness studio and car parking, following demolition of existing kennel site buildings.</b>
<b>Location</b>	<b>Primrose Cottage Moss Side Lane Stalmine-with-staynall Poulton-Le-Fylde Lancashire FY6 0JP</b>
<b>Applicant</b>	<b>Mr Taziker</b>
<b>Correspondence Address</b>	<b>c/o Mr Lee Fenton Carrfield Ingol Lane Hambleton FY6 9BJ</b>
<b>Recommendation</b>	<b>Refuse</b>

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

Site Notice Date: 20.12.23

Press Notice Date: 03.01.24

**1.0 INTRODUCTION**

- 1.1 This application is brought before Planning Committee at the request of Councillor Julie Robinson and Councillor Peter Cartridge citing concerns in relation to the sustainability of the site, access concerns, impacts from traffic, ecological concerns and the overall scale of the development including the visual impacts. A site visit is recommended to enable members to understand the site context beyond the plans submitted.

**2.0 SITE DESCRIPTION AND LOCATION**

- 2.1 The application site is land and buildings situated on the western side of Moss Side Lane, Stalmine. The site is in the countryside, Flood Zone 1, and an SSSI impact zone. There is an ordinary watercourse outside the southeastern boundary of the site. The wider area comprises flat open fields with isolated buildings. On the opposite side of Moss Side Lane is Pilling Moss Head Dyke - a Biological Heritage Site (BHS).
- 2.2 The existing site has two access points onto Moss Side Lane, with an area of hardstanding between the road and existing buildings. There are two main buildings, which in part formed part of a former kennels business. These are a mix of rendered and metal profile sheet buildings. The rest of the site is

mainly hardstanding with a field to the rear. There are trees on and adjacent to the site. Outside the northern boundary is a detached, two-storey residential dwelling, Primrose Cottage. There are fields to the south and west of the site. There are some residential properties on the opposite side of the road.

### **3.0 THE PROPOSAL**

- 3.1 This application proposes to demolish the existing buildings and erect 2 new buildings comprising of 12 holiday cottages (Use class C3) and a retail shop and wellness studio, identified on the plans as Block A and Block B. The site would be served by a single access, with an internal access road, which the proposed buildings would be sited around to the south and west. The rest of the site would comprise parking, a bin store, landscaping and grassed areas.
- 3.2 Block A would be sited to the western side of the site facing the road. This building would measure approximately 56m x 16.8m, with a pitched roof 5.8m to the eaves and 7.8m to the ridge. It would have gable features to the front and rear with eaves higher than the main building, and a maximum ridge height of 10m. This block would have 8 individual residential units (Use class C3) proposed for holiday use.
- 3.3 Block B would be to the front of the site, side onto the road. This building would measure approximately 33.8m x 13m, with a pitched roof 5.5m to the eaves and 7.8m to the ridge. It would have 2 gable features to the front and rear with a maximum ridge height of 10m. This block would have 4 individual residential units (Use class C3) proposed for holiday use. It would also have a shop and office (89m<sup>2</sup>) at the ground-floor, and a wellness studio (84m<sup>2</sup>) at first-floor.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 02/00/0110 (Lancashire County Council) -Change of use from agricultural land to commercial fishery- Approved subject to conditions
- 4.2 96/00854/FUL- Change of use of barn to dog kennels and erection of outside runs - Approved
- 4.3 93/00434/FUL- Change of use of building from agricultural to boarding kennels/cattery - Approved

### **5.0 PLANNING POLICY**

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. 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 WLPPU 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- EP5 - Main Town Centre Uses
- EP8 - Rural Economy
- EP9 - Holiday Accommodation

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 19th December 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Chapter 2. Achieving sustainable development
- Chapter 6. Building a strong, competitive economy
- Chapter 7. Ensuring the vitality of town centres
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed and beautiful places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment

## 5.3 NATIONAL PLANNING PRACTICE GUIDANCE

- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Natural Environment

## 5.4 OTHER

5.4.1 Wyre Council (1998) Supplementary Planning Guidance 2. Trees and Development.

5.4.2 Wyre Council (1999) Supplementary Planning Guidance 4. Spacing Guidance for New Housing Layouts.

- 5.4.3 Wyre Council (2021) Policy EP9 Holiday Accommodation. Guidance for applicants (version 1.0).
- 5.4.4 The Wildlife and Countryside Act (1981)
- 5.4.5 The Conservation of Habitats and Species Regulations (2017)
- 5.4.6 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019)

## **6.0 CONSULTATION RESPONSES**

- 6.1 Greater Manchester Ecological Unit (GMEU)
  - 6.1.1 No objections subject to conditions. The application will not have any likely significant impacts on the special interest of European Protected Site subject to mitigation.
- 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)
  - 6.2.1 No objections subject to conditions.
- 6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)
  - 6.3.1 No objection subject to conditions.
- 6.4 NATURAL ENGLAND (NE)
  - 6.4.1 Further information required to determine impacts on designated sites in a Habitats Regulations Assessment (HRA).
- 6.5 STALINE-WITH-STAYNALL PARISH COUNCIL
  - 6.5.1 Object on the grounds of access and highway safety. Transport assessment in section 4.4 refers to Fylde's spec and not Wyres. Agree with the business plan and like the shop, which will lessen vehicle movements on and off site.
- 6.6 THE ENVIRONMENT AGENCY (EA)
  - 6.6.1 No objection. Informative about non-mains drainage.
- 6.7 UNITED UTILITIES (UU)
  - 6.7.1 Request drainage conditions. Comments on United Utilities assets.
- 6.8 WBC ASSISTANT DIRECTOR OF ENGINEERING (SENIOR ENGINEER DRAINAGE)
  - 6.8.1 Refuse. Requires FRA and evacuation plan and the drain to the north of the site is unsuitable for foul drainage.
- 6.9 WBC ASSISTANT DIRECTOR OF PUBLIC PROTECTION (ENVIRONMENTAL HEALTH OFFICER AMENITY)
  - 6.9.1 Recommend approval subject to conditions.

6.10 WYRE COUNCIL HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL HEALTH TECHNICIAN CONTAMINATION)

6.10.1 Supports the application subject to a condition.

6.11 WYRE COUNCIL HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (WASTE, RECYCLING AND ENVIRONMENTAL ENFORCMENT MANAGER)

6.11.1 The binstore is accessible and collections appear simple for a commercial waste carrier.

6.12 WYRE COUNCIL HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)

6.12.1 A tree protection plan is required.

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report 36 letters of objection have been received. The primary reason for opposition are (Summarised):

- unsuitable infrastructure and poor condition of road
- lack of services in walking distance
- open countryside
- holiday use unregulated
- smells from nearby pig farm
- is the developer responsible for the cost of repairs to the roads prior to commencement?
- unsupervised dogs and impact on livestock
- traffic and highway safety
- loss of privacy
- loss of tranquillity and disturb the character of the area
- out of keeping
- water run-off and septic tank overspill
- trespassing, crime
- littering
- noise
- light pollution
- lack of demand
- insufficient parking
- impact on wildlife
- flooding
- disrupt agricultural activities

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 18/3/24 Revised plans

8.2 21/2/24 Wrote to agent with issues of concern

8.3 26/1/24 Submitted drainage strategy

8.4 23/1/24 Provided information on existing business and signed Certificate B submitted

8.5 19/12/23 Requested plans of existing buildings

## 9.0 ISSUES

9.1 The main issues in this application are as follows:

- Countryside location
- Visual Impact/Design/Impact on the street scene
- Impact on the residential amenity
- Impact on Highway/Parking
- Flood Risk and drainage
- Trees
- Ecology

### Countryside Location

9.2 The application site is in the countryside as designated in the Adopted Local Plan, outside of a settlement boundary. Policy SP1 of the Local Plan directs new built development to within settlement boundaries. It states 'outside settlements with defined boundaries the amount of new built development will be strictly limited. Individual opportunities which will help diversify the rural economy or support tourism will be supported where they are appropriate in scale and in accordance with other policies where relevant. If developed sites within the open countryside become available for redevelopment, the priority will be to minimise the amount of new development that takes place and the level of activity that a new use generates, which securing a satisfactory outcome'. Policy SP4 of the Local Plan specifically relates to countryside areas. This limits development in the countryside to a number of exceptions, including holiday accommodation in line with Policy EP9. The proposal is for holiday accommodation, therefore Policy EP9 is relevant. This policy has criteria that are required to be met.

- a) The totality of development, including on site services, is of appropriate scale and appearance in the local landscape.

This is assessed under the visual impact section of this report.

- b) Any new building and supporting infrastructure is necessary.

Apart from the holiday accommodation itself, whose justification is assessed below in c), proposed are an internal access road, parking, and a bin store. 21 car spaces are proposed. For the holiday accommodation proposed (3 x 4 bed, 5 x 3 bed, 4 x 2 bed) with space for 70 persons on site, this is not an excessive amount of carparking, being less than the parking standard provision set out in Appendix B of the Local Plan. The internal access proposed is necessary to serve this parking. The bin store is suitably necessary for waste management. This criteria is therefore met.

- c) New tourism accommodation sites incorporating new build accommodation will need to be supported by a sound business plan demonstrating long term viability;

The proposal represents a new tourism accommodation site incorporating new build accommodation. A representor has raised that there is a lack of

demand for holiday accommodation. The Local Plan does not directly require demand/need for holiday accommodation to be demonstrated, but indirectly this will be assessed through a business plan, including an assessment of competitor sites and pricing.

A business plan has been provided with the application. The council's guidance on holiday accommodation Policy EP9 says 'This should include, a business overview including applicant's background, market research of the local area including comparison of appropriate competitor sites, the capital costs of establishing the business (including financing sources), costs of daily operational requirements (cleaning, changeover/check-in management, bookings), occupancy projections, nature of occupancy (short-term rental or privately owned), sales and marketing plan, annual income and expenditure projections (gross and net factoring in the capital costs) over a relevant period (minimum of 5 years), break-even projections and risk or sensitivity testing (best case/worst case scenario analysis) to establish the likelihood of meeting those projections'.

The submitted business plan is dated January 2022, so is somewhat out of date. Also, the plans in the business plan do not correspond to those submitted on the planning application, and the bedroom numbers mentioned do not correspond with the plans. A sales and marketing plan has not been provided, other than setting out that a marketing company will be used. The tourism accommodation is proposed as a 'wellness' facility, with on-site complimentary therapies provided by locally sourced practitioners. The plans show a 84m<sup>2</sup> wellness studio, but no details on the facilities to be provided in this space. The business plan also mentions fishing on site, however, the application site does not include any of the wider land for use in association with the holiday accommodation. There is a pond on the wider land owned by the applicant, but there is no evidence that there is a lawful commercial fishery in place. Planning permission was granted for the change of use from agricultural land to commercial fishery (application no. 02/00/0110 by LCC), however, the plans on that permission do not correspond with the pond in place. Overall, therefore, there is a lack of information on the 'wellness' basis of this holiday accommodation, and how this will be significantly different to other holiday accommodation available in the area and how it is required for the viability of the business.

In terms of market research of the local area including comparison of appropriate competitor sites, the business plan mentions two larger wellness facilities with accommodation outside Wyre, but includes no details on these, such as the price of accommodation. There is no consideration of a spa hotel (Ribby Hall) in the adjacent Fylde Local Authority Area, or Barton Manor Hotel & Spa in the adjacent Preston Local Authority area as competitors or to provide evidence on pricing. There is no detailed consideration of other holiday accommodation available in Wyre as potential competition. Thorough research on holiday properties who provide similar amenities is stated to have been carried out, but there are no details on this and overall it is not evidenced how the projected rental income from the proposal has been estimated. Prices have been set out per room (£100-£120), rather than per cottage, and there is no explanation on the viability of these prices or how the estimates have been established, nor has the information been independently verified. As for example, at these prices a 4 bedroom cottage would cost a minimum of £400 per night (£2000 for 5 nights) and a 2 bedroom cottage £200 per night (£1000 for 5 nights). No other information has been provided

on the nature of the occupancy or the anticipated length of stays. Occupancy projections are 30% occupancy within the first 6 months then increasing over a 3 year plan to reaching 75% achievable occupancy, but there is no detail on how these estimates have been established or consideration of competitor occupancy rates. The capital requirements are stated to be £2.5 million, but there is no detailed breakdown of the capital costs. There is no detailed breakdown on the income projections, including from accommodation rental, shop sales and the 'wellness' service. In terms of daily operational requirements, the business plan says 3 employees will care for grounds maintenance, cleaning and changeover/check-in management. There is no mention of staff required for the wellness facility or if there will be any office staff. The financial projections do not breakdown the salary requirements, and it is not clear if the cost of the 'wellness' service that is proposed to be provided is included. The costs do not include business rates or waste removal costs. The income/expenditure projections only cover 3 years, and do not set out break-even projections and risk or sensitivity testing (best case/worst case scenario analysis) to establish the likelihood of meeting those projections. The business plan says that a capital loan will be paid back on a 60 month pay back basis, but the projections cover only 3 years. The information submitted is therefore not considered to provide a comprehensive consideration of the costs of setting up and operating the proposed business, or the projected income. This does not adequately demonstrate that the proposal will be viable in the long-term. This is contrary to Policy EP9 of the Adopted Local Plan, and would result in unjustified development in the countryside contrary to Policies SP1 and SP4. It would not form sustainable development to enhance visitor attractions in rural areas, contrary to Policy EP8. It would also be in conflict with the NPPF, in regard to sustainable tourism.

If planning permission were to be granted, the accommodation would need to be subject to suitable conditions to restrict its use to holiday use only, as clearly an unrestricted residential use would not accord with Policy SP4. A representor has commented that holiday uses are unregulated, however, it is considered that conditions can be used to ensure a holiday use, including requiring an operator to keep a register of the names of the occupiers and their main home addresses. Also, where accommodation is proposed for short-term rental, it is possible to use a condition to restrict stays to periods of no more than 28 days in any 3 month period.

- d) Proposals for extensions to sites which include new built accommodation outside settlement boundaries will need to be supported by a viability assessment of the existing and proposed business.

This is not applicable as the proposal is for a new holiday accommodation business.

- 9.2.1 Policy SP2 of the Local Plan requires development to be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. Policy CDMP6 requires measures to encourage access on foot, by bicycle and public transport and reduce car reliance. The submitted transport statement says 'the proposed development will be within a walking and cycling distance of local facilities and residencies. Therefore, the proposed development will be sustainable in transport terms'. However, Appendix 1 of that report calculates the accessibility level of the site

to be low. The site is outside a settlement boundary and is situated on a country road, without footpaths or street-lighting. The closest settlement is Stalmine, which has bus-stops with regular bus services. This would be around 2.4km away from the site, so given this distance and the nature of the roads, it is not likely to support the use of public transport. This is therefore assessed to be a poorly accessible location that is not sustainable in terms of its location. It would be highly likely that customers and staff would be reliant on the car, both on arrival at the site, and for day-trips, shopping and recreational activities. In this case, an on-site shop and wellness studio are proposed. These could reduce the need for holiday-makers to travel off-site, but are not of a scale that would mitigate this significantly. There are no other tourism facilities on or near the site. Overall, the location of the site that is outside of any settlement boundary and is within the countryside would provide very little opportunity to access it via any sustainable transport modes. Therefore, users of the site would be largely reliant on the car to access the likely required shops, restaurants and visitor attractions. The site is in an inaccessible location for tourist/leisure accommodation to promote sustainable rural tourism. It is therefore concluded to be contrary to Policies SP1, SP2, EP8, EP9 and CDMP6 of the Adopted Local Plan. This is in line with a recent appeal decision for holiday accommodation at another site in Stalmine (Appeal Ref: APP/U2370/C/22/3301259), which was closer to Stalmine approximately 1km away. On that appeal the Inspector found that site to have serious issues relating to accessibility and its sustainability, and contrary to local and national policies which seek to reduce reliance on the car.

- 9.2.2 The NPPF in Paragraph 12 states 'local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. In this case, the existing use of the site is a material consideration that must be taken into account in balancing the existing impacts against those of the proposal. Planning permission was granted under applications no's 96/00854/FUL and 93/00434/FUL for dog kennels and boarding kennels/cattery. Information with the current planning application sets out that the kennels ceased trading in 2020, however, could theoretically reopen. Information provided with the application says there were 44 kennels, with 23 dogs on site (average) at any given time. No bookings information has been provided to support this. Also, no existing plans have been provided to show the layout of the kennels or which buildings are in use (or last use) as kennels. This information is required for it to be established that there is an extant kennels use and which buildings this relates to, as some of the buildings are in a state of disrepair. Additionally, traffic generation information has been provided on the proposed use, but no information has been provided on the associated traffic generation with the kennel use, including traffic numbers and the nature of this. It could be expected that a kennels business has set drop-off/collection times, whereas the holiday use could involve journeys throughout the day as the users make daytrips and use local services. Therefore, an evidenced comparison of the likely associated trips between the existing use and that proposed cannot be made based on the available information. Lancashire County Council Highways state that 'the extant use as a boarding kennels and doggy day care is a similar number of vehicles to the site', however, this is not based on any evidence of the scale of the kennels business. Overall, it is assessed that there is inadequate information with the application to establish that a fall-back scenario of a kennels business with similar or greater transport movements exists.

Therefore, based on the information submitted, it cannot be concluded that the existing use would outweigh the poor accessibility of the site as discussed above.

- 9.2.3 Policy SP2 also requires an adequate response to climate change to be demonstrated. A climate change statement has been provided. This meets the requirements of Policy SP2. A condition would be required for an electric vehicle charge point scheme to be agreed in accordance with Policy CDMP6 as carparking is proposed. Other benefits of the proposal are that it would make use of previously developed land, which is supported by the NPPF.
- 9.2.4 Typically, infrastructure provision and developer contributions are required in association with residential development, including affordable housing, green infrastructure, education and health-care provision. However, although a residential (C3) use is applied for through this application, in this case it is proposed as holiday accommodation. As mentioned above, a condition can be used to ensure the use is restricted to holiday purposes. Holiday uses would not create a direct need for affordable housing, open space, education and health-care, by the reason that it is not a person's permanent home. Contributions on these matters are therefore not required.
- 9.2.5 As part of the proposal a 'wellness studio', office and shop are proposed. These in themselves would not be uses supported by Policy SP4 of the Local Plan for development in the countryside. Additionally, Policy EP5 of the Adopted Local Plan requires main town centre uses outside defined centres to be specifically supported by another policy in the Local Plan, or to pass the town centre sequential test. The glossary in the NPPF defines main town centre uses to include leisure, health and fitness centres, retail development and shops. Therefore, the uses proposed fall within main town centre uses. The floor area of these uses will be around 173m<sup>2</sup>. Relative to the scale of the proposed holiday business with a total floor area of 791m<sup>2</sup>, and close linkage with the rest of the proposal, these are assessed to form an ancillary use. On this basis, the development is appropriate to support the proposed holiday accommodation and the town centre sequential test does not need to be passed. A condition would be required that the use of this floorspace is operated ancillary to the holiday accommodation business and not independently, so as to protect the countryside and main centres in accordance with Policies SP1, SP4 and EP5. Additionally, for the same reason, it can be conditioned that the floorspace use is restricted to that shown on the plans and is not expanded beyond that shown and that no extensions be carried out to the building, so as to ensure the uses remain ancillary.

#### Visual Impact/Design/Impact on the street scene

- 9.3 In countryside locations, applications for holiday accommodation should be of appropriate scale and appearance to respect the intrinsic character and beauty of the countryside (i.e. its general open, rural and un-built character) which is a requirement of sub-paragraph 1 of Policy SP4. Policy EP9 requires the totality of development, including on site services, to be of appropriate scale and appearance in the local landscape. The Council's guidance on holiday accommodation Policy EP9 says 'some matters to consider here would be the overall amount (number) of units proposed, the total site area, the layout and spacing of development, views into the development from the surrounding area, proximity to existing buildings and development etc'. Policy

CDMP3 of the Local Plan requires all development to respect or enhance the character of the area having regard to issues, including siting, layout, height, scale, massing, landscaping and use of materials. The specific visual impacts are assessed below:

**Design** - Generally the two blocks of development would have a coherent design, however, it is assessed that the gable features on the buildings, with ridgelines higher than that of the main building would be prominent and incongruous features. The materials proposed are stone cladding, and oak cladding to the walls, grey roofing sheets, and UPVC double glazing. These materials should generally be acceptable, although full details would need to be agreed through condition.

**Scale** - The existing site is developed with two buildings and an area of hardstanding. The proposal would extend out further into the open field to the west of the current built form, with Block A and associated walls to the outdoor areas. Block A would also extend around 8m further into open land to the north. Block B would come closer to the road, projecting around 12.5m closer to the road than the existing building. The two existing buildings would be replaced with two new buildings, Block A and Block B. Comparing the height, scale, and massing of the existing buildings with those proposed, it is assessed that there will be a significant increase in the scale of the built form at the site. The existing building to the front of the site measures 24m x 17.8m, and has a roof of maximum height of 5.5m. Block B would measure approximately 33.8m x 13m, with a pitched roof 5.5m to the eaves and 7.8m to the ridge, and with 10m high gables. The building to the rear of the site measures around 49.5m x 17m, with a maximum roof height of 5m. Block A would measure approximately 56m x 16.8m, with a pitched roof 5.8m to the eaves and 7.8m to the ridge, and with 10m high gables. The proposed buildings by reason of their scale and height, combined with the design with prominent gables, and the projection out into existing open areas would adversely impact on the open and rural character of the countryside area, and stand out as prominent and obtrusive, resulting in significant visual harm to the openness of the countryside. 1.8m high walls are proposed to the rear of each unit, with mainly paved areas for seating and hot-tubs. It is assessed that the walls and these domestic features would add to the obtrusion of the proposal into the countryside. The character of the area is flat and open countryside with expansive views. The existing buildings are relatively low lying in the landscape and do not stand out as prominent. There is also some screening of the existing buildings, which would be less effective for the proposal, by reason of its scale, height and layout. Overall, the proposal would not be of an appropriate scale and appearance in the local landscape to respect the intrinsic character and beauty of the countryside. As such the proposal does not comply with Policies SP1, SP4, CDMP3, EP8 and EP9 of the Adopted Wyre Local Plan, along with Section 15 of the NPPF, which requires development to recognise the intrinsic character and beauty of the countryside.

**Layout** - The proposed layout is similar to that of the existing buildings, although as brought out above comes closer to the road boundary, projects out further into the field to the west and onto currently open land to the north. Combined with the scale of the proposal, this would add to the impacts of the proposal on the openness of the countryside.

The carparking associated with the development would be provided within the centre of the site and partially screened by the existing dwelling at Primrose Cottage. This would be broken up with landscaping and in itself is not considered to be visually obtrusive.

Levels - An existing topographical plan with ground levels has been provided. The site is lower than the road. It is not proposed to raise the ground levels and a condition can be used to ensure this.

Landscaping - The site plan shows areas of landscaping, which are in general terms acceptable. Full landscaping details will however need to be agreed through a condition for the planting numbers, specifications and care. This should include the landscaping required for ecology mitigation, as set out in the ecology section of this report.

Boundaries - No boundary treatment details have been provided, therefore these would need to be agreed through a condition. It is considered that boundary treatments typical to a rural area, such as post and rail fencing would be appropriate. However, as part of the proposed noise mitigation (see amenity section below), 1.8m high fencing to the south-east corner of the site is required, so as to protect the garden amenity areas. This is labelled on the site plan as 1.8m high close-boarded fencing, but full details have not been provided. Given the prominence of this part of the site to the road, it is assessed that a 1.8m solid timber fence would stand out as obtrusive and would not be in keeping with the rural and open character currently found along the road. Therefore, this required mitigation fencing would be visually unacceptable, contrary to the requirements of the Adopted Local Plan, and the NPPF.

Waste - A bin store is shown on the proposed site plan. The council's waste department considers this to be suitable for commercial waste collection. The siting of the bin store is considered to be visually acceptable, but a condition for its full details will be required to be agreed prior to the first use of the site.

#### Impact on the residential amenity

- 9.4 Light - there are residential neighbours outside the application site, with Primrose Cottage immediately to the northern boundary, and other dwellings on the opposite side of Moss Side Lane.

Primrose Cottage - Minimum separation distance to this neighbouring dwelling from the proposed buildings would be 10.8m to the garden and 25m to the dwelling itself. This is in excess of the separation distances required for new residential layouts, and therefore is assessed to be sufficient to prevent an unacceptable impact on light.

Other neighbours - The closest other neighbour would be separated from the closest new building with a gap of approximately 16.5m from their garden and 30m from their dwelling. This will be adequate separation to prevent an unacceptable impact on light.

- 9.4.1 Overlooking - The above mentioned separation distances will be sufficient to prevent unacceptable overlooking of neighbouring properties.

- 9.4.2 Noise/disturbance - A noise assessment has been provided with the application. This proposes mitigation with double glazing and acoustic trickle vents, and 1.8m close-boarded fencing to the garden amenity areas adjacent to the road, to protect the proposed occupants and neighbours from noise. The council's environmental health officer has been consulted on the application and recommends approval subject to a condition that the mitigation in the noise assessment is implemented, and they require that the 1.8m fence to be built to a specification to ensure that the desired noise reduction is achievable. A condition could be used for the details of the fencing to be agreed, to ensure this, however, the required fencing raises visual amenity concerns addressed above. As it is assessed that it would not be visually appropriate to provide the fencing, without it there would be concerns about noise to and from the proposal.
- 9.4.3 Some representations have raised concerns about trespassing, crime, disruption of agricultural activities, and impacts of dogs on livestock. There is no substantial evidence that the proposal would result in such behaviour so as to warrant the refusal of the application. These are matters that may be subject to separate legislation. Comments have been raised about litter. As each holiday unit is likely to have its own waste facilities, and a bin store is proposed to serve the site as a whole, this should provide adequate opportunity for waste to be disposed of responsibly. Comments have been raised about light pollution. No external lighting has been proposed on this application, and a condition can be used for details of any external lighting to be agreed.
- 9.4.4 Amenity of proposal - the proposal is for 12 units in C3 residential use, albeit restricted to holiday occupation. The proposed gardens to each unit would be smaller in some cases than those typically expected for a dwelling, and a window in the western side of Block B would be overlooked from the properties in Block A, but for a holiday use where people will be staying on a temporary basis this is acceptable. This will be another reason to require condition/s on holiday occupation. Each main room would have a source of light and outlook, which is adequate.

#### Impact on Highway/Parking

- 9.5 The development would involve creating a new access onto Moss Side Lane, an internal access road, and parking. Lancashire County Council Highways have been consulted on the application and have no objections, subject to a condition that the site is used for holiday use only. It is requested that the wellness studio and fishing pond is conditioned to be used by the residents who are on site. The fishing pond is not part of this planning application. A condition can be used that the wellness studio and office are only used in association with the holiday accommodation. An informative could be used about the requirement for the highway works to be constructed under a Section 278 agreement. A construction management plan is requested to protect other road users, which is appropriate to be conditioned given the scale of the development. A condition will be required for the closure of the existing access as shown. A condition will be required for the details of the highway works to be provided. Overall, based on the professional advice from LCC Highways and subject to the conditions that they request, there are no highway safety, traffic or parking concerns with the proposal. A condition will be required that the proposed parking is provided and retained as shown. As

standard, a condition can be used that the access is paved in hardstanding 5m back into the site.

- 9.5.1 Lancashire County Council Highways have raised a safety concern with the proposed gap in Block A through to a field at the rear. They state there is not sufficient width at either side of the accommodation for a tractor to access the field. They also state that there is a safety concern with a vehicle going past the main pedestrian access doors for two of the units with barely any clearance. The plans have been amended so that the land to the rear is outside the application site and will not be in use in association with the holiday accommodation. The agent states that 'access for agricultural vehicles to the land will be via Boundary Lane and not via the "tunnel" through the building from the main development. This will only be for small ATVs & ground keeping equipment as & when required and for visitors to view the vista beyond'. Given that access to the land to the rear is stated to be available via Boundary Lane, it is not considered necessary for vehicular access to the land to the rear to be provided. To ensure this, the site can be closed off from the adjacent land using an appropriate boundary treatment, which can be agreed through condition. This will ensure adequate safety of users of the site.
- 9.5.2 Representors have raised comments on the poor condition of the road and the cost of road repairs. Moss Side Lane is an adopted unclassified road, which means that its maintenance is under the jurisdiction of Lancashire County Council Highways. The maintenance of this road is however, not a planning consideration and based on LCC Highways comments the road network is considered suitable to provide access to the development.

#### Flood Risk and Drainage

- 9.6 The site is in Flood Zone 1 and is not identified as being at risk from flooding from other sources. The Environment Agency and Lead Local Flood Authority (LLFA) have no objections to the proposal. There are therefore no flood risk concerns with the proposal. The Sequential and Exception tests are not required to be passed because the site is not identified as being at risk of flooding. The council's drainage engineer objects to the application requiring a Flood Risk Assessment (FRA) and evacuation plan. However, as the site is not in Flood Zones 2 and 3 or subject to other sources of flooding, and the site area is less than 1Ha, there is no requirement through the NPPF or Adopted Local Plan for a FRA to be provided.
- 9.6.1 The NPPF in paragraph 175 requires that major developments should incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority b) have appropriate proposed minimum operational standards c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and d) where possible, provide multifunctional benefits. Policy CDMP2 of the Adopted Local Plan also expects major development to include proposals for SuDS. A hierarchy for the management of surface water should be followed as set out in Policy CDMP2. A surface and foul water drainage strategy has been provided with the application. The Lead Local Flood Authority (LLFA) have no objections to this subject to a detailed surface water drainage strategy being submitted. They also require conditions on the management of surface water during construction, the maintenance of the

sustainable drainage system, and a verification report on the sustainable drainage system. United Utilities request a condition for details of a sustainable surface water drainage scheme and its management. The use of such conditions will be reasonable, in accordance with Policy CDMP2 of the Adopted Local Plan. The council's drainage engineer comments on foul drainage. The details of this can be agreed through a condition. An informative about ordinary watercourse consent from the LLFA can be used.

- 9.6.2 United Utilities comment on their assets and the relationship of the proposal with these. An informative could be added to any planning permission granted about this.

#### Trees

- 9.7 There are some trees within the application site and adjacent to it. The council's tree officer has been consulted on the application and confirms that some low retention trees would need to be removed and raises no issue with this. A tree protection plan will be required for the trees to be retained. This can be required through a condition, alongside a condition for mitigation planting to be provided.

#### Ecology

- 9.8 An ecological appraisal has been submitted with the application and GMEU have been consulted. GMEU have no specific concerns about impacts on protected species, but request a condition for a demolition method statement with regards to bats, which is appropriate. A condition can also be added that demolition and vegetation removal are avoided during the nesting bird season. Conditions can be added for the recommendations of the submitted ecology report to be followed, and for biodiversity enhancement to be provided, including bat boxes and bird boxes (swallows). An informative can be added about the legislation around protected species, which should be adhered to.
- 9.8.1 The site is in an SSSI impact zone. Natural England have been consulted on the application and state that the application could have potential significant effect on designated sites (Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar site and Wyre Estuary Site of Special Scientific Interest (SSSI)). GMEU have therefore carried out a Habitats Regulations Assessment (HRA), which was requested by Natural England. This concludes that the application will not have any likely significant impact on the special interest of European Protected Sites concerned, if mitigation measures are applied. The proposed mitigation measures are that:
- construction works should be undertaken during the period April to September inclusive
  - additional screening around the site is provided in order to hide movement of holiday makers and dampen noise
  - a visitors pack is provided that includes information on the habitats and bird species, and a code of conduct.

It is considered that these measures can be reasonably conditioned to be provided, and so the Local Planning Authority adopts the findings of the HRA to fulfil their duty as competent authority, including that there will not likely be significant impacts on the relevant protected habitats.

## Other Issues

- 9.9 A desk study on contamination has been provided with the application. The council's environmental protection department have been consulted on this and have no objections, subject to a condition that the remediation is carried out as set out in the submitted remediation strategy in the desk study, and validation of this is provided. This can be conditioned as requested.
- 9.10 Holiday villages and hotel complexes outside urban areas and associated developments where the site area exceeds 0.5Ha meet the thresholds to be Schedule 2 EIA development. In this case, the development site area is 0.33Ha, therefore this is below the thresholds set out in Schedule 2, and the development is not EIA development.

## **10.0 CONCLUSION**

- 10.1 The application site is in the countryside. Policies SP1 and SP4 of the Adopted Local Plan limit development in the countryside to a number of exceptions, including holiday accommodation that complies with Policy EP9. In this case, the information submitted with the application does not include adequate information in a sound business plan to adequately demonstrate that the proposal will be viable in the long-term. This is contrary to Policy EP9 of the Adopted Local Plan. The site is also in a poorly accessible location, and the transport movements associated with the proposal would be car reliant and not contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. It is therefore concluded to be contrary to Policies SP1, SP2, EP8, EP9 and CDMP6 of the Adopted Local Plan. Visually, the scale, design and layout of the development would result in adverse harm to the open and rural character of the countryside, and would stand out as obtrusive and prominent in this flat, open landscape. This is contrary to Policies SP1, SP4, CDMP3, EP8 and EP9 of the Adopted Local Plan.

## **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 Refuse Planning Consent

### **Recommendation: Refuse**

1. Insufficient evidence has been provided with the application to demonstrate the long-term viability of the proposed new holiday accommodation business through a sound business plan. Therefore, it has not been demonstrated that the proposal, including new buildings and infrastructure, would form justified and sustainable development in the countryside. As such the proposal is not compliant with the NPPF and Policies SP1, SP4, EP8 and EP9 of the Adopted Wyre Local Plan (2011 -2031)

2. The application site is located within the open countryside, in an area that is flat and open in character. The proposed buildings by reason of their design, scale, height and layout, associated 1.8m high walls, and the required 1.8m high close boarded fencing for noise mitigation, would adversely impact on the open and rural character of the countryside area, and stand out as prominent and obtrusive, resulting in significant visual harm to the openness of the countryside. As such the proposal does not comply with Policies SP1, SP4, CDMP3, EP8 and EP9 of the Adopted Wyre Local Plan, along with Section 15 of the NPPF, which requires development to recognise the intrinsic character and beauty of the countryside.
  
3. The application site is located within the countryside, and the development would involve the provision of development in a poorly accessible location detached from the nearest settlement. The site would be accessed via unlit rural roads that are subject to national speed limits and without pedestrian footpaths. Future users/guests of the proposal would be heavily reliant on the use of a private motor vehicle to access services and attractions, with very limited opportunity to access the site via alternative sustainable travel modes and with limited on-site services or tourist attractions to reduce likely daily travel movements. The proposed development is considered to be sited in an unsustainable and inaccessible location and would increase the need to travel by car. The proposed development on balance would not form sustainable development. There has formerly been a kennels business at the site, however, there is inadequate information with the application that this use is extant, its scale and on associated transport movements, so that this is not a material consideration that outweighs the unsustainability of the proposal. The proposal is therefore contrary to locational guidance contained within the NPPF, in particular Paragraphs 8 and 108, and contrary to Policies SP1, SP2, EP8, EP9 and CDMP6 of the Wyre Local Plan 2011-31.