

Planning Committee

7 February 2018

<b>Item No</b>	<b>Site/ Video/ Photos</b>	<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Rec.</b>	<b>Decision</b>
1	N/A	17/00745/FULMAJ	Lakeland View Laidleys Walk Fleetwood Lancashire FY7 7JL	Erection of a three storey residential care home for use within Use Class C2 including car parking with vehicular and pedestrian access and associated landscaping	PER	
2	P/V	17/01056/FUL	4A Bispham Road Thornton Cleveleys Lancashire FY5 1DG	Change of use of ground floor retail (A1) and first and second floor residential (C3) to create office use on all floors (A2)	PER	

arm/rg/pla/cr/18/0702nc5

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>17/00745/FULMAJ</b>
<b>Proposal</b>	<b>Erection of a three storey residential care home for use within Use Class C2 including car parking with vehicular and pedestrian access and associated landscaping</b>
<b>Location</b>	<b>Lakeland View Laidleys Walk Fleetwood Lancashire FY7 7JL</b>
<b>Applicant</b>	<b>TAS Ltd</b>
<b>Correspondence Address</b>	<b>c/o NJSR Chartered Architects LLP FAO Mr Butterworth 57-59 Hoghton Street Southport PR9 0PG</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Thorfinn Caithness / Mark Lynch****UPDATE.**

Members will recall considering this application at their meeting on 6<sup>th</sup> December 2017, whereupon a decision was made to defer the application so that officers could go back to the applicants to seek the submission of further details showing additional car parking provided at the rear of the development together with details of landscaping, consideration of an alternative front entrance and a reduction in the overall massing of the proposed building. Immediately following the Committee meeting, officers opened a dialogue with the agent to address the Committee's concerns. An informal amended layout plan was submitted showing an additional 10 car parking spaces at the rear of the site and a possible new vehicular access taken off Laidley's Walk. Further discussions took place in respect of reducing the overall height of the proposed building between 7<sup>th</sup> and 14<sup>th</sup> December 2017. No response was received to the planning officer's last communication on 14<sup>th</sup> December requesting a set of amended plans until 3<sup>rd</sup> January 2018 when an email was received confirming that an appeal against non-determination of the application had been lodged with the Planning Inspectorate.

As the matter is now at appeal and no formal determination was made on the application, officers are now seeking a resolution from the Committee about how they would have determined the application had it not been appealed. Member's resolution will then form the basis of the council's case to be made at the appeal.

The original Committee Report is set out below. As the original recommendation was to grant planning permission and as there have been no amendments to the application since it was previously considered by the Committee, the original recommendation still remains, notwithstanding Members' concerns.

## **1.0 Introduction**

1.1 The application comprises a full planning application for the erection of a three storey care home falling within Class C2 of Use Classes Order.

1.2 A request has been made by Councillor Anderton for the application to be referred to planning committee for consideration.

## **2.0 Site Description and Location**

2.1 The application relates to 0.41 ha of land located to the south of Laidleys Walk and east of Macbeth Road at the northern edge of Fleetwood. The site is approximately 1 mile North West of the centre of Fleetwood. The site is rectangular in shape with a Laidleys Walk frontage length of 90 metres and a Macbeth Road side depth of 43 metres.

2.2 The majority of the existing site comprises vacant land, except for a small electricity substation building located on the southern boundary. There is an existing vehicular access into the site from Macbeth Road to the east which serves the substation. The site was historically occupied by Lakeland View, a residential care home, which was demolished a number of years ago.

2.3 The site is located within the 'Boundary of the Urban Area', as defined by the Adopted Wyre Borough Council Proposals Map, 1999. To the north of the site on the opposite side of Laidleys Walk there is designated recreational open space, with ponds and recreational paths, beyond which is the beach and sea. To the east, south and west of the site are residential streets and neighbourhoods. There are a number of other care homes and retirement flats in the area. In the Publication Draft Wyre Local Plan Proposals Map, September 2017 the site is located within the proposed settlement boundary (Policy SP1).

2.4 The site lies in Flood Zone 1, and therefore has a low probability of flooding. The site is not within the Green Belt, is not within a designated Conservation Area and there are no Listed Buildings or other heritage assets either within or in close proximity to the site. There are no trees or hedges within or bounding the site and the site does not bear the characteristics of habitat for protected species. The site has no obvious constraints and is located in a sustainable and accessible location.

## **3.0 The Proposal**

3.1 The application seeks full planning permission for the erection of a three storey Use Class C2 residential care home, including new access, parking and landscaping at Lakeland View, Laidleys Walk, Fleetwood. The proposal would provide 80 beds and associated facilities, with a gross internal floorspace of 3,583 square metres, generating up to 50 full-time and 40 part time jobs. Associated infrastructure includes access from Macbeth Road, rear service yard, 15 off-street car parking spaces, including 2 disabled spaces, bin store and substation, and air source heat pump. The scheme also provides landscaped amenity areas.

3.2 The building will have maximum eaves and ridges heights of 8.25m and 12.0m respectively, and will be constructed of a mix of mixed red brick and weatherboarding for the principal facing materials, with a stone / concrete feature band, weathered grey roof tiles and aluminium windows. Foul will be discharged to mains sewer and surface water to soakaways / Sustainable Urban Drainage Systems (SuDS).

3.3 The applicant has stated that the key objective of the proposal is to provide additional care home accommodation for the elderly in a region where the proportion of elderly population exceeds the national average (over 85's population is 39% higher than the national profile and is set to double over the next 20 years). A more significant objective is to provide en-suite bedroom facilities for the elderly, for which there is a significant local demand and current under provision (Fleetwood has a shortfall of 200 en-suite beds). The applicant outlines that the average size of a closing care home in England is 27 beds, with many existing facilities limited to shared bedrooms and bathrooms. The application proposals seek to improve the quality of environment provision for the elderly in Fleetwood and aims to play an important role in terms of caring for those with dementia.

3.4 The application is supported by the following plans and particulars: -

- Application Forms
- Location Plan
- Proposed Site Plan and Roof Plan
- Proposed Floor Plans, Elevations, Site Sections and Street Scene Elevations
- Landscaping Plan
- Highway Works Plan
- Design and Access Statement
- Transport Statement and Addendum
- Swept Path Analysis
- Travel Plan
- Operational Site Management Plan
- Flood Risk Assessment and Drainage Strategy
- Demand Statement
- Noise and Odour Assessment

#### **4.0 Relevant Planning History**

4.1 No relevant planning history. The site has previously accommodated a residential care home called Lakeland View. This was demolished several years ago.

#### **5.0 Planning Policy**

5.1 National Planning Policy Framework

5.1.1 The Framework sets out a presumption in favour of sustainable development (para 14). Sustainability comprises economic, social and environmental dimensions and the planning system is intended to play an active role in the delivery of sustainable development. Proposals that accord with the development plan should be approved without delay and proposals for sustainable development should be supported where possible. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.1.2 Twelve core planning principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; actively managing patterns of growth to maximise use of sustainable transport modes; and delivering sufficient community and cultural facilities and services to meet local needs.

5.1.3 Section 4 promotes sustainable transport and the location of development to maximise use of sustainable travel modes.

5.1.4 Section 6 relates to the delivery of a wide choice of high quality homes. This section expects Local Planning Authorities to identify a five year supply of housing land with an additional 5% buffer to promote choice and competition in the market. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.1.5 Section 7 sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.

5.1.6 Section 8 promotes the creation of healthy communities and acknowledges the important role the planning system can play in facilitating social interaction and creating healthy, inclusive communities including delivering the social, recreational and cultural facilities and services communities need.

5.1.7 Section 10 considers the challenge of climate change, flooding and coastal change. Inappropriate development in areas of flood risk should be avoided and the sequential test should be applied to direct development away from the areas of highest risk. Where development is necessary, it should be made safe without increasing flood risk elsewhere.

## 5.2 Wyre Borough Local Plan 1999 (Saved Policies)

5.2.1 The following saved policies are of most relevance:

- SP2 - Strategic Location for Development
- SP14 - Standards of design and amenity
- ENV15 - Surface water run-off
- H13 - Open space in new housing developments
- CIS6 - Securing adequate servicing and infrastructure
- CIS7 - Wastewater Management

## 5.3 Emerging Local Plan

5.3.1 The emerging Local Plan comprises the Publication Draft Wyre Local Plan, September 2017. This consists of a Written Statement, setting out a spatial vision for the borough, objectives to meet that vision, and the policies (including site allocations) that will be used to manage future development across the borough. The Draft Plan also includes a Policies Map, which identifies site allocations and local designations such as Green Belt and countryside.

5.3.2 The following emerging policies are of most relevance:

- SP1(2) - Development Strategy - Fleetwood - Urban Town
- SP2 - Sustainable Development.
- SP7 - Infrastructure Provision and Developer Contributions.
- SP8 - Health and Well-Being.

- CDMP1 - Environmental Protection.
- CDMP2 - Flood Risk and Surface Water Management.
- CDMP3 - Design.
- CDMP4 - Environmental Assets.
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP9 - Green Infrastructure

#### 5.4 Supplementary Planning Guidance

5.4.1 SPG4 - Spacing guidance for new housing layouts - this document specifies the minimum separation distances considered to be acceptable to safeguard residential amenity and avoid physical dominance. In general for two storey developments, 21m should separate front and rear elevations, 13m should separate front/rear and side elevations, and 2m should separate side elevations.

### 6.0 Consultation Responses

6.1 Fleetwood Town Council - No response.

6.2 Lancashire County Council (Highways) - No objections. The proposed development will not have any significant impact on highway safety, capacity or amenity. The proposal will generate an estimated 164 two way vehicular movements between 7am and 7pm, with an estimated peak flow of 13 two way vehicles between 8am and 9pm and 10 two way vehicles between 5pm and 6pm. The peak period is between 3pm and 4pm. The estimated peak flow will be 18 vehicles per hour, which equates to approximately one vehicle every three minutes. The recommended sight lines of 2.4m x 43m for the 30mph speed limit on Macbeth Road are achievable. The scheme shows an acceptable site access and turning head for emergency and twin axel refuse vehicles. The proposal will not have a severe impact on highway safety and a safe a suitable access to the site can be provided for all road users. Provision of a zebra crossing and carriageway narrowing on Laidley's Walk is desirable to promote sustainable forms of transport. The proposed off-street parking provision of 15 spaces is considered to be acceptable. Conditions are recommended with respect to provision of wheel washing facilities during construction, pre-and-post construction survey for Macbeth Road (and making good any damage), provision of on-site facilities for vehicular turning, submission and approval of a traffic management plan, submission and approval of a scheme for the construction of the site access, and no occupation until approved access and parking has been provided.

6.3 Lancashire County Council (Lead Local Flood Authority) - Awaited.

6.4 WBC Head of Engineering Services (Drainage) - No Objection. Consideration should be given to installing a rainwater harvesting system to reduce discharge volumes through soakaway. The site is in Flood Zone 1 (Low Risk).

6.5 United Utilities - No objections subject to conditions to agree foul and surface water disposal.

6.6 WBC Head of Environmental Health and Community Safety (Contamination) - No objection subject to standard contamination condition.

6.7 WBC Head of Environmental Health and Community Safety (pollution) - No objections subject to conditions to control construction activities, hours of working and delivery times, piling, dust, community liaison, lighting, noise, sound insulation, and odour.

## **7.0 Representations**

7.1 16 representations have been made by local residents. These all comprise objections to the application on the following grounds: -

- Inappropriate location for this land use. Better suited to a more central location in Fleetwood.
- Excessive size, scale and height.
- Loss of privacy.
- Loss of light.
- Poor design - too utilitarian.
- The building will dominate the site, is too bulky and will be the biggest building on the promenade.
- The area is not well-served by buses. No bus stops nearby.
- Employees are unlikely to use public transport, or walk or cycle to the site.
- Inadequate off-street parking provision in an area where there is existing on street parking problems.
- Inadequate access.
- Macbeth Road is too narrow to accommodate the access.
- Increased traffic and conflict with other local land uses such as residential care homes and a children's day nursery.
- Inadequate amenity space for future residents.
- Noise nuisance from air source heat pump.
- Noise nuisance from bin store.
- No details of where the waste is to go.
- Lack of undercover provision for mobility scooters.
- Adverse effects on the local highway during the construction period.
- Noise nuisance and disturbance during construction period.
- Odour and air pollution.

7.2 No representations have been received in support for the scheme.

## **8.0 Contact with the Agent / Applicant**

8.1 The applicant engaged in pre-application discussions with the local planning authority. The applicant has submitted additional information post-submission to address third party concerns in relation to public transport, parking, traffic and waste. Public bus services are available on Poulton Road, approximately 10 minutes away. The #14 service provides 6 services per hour (each way), equating to 1 bus every 10 mins (each way). The application proposes 15 car parking spaces, which is one less than the 16 required. The proposal will generate a maximum of 12 vehicle movements during the weekday AM and PM peak periods, which equates to an average of 1 vehicle movement every 5 minutes. A bin store is located within the site.

## **9.0 Assessment**

9.1 The key material planning considerations are considered to be:

- Planning Policy and Principle of Development
- Housing Land Supply
- Housing for Older People

- Sustainability
- Access, Highway Safety and Parking
- Design and Street Scene / Visual Amenity
- Neighbour Amenity
- Environmental Impacts
- Flood Risk and Drainage

## Planning Policy and Principle

9.2 The principle of the application is considered to be acceptable and in accordance with national, adopted and emerging planning policy. The site comprises a location which has historically accommodated a residential care home, prior to its demolition a few years ago. This is a sustainable and accessible location within the Policy SP2 'Strategic Location for Development' defined by the adopted Wyre Borough Local Plan and the Policy SP1(2) 'Development Strategy - Fleetwood - Urban Town', defined by the Publication Draft Wyre Local Plan, September 2017.

9.3 Paragraph 14 of the NPPF states that the planning system should proactively drive and support the homes that the country needs. Furthermore, paragraph 47 of the NPPF states that local planning authorities should boost significantly the supply of housing, including both market and affordable housing. In addition, paragraph 50 of the NPPF states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, including older people. In this respect, the application proposals accord with the aims and objectives of National Planning policies, responding to a recognised need for housing for older people, and moreover, helping to boost significantly the supply of housing in Wyre Borough.

Housing for Older People

9.4 The application proposals will make an important and positive contribution to the provision of additional housing for older people in the Borough. The Wyre Older People Strategy, November 2009 confirms that Wyre has a higher than average older population set to become more pronounced as the population of Lancashire is set to see a significant change in profile, consisting of less younger people and a large increase in the 50+ population. Wyre has a higher than average retired population at 28% compared to the average in England of 18.5%. Wyre's over 50 population is forecast to increase by 14.8% by 2020 compared to 6.1% in Lancashire as a whole and 7.2% in England.

9.5 One of the identified outcomes of the Wyre Older People Strategy and Action Plan, December 2011 is that older people will have suitable and decent accommodation.

9.6 The Fylde Coast Strategic Housing Market Assessment, February 2014 states that the population of 65+ residents is expected to grow across the Fylde Coast authorities, with increases of 19.4%, 33.8% and 41.2% in Blackpool, Wyre and Fylde respectively. There is a particular proportional growth forecast in the 85+ age bracket, which will necessitate the provision of specialist accommodation to meet specific housing requirements. The assessment also states that it is necessary to provide more specialised older person's accommodation, reflecting the context of an ageing society in the UK. Furthermore, the assessment states that the older person population is forecast to grow significantly in the period to 2030, with the most substantial increases in Fylde and Wyre. Across the Fylde Coast the older person population in 2030 will grow by over 25,000 people, with Wyre and Fylde accounting for around 40% and 35% of this growth respectively.



9.7 The Council's Annual Monitoring Report 2015 / 2016 also outlines that Wyre's population is projected to age considerably by the year 2032. The age groups of 55+ are all projected to increase, especially the 75+ age group, which is estimated to increase by 41%.

9.8 At a national planning policy level, the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), Housing Update, Written Statement to Parliament, 2015 and Housing White Paper: Fixing our Broken Housing Market, 2017 all highlight an ageing population and the need for the planning system to play an important role in providing the right amount and type of housing for older people.

9.9 Set within this national and local context of an ageing population, it is considered that this current application responds positively to these particular trends and needs through the provision of 80 residential care beds on the site. It is considered that this provision weighs heavily in favour of the application proposals.

### Sustainability

9.10 The application proposals will have a number of positive sustainability benefits. Economic benefits include employment for the construction instruction and allied trades and the creation of up to 50 full-time and 40 part time jobs. There will also be positive economic multiplier effects for local shops and businesses. Social sustainability benefits include the provision of an additional residential care home in a location where an ageing population is acknowledged and where under-provision and need has been demonstrated. Employment creation should also be regarded as a social sustainability benefit. With regards environmental sustainability the proposals will introduce an inevitable change to the character and appearance of the street scene, however it is not considered that this would be harmful to the local environment. The site does not suffer from any identified environmental constraints, for example, it is not at risk of flooding and surface water can be managed to ensure there is no increased risk of flooding to neighbouring land and property, it will not have any effects on protected species or their habitats and will have no effects on heritage assets. Whilst there will be some effects on the environment during the construction and operational phases of the development, these can be managed and controlled using appropriate planning conditions dealing with matters such as noise, dust, lighting, waste and construction activities. Overall, it is considered that there are several positive sustainability outcomes which weigh in favour of the application proposals.

### Access, Highway Safety and Parking

9.11 A number of local residents have expressed objections about the size and scale of the proposal and the potential for large increases in traffic on the local highway network, leading to conflict and congestion and potential demands for increased on-street car parking. Objections are also submitted on the grounds that the site is not accessible by more sustainable modes of travel. With regards to the option of more sustainable modes of travel, public bus services are available on Poulton Road, approximately 10 minutes away. The #14 service provides 6 services per hour (each way), equating to 1 bus every 10 mins (each way), therefore it is considered that there are some feasible more sustainable travel options available. The County Highways Authority has been formally consulted and has no objections. The Highways Authority is satisfied that the proposed development will not have any significant or severe impacts on highway safety, capacity or amenity and a safe a suitable access to the site can be provided for all road users. The proposal will generate an estimated 164 two way vehicular movements between 7am and 7pm, with an estimated peak flow of 13 two way vehicles between 8am and 9pm and 10 two way vehicles between 5pm and 6pm. The peak period is between 3pm and 4pm. The estimated peak flow will be 18 vehicles per hour, which equates to approximately one vehicle every three minutes. The local highway is considered to have sufficient capacity to accommodate these predicted

flows. With regards the access from Macbeth Road the required sight lines of 2.4m x 43m for the 30mph speed limit on Macbeth Road are achievable. The scheme shows an acceptable site access and turning head for emergency and twin axel refuse vehicles to turn and manoeuvre off the highway. The proposed off-street parking provision of 15 spaces is one less than the 16 spaces required, however the provision is considered to be acceptable. The Highways Authority has outlined that the provision of a zebra crossing and carriageway narrowing on Laidley's Walk would be desirable to promote sustainable forms of transport, however it is not essential to render the proposal acceptable in planning terms. It should be noted that there is an existing zebra crossing a short distance away to the east providing opportunities for safer crossing in close proximity to the application site. The nature of the proposed land use is also such that residents are likely to be accompanied and chaperoned if / when they leave the site for shopping or recreational activities, therefore it is not considered that a zebra crossing is necessary or reasonable in planning terms.

9.12 Overall, the access, highway safety and parking implications of the proposal are considered to be acceptable. The Highways Authority has recommended a number of conditions with respect to provision of wheel washing facilities during construction, pre-and-post construction survey for Macbeth Road (and making good any damage), provision of on-site facilities for vehicular turning, submission and approval of a traffic management plan, submission and approval of a scheme for the construction of the site access, and no occupation until approved access and parking has been provided.

#### Design and Street Scene / Visual Amenity

9.13 The proposal will introduce a large new building into the street scene and in so doing has the potential to change the character and appearance of the street scene. The proposed eaves and ridge heights are 8.25m and 12.0m respectively, and the building is to be constructed of a mix of mixed red brick and weatherboarding for the principal facing materials, with a stone / concrete feature band, weathered grey roof tiles and aluminium windows. Despite being a large building, it is considered that the size, scale, bulk and mass of the building is successfully broken up by architectural articulation techniques, comprising varied ridge heights, a series of rhythmic projecting elements with lower roof heights, a central glazed feature and a mix of materials, including a contrast of bricks, weatherboarding and glazing. In addition, a detailed site landscaping scheme has been submitted showing areas of lawn, shrub and tree planting within and on the boundaries of the site, which will help to soften the visual effects of the building. The proposed parking, service yard, bin store and air source heat pump are all located to the rear of the building; set within the site away from public vantage points. Within the locality there are a number of other larger scale buildings along Laidley's Walk, including an apartment block immediately to the east. Overall, it is considered that the siting, size, scale, mass, bulk, and detailed design and appearance of the development is acceptable and is capable of being satisfactorily accommodated into the street scene.

#### Flood Risk and Drainage

9.14 The site is located in Flood Zone 1 and thus is not at risk of flooding. It is proposed to discharge foul water to the local mains sewer. A surface water strategy has been submitted which outlines that soakaways and sustainable urban drainage systems are likely to be a feasible method of managing and discharging surface water. The County Council's Lead Local Flood Authority, United Utilities and the Council's Drainage Engineer have been consulted. United Utilities and the Drainage Engineer have no objections subject to conditions to agree detailed schemes for the disposal of foul and surface water. At the time of writing the response of the lead local flood authority is awaited. Members of the planning committee will be updated with this outstanding consultation response at the committee meeting.

9.15 Overall in relation to flood risk and drainage it is considered that the site will not be at risk from flooding throughout its lifetime and will not increase the risk of flooding to adjacent land and property. Furthermore it is considered that foul and surface water can be satisfactorily managed using planning conditions.

#### Neighbour Amenity

9.16 Several neighbour objections have been submitted on the grounds of the size and scale of the proposal and the potential for loss of light, overlooking and loss of privacy, overbearing effects and noise nuisance and disturbance from both the constructional and operational phases of the development, including noise from the air source heat pump and activities in the rear service yard, including the bin store area. Notwithstanding these concerns, the back to back distances to existing properties to the south are in excess of 21 metres and up to 26 metres in places. The distance from the rear elevation of the proposed building to the side elevation of the nearest property to the south west is 18 metres. Whilst there will be a degree of back to back and back to side inter visibility between existing properties and the proposed building, this will be across acceptable distances, this is commonplace in urban environments, and direct overlooking and loss of privacy would not occur. The separation distance from the western elevation to the front elevations of existing properties on the opposite side of Macbeth Road is 21 metres. The separation distance from the eastern elevation to Laidley's Manor apartments to the east is 16 metres, however there is at least a 21m interface distance to the nearest habitable rooms on the western elevation of these adjacent apartments. Overall, the separation distances are considered such that harmful overlooking, loss of privacy and physical overbearing effects are not envisaged and are within acceptable parameters.

9.17 Noise nuisance and disturbance concerns in relation to activities in the rear car park and service yard, including the air source heat pump and bin store are noted, however the nature of the proposed land use is not considered to be one which would be likely to generate significant harmful effects on residential amenity. Despite being a large building, the land use is anticipated to be low key and low intensity in nature and character. The Council's Environmental Health Officer has been formally consulted and notes that there are adjacent residential properties with the potential to be adversely affected. However, these effects can be mitigated using planning conditions, which includes a noise condition requiring that cumulative noise from all noise sources shall not exceed specified acceptable parameters. Other conditions are recommended to agree specific measures to control noise, light, any piling construction methods and dust, construction and operational hours and deliveries, a construction environmental management plan, sound insulation for one of the proposed care rooms to be located adjacent to a kitchen and odour controls. It is considered that these measures and conditions will ensure that any potential harmful effects on residential amenity can be satisfactorily controlled and mitigated. A condition to secure submission and approval of details of the air source heat pump is also recommended.

#### Environmental Impacts

9.18 The Council's Environmental Health Officers have been formally consulted. They have not raised any objections to the application proposals. A standard contamination condition has been recommended, as well as conditions to control construction activities, hours of working and delivery times, piling, dust, community liaison, lighting, noise, sound insulation, and odour. Subject to these conditions it is considered that the environmental effects of the proposals can be satisfactorily managed and controlled. A condition is also recommended to secure submission and approval of details of the proposed air source heat pump to ensure no loss of residential amenity through noise nuisance to existing neighbouring residents.

## **10.0 Conclusion**

10.1 The application seeks full planning permission for a three storey residential care home with 80 beds and associated facilities.

10.2 The site is considered to comprise a sustainable and accessible location for the proposed land use.

10.3 It is considered that the application proposals will deliver a number of economic and social sustainability benefits, including employment opportunities for the construction industry and allied trades, employment creation within the operational residential care home, increased spending in local shops and businesses, and increased residential accommodation for older people to meet acknowledged shortfalls and needs. With regards to environmental effects, it is considered that none of the identified harms would significantly and demonstrably outweigh these benefits.

10.4 In light of the assessment set out above, the application proposals are considered to comprise sustainable development. No other material planning considerations have been identified that would out-weigh this view. On this basis, planning permission should be granted.

## **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 That planning permission be granted subject to no objections being received from Lancashire County Council as Lead Local Flood Authority, and that the Head of Planning Services be authorised to issue the decision upon the receipt of the response from the Lead Local Flood Authority subject to the following conditions, and any additional conditions recommended by the Lead Local Flood Authority.

### 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 hereby permitted shall be carried out in accordance with the following approved plans:

- A105 - Location Plan
- A106 - Existing Site Plan
- A107 Rev 1 - Proposed Site Plan
- A108 - Proposed Bin Store and Substation
- A110 Rev 1 - Ground Floor Plan GA Plan
- A111 Rev 1 - First Floor GA Plan

- A112 Rev 1 - Second Floor GA Plan
- A113 - Roof Plan
- A115 Rev 1 - Proposed Elevations
- A116 - GA Sections
- A101 Rev 2 - Street Elevations
- 5541.01 Rev A - Landscaping Proposal
- TR003 - Swept Path Analysis
- 29179-650 - Section 278 Works

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

3. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reasons - In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

4. The hereby approved car parking, turning and access arrangements shall be laid out and made available for use before the development is first occupied. The approved access, parking and turning arrangements shall thereafter be retained in perpetuity.

Reason - In the interests of highway safety.

5. Prior to the commencement of development, the developer shall carry out a survey (in conjunction with the highway authority) to determine the condition of Macbeth Road. A similar survey shall be carried out within one month of the first occupation of the development hereby approved, and the developer shall be liable for the repair/making good of any damage to Macbeth Road to return it to the pre-construction state.

Reason - To maintain the construction of Macbeth Road in the interests of highway safety.

6. Prior to the commencement of development a Construction Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons - to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

7. No development above slab course shall commence until details of the materials to be used in the construction of the external surfaces of that building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.  
Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

8. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.  
The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.  
Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

9. Prior to the commencement of development, a drainage scheme, which shall detailed measures for the attenuation and the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards.  
The scheme details shall include, as a minimum:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services.

10. Prior to the commencement of development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with the National Planning Policy Framework.

11. No development shall commence (including any demolition works), until a site specific Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- Procedures for maintaining good public relations, including complaint management, public consultation and liaison.
  - Arrangements for liaison with the Council's Environmental Protection Team.
  - The intended hours of work. It should be noted that the standard permitted hours of operation expected in relation to all works and ancillary operations (including deliveries to and removal of plant, equipment, machinery and waste), which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, are:
    - Between 08.00 hours and 18.00 hours, Monday to Friday
    - Between 08.00 hours and 13.00 hours on Saturdays
    - At no time on Sundays and Bank and Public Holidays.
  - Measures for controlling and monitoring:
    - Noise and vibration.
    - Dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice.
    - Measures for controlling the use of site lighting whether required for safe working or security purposes.
    - Parking and storage arrangements for contractor's vehicles and materials / plant / equipment.
    - Procedures for emergency deviation of any agreed element within the plan.
- The approved plan shall be strictly adhered to throughout the demolition / construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the amenity of the area in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. The development hereby permitted shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development shall not exceed the existing background noise level (LA90) when measured as an LAeq, 15 min in any one third octave band at the external façade of nearby noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

13. No development shall take place until full details of measures to control noise emissions from the premises have been submitted to and approved in writing by the Local



Planning Authority. The details to be provided shall include a full report and detailed plan of the kitchen exhaust / extraction system and the height of any extraction flue to indicate how noise will be prevented from affecting sensitive premises in the vicinity. Details of the fixings used to attach any extraction flue to the wall of the building shall also be provided. Extraction flues shall be a minimum of 1m above the level of the eaves of the nearest sensitive premises. It is important that these are designed so as to prevent vibration. The extraction system shall be designed in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

14. Prior to the commencement of development, details of the proposed sound insulation scheme to be implemented between the kitchen and the bedroom numbered 20 on the ground floor shall be submitted to and approved in writing by the local planning authority. Upon completion of the approved details the developer shall certify to the local planning authority that the approved noise mitigation measures have been installed. The agreed sound insulation measures shall be implemented prior to the first occupation of bedroom 20 and shall be permanently maintained thereafter.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of future occupiers of the proposed development, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

15. The odour arrestment plant as stated in the email dated 11 July 2017 from Darren [Hall@kitchenequip.co.uk](mailto:Hall@kitchenequip.co.uk) shall be in accordance with DEFRA: Odour Guidance for Local Authorities March 2010 and shall be installed prior to the first occupation of the development hereby approved. The odour arrestment plant shall be retained thereafter in the approved form.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

16. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance). The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999) and paragraphs 17 and 125 of the National Planning Policy Framework.

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

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

18. No part of the development shall be first occupied until the bin store provision shown on the approved plan A108 has been provided, and the bin storage shall thereafter be maintained and retained in accordance with the approved details.

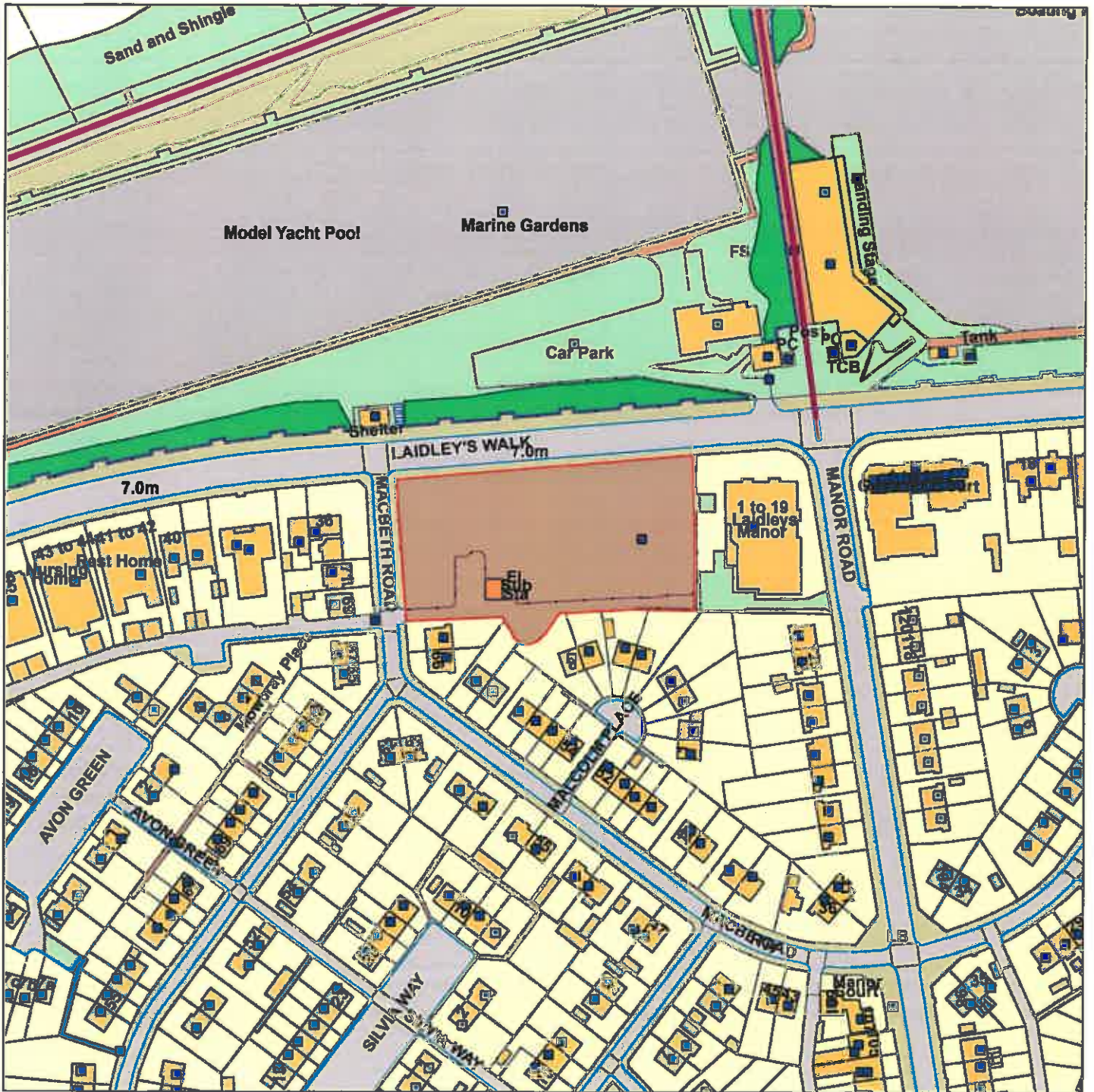
Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

19. No development of the air source heat pump shall take place until full details of the design and manufacturer's specification (including noise output levels) of the air source heat pump have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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Lakeland View, Laidleys Walk, Fleetwood



Scale : 1:1733

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	Planning Committee- Item 1
<b>Date</b>	29 January 2018
<b>SLA Number</b>	100018720

**Committee Report****Date: 07.02.2018**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>17/01056/FUL</b>
<b>Proposal</b>	<b>Change of use of ground floor retail (A1) and first and second floor residential (C3) to create office use on all floors (A2)</b>
<b>Location</b>	<b>4A Bispham Road Thornton Cleveleys Lancashire FY5 1DG</b>
<b>Applicant</b>	<b>MJV And Co</b>
<b>Correspondence Address</b>	<b>c/o Ms Samantha Curling 4 Windsor Lodge Windsor Road Ansdell Lytham St Annes FY8 1XU</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Mandy Ramsden****1.0 INTRODUCTION**

1.1 The application is before planning committee as the applicant is a member of the Council.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is located within the town centre of Cleveleys, on the western side of Bispham Road, approx. 40 metres south of the junction with Victoria Road West. The property is two storey with dormer windows in the roof space and is a furniture shop with residential accommodation on the floors above. It is part of a pair of properties with the northern half in retail use. Beyond this is the Skipton Building Society. To the south side of the site is a two storey cocktail bar. Opposite is the rear access to properties facing Victoria Road West and to access north side is the Halifax Building Society. To the south east is a restaurant and a couple of shops, and to the south a car showroom. The site is within flood zone 3. No external changes are proposed as part of the proposal. Alterations would be internal to facilitate the required office accommodation and reception area.

**3.0 THE PROPOSAL**

3.1 The application is for a change of use of the ground floor shop and 3 bedroomed living accommodation above into offices under class A2, Financial and Professional services. A reception area would be formed with offices on the ground floor, and there would be offices formed on the two floors above. No external alterations are proposed.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 89/00669 - Change of use from retail outlet to restaurant. Approved

4.2 There is older history relating to alterations to the shop front and ground floor extensions to the shop.

## **5.0 PLANNING POLICY**

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF) - Supportive of sustainable development.

Achieving sustainable development

The planning system should play an active role in guiding development to sustainable solutions. There is a need for the planning system to perform an economic, social and environmental role. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

In decision making there should be 12 principles which include support sustainable economic development and responding positively to wider opportunities for growth and the needs of the business community should be taken into account. A high quality of design and amenity are needed. Recognise the intrinsic character and beauty of the countryside but support a thriving rural community. Support for the re use of existing buildings and promote mixed use developments.

Section 1 - Building a strong, competitive economy

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

Section 2 - Ensuring the vitality of town centres

Section 4 - Promoting sustainable transport

5.2 NATIONAL PLANNING GUIDANCE - Flood Risk and Coastal Change

5.3 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)-

Policy SP14 - standards of design and amenity - the council will seek to apply consistent principles and high standards of design and amenity of all types of development.

ENV13 - Development and Flood Risk

Policy TC1 - Town Centre Boundaries

Policy TC7 - Secondary Shopping Areas. Allows for A2 uses providing there is no effect upon the character, amenity, vitality and viability of retailing in the designated area; environmental amenity, highway safety and parking.

## 5.4 EMERGING LOCAL PLAN

5.4.1 The Council is in the process of preparing a new Wyre Local Plan. The 'Publication' draft Wyre Local Plan (2011 -2031) was approved by Full Council on 7th September 2017 for a six week public consultation on Friday 22nd September 2017 and thereafter submission to the Secretary of State for examination provided the public consultation does not raise issues which require substantive alterations to the draft Wyre Local Plan. The 'Publication' stage is an advanced stage in the local plan process. It sets out the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document.

5.4.2 The following policies contained within the draft Local Plan are of most relevance:

- SP1 Development Strategy
- SP2 Sustainable Development
- SP6 Viability
- EP4 Town, District and Local Centres (Town Centre Boundary)
- EP5 Main Town Centre Uses
- EP6 Development in Defined Primary and Secondary Frontages (Secondary Frontage)
- CDMP2 Flood risk and Surface Water Management

## 6.0 CONSULTATION RESPONSES

6.1 LCC (HIGHWAYS) - No objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

6.2 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE POLLUTION) – Verbally advises that it is not considered that the proposal raises any issues relating to amenity. Written confirmation to follow.

## 7.0 REPRESENTATIONS

7.1 None received.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Enquiry by applicant on the progress of the application.

## 9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Flood risk implications
- Impact on Highways / Parking



## Principle of development

9.2 In respect of the NPPF the proposal would meet its requirements with regard to sustainable development and its economic role. Within the Adopted Local Plan the site falls in the Town Centre of Cleveleys and is in an area designated as a Secondary Shopping Area under Policy TC7. This policy permits the change of use at ground floor levels from a use class A1 (retail) to use class A2 (financial and professional services) and use Class A3 (food and drink), provided 'there is no adverse effect upon the character, amenity, vitality and viability of retailing in the designated area'. In the Publication Draft Wyre Local Plan the site remains within an area designated as a Secondary Frontage (Policy EP6). However, this policy has minimal weight given its stage of publication and that there have been objections to this specific policy.

9.3 As stated this side of Bispham Road and the application site falls within an area identified as a secondary shopping frontage. If this unit were to be lost to a non-A1 use, the percentage of units in A1 use on this section of the secondary shopping area would be reduced to 20% leaving just one A1 unit from five units in in this frontage. Using the emerging local plan policy, evidence would need to be submitted to show that the property has been marketed as a shop for a full 12 months. However, as previously mentioned, this policy has minimal weight due to its current publication stage. Consequently the most relevant policy is TC7 in the adopted local plan, where evidence of marketing is not required for secondary shopping areas. Given there is no requirement justify the loss of a retail unit in these designated areas, the remaining issue to determine is if the proposal would result in impact upon the character, amenity, vitality and viability of retailing in this area. The character of this side of the road is that of a short stretch of properties at a short distance from the main primary shopping area. For this reason it is not considered that the proposal would be detrimental to the character, diversity and vitality of the retail element in the wider area or the designated secondary shopping area. The retail character of this part of the road is currently limited to two properties as the adjacent properties have not been in retail use for a number of years. The use of the property for an A2 use would be likely to provide economic benefits through employment opportunities. Given the relationship of the site to the town centre it is not considered that the loss of this unit would adversely harm the retail provision in the Town Centre and Secondary Shopping Area.

## Impact on residential Amenity

9.4 The proposal would remove residential accommodation from the property. However, it is possible that the adjoining property would have upper floor residential accommodation, but this was not clear at the time of visiting the site as it does not benefit from separate access from the shop. The council's environmental health officer has advised on the proposal. The proposed use is one that would be compatible with neighbouring residential property but the application form does not identify the proposed hours of operation. Therefore to ensure that neighbouring amenity of the adjoining property is not impacted upon, should the proposal be deemed acceptable, a condition could be used restricting the opening hours to 8.30am to 6.00pm Mondays to Saturdays and no operations on Sundays or Bank Holidays.

## Impact on Highway / Parking

9.5 Lancashire County Council Highways have been consulted on the application and have no objections. There are therefore no concerns in terms of highway safety and as this is a town centre location with parking readily available, there are no parking issues associated with the proposal.

## Flood Risk

9.6 The site is within Flood zone 3 and the proposal is supported by a flood risk assessment. In using the National Planning Guidance - Flood Risk and Coastal Change, a sequential test is not required because is not applied to change of use applications relating to existing development. In respect of the exceptions test, sites within FZ3 and classed as a less vulnerable development (buildings used for shops, financial, professional and other services) are considered to be appropriate within these areas. Therefore matters of flood risk are considered to meet national policy and are satisfied through the flood risk assessment.

## 10.0 CONCLUSION

10.1 The proposal is considered to meet national and local plan policies, would represent a sustainable form of development, would not impact on the character of the area, have a detrimental impact on the vitality and viability of retailing in this area, or have highway implications, and would not impact on adjacent residential amenity. Therefore the proposal is considered to be acceptable.

## 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 It is recommended that planning permission be granted 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 14 November 2017 including the following plans/documents:



- Change of Use from A1 to A2 - Ground Floor Plans Project No. 2017\_16-Rev 0 Sheet No. 1
- Change of Use from A1 to A2 - First Floor Plans Project No. 2017\_16-Rev 0 Sheet No. 2
- Change of Use from A1 to A2 - Loft Plans and Elevations Project No. 2017\_16-Rev 0 Sheet No. 3
- Change of Use from A1 to A2 - Sections Project No. 2017\_16-Rev 0 Sheet No. 4
- Change of Use from A1 to A2 - Site Layouts Project No. 2017\_16-Rev 0 Sheet No. 5

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 use hereby permitted shall not operate outside the hours of 8.30am to 6.00pm Mondays to Saturdays and no operations on Sundays or Bank Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

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17/01056/FUL

4A Bispham Road, Thornton Cleveleys



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Organisation	Wyre Council
Department	Planning Department
Comments	Planning Committee- Item 2
Date	29 January 2018
SLA Number	100018720