

**Committee Report****Date: 06.02.19**

<b>Item Number</b>	<b>04</b>
<b>Application Number</b>	<b>18/01080/FUL</b>
<b>Proposal</b>	<b>Conversion of part of first floor into a two bedroom apartment with separate access using staircase to side and change of use of land to form parking area for proposed apartment</b>
<b>Location</b>	<b>246 Fleetwood Road North Thornton Cleveleys Lancashire FY5 4LD</b>
<b>Applicant</b>	<b>Mr Antony Bramhall</b>
<b>Correspondence Address</b>	<b>c/o ADBS Ltd Mr J Dowling 14 Tarnway Avenue Thornton-Cleveleys Lancashire FY5 5BA</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Robert Clewes****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Ballard. A site visit is proposed for Committee to understand the layout of the building, its setting and relationship to neighbours.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application property is a converted dwelling house now used as a children's nursery on the east side of Fleetwood Road North situated to the north of the junction with Chestnut Gardens. Off street parking is provided within the site to the front and access is gained from Fleetwood Road North with egress onto Chestnut Gardens. There are neighbouring residential properties to the north fronting Fleetwood Road North and to the east and south on Chestnut Gardens. To the northeast is the Pool Foot Farm complex.

**3.0 THE PROPOSAL**

3.1 The application proposes the change of use of part of the first floor of the property to a self-contained two bedroom flat which is to be used in connection with the existing nursery. The external works proposed are for the addition of an open external staircase on the north facing side elevation.

3.2 As part of the scheme there is also a change of use of a piece of land which has been acquired off the Pool Foot Farm site. This small piece of land to the north of

the application site and located directly behind No.256 Fleetwood Road North is to be used for additional parking for the occupiers of the proposed flat.

#### **4.0 RELEVANT PLANNING HISTORY**

- 18/00209/FUL - Change of use from C3 to D1 including installation of children's toilet area and alterations to parking and circulation. Permitted.
- 18/00099/LAWP - Certificate of lawful development for proposed change of use of ground floor into children's nursery. Withdrawn.
- 08/00717/FUL - Detached dormer bungalow. Permitted.

#### **5.0 PLANNING POLICY**

##### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)**

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

5.1.2 The following policies are considered to be of relevance to the determination of this application:

SP14 - Standards of Design and Amenity  
ENV7 - Trees on Development Sites

##### **5.2 EMERGING WYRE LOCAL PLAN**

5.2.1 The Council has prepared a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material

considerations which should also be taken into account for the purposes of decision taking.

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

- SP2 - Sustainable Development
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport

### 5.3 FLEETWOOD-THORNTON AREA ACTION PLAN (AAP)

5.3.1 The AAP was adopted on September 2009. The following policies are of most relevance:

Policy 1 - Environmental Quality and Protection  
Policy 8 - Recreation and Leisure

### 5.4 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless : i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.4.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

Section 4 - Decision making  
Section 12 - Achieving well designed places

## 6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections

## 7.0 REPRESENTATIONS

7.1 Two representations received raising the following issues:

- Highway works (dropped kerb) on Chestnut Gardens associated with previous permission for the nursery have not been completed.
- The previous permission for conversion restricted the use to that specified.
- Increase in traffic.
- Increase in noise.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted to seek clarity on the use of the existing first floor and a revised plan showing the increase in curtilage and additional parking area. Agent confirmed that existing first floor is use in connection with the nursery and also provided a revised plan showing increase in curtilage and additional parking and turning area.

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of development
- Visual impact / design / impact on the street scene
- Impact on residential amenity
- Impact on highway / parking
- Ecology / trees

### Principle of development

9.2 The principle of the property to be used as a children's nursery was established via permission ref: 18/00209/FUL, which has been subsequently implemented. This application seeks to convert the first floor of the existing two-storey side extension into a two-bedroom self-contained flat to be used in connection with the nursery i.e. owners/managers accommodation. It is considered that the proposed flat will not serve as a separate planning unit and will assist with the operation of the lawful business on site. The site is sustainably located within the urban area where new residential development is supported. The site is located within the AAP and the Pool Foot Farm site is designated as an area of recreation and leisure which is required to be retained. The change of use of land within the application site to parking, whilst not strictly in compliance with Policy 8 of the AAP, is nevertheless considered acceptable. It will not prejudice the future use of the overall site for recreation and leisure purposes when taking into account its small size and its location at the very southwest corner of Pool Foot Farm. In terms of the Emerging Local Plan, the site is designated Green Infrastructure. Policy CDMP4 does not permit the loss of green infrastructure unless a connected network of green space is maintained and the development can be accommodated without the loss of the function of the Green Infrastructure. Both would be satisfied in this case. As such it is considered that the principle of the development is acceptable subject to other material planning considerations assessed below.

### Visual impact / design / impact on the street scene

9.3 The change of use will have no impact on the appearance or character of the property with the only external alteration being the addition of the external access staircase. This staircase is modest in size and due to its position on the property it will not appear dominant nor incongruous. In terms of impact to the street scene it is set well back from the Fleetwood Road North frontage with minimal views available from public vantage points.

9.4 The increase in curtilage, for use as additional parking, will have minimal impact on the character of the area. Due to its position immediately to the rear of 256 Fleetwood Road North there will be no direct views from public vantage points. Although it will result in the loss of some land designated as 'Environmental Assets' in the emerging Wyre Local Plan its small size and location immediately adjacent

existing well-established residential properties means that there will be no detrimental impact to the immediate area as an Environmental Asset. In addition it should be noted that the on-going development at the Pool Foot Farm site has significantly altered the character of the surrounding area.

9.5 As such it is considered that the proposal complies with Policy SP14 of the adopted Wyre Borough Local Plan, Policies CDMP3 and CDMP4 of the emerging Wyre Local Plan and paragraph 127 of the NPPF.

#### Impact on residential amenity

9.6 The change of use of the first floor, to a self-contained residential flat for use by the owner, will have no impact to neighbouring residential amenity as the use is compatible with neighbouring uses. The proposed external staircase is positioned on the north facing side elevation of the property and is set 12.5m back from the rear boundary of 256 Fleetwood Road North. Whilst the staircase is external and some views could be obtained westwards towards the neighbouring property the separation distance stated above is considered sufficient to ensure there will be no detrimental loss of privacy. Due to the size and nature of the staircase there will also be no loss of light nor overbearing impact.

9.7 Due to the orientation of other nearby neighbouring properties there will be no impact to the amenity of these properties. In order to ensure that the proposed flat is afforded suitable amenity it is considered necessary to condition its occupation to those employed by the nursery. Taking the above into account it is considered that the proposal complies with Policy SP14 of the adopted Wyre Borough Local Plan and Policy CDMP3 of the emerging Wyre Local Plan.

#### Impact on highway / parking

9.8 The proposal includes the increase in parking provision to the north of the site. This additional parking provision is considered acceptable and will ensure there is no conflict between visitors to the nursery and the occupants of the flat. The existing accesses are to remain unchanged and LCC Highways have raised no objection to the proposal on highway safety grounds. The proposal is therefore considered to comply with Policy SP14 of the adopted Wyre Borough Local Plan and CDMP6 of the emerging Wyre Local Plan.

#### Ecology / trees

9.9 The application site is located within a SSSI Impact Risk Zone (IRZ) as such consideration needs to be given to any potential impact to protected species. The site is located immediately adjacent existing built development, to the northwest and east, and is not close to any potentially sensitive areas such as ponds, Biological Heritage Sites (BHS) or the nearest SSSI itself. As such it is considered that there will be limited issues with regards to ecology. The site does contain some small trees which could potentially provide some habitat for wildlife however it is indicated that some of these are to be retained as part of the development.

9.10 The increase in curtilage will result in existing trees being incorporated into the site. The submitted plan indicates that these trees are to be retained however it is not considered necessary to condition their retention. The trees are small and offer little amenity value and therefore their retention is not considered imperative to the acceptability of the scheme taking into account the character of the immediate locale.

As such it is considered that the proposal complies with Policy ENV7 of the adopted Wyre Borough Local Plan and Policy CDMP4 of the emerging Wyre Local Plan.

#### Other Issues

9.11 The representations received raised concerns over the non-completion of the highway works (dropped kerb) on Chestnut Gardens associated with previous permission and that this previous permission for conversion restricted the use to that specified.

9.12 With regard to the completion of previously approved works, this is not a consideration for this application. The dropped kerb to serve the egress onto Chestnut Gardens was approved as part of application ref: 18/00209/FUL and therefore it is a matter for enforcement to investigate as to the non-completion of the works.

9.13 With regard to the restricted use of the site to that specified in application ref: 18/00209/FUL, this application does not seek to change the lawful use of the site as a children's nursery. The proposal is to be used as accommodation for the owner and a suitably worded condition can be attached to any consent ensuring that this is the case. In any event any new application is assessed on merit notwithstanding any previous permissions.

9.14 The application site is within Flood Zone 1, at the lowest risk of flooding, and therefore it is not relevant to apply the Sequential / Exceptions Tests nor request a Flood Risk Assessment.

### **10.0 CONCLUSION**

10.1 The proposal is for the conversion of part of an existing children's nursery to a self-contained two bedroom flat to be used in connection with the nursey. The proposal includes the addition of an external staircase to the side elevation and the change of use of land to an additional parking area. No operational changes are proposed to the nursery. Having taken into consideration all relevant matters the development is seen to comply with the provisions of Policies SP14 and ENV7 of the adopted Wyre Borough Local Plan and Policies CDMP3, CDMP4, CDMP6 and SP2 of the Emerging Wyre Local Plan to 2031. The policy conflict with the AAP is justified in this case. Subject to conditions the proposal is recommended for approval.

### **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

### **12.0 RECOMMENDATION**

12.1 Grant planning permission subject to conditions.

**Recommendation: Permit**

**Conditions: -**

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

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

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

- Site Plan - 18-201-P02
- Existing and Proposed Plans & Elevations - 18-201-P01 Rev A

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

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

3. The development shall be carried out using those materials specified on the approved plans, application form and email from the agent dated 16.01.2019.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to the first occupation of the flat, hereby approved, the additional parking and turning area shown on plan ref: 18-201-P02 shall be laid out and made available for use and thereafter retained for the parking and turning of vehicles.

Reason: To ensure sufficient levels of off-street parking and in the interests of highway amenity.

5. The occupation of the flat, hereby approved, shall be limited to a person solely or mainly working for the adjoining children's nursery (including any dependants of such a person residing with them).

Reason: The use of the flat as a unrelated separate unit of accommodation would result in a conflict of uses impacting on residential amenity contrary to Policy SP14 of the adopted Wyre Borough Local Plan, Policy CDMP3 of the emerging Wyre Local Plan and the National Planning Policy Framework.