

**Committee Report****Date: 04.12.2019**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>19/00902/OUTMAJ</b>
<b>Proposal</b>	<b>Outline application for the erection of a four storey 44 bedroom nursing home (Use class C2) following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved) (re-submission 18/00643/OUTMAJ)</b>
<b>Location</b>	<b>29-31 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ</b>
<b>Applicant</b>	<b>Movern Care Centre</b>
<b>Correspondence Address</b>	<b>c/o Paul Sedgwick PO Box 237 Bolton BL1 9WY</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee at the request of Councillor Fail. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 29 and 31a Coronation Road comprise of 2 existing detached residential properties located on the southern side of Coronation Road approximately 50m east of the junction with South Promenade in Cleveleys. Number 29 is a detached pitched roof bungalow made up of a mixture of red brick and white render with mock Tudor boarding above the front bay, contained under a red rosemary tile pitch roof. To the rear is a flat roof garage with off street parking to the side and front. Number 31a has been internally converted in to 6 residential flats and is made up of red brick with a hipped concrete tiled roof which forms into a dual pitch towards the west and has a white upvc clad box dormer within the southern roof pitch. This property has 2 separate points of access and is bound to the east, south and west by a high level close boarded timber panel fences.

2.2 The surrounding area is mixed in character, to the north is a terrace block of 6 2 storey residential dwellings to the north of which are 3 storey pitched roof apartments. Immediately to the east of the application site (adjacent to number 29) is a pair of 2 storey semi-detached dwellings. To the west of the site (approximately 17m from number 31a) is the existing 4/5 storey Movern Care home which occupies a corner position at the junction of Coronation Road and South Promenade and comprises of a 60 bed nursing home with parking provision provided to the north and

west of the building. To the south west is Grosvenor Court which is an L-shape building comprising of 17 apartments and is accessed from a side street off Ellerbreck Road. Immediately to the west and continuing to the rear of the application site is an (adopted) alley which provides access to the garages and rear gardens of the dwellings which back on from both Coronation Road and Ellerbeck Road.

2.3 In term of the topography the application site is relatively flat however the levels increase modestly to the west of the site rising in gradient towards South Promenade. Coronation Road is a restricted 20mph speed limit with designated 1 hour on street parking immediately to the north of the site and double yellow lines are in situ on both sides of the highway including the side street to the west of number 31a. Approximately 300m to the north is Cleveleys Town Centre where there is an array of shops, carparks and public transport provisions. The site is located within Flood Zone 2 as identified on the Environment Agency Mapping System but is not affected by any other constraints or designations.

### **3.0 THE PROPOSAL**

3.1 This application is a re submission of application 18/00643/OUTMAJ and seeks outline planning consent for the erection of a 44 bedroom nursing home (Use Class C2) with access, layout and scale applied for (landscaping and appearance are matters reserved) following the demolition of two existing bungalows.

3.2 The proposed building is to be constructed over 2, 3 and 4 storeys with a stepped flat roof design. At 2 storey (adjacent to 27 Coronation Road) the building would measure 5.5m in height rising to 8.9m in height (at 3 storey) rising to 11.5m at 4 storey and at the highest point measures 12.9m. The footprint of building measures approximately 18.5m in depth x 29.5m in length. The total internal floor area would equate to 1574sqm. To the rear (south) an external seating/landscaped area and a servicing yard for deliveries is proposed along with a cycle store and enclosed bin store. To the west of the building 6 off street parking spaces are proposed including 1 disabled parking space. The plans indicate that the external materials would comprise of flat membrane covering to the roof and a mixture of buff/red brick, white K-rend, dark sandstone and timber cladding as appearance is not applied for this is given no weight.

3.3 Internally 44 rooms are proposed including 1 room for overnight staff accommodation. At ground floor the indicative plans show dining and lounge areas, staff room and staff accommodation, reception, treatment room, office and 4 bedrooms. At first floor 16 bedrooms are proposed along with 2 assisted bathrooms, internal stair case and lift. At second floor 14 bed rooms are proposed with 2 assisted bathrooms stairs and lift. At third floor 10 bedrooms are proposed.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 18/00643/OUTMAJ - Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved) - Refused 6.12.2018 - Appeal Dismissed

This application was refused by Members of the Planning Committee on the following grounds:

The scale and massing of the development in relation to the neighbouring built form would be out of keeping with the streetscene character in this part of Coronation

Road and in the wider area, resulting in an unacceptable impact on visual amenity, and would also fail to provide the minimum 21 metre interface distance resulting in an unacceptable impact on the amenity of the occupiers of properties facing the development caused by overlooking. As such the proposed development will conflict with the provisions of saved policy SP14 of the Wyre Borough Local Plan, the provisions of the council's Supplementary Planning Guidance 4 'Spacing Guidance for New Housing Layouts', and draft policy CDMP3 of the Emerging Wyre Borough Local Plan which seeks high standards of design and amenity for all types of development and with the National Planning Policy Framework.

4.2 00/00063/FUL - Conversion of 4 flats into 6 flats - Approved

4.3 99/00024/FUL - Conversion of building to 4 self-contained flats, extension and dormer window to southern elevation - Approved

## **5.0 PLANNING POLICY**

### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Well-being
- CDMP1 - Environmental Protection
- CDMP2 - Flood risk and Surface water
- CDMP3 - Design
- CDMP6 - Accessibility and Transport

5.1.3 The WLP31 identifies a Local Plan housing requirement of 9,200 dwellings or 460 dwellings per annum. Paragraphs 73(b) and 74 of the NPPF and footnote 38 make it clear that where a local authority has a 'recently adopted plan', it is able to demonstrate a 5 year Housing Land Supply (HLS) for the purposes of the NPPF. Footnote 38 would operate in the present case to maintain the WLP31 status as a 'recently adopted plan' until 31st October 2019. The NPPF enables authorities to subsequently establish the five year housing land supply position in an Annual Position Statement (APS). The Council has submitted an APS to the Planning Inspectorate (PINS) for consideration in accordance with procedures and advice in the Planning Practice Guidance (PPG). The APS demonstrates a five year supply of 5.69 years based on the 31st March 2019 housing land monitoring figures. A decision by PINS on the APS although required by the 31 October has not been sent to the Council. The Council maintains that the evidence submitted to PINS robustly demonstrates more than a five years housing land supply.

### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. 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 2019 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:

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making efficient use of land
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.3.2 Flood Risk Sequential and Exception Test Guidance

## 6.0 CONSULTATION RESPONSES

### 6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections - Advised 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 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.1.2 No observations received at the time of compiling this report

### 6.3 LANCASHIRE FIRE AND RESCUE SERVICE

6.3.1 Advice has been provided in relation to the requirements for the proposed development to comply with building regulations

### 6.4 UNITED UTILITIES

6.4.1 No objections subject to conditions

### 6.5 NATURAL ENGLAND

6.5.1 No observations to make

### 6.6 ENVIRONMENT AGENCY

6.6.1 No observations received

## 6.7 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.7.1 No objections subject to full details of drainage to be conditioned

## 6.8 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE & AIR QUALITY)

6.8.1 No objections subject to conditions to protect the amenity of the area from impacts arising from dust, noise odour and light

## 6.9 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.9.1 No objections subject to a Phase 1 Desk Study contamination report being submitted

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 2 letters of support to the proposal and 11 letters of objection received. The primary reasons for objection are:

- Vehicles unable to pass down alleyway
- Vehicles will block existing driveways
- Insufficient parking being provided
- Excessive bulk and massing
- Overdevelopment of the site
- Loss of privacy
- Loss of light
- Increase in traffic leading to excessive congestion
- Not enough provision for emergency service vehicles
- Existing care home in dilapidated state
- Industrial development in residential area
- Adverse impact upon the character of the area
- Lack of amenity for occupants
- Soakaways will not work In this area as ground is impermeable
- Increase in surface water flooding
- Poor standard of accommodation for people who need care
- Proposal still contrary to Policy CDMP3

7.2 The observations received in the letters of support include the following points:

- Development will bring jobs to the area
- Provides much needed accommodation for elderly people with care provided
- The height of the building is not a concern as it sits adjacent to higher buildings
- Parking provision is sufficient
- The 2 buildings to be demolished are run down and in poor condition
- Benefits to the existing businesses in Cleveleys

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The Case Officer contacted the applicant citing concerns with regards to the overall scale, bulk and design of the proposal. Following a meeting to discuss these issues, amended plans have since been received and a reduction in bedrooms from

47 to 44 has been made as a result. Revised plans have also been received in relation to the submitted drainage plans following concerns from the Councils Drainage Engineer. An extension of time has also been agreed until the 7th December 2019.

## **9.0 ISSUES**

9.1 The key considerations as part of this application are:

- Principle of development
- Scale, design and impacts upon the Character of the area
- Impact on amenity of neighbouring properties
- Flood risk and drainage
- Highway safety and parking
- Ecology and trees

### Principle of Development

9.2 The proposed development is for a 44 bed nursing home which is classified as residential accommodation and care for people in need of care and falls within Use Class C2 of the Town and Country Planning (Use Classes Order) 1987 (as amended). Both the National Planning Policy Framework (NPPF) and the policies contained within the Wyre Local Plan are silent in relation to the delivery of nursing and care homes. As the development is specialised C2 residential accommodation it is not subject to the usual policy requirements for C3 dwelling houses (e.g. Affordable Housing, Public Open Space and Housing Mix). The additional 44 bed nursing home would provide specialist accommodation for the ageing population not just in Cleveleys but for the wider areas within Wyre. The Fylde Coast Strategic Housing Market Assessment (SHMA) indicates that the population of over 65+ residents is expected to grow across the Fylde Coast authorities with a projected increase of 33.8% in Wyre. This evidence clearly provides an indication that there is a need for such accommodation to meet the demands of an ageing population. The site is located approximately 100m from the defined Cleveleys Town Centre boundary and is in very close proximity to an array of community and retail facilities with a good level of connectivity to public transport links, in particular Cleveleys bus station and Fleetwood to Blackpool tram network. The site is therefore considered to be sustainably located for residents, visitors and staff to access these and to support the vitality of the community and encourage sustainable travel.

9.3 Section 2 Paragraph 8 of the NPPF sets out that there are three objectives to achieving sustainable development, an economic role, a social role and an environmental role. In this instance the proposal would support the economy by providing employment opportunities (5 full time and 4 part time posts) and contribute to the social role by providing specialist care housing that would meet the needs for future generations. The development would assist the expansion and growth of the existing business (Movern Care Home) which is situated to the west of the site and would provide a valuable contribution to meeting the needs of the aging population whilst making use of a brownfield site.

9.4 Whilst in principle the development is acceptable, consideration must be given to all material considerations in the overall planning balance. The weight given to the need for the proposal in a sustainable location has to be balanced against the impacts upon neighbouring amenity, visual impacts within the street scene and any impacts from flood risk in order to determine whether or not this would be acceptable.

## Scale, Design and Impacts upon the Character of the area

9.5 The previous application for a 48 bed nursing home on this site was refused by the Planning Committee on the 6th December 2018 with the primary reason being the excessive scale and massing of the development in relation to the neighbouring built form which was deemed to be out of keeping with the street scene and also failed to provide the minimum interface distance from neighbouring properties. The refusal was later appealed and the appeal was dismissed by the Planning Inspectorate on comparable grounds. As part of this re submission a number of amendments have been made in an attempt to address the harm arising from the original scheme.

9.6 The key consideration for Members is whether or not the previous concerns have been satisfactorily addressed by reason of the amendments made in this re submission. The main material changes include the amendment to the footprint of the building bringing it back from the site frontage to increase the separation distance from the facing terraced properties on Coronation Road. A reduction in the height of the 2nd and 3rd floors and a minor reduction of the decorative overhang detail at 4th floor has been made. At 3rd floor the previous mansard roof has also been replaced with a flat roof. The applicant has submitted a comparison plan of the previously refused elevation and the proposed amended elevation side by side to assist in considering the amendments made.

9.7 Currently the application site comprises two existing buildings which at present do not positively or negatively contribute to the character of the street scene (neutral impact). In this location house types vary significantly in terms of both design style and scale. Re-development of this brownfield site with a contemporary and well-designed building could positively enhance this area of Coronation Road. Policy CDMP3 of the Wyre Local Plan requires all development to be designed to respect or enhance the character of the area. In this case an assessment of the surrounding built form is required. It is acknowledged that the buildings fronting on to Promenade South are predominantly larger and vary in scale and nature, and as the built form progresses to the west the street scenes comprise primarily of residential patterns of development. Whilst the proposed nursing home will change the character of the immediate setting it will be seen against the backdrop of Grosvenor Court and the existing Movern Nursing Home to the east which are large 4 storey buildings. The 3 storey element of the building would be no higher than the ridge of the adjacent residential properties to the east (number 27 Coronation Road) and the 2 storey element will allow a visual break through reducing any potential visual terracing effects. Coronation Road is not fully made up of residential dwellings, towards the western end there is a large single storey car sales room building and forecourt with the Glasshouse restaurant and bar opposite. In this case it is not considered that the proposed development would appear as an alien feature within the street scene to a degree which would warrant a reason for refusal. It is considered that revised plans now demonstrate a scheme which in terms of bulk and massing would not have any detrimental adverse impacts upon the character of the area and would comply with Policy CDMP3 of the Wyre Local Plan.

9.8 At this stage 'appearance' is not being applied for. However, the plans submitted provide an illustrative representation which can be attributed some weight in assisting the assessment of the development. Visually the design provides a stepped roof pattern which rises to the west where the land levels increase closer to South Promenade. Each elevation is visually broken up by a projecting and staggered building line and a variation in materials including timber cladding, render

and stone. Featured balconies are proposed to the corners of the northern and western elevation which provide some visual interest. Whilst indicative, the appearance of the building could be amended at Reserved Matters stage to ensure a more appropriate use and distribution of materials to each elevation.

9.9 Internally the proposed development provides onsite 24 hour care with 44 bedrooms (includes 1 carer's overnight accommodation) which comprise of a room and internal toilet facilities. Within the Development Plan and the NPPF there are no internal standards for this type of extra care accommodation. There was concern initially the internal room layouts provided for little in the way of circulation space particularly in the bed rooms and access into and around the bathroom. Whilst not a supplementary planning guidance to the Local Plan or the NPPF the Department of Health has produced a document titled "Care Homes for Older People" National Minimum Standards. Within the document it sets out internal bedroom standards which require as a minimum 4.1sqm for each service user. In this instance all of the rooms would comply with this standard along with all of the other minimum standards set out within, including dining/lounge areas, external seating provision and assisted bathrooms. Having taken into consideration the observation from neighbouring residents and having assessed the revised plans the scale and layout of the development is seen to be acceptable and would not result in an unacceptable impact upon the character of the area. It is considered that the proposal would therefore comply with the provisions set out within Policy CDMP3 of the Local Plan and the NPPF in respect of design.

#### Impact on Amenity of neighbouring properties

9.10 In assessing the impacts upon the surrounding residential amenity the concerns raised by neighbouring residents that the proposed development would result in an overbearing impact and result in a loss of privacy and loss of light has been considered in the assessment of the planning balance along with the observations made by the Planning Inspectorate within the listed appeal decision. Based on the initial submission Officers did not feel that the scheme had been substantially amended to address the concerns set out within the previous reason for refusal due to the overall scale bulk and massing of the development. Amended plans have since been received reducing the overall bulk and massing of the 2nd and 3rd and 4th floors of the building. An assessment of the impact on immediate surrounding neighbouring properties is listed below:

#### 24 - 36 Coronation Road

9.11 On the previously refused application the front elevation of these terraced properties was approximately 19.5m away from the northern/front elevation of the proposed nursing home. This was contrary to the Council's Supplementary Planning Guidance not 4 (SPG4) which requires a 21m minimum interface difference where a front elevation would face a front elevation. The Planning Inspectorate highlighted that this conflict would result in undue overlooking of numbers 26-36 Coronation Road causing harm to the living conditions of the occupiers by reason of loss of privacy. As part of this re submission the footprint of the building has been amended and the submitted plans now demonstrate that at ground and second floor there would be a minimum of 21m separation distance. This now demonstrates compliance with SPG4. The existing dwellings in the row are approximately 8.9m in height which would be similar to the 3 storey section of the proposed building. Whilst the height would increase at 4 storey the overall bulk and massing is not considered to result in a significant overbearing adverse impact upon these properties because a 21m separation distance is being achieved.

## 27 Coronation Road

9.12 Planning records show that number 27 Coronation Road has been converted to form 3 flats (planning application number 14/00525/FUL). Having assessed the impacts upon the side facing windows in number 27 the new development is not considered to significantly increase overbearing impacts or loss of light above and beyond that which already exist from the current building of number 29. The applicant has reduced the height of the building adjacent to number 27 which furthermore reduces the overall bulk and massing and also provides more light. There are side facing windows at first floor of number 27 but these serve a bath room and a stair well. At ground floor there are 2 existing side facing windows, one of which is for a bed room and the other is a bathroom. As the proposed building will be no closer than the existing building impacts remain unchanged upon these rooms. The windows on the east facing elevation of the building as shown on the indicative plans are to serve hallways, assisted bathroom and treatment and plant rooms. At this stage appearance is not a matter which is being applied for and as such at reserved matters stage, should Members be mindful to approve this application, any windows in this side elevation could be conditioned to be obscure glazed and non-opening if required.

## Grosvenor Court & 34 - 30 Ellerbreck Road

9.13 From the rear elevations of number 34 Ellerbreck Road and Grosvenor Court apartments there is in excess of 21m from the southern elevation of the proposed building. This meets the required interface distances set out within SPG4 to prevent any overlooking issues. The proposal will not result in the loss of light or have any overbearing impacts upon the amenity of these dwellings. To the south of the site is where the proposed deliveries and service yard area is to be sited. The Council's Environmental Health Officer has raised no objections to the proposal subject to conditions relating to the control of odour from kitchen extraction flues and potential noise from deliveries, these are matters which can be reasonably conditioned for full details to be submitted prior to the commencement of development. Subject to conditions it is not anticipated that these properties would be adversely impacted upon by the proposed development.

## Movern Care Home

9.14 To the west is the existing Movern Care home. The applicant has confirmed that the proposed building will be run and managed in conjunction with the existing care home. There would be 13.1m from the side facing elevation of the proposed building and the rear of the existing building. This distance is considered sufficient to not result in any adverse overlooking, overbearing or loss of light impacts and would comply with the 13m interface distance set out within SPG4.

9.15 The overall bulk and massing of the revised scheme has been fully assessed in relation to the surrounding properties taking into consideration the concerns raised by neighbouring residents and the observation made by the Planning Inspectorate. Subject to conditions requiring full details of flue extractions and control of deliveries the proposed development is not seen to result in any unacceptable detrimental adverse impacts upon neighbouring amenity and as such would comply with the provisions of Saved Policy SP14 of the Adopted Local Plan, Policy CDMP3 of the Emerging Local Plan and the NPPF.

Impacts arising from flood risk and drainage

9.16 The application site is located within Flood Zone 2 as identified on the Environment Agency Mapping system. Flood Zone 2 is defined as having a medium probability of flooding. The proposed development is classified as a more vulnerable use. The application has been accompanied by a site specific Flood Risk Assessment. The Environment Agency are not required to be formally consulted on this type of development in Flood Zone 2 (their standing advice is to be applied) and whilst they were consulted given the concerns raised by local residents they have chosen not to respond. Within the Flood Risk Assessment it sets out that the Finished Floor Levels will be maintained at 5.75m AOD and a list of precautionary mitigation measures have been set out in the event of flooding. The Council's Drainage Engineer has confirmed that the submitted FRA is acceptable as submitted. Subject to a condition requiring the flood risk mitigation measures to be implemented, it is therefore considered that flood risk will not be increased as a result of this development.

9.17 Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 157, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should then be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

9.18 As part of this application the initial submitted Sequential Test was not considered to be adequate as it failed to set out and comply with the Council's Flood Risk Sequential Test Guidance. Following the revised submission the information contained within the assessment is considered to be adequate. It was agreed with the applicant prior to the submission of the application that as the building is to be run, managed and operated as an expansion to the existing Movern Care home and services (including car parking) and staff facilities would be shared (it is to be conditioned that the proposed development would be linked to the existing care home) then the geographical search area for the purpose of the Sequential Test is reduced to the Cleveleys area as opposed to a Borough wide area of search (notwithstanding this the Sequential Test submitted covers sites within the whole of the borough). In this instance alternative sites to be considered include those within +/- 10% of the site area (0.08ha to 0.12ha) as well as other sites deemed able to accommodate a 44 bedroom nursing home. The sources investigated include sites allocated in the Local Plan and those identified in the latest Housing and Employment Land Monitoring Reports and Strategic Housing Land Availability Assessment (SHLAA), as well as approaching local agents and undertaking online land/property searches. A number of potentially alternative sites are discounted because they do not fall in a lower flood risk area, or because they are not considered "reasonably available" using the criteria outlined in the Council's guidance. This is considered to be a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.19 The Exception Test submitted outlines the sustainability benefits to the community including the emphasis placed by the NPPF on the need to meet the increase in demand for care for the elderly. It also expands on the economic benefits of expanding the existing business and how the site lies within a highly sustainable location close to the Town Centre of Cleveleys as well as providing employment opportunities by creating 9 jobs for local people. These benefits are considered to outweigh any flood risk harm. The second part of the exceptions test requires a satisfactory site-specific Flood Risk Assessment (FRA) to be provided. The Council's Drainage Engineer has advised that based on the submitted FRA the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall.

9.20 In terms of drainage the agent has confirmed that the foul and surface water drainage will be discharged to the existing combined sewer. The Council's Drainage Engineer initially raised objections to the location of the proposed soakaways as shown on the drainage plans. This has since been revised and the soakaways have been removed. As a result the Drainage Engineer no longer objects subject to full details being submitted and conditioned accordingly. The Lead Local Flood Authority has been consulted on the application but has not responded. To comply with the requirements of the NPPF and the guidance of the NPPG along with the response from United Utilities full drainage details would need to be submitted in the event this application was approved which satisfies the hierarchy for sustainable drainage systems. This could be dealt with by condition.

#### Highway safety and parking

9.21 The proposed site plan identifies that the existing point of access to the site frontage will be changed to pedestrian access to the main reception of the building and the existing access off Coronation Road to the North West will be the main vehicular access with 6 allocated parking spaces marked out including 1 disabled bay. One of the 6 allocated spaces falls short of the required dimensions for a parking space and as such this could be used by motor cycles. Observations have been received by residents that the development would require more parking provision. Lancashire County Highways have been consulted and have advised that the proposed development will not have a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. Clarification has been sought with LCC Highways as to the parking provision provided. Policy CDMP6 of the Emerging Local Plan requires development to provide an effective and efficient transport system for the movement of people and goods from one place to another and that development is capable of being accessed and serviced safely without compromising safety elsewhere on the network. Appendix B of the Local Plan sets out the maximum car parking standards for various use classes, this requires a C2 (Nursing Home) to provide 1 space per 5 residents. This would mean that in accordance with Appendix B there would be a shortfall of 4 parking spaces, however as set out above these are the maximum spaces required.

9.22 LCC Highways have advised that in this location it is expected that due to the sustainable location of the site being within close vicinity to bus routes on South Promenade and Victoria Road West and with the bus station being under 200m from the site, staff and visitors to the site will be encouraged to come by bus. The tram line is also within the vicinity. Staff sharing on shifts is also a common practice. For these reasons it would reduce the car parking provision as the location is within a sustainable location and serves the local community. There is also sufficient on street

parking in the area and a number of car parks within a reasonable walking distance to the site. The proposed cycle store to the rear of the site is welcomed and will assist in encouraging sustainable travel by employees and visitors. LCC Highways has also verbally advised that there are no concerns in relation to the location of the delivery area to the rear of the site as this could be accessed via either Ellerbeck Road or the unnamed adopted rear alley. It is considered that the development will not have any significant or severe highway safety impacts. A number of conditions are required to be attached.

## Ecology and trees

9.23 The application site is free from any trees and vegetation and provides little by way of landscaping which contributes to the street scene. At this stage landscaping has not been applied for however the site plan indicates that soft landscaping is to be provided in-between the building and the proposed boundary walls. This will provide some landscaping and introduce a softer visual appearance within Coronation Road. The site is not within a sensitive biological designation however due to the proximity to the coast Natural England have been consulted and have not raised any objections or observations on the proposal. It is not anticipated that the proposed development would have any adverse ecological impacts and on this basis it is considered that the proposal accords with the aims of Section 16 of the National Planning policy Framework.

## **10.0 CONCLUSION**

10.1 Following the revised plans received during the course of the application which reduces the scale and massing of the building and bedroom numbers from 47 to 44 it is considered that the proposed nursing home as amended would not result in any unacceptable adverse impacts upon the character of the street scene or upon the amenity of the neighbouring residents. The proposal will enable the existing nursing home to expand, provide much needed accommodation for the aging population and also provide employment opportunities to the locality. The observations received from neighbouring residents have been considered along with the Planning Inspectorates assessment on the previous appeal however any visual change within the street scene and impacts on neighbouring properties are not considered to outweigh the benefits associated with the development and since the development has been amended it is now considered to comply with the stipulated interface distances in SPG4. Members are advised that the proposal is now considered to fully comply with the policies and planning guidance contained within the Wyre Local Plan and also the National Planning Policy Framework subject to conditions being imposed.

## **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 outline planning permission subject to conditions.

**Recommendation: Permit**

**Conditions: -**

1. In the case of any reserved matter, namely landscaping and appearance of the buildings, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:

- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 92 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 5/09/2019 including the following plans/documents:

- Site Plan and Details Drawing number AO18/074/P/01 Revision E
- Proposed Floor Plans (Revised) Drawing number AO18/074/P/04 Revision D
- Basic Street Scene and Section (Scale and Layout Only) Drawing Number AO18/074/P/03 Revision C
- Proposed Elevations (Revised) (Scale Only) Drawing Number AO18/074/P/02 Revision D

For the avoidance of doubt the approved plan details are in relation to matters of access, layout and scale only.

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. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved 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 by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

4. An electric vehicle recharging (EVCP) scheme shall be submitted for the development with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No bedroom shall be occupied until the electric vehicle recharging point has been provided for the nursing home, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

5. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, 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 Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan.

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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme

No part of the development shall be first occupied or brought into first use until the drainage works and levels 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, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) 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 and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

6. The premises shall be used solely as a Nursing Home (Use Class C2) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority.

7. There shall be no changes to the existing ground level on site as shown on the existing levels plan ref A018/074/S/02 unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity in accordance with Policy CDMP3 of the Wyre Local plan

8. The existing access into the development site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Specification for Construction of Estate Roads prior to the first occupation of any part of the development hereby approved.

Reason: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9. The car park shall be surfaced or paved in accordance with a scheme to be submitted and approved in writing by the Local planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the first occupation of the development hereby permitted becomes operative. The approved details shall be retained and maintained thereafter.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

10. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

(a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays

(d) contractors' compounds and other storage arrangements

(e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period

(f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)

(g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable

(h) external lighting of the site during the demolition / construction period

(i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

(j) recycling / disposing of waste resulting from demolition / construction work

(k) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

11. 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 CDMP1 of the Wyre Local Plan.

12. The use hereby approved shall not commence until a scheme for the control of odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use and thereafter maintained in good working order at all times.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. 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 CDMP3 of the Wyre Local plan and the National Planning Policy Framework.

14. There shall be no deliveries or collections of goods (including waste) to or from the use hereby permitted between the hours of 22:00hrs and 07:00hrs on Monday to Saturday, or at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP3 of the Wyre Local plan

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) June 2018 and the mitigation measures detailed within Section 9 of the FRA

The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

16. The use of the premises shall be restricted and used in association with the existing Movern Care Centre (11-13 South Promenade) and shall not be used as a separate enterprise.

Reason: To prevent over-development of the site in accordance with Policy CDMP3 of the Wyre Local Plan.

17. 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, or, 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 policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.