

Planning Committee

6 January 2016

Item No	Site/ Video/ Photos	App No	Location	Proposal	Rec.	Dec
1	S	15/00846/FUL	61 Blackpool Old Road Poulton-Le-Fylde Lancashire FY6 7DL	Erection of one detached dwelling with detached garage and a detached garage for No.61 (following demolition of existing detached garage) (resubmission of 15/00348/FUL)	PER	
2	S	15/00927/FUL	Marine Hall The Esplanade Fleetwood Lancashire FY7 6HF	Construction of ten beach huts within the existing colonnade	PER	

arm/rg/pla/cr/16/0601hh5

Committee Report**Date: 06.01.2016**

Item Number	01
Application Number	15/00846/FUL
Proposal	Erection of one detached dwelling with detached garage and a detached garage for No.61 (following demolition of existing detached garage) (resubmission of 15/00348/FUL)
Location	61 Blackpool Old Road Poulton-Le-Fylde Lancashire FY6 7DL
Applicant	Kingswood Homes NW Ltd
Correspondence Address	c/o Geoff Attwater Architectural Design Service 40 Stanah Gardens Thornton-Cleveleys Lancashire FY5 5JH
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Lyndsey Hayes****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillors Colette Birch and Lesley McKay. A site visit is proposed to help Members understand the proposed development and how it sits within its surroundings.

2.0 SITE DESCRIPTION AND LOCATION

2.1 This 0.24 hectare application site is located to the north side of Blackpool Old Road, within the Poulton-le-Fylde urban area and approximately 135m to the west of Poulton-le-Fylde town centre boundary as defined on the adopted Wyre Borough Local Plan Proposals Map. The site comprises a relatively large detached single storey residential property (No.61 Blackpool Old Road) set within a large plot, with extensive rear garden. The site has an existing vehicular access to the dwelling in the south west corner of the site, with the remainder of the front boundary formed by a hedgerow and trees. There is no pedestrian footpath in front of the dwelling. The other boundaries to the site are formed by a mix of fencing and hedgerow. Within the garden to the rear and along the site boundaries are a number of trees and vegetation. Three trees within the site are protected by a Tree Preservation Order (TPO). The site is located within a residential area, with this section of Blackpool Old Road characterised by large detached dwellings of varied design set within large plots and benefitting from mature vegetation in garden areas conveying an attractive sylvan character.

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for one detached dwelling with detached garage in the rear garden of No.61 and a new detached garage to serve No.61, which is being retained.

3.2 Revised plans have been submitted for the proposed dwelling and detached garage. They show a four-bedroom two storey detached dwelling with hipped roof , two storey front gable including bay window and rear gable to roof, together with covered front porch and single storey rear conservatory. Four dormers are proposed; two on the front roof plane and two on the rear, each with a dual pitch roof. The main dwelling would measure 13.5m in width, 10m in depth (plus an additional 2.5m front projecting gable), 4.5m in height to the eaves and 7.2m in height to the ridge. In addition a conservatory on the rear would have a footprint of 3.3m by 5.2m and a 3.5m high hipped roof. The detached double garage would have a dual pitched roof. It measures 7.2m in width, 6.5m in depth, 2.5m in height to the eaves and 4.1m in height to the ridge. The new replacement detached garage proposed for No.61 would measure 8.1m in width and 7.2m in length. The proposed materials are red brick, grey roof tiles and white UPVC window frames and door. In addition the dwelling would have artstone heads, cills and horizontal band course detailing.

3.3 The revised setting out plan shows the new dwelling would be sited 26m to the rear of the existing dwelling at its closest point, retaining a distance of 8.4m to the west side boundary, 5.7m to the east side boundary and 19m to the rear boundary. Between the two dwellings would be two detached garages together with associated parking and turning areas; one to serve the new dwelling and one to serve No.61. The garage serving the new dwelling will be sited 5.5m from the east (closest) boundary. The replacement garage serving No.61 will be 0.5m from the east boundary.

3.4 Access to the new dwelling is proposed from Blackpool Old Road, with the existing vehicular access serving No.61 being widened from 3.8m to 4.5m to facilitate the development. The existing driveway down the side of No.61 along the west boundary will be used to access the dwelling and this will be widened and realigned to include land up to the western boundary. This will result in the loss of existing vegetation within the site along this front western boundary including 4 trees. Trees and hedgerows are, in the majority, to be retained and strengthened through additional planting. This includes the retention of all trees the subject of the Tree Preservation Order.

4.0 RELEVANT PLANNING HISTORY

4.1 13/00643/OUT - Outline application for the erection of five detached dwellings following demolition of existing property. Refused and Appeal Dismissed.

4.2 15/00348/FUL - Erection of 2 detached dwellings with integral garages and one detached double garage. Withdrawn.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of

planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

5.1.2 There are three dimensions to sustainable development, including (paragraph 7):

- * an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth

- * a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services

- * an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity

To achieve sustainable development, economic, social and environmental gains should be sought jointly.

5.1.3 This NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise (Paragraph 12)

5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking (Paragraph 14).

5.1.5 Specific to decision-taking, the NPPF states that this means:

- * Approving development proposals that accord with the development plan without delay; and

- * Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

1. 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; or
2. specific policies in the Framework indicate development should be restricted."

5.1.6 Paragraph 17 of the NPPF identifies 12 core land-use planning principles which should underpin both plan-making and decision taking. These include supporting sustainable economic development; seeking to secure high quality design and a good standard of amenity; taking account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; contributing to conserving and enhancing the natural environment and reducing pollution; and conserving heritage assets in a manner appropriate to their significance.

5.1.7 To deliver a wide choice of quality homes, paragraph 49 of the NPPF states that 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. Paragraph 53 states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

5.1.8 The planning system should contribute to and enhance the natural and local environment (paragraph 109). When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity (paragraph 118). In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting; and they should identify and assess the particular significance of any heritage asset affected and take this into account when considering the impact of a proposal on a heritage asset (paragraphs 128-129).

5.1.9 In support of the NPPF the Government has published a suite of Planning Practice Guidance. Relevant sections include Design and Flood Risk.

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 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 NPPF.

5.2.2 The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:-

- * Policy SP2 - Strategic Location for Developments
- * Policy SP14 - Standards of Design and Amenity
- * Policy ENV7 - Trees on Development Sites
- * Policy ENV13 - Development and Flood Risk
- * Policy ENV15 - Surface Water Run-Off
- * Policy CIS7 - Wastewater Management

5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

The following Supplementary Planning Guidance documents are considered to be of relevance to the determination of this application:-

- * Supplementary Planning Guidance 2 - Trees and Development
- * Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.4 EMERGING LOCAL PLAN

5.4.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between the 17th of June and the 7th of August 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. Presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.4.2 Relevant policies in the emerging Local Plan include:

- * Policy CS1 - Spatial Strategy for Wyre: Distribution of Development
- * Policy CS2 - Spatial Strategy for Wyre: Settlement and Centre Hierarchy
- * Policy CS6 - Strategy for Poulton-le-Fylde and Carlton
- * Policy CS13 - Sustainable Development
- * Policy CS14 - Quality of Design

- * Policy CS18 - Green Infrastructure
- * Policy CS19 - Biodiversity and Geodiversity
- * Policy CS25 - Flood Risk and Water Resources

5.5 FYLDE COAST STRATEGIC MARKET ASSESSMENT (FEBRUARY 2014)

This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. Specifically for Wyre, there is an objectively assessed need for between 340 and 485 dwellings per annum in total and an estimated need for 300 affordable homes per year (over the next 5 years).

6.0 CONSULTATION RESPONSES

6.1 UNITED UTILITIES - No objection. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

6.2 LCC HIGHWAYS - This application increases the number of dwellings on the site to 2 (1 currently). The development proposal also includes widening of the existing access. Having regard to highway comments on previous applications on this site I can confirm that the impact of the development on the highway network is not considered to be severe and that there are no highway objections subject to a condition on use of surface material at the site access.

6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.3.1 The ecological survey and assessment report, although carried out by suitably qualified ecologists, has some limitations. The survey was carried out in 2013, in November (not an optimal time of year to carry out botanical surveys) and, judging by some of the photographs in the survey report, appears to have been carried out in the late evening when light was failing. No thorough desk-top survey for existing ecological information has been carried out. Further, mention is made of surveys for badgers and water voles in spite of the fact that there appears to be little habitat on the site that is suitable for these species. For these reasons have not entirely relied on the survey report in carrying out an assessment of the ecological impact of the development proposal. The site is essentially a large rear garden space, 'landlocked' by residential developments and with no apparent link to the wider countryside. The site is not designated for its nature conservation interest and is not close to any designated sites. There are no existing records of specially protected or priority species associated with the site, and in fact the site and surrounds do not support habitats with high potential to support such species. The site is dominated by 'amenity' grassland of limited nature conservation value, although there are features with some local value for wildlife, including broadleaved trees and hedgerows. There is a small area of wetland, most likely caused by poor drainage and/or the site of a former pond (?). The development proposed is for a single detached house. It would be possible to construct the house while retaining at least some of the trees, and the hedgerows, in situ (dwg. A/15.1/20), and new tree and shrub planting is proposed as

part of the plans. Some garden space would be retained, both around the new house and the existing property.

6.3.2 To conclude the proposed development will not cause substantive ecological harm and I therefore have no objections to the application on ecological grounds. Advise that, should the application be approved, no vegetation clearance should take place during the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

6.4 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objection in principle. Full surface water drainage plans, including details of SuDS, to be submitted for approval prior to commencement of any construction works. Results from percolation tests to be provided for approval to ensure that ground conditions are suitable for use of soakaways.

6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE/AIR QUALITY) - No objection.

6.6 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION/CONTAMINATION) - Should permission be granted, I would recommend that conditions and associated informatives be added.

6.7 WBC HEAD OF OPERATIONS (TREES) - The plans indicate that the existing gateway would be widened; that existing ground levels and tarmac driveway will be maintained; and that the existing banked garden frontage is to remain untouched. The widening of the existing driveway will require the removal of a built up soil area to the immediate west. It would be reasonable to expect that some privet losses could occur as a result due to excavation in close proximity to privet bases (the mature privet hedge is understood to be within a neighbour's ownership). The proposal requires the removal of trees in the area to the western side of the tarmac drive way however these trees are of a low quality and it would not be expedient in the interest of amenity to retain. T2 Silver Birch will not be impacted upon providing that the existing tarmac drive is not excavated. Some crown raising could be required for site plant vehicles during construction works; this would need to be agreed formally due to T2 being subject of TPO 17 of 2013. The site plan shows a gravel driveway encroaching within the rooting area of T3 Horse Chestnut as such a tree protection plan and arboricultural method statement will be needed to cover that roots within the root protection area (RPA) will not be damaged as a result. The white poplar tree located within the rear garden of No.63 close to the boundary is at a sufficient distance from potential construction as to not be adversely impacted upon. However would recommend tree protection fencing to be installed at a distance of 3.5m from the stem to provide a construction exclusion zone. In favour of the tree species indicated regarding new planting as they reflect local character but consider that further tree planting details are required. Further comments provided on the revised plan are: consider that it is possible that the garage could be just inside the edge of the RPA as the T3 chestnut tree will have put on some minor diameter growth between the time frame of my measurements taken in June this year and becoming dormant. I approximate that the required RPA is now 5.26m. As such the encroachment, although less than 20% will need to be handled with care to avoid root damage. The structure at its nearest point, looking at the plan, will be at 5m from the tree stem. A tree protection plan and arboricultural method statement will be needed to cover that roots within the RPA will not be damaged as a result. Further comments with regards to the entrance / drive plan showing the tarmac to be widened and realigned advise that a construction (arboricultural) Method Statement

will be needed which demonstrates methodology which seeks to limit as much as possible adverse impacts on tree roots within the RPA of T2 Birch.

7.0 REPRESENTATIONS

7.1 119 letters of objection have been received from residents. The following issues have been raised:

Principle

- * Loss of greenfield site / garden / green space contrary to Policy CS18 of the Core Strategy and Para 53 of the NPPF
- * High density residential development contrary to Policy CS6 of the Core Strategy
- * Should give priority to brownfield sites
- * No need for more new homes and no shortage of 4-bedroom properties (with many on the market for sale)
- * Not helping towards affordable housing provision
- * There is an adequate supply of housing land (according to the Core Strategy).
- * Not sustainable development. Adverse impacts not outweighed by benefits. No benefits to community.

Amenity (Visual and Residential)

- * Harm to visual amenity, character and appearance of area
- * Development visible from, and will change the appearance of, Blackpool Old Road which is an attractive and important gateway into Poulton
- * Back land development out of keeping with the character and appearance of neighbouring properties, the street scene and wider area which includes Victorian / Edwardian properties fronting the highway each with private gardens and driveways, vegetation and leafy gardens important to Poulton's character and history
- * Loss of valuable garden / green space which along with the adjoining large and historic gardens provides important visual amenity, peace and tranquillity for the community and the surrounding properties who currently enjoy this area
- * Imposing, overly dominant and intrusive in the area and from neighbouring gardens
- * Will diminish leafy, peaceful, open and rural-like character
- * Harm to residential amenity (e.g. overbearing impact, loss of privacy, loss of light, overshadowing, loss of outlook)
- * Adverse impact on quality of life and health of residents in terms of noise and disturbance, increase in traffic, air pollution, loss of green space

Design

- * Scale too large and out of context with surrounding area
- * Too high density; over-development of site
- * Dwelling will have a greater footprint than surrounding properties
- * Poor design / layout out of keeping with built environment and visually intrusive
- * Offers poor amenity to future residents
- * Contrary to Local Plan Policy SP14
- * Not a great reduction from previous applications refused / withdrawn
- * Amended plans show a greater area of development than the original

Ecology/Trees

- * Site already cleared of trees and hedges in 2013 (11 trees were removed); previously this was a woodland garden.
- * Loss of valuable wildlife habitat / impact on wildlife including birds, hedgehogs
- * Threat to / impact on protected trees within the site and along site boundaries.

- * Loss of non-protected trees and vegetation within site which makes a positive contribution to street scene to facilitate new driveway

Highways

- * Increase in traffic and congestion along Blackpool Old Road Lane which is increasingly busy and dangerous with traffic volume (including buses) and speed
- * Risk to highway and pedestrian safety with more cars using the existing access with restricted visibility onto a narrow section of highway and inadequate pavements along Blackpool Old Road (including no direct pavements between the site and town centre) leading to an increased risk of accidents
- * Size of property will generate a lot of vehicle movements
- * Insufficient parking and manoeuvring space provided leading to increase in on-street parking
- * Impact from construction traffic
- * Increase in traffic will block neighbouring junctions including Rydal Avenue

Infrastructure

- * Increased pressure on existing services and facilities e.g. schools, doctors, dentists
- * Site / wider area including neighbouring gardens and the highway liable to flooding
- * Site and surrounding area identified as being liable to surface water flooding on MapZone and old watercourses including infilled ponds and marshy land on the site means it easily floods
- * Existing drainage is inadequate / problems with system overflowing - would be exacerbated by development. Increased hardstanding and roofed areas mean increased water runoff - development will exacerbate problems with surface water drainage (at capacity already) and question whether greenfield rates can be achieved
- * Increased risk of flooding to neighbouring homes, roads and gardens
- * Unsure whether permeable paving is to be used.

Other Issues

- * Will set a precedent for similar "garden grabbing" developments in neighbouring rear gardens
- * Green space provides important health benefits
- * Similar development refused by WBC in 2013 and dismissed by the Planning Inspectorate; and historical application for one dwelling refused by WBC in 1990 on land adjacent to No.63
- * Residents becoming disenchanted at number of applications being submitted
- * Pressure for future development on site including loss of bungalow and conversion of dwelling to flats
- * Inaccuracies with the application submission including tree retention/removal, visibility from Blackpool Old Road, type of hard surfacing
- * Believed to be a covenant on land to restrict development

7.2 One letter of support has been received on the grounds that the development will provide a family home within a large site, with the precedent already being set to build in large gardens in many part of Poulton.

7.3 One letter of objection has been received from Cllr Lesley McKay raising the following issues:

- * Inappropriate development in a well-established residential garden of no benefit to surrounding properties with loss of green space providing an important outlook and home to many forms of wildlife
- * Vast size of property will be visible from Blackpool Old Road
- * No other instances of 'garden grabbing' on Blackpool Old Road - will set a precedent for further development

- *Scale and design out of keeping with character of surrounding area, squeezed onto plot and comparison in the submission to properties elsewhere (other than Blackpool Old Road) shows disregard to area
- *Share neighbours' concerns with impact on their day to day
- *Concerns with widened access with regards to additional noise impact and query whether wide enough for two vehicles (and therefore impact on highway safety)
- *Loss of vegetation and impact on silver birch TPO tree in vicinity of driveway
- *Development will add to existing congestion problems in the area and existing road safety issues on this section of Blackpool Old Road including pedestrians crossing the road in front of No.63 where the pavement ends
- *Significant problems of drainage and flooding in this area will increase as a result. These problems were highlighted by the Planning Inspector in the last appeal.
- *Does not achieve sustainable development, does not enhance the local area
- *No need for this type of development (and does not provide 'affordable housing')
- *Benefits outweighed by devastating impacts on surrounding area

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 There has been contact with the agent during the course of the application, which has resulted in the submission of:

- * Amended plans to reduce the scale of the dwelling and introduce a detached garage

9.0 ISSUES

9.1 The main issues in this application are as follows:

- * Principle of development
- * Design and Impact on the street scene / local landscape
- * Impact on Residential Amenity
- * Impact on the Transport Network / Highway Safety / Parking
- * Flood Risk and Drainage
- * Ecology, Nature Conservation and Trees
- * Contamination
- * Other Issues

Principle of development

9.2 The site is located within the main settlement boundary of Poulton-le-Fylde as defined on the adopted Wyre Borough Local Plan Proposals Map. Although there is no relevant saved Local Plan policy for development on land in this urban area, the proposal accords with the overarching hierarchy outlined in Policy SP2 whereby urban areas like Poulton-le-Fylde should be the strategic focus for new development.

9.3 The National Planning Policy Framework (NPPF) is an important material consideration in the overall planning balance, with particular weight afforded to the Council's overall housing requirement as evidenced in the Strategic Housing Market Assessment (SHMA) and housing land supply position. NPPF Paragraph 47 identifies a clear policy objective to boost significantly the supply of housing. Local planning authorities are required to identify their objectively assessed housing need (OAN) and then meet this need. The Fylde Coast SHMA represents the most up-to-date assessment of OAN for Wyre. It indicates that Wyre's OAN lies between 340 - 485 dwellings per annum from 2011 - 2030. This supersedes the housing position on need drafted in the Core Strategy Preferred Options document, to which no weight can be afforded to. At present Wyre is not able to identify a supply of deliverable sites

sufficient to provide a 5 year supply of housing against this OAN presented in the SHMA. Considerable weight should therefore be afforded to the development's contribution towards addressing the identified housing shortfall in the determination of this planning application. There is no policy requirement for this to be affordable housing.

9.4 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. It is noted that the delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land, which this development site being a residential garden is defined as. For development to be sustainable, housing should be located where it will enhance or maintain the vitality of communities. In this instance the site is located within the main urban area approximately 135m from the town centre boundary of Poulton-le-Fylde with a vast array of shops, services and community facilities. Although there is no footpath in front of the site, there is pedestrian connectivity between the site and the town centre via a footpath along the southern side of Blackpool Old Road. The site is considered to be a sustainable location to support a new residential dwelling.

9.5 As the Council is unable to identify a five year supply of housing sites, NPPF paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date. Where relevant policies are out of date, NPPF paragraph 14 requires that where there are no material considerations to indicate otherwise, planning permission should be granted unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or there are specific policies in the NPPF that indicate that development should be restricted.

9.6 In terms of the loss of an existing residential garden, there is no saved Local Plan policy which protects them from 'back land' residential development. Paragraph 53 of the NPPF does ask local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Emerging Core Strategy Policy CS18 does specify that domestic gardens should be protected as greenfield sites unless significant evidence is provided to justify their development, however this can only be afforded very limited weight in this instance until the Local Plan progresses to a more advanced stage. With no policy protection currently in place for existing gardens in the Local Plan and with nothing in the NPPF which prevents their development in the absence of a local policy, each application must therefore be considered on a case by case basis having regard to Local Plan policies and the general objectives of the NPPF.

9.7 Social and economic benefits from the development include helping to meet an identified housing need and supporting the vitality and viability of the nearby town centre within walking distance of the development and so supporting the health and wellbeing of future residents. These benefits to development should be given considerable weight in going on to assess the detailed aspects of the scheme including any harm caused.

Design and Impact on the streetscene / local landscape

9.8 Whilst the principle of development is considered acceptable, the impact of the development on the street scene and character and appearance of the area is a key consideration having regard to saved policy SP14 of the Local Plan. The site is currently occupied by a large single storey bungalow set within a generous plot. The surrounding area is characterised by large dwellings of varied design also set within

large plots. Blackpool Old Road contains a variety of house styles with individual properties occupying generous, leafy, mature, landscaped plots and set well back from at least one of their respective side boundaries or stepping down to single storey forms in the vicinity of side boundaries. These characteristics serve to create a distinct spacious setting to each property which, in turn contributes to the important spacious character of this part of Blackpool Old Road. Another significant aspect is that mature trees dominate the frontage of Blackpool Old Road eastwards from the junction with Ryland Avenue, which includes the development site.

9.9 A previous application for five dwellings on the site following demolition of No.61 was refused by the Council in 2013 and dismissed at appeal (ref: 13/00643/OUT). This layout had the effect of subdividing the site into 2 narrow plots along the frontage which was judged to involve development uncharacteristically crammed into the site, close to their respective side boundaries and the new driveway, creating a markedly different appearance of built-mass compared to the existing loose-knit and spacious street scene. The back-land part of the proposal for 3 tightly packed houses in the rear garden to No. 61 was judged not to be prominent when viewed from Blackpool Old Road, although to appear cramped in comparison with the surroundings and incongruous with them. Overall the scheme was judged to result in a detrimental change in terms of views from the rear of surrounding properties, not just from Blackpool Old Road but Ryland Avenue, Rutland Avenue and Rivington Close dwellings too. The Inspector acknowledged that a significant number of properties at present look out over an aggregate of green and leafy rear garden areas, including the development site and the amount of site coverage proposed was judged to appear imposing, over-dominant and intrusive in neighbouring occupiers' views, adversely affecting the outlook from their houses and gardens. She found that the 2 storey development constructed close by both side boundaries would result in an unattractive residential environment, contrary to the aims of the NPPF where a core planning principle is always seek to secure a high quality design, taking into account the roles and character of different areas.

9.10 A previous application for two dwellings on the back-land part of the site (and retaining No.61 along the site frontage) was withdrawn, after the officer had expressed concern that despite the reduction in number of units compared to the 2013 application (from 5 to 3 including the bungalow at the front), the scale of the back-land development was considered to result in a cramped development up to the side boundaries. This current application had originally proposed one detached two-storey dwelling with integral garage on the back-land part of the site (and retaining No.61 along the site frontage), although revised plans have subsequently been provided after the officer again expressed concern with the scale of the development as originally proposed. These revised plans have retained a two-storey dwelling on the back-land part of the site but reduced the two storey footprint, roof span and number of dormers. Existing and proposed levels plans confirm finished floor levels of between 0.1m and 0.3m above existing ground levels, and the parking / turning areas 0.1m above existing ground levels with no levels change elsewhere on the site.

9.11 By retaining the existing dwelling (No.61) along the frontage, the development will not be prominent from, or create a markedly different appearance of built-mass along Blackpool Old Road. The existing spacious street scene would be retained, with only glimpses of the new two storey dwelling being visible when approaching the site from the west and east. The set back of this dwelling from the bungalow at the front means that it will scarcely be visible from behind No.61. Being back-land development, it will change the appearance of the area and result in the loss of its current open character in the immediate vicinity which is acknowledged is enjoyed by many residents. However, by setting the new dwelling and new garage in from the

side boundaries, the development now proposed does not appear cramped or represent over-development of the site. Whilst the dwelling remains two storey, its bulk and massing have been reduced by measures including a hipped roof adjacent to the side boundaries and lowered eaves height. The replacement garage is close up to the eastern side boundary, although its single storey scale means that this does not appear intrusive. The demolition of the garage on the western boundary will help to reduce the visual impact. Whilst the development has the effect of intensifying the amount of built development on site with the introduction of additional hardstanding in addition to increasing the number of buildings (from two to four including garages), there will be a visual gap of 10.3m between the rear of No.61 and the closest single storey garage (serving No.61) and a visual gap of 26-30m between the rear of No.61 and the two storey dwelling. Furthermore a visual gap of 19m will be retained between the rear of the dwelling and rear boundary. Whilst the development will be visible from neighbouring properties and will change their outlook, this scale and siting is not considered to form an imposing, over-dominant or intrusive development as viewed from these properties. The development form now proposed is not considered to cause harm to the outlook from these homes and gardens.

9.12 The proposed layout follows the elongated plot form and attempts to pull the development away from the site boundaries in order to reduce the visual impact and retain the attractive trees and vegetation along the site boundary. This does lead to a cluster of buildings and hardstanding in the centre of the site, although their visual impact is deemed to be acceptable for reasons outlined above. By retaining and supplementing existing vegetation with new planting, these soft edges will help to lessen the visual impact. Landscaping can be secured by condition. The property styles along this section of Blackpool Old Road are predominately large, characterful Edwardian and Victorian buildings. In determining planning applications it is not for the Local Planning Authority to impose individual style preferences although buildings should complement the surrounding built form. In this instance the proposed scale would complement the large neighbouring buildings and whilst No.61 is a single storey bungalow, there would be sufficient distance between to prevent the new dwelling from detracting from its setting. The design does not introduce incongruous features and is typical of a modern dwelling. Furthermore the proposal would be viewed in the wider area which includes more modern style properties to the north. The proposed red brick and grey roof tile materials are acceptable in principle, although the use of quality materials will be important to secure a high quality design and therefore a condition is suggested requiring the submission of material samples for approval.

9.13 Emerging Core Strategy Policy CS18 does specify that domestic gardens should be protected as greenfield sites unless significant evidence is provided to justify their development, however this can only be afforded very limited weight in this instance until the Local Plan progresses to a more advanced stage. On balance, whilst the proposal would change the character of this landscape and go against the urban grain of the immediate area by introducing back land development, the scale, form and design of the development proposed is not considered to create significant harm to the character of the area as seen from the street or from neighbouring properties. Subject to use of good quality materials and additional landscaping, which can be controlled by condition, it would not constitute poor design and there is no conflict with Policy SP14 or indeed the NPPF and the objective for good design. Should any future applications for development come forward on nearby land these will be considered on merit having regard to all material considerations relevant at the point a decision is taken.

Impact on the residential Amenity -

9.14 Local residents have raised concerns in respect of the impact that the development will have on their amenity in terms of noise and disturbance, increased congestion, air pollution, overbearing impact, loss of light/overshadowing and loss of outlook/privacy. The introduction of one additional dwelling including the vehicle levels involved will not result in a significant amount of increased noise and disturbance, congestion or air pollution for residents. Distances between the development and neighbouring properties are considered to be sufficient to prevent any severe detrimental impact including loss of light, overbearing impact and overlooking. The development is not considered to cause harm to the health and wellbeing of existing residents. Additional landscaping and a new 1.8m high brick wall between the dwelling and No.61, in addition to existing boundary treatment along the site edge, will help to screen the development from existing properties and provide the necessary screening.

9.15 The proposed development satisfies the requirements of SPG4: Spacing Guidance for New Housing Layouts, with the front and rear elevations retaining a minimum 21m distance from facing properties to the north and south, including No.61 Blackpool Old Road. A distance of 19m from the rear wall of the new dwelling to the rear boundary far exceeds the required 10.5m guidance. The minimum distance between the rear wall of No.61 and its rear boundary would be 16m when taking into account the associated parking/turning area. There are no properties immediately to the side of the dwelling for the 12-13m interface distances set out in SPG4 to apply. New windows in the front and rear elevations would not directly look into adjacent gardens and furthermore are offset from the side boundaries. Two small first floor roof lights in the side elevations serving non-habitable rooms will be required to be obscure glazed and this can be secured by condition. Additional landscaping and boundary treatment details which would help to screen the development from residential properties (and to safeguard amenity in particular overlooking from garden areas and ground floor windows) can be secured through condition. Both dwellings would be served by adequate private amenity space to the front, side and rear.

9.16 Local residents have also raised objections based upon impacts associated with the construction phase of the development (including construction traffic); however these impacts will be temporary in nature and cannot be given any weight. A right to an open view is not a material planning consideration and loss of outlook is addressed within the design and visual amenity section above.

Impact on the Transport Network/Highway Safety/Parking

9.17 Many residents are concerned about the impact of the development on the local highway network and highway safety issues. The NPPF paragraph 32 requires a Transport Statement or Transport Assessment (TA) to support developments that generate significant amounts of movement. This is not appropriate in this instance for one additional dwelling. The LCC Highways response confirms that the impact of the development on the highway network is not considered to be severe and that there are no highway objections. The proposal is not considered to have an unacceptable impact on traffic levels, congestion or highway safety and despite concerns from residents, with LCC as the local highways authority having no issue with the proposal it is not considered that a refusal on highway safety grounds could be substantiated. Each dwelling would be served by a double garage and dedicated parking / turning area, to enable vehicles to enter the highway in a forward gear and to accommodate at least four vehicles per property. This level of parking provision is acceptable and would not lead to increased risk of on-street parking.

Flood Risk and Drainage

9.18 The application site lies within Flood Zone 1 as identified by the Environment Agency Flood Risk maps. This is classified as at lowest risk of flooding within the terms set out in the Technical Guidance to the National Planning Policy Framework (NPPF). The development complies with the aim of the NPPF to steer new development to areas with the lowest probability of flooding. It is therefore not necessary for the developer to demonstrate that specific sequential and exception tests have been passed. As the site lies outside a defined flood risk area and is not classed as major category development, a site-specific Flood Risk Assessment (FRA) is not required to be submitted with this application.

9.19 A number of objections raise concerns about the capacity of the existing drainage system and problems with localised flooding in the immediate area, with concerns that the development will exacerbate these problems and cause increased risk of flooding to neighbouring homes, gardens, roads etc. This is evidenced by photographs of flooding on the site and surrounding area. Whilst these concerns have been considered, both United Utilities (UU) and the Council's Drainage Engineer raise no objection, with full surface water drainage plans to be submitted for approval. With no objection from these bodies, it is not considered that refusal on these grounds could be substantiated and the proposal is considered to conform to the NPPF and Local Plan Policy ENV15. The application form states surface water will be disposed of via a soakaway or mains sewer. In line with the sustainable drainage hierarchy (identified in the United Utilities response) the preference will be for a soakaway to be used, subject to details of percolation tests to confirm whether this is practical with the ground conditions. The submission of appropriate drainage details for approval from the LPA can be secured by condition.

Ecology, Nature Conservation and Trees

9.20 Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:

- * Significant harm resulting from a development should be avoided, adequately mitigated or, as a last resort, compensated for;
- * Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.21 The 2013 planning application (ref: 13/00643/OUT) was accompanied by an Extended Phase I Habitat Survey carried out on the site in November 2013 by a suitably qualified Ecologist from 'Living Ecosystems'. In surveying the marshy area in the rear garden, the survey suggests that the presence of standing water is temporary and insufficient to provide amphibian breeding potential. No rare or notable species or habitats were found during the course of the survey. The site has some ecological value by providing nesting potential for songbirds in the dense shrubbery and ivy particularly in the front garden. The survey recommends that consideration could be given to the provision of nesting boxes to mitigate for the loss of bird nesting potential. Works to clear trees and vegetation should not take place during the breeding bird season which is March to August inclusive. No specific issues relating to European Protected Species are anticipated as a result of the proposed development. It goes on to suggest that the root systems of the three protected trees and any other trees to be retained should be protected during development works. No evidence was found indicating the presence of any protected terrestrial including badgers and water vole was discovered at or near the site during the survey. Subject to adherence to the mitigation measures (which can be

appropriately conditioned), no significant adverse impacts on ecology are anticipated as a result of the proposed development of the site.

9.22 Greater Manchester Ecology Unit (GMEU) have reviewed the 2013 ecology survey although noting its limitations (including timings) have not entirely relied on the report in carrying out an assessment of the ecological impact of the development proposal. They note the site has no apparent link to the wider countryside, is not designated for its nature conservation interest and is not close to any designated sites. There are no existing records of specially protected or priority species associated with the site, and the site and surrounds do not support habitats with high potential to support such species. The site is dominated by 'amenity' grassland of limited nature conservation value, although there are features with some local value for wildlife, including broadleaved trees and hedgerows. There is a small area of wetland, most likely caused by poor drainage and/or the site of a former pond. GMEU note that some of the trees and hedgerows (along with garden space) are being retained and new tree and shrub planting is proposed. They conclude the proposed development will not cause substantive ecological harm and raise no objections subject to a condition preventing vegetation clearance during the optimum period for bird nesting (March to July inclusive). In this instance therefore there are no ecology concerns and further surveys are not considered necessary prior to deciding the application.

9.23 The site includes three trees the subject of a Tree Preservation Order (TPO) (Number 17 of 2013). Two are at the front of the site (birch and beech) and one is within the rear garden on the eastern boundary (horse chestnut). In addition vegetation and trees exist in the front and rear gardens and along the side boundaries. Approximately 11 trees were removed in 2013; whilst this is regrettable and the works were carried out without the Tree Officer's knowledge, preventing a TPO from being created, this is not a material planning consideration in the determination of this application other than to determine the baseline position of the site at present and therefore what additional landscaping is required to make the impact of the development acceptable.

9.24 The Council's Tree Officer has been consulted on the application. The widening of the driveway will result in the loss of some vegetation along the western boundary at the front including 3 laburnum trees and 1 pine tree and part of a privet hedge, however these trees are considered by the Tree Officer to be of a low quality and it would not be expedient in the interest of amenity to retain. All other trees are shown as being retained; this can be conditioned. The Tree Officer originally responded to say T2 Silver Birch will not be impacted upon providing that the existing tarmac drive is not excavated, however to clarify with respect to the widening/realignment of the existing tarmac driveway the Tree Officer has subsequently advised that a construction (arboricultural) Method Statement will be needed which demonstrates methodology which seeks to limit as much as possible adverse impacts on tree roots within the RPA of T2 Birch. This can be conditioned. Some crown raising could be required for site plant vehicles during construction works; this would need to be agreed formally due to T2 being subject of TPO 17 of 2013 (this can be added as an informative). The revised site plan shows that the garage could be just inside the edge of the rooting area of T3 Horse Chestnut as such the encroachment will need to be handled with care to avoid root damage. A tree protection plan and arboricultural method statement will be needed to cover those roots within the RPA will not be damaged as a result. The white poplar tree located within the rear garden of No.63 close to the boundary is considered by the Tree Officer to be a sufficient distance from potential construction as to not be adversely impacted upon. However tree protection fencing is recommended to be

installed to provide a construction exclusion zone. The tree species indicated for new planting reflect local character but further tree planting details are required. These tree protection measures and landscaping details can be secured by condition. Subject to suitable conditions, the development is therefore not considered to adversely impact the trees on site worthy of retention and the proposal therefore satisfies Local Plan Policy ENV7.

9.25 Further comments with regards to the entrance / drive plan showing the tarmac to be widened and realigned - advise that a construction (arboricultural) Method Statement will be needed which demonstrates methodology which seeks to limit as much as possible adverse impacts on tree roots within the RPA of T2 Birch.

Contamination

9.26 NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. The Councils Environmental Protection team consider that conditions and informatives should be added to address this issue.

Other issues

9.27 The following outstanding issues raised by residents are addressed below:

* Resultant strain on existing infrastructure e.g. schools, doctors. The NPPF states planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The proposed development is below the threshold at which contributions towards affordable housing, education and open space provision are required.

* With regards to inconsistencies in the application submission it is considered there has been adequate information submitted to assess this application along with the benefit of site visits by officers to ascertain the full details.

* Through work on the emerging Local Plan, the Council is aware that many people see houses for sale and therefore wonder why more are needed but there is a need to plan for a growing population and growing number of households over and above that occupying the existing stock.

* Potential legal covenants on the land restricting development site is not a material planning consideration.

* The Local Planning Authority has a duty to consider new planning applications that are submitted irrespective of the site's planning history where different schemes are proposed.

* With regards to the planning application for one dwelling which was refused on neighbouring land in 1990, this was determined prior to the current Local Plan, the NPPF and the Government's stated objectives for housing growth and sustainable development. A different policy environment is now in place.

* There is no current requirement in the NPPF or local plan policy to develop brownfield sites as a priority.

* There is no need for developments of less than five dwellings to make or include any affordable housing provision.

10.0 CONCLUSION

10.1 On balance it is considered that the proposed development represents a sustainable form of development when considered against relevant policies including primarily the delivery of housing in a sustainable location. The adverse impacts of the proposed development have been considered and assessed and it is considered that impacts upon the local highway network, character and appearance of the area, trees and ecology, flooding/drainage and residential amenity, would not demonstrably and significantly outweigh the benefits of the scheme as required by NPPF paragraph 14. Other development impacts associated with the scheme can be mitigated through the use of planning conditions where necessary.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant Full Planning Permission subject to conditions.

Recommendation: Permit

Conditions and Reasons: -

1. The development must be begun not later than 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 12th October 2015, including the following plans:

- Location Plan Received 12th October 2015
- Drawing No. A15.1/20 Site Plan Received 27.11.2015
- Drawing No. A15.1/21 Setting Out Plan Received 27.11.2015
- Drawing No. A15.1/23 Proposed Levels Received 27.11.2015
- Drawing No. A15.1/24 rev A Plans and Elevations Received 30.11.2015
- Drawing No. A15.1/25 Double Garage Plans and elevations Received 27.11.2015
- Drawing No. A15.1/26 rev A Replacement Garage Plans and elevations Received 11.12.2015

- Drawing No. A15.1/27 Entrance / drive area Received 27.11.2015

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

3. No works or development shall take place until full details of both hard and soft landscape works has been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration, where relevant. Details of soft landscape works, including any new hedges, transplanted and or replanted hedgerows, shall include planting plans; method statement for landscape and ecology retention, written specifications (including cultivation and other operations associated with plant, grass and hedgerow establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to provide compensation for habitats lost to the scheme.

4. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced as soon as is reasonably practical by others 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 provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. Those trees identified as being retained on the approved Site Plan shall not be removed as part of this development. For those trees not shown as being retained, no tree demolition shall be carried out between March and July (inclusive) in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority. Their removal must also be in accordance with BS3998: 2010 Treeworks recommendations.

Reason: In the interests of the visual amenity and ecology of the area and in accordance with the National Planning Policy Framework.

6. Prior to the commencement of development hereby approved, a surface water drainage scheme for the site and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (including results from percolation tests to be provided for approval to ensure that ground conditions are suitable for use of soakaways), shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing runoff rates 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. The development shall be implemented in accordance with the approved details before the development is completed, and subsequently maintained and managed in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site and to ensure the site is adequately drained in accordance with saved Local Plan policy ENV15 and CIS7 and the National Planning Policy Framework.

7. Prior to commencement of development, full details of mitigation measures for nesting birds including a timescale for implementation shall be submitted to and agreed in writing by the Local Planning Authority. These mitigation measures shall be implemented and maintained in accordance with this agreed detail.

Reason: In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.

8. Prior to commencement of development, an Arboricultural Method Statement and Tree Protection Plan for T3: Horse Chestnut together with details of Tree protective fencing for the white poplar within the neighbouring garden of No.63 adjacent to the western site boundary shall be submitted to and agreed in writing by the Local Planning Authority. Adherence to these agreed details will be required at all times until all development is completed.

Reason: To ensure these trees are afforded the necessary protection in the interests of amenity and ecology in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

9. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

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 in accordance with saved Local Plan Policy SP14.

10. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling and garages hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. No development shall be commenced until a desk study has been 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 first have been 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 by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority 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 Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). It is considered the Phase 1 Desk Study submitted with the planning application requires further detail which was not forthcoming during the application stage.

12. No development shall commence until details of the means of enclosure of the site have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in full accordance with the approved details and all boundary treatments shall be retained or replaced (in accordance with the approved details) at all times thereafter.

Reason: To safeguard the amenity of the area and in the interests of the amenity of neighbouring properties in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

13. The first floor windows in the side elevations of the dwelling hereby approved shall be fitted with obscure glass of a level 5 grade (most obscure) and shall thereafter be retained with this glazing. Any subsequent repaired or replacement windows shall be fitted with this same level of obscurity.

Reason: To safeguard the privacy of adjacent residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the garages shall not be used for any purpose which would preclude their use for the parking.

Reason: The retention of adequate parking space within each property curtilage is of importance in safeguarding the appearance of the locality and highway safety and avoid the overall streetscene from becoming dominated by car parking, in accordance with the provisions of Policy SP14 of the Wyre Borough Local Plan (1999) and the provisions of paragraph 17 of the NPPF.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling other than those hereby approved without the prior planning permission of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwelling to safeguard residential amenity and the amenity of the area in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

16. Prior to commencement of development a detailed construction (arboricultural) method statement with the input of an arboriculturist to limit as much as possible excavation works with respect to the widening / realignment of the existing driveway shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid adverse impacts on tree roots within the Root Protection Area of T2 Birch in accordance with Policy SP14 and ENV10 of the Adopted Wyre Borough Local Plan (July 1999).

17. This development does not permit alterations to existing ground levels to garden areas or the existing banked garden frontage as indicated on the approved plans without the prior written consent of the Local Planning Authority following the submission of appropriate details.

Reason: To ensure that the development has a satisfactory appearance, to reduce any adverse impact on nearby trees and to reduce increased risk of flooding onto neighbouring properties in accordance with Policies SP14, ENV7, ENV9 and ENV10 of the Adopted Wyre Borough Local Plan (July 1999).

Notes: -

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council quoting the planning application number. Online applications can be made through the following link <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

2. Some crown raising of T2 Silver Birch may be required for site plant vehicles during construction works. This would need to be agreed formally through the submission of an application for tree works to the Council due to T2 being subject of TPO 17 of 2013

3. The developer's attention is drawn to the following comments by United Utilities: Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Any further information regarding Developer Services and Planning please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

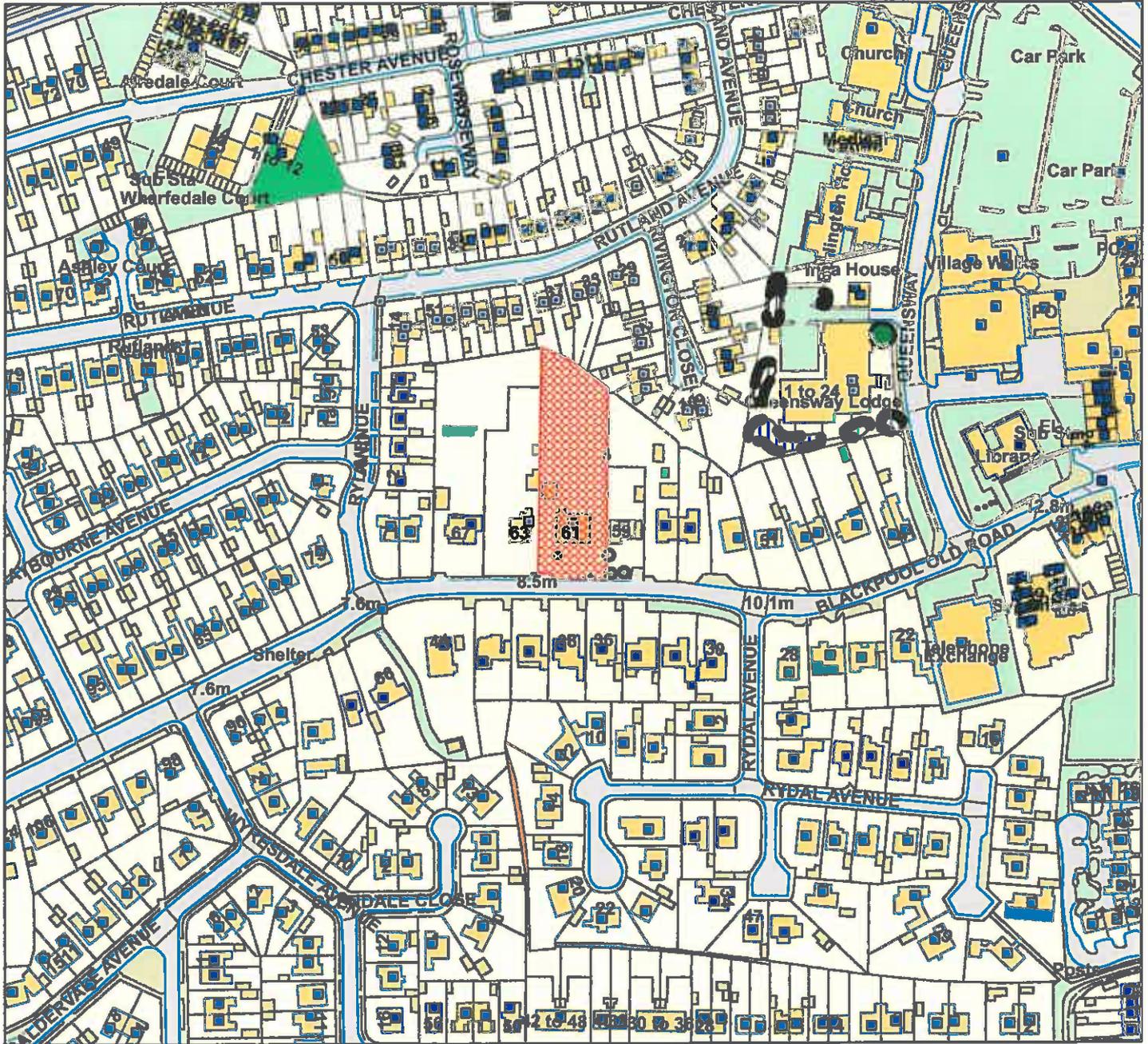
Water Comments - Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains/public sewers. Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

General comments - It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

4. All site investigations and assessments shall be carried out by appropriately qualified personnel, in accordance with British Standard 10175:2001 "Investigation of Potentially Contaminated Sites - Code of Practice".

5. All site investigations and assessments shall be in accordance with current Government and Environment Agency Guidance, and shall identify the type, nature and extent of any contamination present, the risk to receptor's and the potential for migration within and beyond the site boundary.
6. Any laboratory used for the purposes of sample analysis shall be registered to the ISO17025:2000 quality standard.
7. A sampling analysis programme shall verify the adequacy of any decontamination works.
8. The responsibility for the safe development and secure occupancy rests with the developer. The Local Planning Authority may only determine the suitability of any scheme for investigation/remediation submitted, on the basis of the information submitted to it. Under no circumstances will the Local Planning Authority accept liability for inadequate remediation of the site.
9. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.
10. The development falls within 250 metres of an area of infilled ground (the nature of the fill is unknown). It is therefore recommended that precautionary measures should be taken in the form of a gas monitoring programme or provision of gas protection measures.

arm/rg/pla/cr/16/0601hh5



Scale: 1:2,500

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Organisation	Wyre Council
Department	Planning Department
Comments	Not Set
Date	17/12/2015
MSA Number	10008120

Committee Report**Date: 06.01.2016****Item Number 02****Application Number 15/00927/FUL****Proposal Construction of ten beach huts within the existing colonnade****Location Marine Hall The Esplanade Fleetwood Lancashire FY7 6HF****Applicant Mr James Holden - Wyre Council****Correspondence Address Wyre Council Civic Centre Breck Road Poulton Le Fylde FY6 7PU****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Susan Parker****1.0 INTRODUCTION**

1.1 The application is before Committee at the request of Councillor Duffy.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application relates to the westernmost section of the colonnade to the west of the Marine Hall in Fleetwood. The Marine Hall is an art deco style building that is not designated as a heritage asset but is nevertheless of considerable local significance. The site falls within the Fleetwood Conservation Area. The Mount which is Listed lies immediately to the south-east of the site on the opposite side of The Esplanade.

2.2 The colonnade to the west of the Marine Hall has dual elevations onto both the Promenade and onto the gardens of the Marine Hall to the north of the Esplanade. It is split into two elements or loggia that sit either side of a hexagonal structure. The application relates to the loggia to the west of this central structure furthest from the main Marine Hall building. Cast columns support the two colonnades on the landward side and these are of particular architectural interest. It is understood that the western colonnades would once have been entirely open but that a relatively modern brick spine wall has been inserted to separate the seaward and landward sides. Other modern brick structures have also been inserted on the seaward side to create storage and retail space and the original flooring has been replaced by concrete slabs.

2.3 The Fleetwood Promenade Coastal and Dune Grassland Biological Heritage Site lies immediately to the west of the site with the Wyre Estuary Site of Special Scientific Interest immediately to the north.

2.4 There are existing wooden beach huts both to the north-east of the Marine Hall and directly to the south-west of the application site.

3.0 THE PROPOSAL

3.1 The application seeks planning permission for the construction of ten 'beach huts' within the western section of the existing colonnade. The beach huts would be timber-framed and timber-clad structures. They would be set within and beneath the existing colonnade roof/canopy and back from the canopy edge. Each hut would have a predominantly glazed frontage including double doors onto the seaward facing Promenade but would also have bi-fold timber shutters that could be closed across the frontage when the huts were not in use. To the rear each hut would be timber clad with a single, timber-clad access door giving access from the Marine Hall gardens. Internally each hut would comprise a single room with no bathroom or built in kitchen facilities.

3.2 The application has been supported by the following documents:

- o Design and Access Statement
- o Flood Risk Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 No planning decisions have been identified that are considered to be directly relevant to this proposal on this site.

5.0 RELEVANT PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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. Local needs and circumstances must be taken into account. Development proposals that accord with the development plan should be approved without delay. Proposals for sustainable development should be supported where possible.

5.1.2 Twelve core planning principles are identified. These include supporting sustainable economic development to meet local need whilst securing high quality design and a good standard of amenity. The different roles and characters of different areas must be considered and Green Belt land must be protected. Full account of flood risk must be taken. The effective use of land is encouraged. Patterns of growth must be actively managed to make fullest use of sustainable transport modes.

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

5.1.4 Section 7 requires the planning system to secure good design and states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.1.5 Section 8 promotes the creation of healthy communities and acknowledges the important role the planning system can play in delivery.

5.1.6 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.

5.1.7 Section 11 aims to conserve and enhance the natural environment. This sections states that impacts on biodiversity should be minimised and net gains provided where possible.

5.1.8 Section 12 seeks to conserve the historic environment. Development that would cause harm to a heritage asset must be weighed against the benefits of the scheme with regard to the level of impact and significance of the asset affected, including its setting.

5.1.9 In support of the NPPF the Government has published a suite of Planning Practice Guidance. Relevant sections include The Natural Environment, Conserving and Enhancing the Historic Environment, Design, Health and Wellbeing and Flood Risk.

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

The following saved policies are considered to be of most relevance:

- SP14 - Standards of design and amenity
- ENV9 - Conservation Areas
- ENV13 - Development and flood risk
- TREC7 - Preserving the seaside resorts
- TREC14 - Protection of recreational open space
- CIS6 - Securing adequate servicing and infrastructure

5.3 EMERGING LOCAL PLAN

5.3.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between 17th June and 7th August 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. Presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.3.2 Relevant policies in the emerging Local Plan include:

- CS3 - Strategy for Fleetwood
- CS13 - Sustainable development
- CS14 - Quality of design
- CS16 - Transport, accessibility and movement
- CS19 - Biodiversity and geodiversity
- CS25 - Flood risk and water resources
- CS28 - The historic environment

6.0 CONSULTATION RESPONSES

6.1 FLEETWOOD TOWN COUNCIL - objection. The site is within flood zone 2 and the sea is known to flood onto the Lower Promenade. The submitted flood risk assessment (FRA) contains erroneous information; the site has flooded within the last 100 years. It is not known who would be responsible for repairing any damage caused by flood and how this would be funded. The development proposed would result in the loss of the shade and shelter offered by the colonnades to users of the nearby area. The beach huts would be out-of-keeping with the art deco style of the Marine Hall and would not enhance the appearance of the area. The development would affect the setting of the Mount Pavilion. Any deterioration of the huts over time would be significantly detrimental to the appearance of the area. Other, more suitable sites are available and should be considered.

6.2 FLEETWOOD CIVIC SOCIETY - the site affords protection to the Marine Gardens and, whilst it is in need of enhancement, the demolition of the existing wall and insertion of beach huts would detract from the appearance of the Marine Hall and the setting of The Mount. The submitted flood risk assessment is incorrect as the Lower Promenade has flooded in the past. This does not appear to have been taken into account. No objection is raised to the provision of additional beach huts but they should be sited elsewhere. It is noted that no change of use application has been made.

6.3 NATURAL ENGLAND - the site is within or in close proximity to a European designated site which is afforded protection under the Habitats Regulations. It is in close proximity to the Morecambe Bay Special Area of Conservation and Special Protection Area. It is also listed as a Ramsar site and as the Wyre Estuary Site of Special Scientific Interest. The potential impact on the conservation objectives for each European site must be considered. No Habitats Regulations Assessment has been provided. The proposal is not considered to be necessary for the management of the European site and so it must be determined if the proposal would have any significant effects. Insufficient information is currently available to ascertain the likelihood of significant effects. However, significant effects could be avoided if the huts were constructed over summer to avoid disturbance to over-wintering birds and appropriate pollution prevention measures are put in place. If these conditions would be unacceptable, additional information would be required. These comments relate to the potential impact on the SSSI as well as the European sites. The impact on protected species has not been assessed. Natural England standing advice is available and should be applied. However, this standing advice does not give any assurance in respect of European Protected Species or provide an indication as to whether or not a Natural England licence would be granted.

6.4 ENVIRONMENT AGENCY - flood risk standing advice should be applied.

6.5 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - no comments received in time for inclusion in this report. Any comments that are received in advance of the Committee meeting will be communicated through the update note.

6.6 WBC HEAD OF ENGINEERING SERVICES - the site falls within flood zone 2 and so is at medium risk of flooding. However, it is immediately adjacent to land within flood zone 3 which has a high risk of flooding. These flood zones refer to the probability of river and sea flooding but do not take into account the presence of defences. The flood risk assessment (FRA) submitted with the application is incorrect; the site has suffered from a number of flood events in the last 100 years, the most recent in 2013. It is recommended that the application be refused subject to

the provision of further details. As the site is subject to repeated flooding up to 600mm it is recommended that electrical fittings be raised above the 500mm level advocated in the FRA. Increased protection to the access doors and front wall to prevent flood damage or water ingress would also be required. It is not anticipated that the development would increase surface water discharge from the site.

6.7 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY - the development would need to incorporate suitable gas protection measures with details to be submitted to and agreed in writing prior to commencement. The measures should include, as a minimum, ventilation of confined spaces, a well-constructed ground slab, provision of a low-permeability gas membrane, minimum penetration of the ground slab by services, and passive ventilation to the underside of the building.

7.0 REPRESENTATIONS

7.1 37 representations have been received raising the following issues:

- No need for beach chalets
- Other, more suitable locations are available
- Waste of taxpayer money
- The money was originally allocated for and should be used to finish other projects
- The huts would only benefit a few people and not the wider community
- The huts would not promote tourism; they are likely to be purchased by local people
- The colonnade provides shade and shelter to general users of the Promenade and Marine Hall gardens and this would be lost
- The site is at risk of flooding and the submitted flood risk assessment is incorrect
- The huts would become dilapidated over time given the seaside location and would become an eyesore
- Unknown who would be responsible for the maintenance of the huts
- The huts would be out-of-keeping with the appearance of the colonnade and Marine Hall and would detract from visual amenity
- The setting of The Mount would be negatively affected
- Paraphernalia associated with the use of the beach huts, e.g. bicycles, drying towels etc., would detract from the appearance of the site

7.2 Members are respectfully advised that the source of the funding to be used for a development is not a relevant planning consideration. The responsibility for the future maintenance of the huts would be a matter for resolution between the land-owner and any tenant. Should the huts fall into an unacceptable visual state then the Council would have the option to take planning enforcement action as appropriate. The other issues will be discussed in the assessment section of this report.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Consistent dialogue has been maintained with the applicant and agent throughout the lifetime of the application to keep them apprised of progress and consultee comments, and to seek clarification and additional information where necessary.

9.0 ASSESSMENT

9.1 The main issues are considered to be:

- The principle of development
- Amenity impact
- Visual impact
- Heritage impact
- Ecological impact
- Drainage and flood risk
- Access, parking and highway safety
- Sustainability

The principle of development

9.2 The application site sits directly to the north of the Fleetwood Prime Holiday Area. Within this area Policy TREC7 of the Local Plan is supportive of tourism uses subject to design, access and amenity criteria. Although the application site falls outside of this identified area, it is considered that the use proposed would nevertheless reinforce the existing holiday character and function in this part of the town. There are no policies within the Local Plan that would preclude a tourism related use on the application site.

9.3 The Marine Hall gardens are identified as protected recreational open space on the Proposals Map to the Local Plan. Policy TREC14 of the Plan seeks to resist development that would compromise the recreational value of such land. The beach huts proposed would be contained entirely within the existing colonnade structure and would not encroach onto the public open space. As such, no conflict with this policy is identified.

9.4 There are no other planning policies or considerations that would prevent the development in principle. There is no requirement in planning policy for the applicant to demonstrate a quantitative or qualitative need for the development proposed.

Amenity impact

9.5 The beach huts proposed would sit some 150m from the nearest residential accommodation. The huts themselves would not include bathroom or kitchen facilities and so could not be occupied over-night. It is noted that the site is adjacent to the Marine Hall which is a public venue and in close proximity to a YMCA sports centre and The Esplanade which is a main road. The use of the beach huts would be unlikely to generate significant levels of noise or disturbance from activity that would have the potential to cause nuisance over and above the existing uses in the area. The development would be entirely contained within the existing structure. As such, no detrimental impacts on residential amenity from loss of privacy, outlook or daylight or from noise or disturbance are anticipated.

Visual impact

9.6 The appearance of existing colonnade on the seaward side has been compromised by the provision of external walls to create storage and retail spaces. The seaward facing elevation is largely comprised of blank rendered brick wall and is 'dead' space which detracts from the character of the promenade. The development would see beach huts created below the existing canopy of the colonnade. The main seaward elevation would sit some 1.5m behind the edge of the canopy. The wooden

bi-fold shutters would sit some 0.6m behind the edge of the canopy when closed. The shutters to each hut would be separated by a column. A condition could be attached to any permission granted to ensure that the materials used matched the originals. As such it is considered that the works proposed to this elevation would be acceptable and would give the seaward side of the colonnade a more coherent and active frontage enhancing the promenade.

9.7 The landward side of the colonnade remains largely untouched. On this side the rear walls of huts would sit some 2.5m from the edge of the canopy. It is proposed that these rear elevations would be timber clad. Whilst this choice of material would not be in keeping with the overall appearance of the Marine Hall or colonnade, it would be appropriate to a beach hut use. Furthermore, given the degree of set-back from the front of the canopy, the visual impact of the huts on the streetscene would be limited. The resultant development would have a coherent appearance and details of materials could be agreed through condition.

9.8 A condition would be attached to any permission granted to prevent the storage of personal items outside of the beach huts where they would be visible from the Promenade, Marine Hall gardens or The Mount. On this basis, no unacceptable visual impact is anticipated.

Heritage impact

9.9 The application site falls within the Fleetwood Conservation Area and within the setting of The Mount which is listed as a designated heritage asset. The applicant has submitted a basic heritage statement in support of the application which is considered to be acceptable. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant along with section 12 of the NPPF (paragraphs 128-138). The Marine Hall building and associated colonnade is noted to have a tired appearance and there is a concern that a detrimental impact on the wider conservation area could arise in the future unless adequate repair and maintenance work is secured. Bringing the section of the colonnade the subject of this application into more active and beneficial use would generate much needed resources that would help to sustain the rest of the building. This in turn would help to sustain the significance of the Fleetwood Conservation Area as a designated heritage asset.

9.10 It is noted that the proposed works would remove the more recently constructed brick walls that currently detract from the appearance of the structure. The creation of simple beach hut frontages that would sit neatly within the existing colonnade would enable the original features of the structure, in particular the columns, to remain the visual focus. In this regard the use of dark grey uPVC window and door units as proposed is welcomed. Similarly the use of high-quality timber cladding which has been used elsewhere along the Promenade and which is known to be durable is considered appropriate, as is the decision to maintain the natural appearance of the wood rather than apply a painted finish that would have a greater visual impact on the streetscene. The proposal has been assessed by the Council's Conservation consultant who considers the works to represent contemporary but sympathetic and progressive enhancements to the structure and this is judged to reinforce the art deco style of the building as a whole. On this basis, it is considered that the scheme would have positive short and long-term impacts on the appearance of the Fleetwood Conservation Area with no detrimental impacts on the setting of The Mount identified. In order to ensure the finished quality of the development, the agreement of samples of the materials to be used should be secured through condition.

Ecological impact

9.11 The site lies immediately to the south of the Morecambe Bay Special Area of Conservation (SAC) and Special Protection Area (SPA). It is also listed as a Ramsar site and as the Wyre Estuary Site of Special Scientific Interest (SSSI). To the east is the Fleetwood Promenade Coastal and Dune Grassland Biological Heritage Site (BHS). Reflecting the fact that the development proposed would require minimal construction on site and would be entirely contained within the existing structure, no ecological appraisal has been undertaken. There are no trees on site. As no bathroom or kitchen facilities would be provided within the huts, it is not considered that their use would lead to pollution of the surrounding environment. No external illumination is proposed. Given the nature of the site and the proposal, no unacceptable impacts on biodiversity are expected. However, due to the proximity of site of identified nature conservation value, both Natural England and Greater Manchester Ecology Unit (GMEU) have been consulted on the application. Natural England have confirmed that, subject to the imposition of two conditions relating to the time of construction and the provision of pollution measures, no harm to the conservation objectives of the SSSI or European sites would be anticipated. GMEU have been consulted in relation to potential impacts on protected species and the locally designated nature conservation asset. No comments have been provided in time for inclusion in this report but it is anticipated that responses will be received before the Committee meeting.

Drainage and flood risk

9.12 Since first submission the flood risk assessment accompanying the application has been amended in response to the representations received and the comments of the Council's Drainage Officer. Flood gates are also now proposed for each unit. A revised consultee response has not been received in time for inclusion in this report but it is understood that the concerns raised have now been addressed. Any comments that are forthcoming will be reported through the update note. The development proposed would not increase the area of hard-surfacing on the site and would be entirely contained within the existing canopy. As such, no increase in surface water run-off would result and no drainage issues are now identified.

9.13 The NPPF requires development to be located in areas of lowest flood risk. The application site falls within flood zone 2 and so the applicant must demonstrate that no suitable alternative sites are available for the development within flood zone 1. Changes of use do not ordinarily require the submission of sequential appraisals but it is not considered that the land currently benefits from a formally established planning land use. Sequential appraisals relating to flood risk should ordinarily consider the entire borough. However, as beach huts must logically be placed on the seafront in order to fulfil their designed function, it is considered that sites inland away from the Promenade or beach area would be inherently unsuitable. As such, the sequential appraisal submitted with the application has only considered alternative sites along the Promenade and this is judged to be a reasonable approach.

9.14 Two alternative sites of sufficient size within flood zone 1 have been identified. The first to the west would fall within the Fleetwood Coastal and Dune Grassland Biological Heritage Site and would therefore be an undesirable location for development. The second site to east is currently used as a children's play area and the loss of this community facility would be equally undesirable. Consequently, the

alternative sites identified are not considered to be suitable and, on this basis, the proposal is considered to satisfy the requirements of the sequential test.

9.15 As the use proposed would be a 'less vulnerable' form of development there is no requirement for the applicant to demonstrate compliance with the exceptions test.

9.16 In light of the above, no unacceptable drainage or flood risk issues are identified and it is accepted that there are no sequentially preferable locations available for the development proposed.

Access, parking and highway safety

9.17 No vehicular access or dedicated parking would be provided for the beach huts. Public car parking is available within the nearby car parks and on-street in the local area. It is not considered that the development proposed would lead to significantly greater pressure on existing car parking provision or a material increase in traffic generation. Lancashire County Council as the Local Highway Authority has not raised any concerns. As such, no highway issues are identified.

Sustainability

9.18 The NPPF sets out a presumption in favour of sustainable development which is defined as having economic, social and environmental dimensions. The development proposed would not result in a loss of employment provision and would go some way to supporting the tourism industry and local businesses in Fleetwood. It is not accepted that the development would be detrimental to tourism. The site does not fall within a Minerals Safeguarding Area. As such, the scheme is considered to be economically sustainable.

9.19 The provision of beach huts on the site would support social interaction as advocated by the NPPF and would not prevent use of the remaining colonnades by general users of the Promenade and Marine Hall gardens. The site is well connected to and within reasonable walking distance of the main shopping street in Fleetwood and other leisure facilities. The scheme has passed the sequential test and there is no requirement for it to meet the exceptions tests. It is not anticipated to increase flood risk on or off the site. No unacceptable impacts arising from potential land contamination are anticipated. There would be no detrimental impacts on residential amenity or on the value of the Fleetwood Conservation Area or the setting of The Mount as designated heritage assets. The development proposed would secure the long-term future of a community asset. As such, the development is considered to be socially sustainable.

9.20 The site is already developed but sits adjacent to a Site of Special Scientific Interest and a Biological Heritage Site. However, as the development would be entirely contained within the fabric of the existing structure, and given the nature of the use proposed, no unacceptable impacts on biodiversity are anticipated. The design of the scheme is considered to be acceptable. There are no trees on site. No unacceptable impacts on environmental quality are expected. On this basis, the development is considered to be environmentally sustainable.

9.21 The development proposed is considered to be economically, socially and environmentally sustainable and no other material planning considerations have been identified that would weigh significantly against the application. As such, the proposal is considered to represent sustainable development.

Other issues

9.22 It is considered that a condition could be attached to any permission granted that would be sufficient to safeguard the environment and human health against potential land contamination.

9.23 The potential for deterioration in the appearance of the beach huts over time as a result of poor maintenance or flood damage is not a valid planning consideration. The responsibility for the future up-keep of the beach huts would be a matter for consideration by the Council in its capacity as land-owner.

9.24 Concern has been raised by local residents that the shade and shelter offered by the colonnades to general users of the Promenade and Marine Hall gardens would be lost. Whilst the westernmost loggia of the colonnades would be developed, the eastern loggia and the section of the colonnades around the Marine Hall would remain available for use by the general public. As such, this is not a consideration that is judged to weigh significantly against the proposal.

9.25 Members are also advised that no separate 'change of use' planning application is required for the development proposed.

10.0 CONCLUSION

10.1 The proposal is considered to be acceptable in principle with no unacceptable impacts on residential amenity, the appearance of the site or streetscene, heritage assets, ecology, flood risk or highway safety identified. The scheme is judged to represent sustainable development. As such, in accordance with the provisions of the NPPF, 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 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions and Reasons: -

1. The development must be begun not later than 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 10th November 2015 including the following plans and documents:

- Flood Risk Assessment
- Demolition plan ref. 003/15/P3
- Proposed plan ref. 001/15/P5
- Proposed plan ref. 001/15/P3

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, samples and details of the materials to be used on the external elevations of the beach huts hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the site and locality in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and paragraph 17 of the NPPF.

4. No personal items associated with the use of the beach huts shall be stored to the rear of the beach huts where they would be visible from the Marine Hall gardens.

Reason: In the interests of the appearance of the site and locality in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and paragraph 17 of the NPPF.

5. No kitchen or bathroom facilities shall at any time be provided within the beach huts hereby approved.

Reason: In order to prevent the potential for pollution or contamination from waste water or refuse given the ecological sensitivity of the surrounding area and in order for the Local Planning Authority to retain long-term control over the use of the beach huts which, by virtue of their nature and location are not considered suitable for use as living accommodation. This condition is considered to be necessary in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and paragraphs 17 and 118 of the NPPF.

6. The beach huts hereby approved shall not be used for overnight sleeping occupation.

Reason: In order to the Local Planning Authority to retain long-term control over the use of the beach huts and because, by virtue of their nature and location, the beach huts are not considered to be suitable for use as residential accommodation. This condition is considered to be necessary in accordance with Policy SP14 of the Wyre Borough Local Plan and paragraph 17 of the NPPF.

7. No works involved in the construction of the beach huts hereby approved shall take place between October to March inclusive in any calendar year.

Reason: In order to avoid any detrimental impact on over-wintering bird populations on the adjacent designated sites of nature conservation value in accordance with the provisions of paragraph 118 of the NPPF.

8. Prior to the commencement of development, a scheme of measures to avoid environmental pollution through the emission of dust or contaminated run-off during

the construction and operational stages shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then proceed in full accordance with this agreed scheme.

Reason: In order to avoid harm to the nature conservation objectives of the neighbouring designated nature conservation sites in accordance with the provisions of paragraph 118 of the NPPF.

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