

**Planning Committee**

**3 February 2016**

<b>Item No</b>	<b>Site/ Video/ Photos</b>	<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Rec.</b>	<b>Decision</b>	<b>Page Numbers</b>
1	N/A	15/00927/FUL	Marine Hall The Esplanade Fleetwood Lancashire FY7 6HF	Construction of ten beach huts within the existing colonnade	PER		36 - 48
2	V	15/00963/REM	Land North Of Ayngarth Wallace Lane Forton Preston Lancashire PR3 0BB	Reserved matters application for the erection of a two-storey detached dwelling and associated garage	PER		49 - 58

arm/rg/pla/cr/16/0302nc3

**Committee Report****Date: 03.02.2016****Item Number 01****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 At the Planning Committee meeting on 6 January 2016 when the application was originally considered, members' resolved that planning permission should be granted for the construction of 10 beach huts within the colonnade subject to conditions.

1.2 However, the planning permission was not granted due to the following:

- prior to the decision notice being issued, it was noted that the Planning Committee had unintentionally been given incorrect information during the meeting regarding kitchen facilities and associated water supply and foul drainage.
- the applicant has also raised concerns in respect of the condition which prevents works from taking place between October and March and is seeking the removal of this condition so that there will be no restriction by condition as to when works may be carried out.

It is for these reasons that the application is now back before the Planning Committee for reconsideration of the application having regard to the new information and amended conditions.

**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 as a designated 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 loggias, which 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 hut 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 include a drain outlet and a water supply tap. Kitchen units are not provided but it is proposed that they could be fitted with consent from the landlord.

3.2 The application has been supported by the following documents:

- Design and Access Statement
- 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)

5.2.1 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. Initially it was judged that insufficient information was available to

ascertain the likelihood of significant effects and it was recommended that construction be limited to the summer period to avoid disturbance to over-wintering birds. However, since the consideration of the application previously at the Planning Committee in January, the applicant has provided further details of the proposed demolition and construction methods and Natural England have withdrawn the requirement to restrict when construction may be carried out. Furthermore, the information provided has alleviated concerns relating to potential pollution. On the basis that works proceed in accordance with the submitted construction statement, no objection is raised. These comments relate to the potential impact on the SSSI as well as the European site. 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) - the application site is adjacent to the Morecambe Bay Special Protection Area but, given the relatively small-scale and low-impact nature of the scheme, no harm to the special nature conservation interest of the SPA is anticipated. The new huts would be constructed within the existing structure and so construction would be relatively low-impact with no large construction vehicles or plant and with any construction compound being small. Such a compound could be accommodated within the existing structure or on the nearby car park or access road. No new access would need to be created. No loss of biological heritage site (BHS) or SPA land would result. No indirect disturbance to the BHS is anticipated and any disturbance to the SPA would be temporary and low-level. The exposed position and public use of the existing structure means that it's potential to support bats or nesting birds is low. The risk to protected species is therefore low. Natural England requires works to be undertaken during summer months and GMEU would defer to them on this issue. It is noted that the main aggregations of birds off Fleetwood are associated with Rossall Point some 2km to the west and the marine lakes. The application site is already well-visited and any relatively small increase in visitor numbers that may result would not lead to a substantively increased level of disturbance. On this basis, no objections based on nature conservation grounds are raised.

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) originally submitted with the application was incorrect but has since been amended and is acceptable. Flood-proof doors have now been proposed on the seaward side of the beach huts and these are considered acceptable to ensure that the huts would be adequately safeguarded from flood risk. As such, no objection is now raised.

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 44 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
- The huts would attract anti-social behaviour and have the potential to be a source of fire that would damage the Marine Hall
- The huts would be hidden under the colonnade and so would not look out over the beach
- The development would compromise long views across the beachfront.

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 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. Each beach hut would be clad in fake timber with grey window frames. This cladding has been used elsewhere on the Promenade with success. 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. As the beach huts would be contained within the colonnade, long views from the Promenade would be unaffected. The huts would have a direct view over the beach.

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 and the resultant development would have a coherent appearance.

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. Sections 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. 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. Since the application was considered in January, Natural England has now reconsidered their original advice and has confirmed that, subject to the development proceeding in accordance with the submitted construction statement, no conditions would be required and no objection is raised. GMEU have been consulted in relation to potential impacts on protected species and the locally designated nature conservation asset and have concluded that the risk to protected species is low. On this basis, no ecological harm is considered likely.

#### 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. 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. 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.

9.26 There is no justifiable reason to suppose that the beach huts would attract anti-social behaviour or be a target for arson.

## **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, it is recommended that 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: -**

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 and Sequential Test (received 10th December 2015)
- Demolition plan ref. 003/15/P3
- Proposed plan ref. 001/15/P5 Rev B
- Proposed plan ref. 001/15/P3 Rev B

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

Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. The external elevations of the development hereby approved shall be clad in untreated frake timber cladding in 190mm board lengths. The window frames shall be finished in anthracite grey RAL no. 7016.

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. For the purpose of this condition, personal items associated with the use of the beach huts would include but not be limited to items such as clothing, sports equipment, inflatables for use in the water, cooking equipment, decorations, furniture and plants.

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

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.

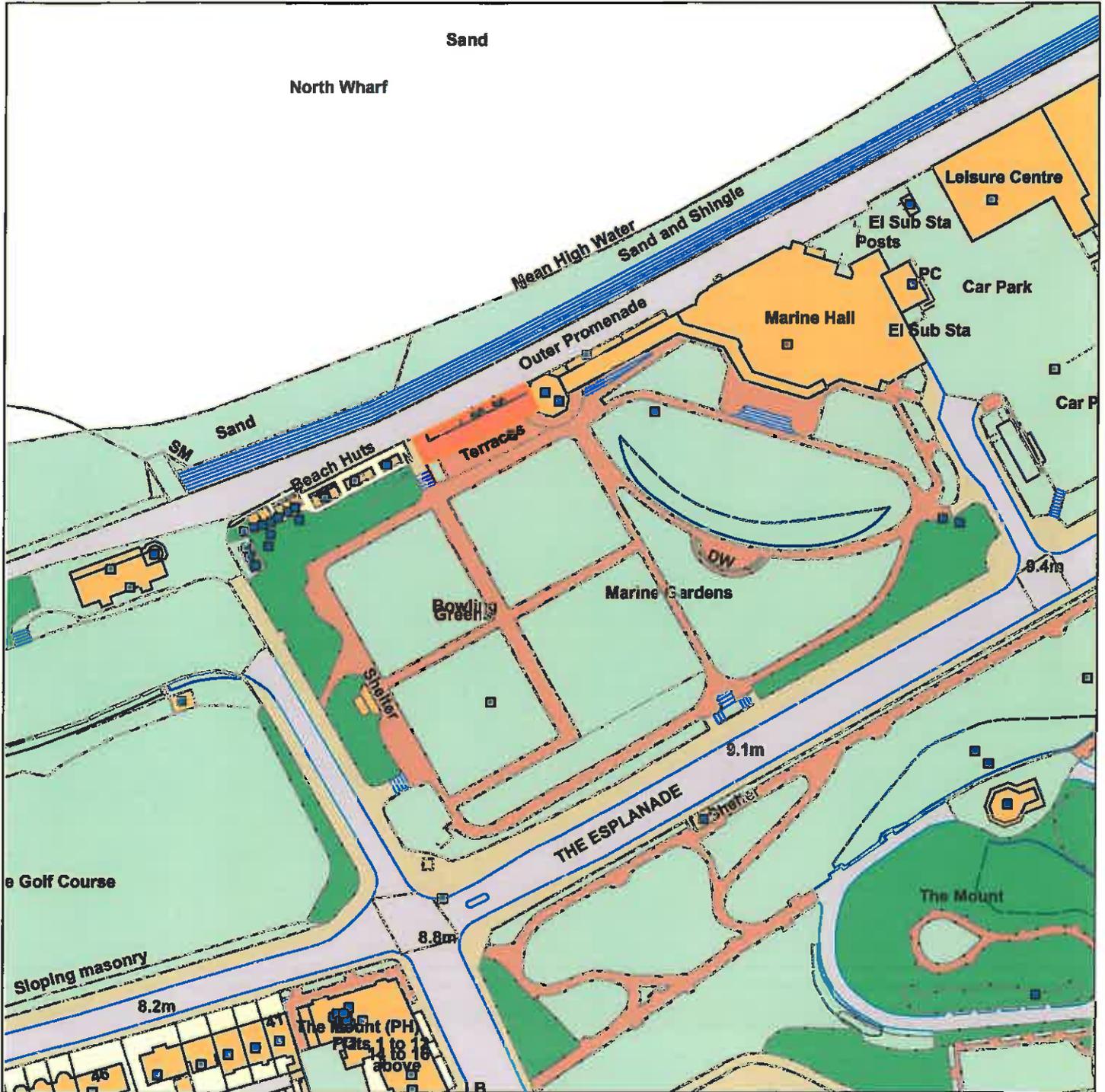
6. The development hereby approved shall be carried out in full accordance with the details set out in the Design Clarification statement submitted on 19th January 2016.

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.

arm/rg/pla/17/0302nc2(1)

# Planning Committee

15/00927 - Marine Hall, The Esplanade, Fleetwood



Scale : 1:1704

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	ITEM 1
<b>Date</b>	18 January 2016
<b>SLA Number</b>	10008720

**Committee Report****Date: 03.02.2016**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>15/00963/REM</b>
<b>Proposal</b>	<b>Reserved matters application for the erection of a two-storey detached dwelling and associated garage</b>
<b>Location</b>	<b>Land North Of Ayngarth Wallace Lane Forton Preston Lancashire PR3 0BB</b>
<b>Applicant</b>	<b>Mr Ken Parker</b>
<b>Correspondence Address</b>	<b>c/o M L Planning Ltd FAO Mrs M Lawrenson 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston Lancashire PR3 0PL</b>
<b>Recommendation</b>	<b>Permit</b>

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

1.1 This planning application has been requested to be presented before Planning Committee at the request of Councillor V Wilson. The Outline application for this development was considered and approved by the Planning Committee at the meeting on the 1 July 2015.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site relates to a rectangular parcel of undeveloped land (approximately 975sqm) located on the eastern side of Wallace Lane and the western side of Preston Lancaster Road (A6) in the rural settlement of Forton. The site has an established vehicular access from Wallace Lane and a pedestrian access from the A6 to the east. The site is completely grassed over with no trees located within and the land levels substantially decrease in gradient towards the east. There is a septic tank located approximately half way into the field adjacent to the northern boundary which serves the adjacent neighbouring dwellings. The site is bound to the north, east and west by mature and well established hedgerows of mixed species and a low level timber post fence to the south.

2.2 The surrounding area is mixed in character with a number of large residential dwellings sporadically located along Wallace Lane. To the north is a large two storey dwelling known as Beech Lyn and to the south is a bungalow known as Ayngarth which has a small detached pitched roof garage adjacent to the access of the site. To the east of the A6 are rolling agricultural fields with distant views in to the Forest of Bowland Area of Outstanding Natural Beauty. The site is allocated as 'Countryside Area' within the Wyre Borough Council Local Plan proposals map and is

not affected by any other sensitive designations or constraints. Beyond the eastern boundary adjacent to Preston Lancaster Road (A6) is a 2.5m wide grass verge with a bus stop positioned directly opposite.

### **3.0 THE PROPOSAL**

3.1 This application seeks to apply for all the remaining reserved matters to application 15/00269/OUT which was granted outline planning permission for the erection of one detached dwelling house with access and associated parking. Access was approved at outline stage. This application seeks to apply for appearance, landscaping, layout and scale for the dwelling.

3.2 The proposed dwelling measures approximately 9.8m wide x 16.5m in depth with a ridge height of 7.3m. The highest point of the eaves measures 5.2m and to the front where the roof slope continues to ground floor level the eaves measure 2.8m. The roof is to be hipped and constructed from natural slate with the provision of a small pitched roof dormer to the front which measures approximately 1.7m wide x 2m in height. To the rear there is a single storey pitched roof extension and on the north facing side elevation is a projecting chimney. The detached pitched roof garage which is to be sited to the rear against the southern boundary measures 3.6m in width x 8m in length x 2.5m to the eaves and 3.5m to the ridge.

3.3 The proposed property is to be set back and sited 12m east into the site from Wallace Lane and is to be set in from the northern boundary by 2m. The proposed site plan demonstrates parking to the front and side of the dwelling. The cross section plan provided demonstrates that the proposed dwelling will be excavated in to the site with the base of the house set 1.8m below the road level on Wallace Lane. Construction materials comprise of red brick, painted render and natural slate. Decorative quoins are also proposed to each corner of the dwelling.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The most relevant application in relation to this proposal is application 15/00269/OUT for an outline application for the erection of one detached dwelling with associated access and parking. The application was approved by Members of the Planning Committee on the 1/07/2015 subject to conditions.

4.2 The site also has the following associated planning history:

4.3 15/00750/REM - Reserved Matters application for the erection of one dwelling with associated access and parking and detached garage - Withdrawn 3/11/2015

4.4 12/00507/OUT - Outline planning application for detached dwelling and garage/stable - Refused 4/12/2012

4.5 99/00700/FUL - Detached garage and alterations to vehicular access - Permitted

### **5.0 PLANNING POLICY**

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 Achieving sustainable development -The planning system should play an active role in guiding development to sustainable locations. There is a need for the

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

5.1.2 In decision making there should be 12 principles which include supporting sustainable economic development and responding positively to wider opportunities for growth. The needs of the business community should be taken into account. A high quality of design and amenity are needed. The re-use of existing buildings should be supported and mixed use developments promoted.

5.1.3 Section 1 - Delivering sustainable development - Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of business. Local Planning Authorities should be proactive to meet the development needs of business.

5.1.4 Section 6 - Delivering a wide choice of high quality homes  
Boost significantly the supply of housing. Provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development. Deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

5.1.5 Section 7 - Requiring good Design- Paragraph 56 states that the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement paragraph 64 (under the design section) clearly states that 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. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.1.6 Section 9 - Promoting Healthy Communities  
Paragraph 69 indicates that the planning system plays a vital role in facilitating social interaction and creating healthy, inclusive communities. In relation to housing development, planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Development proposals should contain clear and legible pedestrian routes and high quality public space in order to encourage active and continual use of public areas. In order to promote healthy communities the Framework also states that Local Planning Authorities should take a proactive, positive and collaborative approach to meet education requirements (school places) to meet the needs of existing and new communities (para 71).

5.1.7 Section 10 - Meeting the challenges of climate change, flooding and coastal change - Inappropriate development in areas at risk of flooding should be avoided by

directing development away from increasing areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

5.1.8 Section 11 - Conserving and enhancing the natural environment - Requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

## 5.2 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

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

- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of design and amenity
- Policy ENV7 - Trees on Development Sites

## 5.3 SUPPLEMENTARY PLANNING GUIDANCE

The following Supplementary Planning Guidance is 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 developments

## 5.4 EMERGING WYRE 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 17 of June and the 7 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:

- CS8 (Strategy for Central Rural Plain)
- CS13 (Sustainable Development)
- CS14 (Quality of Design)
- CS16 (Transport, Accessibility and Movement)
- CS19 (Biodiversity and Geodiversity)
- CS24 (The Countryside)
- CS25 (Flood risk and Water Resources)

## **6.0 CONSULTATION RESPONSES**

6.1 FORTON PARISH COUNCIL - Objects to the proposed dwelling on the grounds that the dwelling has a large foot print that would overlook the other houses and there is no drainage point/water course and there are concerns the new septic tank will exacerbate flooding on Ayngarth's land. The Parish Council feel that a bungalow would be more acceptable on the land which has a small frontage.

6.2 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION CONTROL) - No objections

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report 4 letters of objection have been received. The primary reasons for opposition are set out below:

- Excavations required are inaccurate
- Impacts upon ecology (Great Crested Newts)
- Inaccurate plans and dimensions
- A proper ground survey has not been carried out
- Surface water runoff ,impacts upon neighbouring properties
- Revised plans still entirely out of scale with the plot
- Out of scale with its surroundings and overbearing
- Building close to boundary with Ayngarth
- Overbearing and dominating impacts on Ayngarth and Beech Lyn
- Overlooking/Loss of privacy impacts
- Impacts upon existing neighbouring garage
- Impacts upon building line
- Impacts upon foul and surface water drainage
- Overdevelopment of plot
- Impacts upon trees/hedgerows

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

8.1 Discussions have been undertaken with the applicant and agent to provide revisions which would reduce the scale, bulk and massing of the property along with revised plans annotating that some of the side facing windows should be obscure glazed. Additional sectional and ground level plans have been requested and subsequently provided.

## **9.0 ISSUES**

9.1 The main key issues in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Area
- Impact on Residential Amenity
- Impact on Highways / Parking
- Other Matters

## Principle of Development

9.2 The principle of the proposed dwelling in this location has already been established and approved under application 15/00269/OUT. As part of the previous approval access was also applied for and deemed to be acceptable subject to conditions. Concerns from neighbouring residents have been raised that specific issues have not been addressed through this reserved matters application. As part of the Case Officer's assessment of the outline application the impacts upon highways, contamination, trees and hedgerows, drainage and flood risk along with ecology and nature conservation were all assessed and the appropriate and necessary conditions were imposed on the decision notice. This application seeks consent for appearance, layout landscaping and scale only for the single dwelling, as such the relevant material planning considerations are to be assessed, all of which are set out below within this report.

## Design and Impact on the Character and Appearance of the Surrounding Area

9.3 The proposed dwelling is to be set back 12m from Wallace Lane and will share a similar building line to that of the two adjacent residential properties, Ayngarth which is located 9m to the south and Beech Lyn which is sited 30m to the north. Wallace Lane comprises of varying house types and designs which are constructed of a mixture of materials. In the immediate vicinity of the site to the west on the opposite side of the highway is a large detached two storey red brick dwelling house known as Ashcliffe, this property is set back in to the site by approximately 14m. To the north beyond the boundary hedge is Beech Lyn which again is a two storey detached dwelling and is constructed of a mixture of redbrick with white painted render with a natural slate roof. Towards the south is a detached pitched roof bungalow known as Ayngarth which is made up of painted render under a concrete tiled roof and has a small detached prefabricated garage adjacent to the site access.

9.4 In this instance and following a number of revisions, the proposed dwelling is considered to have been designed to integrate within the street scene and the surrounding rural environment. The scale is seen to be proportionate to the width of the plot along with the separation distances between neighbouring properties. The visual bulk and massing is broken up and reduced by reason of the hipped slate roof in conjunction with the part subservient front elevation with low level eaves line. The mixtures of materials which includes red brick and render also breaks up the massing whilst at the same time is seen to reflect the pallet of materials within the street scene in particular the neighbouring properties. When viewed from both the A6 (Lancaster Road) and Wallace Lane it is considered that the proposed property at the scale and appearance proposed will not appear as an incongruous form of development. With regards to the bulk and massing the sectional plan submitted with the application demonstrates that the ridge height of the proposed dwelling will be 0.3m higher (1.1m difference in eaves level) than that of the bungalow to the south (Ayngarth), this is due to the site being on a higher land level. Concerns have been raised by residents that the excavation of the site will potentially result in adverse impacts upon the boundary hedging. A condition requiring a detailed scheme for the protection of trees and hedging is included on the outline consent (app 15/000269/OUT).

9.5 Saved Policy SP14 of the Local Plan requires new development to be acceptable in the local landscape and in terms of its scale, mass, style, siting and use of materials. In this instance, following a number of amendments including the reduction in the scale and design of the dwelling the proposal now complies with both the provisions of SP14 and Section 7 of the NPPF which highlights the importance of achieving high quality and inclusive design for new development.

## Impact on Residential Amenity

9.6 In assessing the impacts upon the neighbouring properties the proposal has been considered against the Spacing Guidance for New Housing Layouts as set out within Supplementary Planning Guidance Note 4. An assessment of each of the immediate neighbouring properties is set out below:

### Ayngarth

9.7 Ayngarth is sited 9m to the south of the southern elevation of the proposed dwelling. It takes the form of a pitched roof detached bungalow that sits at a lower land level to that of Wallace Lane and benefits from a modest rear garden of a similar scale as to that of the proposed dwelling. It has two detached garages, one of which is close to the sites access and one which projects and sits against the northern boundary of the site. Following the Case Officer's site visit a number of concerns relating to overlooking and loss of privacy had been raised and put to the agent to address. Although Ayngarth does not have any windows sited on its northern gable elevations, at two storeys the windows shown on the side facing elevation of the proposed dwelling would have looked directly into the rear garden of Ayngarth. As such the agent has now provided a revised plan showing the first floor window and the ground floor window (both of which serve bathrooms/ en-suites) to be installed with obscure glazing. These can be conditioned to be obscured prior to first occupation of the dwelling. Whilst the single storey rear extension does have a large bi-folding door on the same elevation this will be fully screened by the proposed and neighbouring garages and it is considered would not result in any overlooking or loss of privacy. It is considered that the bulk and massing along with any overbearing impacts on Ayngarth have been addressed by amendments to the design of the dwelling.

### Beech Lyn

9.8 Located 26m to the north is a large detached dwelling known as Beech Lyn which has a number of associated outbuildings. Separating Beech Lyn and the application property is a fenced paddock area with mature and established vegetation and trees in the south western corner. Although this land is clearly within the same ownership and is associated to the dwelling it is not considered to be its private amenity area or its domestic curtilage. Given the separation distance of approximately 26m from the side elevation of the proposed dwelling there is not considered to be any adverse or detrimental impacts upon the amenity of Beech Lyn in terms of overbearing impacts or loss of privacy/light. The first floor side elevation (north) on the proposed dwelling has also been annotated to be obscure glazed. The ground floor windows will be screened by the mature and high-level boundary hedgerow which is to be fully retained and will prevent any overlooking or loss of privacy at ground floor level. In this instance the separation distance exceeds that set out within SPG4 and is in accordance with the provisions of SP14.

### Ashcliffe

9.9 Ashcliffe is located on the opposite side of Wallace Lane and is set back from the highway by 14m. The overall separation distance from the front elevation of the proposed dwelling and Ashcliffe is approximately 31m this exceeds the requirement of 21m as set out within SPG4. Given the separation distance and the variation in gradient which as a result will mean the proposed dwelling will sit on a

lower level to that of Ashcliffe the proposal is not considered to result in any adverse or detrimental impacts.

9.10 Whilst the observations and comments received from neighbouring residents have been taken in to consideration for the reasons set out above it is considered that the proposed dwelling would not have any overbearing, adverse or detrimental impacts upon neighbouring amenity subject to conditions relating to the provision of obscure glazing. The concerns raised relating to legal rights to the neighbouring septic tank is not a material planning consideration and is a private matter between the two parties.

#### Impact on Highway / Parking

9.11 The impacts upon the highway from the proposed dwelling including details of the access have been considered, approved and conditioned as part of the outline application. Lancashire County Highways have confirmed that they have no objections to the erection of a two-storey detached dwelling and associated garage and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity. The proposed detached garage internally measures 3m x 7.5m which is an acceptable standard and the plans demonstrate room for parking behind the building line and to the front along with a swept path analysis demonstrating that vehicles can enter and leave in a forwards gear.

#### Other Matters

9.12 As set out in Paragraph 9.2 matters such as drainage, contamination, impacts upon ecology/trees have already been assessed as part of the outline application. Conditions have been attached requiring a full scheme for the protection of trees/hedgerows, a desk top survey to be undertaken in relation to land contamination, full details of surface and foul water drainage to be provided and the implementation of the protective measures set out within the ecological assessment. The agent has confirmed that apart from the engineering of the land levels as shown on the submitted sectional plan the landscaping will remain as existing. The boundary hedges are to be retained with the exception of a small part along the site frontage which is to be reduced to provide adequate visibility towards the north, and the rear garden is to remain open and grassed as existing. Given the extent of the rear garden and the proximity to the highway it is recommended that a condition removing Permitted Development Rights for outbuildings should be attached.

### **10.0 CONCLUSION**

10.1 The proposal is considered to satisfy current local and national planning policy as established through the outline planning permission. The design of the dwelling is considered acceptable and complies with Saved Policy SP14. It is considered that the siting of the house gives sufficient space between it and the boundaries to the adjacent dwellings so as to limit the impacts upon neighbouring residents and that there is also limited impact on the overall character and appearance of the area. Subject to conditions it is recommended that the proposal can be fully supported.

### **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 the approval of the reserved matters subject to conditions

### **Recommendation: Permit**

#### **Conditions: -**

1. 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 24/11/2015 including the following plans:

- Location Plan
- Revised Proposed Site Plan, Elevation plan and Floor Plans Drawing Number LF/KP/3005
- Cross Section Plan Drawing Number LF/KP/3006

2. No occupation or use of the development shall occur until the first floor window on the northern elevation and all of the windows on the southern elevation (with the exception of the single storey rear extension) have been fitted with obscure glazing at grade level 5 (where 5 is the most obscure and 1 the least) in accordance with the approved plan drawing number LF/KP/3005. The windows and any subsequent replacement glazing shall be maintained and retained in the same level of obscure glazing at all times thereafter.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling 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.

4. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no structure or enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of the dwelling hereby approved without the express permission of the local planning authority.

#### **Reasons: -**

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

2. To protect the residential amenity of the adjacent neighbouring properties from overlooking and loss of privacy and in accordance with Saved Policy SP14 of the Local Plan.

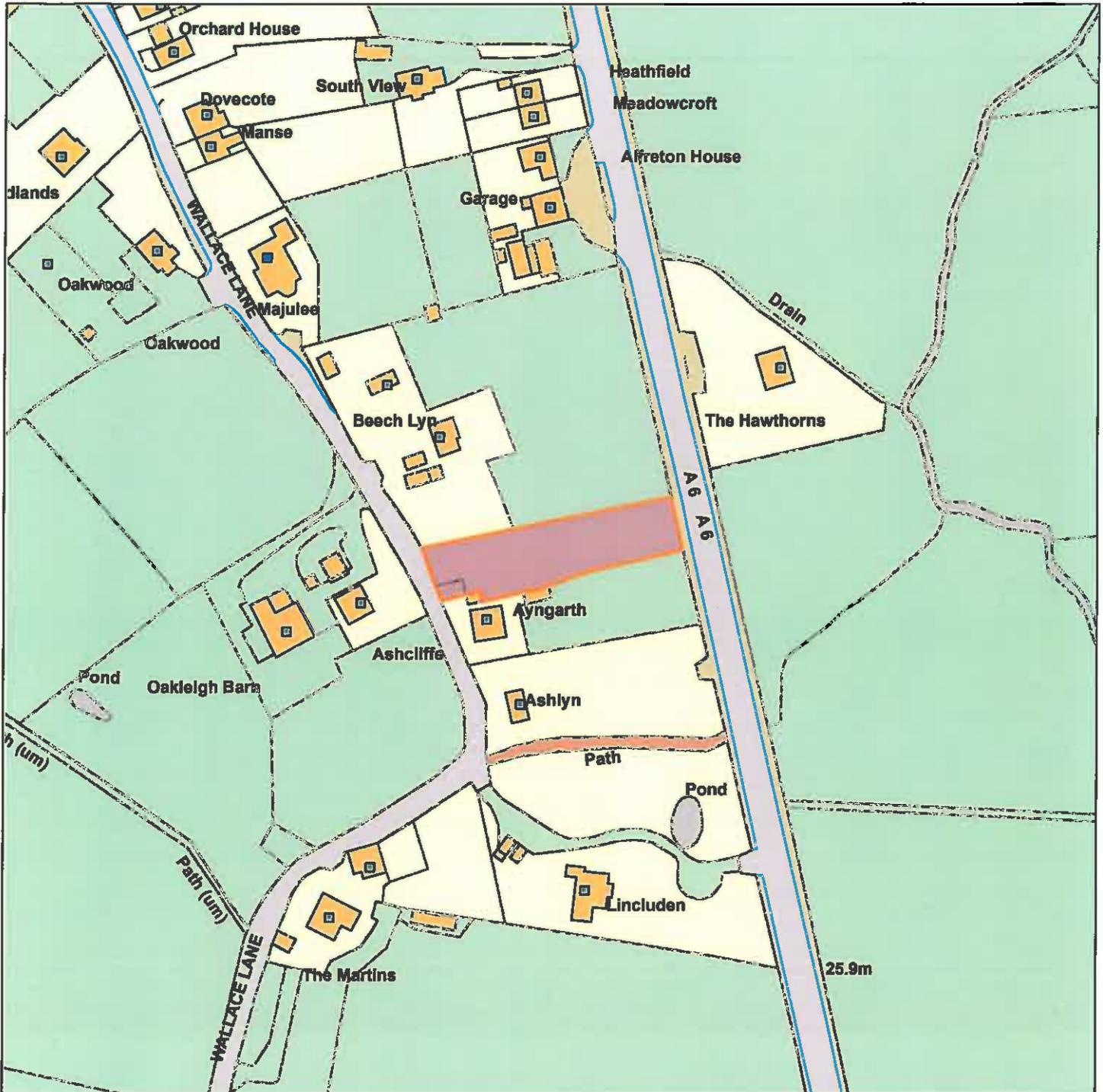
3. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. In the interest of the amenity of the area and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

arm/16/rg/pl/cr/0302(2)

# Planning Committee

15/00963 - Land North of Ayngarth, Wallace Lane Forton



Scale : 1:1704

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	ITEM 2
<b>Date</b>	18 January 2016
<b>SLA Number</b>	10608720