

# Planning Committee Agenda

## 02 August 2023

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2	23/0347	1 ROSEACRE DRIVE, ELSWICK, LANCASHIRE. PR4 3YL  CHANGE OF USE OF DWELLINGHOUSE (USE CLASS C3) TO A HOME FOR ONE YOUNG PERSON (NO OLDER THAN 18 YEARS OF AGE) WITH CARE PROVIDED 24 HOURS A DAY BY UP TO THREE NON-RESIDENT CARERS WORKING IN SHIFTS (USE CLASS C2) - RETROSPECTIVE APPLICATION	Grant	20

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### Background Papers

The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

- Fylde Local Plan to 2032 (incorporating Partial Review) – December 2021
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2021
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available online at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning)

## AGENDA FOR 2 AUGUST 2023 PLANNING COMMITTEE

### Item 1

<b>Application No:</b>	23/0024	<b>Case Officer:</b>	Rob Buffham Area Team 2
<b>Applicant:</b>	AC ELECTRICAL LTD	<b>Agent:</b>	MR DAVID HADWIN
<b>Location:</b>	LAND AT HOLLY CLOSE, WESTBY WITH PLUMPTONS, FY4 5QP		
<b>Proposal:</b>	ERECTION OF BUILDING TO PROVIDE FIVE SINGLE STOREY UNITS FOR LIGHT INDUSTRIAL (CLASS E (g)(iii)) OR STORAGE AND DISTRIBUTION (CLASS B8) USE, WITH ASSOCIATED ACCESS FROM HALLAM WAY, CAR PARKING AND LANDSCAPING ARRANGEMENTS.		
<b>Ward:</b>	Warton and Westby	<b>Parish:</b>	Westby with Plumptions
<b>Statutory Expiry:</b>	4 August 2023	<b>Earliest Decision:</b>	11 July 2023
<b>Reason for any delay:</b>	Awaiting amended or additional details from applicant/agent		<b>Online application file <a href="#">here</a></b>

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

The proposal relates to a vacant land parcel within the Whitehills Industrial Estate, located south of Hallam Way, and east of Holly Close. It is an Existing Employment Land Allocation in the Fylde Local Plan to 2032 (Incorporating Partial Review). The site is devoid of any buildings or structures and has been used as a site compound relative to the delivery of business units immediately to the south of the application site and so currently has elements of spoil, cabins and materials in situ.

The locality is defined by commercial properties, including industrial, large scale garden centre, builders' merchants, hotel and public house. The existing built form is characterised principally by front facing buildings that are set back from the road behind landscaping, and open frontages formed by car parking with landscaped edges. Buildings are predominantly of industrial scale and appearance, being constructed of light grey cladding with a mix of dual, hipped and curved roof forms.

The proposal is a full planning application for the construction of a single building to be divided into 5 small scale industrial units to be available for either Use Class E (g) (iii) (light industrial use) or Use Class B8 (storage or distribution). The access is to be from Hallam Way with car parking for 66 spaces provided, including 6 disabled and 5 electric vehicle charging bays, with infrastructure for additional provision when demand dictates, and landscaping arrangements.

The proposal will facilitate job creation (up to 30 jobs reported) and will develop an Employment site allocated in the Fylde Local Plan to 2032 (Incorporating Partial Review), for which Policy EC1 affords support in principle for the land uses applied for.

The development is of appropriate appearance and in-keeping with the character of the area, providing regeneration benefit through the redevelopment of an unsightly land parcel. Following external consultation with statutory consultees it is determined that the proposal would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note. Moreover the proposal provides for a satisfactory relationship to neighbours of the site.

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The proposal therefore accords with the development plan and NPPF21, consequently it can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21 and is therefore recommended for approval to Members of the Planning Committee.

### **Reason for Decision Level**

The application is for 'major development' and so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application site is located on a vacant parcel of land within the Whitehills Business Park, immediately south of and situated between 2 roundabout junctions on Hallam Way. The site is presently occupied by surplus spoil, storage cabins and excess construction materials associated to the adjoining industrial development to the south. Temporary Heras fencing forms a secure boundary line to the site.

The site is within a commercial area with similar light industrial and storage uses within relatively new industrial buildings to the south and south east, MKM builders merchants is to the west with a public house and hotel adjoining to the east. The character of the locality is formed by existing built form set back from the road behind car parking and/ or landscaping, with buildings being of industrial scale and form, oatmeal coloured brick and grey cladding – with the exception of the branded green cladding to Travis Perkins. The wider Whitehills Employment Park has a mix of industrial and commercial development including office space, general industrial use, builders' merchants as well as indoor sport/ recreational uses.

The application site is allocated as an Existing Employment Site, as per the Fylde Local Plan to 2032 (Incorporating Partial Review) proposals map.

### **Details of Proposal**

Planning consent is sought for the erection of a single building split into 5 industrial units, with the uses specified to be:

- E (g) (iii) (light industry) – former B1 land use.
- B8 (storage and distribution).

The scheme proposal reflects that of those to neighbouring plots located to the south and south west, in regards to layout and appearance. It has a back to back relationship with the building located to the south, consisting of a single block of accommodation, with a front facing aspect over a shared car park (66 spaces) and yard area toward Hallam Way. Peripheral landscaping is provided to the north, west and eastern margins of the site.

The building measures 25m x 85m x 9m (7.8m to eaves), having a dual pitched roof and constructed of Oatmeal coloured brick with vertically and horizontally fixed light grey cladding, identical to the neighbouring property. There are 4 differing floor spaces specified – 287sqm, 410sqm, 2 no. 433 sqm and 1 no. 455sqm.

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### Relevant Planning/Appeal History

No relevant history on this plot.

### Parish/Town Council Observations

Parish/Town Council	Observations
Westby with Plumpton Parish Council	No objections.

### Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	No objection and confirmation that a land contamination condition is not needed.
Lead Local Flood Authority	No objection subject to conditions relating to final surface water drainage design. construction surface water management plan, management and maintenance of sustainable drainage, and verification of as built surface water drainage.
Health & Safety Executive	HSE does not advise, on safety grounds, against the granting of planning permission in this case.
United Utilities	No objection subject to conditions relating to ensuring drainage accords with submitted drainage design, the management and maintenance of sustainable drainage, and the protection of on site UU infrastructure during construction.
Local Highway Authority	<p>No objection subject to conditions.</p> <p><i>The proposed site access as shown on "Proposed Site GA" [Dwg No: A022/229/BR/01 Rev: E] is acceptable and can be supported.</i></p> <p><u>Vehicle Tracking</u>  <i>Following discussions between LCC Highways and representatives of the applicant, it has been agreed that typical servicing of the proposed units will not be carried out by HGVs.</i></p> <p><i>If HGVs did access the site, it is LCC Highways that they are able to manoeuvre safely within the site and enter and exit the site safely. The two existing roundabouts on either side of Hallam Way provide safe means for HGVs to make u turns thus allowing the vehicles to enter and exit safely by utilising right turn manoeuvres.</i></p> <p><i>It is LCC Highways opinion that the proposed site access and internal manoeuvring only provide safe HGV access where HGV numbers are low.</i></p> <p><u>Internal Highway Layout</u></p>

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	<p><i>As proposed the internal highway layout including proposed car parking is acceptable and can be supported by LCC Highways. The proposed car parking exceeds the minimum required as stated in the Joint Lancashire Structure Plan 2016 which would require 45 car parking spaces to be provided.</i></p> <p><i>The proposed pedestrian walkways throughout the intern highway are acceptable and can be supported.</i></p> <p><u>Suggested Conditions</u></p> <ul style="list-style-type: none"> <li>• Provision of parking, pedestrian walkways and manoeuvring areas prior to first use.</li> <li>• Construction Traffic Management Plan.</li> <li>• Car parking and manoeuvring area to be constructed to LCC specification to at least base level before any development takes place.</li> <li>• Access and off site highway works design.</li> </ul>
Fire Service	No objection to the planning application but do make reference to building control requirements that the development must adhere to.

### Neighbour Observations

<b>Neighbours notified:</b>	7 February 2023
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	7 February 2023
<b>Press Notice Date:</b>	7 February 2023
<b>Number of Responses</b>	Total number of comments      0

### Relevant Planning Policy & Government Guidance

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

#### **Fylde Local Plan to 2032 (incorporating Partial Review):**

EC1 - Overall Provision of Employment Land and Existing Employment Sites

EC2 - Employment Opportunities

GD7 - Achieving Good Design in Development

T5 - Parking Standards

ENV2 - Biodiversity

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

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### Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### Comment and Analysis

The main issues pertinent in the assessment of the proposal are:

- Principle of use.
- Design.
- Highways.
- Amenity.
- Flood Risk and Drainage.
- Ecology.

### **Principle of Use**

The site is designated as an Existing Employment allocation in the FLPPR making Policy EC1 of relevance. This supports industrial land uses including B1(a), B1(b), B1(c), B2 and B8, within such areas.

The proposal seeks consent for construction of business units, with the following use classes sought:

- Class E(G)(III) – any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.
- Class B8 - storage and distribution

Members should note that Class E(G)(III) is a relatively new classification that has replaced the former B1 light industrial use class that are referenced in the Local Plan.

The land uses proposed are consistent with those advocated by Policy EC1.

The applicant has confirmed that there are presently no end users for the Units proposed, however it is estimated that the proposal could generate up to 30 jobs based on the typical occupancy rates of a building of this scale and nature. The proposal will develop an employment allocation and will facilitate job creation both as a direct consequence of units proposed, but also during the construction process. This will help preserve and develop a strong, vibrant and sustainable economy within the Fylde Borough in accordance with the Strategic Objectives of the Fylde Local Plan and NPPF21.

The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) allows the permitted change of use (without the need for planning consent) from within the Class E category, to any other use within that classification (including to retail, food and drink). To ensure continued compliance with Policy EC1 and so as not to encourage town centre uses within this location, it is necessary to impose a land use restriction requiring that the development be occupied by Class E(G)(iii) and Class B8 uses only.

Subject to the above restrictions, the proposal is consistent with Policy EC1 and the principle of the proposal in this location is therefore considered acceptable.

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### Design

Policy GD7 requires development to be of a high standard of design, taking account of the character and appearance of the local area, referring to a number of criteria to meet this aim. Those relevant to the current proposal are:

- d) siting, layout, massing, scale, design, building to plot ration and landscaping relate well to surrounding context.
- f) conserving and enhancing the built environment.
- g) applying Secured by design principles.
- h) avoiding demonstrable harm to the visual amenities of the local area.
- i) Positive contribution to the character and local distinctiveness of the area.
- j) parking should be safe, accessible and sympathetic to the surrounding area.
- m) protect existing landscape features.

The site is one of several undeveloped land parcels within this area of Whitehills, representing an unkempt infill plot that presently detracts from the area. It is located adjacent to Hallam Way which is the main access road through Whitehills and is therefore the site is a prominent feature in the street scene.

The site is neighboured by employment and commercial development with buildings in the vicinity of mixed appearance and scale, with oatmeal brick and light grey profiled metal sheet cladding being the predominant construction material. The layout of existing development has ensured that buildings are set back from roadways where feasible, behind landscaped car parking areas, which help to soften the bulk and massing of buildings within the employment area.

The building footprint proposed is set back from and has a front facing aspect to Hallam Way, behind a landscaped car park and service yard area. There is a 'no build zone' to the western boundary of the site adjacent to Holly Close due to the presence of a gas main, which will be landscaped. The design approach encourages open views into the development and provides an active presence to the main street frontage, with the built form softened by the peripheral planting proposed. Ancillary structures such as bin and cycle stores are also located to the building ends, acting to keep the front space open and free from development.

The external appearance of the building is designed to mirror the recently constructed employment sites to the south and south west that have also been developed by this applicant, being constructed of light grey cladding, dark grey doors and an oatmeal coloured brick, measuring approximately 9m to ridge (7.8m to eaves).

The proposed design and layout of the development is therefore considered to be in-keeping with the commercial nature of the locality, importantly providing an open and landscaped frontage to the main street scene of Hallam Way. The development will rejuvenate a parcel of land that currently detracts from the visual appearance of the area, providing regeneration benefit, in accordance with the provisions of Policy GD7.

### Highways

FLRRP policy GD7 supports good design that would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user (q), and, encourages alternative modes of transport including walking and cycling (r). Similarly Policy T4 also encourages walking and cycling to improve quality of life and reduce the Boroughs carbon footprint. Policy T5 relates to parking provision

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and indicates that a flexible approach to the level of car parking provision will be applied dependent on the location of the development.

Paragraph 110 b) of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all users, and, 110 d) improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is to be accessed via a vehicular entrance located centrally between two roundabout junctions on Hallam Way. This access has been designed so as to accommodate the largest of vehicles, with reversing areas available to accommodate the needs of HGV vehicles if needed. There is sufficient space on site for such vehicles to turn around and exit the site in forward gear, as demonstrated by vehicle tracking drawings within the submission. Two separate pedestrian access points are proposed to the east and western boundaries which link to the existing footpath network, with safe routes through the car park to building entrances being delineated. 66 car parking spaces (6 disabled and 5 electric vehicle charging bays - with infrastructure for further provision when required by the end user) are provided.

There is presently a high demand for car parking in the area, with parking from existing uses being displaced to surrounding streets. This on street car parking has reduced road widths to single lane in places impinging upon the free flow of traffic and is especially apparent on Hallam Way. It is important that new development does not exacerbate this situation and appropriate car parking, that accords with adopted standards, is provided. In this regard, given the speculative nature of the development, end users are not known at this present time and it is therefore appropriate to plan for a worse case scenario, with an assumption that the development would be occupied by the higher car park generating Use Class (E(G)iii). The parking standard for this use, as per the emerging 'Parking on New Developments Supplementary Planning Document', is 1 space per 45sqm, which, based on a proposed internal total floor area of 2018sqm equates to a requirement of 45 spaces for the development. The provision of 66 spaces within the scheme is therefore above the adopted standard.

This does establish a surplus of 21 parking spaces, which in many cases would be a concern as it 'promotes' private car use over other travel means. Notwithstanding that, the provision of surplus spaces acts to future-proof the development and ensures that appropriate car parking provision will be available in the event that floor space within the Units is increased through mezzanine insertion to meet the growing needs of any tenants.

Nonetheless, it is important that the amount of mezzanine floor space is equivalent to the surplus parking spaces in order to ensure that a deficiency of parking on the site does not occur and so as to avoid displacement of vehicles to surrounding roads. It is therefore reasonable to restrict any future mezzanine insertion to the amount of floor space that would be supported by the surplus parking spaces. The surplus 21 parking spaces is equivalent to 945sqm of Class E(G)(iii) floor space (approximately 45% of the internal floor area of the building proposed), and a condition restricting mezzanine floor space to 45% of each unit is advised.

It is inevitable that the development will attract additional vehicle movements to the area. Due to the nature and scale of the development the majority of movements will be outside of peak times and would not therefore have a significant impact on present or future highway capacity.

Lancashire County Council as Local Highway Authority has raised no objection to the proposal.



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On this basis it is considered that the development provides for a safe and suitable layout and that impact on the network would not be severe. It is therefore in accordance with the requirements of Policy GD7, and T5 of the Fylde Local Plan to 2032 in this regard.

### **Amenity**

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses and occupiers, and that existing uses in the local would not undermine amenity of proposed occupants. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours or those living within the development, or during the construction period.

The site is bound by commercial premises including similar industrial uses to the west, and public house/ hotel to the east. Housing is located 180m to the south west, to the opposing side of Lytham St Annes Way.

The separation distance between the application site and nearest dwellings is 180m+ at the closest point. Lytham St Annes way is also heavily trafficked which acts to increase ambient noise levels in the locality. These factors in combination ensure that the amenity of residents in the area is not undermined by the development.

A public house and hotel adjoin the application site to the east, with a single storey element of the public house having dining room windows adjacent to the application site. Notwithstanding, these windows are focussed toward the existing industrial building to the south and its own car parking area, any outlook would not be affected by the development to any significant extent. With regards to the hotel use, the public house building itself acts as a physical barrier between the proposal and bedroom windows, ensuring that any disturbance would be negligible.

The development is therefore considered to have an acceptable relationship to neighbouring premises and would not undermine the general amenity of the area, in accordance with FLP policy GD7.

### **Flood Risk and Drainage**

The site falls entirely within flood zone 1, as defined by the Environment Agency's Flood Map. The application is accompanied by a Drainage Strategy.

Policy CL1 requires all new development to minimise flood risk by a number of specific criteria, including ensuring use of sustainable surface water drainage solutions, ensuring new development is directed away from high risk areas of flooding (Flood Zone 2 and 3) and the incorporation of mitigation in lower risk areas. Policy CL2 provides detailed design guidance for surface water drainage strategies, including attenuation requirements.

The site is located within Flood Zone 1 and is not therefore considered to be at risk from or contribute to flood risk off site. The submitted drainage strategy refers to provision of separate surface and foul water discharges into the existing drainage networks. Surface water will have a restricted rate, attenuated by a holding tank situated beneath the car park.

United Utilities and the Lead Local Flood Authority (LLFA) have not objected to the proposal, though the latter have required further details of the drainage design by way of condition, as well a number of other conditions. On this basis, it is considered that adequate measures can be put in place in order

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to ensure appropriate drainage provision and that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

### **Ecology**

Policy ENV2 states that the Council is committed to the protection and enhancement of the boroughs biodiversity and geological assets. The strongest protection will be given to sites of international importance (Ramsar, Special Area of Conservation, Special Protection Areas or candidate sites of such). Development affecting sites of local importance will be permitted only where there is an overriding local public need. ENV2 also safeguards protected species and states that development that has any adverse effect will not be supported, unless the benefits of development outweigh the ecological impact, and subject to appropriate mitigation.

The site has no specific nature conservation designation in the adopted Local Plan. The site is of low ecological interest being used as a compound and spoil store relative to construction of the neighbouring development. The proposed layout makes provision for landscaping, including tree, hedge and shrub planting which should be recognised as a net gain for the ecological value of the site in the context of this scheme. This ensures compliance with Policy ENV2.

### **Conclusions**

The proposed use is acceptable for this Employment land allocation. The development is considered to be of appropriate appearance and in-keeping with the character of the area, providing significant regeneration benefit through the redevelopment of a prominent unsightly land parcel.

The development would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note and the development provides for a satisfactory relationship to neighbours.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21.

In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Location Plan - drawing no. A022/229/S/01
- Proposed Site GA - drawing no. A022/229/BR/01 revision F
- Proposed Elevations - drawing no. A022/229/BR/02 revision B

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Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the development hereby approved shall be used for the following use classes only:

- Class E(g)(iii)
- Class B8

and for no other purpose (including any other uses falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those classes in any statutory instrument amending or replacing that Order.

Reason: To ensure that the use of the premises remains compatible with the character of surrounding uses, to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; in accordance with the requirements of policies EC1 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the provision of any mezzanine floor within the development hereby approved shall, under no circumstances, exceed an area that is equivalent to 45% of the internal ground floor area of each unit as approved.

Reason: To ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 [as amended] or any other legislation that amends or re-enacts those Orders, any retail sales from the development hereby approved shall be limited to a level that is ancillary to the main use of the premises for wholesale distribution and under no circumstances shall exceed 15% of the floor area of each unit.

Reason: For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location, in accordance with Policy EC1 and EC5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

6. There shall be no external storage of any description on the site.

Reason: In the interests of the visual amenity of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

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7. No above ground works of development shall take place until details of the finished floor level of the building and ground levels for the external areas of the site, above ordnance datum, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the development and surrounding buildings and/or land uses before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

8. No part of the development hereby approved shall commence until a detailed scheme for the construction of the vehicular access arrangements and off-site highway improvements associated to that access has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phasing of those works, and then shall be implemented in accordance with the agreed phasing.

Reasons: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with policies GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

9. The access arrangements and off site highway works approved by the discharge of conditions 8, pedestrian access points, car parking (including 6 disabled and 5 electric vehicle charging bays), covered cycle store, vehicular manoeuvring areas and bin stores, as detailed on drawings titled 'Proposed Site GA' (drawing reference: A022/229/BR/01 revision F) and 'Proposed Bin Store, Bike Store and Car Park detail' (drawing no. A022/229/BR/22 revision A) must be made available for use prior to first occupation of the development, and retained thereafter for their intended purpose.

Reason: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved plans in the interests of highway safety and visual amenity, in accordance with the policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

10. The development hereby approved shall be constructed in complete accordance with the submitted Construction Management Plan (revision A received on 14th July 2023) and drawing titled 'Proposed CDM Plan' (drawing no. A022/229/BR/27 revision F).

Construction of the development, including site preparation and deliveries, shall only take place between the hours of 08:00 and 18:00 Monday-Friday and between the hours of 08:00 and 13:00 on Saturdays, with no works on Sundays or Bank Holidays.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

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11. Prior to commencement of each phase of the development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme(s) must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved scheme(s) shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to first use of the associated phase of development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

12. No development shall take place until a scheme for the management of surface water and pollution prevention during construction has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.

b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall thereafter be carried out in accordance with the duly approved scheme for the entirety of the construction period.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during the construction phase in order that it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result

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of the construction works does not adversely impact existing or proposed water bodies in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1, CL2 and GD9, and the National Planning Policy Framework.

13. Prior to first use of the development hereby approved, a Surface Water Verification Report for that phase of development shall be submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition 11 (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

Reason: To ensure that agreed surface water design is implemented so that the development is not at risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

14. Prior to first use of the development hereby approved, a lifetime management and maintenance plan for the approved foul and surface water drainage for that phase of development shall be submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and

- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be maintained and managed in accordance with the approved plan.

Reason: To ensure that flood risks from the development to the future occupiers of the development and the occupiers of neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development is constructed in accordance with the duly approved surface water drainage scheme and that suitable measures are put in place for its future management and maintenance in accordance policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

15. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing nos. A022/229/BR/23 revision G, A022/229/BR/24 revision D and A022/229/P/25 revision E shall be carried out during the first planting season that occurs before the development is substantially completed. The areas which are landscaped shall be maintained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene by providing tree lined streets and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

16. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, there shall be no erection of boundary treatments on the site until details (siting, height, design, materials and finish) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in full accordance with the duly approved details and shall be retained as such thereafter.

Reason: To ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 (incorporating Partial Review) and the National Planning Policy Framework.

17. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the building hereby approved shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

18. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review), the provisions of the Wildlife and Countryside Act 1981 (as amended), and the National Planning Policy Framework.

19. If, during development, contamination is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
  - a) a survey of the extent, scale and nature of contamination.

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b) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and, archaeological sites and ancient monuments.

c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings on the affected part(s) of the site are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD9 and the National Planning Policy Framework.

### Informative(s)

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by providing advice to the applicant/agent during the course of the application on potential problems and possible solutions.

2. Blackpool Airport Crane Height Informative:

At least 21 days before commencement of the development, the developer must email [safeguarding@blackpoolairport.com](mailto:safeguarding@blackpoolairport.com) if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. tower cranes, piling rigs).

Notification of the equipment shall be made

on the standard Crane Permit request form available on the Blackpool Airport website and include:

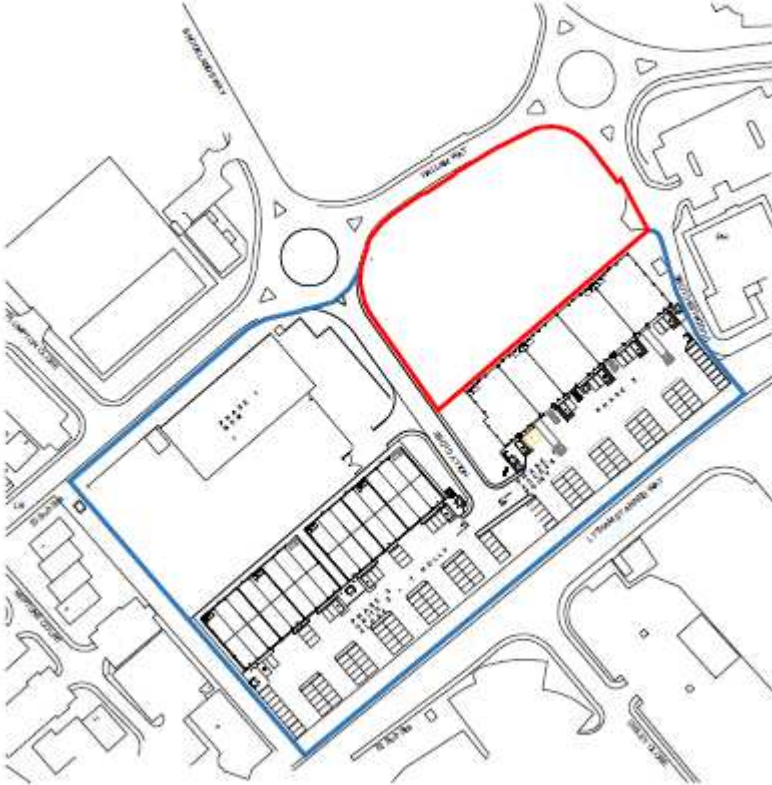
- its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
- height above ordnance datum;
- anticipated dates on site;
- emergency contact numbers for the crane operator and site manager.

The equipment must be operated in accordance with BS 7121 and further advice can be found in Airport Operators Association Advice Note 4 'Cranes'. This is to ensure that air safety is not compromised by this activity.



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Location Plan for Item 1 – 23/0024



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### Item 2

<b>Application No:</b>	23/0347	<b>Case Officer:</b>	Katie Halpin Area Team 2
<b>Applicant:</b>	HOLYWELL CARE SERVICES	<b>Agent:</b>	MR DAVID HAWORTH
<b>Location:</b>	1 ROSEACRE DRIVE ELSWICK LANCASHIRE PR4 3YL		
<b>Proposal:</b>	CHANGE OF USE OF DWELLINGHOUSE (USE CLASS C3) TO A HOME FOR ONE YOUNG PERSON (NO OLDER THAN 18 YEARS OF AGE) WITH CARE PROVIDED 24 HOURS A DAY BY UP TO THREE NON-RESIDENT CARERS WORKING IN SHIFTS (USE CLASS C2) - RETROSPECTIVE APPLICATION		
<b>Ward:</b>	Rural North Fylde	<b>Parish:</b>	Elswick
<b>Statutory Expiry:</b>	4 August 2023	<b>Earliest Decision:</b>	22 June 2023
<b>Reason for any delay:</b>	Need to determine at Committee due to Parish / Town Council request		<b>Online application file <a href="#">here</a></b>

### Summary of Officer Recommendation: Grant

#### Summary of Officer Assessment

This application relates to a detached 2 bedroomed property located on the east side of Roseacre Drive opposite the junction with Larbreck Avenue to the west, in the settlement of Elswick. There is an open forecourt to the front and a private garden to the rear.

This application relates to change of use from a residential dwelling house (Use Class C3) to a home for up to 1 young person (no older than 18 years of age) with care provided by 3 non-resident carers working in shifts (Use Class C2). The intention being to provide a home for 1 young person to live in akin to a residential dwelling with non-resident carers always on-site to care for the child. Since the submission of the application it is understood that the use has commenced and so this application is being determined retrospectively.

An objection has been received from the Parish Council relating to insufficient off road parking, means of travel for staff, a rise in anti-social behaviour (ASB), and the lack of social activities for young people in the village.

The proposed use is considered to be an acceptable use of a residential property in a residential area and is not anticipated to cause any more noise and disturbance than the usual ebb and flow of visitors to any residential property. This is as a result of the intended scale of the use proposed, as would be controlled by condition, and the details of the supporting statement which has been submitted, and which can also be the subject of a condition. LCC Highways have confirmed that the site has access to adequate off-site parking to be able to cater for the needs of the use. OFSTED are the managing authority for the standards of care and a perception that ASB will rise from 1 young person living alone with carers 24/7 is not a reason to refuse this application. Neither is a perceived lack of local activities even though the setting in one of the villages of the borough ensures that there are a level of amenities available anyway. The applicant has confirmed that there is a car available to transport the young person to local activities that are within driving distance in the same way that this would happen for any other young people living in the village.

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As such the proposal is considered to comply with the requirements of Policy GD1 & Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) subject to a series of conditions including those relating to a restriction to ensure the C2 use relates solely to a children's home for one young person and the supporting statement being adhered to.

### Reason for Decision Level

The officer recommendation for approval conflicts with the views of the Parish Council and so it is necessary to present the application to the Planning Committee for a decision.

### Site Description and Location

The application property is a detached 2 bedroomed property located on the east side of Roseacre Drive at the junction with Larbreck Avenue to the west in the settlement of Elswick. To the rear is an enclosed garden area. It is located within the settlement boundary in accordance with Policy GD1 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and was formerly in use as a hot food takeaway until 2015.

### Details of Proposal

Planning permission is sought for the change of use of the dwelling to a home for one young person (no older than 18 years of age) with care provided 24 hours a day by up to three non-residents carers working in shifts. In planning terms this is a change of use from the residential use, which is in Class C3, to a care use which is in Class C2.

No extensions or alterations to the property are proposed, other than some internal re-allocation of rooms. The proposed layout indicates that the property would comprise an entrance hall with access to an office, store, lounge, dining room, staff bathroom, kitchen and conservatory to the ground floor. The first floor would comprise the young person's bathroom and bedroom along with the staff bedroom. The application has been supported by a supporting statement.

### Relevant Planning/Appeal History

Reference	Description	Decision	Date
15/0621	CHANGE OF USE OF GROUND FLOOR OF PREMISES FROM TAKE AWAY (CLASS A5) TO FORM PART OF EXTENDED SINGLE DWELLING IN PROPERTY (CLASS C3), AND ALTERATION OF WINDOW TO FRONT	Granted	03 November 2015

### Parish/Town Council Observations

Parish Council	Observations
Elswick Parish Council	<p><u>Comments received on 14 July 2023</u></p> <p><i>Elswick Parish Council objects to this application on the following grounds:-</i></p> <p><i>1) There is insufficient off road parking. Experience when a similar establishment across the road in Larbreck Avenue (number 1) operated was that parking was a constant problem with staff and visitors. The frontage of 1</i></p>

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	<p><i>Larbreck Ave has eight or nine parking spaces but there were constant problems with people parking across people's drives and blocking the narrow road.</i></p> <p><i>2) The suggestion that staff and visitors will use public transport to visit the house isn't credible with a one hourly bus service between Fleetwood and Preston which terminates early in the evening, before the stated changeover time.</i></p> <p><i>2) Whilst the applicant states that the person to be accommodated is a vulnerable person who is no danger to the public this does not mean that this will apply in the future. The village has experience of a similar establishment in Langtree Lane where the police were summoned two or three times a week. Residents had to cope with numerous acts of unsocial behaviour and the building was set on fire twice.</i></p> <p><i>3)The applicant states that the location of Elswick is suitable due to its rural setting and states that an important part of the child's social development will be participation in local activities. The problem is that there are no such activities in Elswick which is a constant complaint from young people. The rural nature of the village and the distance from places with activities ( Poulton and Kirkham, both of which are over six miles away,) and little or no bus services, means that this child and any that follow he or her will be cut off and unable to develop any social skills.</i></p>
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### **Statutory Consultees and Observations of Other Interested Parties**

<b>Consultee</b>	<b>Comments</b>
LCC Highways	<p><i>LCC Highways does not have any objections regarding the proposed change of use of dwellinghouse (use class C3) to a home for one young person (no older than 18 years of age) with care provided 24 hours a day by up to three non-resident carers working in shifts (use class C2) and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The site does not offer any off street parking with there being no vehicles crossing installed to access the frontage. This frontage is on the inside of the bend with restricted visibility and it would be unlikely that a vehicle crossing would be supported.</i></p> <p><i>If the applicant does want to use the frontage for off street parking the visibility sightline splays would have to be demonstrated.</i></p> <p><i>The sight lines of 2.4m x 43m would have to be provided in both directions from the centre of the new driveway onto Roseacre Drive. The site line requirement is based on table 7.1 from Manual for Streets and classified speed of the road (30mph)</i></p> <p><i>The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land within the applicants control and/or over the</i></p>

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	<p><i>adopted highway and to fully show all works which would be required to provide the sight lines.</i></p> <p><i>There is ample off street parking for the first section of Roseacre Drive from its junction with Roseacre Road which has one access before the site. The road space from the junction to the bend can accommodate the proposed vehicles and more for the change of use and when parked wholly on the carriageway would not obstruct all highway users.</i></p> <p><i>It is recommended that the parking is on the opposite side of the road to the site and away from the bend so that drivers exiting the estate can clearly see the parked cars and oncoming vehicles.</i></p> <p><i>It is requested that the side gate opens inwards into the site and not outwards as shown on Drawing No 1533/01. Clause 153 of the 1980 Highways Act restricts the opening of gates and doors over the adopted highway; as such the gates must not open onto the adopted highway.</i></p>
LCC Children's Services	No comment at time of writing report.

### Neighbour Observations

<b>Neighbours notified:</b>	31 May 2023
<b>Number of Responses</b>	1
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• poses a threat to the nature of this community</li><li>• adds to the significant parking problems</li><li>• cannot safeguard the community</li><li>• makes this part of Elswick more vulnerable</li></ul>

### Relevant Planning Policy & Government Guidance

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

#### **Fylde Local Plan to 2032 (incorporating Partial Review):**

GD1 - Settlement Boundaries (Elswick)

GD7 – Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

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### Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### Comment and Analysis

#### **Need for Planning Permission**

Before a consideration of the merits of the application is made, in this case it is necessary to consider if planning permission is actually required. The legislation relevant to this application is The Town and Country Planning (Use Classes) Order 1987 (as amended) which places uses of land and buildings into various categories or 'Use Classes'.

The premises referred to in this application is a 2 bedroomed detached dwelling. The use Classes Order defines dwellinghouses as Class C3. This class comprises of 3 parts as follows:

- C3(a) covers use by a single person or by people to be regarded as forming a single household
- C3(b) refers to not more than six residents living together as a single household where care is provided for residents
- C3(c) allows for not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The application refers to Class C2 also which covers 'Residential Institutions' and is defined as:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

The existing property clearly lies within a C3 use. It has a single front door that leads to a standard arrangement and nature of rooms which was evidently in use as a single dwelling within Use Class C3(a) prior to this change of use taking place. Externally there is an open forecourt to the front and a private, enclosed garden to the rear. The planning history confirms this also with planning permission being expressly granted for this residential use from the former hot food takeaway use in 2015.

Turning to the application, the proposal is that the property accommodates one young person in receipt of care as required with up to 3 non-resident carers who are providing care by working in shifts on a 24-hour rota. As such the use is similar to the use described in the 'North Devon' case (North Devon District Council v. Secretary of State (2003)). In that case, it was held that children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves and so the use was more consistent with a Class C2 use than a C3 use. As that is also the case with the application under consideration, then the conclusion reached is the same, i.e., the proposed use described in the application is not a Class C3 use, but is a Class C2 use. This is consistent with how other such proposals have been assessed across Fylde Borough in recent years.

The principal reason for this conclusion that there is a change of use, is that the proposed use does not involve a 'single household', as is required by Class C3b, as the household will be run by staff who work on a rota and will change on a regular basis, with all staff residing elsewhere. This means that they are not part of the 'single household' at the application property and so prevents the proposed use

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from falling within Class C3.

Having established that the proposal represents a change of use, it is necessary to establish if that change of use is 'material' in planning terms as only a material change of use requires planning permission.

The council has received numerous previous applications for such uses across the borough. Many of these applications have been submitted as 'Certificates of Lawful Use,' a mechanism under which the council is asked to conclude whether a particular use requires planning permission, or is lawful by other means. These decisions have often concluded that whilst the use of a residential property for the provision of care in the way described here does involve a change of use from Class C3 to Class C2, that change of use is not a material one as the day to day activity at the premises would be not be significantly different to that experienced at a single family dwellinghouse.

This application is for planning permission and has been submitted, presumably, because the applicant's agent believes that the use which is to be operated is materially different from a residential use. The factors that could lead to that view will be examined in the remainder of this report.

### **Principle of Development**

Starting with the policy position, the application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of development within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

The purpose of this proposal is intended to provide a family home environment for a child whose circumstances render them unable to live with the family of their own. It is considered that a residential area is the only area that this use could be considered appropriate, and as the application site is a typical residential property in an area of comparable properties then it is entirely suitable for this use. Notwithstanding the concerns of the Parish Council the property is also located where there are good and convenient links to education, open space, transport, leisure and other facilities which are beneficial to support the development of young people. Whilst some of these links may be facilitated by the use of a motor vehicle this is no different to any other young person of a similar age who resides in the rural settlement. The general principle of a care use in a property in this location must therefore be appropriate.

### **Design and Appearance in the Streetscene**

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a - p).

The application property is a detached 2 bedroomed dwelling. Externally there is an open forecourt to the front and a rear garden. There are no physical changes proposed to the property, its garden, or its parking arrangements. Internally one of the first floor bedrooms will provide staff sleeping accommodation, with the other first floor bedroom used for the young person.

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As the property will retain the appearance of a residential dwelling there are no design conflicts to consider within this application and therefore it must accord with the requirements of criteria d), h) and i) of Policy GD7.

### **Impact on Neighbouring Amenity**

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion h) states that developments should be “sympathetic to surrounding land uses and occupiers.”

Paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The property sits on the inside of a bend on Roseacre Drive with Larbreck Avenue opposite. To the north there is Roseacre Drive, to the east is the rear of 2 Roseacre Road, to the south is 3 Roseacre Drive and to the west is 2 Larbreck Avenue.

A use of this nature could bring impacts on neighbour amenity in two main ways: the disturbance and other activity generated within the dwelling and its garden, and the impacts of highway movements.

The property is detached family dwelling offering accommodation over 2 floors set in a sufficient plot. As such it is the type of property that would typically be occupied by a family, with the attended level of disturbance to neighbours that would create. In this case the level of occupation that is proposed is limited to no more than one young person, and so is likely to be similar or less than the level of occupation that would normally be expected from a 2 bedroomed dwelling. There will be some ‘comings and goings’ from staff, but the submitted supporting statement explains that shift changes, and manager attendance/departure, will be at typical commuting times, so leading to a level of activity that would not be untypical for a residential property. The property has a garden to the rear to enable space for outdoor play within the property. Obviously the level of activity with the existing residential use and the care use proposed in this application will be significantly less than when the site operated as a hot food takeaway.

The Parish Council and resident objection both contain comments which anticipate that there will be an increase in anti-social behaviour following the implementation of the use. Clearly such instances occur as part of the typical residential occupation of properties from time to time. The operation of a property such as this is managed with the intention that the young person living at the property is provided with appropriate care and support, so that the potential of them being responsible for such disturbances is minimised. This management is under the scrutiny of OFSTED and the respective social / child services departments who will be placing the young person into the home and so have the ultimate responsibility for their care.

The mere suspicion that such issues are likely to arise is not a reason for this application to be refused. To avoid this the application confirms that staff will be managing the operation of the home and the activities of young person outside the home so that such issues should not arise.

With regards the potential impact from traffic movements, in addition to the staff movements it is likely that there will be visitors to the property to provide additional care, but this is a common situation in a residential setting where occasional visitors come to many properties throughout the week. The property is located on a side road in the rural settlement and whilst it will bring visitors



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onto Roseacre Drive to access on street parking areas, the scale of the use must ensure that this will not lead to significant issues for existing residents of the surrounding area.

The officer assessment is that there will not be any unacceptable increase in the level of noise or disturbance, or the level of vehicle movements, which could impact negatively upon neighbouring amenity. There are no extensions, additional windows, or other elements of development that could alter the relationship of the property to its neighbours.

Taking these matters together the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7. A series of conditions are proposed to ensure that the development is undertaken as shown on the submission in terms of the compliance with the supporting statement, that the use is for no more than 1 young person, and that the use is for C2 care only.

### **Highway Capacity and Car Parking Arrangements**

The property has an open forecourt across the whole of the front garden area, most likely from its former use as a hot food takeaway where customers would most likely frequently visit for short periods to collect orders. However there is no dropped kerb to access area and the local highway authority have indicated that consent for this would be unlikely due to the location of the property on the inside of the bend where visibility is restricted. Notwithstanding that view, the area is clearly well established and has been used for informal parking to serve the resident and visitor needs of the property for many years. No accidents are recorded at this location on the LCC records.

The supporting statement with this application indicates that a mixture of car sharing and public transport will be used by staff, and where vehicles do visit on-street parking can be used to the north of the property. It also states that the forecourt may be used for loading and unloading. Whilst the use of this area is not supported by LCC Highways with the infrequent nature of this use, the limited volumes of pedestrian and vehicle traffic in the area, and the lack of any reported accidents from the existing use of this area by vehicles it is not considered that this will create conflict within the highway.

It is not envisaged that there will be multiple car journeys a day as the young person is expected to attend off site education in the same way as any other family dwelling. It is also not anticipated that the young person will have a car so the proposed use is likely to result in a lesser number of car movements than could occur with the current use of the property as a family dwelling if occupied by a family with older children.

The level of trip generation and parking demands are not envisaged to cause any noticeable impacts to the character of the property or the surrounding area, and will not create highway safety or amenity impacts to a degree that could justify a refusal of planning permission and this arrangement is appropriate.

Despite their reservations about the use of the forecourt it is important to note that LCC Highways have not raised objection to the proposed development as they believe that there is sufficient capacity in on-street parking in the area to accommodate the use proposed without that creating any highway safety issues. Officers agree with their assessment and that the scale of the use will also ensure that this on-street parking is not harmful to amenity either.

The objection from the Parish Council focuses on the parking habits of a similar property which cannot be used to say the same for the application property given the use here is only for a single young person. It is worth noting that this application is being determined retrospectively and the use

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commenced in May 2023, with neither the Parish Council nor the resident objector referencing that the commencement of the use has caused the highway issues that are described in their correspondence. Therefore, the proposal is considered to provide an appropriate level and location of parking for the site and does not compromise access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

LCC Highways have requested that the side gates to the rear garden do not open onto the adopted highway. Records show that the grass verge to the side of the property is within the ownership of the applicant and so the gates do not open across the adopted highway.

### **Relationship of Planning Application to Certificate of Lawfulness**

Having assessed the issues raised by this particular proposal it would be a reasonable assumption that the implications of the change of use are at such a modest scale that they would not amount to a material change of use. This means that if the applicant had submitted a Certificate of Lawfulness, rather than this planning application, then the council would have been obliged to issue the Certificate and so confirm that planning permission was not required.

It is not clear why the agent in this case has chosen not to pursue that approach as the supporting information provided with the application does not cover that aspect. However, as the application has been submitted the council has a statutory duty to determine it, and so this report is presented to do that.

### **Conclusions**

The application relates to the change of use from a residential dwelling house (Use Class C3) to a home for one young person (no older than 18 years of age) with care provided by 3 non-resident carers working in shifts (Use Class C2). Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the NPPF.

This conclusion is on the basis that the proposed change of use is not considered to create any unduly harmful impacts to the relevant planning considerations, which in this case relate to the character of the area, the amenity of neighbours, and highway safety. As such planning permission should be granted subject to the conditions below.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
  - Location Plan - TerraQuest produced on 13 May 2023
  - Existing & Proposed Layout Plans - Drawing no. 1533/01

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the

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policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

2. The property shall be used to provide care for no more than one young person (aged no more than 18) at any one time, along with the appropriate care support staff as required.

Reason: To provide control over the level of occupation of the property to ensure that there are no parking or other amenity considerations established that would require further assessment to establish compliance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

3. The use hereby approved shall at all times operate in accordance with the supporting statement recorded as received by the Council on 30 May 2023.

Reason: In the interests of the residential amenity of the local area and to avoid undue pressure on local on-street parking provision in accordance with the provisions of Fylde Local Plan to 2032 incorporating Partial Review policies GD7 and T5, and the National Planning Policy Framework.

### **Informative(s)**

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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Location Plan for Item 2 – 23/0347

