

Planning Committee Late Observations

07 December 2022

Appn No.	Location	Proposal
22/0525	SMITHY COTTAGE KIRKHAM ROAD TREALES ROSEACRE AND WHARLES PRESTON PR4 3SD	RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS WITH ASSOCIATED INFRASTRUCTURE
Observations	<p>Treales, Roseacre, and Wharles Parish Council - Further Comments</p> <p>The Parish Council submitted extensive additional comments on Monday 5 December 2022. These include a cover letter and then a series of issues. The cover letter is included in full below, with the issues summarised and a response provided by officers as normal.</p> <p><u>Cover Letter</u></p> <p><i>On Saturday 26th November, Treales Roseacre & Wharles Parish Council (TRW PC) learned from Fylde Borough Council Development Management (FDM) that the implications of the Full Application status of application 22/0525 is that it does NOT build upon the previous Outline Planning Permission granted for application 19/0300.</i></p> <p><i>These applications both relate to a proposed housing development for 4 dwellings in the designated countryside in the area of Treales. 22/0525 is therefore a completely new application and to be assessed as such.</i></p> <p><i>In addition 22/0525 involves an even larger scale proposal: than 19/0300</i></p> <ul style="list-style-type: none"> • <i>Involving a large urbanising, off-site construction and “spacious” housing development area</i> <ul style="list-style-type: none"> ○ <i>It is located in designated countryside, on part of the orchard of Smithy Farm outside the village of Treales, with multiple TPO trees in and around the site.</i> ○ <i>It does not serve any local community or business need, remote from sustainable access to services and facilities.</i> ○ <i>Rather it creates a creeping, urbanising form in an otherwise rural character setting.</i> ○ <i>In conflict with FBC’s Vision for the Fylde it does not retain or enhance the attractiveness of this countryside area of the Fylde.</i> • <i>There is not a continuous built up roadside frontage at and around the site</i> <ul style="list-style-type: none"> ○ <i>The large roadside frontage of the orchard & woodland of Smithy Farm is also accompanied by an open aspect roadside field immediately to the west of the old Smithy, also part of Smithy Farm.</i> ○ <i>There is a mix of protected woodland trees and roadside hedging and trees extending west to the junction of Carr Lane and no development all the way to Kirkham over a mile away. This is interspersed with three former farmsteads and 3 other separate instances of properties on green field sites authorised as “minor infill”.</i> ○ <i>To the east, in addition to the more recent Smithy Farm farmhouse, there are several examples of minor commercial housing developments over the past 50 years which replaced farmland around farmsteads. These were approved under past Local Planning regulatory frameworks, before the current Fylde Local Plan Vision for the Fylde, which now commits to minimising the release of land within the countryside for development. (See later).</i> 	

- The large, non-time bounded, off site construction area to the west of the proposed housing unnecessarily extends the area of noise exposure from construction related activity impacting more residents' amenity, health & well-being.
- In terms of safety –
 - The Fire & Rescue Service has specified safety access requirements that have not been confirmed as compliant.
 - The Highways Authority is not satisfied and requires refusal and reconsultation
- There are multiple proposed conditions which require agreement with the applicant before construction, yet the NPPF states that this are not supported. It has seemed to be not possible for FBCDM to secure compliance with regulations & conditions across the Parish. Since Conditions are required to be "necessary" and "enforceable", this is also a concern regarding whether the application forms sustainable development

Given the above material local knowledge, it is hoped therefore that all Planning Committee members will visit the Kirkham Road and familiarise themselves with the latest impact of recent creeping urbanising development in this otherwise characterful rural countryside setting. In this way they can be informed of the strategic implications of this development in thwarting the implementation of the Vision of the adopted Fylde Local Plan to 2032 (incorporating Partial Review), referred to as the 'FLPPR'.

TRW PC had objected to 19/0300 because its local knowledge of the material considerations that it did not comply with the requirements of the Fylde Local Plan at the time. Never the less 19/0300 was approved. TRW PC had respected the reserved matters of site, access and scale of the outline approval in its assessment of the application 21/0645 – still undetermined by FDM after more than a year, seemingly in conflict with the Government's Planning Guarantee - and more recently 22/0525.

Having now learned that 22/0525 should be completely assessed, TRW PC has revisited: its previous assessment of 19/0300; the current context in the area ;and the recent experience of the regulatory framework. For the above reasons and the amplification that follows the proposal is not considered to be sustainable development, being at variance to the relevant policies of the Fylde Local Plan to 2032 (Incorporating Partial Review) and the National Planning Policy Framework.

For the reasons provided in this document, it is in conflict with all authorised reasons for development in this countryside location, including minor infill, in conflict with GD4 and GD7. Safety requirements have not been approved by the relevant authorities in conflict with GD7. More Residents are being unnecessarily exposed to noise by the enormous off-site construction site in conflict with NPPF para 185 and GD7. The application should therefore be refused.

Parish Council Comment Summary and Response

No.	Parish Council Issue	Officer Comment
1	<u>Character of Treales</u> Provides a description of Treales geographically, in character terms and in the services that are available or note	No comments as descriptive
2	<u>Conflict with Fylde Borough Council's Delivery of Its Vision for Fylde</u> Refer to Fylde Local Plan to 2032 (incorporating Partial Review) and extract elements of the Preface and Vision sections.	No comments as descriptive
3	<u>Detailed Assessment against the Applicable Regulatory Framework</u> 3.1 – Refer to site being in Countryside. Parish Council do not believe the scheme is 'minor infill' and so must conflict with Policy GD4.	3.1 – The policy assessment is provided in the agenda reports (p10-12). Officers take the view that the scheme is in accordance

	<p>Also refer to lack of any definition of what constitutes 'Minor infill'</p> <p>They refer to the site not being 'infill' with reference to previous appeal decisions and the gaps that are retained on the site frontage</p> <p>They refer to the scheme not being 'minor' and claim that it is the largest ever single greenfield development along Kirkham Road. To reach this conclusion they have included the construction compound as though it is part of the development site.</p> <p>The development will adversely affect the rural character of the area</p> <p>They refer to the development of a site opposite and their concerns over the compliance with conditions during construction</p> <p>Also refer to the scale of the dwellings opposite as a harmful feature.</p> <p>3.2 The construction compound includes a separate access and extends the disturbance from the development to other neighbours.</p> <p>3.3 they refer to the comments of the Fire and Rescue Service and LCC Highways as raising outstanding matters with particular reference to parking arrangements, manoeuvring space and the footway width.</p>	<p>with the requirements of Policy GD4</p> <p>This is referenced in the officer report on p10</p> <p>This is referenced in the officer report on p10</p> <p>The construction site is clearly a temporary feature of any development</p> <p>This is referenced in the officer report on p11 & 12</p> <p>The alleged failure to fully comply with conditions on one development cannot be a reason to resist development elsewhere.</p> <p>The dwellings on the site opposite are larger in volume and height than those proposed under this application.</p> <p>3.2 The construction compound uses a long established access and is temporary work that is restricted to day-time hours as normal by proposed condition 10.</p> <p>3.3 The highway matters are satisfactory as set out on P13. The plans confirm appropriate parking, and the report explains why officers do not believe the footway width requested by LCC is justified.</p>
4	<u>Current and Aerial Views of Kirkham Road</u> Images of the general area in 1967 and 2020 are provided	No comments to make as PC comments are simply descriptive
5	<u>This Proposed Development is Not Infill</u> Annotated streetscene image is provided to support the Parish Council's position	No further comments to make beyond those in report as above
6	<u>This Proposed Development is Not Minor Development</u> Annotated streetscene image is provided to support the Parish Council's position	No further comments to make beyond those in report as above
7, 8 & 9	<u>Images of Rural Character of the area around Smithy Farm Orchard on Kirkham Road from September 2022 in Google "Streetview"</u> Various streetscene images are provided to support the Parish Council's position. These show the site from different aspects	No comments to make as images are descriptive

22/0777	MOSS SIDE FARM LYTHAM ROAD WESTBY WITH PLUMPTONS LYTHAM ST ANNES FY8 4NB	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND FOR USE AS DOG EXERCISE AREA WITH ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES.
Observations	<p><u>Neighbour Representation</u></p> <p>Since the agenda was compiled, an additional representation has been received from a neighbour to the site. This refers to:</p> <ol style="list-style-type: none"> 1. Noise being generated from the 'Lytham Dog Fields' and 'Centre Barcs' operations on the site 2. To question the accuracy of the noise assessment and how the dogs may have been managed to reduce the level of noise that was recorded as part of that exercise 3. Concerns over the dog waste storage arrangements for the business 4. The potential for dogs to escape the site 5. The potential for these to impact on the operation of other businesses and the wider amenity of the area 6. The potential for a future application being received to expand or relocate the businesses in the area <p><u>Officer Response to Neighbour Representations</u></p> <p>Whilst the majority of the matters raised are already addressed in this report, a brief response to the numbered points is provided below:</p> <ol style="list-style-type: none"> 1. The application relates to one of the two dog related businesses on site, and the two of the three fields that have been used by that operation that are located most distant from residential properties. The controls over the number of dogs and the hours of use of the fields are designed to ensure that noise generated is minimised. The other business is the subject of a planning enforcement investigation, as is the use of the third dog field, with the direction of that likely to be influenced by the decision on this application 2. The council's Environmental Protection team have reviewed the noise assessment, which has been submitted by a consultant that is known to them through his work in the area 3. The planning and environmental protection team are aware of concerns over the previous / existing arrangements for dog waste storage which is close to a neighbouring dwelling. The applicant has been advised this is unacceptable and the scheme presented to Committee proposes an alternative arrangement for this which is suitably remote from any neighbouring dwelling 4. The site plan confirms that the 2 dog fields that are under consideration in this application are to be fenced off to minimise the risk of escape 5. The location of the site and the controls over hours and level of use are designed to minimise the potential for impact on neighbouring land uses 6. The decision on this application is to be related to the details of the actual application, rather than any future proposals that may be presented. There are no current applications for additional or alternative facilities. <p>There is no change to the recommendation as a consequence of this representation</p> <p><u>Agent Correspondence</u></p> <p>Further comments have also been received from the agent who highlights the following elements in support of the application:</p> <ol style="list-style-type: none"> 1. All of the complaints from neighbours that are listed, and that we have subsequently reviewed, all relate to the Day Care facility (i.e. Centre Barcs) and not the Dog Fields. Whilst we fully appreciate that your report does identify that the complaints largely relate to the day care facility, we are confident that no complaints that we have reviewed relate 	

	<p>to the dog walking fields. Indeed, the dog walking fields do not allow more than one party booking them to walk their dog or dogs there at any one time, with all dogs subsequently being familiar with their pack if there are multiple dogs at the same time.</p> <ol style="list-style-type: none"> 2. As you have already clearly observed, approving this planning application will actually improve the current facilities at Lytham Dog Fields by removal of the existing field on the eastern side of the entrance. 3. The Management Plan we have submitted restricts the 'social events' to the 'Massive Field' and/or 'Indoor Field' identified as Field No. 1 on the Proposed Site Plan despite their never having experienced complaints from events taking place in Field 2. 4. If Committee Members consider it necessary, the applicant has confirmed that they are agreeable to the Management Plan being conditioned as part of Condition 1 if the Planning Committee as a further assurance to Members that the site will operate in a considerate manner. 5. We can also confirm that the Applicants are happy with the suggested planning conditions identified in the Committee Report <p><u>Officer Response to Agent Correspondence</u></p> <p>The correspondence large highlight the views of officers, and so no comments are required.</p> <p>The exception is the suggestion that the supplied Management Plan be included as a condition to the decision. Officers decided against his at the time of the preparation of the agenda as the matters that are covered in the supplied document are secured through the conditions listed in that agenda, such as over the hours of use, number of dogs, waste control, etc. As such a further condition to refer to the management plan is unnecessary.</p>	
22/0785	REAR OF 52 KIRKHAM ROAD NORTH OF BYPASS FRECKLETON PRESTON PR4 1HT	SINGLE STOREY EXTENSION TO EXISTING UNIT No. 2 TO PROVIDE STORAGE SPACE (CLASS B8)
Observations	<p><u>Parish Council Clarification</u></p> <p>Following receipt of the comments of the Parish Council, and in light of the draft recommendation of the PAS Peer Review and the views expressed by Committee previously, the case officer has contacted the Parish Clerk for any further thoughts on the application. This as primarily focussed on their concerns relating to highway safety where the local Highway authority have commented that they have no objection to the application.</p> <p>The Parish Council Clerk has responded as follows:</p> <p><i>"Freckleton Parish Council's full objection still stands including the site access objection.</i></p> <p><i>The site is accessed from an 8ft alley way, effectively single track, that comes out on Kirkham Rd just before the traffic lights. It is not possible to get through when trying to turn in when someone comes out from the site. Effectively, you're stuck as you cannot reverse out into traffic!</i></p> <p><i>The Parish Council can't understand LCC not highlighting this issue as it has been highlighted in the past by LCC. We feel it depends on which of their staff looked at it. We would request you look at this issue personally to get a better understanding of the potential hazard this will cause."</i></p> <p><u>Officer Response to Parish Council</u></p> <p>The report contains the original Parish Council comments and responds to their highway safety concerns. The view taken is that the access is acceptable with a condition necessary to</p>	

	control the use so that larger vehicles are less likely to visit the site. That view is unchanged as a consequence of these further comments and the recommendation is therefore also unchanged.	