

# Planning Committee Late Observations

## Wednesday 15 May 2024

Item	Appn No.	Location	Description
1	22/0461	LAND NORTH OF CROPPER ROAD, WESTBY WITH PLUMPTONS	FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING: 1) DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES 2) CONSTRUCTION OF 350 NO. DWELLINGS, 3) LANDSCAPING, 4) PARTIAL CLOSURE AND REALIGNMENT OF CROPPER ROAD, 5) NEW ACCESSES FROM CROPPER ROAD TO INCLUDE A LINK TO CROPPER CLOSE AND LEA GREEN DRIVE

### **Update 1 - Sequential Flood Risk Assessment – Agent Comments and Relevant Appeal Decisions**

In terms of flood risk and drainage, the agent for the applicant has asserted that the report should explicitly state that a Sequential Test is strictly necessary.

Relatedly, two appeal decisions (APP/M2325/W/23/3334188 & APP/M2325/W/23/3334190) relating to the adjacent site (The Garden Place, Cropper Road) which is also part of the wider allocated site, have been issued. These both dismiss their appeals and contain comments relevant to the matter of the Sequential Test, detailed in the italicised text below. The relevant summary is that the Inspector is of the opinion that a Sequential Test should have been provided in support of those applications.

*“10. Large parts of the appeal site fall within Flood Zones 2 and 3. The proposal is for more vulnerable development. The Framework<sup>1</sup> advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The proposal is a type of development which should be subject to the Sequential Test with regard to flood risk. It appears to be the case that much of the appeal site appears lower than the surrounding land.*

*11. Policy CL1 of the FLP states that planning decisions should follow the sequential, risk based approach to the location of development as required by the Framework. The supporting text indicates that the application of the sequential test will be required.*

*12. The overall aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This is regardless of the recommendations of the Flood Risk Assessment<sup>2</sup> which includes recommendations for flood risk mitigation measures and site specific hydraulic modelling which suggests the whole of the site is within Flood Zone 1.*

*13. In coming to those conclusions however the report addresses the Exception test having considered that the requirements of the sequential test have been met. That could be the case had the site been subject to the sequential test at the plan making stage, however the evidence indicates that the site was in Flood Zone 1 at the time of its inclusion within the local plan allocation in the earlier version of the local plan and there is no evidence before me that the sequential test was applied at the plan making stage. The approach to flood risk is fundamental to provision of such developments and is in*

*place to ensure that development is directed away from areas at highest risk. Given the approach that has been undertaken with regard to that matter and this site, I cannot be assured that this is the case.*

*14. To conclude on this matter, it has not been demonstrated that the Sequential Test has been applied as required by the development plan and the Framework and it is not known whether there are any available alternative sites at lower risk of flooding. There is therefore conflict with Policy CL1 of the FLP and the Framework which aim to steer development to areas at lowest risk of flooding.”*

### **Officer Response**

The ‘Flood Risk and Drainage’ section of the committee report (begins page 28) sets out the reason for the submission of a Sequential Test being submitted and considered, with reference to the NPPF and Planning Practice Guidance.

The appeal decisions make it clear that the Inspector is of the opinion that a Sequential Test was necessary to support both applications for the adjacent site. The site conditions are the same and therefore it is reasonable to state, as per the agent’s request, that a Sequential Test is strictly required in support of this application.

A Sequential Test was provided, published on the planning file, consulted on and considered by officers. Therefore, the procedure aligns with that considered necessary for the adjacent appeal site and the concerns expressed by the Inspector would not be applicable to this site due to the approach taken by the applicant and officers.

### **Update 2 – Letter from Turleys**

A further letter has been received from Turleys. The content of this follows on from that supplied in advance of the April Planning Committee meeting which is referenced in the officer report. They also attach a copy of that letter and an appeal decision relating to a site in Lancaster.

The most recent letter states:

*“We have been instructed by the Strategic Land Group (SLG) to provide a further representation in respect of the above planning application and more specifically, the Committee Report (Item 1) that recommendations that approval be delegated to Officers subject to s106 and other matters.*

*SLG welcome the fact that the Council now accept that a Sequential Test (ST) was not undertaken during the Local Plan examination prior to its adoption and that one is required before this planning application is determined.*

*Our previous representations (Enclosure A) provided our views on the ST submitted by Emery Planning. SLG consider that ST is significantly deficient and its conclusion that there are no reasonable alternatives is clearly not justified. Council officers have been irrational in concluding that the ST is acceptable.*

*I have attached a recent appeal decision (Enclosure B) – coincidentally also a Wain Homes scheme for which Emery Planning is agent – in which issues relating to the application of the ST are considered. In this case, the inspector found that the ST was 'simply not robust nor a thorough comparison of reasonably available sites to form a satisfactory conclusion'. The inspector therefore found that the*

*sequential test was not satisfied and found that the failure to satisfy the sequential test was sufficient to outweigh the benefits of the proposal.*

*SLG therefore maintains its objection. The applicant has failed to demonstrate that there are no reasonable alternative sites in the Fylde-Blackpool Periphery Strategic Location which are at a lesser risk of flooding. Therefore, the application is in conflict with paragraph 163 of the NPPF and policy CL11 of the Fylde Local Plan and should be refused. Any planning applications made on any alternative candidate sites would need to be considered on its merits at the time of any submission and the prospect of such should not intervene in any way with the correct determination of this application.”*

### **Officer Response**

This submission effectively continues a series of objections from the same party, relating to the same topic but with new information provided. This new information notably includes an appeal decision (APP/A2335/W/23/3326187) which has been considered by officers.

The most pertinent elements of the objection are that: the submitted Sequential Test is not acceptable as it does not properly consider the reasonably available alternative sites, and that Council’s assessment of it has not been robust.

In terms of ‘reasonably available’ sites, the relevant part of the PPG (Paragraph: 028 Reference ID: 7-028-20220825, Revision date: 25 08 2022) states:

*“Reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.*

*These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’.”*

The officer view in the report is to agree with the submitted Sequential Test where it establishes the scope for the area of search and then considers the suitability of the location of other, potentially available sites. Notably, the Sequential Test makes reference to the evidence base for the Fylde Local Plan to 2032 (incorporating Partial Review), including the Strategic Site Assessment [SSA]. This is evidence which is considered to be relevant and has informed the Inspector’s assessment in adopting that Local Plan in its original guise. Officers agree with the summary of the SSA presented in the Sequential Test, notably where it discounts the other five scoped sites on the basis that:

- For the first and second site, they would not be available; and, for the other sites that;
- They would not relate well to existing settlements and services;
- They would not be as closely connected to the core of Whitehills; and,
- For the third and fourth site, that they would have a more negative effect on landscape character (i.e. the sites are more visually sensitive).

In terms of the robustness of the Sequential Test carried out by the Council, the assessment is considered to be proportionate given the above. Importantly, the allocation of the wider Cropper Road site is justified within the Local Plan, importantly including the delivery of a critical mass of housing which would support a local centre and improved public transport to support the role of Whitehills in the overall settlement hierarchy.

The PPG sets out (Paragraph: 029 Reference ID: 7-029-20220825, Revision date: 25 08 2022) that:

*“Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.”*

The ‘Flood Risk and Drainage’ section of the report sets out the basis on which officers are satisfied that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere, notably guided by the advice received from the Environment Agency.

### **Update 3 – Integrated Care Board updated / clarified funding request**

The officer report refers to comments from the Lancashire and South Cumbria Integrated Care Board which highlight a shortfall in capacity in the area to meet the General Practice needs of the future residents of the site, and so they make a request for funding towards enhancements to the Harris Medical Centre.

Firstly, the amount requested is inconsistently quoted in the report. The amount initially requested was £264,027. However, in the most recent correspondence this figure has increased to £310,068. This is a result of an increase in the ‘multiplier’ figure used in the calculation and so officers have sought a justification for this increase.

Secondly, the funding request is now made to support the development of a new facility that is planned for a site that is in NHS ownership at Wesham. The facility is at design stage and expected to be the subject of public consultation later in 2024 prior to a planning application being made in 2025.

### **Officer Response**

The quoting of inconsistent amounts was unfortunate and is now corrected with the figure stated above being the correct initial one. The Integrated Care Board have advised that the increase in costs is a consequence of an annual review of their costs that has taken place between the two consultation responses being provided. The cost increase is their response to:

- the costs for a new build facility being higher than an extension to an existing one, and
- building cost rates have increased generally as a response to inflation, increased labour costs and increased material costs.

The change in the facility is acceptable. The Harris Medical Centre is a relatively modest facility that has limited scope for further enhancement, and with the growth in the local population that will arise from the development of this site and others in the wider area it is generally accepted that a new medical centre facility is required to support their needs. The site of the proposed facility in Wesham is some distance from this application site, but is well connected to it and so it would be an appropriate funding project for this application to contribute towards.

The increase in the contribution request is to be the subject of further consideration by the Head of Planning as part of his overall progress of the application to a decision assuming that Committee support the recommendation.

#### **Update 4 – Neighbour Representation**

An addition representation has been received from a local resident. This objects to the development on the basis of:

- Loss of 'moss land' to development
- Drainage and flooding concerns in the area will be compounded
- Cropper Road is unsuited to additional traffic
- There will be a loss of wildlife habitat
- The loss of the use of the land for grazing horses will impact on livelihoods
- Developers should be required to re-purpose existing dwellings not build new ones.

#### **Officer Response**

The matters raised here are all adequately addressed in the report and so no further response is needed. They all relate to the principle of the development which is a matter that is secured through the designation of the land for residential development in the Local Plan.

#### **Update 5 – Corrected scope of s106 content**

An error in the drafting of the report has resulted in different s106 contributions being shown in different parts of the report. The proposed content of the s106 agreement are therefore set out here to correct this matter, and also update the Integrated Care board request in the light of the revised consultation request that has recently been received.

The amounts should be as follows:

- The delivery, phasing, occupancy criteria and retention of 30% of the development as affordable housing.
- Funding to support the provision of a regular bus service linking the site with St Annes / Blackpool for a period of 5 years (along with other developers on the allocation)
- £18,000 for Travel Plan monitoring;
- £310,068 towards the construction of a new NHS facility at Derby Road in Wesham;
- £777,000 towards primary school places at Lytham St Annes Mayfield Primary School and/or Weeton St Michael's Church of England Primary School;
- £1,015,246 towards secondary school places at Carr Hill High School and/or Lytham St Annes Technology and Performing Arts College;
- Future management of open spaces;
- £7,040 for the improvement of bridleway BW0515013; and,
- The Council's legal and monitoring fees.

Item	Appn No.	Location	Description
2	23/0755	BLACKPOOL AIRPORT ENTERPRISE ZONE, SQUIRES GATE LANE, LYTHAM ST ANNES, FY4 2QS	APPLICATION FOR APPROVAL OF THE RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 22/0267 WITH THE SCOPE OF THE WORKS IN FYLDE BOROUGH LIMITED TO THE FORMATION OF A DETENTION BASIN, LANDSCAPING WORKS ASSOCIATED WITH THIS BASIN AND A SERIES OF HIGHWAY IMPROVEMENT WORKS

### **Update 1 - Revised Landscaping Arrangements**

The applicant has provided a revised landscaping plan for the area of the detention pond. This replaces a couple of the originally proposed species with a smaller shrub-like species to address the concerns expressed by Blackpool Airport that the original landscaping had the potential to interfere with their landing aids.

#### **Officer Response**

The revised range of species have been checked and are of a height when mature that will not lead to any potential impact on this equipment whilst providing some visual benefit to the site. As such the revised landscaping proposals should be incorporated in the decision when issued.

### **Update 2 – Additional comments from LCC Highways**

LCC are the local highway authority for Lancashire and have provided previous comments on this application that highlight some concerns over the scheme as reported in the agenda papers. Their discussions with the applicant and Blackpool Council highways have progressed and further comments have been received by Fylde Council. The summary of these is as follows:

*“This application seeks approval for the reserved matters including access of the Blackpool Airport Enterprise Zone development. LCC Highways have agreed with the applicant, that the whole junction arrangement, as agreed, will be the responsibility of Blackpool Council and this will be contained within an updated legal agreement.*

*The applicant has provided LCC Highways with drawing BEZ\_WCE\_XX\_E\_DR\_CH\_SK25 Revision P02. This drawing shows the extent of LCC adopted highway that will be maintained by Blackpool Council, and this is acceptable to LCC Highways. The formal process for the updating of the existing Cross Boundary Agreement is ongoing.*

*LCC Highways have highlighted some concerns in this statutory response relating to private parking, it is important that these matters are suitably resolved by Blackpool Council (who will be maintaining that section of highway) to the satisfaction of those residents effected.”*

#### **Officer Response**

The agenda report takes the view that the matters previously raised by LCC Highways are of a technical nature relating to the future maintenance obligation for the works, or are related to the aspect of the wider development which is within Blackpool, but are of a minor nature anyway. This later response provides confidence to that position and indicates that the latest revision addresses the majority of LCC Highway’s concerns.

### Update 3 – Comments from Blackpool Highways

They confirm that they have no objection to the application or the associated condition discharge application.

#### **Officer Response**

This is as anticipated in the report on the agenda papers.

<b>Item</b>	<b>Appn No.</b>	<b>Location</b>	<b>Description</b>
3	23/0766	LAND TO THE REAR OF SMITHY HOUSE AND NORTH OF PRESTON OLD ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0ZA	HYBRID PLANNING APPLICATION COMPRISING: (1) FULL APPLICATION FOR PARTIAL DEMOLITION AND ALTERATIONS TO FORMER FORGE AND EXISTING GARAGE BUILDINGS TO PROVIDE CAR PORT AND CYCLE/REFUSE STORE TOGETHER WITH VEHICLE ACCESS, PARKING AND MANOEUVRING AREAS; AND (2) OUTLINE APPLICATION FOR ERECTION OF 5 X 1.5 STOREY DORMER BUNGALOWS WITH PRIVATE GARDENS AND A SHARED/COMMUNAL GARDEN (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)

### Update to Recommended Planning Conditions

The recommended planning conditions have been shared with the planning agent. He has made some suggestions with regards the wording of condition 3 and condition 6 with regards the provision of ecological enhancements associated with the implementation of the development. The suggestions relate to the wording of the condition and the mechanism for the approval of these arrangements rather than any change to the nature of the enhancements provided.

Officers have also considered the scope of notifications to be undertaken by the developer as part of the Construction Method Statement obligations in condition 10 and suggest that the scope of this is widened to include all neighbouring properties that take access from the site access point.

#### **Officer Response**

It is accepted that the agent makes valid points in terms of the wording of the conditions, and so a revision to the wording of condition 3 and condition 6 is proposed to improve the drafting in respect of the delivery of ecological enhancements.

The revision to condition 10 from its standard requirements will improve its focus in respect of the circumstances at this particular site, with the revised wording of the relevant section of condition 10 being:

*o) a strategy to inform neighbouring occupiers (including all properties who take access from the shared access / service road, and those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.*