

Planning Committee Late Observations

Wednesday 17 April 2024

Item	Appn No.	Location	Description
2	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 - Agent Comments on Sequential Flood Risk Assessment

The agent has written following publication of the agenda to highlight their view that the report does not correctly address the position with regards the need for a sequential test for flood risk purposes.

[This is on page 62/83 of the officer report which states: *“In accordance with NPPF Paragraph 172, the process of allocation means that the developers do not have to undertake a Sequential Test, but they do need to carry out an Exception Test”*]

They highlight that the Planning Practice Guidance clarifies the NPPF para quoted to confirm that *“a sequential assessment is not needed where a site is allocated for development and has been subject to the test at the plan-making stage”*. In this case, the flood risk of the site changed at a late stage of the preparation of the Fylde Local Plan to 2032 and so the allocation was not actually subject of the sequential test at that stage. Accordingly, the agent believes that the report is incorrect in the reference on page 82/62.

Notwithstanding that, they highlight that a Sequential Test has been provided to support this application and has been assessed by officers and consultees. This sequential test was found to provide an appropriate area of search and concludes that there are no reasonably available alternative sites for the proposed development in areas with a lower risk of flooding.

Officer Response

Officers accept that the quoted reference on page 62/63 is incorrect, as the PPG clarification confirms that a sequential test should be undertaken either at plan-making or at application stage. In this case there was no sequential test undertaken on this site at plan-making stage due to the timing of the change in flood risk of the site, meaning that one was needed to support the determination of this application.

Such an assessment was provided and was found to be appropriate and acceptable. Therefore, officers agree with the position set out by the applicant’s agent above, in that there are no reasonably available alternative sites for the proposed development in areas with a lower risk of flooding.

Update 2 – Comments from Turleys for Strategic Land Group

The council has received correspondence from a planning consultant acting for Strategic Land Group. The cover letter is set out below, with a response provided below that.

“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 2) that recommendations that approval be delegated to Officers subject to s106 and other matters.

Our original representations are enclosed to these submissions (Enclosure A1-2). We have made similar representations in respect of the original planning application (Ref: 17/0779) which the Officers Committee Report notes has effectively been replaced by this planning application.

SLG’s position relates to the application of the Sequential Test (ST) as required by paragraph 1681 of the National Planning Policy Framework (NPPF) in relation to the land allocation (HSS5) of the FLP. Contrary to the assertions made by the Officers in the Committee Report2, the land allocation HSS5 did not undergo the sequential test during the examination of the FLP prior to its original adoption.

The reasoning why an ST was not carried out is set out in our previous submissions but in summary:

- *At the time the FLP was submitted for examination, the EA’s Flood Map showed the site as falling within Flood Zone 1. This was reflected in the Strategic Flood Risk Assessment which informed the FLP.*
- *After the FLP examination hearing sessions had closed, but before the examining Inspector issued her report, the EA updated their Flood Map and re-classified the site as falling within Flood Zones 2 and 3.*
- *Rather than re-open the examination, the LPA agreed with the Inspector that the ST would be applied at planning application stage.*

The email exchange is contained within Bundle A.

The ST is an important national planning policy provision – which is also enshrined in the FLP through policy CL11 - to steer development to areas with the lowest risk of flooding - it is neither discretionary nor optional. Development in areas of higher flood risk should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Failure of an LPA to undertake an ST prior to the approval of the planning applications would be contrary to national planning policy and leave the decision open to legal challenge and we have advised the LPA as such (see Enclosure B).

The Officer’s assertion in the Committee Report that an ST is not required because the site is allocated in the Local Plan is therefore factually incorrect. Officers are mis-applying national planning policy and misleading Members into supporting the granting of a potentially unlawful decision.

Before this planning application is considered by Members, the LPA needs to undertake a ST3 assessment in order to fulfil the provisions of the NPPF and of policy CL11 of its own Development Plan.”

Officer Response

This challenge is made in response to the point clarified in Update 1. The position set out in the agenda reports incorrect, but the appropriate Sequential Assessment has been undertaken and so the council can legitimately determine the current application.

With the recommendation to Committee being to delegate the decision to officers for other matters, it is possible that a more formal consideration of this could be added to the list of matters for further consideration, but officers do not believe that this is necessary.

Update 3 – Comments from The Planning Studio for Oakwood Homes

Comments were received from the agent for the developer of the adjacent site, forming part of the wider allocated site. This adjacent site is subject to an application currently under consideration (21/0472) for 40 dwellings. The site bisects the application site, meaning that the application site comprises two separate pockets.

The comments raise an objection, summarised as follows, with a full copy of the objection attached:

1. Oakwood Homes will not accept any request by Wain Homes or the local planning authority to not allow their own development to be accessed directly from Cropper Road;
2. Oakwood Homes would not accept any loss of housing units to assist with any additional connectivity works to benefit the Wain Homes application;
3. The suggested secondary vehicular access link from Wain Homes site between plots 4 & 5 of the Oakwood development is unnecessary and pointless;
4. The committee report is inaccurate in stating that *“no response had been received from the agent for the scheme for 40 dwellings (21/0472).* The agent for the applicant contacted the planning department on a number of occasions, seeking to discuss matters.

The objection provides a summary, with the following most pertinent point:

“There is no mechanism for either Wain Homes or the Council to be in control of all the land that is shown within the Wain Homes led site wide masterplan (including the Oakwood Homes site). Therefore, the submitted Wain Homes masterplan is fundamentally a flawed document that cannot deliver the intentions of a through route that links through my client's land. (...)

I have advised my client that the best course of action would be to seek the agreement of the Council to defer the application and not make a determination on 17th April, and to bring together all parties who are required to be a binding part of a site wide masterplan – this would be the only means to secure the resultant through route, albeit it that it would require compromises to be made in respect of connections to Oakwood Homes development. (...)

In the event that the application is approved by Members with the comments in the Committee report being factually incorrect, and there being no legal mechanism to ensure the through route (a specific requirement of LCC Highways) can be delivered, this would leave the committee's decision open to legal challenge.”

Agent Response

As this comment relates to discussions between the developer of this application site and that of an adjacent site the comments have been shared with the agent for the current application. Their response on this is as follows:

“Emery Planning submitted an initial Masterplan to the LPA in March 2022, and this had the explicit agreement of all the landowners within the site allocation. A revised Masterplan was submitted to the LPA in February 2024. This had the explicit agreement of all the landowners within the site allocation except for Oakwood.

The principal difference between the March 2022 and February 2024 versions is that the latter included a potential additional access point between the Oakwood site and the Wain Homes site should this ultimately be considered necessary/required. Oakwood did not consider it necessary and did not therefore support the February 2024 Masterplan version, although they did explicitly support the earlier version without this potential additional access point included.

It is Emery Planning who instigated discussions with all the landowners within the site allocation, including Oakwood, and has progressed the Masterplan with the LPA. It is wrong for TPS to suggest that their client has been omitted from discussions about the Masterplan since 2022.

In terms of the February 2024 version of the Masterplan, we issued drafts to TPS for comment on 2nd November 2023, 9th November 2023 and 5th December 2023 and this version included the potential additional access point. In January 2024, a final draft Masterplan was presented to Oakwood for comment/feedback. No response was forthcoming to us from Oakwood to this final draft version, although they had earlier said that they would not support a version that included an additional potential vehicular link, and a final Masterplan document was submitted to the LPA in February 2024 with Oakwood not included as an agreed party. The LPA was kept up to date as matters progressed.

In terms of the ‘through access’ between the Wain Homes and Oakwood parcels to the northern part of the site, we provided Oakwood’s architect with the CAD/PDF of the Wain Homes drawings in November 2023 to allow for the access points to be aligned and the reasons for the location of the Wain Homes access points were explained. TPS say in their letter that they have submitted a revised layout plan for the Oakwood site to the LPA on 12 April 2024, although TPS/Oakwood have not provided us with a copy and did not contact us prior to submission of this plan.

Oakwood have been involved in the preparation of the Masterplan and have had opportunities to make their views known. Oakwood have said that they do not agree with what is shown on the latest Masterplan, although this does not make application 22/0461 legally flawed. It is for Oakwood to demonstrate to the LPA that their scheme is acceptable, and the Masterplan is a material consideration in the decision-making process for their scheme although it is not in itself necessarily determinative. The Wain Homes scheme does not prejudice the Oakwood site coming forwards.

The letter by TPS and the suggestion that their client has been omitted from discussions about the Masterplan by Wain Homes is not accurate and it is disappointing. There is no reasonable basis for deferment of our client’s planning application arising from TPS’ latest correspondence, and such a step would not serve any meaningful planning purpose.”

Officer Response to The Planning Studio comments

The numbers in the response refer to those in the summary above. A copy of the full objection has been provided – the agent has requested that committee members review the full response.

1. This is a matter for further discussion, consistent with the handling of a live application. The determination of 22/0461 does not impact this matter.
2. This is a matter for further discussion, consistent with the handling of a live application. There is no element of the application before you which relies upon any reduction in proposed unit numbers for the Oakwood scheme. The determination of 22/0461 does not impact this matter.
3. This purpose for the proposed secondary access has been outlined to the agent. In brief, the Oakwood proposal is for a one road running from Cropper Road, with houses fronting on to each side and therefore backing on to the wider allocated site. This is very poor in terms of placemaking – a completely inward facing development would offer no integration to the wider allocated site. Furthermore, it was outlined that a pedestrian and cycle link should be provided to the local centre. Regardless, these matters are for discussion in relation to the Oakwood proposal. The application before you was amended to allow the potential for a vehicular link but it does not require it. The determination of 22/0461 does not impact this matter.
4. The case officer for both applications contacted the agent on 17/01/2024 with detailed comments on Oakwood Proposals including comments in relation to: highways; masterplanning; layout; housetypes; landscaping & open space; parking; boundaries; viability; and, next steps. This included the offer of a meeting. The applicant only responded to object to the nature of the advice issued to which the officer replied, with no further contact until 12/04/2024 when an amended scheme was provided. Officers acknowledged receipt on the same day, setting out the anticipated timeline for review and providing a response.

Whilst the objection states that there is no mechanism for Wain Homes or the Council to control the land subject to the Oakwood application, it is a simple fact that the Oakwood site is part of the wider allocated site. It will not be assessed except with due regard to this wider allocation, in the same way that the application before committee has been assessed.

At a high level, the objection relates to two issues: whether the submitted masterplan is suitable; and, whether the determination of the application before you would prejudice the Oakwood scheme.

Local Plan Policy M1 states *“Unless a Masterplan or design code has already been prepared by the Council, prospective developers of Strategic Sites (100 or more homes) within the Strategic Locations for Development named in policy DLF1 **will be expected to** prepare a masterplan or design code for their site in consultation with the Council. This should be carried out as part of the pre-application consultation process set out in the Statement of Community Involvement.”* On this basis, whilst the policy sets out a clear aspiration for a masterplan to be prepared, it is not a strict requirement. The presence of a masterplan, prepared in consultation with officers who have oversight of the live applications for the entire allocated site, is considered to be better than no masterplan.

The approach taken by officers has been to facilitate applications being progressed, in the absence of meaningful collaboration between each applicant. The Wain Homes scheme has been given priority by simple virtue of the fact that it is for the substantial majority of the housing allocation and also has the greatest potential for interrelationship issues between each parcel (e.g. the Wain Homes scheme was amended to include the option of the aforementioned link). That is not to say that the other sites have been neglected – the information in point 4 above demonstrates this. Furthermore, a very similar

approach has been taken with the application for the School Road site (19/0284) with similar comments on design, layout and other matters issued. The agent for that site engaged with the officer, amendments were secured and the application is at a more advanced stage.

Officer advice to committee is that the determination of the application before you will not prejudice the Oakwood application. Conversely, the greater degree of certainty for the future of the wider allocated site provided by the largest part of that site moving closer to a potential approval will assist in bringing forward the entire allocated site.

Update 4 - Agent Comments on Housing Mix

At page 60, the report says that the mix of bedrooms is not strictly compliant and the original mix is referenced. The mix was amended in response to officer comments, proposing: 72 no. 2-bed, 104 no. 3-bed and 174 no. 4-bed (rather than 77 no. 2-bed, 62 no. 3-bed and 211 no. 4-bed).

Officer Response

Officers accept that the overview of the proposed mix in the committee report incorrectly refers to an earlier mix breakdown. Officers and consultees have had the correct information when being consulted and carrying out assessments. The currently proposed mix reflects requests made by officers and for clarity is for:

- 72 two-bed;
- 104 three-bed; and,
- 174 four-bed.

Therefore, officers agree with the position set out by the applicant's agent above that the proposed mix is acceptable.

Update 5 – Impact on Trees

Further assessment of the impact of the proposed development on trees has been carried out, specifically with regards to the recently submitted information relating to retaining structures and other boundary features. The following advice has been provided:

The removal of the trees on the corner of Dickies Land and Cropper Road will be a loss to the amenity of the area. Therefore, it is crucial that the area of woodland between Dickies Lane and the Progress Way Roundabout is properly maintained in the future. This area looked like it needed some maintenance, especially the western end. Possible clearance of fallen Elderberry and replanting with shrubs and trees. Its role in screening the proposed development will be crucial in the future.

The strip of trees and hedging to be retained in the north west corner of the site comprises well- spaced semi mature Ash (one with Ash Die Back) and overgrown but very attractive Hawthorn, along with Hawthorn along the footpath to the south. This will all have been planted when Progress Way was built. The root systems of these trees are likely to be mainly within the development site because of the proximity of Dickies Lane and the footpath. If the Ash trees and hedges were retained they would help to screen the noise attenuation fence.

It is assumed as depths haven't been provided that the retaining structure will not include excavations. However, even if no excavations took place the soil levels within the root protection areas of the trees

would increase by 2.00m. The weight of the soil above would compact the soil around the roots depriving the trees of oxygen. They would soon fail. If however, excavations of 0.5m will take place about 2.5m from the trees in order to build the retaining structure, most of the trees roots will be completely cut off close to the trees. This will make the trees dangerous. Also quite a considerable amount of crown reduction would have to take place on the south side making the trees very one sided. This combined with the damage to the roots would make these trees unstable such that they would be likely to fall into Dickies Lane South. Therefore, it will not be possible to build the retaining structure and attenuation fence and retain the trees. Also it will not be possible to build the retaining structure and attenuation fence and then replant as there doesn't appear to be space for broadleaved deciduous trees to grow. A space of 2.5m width to a height of 4.4m is insufficient space for mature broadleaved trees to develop.

If the trees are to be retained the scheme would need to be altered and the retaining structure and fence moved away from them.

It is recommended that an AIA is provided which accurately plots the root protection areas and canopies extent of the Ash trees and Hawthorn trees. In accordance with the British Standard 5837 2012:

“Proximity of structures to trees

5.3.1 The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should: a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA; b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.”

The plans as currently drawn do not demonstrate in accordance with the British Standard that the trees can remain viable.

Officer Response

Officers agree with the consultee comments and have fed these back to the applicant.

The recommendation to committee includes a request for delegated powers to for the consideration of minor outstanding layout issues and any revisions being secured. It is considered that amendments close to this boundary to increase the separation between the built development (including retaining structures) and trees would enable to retention of those trees. It is likely that an increase of a few meters will be sufficient but this will be determined by further consultation. This will likely mean that the north west corner of the development will have minor amendments to layout with the potential reduction in the number of dwellings proposed. However, the overall general urban grain, extent of the site and position of houses will remain materially similar in terms of its wider visual impact. It is not anticipated that these changes would result in any significant impact on any other material considerations.

These amendments will allow the retention of trees along this boundary, as is currently proposed. This is considered necessary to provide screening of the development when viewed from progress Way and Dickie's Lane South.

Update 6 – Clarification on education contribution

The committee report provides a summary of the consultation response from the Local Education Authority which sets out the request for a financial contribution towards primary and secondary school places. It has been noted that there is some inconsistency in the committee report with regards to the target for the primary contribution.

Officer Response

For the primary school contribution, the committee report and recommendation should always make reference to: £777,000.000 towards primary school places at Lytham St Annes Mayfield Primary School and/or Weeton St Michael's Church of England Primary School.

Item	Appn No.	Location	Description
3	22/0616	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM	ERECTION OF EMPLOYMENT BUILDING PROVIDING A MIXTURE OF MANUFACTURING/ASSEMBLY (CLASS B2) AND STORAGE / DISTRIBUTION (CLASS B8), AND ANCILLARY OFFICES / SHOWROOM AREA, INCLUDING CAR PARKING AND LANDSCAPING AREAS

Update 1 - Observations of Local Highway Authority 8/4/24

The following comments were received and are reported verbatim to assist members:

“With regard to the planning application referenced above, 22/0616, the following comments provide an update to comments provided in November 2023.

Summary

New counts should be undertaken in order to benchmark the Transport Assessment. For this reason, it is recommended that the decision is deferred.

Detail

The LHA were advised on 3rd April 2024 that the Legal Agreement to limit stadium capacity and manage car parking is expected to be provided by PWA (on behalf of AFC Fylde) shortly. This legal agreement being sealed and enacted is essential for the purposes of the LHA being comfortable with this proposal.

Notwithstanding the above, in terms of the analysis to support this proposal I am concerned that the submitted assessment utilises old data (2017/2018) and whilst this data has been factored, there is no certainty that the base data is realistic to represent the corridor of impact. It is important that all data can satisfy scrutiny (by all) and can be considered a reasonable representation of the current level of operation. With this, I consider it necessary that additional current traffic data is collected to validate your approach, or, update your analysis with more accurate information. It is important to appreciate that background conditions have changed in this area, but without this information, it is not possible to fully understand.

I would be willing to work with the Applicant's Transport Consultant on agreeing locations, type, duration, data collected, for traffic surveys and modelling that is necessary following this. For this reason, it is recommended that the decision is deferred.”

Officer Update in response to LCC Comments

It is unfortunate that the comments were received so late in the day and then request additional work. However they were shared with the applicant who has been able to provide a response as reported below.

Update 2 – Rebuttal of Local Highway Authority comments by applicant’s consultant

A report has been received from the applicant’s Highway Consultant following receipt of the local highway authority comments reported above. These make the following points:

- As the application was submitted in 2022 it was felt there was no value in undertaking traffic counts at that time due to the impending opening of the Preston Western Distributor Road as that would change traffic flows
- That road opened in July 2023
- A survey of the vehicle movements on Fleetwood Road at the Coronation Way roundabout was undertaken on 14 November 2023
- This has been compared with a survey at this point undertaken in 2017
- A comparison of these two surveys finds that peak hour traffic volumes have fallen in both directions at both AM and PM peaks, with these ranging from an 11% reduction in the southbound AM peak to a 20% reduction in the northbound AM peak.
- As the Transport Assessment that was presented with the application in 2022 concludes that the development would not have an adverse impact on traffic flows at the Coronation Way roundabout based on 2017 flows, it is logical that this conclusion remains sound given the evidentially reduced flows experienced following the opening of the PWDR.
- They conclude that *“the junction will work and the development would have no material impact on the local highway network”*

Officer Update in response to Highway Consultant submission

In the time that is available it has not been possible to seek further views from the local highway authority. However the views that are presented here are clear and logical and so officers recommend that Committee accept the conclusion made on this aspect of the highway considerations.

Update 3 - Observations of Greenhalgh Parish Council

The following comments have been received from this neighbouring Parish Council following the preparation of the agenda:

“The height of the building has been reduced by 1.7m at the visible parapet which lessens the impact by only 8% and its shift a few metres to the west does not materially change the bulk and form of the structure which sits exactly on the boundary of this parish and Wesham. Neither does the re-orientation of the entrance and manufacturing elements make any material difference to the way in which it will be perceived in this transitional location between the urban and rural landscape.

Although the applicant has now submitted a detailed report stating the economic case for setting aside the many Local Plan policies which this development breaches, there are no overwhelming gains to be made to this locality or the area. The report states that up to 75 jobs may be created in the future should the business turnover double in the next 5 years. However, the existing 110 employees will transfer from Fleetwood, but their home locations shown on the postcode map indicates that the vast majority will face a difficult 20 mile round trip to work, which is not shown as a dis-benefit or an environmental disadvantage.

The fact that there would be an investment of £28m in building the structure does not in itself justify developing in the wrong place, neither does the contribution to ‘growth’ in the concrete, steel and fit out spend or the man-hours completing the building. Again the report map on social disadvantage shows Mill Farm to be in the least deprived area of the Borough whereas, the logical development site specified in the Local Plan at Wyndyke adjacent to the worst areas, would meet all of these requirements and be much closer and easier for worker transfer.

Perhaps the most worrying aspect of this plan is the traffic impact. The building plan now shows that there will be provision for 11 HGV docking bays, even though the stated immediate requirement is to

service only 3 HGV's a day. The only access is still via the A585, Wesham by-pass roundabout and the un-adopted Coronation Way."

Officer Update in response to Greenhalgh PC comments

The points raised are largely addressed in the report, but to help Members the position on the 4 paragraphs is set out below:

1. It is correct that the scale of the building is only marginally reduced in the latest iteration of the plans, and that its scale and so impacts are considerable. This is a harm from the development that is to be assessed in the overall planning balance.
2. The implications of staff commuting is not covered in the report, although it is unlikely to be a significant factor on highway capacity given that the traffic counts referred to in Update 2 above confirm that there are circa 1,500 to 2,000 movements at the access point in peak hours already, but that this is a reduction on trips prior to the PWDR opening.
3. Whilst it is accepted that Whyndyke would be a suitable location for the development of this building, the application under consideration is not for that location and so the decision to be made is whether it is suitable at Mill Farm or not.
4. There is no objection to the development from National highways with regard impacts on the strategic highway network, or LCC with regard the impact on the local highway network with the information described in Update 2 again highlighted to as it confirms a recent significant reduction in traffic on the network.

Update 4 – Additional Condition

Officers recommend that an additional condition is imposed on any planning permission to ensure that full details of any lighting that is to be introduced on the site are assessed before implementation. A suggested wording is set out below.

28. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, if any external lighting is to be installed on the building and/or the external areas of the site a scheme including details of the lighting shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a) position and height of any lighting to be installed on the building*
- b) position and height of any supporting columns for lighting that is proposed to be located around the site.*
- c) nature and intensity of illumination of all lighting*
- d) direction of lighting and any shields or hoods to be fitted to the lights*
- e) timing of operation of the various areas of lighting that are proposed*

Any external lighting shall only be installed and operated in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Item	Appn No.	Location	Description
5	23/0812	189 ST ANDREWS ROAD SOUTH, LYTHAM ST ANNES, FY8 1YB	CHANGE OF USE OF DWELLINGHOUSE (USE CLASS C3) TO A RESIDENTIAL CHILDREN'S CARE HOME FOR THREE YOUNG PEOPLE (UNDER 18 YEARS OF AGE) WITH NON-RESIDENT CARERS INCLUDING CONVERSION OF ATTACHED GARAGE TO A HABITABLE ROOM, ADDITION OF PITCHED ROOF ABOVE CONVERTED GARAGE TO SIDE ELEVATION AND ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION

Update 1 – Petition Received

A petition has been received which is headed:

“We the undersigned oppose 189 St Andrews Road South becoming a privately run children’s care home for the following reasons:

- *It is not a suitable and safe location for looked after children. They deserve better.*
- *Fylde already has far more children’s care homes than are needed locally, but full of children brought here from afar, when it is not usually in their interests.*
- *A business should not be run on premises with a joint restrictive covenant that forbids such use.”*

A cover sheet with the petition states:

“The great majority of the 123 signatures are those of residents on our part of St. Andrews Road South (111). The others (12) are from relatives such as the adult children or grandchildren of vulnerable elderly parents/grandparents, plus a few worried friends of residents. They all visit regularly, know the road well, are very concerned, and asked if they could sign. “

Officer Response

Members are advised to note the receipt of the petition in their consideration of the application.

Update 2 – Additional Neighbour Comments Received

In addition to the petition the council has received a series of further documents from a group of residents. These are:

- A letter to Mark Menzies MP which comments on the legislative position regarding looked after children
- A letter to County Cllr Rigby which comments on the content and methodology used to prepare the local highway authority response
- A copy of correspondence between a local resident and the applicant
- A document which highlights several matters with the Officer report on the agenda.

The first three are not directly related to the application here, but the final one is and so officers report the content here and provide a brief response to the points made.

1) Concerns over the process

Refer to the council only notifying 6 neighbours, not posting site notices, and that the consultation period spanned the Christmas break.

Reference to the applicant appearing to be unwilling to engage with residents.

Reference to the Scrutiny Committee investigation and an allegation that 'Planning was not investigating applications well enough'.

Express surprise that members of the planning committee do not see all public comments on all applications on all agendas, so asked for them to be supplied as they are not published online.

2) Our List of Material Differences

- a) Frustration at not being able to consult with the applicant.
- b) That the property will look different to the other dwellings. This is due to the introduction of a palisade fence as referenced in the Network Rail response.
- c) Car Parking is not as found by the local highway authority and Fylde Planning
- d) Reference to the relationship between 189 and 187 where the rear of the garden to 189 forms the side boundary of 187 and vice versa. This relationship is said to be ignored in the report.

3) Submissions from the Public

The submission presents an analysis of the redacted comments that were provided to a resident by the planning team on request, and the summary of the public comments that is provided in the officer report. The submission suggests that the comments in the report do not fully record the submitted objections, and that some issues are omitted, and that a number of the points that are made are not referenced in the report.

The point then provides a criticism of some elements of the assessment, such as that the 3 parking spaces that are shown are not achievable, or that elements of the assessment are not correctly assessed, such as the objections raised about the proposal being to operate the property as a business.

4) Road and Parking

The submission criticises the comments made by Lancashire County Council as local highway authority. They refer to these being undertaken via a Google Street View assessment rather than an actual visit to the site. This means they cannot be aware of the actual road conditions or have taken any measurements of the site.

The submission particularly highlights the difficulties in providing 3 parking spaces on the site, and how the accessing and exiting of these spaces will require reversing manoeuvres in a difficult highway location on an S-bend in the road.

5) Network Rail

Reference is made to the proximity of the garage to the railway and so how those using it would be subject to greatest levels of disturbance. The comments of Network Rail are also highlighted as the residents believe they make suitably detailed and relevant points with regards the application.

6) Submissions on non-planning issues

The submission criticises the officer report as it does not provide detailed response on a number of matters that are raised by residents which are dismissed as being non-planning matters. Examples of these are child safety due to potential access to the railway, and the number of vulnerable elderly residents in the area.

7) The Joint Restrictive Covenant

The submission refers to a joint restrictive covenant that applies to 187 and 189 and would be broken if a children's home was established in the application property. The submission highlights that Fylde Planning were made aware of this in January 2024 but have taken no action.

8) IN the long term

Reference is made to the works that are proposed to the dwelling indicating that the property is the wrong wone to establish a care home of the size proposed, and that the location is inappropriate.

9) Conclusion

The submission makes reference to the officer conclusion which highlights the potential fallback of a Certificate of Lawfulness. They then criticise the level of assessment undertaken by officers in reaching their recommendation on the application.

Officer Response

The response here is limited to the submission that comments on the officer report, with the responses here referring to the numbered points in that submission as summarised above.

- 1) The council complied with and exceeded the statutory requirement to notify adjacent occupiers of the application, extended the consultation period when requested to accommodate the Christmas break, and supplied redacted copies of comments when requested. There are no process failings with the determination of the application.
- 2) Whilst it would usually be helpful for neighbours to communicate over planning proposals, it is not essential and an application could not be refused due to a lack of such communications. The other matters are relevant considerations for the decision that Members can give weight to in that decision.
- 3) The summary of the public comments in the officer report is intended to be comprehensive without overloading members with repetitive or irrelevant information. In this case many of the comments that were received covered the same points, and a number were a standardised proforma letter. The officer report provides an effective summary of the key planning matters that are raised by those who commented on this application. The Courts have confirmed that the summary of comments from interested parties in committee reports is appropriate.

Officer's believe that the assessment in the agenda report covers the policy and other material planning considerations in appropriate and accurate detail.

- 4) LCC are the local highway authority and are a statutory consultee on planning applications that could impact on the highway network. How those comments are prepared is a matter for LCC. Fylde Council has a duty to consider their comments in the determination of a planning application.

The Fylde Council planning officer will always visit the application site as part of the assessment of the application to ensure that they are aware of the details of the site and so can make a full assessment of its merits. This has occurred here and is reported in the agenda report. The assessment made by your officers is that the guidance provided by LCC is sound and so no objection is made to the application on highway grounds, with a condition imposed to ensure that appropriate onsite parking is provided and retained.

- 5) The views of Network Rail are reported and assessed by the officer report. The Network Rail 'conditions; are related to their powers as railway authority and so an informative note is included to ensure that the applicant is aware of the obligations under that legislation.
- 6) The decision on any planning application has to be in accordance with the Local Plan unless material planning considerations indicate otherwise. As such non-planning considerations, including those listed by the submission, cannot be taken into account in a planning decision.
- 7) As with point 6 above, the presence of a joint restrictive covenant is not relevant to a planning decision., hence Fylde Council has no role to play in its investigation.
- 8) The council has a duty to determine all planning applications that are submitted, and must do so based on their planning merits alone. Whether a site is the 'best' location for a particular use is not a material consideration.
- 9) The need for planning permission and the existence of a fallback position is a material consideration in the assessment of a planning application. However, in this case an application has been submitted and that includes a consideration of whether the level and nature of use is appropriate for this property. Officers have assessed the application and conclude that it is, but Committee are the decision makers and so will determine it accordingly.

Item	Appn No.	Location	Description
6	23/0864	ROYAL LYTHAM AND ST ANNES GOLF CLUB, LINKS GATE, LYTHAM ST ANNES FY8 3LQ	REMODELLING WORKS TO THE GOLF COURSE ASSOCIATED WITH HOSTING FUTURE CHAMPIONSHIP TOURNAMENTS, CONSISTING OF THE ADDITION OF A NEW PRACTICE GROUND AND PRACTICE TEE; BUILDING OF A NEW TEE ON THE 14TH HOLE; ALTERATIONS TO REROUTE THE 11TH FAIRWAY; WORKS TO IMPROVE THE ROAD SYSTEM TO PROVIDE ACCESS AROUND THE COURSE FOR ROUTINE MAINTENANCE AND FOR HOSTING FUTURE CHAMPIONSHIP TOURNAMENTS, ASSOCIATED PROVISION / ALTERATION IRRIGATION SYSTEMS, DRAINAGE TO BUNKER BASES AND ADDITIONAL MINOR LANDSCAPING WORKS.

Update 1 – Revisions to proposal

The applicant’s agent has advised that following further discussions with the high school, they wish to amend their application to remove the off-site tree planting submitted as part of their original application. As an alternative, additional tree planting is now proposed within the boundaries of the golf course.

Officer Response

This revision would allow the tree planting to be secured by condition, which would ensure that the onsite planting is equal to the off-site planting previously proposed and would also negate the requirement to enter into a Sn 106 agreement with the golf club to secure the off-site planting.

Update 2 – Revision to conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and the National Planning Practice Guidance require any conditions precedent to be agreed with the applicant. The golf club’s construction programme proposes moving the material required to form the remodelled course onto site and into a storage area within the existing maintenance storage compound ahead of the completion of a number of studies required to ensure the works to the course itself will be completed without harm to ecology. Conditions 4, 8 and 9 would prevent any work including the import of material ahead of the Construction Environment Management Plan, Habitat and Landscape Management Plan and the grass land translocation method statement.

Officer Response

As the imported material would be stored in an existing maintenance area, it is considered that there would be no adverse impact resulting from this activity in advance of these particular conditions, provided warning signs and fencing are erected to ensure that there is no activity within the sensitive areas of the course. The applicant considers that the import of material during the drier summer months would shorten the period across which materials would be imported and minimise disruption to local residents. Paragraph h of condition 4 requires the “use of protective fences, exclusion barriers and warning signs.” This requirement could be added to the construction method statement required by condition 5, and which would need to be complied with ahead of the importation of any material. The amendment to condition 8 would also allow a correction to an erroneous reference to domestic gardens to be corrected. For ease of reference additional text is shown underlined and deleted text shown struck through.

Revised Recommendation

That planning permission be GRANTED subject to the conditions set out in the agenda paper, with the exception of conditions 4, 5, 8, and 9 which shall be as set out below and subject to an additional condition 18 requiring the agreement of a scheme of replacement tree planting.

Revised Condition 2 – list of approved plans

Add "MacKenzie and Ebert: Royal Lytham St Annes – Materials Storage Area" to list of approved plans

Revised condition 4 - Construction Environmental Management Plan (CEMP)

With the exception of the importation of materials and their storage within the Materials Storage and Site Compound indicated on MacKenzie and Ebert drawing titled "Royal Lytham St Annes Material Storage Area", no development, ground works or vegetation clearance shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) A risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- ~~h) Use of protective fences, exclusion barriers and warning signs.~~
- i) Pollution prevention measures to avoid contaminated water run-off entering nearby watercourses.
- j) a Precautionary Working Method Statement (PWMS) for reptiles

The duly approved CEMP shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on water quality, linked water-dependend nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework

Revised Condition 5 - Construction Method Statement (CMS)

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:

- a) hours and days of work for site preparation, delivery of materials and construction;
- b) areas designated for the loading, unloading and storage of plant and materials;
- c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;

- d) arrangements for the parking of vehicles for site operatives and visitors;
- e) arrangements for vehicle manoeuvring to be made within the site including swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- f) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- g) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- h) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- i) measures to protect vulnerable road users (pedestrians and cyclists);
- j) measures to control the emission of dust and dirt during the construction period;
- k) measures to monitor, mitigate and control noise and vibration during the construction period, including the management of complaints;
- l) a nominated person who will act as the 24 hour point of contact in the event of any emergencies;
- m) the siting, luminance and design of any external lighting to be used during the construction period;
- n) the erection and maintenance of security hoarding;
- o) a strategy to inform neighbouring occupiers (which as a minimum, shall include 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.
- p) use of protective fences, exclusion barriers and warning signs to prevent access into sensitive ecological areas

The development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: To ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance which may harm the amenity of surrounding occupiers or sensitive habitat and to avoid undue obstruction of and/or disruption to the function of the surrounding highway network during the construction of the development in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Revised Condition 8 - Habitat and Landscape Management Plan (HLMP)

With the exception of the importation of materials and their storage within the Materials Storage and Site Compound indicated on MacKenzie and Ebert drawing titled "Royal Lytham St Annes Material Storage Area", no development shall take place until a Habitat and Landscape Management Plan (HLMP) for all landscaped areas of the development (excluding privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The HLMP shall include details of the following:

- a) Habitat management and creation of features for reptiles on the site are proposed within the BEP
- b) Details of the habitat creation and long term habitat management and monitoring of the site, including details of the species specific measures that are proposed on the site, in addition to the habitat creation.
- c) The proposed tree planting and provision of bat and bird boxes, as identified in the BEP, should be secured within the Landscape and Habitat Management Plan for any planning permission that is granted.
- d) long term design objectives, management responsibilities, maintenance schedules; and a timetable for implementation.

The HLMP shall thereafter be implemented in full accordance with the duly approved details and timetable contained therein.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework

Revised Condition 9 - Grassland Translocation Method Statement

Prior to the commencement of development, with the exception of the importation of materials and their storage within the Materials Storage and Site Compound indicated on MacKenzie and Ebert drawing titled "Royal Lytham St Annes Material Storage Area", a grassland translocation method statement containing details of the working methods to be followed in order to ensure that the species-rich turf is stored, translocated, and re-laid appropriately shall be submitted to and approved in writing by, the local planning authority. The development shall be carried out in full accordance with the approved method statement.

Reason: In order to preserve and safeguard the flora associated with this sensitive grassland habitat and prevent the degradation of the Biological Heritage Site in accordance with Policy ENV2 of the Fylde Local Plan to 2032 (incorporating partial review) and Policy EN1 of the St Annes on the Sea Neighbourhood Development Plan

Additional Condition 19 – Tree Planting Scheme

Prior to the felling of any trees to facilitate the implementation of this planning permission, details of a scheme of mitigation tree planting shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the species, size and location of the proposed trees, together with a timetable of planting and programme of aftercare. The trees shall be planted in accordance with the agreed scheme and planting timetable. Any tree that dies or is removed within a period of 5 years of planting shall be replaced by a tree of the same size and species.

Reason: In order to secure a scheme of planting to help mitigate the loss of tree cover that will result from the proposed development in accordance with policy ENV1 of the Fylde Local Plan to 2032 (incorporating partial review).