

# Development Management Committee

Wednesday 1st April 2015

## Late Observations Schedule

### Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
2	14/0652	<u>Additional Neighbour Comments</u>

A further neighbour letter has been received from the property which is adjacent to the proposed location of the shop. The neighbour refers to the lack of need for this commercial property and the implications that it would have for his privacy. The letter suggests that the shared use of an existing building such as the Village Hall, or a new building opposite the Miller Arms would be a preferable location for this element of the proposal.

### Officer Response

The merits of including a shop in the scheme and its location at the centre of the village are covered in the existing report. Matters of details such as privacy and parking arrangements will be dealt with at Reserved Matters stage.

### Additional Consultee Response

The council has received a consultation response from LCC Education. They have assessed the available capacity of the primary and secondary schools around the site to accommodate the children from a development of this scale.

This concludes that there will be adequate capacity in the 3 primary schools within 2 miles of the site (Singleton, Weeton and Carr Head in Poulton) to accommodate the 6 children anticipated from a development of this size. As such no request for any contribution in respect of primary education is made.

With regard to secondary school capacity the 2 children from this development will exacerbate the existing shortfall of capacity at Baines School and Hodgson Academy being the 2 schools within 3 miles of the site. As such they request that a contribution in respect of these two places of £36,253 is made to assist in meeting the education needs of the children anticipated from this development.

### Officer Comments

The provision of funding to assist in education capacity is an accepted infrastructure improvement from new development and accords with the requirements of Policy CF2 of the Fylde Borough Local Plan and guidance in

NPPF. Officers are satisfied that this request complies with the CIL regulations and should be incorporated into a revised recommendation.

#### Revised Recommendation

That Planning Permission be GRANTED subject to:

1. The completion of a Section 106 agreement in order to secure:
  - the provision, phasing, retention and operational details for 30% of the proposed dwellings to be affordable properties (The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority) and
  - the payment of a sum of £36,253 (or other sum calculated on the basis of the actual scale of the dwellings approved at reserved matters stage) towards enhancement of secondary education provision associated with this development

and the following conditions (or any minor amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

#### 4      14/0811      **Additional Consultation responses**

##### Environmental Protection

No objections but request that the following conditions be placed on any approval:

1. During the construction phase, operating hours shall be restricted to 08.00-18.00 Monday to Friday, 08.00-13.00 Saturdays and no activity on Sundays or Bank Holidays.
2. The applicant shall carry out a noise assessment in accordance with BS4142:2014 for fixed plant with reference to the nearest residential property. The result of the assessment shall be submitted to the Local Authority together with any mitigation measures should the assessment suggest that noise levels may be "significant".
3. The applicant shall carry out a glint/glare assessment and the results forwarded to the Local Authority for consideration.

Condition 1 is already a condition recommended by planning officers but the other two will need to be added to any approval. With these conditions in place it is considered that the development will not have any detrimental impact on residential amenity.

##### **Environmental Impact Assessment**

The report concludes that the development is not within schedule 1 or 2 of the EIA regulations and so no Environmental Impact Assessment is required. That is incorrect as the scale and nature of the development is within Part 3a of

Schedule 2 to those regulations and so the council is required to screen the development to establish if an EIA is required. That has been undertaken and the council confirms that the development is not EIA development and so can be determined in the absence of any further environmental information being submitted.

#### **Revised Condition**

Condition 9 of the report on the agenda papers requires details of a landscaping scheme to be submitted and agreed and then implemented. Officers now suggest a revised wording to this condition to give greater certainty over the extent and nature of the landscaping and so suggest the following replaces condition 9 on the agenda.

*9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding including the proposed hedgerows; hard surfacing and the materials to be used for the internal access roads; and, means of enclosure and shall follow the principles established in section 5 of the Landscape and Visual Appraisal document by Crestwood Environmental dated 10 November 2014.*

*Specific areas of landscaping to be included in this scheme shall include:*

- 1. The continuation of the woodland along Clifton Lane to Deepdale Road. To be of a similar species mix, depth and density as the existing woodland.*
- 2. In addition to the existing hedgerow further planting is required within the site boundary to ensure that the development is effectively screened along Deepdale Road*
- 3. To the eastern boundary; a series copses should be strategically planted to provide height and variation along the proposed hedgerow boundary*

*All landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

*Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.*

*15. The applicant shall carry out a noise assessment in accordance with BS4142:2014 for fixed plant with reference to the nearest residential property. The result of the assessment shall be submitted to the Local Authority together with any mitigation measures should the assessment suggest that noise levels may be "significant".*

*Reason: in order to safeguard the residential amenity of neighbouring residents.*

*16. The applicant shall carry out a glint/glare assessment and the results forwarded to the Local Authority for consideration.*

*Reason: In order to prevent excessive impacts from glare and reflection in the interests of amenity and safety.*

6      14/0895      **Additional Consultation Responses**

Parish Council Consultee Comments

Comments have been received from Freckleton Parish Council stating that they now support the proposal as revised subject to the clarifications in the Environmental Report.

Officer Response

It is assumed that the reference to Environmental Report refers to the submitted ecological information. These issues are discussed in the officer report and a condition is in place for implementing mitigation.

Environment Agency

Comments have been received from the Environment Agency confirm that they have no objections in principle to the proposed development but request conditions in relation to the measures in the submitted FRA being carried out and a land contamination condition because of the previous use of the site.

Officer Response

It is considered that with such conditions in place as outlined in the report that there are no flooding issues with the application.

LCC Education

LCC have confirmed that this development would not result in a need for primary school places, but would for 2 secondary school places. The extent of this request is £36,253. The applicants have confirmed that they will make this contribution, with a clause to be added to the s106 agreement to secure its payment.

**Additional Comment and Analysis**

The application contains a fishing hut and tackle shop for the fishing club who utilise the pond on the site. The establishment of a shop in this location could result in the establishment of an open A1 retail use if it is not adequately controlled by condition. It is, therefore, recommended that an additional condition be introduced to restrict the nature of the retail outlet to fishing tackle and ancillary equipment for sale to users of the site only, as set out below.

In addition, as the floor area of the development exceeds 1,000 sq m of floor area within the green belt, it will be necessary to refer the application to the Secretary of State in line with the provisions of the Town & Country Planning

(Consultation) (England) Direction 2009.

**Amended Recommendation**

The recommendation in the officer report should be removed and replaced with the following;

As the application relates to development in excess of 1,000 sq m in the greenbelt it has to be referred to the Secretary of State in line with the Town & Country Planning (Consultation)(England) Direction 2009 in order to determine whether the Secretary of State wishes to recover the application for his own consideration, or if the application should continue to be determined by this authority. Therefore subject to the SOS determining Fylde can determine the application it is recommended that, Subject to the completion of a Section 106 agreement in order to secure:

- a financial contribution of £200,000 towards securing off site affordable housing at
- a financial contribution of £36,253 towards education provision in the area and the phasing of that payment

(The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.)

Planning permission be granted subject to the following conditions (or any minor amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

and subject to the following additional condition:

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended or the Town & Country Planning (Use Classes) Order 1987 (as amended), the retail use hereby approved shall not occupy more than 15 sq m of the floorspace within the proposed building and shall be restricted to the sale of fishing tackle and ancillary goods to users of the fishing lake only.

Reason: In order to prevent the establishment of an open retail use which may harm the vitality and viability of established centres.

7      15/0057      Agent Comment

Since publication of the Committee agenda the agent has contacted the council to highlight a government announcement on 21 March 2015 advising that council's are to plan ahead to meet the needs of an ageing population and consider the types of homes they would need to build locally.

Officer Response

No comments to add to recommendation or report.

9      15/0119      Additional Neighbour Representation

Comments from a direct neighbour to the site have been received and were too late to be included within the officer report so are summarised here.

They object to the application on grounds of loss of amenity, intrusion of privacy, a feeling of enclosure and a overlooking from the dominant and overbearing nature of the development. They refer to the application being identical to 13/0764 and request that it be refused for consistency with how that application was determined. The letter highlights that a side facing dormer with opening windows will allow unacceptable privacy loss in their garden and living space. Reference is also made to the extensive recent planning history on the site and they express a loss of confidence in the ability of the planning department to enforce conditions that would properly protect residents from overbearing and intrusive development. Copies of previous objection letters to the earlier applications are included.

Officer Comments

The matters raised in this letter are addressed in the report and recommendation

10      15/0130      Additional Comments received from St. Annes on the Sea Town Council (23rd March):

"None specific".