

Planning Committee

Wednesday 01 August 2018

Late Observations Schedule

Agenda Items

<u>Item</u>	<u>Comments</u>
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| 5 | <p>The information report advises that the National Planning Policy Framework is expected to be published later in the summary. The revised Framework was published on 24 July 2018, alongside the Government's response to the consultation exercise. An update has been provided which sets out the Government's response. The revised NPPF, along with a full copy of the Government's response can be found at: https://www.gov.uk/government/collections/revised-national-planning-policy-framework</p> |
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An appraisal of the revisions that have been made to the Framework and any implications for the determination of the applications that are to be considered at this meeting is set out below.

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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| 1 | 16/0992 | Observations: |
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Updated comments from Parish Council:

The following comments were provided on behalf of Bryning with Warton Parish Council on Friday 27 July following the publication of the August Planning Committee agenda:

I'm writing on behalf of Bryning with Warton Parish Council to seek to correct the position outlined under Item 1 of the Planning Committee Agenda of 1 August 2018. The Officer's summary refers to the Parish Council's objections dated 13/2/17 and says no further correspondence has been received.

The Parish Council reconsidered this application following a presentation to the Parish Council by Indigo of their revised scheme on 26th March 2018. As a result the Parish Council resolved to withdraw its objections and "to support use of the site for Care purposes - with the only reservations expressed against any other form of development."

We agreed that it was important that the Parish Council was not seen to be

objecting to this facility - but with the proviso that the site should be restricted to its primary purpose, ie. of a care facility. It would appear that the communication of this decision did not reach FBC and I can only apologise for that. We would be grateful if this could be added to the Late Observations schedule.

We would also like to highlight the fact that there are currently two Regeneration Schemes for Warton which have adopted status. In line with Fylde Borough planning policy, the Parish Council expects and requests that consideration be given to seeking contributions from any new development in Warton. The two approved schemes are:

- *Lytham-Warton-Freckleton Boulevard Scheme - last known estimate £9500*
- *Village Centre Regeneration Scheme - last known estimate £325,000*

We would be grateful if this request could also be included in the Late Observations Schedule and be considered by Officers and the Planning Committee should it be minded to approve 16/0992.

Revisions to NPPF (July 2018):

The revised NPPF was published on Tuesday 24 July 2018 and is to be applied in the determination of all planning applications from the date of publication. As the current Committee Report refers to the 2012 NPPF (as was applicable at the time of writing), the following provides a summary of the main changes made to the NPPF as relevant to the specific subject matter and main issues associated with this application:

Green Belt:

Policies relating to "protecting Green Belt land" are dealt with in Chapter 13 (paragraphs 133 - 147) of the 2018 NPPF. These were previously set out in Chapter 9 (paragraphs 79 - 92) of the 2012 NPPF. Aside from the re-numbering of paragraphs arising as a result of the revised Framework's re-structuring, the revisions to the wording of Chapter 13 of the 2018 NPPF are not considered to have any materially different implications for Officers' assessment of this application. In particular, criteria (d) and (g) to paragraph 145 of the 2018 NPPF continue to provide for:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

As the proposal is for a C2 use and does not include the provision of affordable housing, the second (new) bullet point to paragraph (g) is not applicable to this scheme.

The effects of inappropriate development and the need to demonstrate very special circumstances continue to be applicable under paragraphs 143 and 144 of the 2018 NPPF. Accordingly, the revisions made in the 2018 NPPF do not lead officers to reach a different conclusion concerning the development's effects on the Green Belt, its compliance with the exceptions where development is not inappropriate or the test of very special circumstances.

Sequential test for main town centre uses:

Policies for "ensuring the vitality of town centres" are dealt with in Chapter 7 (paragraphs 85-90) of the 2018 NPPF. These were previously set out in Chapter 2 (paragraphs 23 - 27) of the 2012 NPPF. Aside from the re-numbering of paragraphs arising as a result of the revised Framework's re-structuring, the revisions to the wording of Chapter 7 of the 2018 NPPF are not considered to have any materially different implications for Officers' assessment of this application. In particular, the sequential test for main town centre uses is carried forward to paragraphs 86 and 87 of the 2018 Framework and the minor changes in wording in comparison to paragraph 24 of the 2012 NPPF do not have any direct implications for the determination of this application given the scope of the sequential analysis that has already been undertaken by the applicant.

Highways:

Policies for "promoting sustainable transport" are dealt with in Chapter 9 (paragraphs 102-111) of the 2018 NPPF. These were previously set out in Chapter 4 (paragraphs 29 - 41) of the 2012 NPPF. Aside from the re-numbering of paragraphs arising as a result of the revised Framework's re-structuring, the revisions to the wording of Chapter 9 of the 2018 NPPF are not considered to have any materially different implications for Officers' assessment of this application. The third bullet point to paragraph 32 of the 2012 NPPF stated that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". This part of the bullet point has been replaced by a separate paragraph (109) in the 2018 NPPF which now reads: "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Given the comments from the Local Highway Authority, the revisions made in the 2018 NPPF would not have led to officers reaching a different conclusion on highway matters.

Other matters:

Aside from the re-numbering of paragraphs arising as a result of the revised Framework's re-structuring, the implications of changes to the wording of paragraphs in the NPPF presently cited in the Committee Report which relate to matters concerning effects on character and appearance, amenity impacts, loss of agricultural land, ecology, trees, flood risk and contamination are not considered to have any materially different implications for Officers' assessment of this application and do not lead officers to reach a different conclusion on

these matters.

The presumption in favour of sustainable development is now set out in paragraph 11 of the 2018 NPPF (previously paragraph 14 of the 2012 Framework) and, for decision taking, the 2018 NPPF clarifies that this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Officer recommendations:

With respect to the comments from the Parish Council:

Recommended condition 5 imposes a restriction on the quantum of development for each of the proposed uses and will ensure that any application for approval of reserved matters would be led by C2 residential care uses.

In terms of the Parish Council's request for the scheme to make contributions towards public realm improvements in Warton, given the C2 nature of the residential use (and that the characteristics of those uses are distinct from C3 - dwellinghouse - uses) and the site's location in relation to the settlement, it is not considered that the development would generate a sufficient degree of footfall to the sites in question in order to justify seeking financial contributions towards those projects. In particular, it is not considered that the three tests for planning obligations set out in paragraph 56 of the NPPF (repeated below) would be satisfied in this case:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

With respect to the implications of the revised NPPF:

That members take note of the implications of the 2018 NPPF's revised wording in respect of each of the main issues as set out above. There is no change to the officer recommendation as a result of the revisions introduced as part of the 2018 NPPF.

Conditions:

Minor changes to the wording of conditions 13 and 24 are required in order to deal with any phasing of the development and to relate the requirement for travel planning to the residential care uses. The revised wording for each

condition (with the changes highlighted in bold) is given below:

13. None of the buildings in each phase identified in accordance with the requirements of condition 6 of this permission shall be first occupied until a scheme for the lifetime management and maintenance of the surface water drainage system **for that phase**, installed pursuant to condition 12 of this permission, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) The arrangements for adoption by an appropriate public body, statutory undertaker and/or management and maintenance by a Residents' Management Company.
- (ii) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as: (a) on-going inspections relating to performance and asset condition assessments; and operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iii) Means of access for maintenance and easements, where applicable.

The surface water drainage system shall thereafter be managed and maintained in accordance with the duly approved scheme.

24. Notwithstanding any details submitted as part of the application, **none of the residential accommodation within the care home and the assisted living units** hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall follow the principles set out in the 'Framework Umbrella Travel Plan' by 'Hydrock' (document reference R/C14545/004) dated December 2016 (including updates to reflect the mix of uses and quantum of development approved by this permission) and shall contain the following details:

- (i) the appointment of a Travel Plan co-ordinator;
- (ii) measures to be introduced to promote a choice of travel modes to and from the site in connection with each of the permitted uses;
- (iii) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- (iv) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment – over a minimum period of five consecutive years following the implementation of the Travel Plan – of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

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

Reason: In order to promote modal shift and increased use of sustainable methods of travel and because the 'Framework Umbrella Travel Plan' initially submitted with the application requires updating to reflect the significant

amendments made to the mix of uses and quantum of development since it was prepared in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

4 18/0006 Revisions to NPPF (July 2018)

Sequential test for main town centre uses:

Policies for "ensuring the vitality of town centres" are dealt with in Chapter 7 (paragraphs 85-90) of the 2018 NPPF. These were previously set out in Chapter 2 (paragraphs 23 - 27) of the 2012 NPPF. Aside from the re-numbering of paragraphs arising as a result of the revised Framework's re-structuring, the revisions to the wording of Chapter 7 of the 2018 NPPF are not considered to have any materially different implications for Officers' assessment of this application. In particular, the sequential test for main town centre uses is carried forward to paragraphs 86 and 87 of the 2018 Framework and the minor changes in wording in comparison to paragraph 24 of the 2012 NPPF do not have any direct implications for the determination of this application given the scope of the sequential analysis that has already been undertaken by the applicant.

6 18/0302 Additional Representation

One further representation has been made from a resident of Freckleton concerning the loss of the trees as a consequence of this development. They refer to the character of Lowther Gardens being changed to a car park if the scheme is to be supported as 65 trees are to be removed, and that this will be harmful to the area.

It is understood that similar sentiments have been expressed on social media in the past week.

Agent Comments

The agent is aware of the social media comments and has provided information as a clarification which is summarised as follows:

- 65 trees are to be removed in accordance with results of a tree survey from January 2018.
- Few of these are mature and the majority are of lower quality classifications with only 7 Category B trees and 1 category B group of trees.
- The remainder are Category C or lower
- The trees to be removed are largely self-seeded and not part of a planned planting plan as would be expected of a Victorian garden
- The proposals are to replace these substandard trees with higher quality trees of an appropriate species and category befitting of a Victorian gardens and to survive the coastal location. A Tree Management Plan will be developed as part of the detailed landscape design proposals.
- The removal of the trees will help re-design the car park to condense the car parking into one area rather than the current arrangement where it

stretches across the full frontage of the site.

- The proposals also provide a physical planted barrier between the car park and the main pedestrian footpath resolving the current health & safety issues of cars encroaching dangerously onto the public footpath adjacent to the children's play area.
- The proposal offers great opportunity to improve the current condition and quality of the tree stock in the gardens and to manage the planting to reinforce the original Victorian avenues and general planting layout.

Officer Comments

The report on the agenda provides the comments from the council's Arboricultural Officer and a commentary on this aspect in the Comments section. The position expressed in those comments is that the principle of the development is acceptable subject to a suitable landscaping scheme being agreed. It is clear that the overall scheme will involve the loss of trees and that this will change the character of the frontage of the site to West Beach. However, that is intentional to improve the linkages of the Pavilion and Gardens to that area and to provide a more logical and safer arrangement for car parking at the site. The officer recommendation includes a requirement for a landscaping scheme to be submitted.

Having reflected on that the officer view is that it may be preferable to agree the exact details of the location and species of replacement trees, the number and size of specimens, and the future management arrangements prior to the determination of the application. This will ensure that these details are acceptable given the highly prominent location of the site and its importance to the frontage of Lytham, and that it will reflect the Victorian sea front garden character that Lowther Gardens was created to provide.

This requires a change in the officer recommendation from that expressed in the agenda papers to be that the decision to grant planning permission is delegated to the Head of Planning and Housing for his approval on receipt of a satisfactory landscaping scheme.

7 18/0418 **Observations:**

Revisions to NPPF (July 2018):

The revised NPPF was published on Tuesday 24 July 2018 and is to be applied in the determination of all planning applications from the date of publication. The following provides a summary of the main changes made to the NPPF as relevant to the specific subject matter and main issues associated with this application:

Appearance, layout and landscaping:

Policies relating to "achieving well-designed places" are dealt with in Chapter 12 (paragraphs 124 - 132) of the 2018 NPPF. These were previously set out in Chapter 7 "Requiring good design" (paragraphs 56 - 68) of the 2012 NPPF.

Aside from the re-numbering of paragraphs arising as a result of the revised

Framework's re-structuring, the revisions to the wording of Chapter 12 of the 2018 NPPF are not considered to have any materially different implications for Officers' assessment of this application. In particular, the aims of the six guiding principles identified in paragraph 127 of the 2018 NPPF (previously paragraph 58 of the 2012 document) do not have any direct implications that would lead Officers' to reach a different conclusion in respect of each of the reserved matters applied for.

Revisions to conditions:

A revised plan has been submitted to show a split level bund to the northern and western site perimeters. The bund would be tiered to run at a height of 0.5m to the outer edge, increasing to 1.5m on the inner edge. This amendment is required to maximise the potential for landscaping to succeed on the 0.5m high bund by providing access to the water table below, but to allow radar deflection of the buildings from the 1.5m high section of the bund. A revised plan (drawing no. CFL/635/2488/01B) has been provided to show this change. Therefore, the list of approved plans given in condition 1 is to be updated to refer to the revised drawing.

Officer recommendations:

With respect to the implications of the revised NPPF:

That members take note of the implications of the 2018 NPPF's revised wording in respect of each of the main issues as set out above. There is no change to the officer recommendation as a result of the revisions introduced as part of the 2018 NPPF.

With respect to the revised conditions:

That members note the revision to condition 1 and resolve to grant planning permission subject to this revision.