

Planning Committee

Wednesday 10 October 2018

Late Observations Schedule

Item 1 – Application 17/0745 at Bridgeside, St Annes

Planning Conditions

At the time of drafting the agenda report the list of planning conditions had not been prepared. That work has now been done and the conditions that officers suggest are appropriate are listed here:

1. That the development hereby approved shall relate to the following drawings:
 - Location Plan – CLA Drawing 13-002-01
 - Site Survey – Chris Partington Land Surveys drawing 160113CP-01
 - Proposed Site Plan - CLA drawing 13-002-10 Rev M
 - Proposed Plans and Elevations Block A - CLA drawing 13-002-11 Rev C
 - Proposed Plans and Elevations Block B - CLA drawing 13-002-12 Rev C
 - Proposed Plans and Elevations Block C - CLA drawing 13-002-13 Rev C
 - Proposed Plans and Elevations Block D - CLA drawing 13-002-14 Rev C
 - Proposed Plans and Elevations Block E - CLA drawing 13-002-15 Rev C
 - Proposed Plans and Elevations Block F - CLA drawing 13-002-16 Rev C
 - Proposed Plans and Elevations Block G - CLA drawing 13-002-17 Rev C
 - Proposed Plans and Elevations Block H - CLA drawing 13-002-18 Rev C
 - Proposed Streetscapes - CLA drawing 13-002-19 Rev D
 - Levels and setting out plan 1 of 2 by Thomas Consulting ref TC/P6495/17/150
 - Levels and setting out plan 2 of 2 by Thomas Consulting ref TC/P6495/17/151
 - Drainage Layout 1 of 2 by Thomas Consulting ref TC/P6495/17/100A
 - Drainage Layout 2 of 2 by Thomas Consulting ref TC/P6495/17/101A
 - Design and Access Statement – CLA ref 13-003 D&A Issue 01
 - Affordable Housing Statement
 - Noise Assessment – ADC ref ARR/PPN/2141.01
 - Ecological Impact Assessment – Knowsley Ecology ref 13/00056/AECON
 - Bat Survey Report – Knowsley Ecology ref 13/00056/AECON
 - GeoEnvironmental Report Phase I and II – CC Geotechnical Ltd

For the avoidance of doubt and as agreed with the applicant.

2. Development shall be carried out in accordance with the following approved details.
 - Buff brick for plots 3, 5, 8, 11, 13, 15, 18 & 22 - Weinerberger - Tawny Buff
 - Red brick for plots 1, 2, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 20 & 21 - Brookmill Blend
 - Roof tile throughout - Quinn Rathmore or Russell Galloway
 - Windows – Grey upvc
 - Rainwater goods – black and grey upvc Doors – Masterdor in GRP
 - Ground Surfaces - As shown on CLA Plan 13-002-102 as approved by FBC letter of 31/12/2014 under ref 13/0231

Reason: To secure a satisfactory standard of finished appearance to the development as required by criteria 2 of Policy HL2 of the Fylde Borough Local Plan.

3. The boundaries on site shall be constructed prior to the first occupation of the respective dwellings which they surround and then retained in that form thereafter in accordance with the details shown on CLA plan 13-002-103 as submitted with application 13/0231, and with the Scotscape Living Wall detail as provided under application 16/1009 and approved by FBC letter of 8/2/2017.

Reason: To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

4. The development shall be implemented in accordance with the approved Construction Plan, with that being the Melrose Construction Ltd Plan submitted under application 17/0791 and approved by FBC letter of 1/10/2018.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

5. Prior to the first occupation of any dwelling hereby approved the existing pedestrian footway network on The Brambles shall be extended to serve the site and facilitate a continuous pedestrian route from the site to the main highway network. This route shall then be retained available for pedestrian use at all times thereafter.

To secure improved permeability of the site and to facilitate a convenient access to services in the village as required by Policy HL6 of the Fylde Borough Local Plan

6. That the building demolition, site clearance, and all works associated with the construction of the dwellings shall be undertaken in full accordance with the findings of the Phase II GeoEnvironmental Report by CC GeoEnvironmental Ltd reference CCG-C-13/7034.

To minimise the risk to human health and other contaminations during the construction of the properties and thereafter as required by Policy EP29 of the Fylde Borough Local Plan.

7. The approved landscape plan (CLA plan 13-002-102 approved under FBC application 13/0231 by letter dated 31/12/2014) shall be implemented no later than the first available planting season following the completion of the construction of the development, and subsequently shall be maintained for a period of no less than 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current sylvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality in accordance with Policy EP14 of the Fylde Borough Local Plan, and to provide protection from invasion of the adjacent BHS as required by Policy EP17.

8. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of

internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas and are not to be adopted by the local highway authority, and the areas edged blue on the submitted Deed Plan. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future as required by Policy EP14 and HL2 of the Fylde Borough Local Plan.

9. That in the event that bats or any other protected species is unexpectedly encountered before or during site clearance or development work, such work shall immediately cease and the area involved shall be securely fence to avoid the potential for further disturbance of the area until specialist advice has been sought from a suitably qualified ecologist and an appropriate mitigation strategy had been designed, and agreed in writing by the Local Planning Authority. If required, the development shall thereafter be implemented in accordance with the agreed mitigation strategy.

To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP18 of the Fylde Borough Local Plan

10. That the methodology and working practices outlined in section 3.0 of the 'Precautionary Method of Working - Reptiles' report dated 22 January 2015 submitted under application reference 16/1009 and approved by FBC letter of 8/2/2017 relating to the avoidance of impacts on reptiles as a consequence of the development of the site shall be implemented in full during the construction of the dwellings hereby approved.

Reason: To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP18 of the Fylde Borough Local Plan.

Item 2 – Application 17/0851 at Land East of Warton and Item 3 - Application 17/1050 at Clifton House Farm, Warton

A letter was received from Bryning with Warton Parish Council by email just after midnight this morning. As a consequence of this late receipt it has not been possible to provide a written update to Members, but the letter text is enclosed here and a verbal response will be provided to all the points raised during the Committee meeting.

“The Parish Council believe that the Officer’s report for the Planning Committee has failed to address a number of legitimate concerns and questions that the Parish Council raised in its previous submission and we would like to bring these to the attention of the Planning Committee.

1. *The Parish Council has seen no evidence from the applicant to support the Clifton House Farm application despite asking for it - Fylde's planning portal contains no justification or supporting documentation from the Applicant.*
On that basis we would request that the Planning Committee ask officers why this application was not rejected as invalid.
2. *LCC Highways state that they are confident that they have factored in a projected increase in traffic generated by Warton being a Strategic Location for Development and Local Service Centre. We have asked that the traffic assumptions that LCC have used in coming to this decision are made explicit and transparent but that has not been addressed.*

We request that the Planning Committee ask officers why that information has not been made available to the Parish Council and to the Planning Committee.

3. The Parish Council has requested an explanation as to why it is being continually excluded from critical negotiations that significantly impact the community of Warton despite a Neighbourhood Development Plan that is an integral part of Fylde's wider statutory development plan.

We request that the Planning Committee ask officers why Warton is being excluded.

4. The basis for these applications appears largely premised on Blackfield End Farm conditions and circumstances rather than directly related to predicted traffic volumes presented by the applicant. There appears to be no correlation in the evidence presented to support and justify a figure of 33%.

We request that Officers are asked to evidence the figure of 33%.

5. LCC Highway's response highlights that, whilst the agreed measures will improve junction efficiency for motorised vehicles it does not overcome the lack of pedestrian/cycle provision and additional capacity that is required to satisfy approved development within Warton.

Officers do not appear to address this issue and we would request the Planning Committee seek an explanation as to the implications.

6. And finally, the Officer's report claims that the "The gist of the applicant's case is twofold". The first claim is that relating to the capacity of the highways network ; the second claim (*by officers*) is that "the applicant asserts that the current wording of the condition stifles the marketability of the site to potential developers and its commercial viability as the 15% limitation does not provide a competitive return for a willing landowner/developer". The documentation that supports application 17/0851 does **NOT** include any such statement from the applicant and no evidence has been presented to support that statement by officers. And, as has been previously pointed out, the Clifton House Farm application does not have any supporting documentation.

The Planning Committee need to ask why officers are seeking to justify the applications on grounds that neither applicant has themselves expressed in their specific applications.

The Parish Council respectfully requests that these outstanding questions are addressed by both officers and the Planning Committee and that any decision on these applications should be deferred until such information and clarification is provided."

Item 4 – Application 18/0318 at Mill Lane, Elswick

18/0318 Observations:

On 29.09.18 Elswick Parish Council submitted comments on the amended plans. The Parish Council's comments read as follows:

"Subsequent to the parish council meeting, the parish council considered the above application. It was resolved to offer NO OBSERVATIONS in relation to this application.

Please note - The Parish Council are keen to see that the pedestrian link to Bonds Lane required by the outline permission is provided at an early stage of development and is maintained."

Officer recommendation:

That members of the committee note the additional comments made by the Parish Council. There are no specific implications for the officer recommendation or suggested conditions arising as a result of these comments.

Item 8 – Application 18/0567 at Townsends Garage, Warton

18/0567 Observations:

In response to the concerns raised by the Parish Council, the agent has requested that the application be amended in order to remove element (2) of the proposal which seeks to offer the sale of convenience goods between the hours of 23:00 and 05:30 via a night service window. The effect of this revision is to remove any reference to the sale of convenience goods via a night service window between the hours of 23:00 and 05:30. In doing so, this also removes the intention to sell convenience goods from the retail unit 24 hours a day (though the 24 hour sale of petrol on a 'pay at pump' basis will remain as per the current permission) and so the only change to the current, permitted opening hours will be an extra 1.5 hours of trade for convenience goods within the retail unit between the hours of 05:30 and 07:00.

Officer recommendation:

The proposed amendments to the scheme result in the following changes to the officer report:

1. The description of development has been updated to read as follows:

"Application to vary condition 4 of planning permission 16/0823 to allow extended trading hours for the sale of convenience goods from within the retail unit between 05:30 and 23:00"

2. The wording of recommended condition 2 has been updated to read as follows:

"The retail unit hereby approved shall only be open for the sale of goods (including petrol) within the premises between the hours of 05:30 and 23:00. Any sales of goods (including petrol) between the hours of 23:00 and 05:30 shall only take place via direct sales of petrol at individual pumping stations (e.g. a 'pay at pump' facility). There shall be no admittance of customers within the retail unit between the hours of 23:00 and 05:30, and deliveries of goods to the site shall only take place between 07:00 and 20:00 hours."

The proposed revision to the scheme will reduce the extension of opening hours in order to allow 1.5 hours extra trading within the retail unit between the hours of 05:30 and 07:00. The only 24 hour sale of goods permitted will be for the sale of petrol via a 'pay at pump' facility upon the forecourt (as is currently allowed under the extant permission). Therefore, any effects associated with noise and disturbance to neighbouring residents will be reduced commensurately by limiting the scope of extended opening hours.

For the reasons set out in the body of the report, it is recommended that members of the Planning Committee resolve to grant planning permission for the application (as amended) in accordance with the updated description of development and condition as described above.