

## Development Management Committee

Wednesday 07 October 2015

### Late Observations Schedule

#### Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	15/0309	<u>Additional Neighbour letter</u>
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The following has been received from the adjoining neighbour;

*I still have major worries over the flood potential should the 1 in 100 years storm come, particularly as you will note from the land levels show on the plan, that over-topping will travel from the northeast corner of the pond into our land and could well flood our property on its way to join Bradkirk Brook. The house has been built on the former stream bed some 50 years after the brook was diverted into its present deep cut and the ford on Fleetwood Road replaced by a culvert (circa 1900). It is imperative that any overtopping is made to flow directly into the Brook, and I believe that the planning authority has a duty of care to achieve this. Our best solution is to site the pond adjacent to the stream (8 meters off). However, if the committee is minded to locate it as now recommended, can I request that an additional condition be made as follows:*

*'That a channel be maintained to allow any over-topping flood water to flow directly from the northwest corner of the pond into the stream cutting at the point where the main discharge is located.'*

*Although the potential flood pinch point for the brook is the road culvert (being only 25% of the cross-section of the cutting) and that faster flow-off rates will come from both Mill Farm and the expanded Universal/Laleham sites, the water holding capacity of this cutting is equal to the size of the attenuation pond now under consideration. It is therefore vital that flooding surface water be directed into this capacity. We believe the condition requested can be implemented without any additional costs if done as part of the groundworks for the pond and the outfall.*

#### Officer opinion

The attenuation pond was part of the original approval with a capacity of 1650 cubic metres and a maximum discharge rate of 126 l/s at the request of the Environment Agency which is what is proposed by this application and as outlined in the report is considered acceptable. The drainage systems proposed are designed to accommodate the run off from a 1 in 100 year storm plus an additional 30% to allow for climate change with the occurrence of surface flooding. All of the drainage consultants have no objection to the proposed system or ponds location. Therefore the proposed channel suggested by the neighbour should never be needed, however having officers have contacted the applicants agent with regard to this suggestion whose drainage engineers state

that if members were minded to request a channel/bund system to direct any overflow from the attenuation pond into the stream that this could be achieved as part of the general earthworks around the pond. The applicant has also confirmed that he would be happy to accept this condition should permission be granted and the Council think it necessary to impose it. It is officer's opinion that whilst it should never be needed that the additional drainage solution proposed would provide an additional outlet and comfort for neighbouring residents. The following condition is recommended to be included as part of any permission granted;

*Within two months of the date of this permission full details of a channel/bund to connect the approved attenuation pond to the adjacent stream shall be submitted to and approved by the Local Planning Authority. The channel/bund shall be fully installed on site to satisfactory working order prior to the use of attenuation pond as a drainage solution.*

*Reason: To ensure satisfactory drainage on the development site.*

2      15/0311      Revised Condition

It is suggested that the wording of condition 6 be amended from that on the agenda papers to the following to aid clarity.

*6) That the building hereby approved shall only be used for the stabling of horses associated with a private equestrian use on the site, the storage of materials associated with that use, and the storage of materials associated with the general maintenance of the site.*

*Reason: As the potential use of the building for a wider range of uses would raise issues of planning policy that require further consideration, and could attract additional vehicle movements to the site. Such matters are to be controlled to ensure compliance with Policy SP2 of the Fylde Borough Local Plan.*

Additional Condition

The following condition is also proposed to secure the animal welfare improvements suggested by the County Land Agent:

*Prior to the commencement of works, hereby approved, details of the means of ventilation in the construction of the stables shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented in full.*

*To ensure satisfactory conditions for horses/animals occupying the stables.*

6      15/0406      Consultee correspondence

The following dialogue was received from Natural England directed at the applicants ecologist with regard to the Wintering Bird Surveys;

*In response to your telephone call and below email, as discussed earlier today, based on the information provided to Natural England in the Environmental Statement and subsequent additional information, there does not appear to be any evidence of consistent usage of field 1 by PFG or any other SPA bird species. You queried whether our advice on no LSE alone was based on your own surveys or together with Fylde Bird Club data. We have not seen the actual bird club data or been supplied with 6 figure grid references that would place PFG records within Field 1, therefore our advice is based primarily on the evidence you have supplied, on bird usage based on your own field surveys. Given that the information from Fylde Bird Club is at tetrad level, which covers a greater area than the application site, it is not possible to conclude with confidence that PFG (and potentially other SPA bird species) are using the application site consistently, (as noted above we have not seen the full information from this source). Natural England has applied a proportionate approach based on the supplied evidence. If however you have specific information at field level from FBC bird data that there is more usage of field 1, then this information should be provided. Natural England can only provide advice the LPA based on what is presented to them and in this case, the response we provided under ref 164584 is based on the information supplied. We are not able to find specific mention of actual numbers of birds from Fylde Bird Club data using field 1. If you have this information then this should be clearly identified in the ES and subsequent mapping and should be presented to the LPA in order to allow them to prepare their HRA (or presented in a shadow HRA) and subsequently determine the application.*

- 7      15/0432      The reason for the imposition of condition 2 on this application is incomplete in the report published in the agenda and should read:

Reason: In the interests of the visual quality of the overall development and to ensure the development is in accordance with Policy EP8 of the Fylde Borough Local Plan.

- 10      15/0472      Consultee response

*LCC Education - LCC wish to make the local planning authority aware that there are no primary schools within a 2 mile radius of this development. This could mean that the local planning authority needs to consider the sustainability of the proposed development, as residents of the developments are not able to access local school places. The nearest primary school to this development is 2.17 miles away (walking routes could be further). Therefore, it is possible that pupils from this development could impose a home to school transport cost on LCC. LCC's Education Contribution Assessment considers primary school places available within 2 miles of a development. This is in line with LCC's 'Home to School Transport Policy' and 'DfE Guidance on Home to School Travel and Transport (July 2014)' which specifies that "statutory walking distance is two miles for children aged under eight". If the local planning authority intends to approve the application LCC would propose to consider the availability of school*

*places at the nearest school where an additional place infrastructure project could be delivered. We would welcome the local planning authority's views regarding whether, on this basis, this development is considered sustainable and whether a school outside the normal catchment of the development should be included in the assessment before a planning decision is made. The primary yield for this development would be 30 places.*

*The nearest secondary school within 3 miles of the development is Lytham St Annes Technology and Performing Arts College, with the development producing a yield of 12 places increasing the predicted shortfall of this establishment to 111 places. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 12 places.*

#### *Summary and Final Calculations*

*The latest information available at this time was based upon the 2015 annual pupil census and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 30 primary and 12 secondary school places.*

*Calculated at the current rates, this would result in a claim of:*

*Primary places:*

*To be determined, subject to instruction from the local planning authority (please see page 3).*

*Secondary places:*

*(£18,469 x 0.9) x BCIS Indexation (314.50 / 288.40 = 1.090499)*

*= £18,126.38 per place*

*£18,126.38 x 12 places = £217,517*

#### *Expenditure Project*

*A specific infrastructure project where the secured education contribution will be spent to deliver additional school places will be provided prior to the Committee decision/completion of S106 agreement. The local planning authority will need to notify the School Planning Team that a school infrastructure project needs to be determined.*

*Please Note - The claim will be reassessed once accurate bedroom information becomes available.*

#### Officer opinion

With regard to the Primary school places request whilst there is not a primary school within 2 miles in Lancashire there is a Primary school approximately 1.5 km away located on School Road but in Blackpool (St Nicholas). Occupants of the proposed dwellings would have the opportunity to attend this school. There is an arrangement between Blackpool and LCC where funding crosses between the two education authorities, if a child living in LCC were to attend school in

Blackpool, LCC can transfer money across and vice versa. Therefore the development is sustainable and it is appropriate for a contribution to be made, but when children living on the development attend primary school in Blackpool, LCC should transfer the funding over to Blackpool, this is appropriate as the funding should follow the child.

## Agenda Item

### **The Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Warton) Local Development Order No. 1 (2015)**

#### Additional Information to Report

The public consultation on the above matter closed on 18<sup>th</sup> September. Following this date representations were received from Lancashire County Council. These representations were not included in the Statement of Community Involvement or the report to the Development Management Committee.

This report provides details of what the representations refer to and how the representation could be incorporated into the draft LDO. Full copies of the representations can be seen at Appendix 1 and 2 to this report.

In summary Lancashire County Council have recommended the inclusion of four additional conditions. One in relation to Health Impact Assessments, one concerning Flood Risk Assessments and two relating to surface water drainage.

Concerning the Health Impact Assessment request it is considered that this request is superfluous and is, in effect, covered for by the requirements of Condition 7 (of the proposed LDO) and so no change is recommended.

Concerning the Flood Risk Assessment request it is agreed that this should in part be reflected in proposed LDO. The proposed LDO does not permit any development in flood zones 2 or 3 and so restrictions relating to this are not necessary. The wording proposed by Lancashire County Council, is considered unworkable and instead it is recommended that the following additional condition is added to those set out in the current draft order:

***(16) Prior to the commencement of development of any individual parcel of land, a site specific Flood Risk Assessment (FRA) which appropriately considers flooding from local sources (surface water, ground water and ordinary watercourses) in addition to flood risk from fluvial and coastal sources, shall be submitted to the local planning authority in regard to any development greater than 1 hectare. The Local Planning Authority shall respond within 28 days of receiving the details and if no response is received from the Local Planning Authority within this 28 day period then FRA shall be deemed to be approved.***

It is proposed that the additional conditions recommended by Lancashire County Council (referred to as Condition 2 and 3 in their response) be included as advisory notes, which provide further clarity on the requirements of Condition 11 (of the proposed LDO). Therefore it is recommended that the following additional notes are included in the final LDO:

#### **Notes:**

***For the avoidance of doubt, to fully satisfy Condition 11, a foul and surface water drainage scheme shall as a minimum include:***

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), the methods employed to delay and control surface water discharged***

- from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;*
- b) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;*
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);*
  - d) Flood water exceedance routes;*
  - e) A timetable for implementation, including phasing where applicable;*
  - f) Site investigation and test results to confirm infiltrations rates;*
  - g) Details of water quality controls, where applicable.*

*The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

*In addition an appropriate management and maintenance plan for a sustainable drainage system for the lifetime of the development shall be submitted which, as a minimum, shall include:*

- h) the arrangements for management and maintenance by a Management Company;*
  - a. arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:*
  - b. on-going inspections relating to performance and asset condition assessments;*
  - c. 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.*
- i) Means of access for maintenance and easements where applicable.*

*This plan shall be implemented in accordance with the approved details prior to the completion of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.*

Therefore Committee is asked to consider the amendment of recommendation 2 as follows;

**2. That, subject to adoption of the HRA as set out above, Committee approve and adopt the LDO as set out in draft at Appendix 1 and subject to the changes set out in the late representation report.**