

Development Management Committee

Wednesday 9 December 2015

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
1	14/0405	<p><u>Further Neighbour Representations</u></p> <p>Since the publication of the Committee agenda further comments have been received from two properties local to the site. These raise the following matters:</p> <ul style="list-style-type: none">• That the application has recently blocked up of a public right of way,• That works have been undertaken to re-profile the access road,• That a septic waste treatment plant has been installed• That there is unauthorised residential activity at the adjacent boatyard.• That the site is in Flood Zone 3 and is subject to regular and recent flooding• That the applicant has undertaken a significant degree of tipping onto the site already• A request that the two southerly lodges are removed to prevent disturbance to the ecological area immediately adjacent to that boundary• A concern over the ability of the respective bodies to enforce the conditions• Querying the initial notification that was undertaken• Expressing reservations about how the council would enforce any breach of the planning permission if granted• Highlighting that the site is larger than the existing boatyard and involves protected salt marsh• Referring to some drainage works that have been undertaken by the Environment Agency in the area• Querying the membership of Freckleton Parish Council

Officer Comments

The matters raised are in the main either addressed in the report, or are not planning matters relevant to the determination of this application. For example, the public footpath has been visited and is not blocked but even if it were this would be a matter for the highway authority to address using their powers.

The comments also refer to residential occupation of caravans and boats at a neighbouring site which has been investigated by the planning enforcement team with the result that this use ceased and a retrospective application to regularise other works at that site was approved by Committee. The site is larger in area than the existing boatyard but does not encroach onto the Biological Heritage Site, and the neighbour notification was correctly undertaken.

Additional Condition

The neighbour comments regarding tipping has led officers to conclude that this could raise concerns regarding the presence of land on the site that is contaminated by either material that has been brought onto the site or the lawful boat building operations which will inevitably create waste oil, fibreglass, metals, etc. Accordingly officers suggest an additional condition is appropriate to require an assessment of the potential for land to be contamination and that a scheme of mitigation be proposed to ensure this is handled safely in the demolition of the existing buildings, clearance of the site and the implementation of the development. A suggested wording of this is as

follows:

No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;*
- (ii) an assessment of the potential risks to:*
 - human health;*
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;*
 - adjoining land;*
 - groundwaters and surface waters;*
 - ecological systems; and*
 - archaeological sites and ancient monuments.*
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.*

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

2 14/0580 Neighbour comments

A further three letters of objection have been received. Besides the following points the issues raised have been reported in the committee report.

- Daughter has Autism and severe learning disabilities. One of her most worrying behaviours is that she escapes. We have spent money on our home to make it a safe and fit environment for her and main reason we have done this rather than move is because the road is quiet and safe should she escape. She is non verbal and has little to no grasp of dangers. The widening of the road and increase in traffic work is keeping me awake with worry. Our road is quiet and increased traffic is incredibly concerning.
- I am concerned as to the welfare of our neighbours, several who are elderly.
- Concerned about the future value of homes.

Officer view

Whilst impact on residential amenity through noise, loss of light, overlooking etc. are material planning consideration the issues surrounding the behaviour of an existing residents daughter, the welfare of the neighbours and the impact on value (positive or negative) on neighbouring properties are non-material planning considerations and cannot be taken into consideration when determining the application.

4 15/0195 Revised Proposal

Since the publication of the Committee agenda, and in response to officer queries, the

applicant has revised the proposal as follows:

- The elevations of the new building have been revised to reduce the extent of brickwork from 2.4m high to 2.1m high all round with a consequential increase in the cladding above. The building remains of the same size and location
- The internal layout has been revised to provide 2 x stables, 1 x training room, 1 x welfare room, 1 x WX, 1 x storage area. The scheme described in the report provided 3 x stables, 1 x tack room and 1 x storage area.

Clarification has also been provided on the use of the facility as follows:

"The plans now identify a welfare area for use by students and Trax staff for the purposes of lunch and breaks. The proposed training room will be used for instruction and safety briefings associated with the agricultural teaching on the site. All non-practical formal teaching, in the traditional sense, will take place at other Trax sites in Preston and St Annes. The storage area will be used for the storage of agricultural equipment for teaching and educational purposes and feed for animals kept on the site."

Officer Comments

The revised plans assist in giving the building a slightly more rural appearance, and the clarification over its use confirms matters discussed with the agent but not previously documented in the application. The reduction in stable numbers also assists with the viability of the available land to support the keeping of horses within it.

No alterations to the recommendation is proposed, although condition 2 is to be revised to relate to the new plan references.

5 15/0326 Further Representation

Since the publication of the agenda a further two letters have been received and are summarised as follows:

- Confused by the [St Annes Town Council} support for the application as the application does not relate to the scheme they were consulted on
- Concerned over the use of the building as it has historically been used by the Girl Guides only and this scheme seems to relate to a community centre with a wide range of future users.
- A modern building of proportions that relate to the size of the site and the surrounding area would be more appropriate.
- The Rodney Avenue house back directly onto the site. The proposal will change the use of the site to the rear of these properties and in some cases will bring hard standing parking areas to replace the existing grass and trees. The elevated position of the site will allow those visiting the site to overlook into the garden and rear facing rooms of these properties. This could be distressing for both parties.

Officer Comments

These matters are raised by others and so are reflected in the report

6 15/0501 Additional Consultation responses

Tree Officer - has confirmed that Tree Preservation Order 2015.30 has been placed on Lower Wood, Newfold Farm, Browns Lane, Wrea Green, PR4 3PQ.

Landscaping Officer - No overall objection to the development. They understand from the submitted documents that the applicant intends to retain all tree's, hedgerows and vegetation to the site perimeter and within the site. They would recommend that the applicant improves and enhances these hedgerows, to fill in gaps, increases the density of the hedge and enhances species for ecological purposes.

Electricity North West - The development could have an impact on their infrastructure; The site has a 132kV tower line, two 33kV overhead lines and two 6.6kV overhead lines passing through it. Provision has been made in the design to ensure that no panels or equipment are placed under these lines. The applicant must ensure that during construction works on site all works in and around the vicinity of the overhead lines is carried out in accordance with the above guidance - GS6 - Avoidance of danger from overhead electric lines.. The applicant should also be aware that ENW will require access to these lines and poles on a 365 days per year 24 hours per day basis and that access to our equipment after construction of the site must ensure this is maintained. This access could be required via a Mobile Elevated Work Platform vehicle and therefore sufficient space for vehicular access must be maintained.

Environmental Protection Officer - Confirmation that the submitted glint and glare is acceptable.

Ribby with Wrea Parish Council - The residents of Browns Lane have requested that the following comments be forwarded for consideration;

As Browns Lane is a privately maintained road, there is genuine concern over the state of repair, after the highway is utilised for access in order to construct the Solar Farm. The road was re-surfaced in April 2015 (funded by the residents) and was discovered to be a cobbled surface designed for use by horse and cart, covered with approximately 4 inches of tar - this is evidently not designed for HGVs. With this in mind, the residents request that FBC ensure that inspections are made prior to construction commencing, recorded and assessed upon completion. The road should then be returned to its original state, however, NOT by the use of patching damaged areas - Ribby Road is testament to the ineffective nature of this solution. The Parish Council request that this be made a condition within the planning conditions. The Parish Council support the heart-felt feelings of the residents and support this request.

Additional neighbour letter

A further letter of objection has been received from a resident, comments made include;

Reiteration of the state of Browns lane that has been recently re-surfaced and the potential damage to it during construction.

Potential for this application and 15/0144 (conversion of derelict farm buildings to two dwellings) to be constructed at the same time and conflict on the road

Potential damage to grass verges.

Visual impact from dwelling, detract from views from ground and upper floor rooms.

Additional condition

With regard to the above comments in relation to the potential damage of the road the below condition is proposed to ensure that Browns Lane if damaged during the construction period will be repaired by the developers prior to the solar farm being operational. All other matters are addressed in the committee report.

"No development shall take place until a photographic survey showing the pre-

commencement condition of the surface of Browns Lane at 5 metre intervals along its length between the site access and its junction with Ribby Road has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development hereby approved a photographic survey showing the post-development condition of the same stretch of Browns Lane shall be submitted to and approved in writing by the Local Planning Authority. The post-development photographic survey shall be accompanied by a scheme which includes details (including the extent and construction specification) for the resurfacing and/or repair of any potholes or areas of the road surface which have deteriorated between the pre-commencement and post-development photographic surveys. No commencement of the operation of the development by connection to the grid will take place until the approved works of resurfacing and/or repair have been implemented in accordance with the details in the duly approved scheme.

Reason: Construction traffic associated with the development has the potential to cause significant deterioration to the surface of Browns Lane. The developer is required to undertake works of repair to the road surface where deterioration arises as a result of its use by heavy construction vehicles between the pre and post construction periods. The works of resurfacing and/or repair are required in order to ensure continued safe and convenient access for other road users in accordance with the requirements of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework."

8 15/0685 Clarify Recommendation to Committee

The final paragraph of Conclusion and the Recommendation explain that the consultation with neighbours was not done correctly and so the officer recommendation is to delegate the decision to the Head of Planning and Regeneration. This is not reflected in Summary of Decision on the front of report and so this is incorrect and highlighted here for Members.