

Planning Committee

Wednesday 7 November 2018

Late Observations Schedule

Agenda Items

<u>Item</u>	<u>Comments</u>
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| 7 | Whilst the council did not receive any appeal decisions in the period quoted on the agenda papers an appeal at Land off Sanderling Way in Wesham was received shortly after the publication of the agenda. The appeal was dismissed with the Inspectors decision based largely on the recent adoption of the Fylde Local Plan and the scheme being in conflict with that Plan. As such it is brought to the attention of Members to highlight the significance of the Plan's adoption to such decisions. |
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Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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| 1 | 18/0186 | <p><u>Additional Condition</u></p> <p>To ensure that the development is undertaken in a manner that ensures the provision and retention of the rural worker use on site, and so avoid potential future applications for a further dwelling to support that use, an additional condition is recommended. A suggested wording of this is:</p> <p><i>That the apartment created by the conversion of the attached garage (indicated as 'agricultural worker's dwelling' on the approved drawing RH/04516/007 Rev A) shall be undertaken and occupied by a rural worker meeting the requirements of condition 5 of this planning permission prior to the first use of any of the holiday apartments (indicated as Flats 1 to 7 on that plan). Thereafter, the use of these Flats shall only be undertaken when the attached agricultural worker's dwelling is being occupied for its lawful purpose.</i></p> <p><i>Reason: To ensure the appropriate provision and retention of a rural workers dwelling on site to support the active agricultural activity undertaken in accordance with Policies GD4 and H6 of the Fylde Council Local Plan to 2032 and the aims of the National Planning Policy Framework.</i></p> |
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Two further representations have been made from residents local to the site. The first 'expresses horror' at the development of the Pavilion and Gardens and sees it as an unnecessary expansion of the facility which is in a residential area. They refer to

- Loss of parkland with all the well-used bowling greens, play areas, tennis courts and café
- Loss of mature trees from the park
- Loss of toilet facilities
- Noise and disruption from late night events
- Parking issues as the area is already 'terribly affected' by this
- Light pollution
- Noise pollution from crowds leaving events

The second requests that a 9pm limit on external use of the extension would be imposed, and the outdoor classroom will bring activity very close to residential properties and that the level of parking provided is inadequate and so the existing congestion issues on surrounding roads will be exacerbated.

Officer Comments on Representations

It seems that some of these comments have been made without viewing the actual proposals as the tennis courts, and other park facilities are all retained. The other points are ones that are made by others and so are addressed in the report.

Petition

A petition of around 650 signatures generally from the local area and across the North West has been presented. This petition is headed:

"We the undersigned urge Fylde Borough Council to act as a responsible Trustee to Lowther Gardens in Lytham and respect the covenant that applies to the land as it was gifted to the Council in 1905.

We believe no more of the Gardens should be lost to buildings or car parking.

We believe no more buildings or erections of any description whatsoever should be built without the licence in writing from John Talbot Clifton, his heirs or assigns having first been obtained."

Officer Comments on Petition

The covenant is a legal matter that is independent of the council's role in determining this application as local planning authority.

Landscape Officer Comments

"The designer has made several significant changes to the original landscape proposals, which are associated with the redevelopment of Lowther Pavilion.

- *The original car park design was a heavily engineered solution that did not reflect the surrounding parkland landscape. The proposed landscaping would have done little to mitigate the adverse effect that this dominant*

feature would have had on the landscape and visual amenity. The new proposed car park layout has been reconfigured and realigned, so that it sits comfortably within the existing parkland infrastructure. The eastern end of the car park has been rotated to align with the existing avenue footpath. The car park is set further away from this footpath to reinforce the tree-lined avenue, which is experienced when entering the gardens from the south-east entrance. The planting of semi-mature trees along this access will strengthen its visual quality and draw pedestrians through the space. The proposed trees, along with the proposed hedge, will help to provide a physical and visual barrier between the gardens and the car park. The additional soft landscaping, which has been integrated into the car park design, breaks up and softens the large area of hard surfacing and helps to facilitate the integration of the car park into the wider landscape. The reconfiguration of the car park has enabled the redesign of the entrance plaza.

- *The original entrance plaza was badly considered and did not work as either a plaza entrance or as a meeting point for patrons of the pavilion. The new proposed entrance plaza has provides a better sense of arrival at the main entrance to the building. The introduction of the avenue form of tree planting, along with the linear directional paving, will draw patrons through the space and towards the pavilion entrance, while the large open plaza will encourage a slower, more relaxed atmosphere where patrons can meet before an event. Seating and litter bins should be included in the final design proposals.*
- *The proposed development will require the removal of a significant number of mature trees, which will have an adverse effect on the visual amenity. The proposed development includes the planting of 47 new ‘semi-mature’ trees. These trees will help with the integration of the proposed development into the existing parkland landscape. The planting of semi-mature trees will provide the proposed development with instant maturity.*
- *The original design for the outdoor classroom was an uninspiring rectangular space, which was hidden away behind a proposed hedge. The newly proposed outdoor classroom clearly takes its inspiration from landscape elements within the gardens. The retention of a mature tree, which is surrounded by an amphitheatre style classroom is far more in keeping with the surrounding parkland landscape.”*

Revised and Additional Conditions

To provide certainty that the facilities on site will operate throughout construction it is considered that condition 3 on the agenda papers should be revised to relate to the phasing of all aspects of the work, and an additional condition be imposed to require a construction management plan to be implemented.

Condition 3 would be changed to:

That prior to the commencement of the works a detailed phasing plan shall be submitted to confirm the number of phases of work that are to be undertaken and the extent of works within each phase. This plan shall identify measures to be implemented to ensure that the works within each phase ensure that key facilities within and around the site are maintained, with these details including:

- a) *Access arrangements to the Gardens by pedestrians during and post-construction on each phase*
- b) *Access arrangements to the Pavilion by pedestrians during and post-construction on each phase*
- c) *Access arrangements to the site by visitor vehicles during and post-construction on each phase*
- d) *Access arrangements to the site by construction traffic during construction on each phase*
- e) *Access arrangements to the Gardens by service vehicles during and post-construction on each phase*
- f) *Access arrangements to the Pavilion by service vehicles during and post-construction on each phase*
- g) *The provision of adequate and appropriately designed parking areas for all users during and post-construction on each phase*
- h) *The retention of a public toilet facility during and post-construction on each phase*
- i) *The extent of any works to existing and proposed landscaping within each phase.*

Reason: To ensure that the development is undertaken in a coordinated manner that provides certainty that Lowther Pavilion and Lowther Gardens will continue to function appropriately through the development given their important role to the local tourism economy and to respect the character of the conservation area. This is in accordance with Policies EC6 and ENV5 of the Fylde Local Plan to 2032.

The additional condition is condition 11 and states:

No development within a phase of the works identified in condition 3 of this permission until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- *the timing of the provision, and standard of construction, of the site access for construction traffic,*
- *times of construction activity at the site,*
- *the parking of vehicles of site operatives and visitors,*
- *loading and unloading of plant and materials,*
- *storage of plant and materials used in constructing the development,*
- *the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,*
- *The protection arrangements for areas of landscaping and trees on site during each phase of development*
- *wheel washing facilities, including details of how, when and where the facilities are to be used'*
- *measures to control the emission of dust and dirt during construction,*
- *measures to control the generation of noise and vibration during construction to comply with BS5228:2009*
- *a scheme for recycling/disposing of waste resulting from demolition and*

construction works.

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety.

Finally, condition 2 in the agenda lists the original layout plan drawing which has been superseded by the revised details. As such the drawing titled 'Car Park and Landscape Design Proposals - SPARC drawing 16-01 PL12 Rev A' should be removed from the list of approved plans.

3 18/0489 Additional Consultee Comment:

Following the publication of the committee agenda papers, LCC have provided an updated Education Contribution Assessment. This confirms that LCC are seeking a contribution for 1 secondary school place from the development. No contribution towards primary education is being sought in this instance.

Calculated at current rates, the Secondary Education Contribution for 1 school place would be £23,737.28. LCC have advised that the Secondary Education Contribution is to provide an additional secondary place at Lytham St Anne's Technology and Performing Arts College as "this is the closest secondary school to the development that has space to accommodate an expansion."

In accordance with the pooling restrictions set out the Community Infrastructure Levy Regulations, LCC have confirmed that there are presently 4 secured S106 payments for Lytham St Anne's Technology and Performing Arts College and, accordingly, the threshold for pooled contributions (a maximum of 5) will not be exceeded as a result of this request.

Amendments to Recommendation:

That the wording of the resolution on p. 49 of the agenda papers is amended to read as follows:

"That authority is delegated to the Head of Planning and Housing to GRANT planning permission subject to the following:

(i) The completion of a Second Deed of Variation pursuant to S106A of the Town and Country Planning Act 1990 to include the following modifications to the original planning obligation for planning permission 12/0635 dated 02.07.2013 (as modified by a Deed of Variation dated 18.05.2016 in connection with planning permission 15/0700):

- *An amendment to the definition of "Planning Permission" to include reference to this application.*
- *The inclusion of contributions towards: (a) secondary education to provide 1 new school place at Lytham St Anne's Technology and Performing Arts College; and (b) public realm improvements in respect of the 17 additional dwellings to be constructed pursuant to this planning permission, and to tie this planning permission to the provision and future maintenance of public open space throughout the site.*

(ii) The following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Housing believes is necessary to make otherwise unacceptable development acceptable):"

5 18/0568 Correction to Committee Report:

The first paragraph to the "Site Description and Location" section of the report refers to the application site as being "*located within the countryside area and partially inside the Green Belt*". While the latter designation is carried through to the FLP to 2032 Policies Map, the development site (allocated under site reference HSS2) now falls within the extended settlement boundary as identified on the replacement Policies Map.

11 18/0661 Correction to Committee Report:

The number of objection letters received is incorrect as two letters have been received however, the comments in both letters have been included in the report.