

Development Management Committee

Wednesday 16 March 2016

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	15/0763	<u>Additional Neighbour Observations:</u>
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The Council has received eight additional letters of representation to the application following the publication of the Committee Report. Six of these letters have been submitted in objection and two of the letters have been submitted in support. The points made in the representations are summarised below:

Representations in objection:

- There are a lack of amenities in the local area to support a further 74 dwellings in the village. There is no school, village hall, medical centre, church, library or shops in walking distance of the site. At present, existing residents have to drive to access these facilities. A Lack of amenities, especially for the teenagers of Clifton, contributes to anti-social behaviour. Further development of the village can only add to these problems.
- In combination with the other housing developments proposed in Clifton, the proposal would result in a 50% increase in the size of the village. The scale of the development would overwhelm the settlement and would spoil its rural character.
- Traffic through and around the village will increase substantially as a result of the development. The proposed development, in combination with the scheme on Ash Lane (application 15/0165), would result in a 30-40% increase in traffic on roads around Clifton. This increase in traffic poses a danger to both pedestrians and motorists. This could be further exacerbated if the applications for fracking are permitted as this would also add around 60 HGV movements per day on Lodge Lane and Clifton Lane.
- Traffic entering the village from Blackpool Road will need to slow down from 50mph to 20mph over a matter of yards and traffic leaving the development will create congestion on Preston Old Road at peak times.
- Clifton suffers from flooding issues and the fields which form the application site have been flooded in the past, particularly in the winter months. Developing naturally draining land for housing on the outskirts of the village will only exacerbate flooding issues.
- In the section "relationship with surrounding development", the Committee Report states that "the development would have no undue impact on the privacy and amenity of adjoining occupiers through

overlooking, overshadowing or loss of outlook". Given that a number of the new houses would back onto the gardens of existing residents where, at present, there are no buildings, this would adversely affect the privacy and amenity of existing occupiers. This relationship is contrary to criterion (4) of Fylde Borough Local Plan policy HL2 and, accordingly, the application should be rejected. It is also apparent that the proposed housing density is much greater than that of the existing houses. This is, however, disguised on the applicant's plan as the surrounding housing has not been shown.

- The committee report makes many subjective statements in favour of approving the application which should be left for members of the committee to determine on the facts presented to them.

Representations in support:

- There are several local businesses in Clifton including a Post Office, general shop, hairdressers, bakery/sandwich shop, garage, local pub, dog groomers, garden centre, caravan outlet, church and community hall. These facilities offer the community a lot of services that future occupiers of any housing would benefit from. The addition of a further 74 dwellings and the increased footfall this would generate would help support small local businesses that are trying to survive and prosper in the village. More custom to local businesses would provide a steadier source of income to sustain them.
- The introduction of additional road markings on Preston Old Road would help alleviate existing parking issues around the garage and the site's proximity to Blackpool Road makes it readily accessible to vehicles using the existing highway infrastructure (along with the improvements proposed).
- There is a scarcity of affordable housing available in the village for its younger residents looking to gain a footing on the property market. This development has the potential to offer affordable homes to keep existing, younger residents of Clifton in the village.

Officer Comment:

It is recommended that Members note the eight additional representations received following the publication of the Committee Report. The majority of the points made in the additional representations repeat those previously raised by other members of the public and, accordingly, are already addressed in the Committee Report.

A specific point has been made with reference to the section of the Committee Report which relates to the scheme's relationship with surrounding development (Page 40 of the agenda papers). With respect to this point it should be noted that, as the application is in outline and layout is not applied for at this stage, the relationship of the proposed dwellings to surrounding properties cannot be precisely determined. However, the objection refers to the principle of locating housing behind the gardens of existing properties that presently back onto open fields.

The planning system does not exist to protect the private interests of one person

against the activities of another. In this context, it would not be sustainable to refuse permission on the grounds that the development would result in a loss of view over open land for existing properties which share a boundary with the site. Instead, the test to be applied in this case is whether the proposal would unacceptably affect their amenity. The indicative masterplan demonstrates that acceptable separation distances are capable of being achieved with surrounding dwellings in accordance with the Council's policies and, therefore, it is considered that a satisfactory relationship can be achieved in this regard for the purposes of Fylde Borough Local Plan policy HL2.

With regard to the letters of support, it is acknowledged that the development has the potential to enhance the vitality and viability of local businesses by generating additional footfall and that the scheme would make a valuable contribution towards the provision of affordable housing in the rural area.

In summary, the additional representations received do not raise any new material considerations which alter the conclusions and recommendations set out within the Committee Report.

3 15/0787 Additional Observations:

Following the publication of the Committee Report the applicant has submitted additional plans setting out the final scope of highway works and a revised Travel Plan has been provided. In addition, Keppie Massey's report on the applicant's viability appraisal has been received and the applicant has commented on the conditions recommended in the Committee Report. An update is provided on each of these matters in turn below.

Highways:

In response to comments from the Local Highway Authority, the applicant has submitted additional plans showing the introduction of a raised table to access point 2 and improvements to the two bus stops on Church Road to upgrade these to Quality Bus Standard. These off-site highway improvements are shown on drawing nos. TPMA1417-101 Rev B and TPMA1417-105. A revised Travel Plan has also been provided to address issues concerning the timing of travel surveys and the duration of monitoring identified by LCC's Travel Planning Team.

Viability:

The Council has appointed Keppie Massey (KM) to review the applicant's viability appraisal. KM consider that the methodology adopted for assessing viability is reasonable, though they consider that adjustments are required to some of the appraisal variables. In particular, KM recommend that the following revisions should be incorporated into the appraisal:

- Adjustments to revenues based on sale prices achieved (rather than asking prices).
- Reductions in construction costs and the allowance to be made for construction contingencies until further justification is provided.

- Developer's profit on Gross Development Value reduced from 20% to 18%.
- A reduction in the benchmark land value in order that this takes into account the relevant development plan policies relating to planning obligations. Any adjusted land value should be based on the residual land value (ignoring any planning obligations and assuming permission is in place) and current use value.

Discussions are ongoing between KM and the applicant regarding each of the abovementioned variables. It is, however, apparent from KM's report that, subject to a final position being agreed, the scheme is likely to be capable of delivering a substantial contribution towards the provision of affordable housing on the site (up to a maximum of 30%). There is also the potential for the scheme to make proportionate off-site contributions towards the provision of new Primary and Secondary school places and the improvement/maintenance of public open space at Hope Street Recreation Ground. The applicant has, however, indicated their intention to submit additional information with respect to each variable in order to provide further justification for the figures set out in their own appraisal in order that a final position can be agreed with KM and the Local Planning Authority.

Whilst the final position regarding viability is unknown at this stage, it is likely that this will require compromises on both sides in order to reach a mutually agreeable position and, accordingly, that the level of contribution sought towards affordable housing, education provision and/or public open space is likely to fall below that suggested by KM. Therefore, the Council will need to determine its priorities for contributions in the circumstance that the full level of contribution for each element cannot be achieved.

Conditions:

The applicant has requested that condition 1 is amended to allow an extended period of up to 5 years for the submission of an application for approval of reserved matters, rather than the standard 3 years. The basis for this request is that the current tenancy for existing uses on the site runs to April 2018 and it is possible that the tenant may be able to hold over for a further interim period depending on the timing of a wider Central Government (DWP) decision regarding the closure or relocation of the offices. The applicant contends that, if the tenancy continued for even 6 months beyond April 2018, a 3 year outline permission would leave insufficient time to market and dispose of the site and for a developer to submit reserved matters, and would require a fresh planning application to be made, creating unnecessary risk and delay. The applicant suggests that the granting of permission for a 5 year period should not prevent the site from being included in the calculation of the deliverable 5 year supply for the Borough as the measure of deliverability in the NPPF relates solely to the existence of a permission and not its length.

The applicant has submitted a letter dated 15.03.16 which sets out their case as to why they consider a longer (5 year) permission should be granted. A copy of this letter is attached to the late observations report for members' information.

The applicant has also requested minor revisions to the wording of conditions 3, 7, 8, 9 and 10 as follows.

- Condition 3 – that the condition listing the approved plans does not make reference to the indicative masterplan as this is for illustrative purposes only.
- Conditions 7 and 8 – that the wording “no above ground works” is amended to read “no construction” in order to allow demolition, site clearance and preliminary site setup works to be carried out before the condition needs to be discharged.
- Condition 9 – That the design, approval and installation of the off-site traffic calming works on Shepherd Road is to be approved prior to first occupation.
- Condition 10 – That the condition is reworded to simply restrict vehicle access (other than for emergency vehicles) without the requirement for a specific scheme.

Officer recommendations:

The following course of action is recommended with respect to each of the issues set out above.

Highways:

That the delivery of the raised table to access point 2 and the improvements to the two bus stops on Church Road are secured by condition in accordance with the indicative schemes shown on drawing nos. TPMA1417-101 Rev B and TPMA1417-105 respectively, and that the contents of the revised Travel Plan are taken into account. It is recommended that conditions 8, 9 and 12 are re-worded to incorporate these changes as set out below.

Viability:

As detailed in the Committee Report, the following contributions would be applicable to the scheme:

- An off-site contribution towards the provision of new Primary and Secondary school places – estimated by LCC at £312,764 and £441,535 respectively.
- Up to a maximum of 30% of the dwellings to be offered as affordable housing on the site.
- Up to £160,000 (at a rate of £1,000 per dwelling) as an off-site contribution towards the improvement/maintenance of open space at the Hope Street Recreational Ground.

Having regard to KM’s report, it is apparent that the scheme will be capable of delivering a greater level of affordable housing than originally suggested in the applicant’s viability appraisal. Given the site’s position within the urban area and its proximity to St Annes town centre, it provides an ideal location for affordable housing in an area of the Borough where the greatest demand exists. Accordingly, it is recommended that the provision of affordable housing on the site should take precedence over any off-site contributions towards education and/or public

open space. Therefore, it is recommended that the resolution in the Committee Report be revised to read as follows:

That, subject to final agreement of the development's viability between the Local Planning Authority and the applicant, the negotiation of a planning obligation under Section 106 of the Town and Country Planning Act to secure the following contributions be delegated to the Head of Planning & Regeneration:

- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for up to 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on the site in accordance with the requirements of policy H4 of the Revised Preferred Options Local Plan and the National Planning Policy Framework.*
- (ii) A commuted sum payment to the County Council towards the provision of additional Primary School places at Lytham CE Primary School and additional Secondary School places at Lytham St Annes Technology and Performing Arts College in accordance with Fylde Borough Local Plan policy CF2 and the National Planning Policy Framework.*
- (iii) A commuted sum payment of £1,000 per dwelling towards the improvement and/or future maintenance of open space off site at Hope Street Recreation Ground in accordance with the requirements of Fylde Borough Local Plan policy TREC17.*

SAVE THAT where the above contributions would make the scheme unviable, they shall be delivered in descending order of priority (from (i) to (iii)) and any planning obligation shall include appropriate clauses requiring future assessment(s) of the scheme's viability at defined trigger points in order to establish the need for any overage provision.

Planning permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

Conditions:

Condition 1:

The applicant has requested that condition 1 is amended to allow an extended period of up to 5 years for the submission of an application for approval of reserved matters rather than the standard 3 years.

Paragraphs 27 and 28 of the 'Use of Planning Conditions' chapter to the Planning Practice Guidance sets out the circumstances where a time limit longer than the standard period could be allowed. Paragraph 27 advises that:

- A longer time period may be justified for **very complex projects where there is evidence that three years is not long enough to allow all the necessary preparations to be completed** before development can start.

In addition, paragraph 28 states that:

- If the local planning authority considers it appropriate on planning

grounds they may use longer or shorter periods, **but must clearly give their justification for doing so.**

The present condition requires an application for reserved matters to be submitted within 3 years of the date of any permission, with a further 2 years given to implement any reserved matters approval. Therefore, this would afford the applicant a period of at least 5 years (subject to when any application for reserved matters is submitted and subsequently approved) from the date of any outline permission being granted to commence development in order to preserve any permission.

The applicant has indicated that the existing tenant has a lease which runs until April 2018, but that this could be extended. Whether this lease is extended is essentially a commercial decision for the landowner and, if it were extended, this would be done in the knowledge that it has the potential to affect any extant permission for residential development on the site. In their letter of 15.03.16, the applicant suggests that a sale and subsequent submission of reserved matters is likely to take between 9 and 12 months to complete. Given that viability matters are yet to be agreed and that a draft planning obligation has not yet been prepared, the existing 3 year timeframe for the submission of a reserved matters approval is likely to give until at least mid-May 2019 for a reserved matters approval to be submitted – over a year beyond the expiry of the current lease and within the 9-12 month timeframe estimated by the applicant. Moreover, there is no reason why the site cannot be marketed prior to the expiration of the existing lease, with an application for reserved matters submitted immediately following (or, indeed, before) this.

Whilst the site is previously developed land and there are abnormal costs associated with piling due to ground conditions, the development is not particularly complex and does not require the delivery of any unique infrastructure which is likely to delay or hinder its implementation. The PPG makes clear that the use of extended time periods should be reserved for “very complex” developments where there is clear justification for allowing a longer period. It is not considered that the level of justification required by the PPG has been demonstrated in this case. Furthermore, it is considered that the granting of a longer time period would unnecessarily delay development coming forward on the site (i.e. through ‘land banking’) in conflict with the objectives of the NPPF which require sites to be deliverable and developable as soon as possible, and that this would set an undesirable precedent for future development in the Borough where inevitable comparisons will be drawn between this and other brownfield sites. Accordingly, it is recommended that condition 1 remains unchanged.

With respect to the applicant’s observations regarding the remaining conditions, it is recommended that conditions 3, 7, 8, 9 and 12 are amended to read as follows:

Condition 3:

This permission relates to the following plans:

- Drawing no. AA5659 2001 – Location plan.
- Drawing no. AA5659 2010 – Parameter plan access plan.
- Drawing no. AA5659 2012 - Parameter plan building scale.
- Drawing no. TPMA1417-100 Rev A – visibility splays access point 1.
- Drawing no. TPMA1417-101 Rev B –visibility splays access point 2.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to matters of access and the maximum number of dwellings.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

Condition 7:

Other than those works associated with the demolition of existing buildings and site clearance, no above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events (including a 30% allowance for climate change), which shall not exceed the pre-development rate and should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standards 2 and 3 of the 'Non-Statutory Technical Standards for Sustainable Drainage Systems';
- (iii) details of any necessary flow attenuation measures including temporary storage facilities and the use of SUDS where appropriate;
- (iv) details of any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (e.g. refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- (v) details of flood water exceedance routes (both on and off site);
- (vi) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- (vii) details of how surface water will be managed and pollution prevented;
- (viii) a timetable for implementation, including details of any phased delivery; and
- (ix) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings hereby approved are first occupied, and maintained as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

Condition 8:

Other than those works associated with the demolition of existing buildings and site clearance, no above ground works shall take place until a scheme for the design, construction and drainage of the two vehicular access points to the site from Shepherd Road (the positions of which are shown on drawing nos. TPMA1417-100 Rev A and TPMA1417-101 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for minimum visibility splays of:

- (i) 2.4 metres x 43 metres in both directions at the junction of 'Access Point 1' with Shepherd Road (as shown on drawing no. TPMA1417-100 Rev A).
- (ii) 2.4 metres x 43 metres (westbound) and 2.4 metres x 25 metres (eastbound) at the junction of 'Access Point 2' with Shepherd Road (as shown on drawing no. TPMA1417-101 Rev B).

The site accesses shall be constructed in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent order following the revocation or re-enactment thereof) the visibility splays shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

Reason: To ensure safe and suitable access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

Condition 9:

Other than those works associated with the demolition of existing buildings and site clearance, no above ground works shall take place until a scheme for the siting, layout, design, construction and drainage of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- (i) The formation of a raised table at the junction of 'Access Point 2' with Shepherd Road, the indicative layout of which is shown on drawing no. TPMA1417-101 Rev B.

- (ii) The upgrading of two existing bus stops (eastbound and westbound) located on Church Road (to either side of its junction with Moorland Road) approximately 235m to the south of the site to Quality Bus Standard. The upgrades to the bus stops shall include the provision of raised borders and bus stop 'cages', together with associated road markings, in accordance with the indicative scheme shown on drawing no. TPMA1417-105.
- (iii) A review of the existing Traffic Regulation Order on Shepherd Road insofar as it relates to the waiting restrictions in place on the northern and southern frontages of Shepherd Road where they flank the southern boundary of the development site. The review shall determine the need for any amendments to the existing Traffic Regulation Order in order to revise/remove the existing waiting restrictions and a timetable for the implementation of any required amendments (including both the physical and legislative works).

The highway improvement works in the duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to the highway and public transport network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

Condition 10:

It is considered that there is a need for a detailed scheme to be designed in order to prevent vehicle access between the two sites with respect to any public realm works required to achieve this (e.g. means of enclosure etc.). Accordingly, it is recommended that condition 10 remains unchanged.

Condition 12:

Notwithstanding any details submitted as part of the application, none of the dwellings 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 'Interim Travel Plan' by Curtins (document reference TPMA1417/ITP dated 10 March 2016) and, as a minimum, shall contain:

- (i) details of a Travel Plan co-ordinator;
- (ii) details of measures to be introduced to promote a choice of travel modes to and from the site;
- (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 in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

6 15/0841 Amended Application Address

This is described on the agenda papers as being 16 and land to the rear' on Clitheroes Lane. In fact 16 is not part of the application site and is unrelated to the development. It is therefore appropriate to amend the description to Land to the rear of 16 Clitheroes Lane'.

It is not considered that this change will disadvantage any party as No. 16 was notified of the application as a neighbour to the site as part of the normal notification process.

7 15/0844 Additional Comments received from Cllr Paul Hayhurst - 11/03/16.

As I understand that County Highways has not raised any objection may I proffer my support for this application as it is no way as obtrusive or out of character as other recent developments in the village.

The above comments do not alter the recommendation, concern over the visual impact of the development is addressed in the report.

Comments received from Cllr John Singleton - 15/03/16

On the 6th February the applicant noted the Parish Council's concern and indeed made an addendum to the application. The applicant would be willing to provide a footpath for the use of pedestrians along the site frontage which can be secured by a condition of planning. In addition to this the Highways authority has not raised any objection to the proposed application.

I can only offer my support for this application as I would suggest it would only add to the character of this Village.

9 15/0898 Additional observations

Page 160 of the report under the residential amenity section states;

The proposal will not have any unacceptable impact on residential amenity. The area of additional car parking is located directly north of the parking already approved and in that location will not have any impact on any residential dwellings. The uses directly north of the site are commercial enterprises.

It has come to officer's attention that whilst directly north of the car park is an area and buildings used commercially there are other buildings in the site which are used residentially. The nearest of these is the original "Mill Farm" farmhouse which is located approximately 55m from the nearest point of the car park. It is considered that the proposed car park will not have an unacceptable impact on these properties. The development is recommended for approval with a landscaping condition attached to ensure that there is landscaping on the northern boundary and given the buildings locations adjacent to a main road and the existing commercial enterprises the use of the car park will not unacceptably impact on residential amenity

11 15/0901 Additional Neighbour Representations

One neighbour letter has been received which confirms a lack of objection to the revisions to the layout.

A second has been received from a Parish Councillor explaining that he does not believe that a further play area is required in the village, with the existing facilities adequate to serve any such need. He also expresses the view that the application should adhere to all elements of the Inspector's decision.

Officer Comments on Neighbour Views

The scheme has been revised to specifically include a play area as this was explicitly mentioned in the Inspector's decision as highlighted in the report. Should the Committee determine that this is not appropriate then it would be able to do so, and it would then be appropriate to propose some alternative mechanism of providing an improved public open space provision for the village.

12 15/0902 Additional Neighbour Representations

Since the publication of the report a further four letters of objection have been received raising concerns over:

- Loss of light from the roof lift
- Damage to neighbouring properties during construction
- Loss of privacy
- Detrimental impact on highway safety
- Lack of appropriate parking
- Loss of property value
- the loss of sunlight to neighbouring gardens

- that the application does not reflect the works that are planned with the establishment of a further surgery at the site
- that the roads are unable to cope with the additional traffic
- the development will be overbearing
- that alternative vacant premises such as the former B & M or JR Taylor premises would make a more suitable premises

Officer Comments

The issues of light, overbearing, parking, highway safety and privacy loss are addressed in the report. The issues of property value, availability of alternative premises and construction damage are not material planning considerations.

14 16/0047 Additional Consultee Comments

The council's Economic Development Officer has commented on the scheme.

He recognises that there are competing material considerations in the determination of the application. Specifically these are that the application involves a new business in the unit which brings employment to it and is likely to retain the occupation of Inspired Energy on the site, but that this is to be set against the loss of the employment land and premises through the use of the unit for a non-employment related use on an allocated site. He gives greater weight to the latter and so concludes that the consequences for the wider economic circumstances for the borough are unacceptable.

Officer Comments

In raising objection to the proposal the Economic Development Officer has reached a consistent conclusion with that reached by the Inspector who dismissed the appeal on the basis that the evidence presented in the application/appeal. Having visited the site to witness its operation and having seen the particularly close physical and functional relationship with the Inspired Energy operation the planning officer weighs these matters differently and accordingly the recommendation for approval is reached in the report and is retained notwithstanding these comments.