

Planning Committee

Wednesday 06 January 2021

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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2	20/0042	<i>Additional representations:</i>
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The Local Planning Authority re-consulted with neighbouring residents and other relevant statutory consultees (including Bryning-with-Warton and Freckleton Parish Councils) on the latest amendments to the scheme between 14 December 2020 and 4 January 2021. Following the publication of the committee report, 8 additional letters of objection to the application have been received. The main issues raised in the additional representations are summarised as follows:

Flood risk:

- The updated Flood Risk Assessment is based on inadequate research. In particular, it fails to identify several ponds that are within the catchment area and the historical flood data fails to mention several other historical flood events for Pool Stream. The effectiveness of the proposed flood defence measures is therefore questionable as these seem mostly targeted at on-site flood prevention rather than protecting other existing properties within the vicinity of the site, including those that suffered significant flooding in August 2020 which required residents to vacate their homes while flood damage is rectified (with several residents still being unable to return to their homes). The proposed development will only lead to further flooding should adequate infrastructure for both sewer and surface water not be put in place.
- The proposed diversion of the watercourse to the east and the culverting of the same into the ditch/tributary that feeds into Pool Stream will add to the flooding problems already suffered in that location. The EA made strong objections to this proposal dated 2/6/20 and raised it again in correspondence dated 19/10/2020 and 16/12/2020. It is very concerning that the LLFA appear not to have responded to this application. It is of course for the LLFA to determine if an existing watercourse can be diverted and if the watercourse has the capacity to take the extra water from the development. It would be difficult to understand how the LLFA could approve this proposal.
- It is unclear who will be responsible for the upkeep and maintenance of the culverted watercourse because neither LCC nor UU will accept any responsibility for a culverted watercourse as they deem it riparian ownership and a matter for the respective owners of the land that the culverted watercourse travels beneath.
- The watercourse should remain where it is on its natural course and not be diverted for land gain. It should be embraced as a featured part of the overall development – as supported by the EA and National Guidelines.

Drainage:

- The discharge of surface water into the existing watercourse remains a source of concern. This concern will remain until there is assurance that Pool Stream is clear and can cope with the run-off from the impervious areas of the new development.
- The revised drawing "Drainage Strategy" shows the waste water from the

development discharging into the existing 225mm (9") foul water sewer, which runs north to south across the fields to the east of the site. This foul water sewer (which apparently carries both waste and surface water), in turn feeds into the existing 225mm (9") combined sewer in Lytham Road Freckleton, and from there into the rest of the Freckleton sewer system.

- Following the flooding during August 2020, the adequacy of the sewer network in Freckleton has been a cause of alarm to local residents. If the waste water from this 345 dwellings development is allowed to enter the current sewer system - without an upgrade to the existing network - then the effect could be catastrophic.
- United Utilities have informed residents that they have requested a developer impact assessment for the area, but have indicated that they are unable to make a commitment to a permanent solution within their current investment period (2020 to 2025).
- A condition should therefore be put in place that this development will not be permitted to connect to the existing sewer system until after the Freckleton network has been upgraded.
- It is unclear who bears the responsibility should the final drainage works prove to be unsuccessful and/or detrimental to surrounding properties.
- The developer's proposal to construct a 'French' drain along the southern and western boundaries is not a practical solution taking into account finished ground levels and the need to maintain recommended gradients for the land drain. The developer's proposal is flawed and lacks detail, particularly invert levels for the land drain. The developer should submit full and detailed proposals to alleviate run-off to the existing gardens bordering the site.

Levels:

- While the site levels have been reduced, and a land drain proposed along the west and south of the development, it remains a fact that raising levels is highly likely to displace water into the areas already suffering flooding – Clifton Ave, Canberra Way, Butlers Meadow, and Lytham Road. Raising levels is also at issue with EA observations dated 2/6/2020. The proposed land drain terminates into the south east corner flood basin – this suggests that when the flood basin is in flood, then the land drain will back up and overflow into properties west and south of the drain.

Amenity impacts:

- While the lesser degree of land raising proposed across the site has reduced the development's effects on some neighbouring occupiers, the situation behind a number of houses on Clifton Avenue to be unacceptable. The gabion walls proposed to the rear of these houses would range from 0.5m to 0.8m in height and when a 1.8m high fence is constructed on top of these will create a harsh outlook for existing occupiers along this boundary where maximum heights of 2.6m would be achieved. The view from the rear gardens of existing houses would result in the new boundary appearing oppressive or overbearing compared with the existing hedges and trees. The developer's proposal should be amended to incorporate an enhanced landscaped buffer zone along the western boundary and the retaining wall topped by the boundary fencing moved further into the site. This would mitigate the visual impact on existing properties.

Removal of existing hedgerows:

- The existing hedgerows marking the boundaries with neighbouring properties are important natural features that should remain intact and be protected as part of the development. The revised plans, in addition to removing the existing hedgerow along the southern boundary, now include dwellings positioned much closer to that boundary which could only be achieved by removing all of the

hedgerow in question. This is an unacceptable situation which would remove the value of the natural, long-established boundary feature between the site and neighbouring properties to the south.

- The existing linear hedgerows running through the site provide habitat connectivity along and between the site's boundaries, and with open land beyond. These features provide diverse habitats for a range of wildlife and their value is acknowledged within the applicant's Arboricultural Impact Assessment. However, with some limited exceptions all these existing hedgerows are to be removed. This would be harmful to protected species and the scheme should be amended to include the retention and enhancement of the existing hedges and trees to provide the buffer zone along the western and southern boundaries in accordance with the Bryning with Warton Neighbourhood Plan.
- The updated arboricultural impact assessment continues to state that "an external works plan showing the detail and arrangement of drainage, levels, retaining structures and utilities was not available to inform the production of this assessment". This is not, however, the case as all these details are now available and so the impact assessment should be updated again to take account of these details and the impact of the landfill, new boundary fencing and the proposed land drain on existing vegetation.

Applicant comments on proposed conditions:

The applicant has confirmed their agreement to the recommended pre-commencement conditions set out in the agenda papers – specifically conditions 16, 19 and 23. In addition, the applicant has requested that the triggers in the opening sentences to conditions 11 and 15 be amended to read "no above ground works of development" rather than "no development" in order to allow some (below-ground) works of site preparation to take place within those areas (all of which fall within phases 2 or 3 of the scheme) in advance of the requirements within each condition being discharged or implemented.

Officer response:

Additional representations:

All of the issues raised in the additional representations are addressed within the various sections of the committee report relating to each of the topics in question. While there is no need to repeat the relevant parts of the report within the late observations, references are made to specific pages of the committee report in order to highlight where the matters raised in the additional representations are dealt with.

Flood risk and drainage – This topic is addressed principally on p. 61-65 of the committee report. It should be noted that, following two previous objections to the scheme by the Environment Agency (EA) dated 02.06.20 and 19.10.20, the EA confirmed by letter dated 16.12.20 that the details in the updated flood risk assessment have addressed their previous objections and, accordingly, there is no longer any objection from that statutory consultee on flood risk grounds. In addition, United Utilities have confirmed their agreement, in principle, to the proposed foul water drainage strategy and point of connection to the existing sewer on Lytham Road. While the LLFA have failed to comment on the scheme despite various consultations sent to them over the course of the application, it remains the case that the proposed diversion/culverting of the ordinary watercourse along the eastern boundary of the site would require an independent consent from the LLFA under separate legislation that falls outside the remit of the planning system. In addition, it should also be noted that approval of the surface and foul water drainage strategy for the development is ultimately to be dealt with through a separate application to discharge pre-commencement condition 11 of outline planning permission 17/0851 rather than via this application for approval of reserved matters. Accordingly, approval of the reserved matters does not automatically result in approval of the

applicant's proposed drainage strategy as that is to be assessed separately through the condition discharge process (in consultation with the EA, UU and the LLFA).

Recommended conditions 12, 13, 14 and 15 require (respectively): i) the provision of the two flood compensation areas to the eastern end of the site before any development involving the construction of dwellings on the site takes place; ii) a detailed design for the diversion/culverting of the ordinary watercourse on the eastern boundary; iii) a management and maintenance scheme for the surface water drainage system (which includes the diverted/culverted watercourse within the red line boundary); and iv) the construction of the land drain alongside the southern and western boundaries of the site before any other development on the plots bordering those boundaries first takes place. With these conditions in place, and in the absence of any objections from statutory consultees who advise the Local Planning Authority on technical matters relating to flood risk and drainage, there is no reason to conclude that the development would give rise to any unacceptable impacts in this regard.

Levels – Issues associated with changes in levels are referred to variously within the report depending on their relevance to each subsection, but specifically on p. 39-40 (in relation to condition 12 of the outline permission) and p. 53-57 (in respect of amenity impacts). The committee report sets out the reasons why the proposed finished levels of the development are considered acceptable.

Amenity impacts – The development's effects on the amenity of surrounding occupiers bordering the southern and western boundaries of the site, along with the reasons why these are considered acceptable, are addressed in detail on p. 53-57 of the committee report.

Removal of existing hedgerows – The effects arising from the removal of existing trees and hedgerows across the site is dealt with variously throughout the report depending on its relevance to each subsection. However, p. 42-44 of the report deal specifically with the issue concerning the conflict arising with condition 18 of the outline permission and the reasons why it is considered that the level of harm occurring as a result of this conflict would be adequately mitigated through the introduction of replacement planting elsewhere within the site in order that this is not, in itself, considered by officers to warrant refusal of the application. It should also be noted that the Greater Manchester Ecology Unit have not raised any objections to the proposed losses on nature conservation grounds, providing that adequate compensation and other biodiversity enhancements are put in place (as required by recommended conditions 16-20).

Applicant comments on proposed conditions:

The applicant's request to amend the triggers in the opening sentences of conditions 11 (which requires the submission of scheme for the provision and maintenance of the LEAP to be delivered within phase 3) and 15 (which requires the construction, in full, of the land drain alongside the southern and western boundaries of the site before any other development on the plots bordering those boundaries first takes place) from "no development [...] shall take place" to "no above ground works of development [...] shall take place" are appropriate in order to allow works of site preparation (including the construction of the land drain below ground level for the purposes of condition 15) in those areas to take place in advance of the requirements in each condition, and continue to include an early trigger which does not fundamentally alter the purposes of or reason for each condition. Accordingly, revised wording for recommended conditions 11 and 15 is given below.

Modifications to conditions and recommendation:

As a result of the applicant's request summarised above, the wording of conditions 11 and 15 has been amended to read as follows (with changes highlighted in bold for clarity):

11. No **above ground works of** development within phase 3 (the extent of which is identified on drawing no. SK668-PP-01 Rev C) shall take place until a scheme for the provision and future maintenance of the Locally Equipped Area for Play (LEAP) shown on drawing no. SK668-PL-01 Rev V has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Details of the siting, size, layout, design and materials of the LEAP including its associated play equipment, surfacing and means of enclosure, which shall demonstrate compliance with the guidance set out in the Fields in Trust publication 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (October 2015).
 - b) Details of maintenance arrangements for the LEAP.
 - c) A timetable for the provision of the LEAP and a programme for its ongoing maintenance, which shall demonstrate compliance with the requirements in condition 17 of planning permission 17/0851.

The LEAP shall thereafter be laid out, made available for use and maintained in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that the development makes an appropriate contribution towards the provision and future maintenance of recreational open space (including the provision of play areas commensurate to its scale) in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Fylde Local Plan to 2032 policy ENV4 and the National Planning Policy Framework.

15. No **above ground works of** development on plots 1-3, 105-125, 147-190 and 204 (as identified on drawing no. SK668-PL-01 Rev V) shall take place until the full extent of the land drain shown on drawing no. LWF-AJP-XX-00-DR-C-0900 Rev P10, including its outfall into the flood compensation area, has been constructed in accordance with the detailed design indicated on drawing no. LWF-AJP-XX-00-DR-C-1061 Rev P1. The duly constructed land drain shall be maintained as such thereafter.

Reason: To capture surface water runoff from the sloping gardens of the dwellings which would occupy an elevated position in relation to existing land uses flanking the southern and western boundaries of the development in order to avoid uncontrolled surface water runoff from those dwellings being discharged onto adjoining land, to ensure appropriate measures are put in place to mitigate the risk of flooding to surrounding land uses and to secure a suitable means of disposing of surface water from the development in accordance with the requirements of Fylde Local Plan to 2032 policies M1, CL1 and CL2, and the National Planning Policy Framework.

It is recommended that members of the committee resolve to GRANT planning permission in accordance with the resolution contained on p. 71 of the committee report, subject to the changes to recommended conditions 11 and 15 as set out above.