

Planning Committee

Wednesday 16 January 2019

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	18/0633	<u>Additional LCC Education Comments</u>
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As reported in the Committee report the development generated a request from LCC Education for contributions towards two secondary school places totalling £47,474.56 and four primary school places totalling £63,013.24. As the consultation response did not specify which schools these contributions were to be used at officers requested that information from LCC who stated that the Secondary contribution would go to Millfield Secondary School in Thornton-Cleveleys and Lytham CE Primary School.

Officer's comments

It is officer's firm opinion that this request cannot be considered CIL compliant as they are for schools located a significant distance from the application site and that in reality occupants of these houses would not attend these schools.

Revised recommendation

In view of the above Officer recommendation to members is revised to the following;

"That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the completion of a Section 106 agreement and a schedule of appropriate conditions.

The S106 Agreement is to secure:

- A financial contribution of £150,000 to Fylde Council towards the provision of affordable dwellings within Fylde in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032, along with the phasing of that payment*

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority."

2	18/0682	<u>Additional Observations:</u>
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One further representation has been received following the publication of the Committee Report. The representation indicates that, if planning permission is

granted, an additional condition should be imposed to restrict the hours that any construction works can take place as it would be unreasonable for the developer to work unrestricted hours in carrying out the conversion works, which could take several months, due to the site's proximity to other residential properties.

With reference to the above, the representation requests that hours of work during the construction phase of the conversion be restricted by imposing an additional condition that limits working hours as follows: Monday-Friday 0800-1800hrs; Saturday 0900-1300hrs; no working on Sunday/Bank Holidays.

Officer Response:

As the application does not involve the construction of any new buildings and relates, instead, to the conversion of an existing building, it is likely that construction works associated with the development will generate a comparatively lesser degree of noise and disturbance. In these circumstances, a condition restricting working hours would not be imposed routinely as separate legislation concerning statutory nuisances would normally provide an appropriate means of restricting any excessive noise. In this case, however, it is recognised that the scale of the conversion works to form 12 flats are relatively substantial and that the building's location in close proximity to several existing neighbouring dwellings increases the potential for noise disturbance to adjacent occupiers if noisy construction operations take place early in the morning and/or into the evening. Accordingly, it is considered reasonable to impose the following additional condition (no. 9) on any permission granted:

9. Works involving site preparation, deliveries of materials and/or construction (except quiet internal building operations such as plastering and electrical installation) shall only take place between the hours of 08:00 and 18:00 Monday to Friday and between 09:00 and 13:00 on Saturday.

Reason: To safeguard the amenities of occupiers of surrounding residential properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

3 18/0839 Consultee Comments - LCC Education

As reported in the Committee report the development generated a request from LCC Education for contributions towards four secondary school places totalling £94,949.12. The request stated that the nearest secondary school to the site was Kirkham Carr Hill but did not explicitly state where the contribution would be used, therefore officers required that information from LCC. They then responded that *'the forecasts have recently been updated in December for the new year's figures... An education contribution is **not** required at this stage in regards to this development.'*

Officer's view – LCC Education

In light of these comments the recommendation will need to be revised as there is no longer a request for any contributions towards education.

Consultee Comments - LCC Highways

As reported in the Committee report LCC Highways requested some changes to the internal layout in order to make the site adoptable and also suggested that the pedestrian access to the car park from Church Road be amended to a vehicular access. The applicants have made these changes and LCC have now provided an additional response covering the amendments that states that the available sight lines from the new site access and the car park access over the existing adopted highway are acceptable for this size and scale of development and that neither access will have a severe impact on highway safety in the vicinity of the site. They also comment that they are now of the opinion that the highway layout conforms to current guidelines; recommendations and the philosophy of Manual for Streets; Creating Civilised Streets and the layout on the main spine road up to and including the turning head would also be acceptable for adoption under section 38 of the highways act. They states that there are areas where the size of parking spaces does not appear to conform to Structure Plan recommendations and request a series of conditions in relation to the construction of the new access, the communal parking area, a Traffic Management Plan, retention of parking spaces and garages and gates not opening onto the highway.

Officer's view – LCC Highways

The revised layout supplied by the applicant's addresses LCC's comments and they no longer raise any objections to the scheme. There are therefore no longer any highways issues with the proposed layout.

Consultee Comments - Parish Council

Whilst there has not been a formal Parish meeting and consultation response received they have provided some informal views on the development scheme which are summarised below;

- No objections in principle as outline planning has been granted.
- Concerns over Church Road's capacity to cope with increased traffic.
- Concern that car park will not be used by parents and that it should be closer to school as per earlier spate application.
- Concern over maintenance of the car park
- Queries over open space, its management and criminal activity.
- Request for any money realised by way of a 106 agreement be used in the first instance to benefit the parish or village.

Officer's view – Parish Council

With regard to the above issues, the highways issues have been addressed in the main report and above. LCC highways have no objections to the development. The management and maintenance of the car park and the POS will be by a management company the details of which will need to be provided to the LPA and be subject to a condition. The provision of these facilities will also be subject to a condition. The other application was adjacent to the school and was for market housing in the open countryside and was refused planning permission. The car park proposed is approximately 330m from the school to the south and whilst people cannot be forced to use it, it is not an unreasonable distance to walk from. With regard to 106 contributions the development is

providing affordable housing on the site itself and the POS which can be utilised by the wider community, and upgrading bus stops in the village. There is no other contributions required to make the development acceptable.

Revised recommendation

In view of the above Officer recommendation to members is revised to the following;

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing subject to the following:

- a) The receipt of an acceptable site layout and any other revised plans required to address existing officer concerns over the relationship to neighbouring properties and some internal highway aspects.
- b) The completion of a s106 planning obligation to secure the following (The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority):
 - provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032
- c) A series of Planning Conditions and Reasons which the Head of Planning and Housing considers are appropriate to ensure that the development is undertaken in accordance with the standards required by policy.

4 18/0844 Additional Plan
An additional plan has been received (ref EMP/3) which purports to indicate that the parking and turning arrangements requested under condition 4 can be achieved. The plan does that but is not of a suitable scale or clarity to meet the requirements of that condition, albeit it is a helpful starting point to clarify that the works can be achieved.

6 18/0875 Officer Correction
The summary at the start of the report contains a typo in that the word 'not' is omitted from the opening section regarding visual intrusion. The corrected version of this is reproduced here:

*"The application relates to the erection of a single storey extension to the rear of an existing detached garage at a dwelling located within designated countryside outside of Treales. The extension would not result in a building of inappropriate design or appearance, and would **not** visually intrude into the surrounding countryside to the detriment of the rural character and appearance of the area."*