

Planning Committee

Wednesday 5 September 2018

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
1	18/0373	<p><u>Parish Council comments</u></p> <p>The officer report includes the reasons for the Parish Council's objection, but omits the summary paragraph from their response. This is an error and so this information is provided here for members' attention:</p> <p><i>"TRW PC confirms its objection to this application for development in designated countryside because it is in conflict with policy SP2 and GD4. There have been 4 previous refusals for development of buildings by this applicant on this land and we still see no activity being proposed that is essentially required for the purposes of agriculture relating to the creation of a large permanent structure, in a prominent public position.</i></p> <p><i>The proposed building in designated countryside is not considered to be essential for the continuation of the applicant's existing agricultural enterprise(s). The scale and siting of the building would result in highly visible structure located in prominent public position adjacent to the M55 motorway and would cause harm to the visual character of this rural area. For the reasons above the proposal fails to accord with policies SP2 and EP11 of the Fylde Borough Local Plan (as amended) and the guidance of paragraph 17 of the National Planning Policy Framework. This harm is not outweighed by any economic arguments or other material considerations related to the support of the rural economy. The application should be refused."</i></p>
2	18/0455	<p><u>Additional Representation</u></p> <p>An additional comment has been received from the Newton Resident Association to the case officer which refers to some procedural issues with the application and some planning merits. These comments are enclosed here:</p> <p><i>"This latest amendment to the application blatantly ignores your request to the applicant for the static caravan to be removed, or for the application to be revised to reflect its presence. The storage container being the other main omission from the submitted documents. The Planning Committee Meeting notes report that the applicant intends that these are retained on site on a permanent basis, and considers that planning permission is not required for them to be retained.</i></p> <p><i>Notwithstanding the above the planning rules state that the Location plan should: " Show sufficient roads and/or buildings on land adjoining the application site." This has not been done, and therefore the application is not complete or complaint. Nor does the plan acknowledge the Public Right of Way over the land.</i></p> <p><i>On our previous comments on the application we did request that " further information is sought from the applicant to clarify the above issues, and the application be updated accordingly. Once such information is supplied and available to view online, we would then take the opportunity to respond with any concerns we may have on the finalised application. In this eventuality, we would request notification when a properly completed application was ready for representations." We do not believe we, or</i></p>

other interested parties including the Parish Council, have had sufficient time (the updated plan was put on the website on the 21st August) to properly consider the amendment.

Nor did we receive a notification of the amended documents despite our request.

The EA officer stated that if the static caravan had appeared in the application then:

Flood risk

National planning policy states that caravans for permanent residential use are "highly" vulnerable in relation to flood risk while caravans used for holiday or short-term accommodation are defined as "more" vulnerable. In both cases, the Flood Risk Assessment (FRA) as submitted with the planning application would not be considered adequate to support such development. However, the proposed use of the site for agricultural and recreational purposes is defined to be "less" vulnerable to the risks of flooding and so the FRA was considered appropriate to the nature and scale of the proposals.

Foul drainage

The planning application as submitted would not generate any domestic foul effluent. If the planning application did include a domestic caravan, then the development would be expected to generate foul effluent and the applicant would need to demonstrate how it would be disposed of. If a non-mains system was proposed and considered appropriate in this location, then the applicant would need to satisfy the General Binding Rules or apply for an Environmental Permit if one was required. The site is adjacent to a watercourse based on the location plan submitted with the application and our maps of the site. Whether or not this would be an acceptable point of discharge to enable compliance with the General Binding Rules would depend on the flows within the watercourse.

Therefore we would challenge the claim that the static caravan does not need planning permission.

On a further point, the requests for information on how the Public Right of Way will be maintained are not fully addressed. Provision should be made to guarantee free and unhindered access at all times with no obstructions.

Our previous comments regarding "Our primary concern is that this is the first step to getting a dwelling on the plot of land" are heightened by this latest amendment.

A decision to approve this application based on the evidence provided so far would seem to be premature. The application is incomplete and non compliant as outlined above and all the aspects of potential breaches to planning rules have not been clarified. We would appreciate you responding to us on this matter prior to the Planning Committee meeting on the 5th of September, and any final decision deferred until clarification on all extant matters has been obtained."

A further email states:

"Previously we had requested that you impose a condition on the application that would place restrictions on overnight stays at the site, thus emphasising the point to the applicant that residential use is not acceptable. We therefore would request that you impose such a condition."

Officer Response

- Retention of caravan / container – The Committee report explains partway down

page 19 that these are not part of the application and are a matter that is subject to on-going dialogue with the applicant

- Location Plan – With the location of the site being remote from any named roads it would not be practical to provide a location plan of that nature. However, the plan that is presented includes the surrounding features such as ditches and footpaths that allow it to be identified. I am satisfied that it is adequate to allow determination of the application
- Consultation – The revision to the location plan has not altered the location of the site. Comments have been received from the Parish Council and yourselves as reported in the Committee papers, with any further comments such as these below being brought before members to inform their decision.
- Drainage comments – As these relate to a residential use of the site, and no such use is proposed they are not relevant to the determination of this application.
- Public Right of Way – This is entirely outside of the site and so its route is unaffected by this application.
- Condition preventing overnight stays - As the caravan is not part of the development under this application then it would not be appropriate to attempt to impose a condition that sought to control its occupation. Any residential use of a caravan on the site would be an unauthorised change of use and so a condition would be superfluous.