

Planning Committee

Wednesday 3 November 2021

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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3	21/0661	<u>Additional Neighbour Representations</u>
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Subsequent to the preparation of the agenda a further neighbour representation has been received from a local resident that is said to be on behalf of their neighbours also.

They raise the following points:

- Recent earthworks have been undertaken to the south boundary of the site and include an extension to the bund. These works have led to the established hedge being undermined so destroying the root system which will undoubtedly result in the death of much of the screening vegetation upon which the arguments re 'visual impact' hinge.
- The loss of the hedge will open the views to and from the south for path users and especially for those of us in properties to the south.
- The proposed 'storage' pitches depend on this for screening, and any planned planting, if it ever gets done, would take decades to restore this.
- Pitches 54-75 are the ones now to be the most exposed and should not be used for permanent siting/storage.
- Ribble Boatyard has been closed for some time. This site has planning permission for caravan storage only next door.
- National grid and Cadent Gas are two distinct organisations and are not related. Electricity North West are responsible for electricity supply.
- The bund along the footpath boundary is now compacted and profiled and much of the site has been turfed. They question how this material is to be removed or used for general grading on site especially if the area has been turfed

Officer Response to Neighbour Representation

The majority of the comments relate to the visual impact of the development and so are covered in the officer report to a degree, with responses to the additional comments being as follows:

- The original planning permission includes a landscaping scheme that requires the planting around the existing perimeter of the site to be enhanced. At site visit there was a bund around parts of the perimeter, and it was explained to the applicant that this could not be a permanent feature. He advised it as to be removed as part of the development and that has to be the case.
- No follow-up visit has been possible in the time since the representation was made but the site will continue to be monitored as it is developed under the existing planning permission, and then operated.
- The boatyard does have permission for caravan storage, alongside boat storage, but is known as Ribble Boatyard and so is described as such in the report for identification purposes
- It is understood that there was some damage to an electrical supply cable during the development works on site, but this is a matter that is unrelated to the current

application and is not a Fylde Council responsibility

The comments do not warrant any amendment to the officer recommendation or suggested conditions.

4 21/0685 Additional Information from Applicant

The applicant has submitted an updated Acoustic Assessment in order to support increased opening times of the ground floor and roof top bars as originally confirmed in the planning application form. The opening time now sought is:

Holding bar and rooftop bar: Friday - Saturday: 18:00 to 02:00, Sunday - Thursday 18:00 to 01:00.

Officer Response

The Acoustic Assessment has been shared with the council's Environmental Protection team. They consider that the information demonstrates that the proposed opening times use are acceptable, subject to conditions relating to:

- design of the roof top menega to comply with set criteria within the submitted report.
- location of any additional plant and equipment within the menega.
- closure of all roof top doors, windows and retractable roof whilst amplified music above background level is being played.
- no live music after 23:00.

Given the above comments from the Environmental Protection Team, it is considered that the extended hours of use would not undermine the amenity of neighbouring uses, subject to imposition of conditions.

Members should note that the true extent of external plant and equipment is not known, hence the submitted acoustic report advises that any additional plant/equipment should be contained within the roof top menega. It is not known if the menega is of sufficient size to accommodate all requirements of the land uses proposed, thus a condition requiring details of such has been suggested to ensure the menega location is feasible.

Suggested Revision to Conditions

Amendment to condition 8 of the Committee Report is recommended as follows:

The ground floor 'Holding Bar' and 'Roof Top Bar' as detailed on drawing numbers 202 00120 rev A and 203 00120 rev A, shall only be open to customers between the hours of:

12.00 - 02.00 Friday and Saturdays.

12.00 hours and 01:00 hours Sunday to Thursday.

and

amplified music or other amplified entertainment performed within the premises shall only take place between the hours of 12:00 hours and 23.00 hours on any day.

The windows, doors and retractable roof of the 'Roof Top Bar' as detailed on drawing number 203 00120 rev A, shall remain closed whilst any live or amplified music or other

amplified entertainment above the background noise level is being played from within the Roof Top Bar.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area, in accordance with Policy GD7 of the Fylde Local Plan to 2032, Policy E1 of the St Annes on the Sea Neighbourhood Plan, and the National Planning Policy Framework.

6 21/0747 Revision to Recommendation

At the time that the officer report was completed the agent was working on revising their drainage proposals in an attempt to satisfy the LLFA that they were appropriate for the development. This would then allow a condition to be imposed which required those proposals to be implemented, rather than the current recommendation which requires that various drainage details are submitted for approval prior to work commencing as set out in conditions 7, 8 & 9 on the agenda papers.

Whilst some information has been provided, the views of the LLFA are outstanding on this and so the position remains that the conditions on the agenda papers remain relevant.

However, there is logistical merit on all sides for this to be resolved in advance of a decision being issued on this planning permission. If a scheme can be agreed there is the opportunity to issue a 'cleaner' planning permission that will allow the development to proceed without the need for the application to submit, and the council to determine, an application to discharge the details require by those conditions.

To enable this to be progressed it is requested that the recommendation be revised to delegate the authority to grant planning permission to the Head of Planning and Housing. He would then make that decision once the drainage proposals have been explored further, consultation comments received from the LLFA, and the wording of planning conditions revised to secure an appropriate drainage solution based on the submission and the consultee views.

7. 21/0752 Additional Consultee Comments – Lead Local Flood Authority

The LLFA and United Utilities have responded with their views on the revised drainage proposals presented in recent weeks. These confirm that the details that are submitted are acceptable to them, and so they now propose a condition that refers simply to the implementation of those drainage proposals.

Officer response to LLFA consultation

Officers welcome this timely update and have revised the wording of condition 5 to ensure that the drainage scheme that is now proposed is implemented. Condition 6, which requires surface water details during construction is removed, as acceptable details have been provided by the applicant in the Construction Method Statement (Condition 8).

8. 21/0834 Parish Council Representation

They highlight that the plan which is included on page 143 of the agenda papers indicates the location of the field gate that is the subject of the application incorrectly as the gate in question is actually located some 150m to the south of the location shown. They highlight that this plan forms part of the submitted plans that are shown on the council's website.

They express the view that this could invalidate the application, and request clarification on how it is to be remedied in the interests of fairness and good governance.

They also express their view that this closeness to the existing farmyard and the absence of any boundary between that area and the field in question removes the claimed need for the access point as access to the field can be gained from that area without any need to utilise the highway.

Officer Response to Parish Council Representation

Officers have checked this position and it is the case that the Parish Council are correct. The plan provided on the agenda papers does incorrectly identify the location of the access that this application relates to. This raises a procedural issue and requires a response on the assessment.

With regards the procedural matter, it is the case that the plan on the agenda papers is taken from the location plan submitted with the application. As this does not correctly identify the location of the development it prevents the application being determined on the basis of this plan. The remedy to that is for officers to secure a revised plan that does identify the location correctly, to verify that this has no impact on the ownership certification, and then to determine the application based on that revised plan.

The submission of this incorrect plan makes no material difference to the assessment of the application. With the application being submitted retrospectively officers assessed the scheme by visiting the actual access point rather than that shown on the location plan. The highway authority will also have assessed it on the basis of that access.

The actual access is into a field that is closer to the farm yard, but the reason for the access being provided is to address the agricultural access needs of the land when the existing access from the site is not available. At present a fence has been erected to separate the field from the farm yard, and when the residential units in the farmyard are occupied it would be logistically undesirable for farm traffic to utilise that area. Hence the justification for the access and assessment set out in the agenda remains valid despite this error. Accordingly it has no impact on the merits of the application.

Revised Recommendation

To enable a revised plan to be secured and the application determined it is requested that the recommendation be revised to delegate the decision on the application to the Head of Planning and Housing, with that decision made once this procedural issue is resolved.