

Planning Committee

Wednesday 28 June 2017

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	16/0738	<u>Additional Consultee Comments</u>
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Environment Agency – We are now able to withdraw our objection to the development. We have reviewed the applicant's dated 8 June 2017 and the email to the applicant from United Utilities dated 13 January 2017 and we are satisfied with the justification for not proposing a foul drainage connection to the public sewer network. However, the applicant will still require an Environmental Permit for a surface water or groundwater discharge. We note that the applicant now proposes a package treatment plant, which is preferable to a septic tank, and that it is proposed to direct the whole of the site surface water drainage to a treatment system, which includes tertiary treatment in the form a reed bed. This system will offer the best alternative to treatment via the public sewer network.

Lead Local Flood Authority – No response has been received however it is considered this issue is covered in the main report and that proposed condition 9 which requires details of the scheme for the provision of surface water drainage works, with full consideration to sustainable drainage principles means that the site will be appropriately drained.

2	16/0846	<u>Additional Consultee Comments</u>
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The following further observations have been received from Elswick Parish Council:

"Elswick Parish Council has previously commented on this application but has not been consulted on the observations from County Highways which makes substantial changes to the original outline plan.

Having considered the County Highways comments the Parish Council wishes to reiterate its objections on the grounds previously advised. In addition the Council wishes to further object on the grounds that the measures required by the County Council will have a detrimental visual impact on this important site located in the centre of the village. In particular the loss of the hedge whilst providing benefits for pedestrians will obviously affect the character of this important village location.

The Parish Council strongly urges the Planning Committee to reject this application but if the committee is minded to approve it the Parish Council requests the following conditions:

- that there should only be one access to the site and that should be the existing access at Highbury Gate.*
- that the hedge along Copp Lane must be retained and the proposed footpath should therefore be constructed inside the hedge.*
- that the amenity land should be designated as a public open space.*

The council understand that the hedge has been a feature of the village for over 100 years and it should be assessed against the criteria in the Hedgerow Regulation 1997 act in order to ascertain if this qualifies as "Important" via a Historic Hedgerow Assessment. (30 year old hedge minimum criteria). Additionally the Council believe that it should be retained particularly as the village is currently about to open talks with your conservation officer to develop conservation status for much of the village which we are advised is one of the best examples of medieval development in Lancashire."

Officer Response

Members of the Committee will recall the proposal being deferred from the previous Committee to enable officers to respond to the above matter raised by Elswick Parish Council.

The Tree Officer has undertaken assessment of the hedgerow in question, concluding that the 'hedge fails to qualify as an Important Hedge under the 1997 Regulations.

"The origins of this hedge are conjectural. It is the surveyor's best guess that it was planted in the last fifty years but done to a very good standard and is a success. Its composition suggests a planted hedge purposely aimed at achieving diversity, a characteristic it does not share with others in Elswick that are more typical of common agricultural hedges.

No clear historical sources for the hedge have been located and historical aerial photographs fail to pick it up with the same distinctiveness as nearby hedges. It was either very young when these were taken, or did not exist.

It does appear over thirty years old and assessment under the Regulations is appropriate. It should be borne in mind that all species-rich hedgerows are priority BAP Habitat and a presumption against removing them should be applied. When they are removed, mitigation must be considered.

Results from the Lancashire Environment Record Network (LERN) indicate the hedge will not contain any of the species listed in the Regulations. It is for the decision-maker to consider the facts and balance them against the benefits produced by development. If development is seen to outweigh environmental considerations, a sensible way forward is to examine the feasibility of one of two options:

- 1. Require the developer to produce a methodology for hedgerow translocation and re-establishment at the required set-back from the highway, or;*
- 2. Agree to replicate the hedge in a mitigatory replacement scheme at the new location.*

These measures should not be seen as disproportionate or unreasonable since this is clearly a hedge of some importance despite its failure to qualify under the Regulations.'

On this basis, it is advised that as per original assessment of the proposal, replacement hedge planting is supported to facilitate widening of the footpath on Copp Lane. It is recognised that the hedgerow adds to the landscape character and setting on approach to the Village, however, this could be replicated within the scheme and given the outline nature of the application could be incorporated into the final layout. Furthermore, there would be additional highway safety benefit to the community in this instance through improved pedestrian access to both the primary school to the north and Village to the south of the application site. The replacement hedge should mimic existing species as per the Tree Officer report.

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17/0155 Additional Information

The applicant has provided additional information since the publication of the Committee agenda in the form of a letter from her GP and a supporting email from a planning consultant that requests that additional consideration be given to the benefit of the extension to assist in helping the applicant deal with her medical condition.

The GP letter states:

"This is to confirm that the above patient (the applicant) is registered with our Health Centre and has a diagnosis of rheumatoid arthritis and chronic fatigue syndrome. These conditions lead to pain and stiffness in her joints and some restriction in her mobility."

Officer Response

Officers have no reason to doubt the validity of the claims regarding medial needs of the applicant.

The council's Supplementary Planning Document "Extending Your Home" does make reference to special circumstances, such as a disability, allowing the interpretation of those guidelines to be undertaken more flexibly, particularly where the extension is to provide basic facilities, although it confirms that proposals which significantly deviate from them are unlikely to be appropriate.

The relevant section states:

"Personal circumstances, such as disability or specific requirements of minority groups, may make it difficult to provide the necessary facilities within the guidance set out in this SPD. The Council may interpret these guidelines flexibly in such circumstances, but proposals that significantly deviate from them are still unlikely to be appropriate. Consideration of personal circumstances will be assessed on a case-by-case basis. Standards may be relaxed where an extension would provide basic facilities that are lacking from a house, such as a bathroom."

In this case the property already provides basic facilities with the application seeking to improve them. It is also the case that the extension is in significant conflict with the adopted and emerging policies regarding the scale of extension in the countryside, rather than simply the SPD on their design, and is harmful to the character of that area. It is also the case that a less steeply inclined staircase and associated bathrooms could be provided without the need to extend the property to the degree proposed in this application.

It is officer advice therefore that the application remains recommended for refusal.

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17/0272 Additional Officer Information

In their consultation response on this application Kirkham Town Council raised issue with the use of stainless steel blanking plates rather than matching brick. The agents were contacted for clarity on this matter and their response was as follows:

"With regards to the reasoning behind using a steel plate to infill the apertures, the client has fixed dates for the closures of their branches that can't be changed. As such the contractor will not have the time to procure stone/brickwork to best match the existing fabric in time to meet the client's deadlines hence why we are seeking to install a steel plate to cover the aperture of the ATM's."

We always try and address any comments like this and as such we can propose to install brick to best match the existing fabric to reinstate the building to its former glory but I would note that due to the above procurement times, the steel plate would need to be

installed as a temporary measure until procurement and installation of the brick can be undertaken".

Revised Recommendation

As a result of this response it is considered that an additional condition be added to the recommendation to be worded as follows:

Within 6 months of the date of this permission, details of the materials to replace the stainless steel blanking plates, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. These materials shall be installed to replace that steel blanking plate within 3 months of their written agreement.

Reason: To ensure an appropriate appearance to the building is achieved within the Conservation Area.

The description of the development on the application should also be revised to reflect this eventual change in materials as follows:

REMOVE EXISTING NATWEST BRAND SIGNAGE, ATM AND NIGHT SAFE, AND INFILL RESULTANT APERTURES .

10 17/0276 Additional Neighbour Comment
This letter raises the following points:

- The width of the Promenade will be reduced by a half or even two thirds if there is downstairs outside seating and/or queuing resulting in restricted walking areas for residents and visitors at the sea side.
- Deliveries will be made by commercial vehicles which will again reduce the width of the Promenade to a third of its normal width and will be a hazard if deliveries are made in normal opening hours.
- If the Council owns the Promenade is this area rented out at a commercial fee since it will be a business venture?
- My final comment is that you are restricting the use of a Council Tax funded amenity and there are already several food outlets available for visitors so we do not need another and in particular not a take away facility.

Officer Comments

These matters are raised by others and are addressed in the officer report.

11 17/0335 Additional Neighbour Comments
One of the neighbours that has already commented on the application has made further comments to request that officers visit her property to establish the exact measurement between her extension and the proposed extension. The crux of her concern is that the report refers to a 14m separation whereas an existing extension to her property actually reduces this to 10m.

Officer Comments

Whilst the case officer has not visited this neighbour's dwelling, they have been able to view the proposal from a neighbouring dwelling and other vantage points as part of their consideration of the application. The distances of separation have also been checked on digital mapping software to inform the report.

The officer report confirms that the extension is considered to have an acceptable relationship to all neighbouring dwellings and the officer recommendation remains for approval.