

Development Management Committee

Wednesday 29 July 2015

Late Observations Schedule

Officers have prepared a draft update of the 5 year housing supply position. This was a specific request in the determination of application 15/0124 at the previous meeting of Committee, and so is supplied here in a 'working draft' form for information in respect of that application.

Table 1: 370dpa OAN Five Year Housing Supply Position – base dated 31st March 2015

Table 1(a): OAN Plan Period Housing Requirement at 31st March 2015	
OAN plan period housing requirement (2011 – 2032) (21 years)	7,770
OAN housing requirement between 1st April 2011 – 31st March 2015 (4 years)	1,480
Completions between 1st April 2011 – 31st March 2015 (4 years)	745
Under delivery (shortfall) between 1st April 2011 – 31st March 2015 (1,480 – 745)	735

Table 1(b): Five Year Housing Requirement at 31st March 2015	
Annual housing requirement	370
5 year housing requirement and 20% buffer (370 x 5 (+20% buffer of 1,850))	2,220
Adjusted 5 year housing requirement including backlog (2,220 + 735)	2,955
Adjusted annual housing requirement for 0 – 5 year period (2,955 ÷ 5)	591

Table 1(c): Five Year Housing Supply at 31st March 2015	
Requirement	
Adjusted 5 year housing requirement including shortfall and buffer	2,955
Supply	
Existing supply ¹	2,754
Potential supply ²	50
10% allowance for supply not coming forward ³	280
Total supply (2,754 + 50) - 280)	2,524
Year Supply	4.27
Projected Undersupply	431

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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2	14/0822	
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Applicant's Comments on Report

Following publication of the committee report the applicant has commented on the possible Heads of Terms to a section 106 agreement, and on the suggested conditions should members be minded to approve the application. These comments are summarised here with officer views on their comments below.

Applicant comments on possible heads of terms to s106 agreement

The response states that the applicant agrees to pay s106 contributions which are CIL compliant. They state that the amount of these contributions should be required to mitigate any effects that would otherwise render the project unacceptable. They state that the amounts that officers have suggested as being appropriate for a development of this kind to be unviable and not CIL compliant.

The total contribution that the developer is prepared to offer is £130,120 which they state would provide a competitive return to the applicant and be CIL compliant. Their 'offer' is broken down as:

Area of Contribution	Level of contribution
<i>Public realm improvements</i>	
Landscape treatment on two secondary roundabouts	£15,120
Focal points on two secondary roundabouts	£5,000
Signage and wayfinding	£5,000
Site 3 boulevard tree planting and shrub cover	to be delivered through landscaping condition
Site 5 landscaping	To be delivered to through landscaping condition planning consent ref 14/0823
<i>Total Public Realm contribution</i>	£25,120
<i>Highways</i>	
Initiative (2) – Cropper Rd / School Rd roundabout	£10,000
Initiative (3) – Pedestrian & cycle improvements	£30,000
Initiative (4) – Public transport	£60,000
<i>Total Highways Contribution</i>	£100,000
<i>Marketing</i>	
Funding to assist the Council in marketing employment sites on Whitehills	£5000
Total financial contribution overall	£130,120

Officer opinion on proposed contributions

It is the initial officer opinion that the contributions required to make the development acceptable need to be higher in respect of highways and public realm improvements. However, the developer's suggested contributions have only just been received by officers and it is appropriate that they are given further consideration. Crucially, this will involve dialogue with the County Highway Authority with regard to matters such as the adequacy of the suggested public transport contribution to achieve a viable bus diversion to the site as their initial indication that the sum proposed is inadequate for this and so would not satisfy them that the development would be acceptable in highways terms. Indeed the contributions offered for highways are well short of those required by LCC Highways which the developer has previously agreed to meet. Furthermore the proposed heads of terms does not include the completion of key areas of highway network in and around Whitehills to adoptable standards to enhance attractiveness of unused employment sites for future development.

Comments on Possible Conditions

The applicants have made the following suggested amendments or comments on the suggested possible conditions outlined in the committee report.

Condition 7

They propose to amend this condition to state "No goods of any description shall be stored other than within the defined buildings and outside sales and storage area of the garden centre. Reason: In the interests of visual amenity."

Officer opinion -The proposed amendment to this condition is acceptable.

Condition 9

This condition states: "*The non-food retail units hereby approved shall not be subdivided or amalgamated without the prior consent of the Local Planning Authority. Reason: To prevent unacceptable harm upon the existing centres*"

The applicant states that this condition serves no purpose and that the submitted sequential testing has demonstrated that there is no unit available of this size elsewhere. They believe that there is no justification that the amalgamation of the unit would harm the town centre.

Officer opinion – Whilst the impact on town centres has been considered to be acceptable for two stores operating to the proposed total floor space and limited to selling the goods outlined in condition 8, it is officers opinion that one large store over both floors would have an overall size and increased floorspace that has the potential to impact upon town centres detrimentally as it would change the way the store would operate. This would need further consideration by officers in order to fully assess the impact on town centres and so it is considered necessary that this condition remains if members are minded to approve the application.

Condition 10

This condition states: "*The retail premises hereby approved shall not be used for*

the sale of food off the premises. Reason: To prevent the units becoming a food supermarket”

The applicant states that this condition is not necessary as condition 8 on the report controls which goods can be sold from the premises.

Officer opinion – This is correct and this condition can be removed.

Condition 11

This condition states: “Both of the retail units hereby approved shall be operated by a single retailer and shall not operate as a ‘department store’ or have a number of different retails operating within one unit. Reason: To prevent unacceptable harm to the existing centres”

The applicant states that this condition should be removed as it serves no purpose. The subdivision clause will ensure that it will not operate as a number of smaller units, and the goods condition ensures that it cannot operate as a department store. This is not a standard retail condition and the LPA cannot restrict the operator.

Officer opinion – Whilst condition 9 will prevent the subdivision or amalgamation of the two stores this conditions seeks to prevent a number of different retailers operating within one store which would have the potential to impact upon existing centres and would need to be considered by officers. It is considered necessary that this condition remains if members are minded to approve the application.

Condition 22

This condition states: “The development hereby approved shall not be commenced until a scheme for the provision of surface and foul water drainage works, with full consideration for sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The means of drainage shall be implemented in accordance with the approved scheme, prior to first occupation of the development hereby approved. Reason: To reduce the increased risk of flooding by ensuring provision of a satisfactory means of surface and foul water disposal.”

The applicant’s state that this condition is not required as the submission of details for subsequent conditions will cover this information.

Officers opinion – It is agreed that conditions 23 (foul drainage) and condition 24 (surface water) cover the requirements of this condition and it can be removed.

Condition 25

The applicant proposes that this condition be amended to read: “Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to 9.8

l/s unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details. The existing public sewer network adjacent to the proposed site has been originally designed to accommodate for each of the development plots throughout the Whitehills business park, with this knowledge and by agreement with the adopting authority, our proposed strategy is to discharge into the existing adopted public sewer network to maintain the original methodology.

Officer opinion – This alteration changes the restricted run off rates from existing to 9.8 l/s. This has been agreed with Untiled Utilities and there is no objections to the amendment of this condition.

Recommendation

The officer recommendation in the report is to refuse the application, but suggests that if members are minded to approve it then the decision should be delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice Chairman, to allow further negotiations on the terms of a s106 agreement to mitigate some of the harmful impacts of the development. These comments do not change that view as it is suggested that further dialogue is required to achieve agreement on these matters.

5 15/0308 Additional Observations:

Since the preparation of the Officer report the applicant has submitted amended plans showing alterations to the distribution of affordable dwellings across the site. These amendments were agreed in draft form with Officers prior to the report being written and, accordingly, their content is reflected in the existing report (which remains unaltered). The revised plans formalise the changes which were agreed in draft form.

The receipt of updated plans does, however, mean that some of the conditions need to be amended to make reference to the latest plans. This is applicable with respect to recommended conditions 1, 4, 5, 7 and 8. Revised wording for each of these conditions is provided below. The other conditions remain unchanged.

Officer Recommendations:

It is recommended that planning permission is granted subject to the rewording of conditions 1, 4, 5, 7 and 8 to take account of amended plans submitted since the preparation of the Officer report. The relevant conditions in the current report would be replaced as follows:

CONDITIONS:

1. This permission relates to the following plans:
 - Drawing no. 453/P/LP/01
 - Drawing no. 453/P/PL/01 Rev E

- Drawing no. 453/P/BTL/01 Rev E
- Drawing no. 453/P/RS/01 Rev D
- Drawing no. 453/P/ML/01 Rev D
- Drawing no. 453/P/SHL/01 Rev D
- Drawing no. 453/SS/AA Rev B
- Drawing no. 453/P/SS/02 Rev B
- Drawing no. 453/P/PSS/02
- Drawing no. 453_P_BTD_01
- Drawing no. 453_P_BTD_02
- Drawing no. 3167_102
- Drawing no. 453/ASH/A/01
- Drawing no. 2010/BAM/A/01
- Drawing no. 453/HT/BAR/A/01 – The Barwick Detached
- Drawing no. 453/HT/BAR/A/01 – 2010 Range – The Barwick
- Drawing no. 2010/BRE/A/01
- Drawing no. 2010/CAM/A/01
- Drawing no. 2010/CEM/A/01
- Drawing no. 2010/DAR/A/02
- Drawing no. 2010/FAR/A/01
- Drawing no. 2010/FAW/A/01
- Drawing no. 2010/HAR/A/01
- Drawing no. 2010/HARR/A/01
- Drawing no. 2010/HEL/A/01
- Drawing no. 2010/KEN/A/01
- Drawing no. 2010/KIN/A/01
- Drawing no. 2010/LIN/A/01
- Drawing no. 2010/MOR/A/01
- Drawing no. 453/HT/MOR/A/01
- Drawing no. 2010/SOM/A/01
- Drawing no. 2010/THO/A/01
- Drawing no. 2010/WAR/A/01
- Drawing no. 2010/DET/A/135
- Drawing no. 2010/DET/A/136

The development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. 453/P/BTL/01 Rev E, 453_P_BTD_01 and 453_P_BTD_02 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings, to achieve satisfactory noise attenuation and to ensure an acceptable relationship with the street scene in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

5. Within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall demonstrate compliance with the principles of the landscaping layout shown on drawing no. 453/P/PL/01 Rev E and shall include details of the type, species, siting, planting distances and the programme of planting of trees and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of FBLP policies HL2 and EP14.

7. The noise attenuation measures for each plot identified in paragraphs 3.1.1 – 3.1.5 and Appendix A of the Noise Assessment by Wardell Armstrong (report reference N001, dated July 2015) shall be implemented in accordance with the details in the report (and, in respect of boundary treatments, in accordance with the details shown on drawing nos. 453/P/BTL/01 Rev E, 453_P_BTD_01 and 453_P_BTD_02) before the dwelling on each associated plot is first occupied. The duly implemented attenuation measures shall be maintained as such thereafter.

Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme for the design, construction and drainage of all new estate roads and associated footways shown on drawing no. 453/P/PL/01 Rev E has been submitted to and approved in writing by the Local Planning Authority. Each estate road shall be provided in accordance with the duly approved details before any of the dwellings to be served by that road are first occupied, except that final surfacing shall not take place until the final dwelling to be served by each estate road has been substantially completed.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework

6 15/0329 Additional Neighbour comments

Since the publication of the report 82 signed copies of an identical letter of support have been received. Each letter states:

"I would like to show my support for the Cooper House Solar Farm. I believe that solar energy should be harnessed to its fullest potential. This reliable and free source of renewable energy will help in the fight against climate change."

Officer comment: There are no officer comments to add in respect of these comments.

Additional Consultee comments

A further representation has been received from BAE systems, this states;

"I refer our letter dated 8 June 2015, objecting to the planning application for a solar farm at Cooper House Farm, Kirkham Road, Freckleton, PR4 1HZ. In the light of a review and recent technical assessments provided by DIO, we should like to withdraw our objection to this application"

Officer comment: This response means that there are no longer any aviation safety issues with this application which require consideration. This aspect shall be removed from the list of issues to be resolved prior to any grant of planning permission. The recommendation is to remain to 'delegate to approve' as the completion of a Habitats Regulation Assessment remains necessary.

Applicant's comments on conditions

The applicants have made the following suggested amendments on the conditions outlined in the committee report.

Condition 4

The applicant proposes that this be amended as follows: *"No part of the development shall be commenced until details setting out the means by which the wheels of vehicles may be cleaned before leaving the site during the construction phase have been submitted to and approved by the Local Planning Authority and such wheel washing facility shall be operated in accordance with the approved details throughout the construction phase of the solar farm."*

The applicants state that they feel the wording of this condition warrants revising to remove any ambiguity in terms of being brought into 'operation' given that the wheel washing facilities are required for the construction phase only. They have suggested revised wording which brings it in line with other conditions requiring the submission of details prior to and implementation during the construction phase only.

Officer opinion – the proposed amendment is acceptable as wheel washing is only required during construction phase.

Condition 10

The applicant proposes that this be amended as follows: *“This permission shall be for a period of 25 years from the date of first export of electricity following which the use hereby permitted shall cease and the site reinstated back to its previous agricultural use in accordance with a scheme of work to be submitted as part of a Decommissioning Method Statement under condition 11 below. The date when electricity from the development is first exported to the local electricity grid network shall be notified to the LPA in writing within 28 days of its occurrence.”*

The applicants state that they would like this amendment so that the 25 year temporary permission is from the first date of operation of the solar farm and not from the date of permission.

Officer opinion – The proposed amendment is acceptable and would relate to the lifetime of the development from when it starts producing electricity.

Additional Condition

In order to prevent the solar array remaining on site if it is no longer functioning, it is recommended that the following additional condition be imposed:

“In the event that the solar array ceases to be used for the generation of electricity for a period of more than 6 months, all equipment hereby approved shall be removed from the site and the site shall be reinstated back to its previous agricultural use in accordance with a scheme of work to be submitted as part of a Decommissioning Method Statement under condition 11. Reason: To ensure that any redundant equipment is removed in the interests of visual amenity.”