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MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 13 DECEMBER 2022

Present:

Councillor O'Hara (in the Chair)

Councillors

Baker	Jackson	R Scott
Farrell	O'Hara	Sloman

In Attendance:

Keith Allen, Highways and Traffic Development and Control Officer
Jenni Cook, Democratic Governance Senior Adviser
Ian Curtis, Legal Adviser
Susan Parker, Head of Development Management

Apologies:

Apologies had been received from Councillor Hunter who was engaged on other official Council business in his capacity as Deputy Mayor.

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2022

The Committee considered the minutes of the last meeting held on 15 November 2022.

Resolved:

That the minutes of the last meeting held on 15 November 2022 be approved and signed by the Vice-Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee considered a report on Planning/Enforcement appeals lodged and determined since the last meeting.

Resolved:

To note the update.

4 APPLICATION NUMBER: 22/0042 LAND BOUNDED BY CHERRY TREE ROAD, CHERRY TREE ROAD NORTH AND NEWHOUSE ROAD, BLACKPOOL, FY4 4PF

The Committee considered application number 22/0042 for the erection of 11 single private dwelling houses with associated parking and landscaping and access from Cherry Tree Road following demolition of 74 Cherry Tree Road.

Ms Susan Parker, Head of Development Management provided the Committee with an overview of the proposed development, the site and location and the planning history on

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 13 DECEMBER 2022

the site. In relation to the site's planning history, the Committee was advised that planning permission had been granted in 2009 for the erection of a block of 12 flats and 3 terraced houses.

The Committee was informed that the site was considered to be a backland site which was classified as greenfield land and that the proposed demolition of number 74 Cherry Tree Road would provide a two-way access directly off Cherry Tree Road.

Ms Parker advised that whilst there had been no update note, a further representation by a resident had been circulated to the Committee prior to the meeting. In relation to representations against the application, Ms Parker noted that these were contained within the Committee report. The site was not allocated or safeguarded for any alternative use and the proposed dwellings would contribute modestly to the Borough's housing supply. It was acknowledged that whilst the third bedrooms fell short of minimum space standards, it was considered that overall the properties would provide an acceptable level of accommodation for future occupiers.

Ms Parker outlined the consideration that had been given to the impact of the proposed properties on the existing neighbours and in order to mitigate this impact, some of the properties would be dormer bungalows with lower ridge levels. The properties would be separated from existing properties to avoid overlooking and the site spacing was considered to be acceptable. In order to create a more engaging sense of arrival, the property on plot 6 would face towards the access road.

The Committee was advised that the Council's Highways Officer had assessed the proposed access arrangements and had considered them to be acceptable. Similarly the drainage proposals had been considered by United Utilities and the Council's Drainage Officer and had also been considered to be acceptable as the site drained to the existing combined sewer and no unacceptable impact on flood risk was anticipated. Ms Parker acknowledged the comments submitted by residents in relation to the dyke on the site, however this was not considered to constitute a drainage asset due to its state of disrepair.

In respect of biodiversity, the Committee was informed that the site had already been cleared, however the development should provide ecological enhancement which could be secured through condition and that no material impact on environmental quality was anticipated. Although Japanese Knotweed had been found on the site, the management of this could also be controlled by condition.

The Committee was asked to resolve to support the scheme subject to the conditions listed in the Committee Report and to delegate approval to Ms Parker as the Head of Development Management, to secure the necessary planning obligations subject to the signing of a Section 106 Agreement.

Ms Christine Jones and Mr Brian Milton, with the permission of the Chairman, shared the public speaking time and spoke in objection to the application on behalf of local residents. They raised concerns regarding drainage, the dyke and potential for flooding should be development proceed. They advised the Committee that the developer had cleared trees on the site, which had historically helped to mitigate flooding risk. Ms Jones stated that a local meeting had been held and that there were concerns from many residents about the

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 13 DECEMBER 2022

development. They raised safety concerns regarding traffic, air quality, the proposed access road and demolition of number 74, particularly in view of the nearby school and the safety of pedestrians and children.

Councillor Hutton spoke in his capacity as a Ward Councillor for Clifton Ward and expressed disappointment that the applicant was not in attendance. He queried the status of the land that was marked with a blue line on the site map in the Committee Report and advised the Committee that he had been told the applicant intended to place site cabins and containers there. Concerns were raised that the site had been cleared, fences taken down, trees removed and that 18 inches of topsoil had been removed with hardcore placed down instead. Councillor Hutton advised that residents were concerned about the access road, lack of parking and how refuse vehicles would access the site. In respect of neighbour amenity the proposed houses would overlook the gardens of existing properties. He advised that if the Committee was minded to grant the application then strong conditions should be put in place to control the days and hours of site activity.

Councillor Burdess also spoke in her capacity as a Ward Councillor for Clifton Ward and raised concerns regarding boundary issues and lack of positive engagement with residents of Cherry Tree Road. She reiterated the drainage concerns raised by the residents and Councillor Hutton and advised that the dyke had been blocked on several occasions which could exacerbate flooding. She advised the Committee that in her view the applicant's clearing of the site had caused ecological and aboriginal damage to the area. Councillor Burdess stated that no specific details of mitigation against climate change had been included by the applicant and that the Committee had a duty and obligation to protect the rights of the current residents, some of whom were vulnerable.

Ms Parker addressed the points raised by the objectors and Ward Councillors. In relation to clearance of the site, the Committee was advised that none of the trees on the site were protected by a Tree Preservation Order and that the landowner had therefore been entitled to remove them. However, the suggested conditions included a requirement for submission and agreement of an Ecological Enhancement Plan. In relation to the land marked with a blue line, Ms Parker advised that permitted development rights allowed the use of the land for cabins/containers as long as the land was returned to its original condition.

In addition, Ms Parker advised the Committee that the suggested conditions included a requirement for submission and agreement of a Demolition/Construction Management Plan and that plan would be expected to include arrangements for clearing the land marked blue of any site compounds and temporary structures. Breaches of requirements contained in a plan agreed as a result of a condition could be enforced against as breaches of condition.

The Committee was reminded that any boundary issues were a private legal matter and were not material planning considerations that the Committee could consider. In relation to highway safety concerns, Ms Parker advised that she had not been contacted by any Highways Officers or Senior Officers to express concerns regarding the development site.

Mr K Allen, Highways and Traffic Development and Control Officer, advised the Committee that the access road was 4 metres in width which was considered to be

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 13 DECEMBER 2022

acceptable and that, if the Committee was minded to approve, then this could be widened further by reducing the width of the footway.

The Committee expressed its view that it would have been beneficial had the applicant attended to speak to the application. Mr I Curtis, Legal Adviser, informed the Committee that while it could defer the application to a future meeting, and invite the applicant to attend, it could not compel attendance. The Committee's task was to determine the application as placed before them, rather than to press the applicant to justify it. An application had to be decided on the basis of relevant planning considerations, which did not include the identity or character of the applicant or their willingness to attend a meeting of the Committee.

A motion was moved and seconded to defer the application to allow the Head of Development Management to contact the applicant to clarify matters of concern to the Committee and to encourage the applicant to attend the Planning Committee. The matters to be clarified were identified as:

- Clarification regarding access/egress.
- Highways and access road width.
- Questions regarding drainage and clearance of the dyke.

Resolved:

To defer the application to a future Planning Committee in order to allow the Head of Development Management to clarify matters with the applicant.

5 DATE OF NEXT MEETING

Resolved:

To note the date of the next meeting as 24 January 2023.

Chairman

(The meeting ended at 6.51 pm)

Any queries regarding these minutes, please contact:
Jenni Cook Democratic Governance Senior Adviser
Tel: (01253) 477212
E-mail: jennifer.cook@blackpool.gov.uk