

Development Management Committee

Wednesday 13 November 2013

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	12/0068	Amended Conditions
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The wording of conditions 4 & 5 relating to the landscaping of the site has been amended slightly to improve clarity as follows:

4. The area of bund indicated alongside the additional external storage area on the approved plan shall be planted, in accordance with a scheme that shall be submitted to the local planning authority within one month of the date of this planning permission and then approved in writing. This scheme shall include a mix of native species to reflect the landscaping scheme introduced on the existing bunds around the previously approved storage areas and shall be implemented no later than the end of the next available planting season (i.e. by the end of February 2014).

To ensure that the extended storage areas have an acceptable impact on the character of the rural area as required by Policy SP2 of the Fylde Borough Local Plan.

5. The whole of the landscape works approved under condition 4 of this planning permission shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

4	13/0448	Response received from LCC Highways 8th November 2013:
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With regards to the reserved matters application I have the following comments: The general layout is acceptable in that road widths, turning heads and sightlines at driveways are appropriate. Should the developer choose, these are likely to be

acceptable for the estate roads to be offered for adoption. The level of car parking is also considered acceptable.

LCC has concerns over the length of the straight section of carriageway from Heyhouses Lane into the residential area. The guidance provided in the County's Creating Civilised Streets states that residential developments should be designed with a 20mph speed limit in mind and that actual speed of vehicles should be regulated by the natural topography of the street layout and that vertical traffic calming should be avoided wherever possible. The straight is over 200m in length and will require speed reducing features. The developer has provided a suggested layout to address this issue and it is considered this matter can be addressed through revised plans and the S38 adoption process.

Summary for the proposed development as a whole

There remain safety concerns over the access proposed to this new, much larger Foodstore. A layout showing the highway access improvement works (including right turn provision and other necessary highway works including bus stops and laybys) must be provided to LCC. This is required to address highway safety concerns. Any agreed access must be delivered via Section 278 Agreement.

The application has not demonstrated that an acceptable access layout, that satisfies all user needs and safety, can and will be delivered. Until this is demonstrated and agreed with LCC we cannot as LHA offer support for this application. LCC recommend refusal at this stage until these matters are properly dealt with.

Response received from Applicant's Transport Consultant 11th November 2013

The letter indicates that whilst it is not accepted there is a highway safety need for the suggested right turn lane into the site from Heyhouses Lane and the pedestrian (toucan) crossing these could be funded from the s.106 contribution to sustainable transport measures as the right turn lane would assist in improving access for cyclists to the proposed development and the Toucan Crossing would enhance pedestrian linkages.

Officer comment on Highways issues:

The package of off-site highway improvements and sustainable transport measures require agreement with the Local Planning Authority, prior to determination of the application therefore, it is proposed to request the Committee Delegate Authority to the Head of Planning & Regeneration to Approve the application subject to the completion of satisfactory negotiations regarding off-site highway improvements and sustainable transport measures.

Change recommendation to:

'Delegate Authority to the Head of Planning & Regeneration to Approve the application subject to the completion of satisfactory negotiations regarding off-site highway improvements and sustainable transport measures and to the discharge of a Sn 106 agreement in order to secure:

- a contribution towards education provision of £659,664,
- a financial contribution to £300,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £6,000 towards a travel plan

Planning permission be granted subject to the following conditions:'

The conditions remain as on page 39 of the Agenda.

5 13/0449 **Update on Viability Assessment**

A revised viability assessment has been received from the applicant and this is being considered by the Council's retained Chartered Surveyors. It was envisaged that this assessment would have been completed by today's date, however, the work has not been finalised. The recommendation set out in the agenda, that powers be delegated to the Head of Planning & Regeneration subject to resolving the ecological, viability and the completion of a Section 106 agreement (subject to the outcome of the viability report) remains unaltered, however it is further recommended that the agreement to the terms of the viability report and the priorities for the delivery of any community infrastructure via the S106 agreement be agreed with the Chairman of Committee and the two Ward Members.

6 13/0450 **Response received from LCC Highways 8th November 2013:**

With regards to the full application for the retail foodstore I have the following comments:

Servicing and car parking are accessed via the same access point and as such there is a possible conflict between shoppers and deliveries, unless deliveries are to be restricted to times outside trading hours. The safety issues associated with this conflict could be exacerbated further as delivery vehicles are likely to require car parking spaces near the service area in order to manoeuvre in and out of the warehouse.

In order to address the above problem a Delivery Management Plan needs to be provided or deliveries time limited. I have no issues with the general layout of the car park or the level of parking proposed.

Summary for the proposed development as a whole

There remain safety concerns over the access proposed to this new, much larger Foodstore. A layout showing the highway access improvement works (including right turn provision and other necessary highway works including bus stops and laybys) must be provided to LCC. This is required to address highway safety concerns. Any agreed access must be delivered via a Section 278 Agreement.

The application has not demonstrated that an acceptable access layout, that satisfies all user needs and safety, can and will be delivered. Until this is demonstrated and agreed with LCC we cannot as LHA offer support for this application. LCC recommend refusal at this stage until these matters are properly dealt with.

Response received from Applicant's Transport Consultant 11th November 2013

The letter indicates that whilst it is not accepted there is a highway safety need for the suggested right turn lane into the site from Heyhouses Lane and the pedestrian (toucan) crossing these could be funded from the S106 contribution to sustainable transport measures as the right turn lane would assist in improving

access for cyclists to the proposed development and the Toucan Crossing would enhance pedestrian linkages.

Officer comment on Highways issues:

The package of off-site highway improvements and sustainable transport measures require agreement with the Local Planning Authority, prior to determination of the application therefore, it is proposed to request the Committee Delegate Authority to the Head of Planning & Regeneration to Approve the application subject to the completion of satisfactory negotiations regarding off-site highway improvements and sustainable transport measures.

Further response received from Natural England 5th November 2013:

The proposed amendments relate largely to landscaping and layout and are unlikely to have significantly different impacts on the natural environment than the original proposal. No objection.

1 further neighbour letter received:

The response expresses support for setting the supermarket 2 metres back from Heyhouses Lane but requests that the stores upper floor windows are obscure glazed

Change reference on pages 68, 70 & 71 with regard to the additional £75,000 towards public realm improvements in Woodlands Road to £70,000.

Further amended plans with regard to landscaping and the layout of the car park were received on the 8th of November 2013.

Change recommendation to:

'Delegate Authority to the Head of Planning & Regeneration to Approve the application subject to the completion of satisfactory negotiations regarding off-site highway improvements and sustainable transport measures and completion of a Section 106 agreement and variation to ensure the appropriate provision of infrastructure or commuted sums required under the original s.106 as set out below and to include the provision of an additional sum of £70,000 to be used by the Council towards the implementation and maintenance of public realm improvements on Woodlands Road in accordance with the scheme identified in the Regeneration Framework (Project 5) to ensure that the viability & vitality of the Woodlands Road area is maintained.

- a financial contribution of up to £350,000 towards securing public realm works in the vicinity of the site,
- a financial contribution to £300,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £17,630 towards a travel plan

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

Planning permission be granted subject to the following conditions:

(Where the Section 106 agreement is not signed within a reasonable period

of time, authority to refuse planning permission is delegated to the Assistant Director: Planning Services to refuse the application as being contrary to the provisions of the Interim Housing Policy)

The conditions remain as on page 71 of the Agenda.

Subject to revising condition number 2 to include reference to the additional amended plans received on the 8th November.

Also adding condition number 23 regarding the submission of a delivery management plan to read:

'Prior to the commencement of the development hereby approved, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The deliveries to the site shall take place in accordance with the plan unless the Local Planning Authority is notified in writing and agreement is reached regarding any proposed alterations.

Reason: In order to ensure highway safety is maintained.'

7 13/0453 The applicant has written in support of his application. It is understood that the letter has been circulated to Committee members, but if not the main points are:

1. The cabin is proposed to be located very close to the farm buildings which will prohibit its use for other accommodation.
2. There is a requirement for a presence on the farm 24 hours a day 7 days a week to handle calving cows and do night time checks. These duties currently fall solely on the applicant's father due to the applicant being 2 miles away in Warton
3. The presence on site will allow the farm to grow in the future and will provide better security
4. The applicant is the 6th generation farming the land and will allow him to take on more management of the farm to reduce demands on his father.
5. The farm provides food security, which is important given the growth of anaerobic digestion and residential expansion around Warton that take land out of production.

8 13/0507 **Consultation Response**

Comments have been received from Lancashire County Highways who have assessed the application based on the proposed 49 dwellings and that the layout plans are illustrative only. They do not raise objection to the application subject to a series of standard conditions relating to the proper construction of the access, to the provision of visibility splays, and to wheel washing facilities.

The main points made in their comments are as follows:

- The Transport Statement provides sufficient information to assess the application.
- The site access to Ribby Road. Whilst this is subject to a 20mph limit this is not enforced by any physical features and it is not certain whether this lower limit has actually lowered speeds.
- The traffic usage of Ribby Road (from LCC figures as none are provided

with the application) indicates that the road operates within capacity even during the tidal conditions in the peaks. He refers to his observations on site of minimal queuing and delays.

- He refers to the estimations of traffic trips from the site in the application being low, but even at a more realistic figure he does not see that capacity concerns would be realised. He comments that there is sufficient capacity in the network to accommodate the traffic from the development.
- He concludes that the proposed 2.4m x 43m sightlines are appropriate and can be achieved with the development required to provide a 2m footway across the whole frontage to assist pedestrians with this needing land within the site as the road cannot be narrowed at this point.
- The accessibility of the site is assessed using the LCC Accessibility Questionnaire. When this is scored in line with the guidelines it delivers a score that is just in the 'low accessibility' category which suggests improvements are justified to encourage walking, cycling and bus use.
- He advises that the latest accident figures for the last 5 years show there are no accidents near the site, but 8 at the junction in the centre of the village, with 5 of these involving cyclists. It would be helpful for the development to fund improvements to this junction, but as none are readily identifiable the funding for this is not requested.
- The pavements are narrower than standard but not capable of widening due to the need for third party land to achieve this. However, with the road being subject to a 20mph limit he does not see this as a significant barrier to their attractiveness.
- With regard to bus connections, the site is relatively well served although evening and weekend services are limited but again do not make the development unsustainable. He requests that the developer contributes funding to enable the two nearest stops to be improved to Quality Bus Stop standard.
- Finally, he requests that any reserved matters application for the layout of the site complies with the Manual for Streets and Creating Civilised Streets.

Education Update

The comments on the availability of capacity in local schools by LCC refer to 6 places being available, but that these would all be taken up if any of the current applications/appeals awaiting a decision at the time of the assessment were granted permission without that scheme making provision to increase education capacity. Since the report was written the Secretary of State has granted planning permission for both appeals at the 'Kirkham Triangle' sites and so there is now a shortfall of primary school places to serve this development.

The report anticipates this and so the reason for refusal on this matter remains relevant, and is now supported by the demonstrable shortfall of school places.

11 13/0635 **Response received from LCC Highways 8th November 2013:**

With regards to the full application for the Public House I have the following comments:

The description implies that access will be from Heyhouses Lane, however, the plans show access from the same spine road serving the residential and foodstore developments. I would oppose a direct vehicular access to Heyhouses Lane for the PH.

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Further amended plans with regard to landscaping and the layout of the car park were received on the 5th of November 2013.

Change recommendation to:

'Delegate Authority to the Head of Planning & Regeneration to Approve the application subject to the completion of satisfactory negotiations regarding off-site highway improvements and sustainable transport measures.

Planning permission be granted subject to the following conditions:

The conditions remain as on page 136 of the Agenda.

Subject to adding condition number 22 regarding the receipt of amended plans to read:

'This consent relates to the revised plans received by the Local Planning Authority on the 5th November 2013.

Reason: For the avoidance of doubt and as agreed with the Agent.'

Additional Items

A copy of the appeal decision letter relating to the appeals at Little Tarnbrick Farm, Blackpool Road Kirkham (references 12/0635 and 12/0419) has been circulated separately.