

## **Planning Committee**

**Wednesday 26 July 2017**

### **Late Observations Schedule**

#### **Five Year Land Supply Update**

As the local plan inspector will need to be satisfied that the Fylde Local Plan will deliver a 5 year housing land supply at the date of adoption, the current position regarding the housing land supply has been the subject of considerable discussion during at the recent Stage 2 hearing sessions at the Examination in Public of the Fylde Local Plan.

As members are aware, there are two approaches taken to deal with any shortfall in supply, the differences coming from the time period over which the shortfall should be addressed. The first is a residual approach, or 'Liverpool approach', where the shortfall is spread across the remaining plan period i.e. the total number of homes still left to build is divided by the number of years remaining in the plan period; in Fylde's case that would be until 2032. The second, the 'Sedgefield approach', seeks to make up the shortfall within the next five year period.

The NPPG provides guidance by stating that Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate. The Framework is not prescriptive as to which approach Local Planning Authorities should adopt when calculating their five year housing land supply.

For comparative purposes the Sedgefield approach gives the Council the equivalent of **5.1** years of housing land supply and the Liverpool approach gives the Council the equivalent of **6.4** years of housing land supply.

The base date used in the calculation of the 5 year housing supply figures set out above remains 31 March 2017. However, the assumptions regarding commencement of development and delivery rates have been amended to reflect discussions at the examination hearings in which developers of the majority of the sites were able to provide specific information regarding their likely development programmes. Following the lead of the Local Plan Inspector, this site specific information has been used in the latest calculation in preference to the generic build out rates agreed by the SHLAA Steering Group. The Council's Five Year Housing Supply Statement will be part of a wider public consultation starting on 3<sup>rd</sup> August 2017 lasting for 6 weeks ahead of the potential Stage 3 Hearings during which the Five Year Supply position may well change again. A full version of the latest Housing Land Supply Statement, which includes details of the methodology and how it has been amended, is available at:

<http://www.fylde.gov.uk/council/planning-policy--local-plan-/five-year-housing-land-supply/>

Outside of the Local Plan Examination process the Council would revert to publishing a Five Year Housing Supply Statement Annually.

## Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
3	17/0031	<p><u>Officer Update</u></p> <p>There was a delay with the receipt of the revised plans from the agent, but the neighbour / Parish reconsultation commenced on 24 July. The officer recommendation remains as agenda.</p>
4	17/0247	<p><u>Further Representation</u></p> <p>The ward councillor has contacted the council to advise that the reference to there being 46 dwellings already committed in the village is incorrect, and the number should be reported as 50. He advises that a barn conversion on the corner of Copp Lane and Beech Road has been omitted, 2 dwellings at the Cattery, and a dwelling at Beech Road have been omitted.</p> <p><u>Officer Response</u></p> <p>Of the dwellings raised by the councillor the barn conversion is included within the officer calculations as it is at Chapel Farm and the Cattery is detached from the village so was not included. The dwelling on Beech Road has been missed and so increases the figure for dwellings approved within and immediately adjacent to the village over the Plan period so this should be read as 47 not 46 as quoted in the officer report. This is not considered material in the scope of the officer recommendation.</p>
5	17/0289	<p><u>Additional Information from Applicant</u></p> <p>Since the publication of the agenda papers the applicant has written to highlight that whilst the report refers to the 16 additional spaces provided on the railway platform, the additional 5 spaces within the site are not referenced. They also refer to the original planning permission for the site in 2007 providing 104 spaces whilst the current figure is 125 and with this extension of the parking areas the number rises to 146 spaces.</p> <p><u>Officer Comments on Additional Information</u></p> <p>The scheme under consideration does provide 146 spaces so the applicant is correct in highlighting this.</p> <p><u>Alternative Highway Report</u></p> <p>This report was provided by a Transport Consultant acting for a local resident (s), and whilst it is referenced in the officer report the consultant has written to highlight that there is no detail of its content. They argue that is unfair and so provide as summary which is enclosed here:</p> <p><i>"The additional parking is further away from the Medical Centre than Durham Avenue or Stephen Street and is for Doctors use only. The Highway Authority appears to believe that this space will be fully occupied before any on-street parking occurs. That will not be the case and it would be perverse to assume this. The 8 vehicles the highway authority believes may be displaced onto the surrounding streets and cause no problem is a meaningless figure.</i></p> <p><i>There is no figure given to Members as to the additional floor space being applied for. For the record the figure is 296 sq m. The application and the Committee report advise that the additional floor space is to allow office use currently taking place in the rest of the building to be decanted into the new space to allow the freed-up space to be used for Healthcare use and this will allow the Poplar House surgery to be relocated into the</i></p>

Centre.

*From a simple measurement of 296 sq m on the existing Medical Centre floor layouts this will accommodate 12 consulting / treatment rooms to modern standards. Poplar House has 8 such rooms. The space available will therefore accommodate Poplar House with 50% spare. If / when this space is used the total additional parking will, therefore, be the demand created by Poplar House plus 50%.*

*The parking demand of Poplar House has been estimated purely by looking at appointments and ignoring visits made by car for other purposes and trips to the Pharmacy. The fact that people often arrive early and wait in their cars stating longer than their appointment time has also been ignored. The parking demand of the existing Surgery has been grossly underestimated and the real demand then needs to be increased by a factor of 50% to get the additional parking that 297 sq m of Healthcare use requires.*

*The Highway Authority response acknowledges that the survey of the existing parking demand of the St Annes Centre is not accepted, and your officer confirms that the staff to be relocated from Poplar House has been significantly under-estimated. In the light of the above the parking that will be displaced onto the residential streets surrounding the Centre will be far more than assumed.*

*Having had all the above information for several weeks, it is bewildering why the application does not have an objection from the Highway Authority and is being recommended for approval, or this information is not being given to Members. Like the previous application that was refused and the refusal upheld at appeal, parking that will not in practice be used, and would not be sufficient even if it was, does not make the application acceptable and we recommend the Members to refuse the application."*

#### Officer Comment on Alternative Highway Report

The alternative highways report was considered by officers in the preparation of the report on your agenda, but it is accepted that insufficient explanation is provided of its content to allow it to inform members' of the author's views. Hence the inclusion of the summary here so that information is available to members.

The officer report provides an assessment of the parking arrangements for the site and is informed by the views of the Local Highway Authority. They have reviewed the Alternative Highway Report and confirm that it does not alter their view that the level of parking provided for the development is sufficient to avoid an objection on highway grounds being justified.

#### 6      17/0299      Additional Objection from Town Council

1. *In response to your reply to the previous Town Council objections, doubts remain about the ownership of parts of Press Road – we are seeking copies of the register, title plan and drawing 22/21/P2.*
2. *Point 7 – Whilst there may only be 7 recorded accidents, local residents can attest to a significantly higher number. Why else would LCC have gone to so much trouble and expense of flashing warning signs, modified junction, re alignment of white lines, coloured tarmac etc. This junction remains an accident black spot.*
3. *Loss of employment.*
4. *A previous application for a Dog Kennel / Grooming Centre on the same location was refused due to highway and pedestrian safety.*

#### Officer Comments on Town Council Representations

The matters raised are already addressed in the report.

7      17/0359      Additional representations from applicants

Following completion of the committee report a letter from the applicant's agents was received via email on the 14 July in which they address the consultation response from LCC Highways with regard to the contributions. Further correspondence was received on the 24/7/17 which incorporated comments on the proposed conditions. LCC have commented on the various points made.

The following are the areas covered in this correspondence split into topics with the Fylde officer view at the end of each section.

Contributions

The applicants state that they are prepared to pay ALL the previous approvals Section 106 contributions minus the "marketing" amount of £5,000 as this related to other land in the last applicants ownership. They are also proposing to make additional contributions to replace conditions proposed by the Highways Authority. With regard to the highways officers contribution requested they made the same requests with the last application but members were satisfied that the contributions which were secured were CIL compliant. With regard to each of the contribution requests;

- Enhancements of Cropper Road/School Road junction LCC request £10,000. This was an obligation of the extant permission and the applicants are committed to providing this contribution prior to the first occupation of the store.
- Local pedestrian/cycle improvements, LCC request £60,000. Previous scheme approved with £30,000 contribution. Applicants state that the development need not provide additional contribution as the quantum of floor space is reduced and therefore there will be no increase in pedestrian and cycle movements. They agree to pay £30,000 prior to first occupation of the scheme.
- Public Transport Improvements, LCC request £240,000. Previous scheme approved with £60,000 contribution. Applicants state that the LCC response which states that the current bus service (61) is subsidised, and due to end in March 2018 means that irrespective of this development there would be a reduction in the bus service provision. LCC have not provided any details of their future proposals provide bus services to this area and therefore it is not known as to whether it is intended to continue to operate this or any alternative service. It is however noted that it is suggested that the contribution should be towards extension of route 14 and not the current 61 service. They state that they do not consider it reasonable for a significantly larger contribution for a smaller scheme given that the Park is a destination occupied by a number of businesses. As a result the applicants consider the previous agreed contribution of £60,000 to be appropriate. The trigger point of prior to first occupation is acceptable to the applicant.

Officer Opinion – It is considered that as the site has an extant planning permission for a larger retail scheme than now proposed, and this scheme makes the same contributions as those offered by the applicants which members found acceptable and CIL compliant previously then members should again accept the offered contributions. LCC accept that it is for Fylde as the determining authority to consider what contributions are appropriate.

Planning Conditions

Planning Condition 18 in the agenda papers requires the developers to fund the investigations, consultation and advertisement of TRO's on the local network around the site, and if that concludes in changes to TRO's the development shall fund the necessary measures to implement them.

The applicants state that they do not consider a planning condition an appropriate mechanism to address this requirement, firstly as the TRO process can only be undertaken by a highway authority, and so this will require a payment to be made by the applicant to LCC and a condition is not a mechanism to make this payment, and secondly as the current wording does not define the level of contribution. They therefore propose that they make a contribution of £10,000 towards this and this be through the 106 legal agreement and be paid upon full occupation of the site.

Officer's opinion – Your officers agree with the applicants with regard to this condition and therefore it should be removed from the decision notice and the contribution requirement inserted into the legal agreement. This approach has been used on other sites given the requirement for the work to be undertaken by the highway authority. LCC have also confirmed that they agree with this approach.

Planning conditions 10 and 12 prevent development commencing until a scheme for the construction of off-site highway works has been submitted to and approved by the LPA and that development should not begin until a phasing program for the whole of the development and the highways works has been submitted to the LPA for approval. These off site works are named as Scheme 1 in the LCC consultation response and are for the A584/Whitehill Road Signals – MOVA upgrade and review of the A584 (N) early start. These were also a requirement of the previous permission.

The applicants state they are committed to assisting in providing these improvements but rather than undertaking this as a S278 scheme it is their view that a financial contribution to be made via a S106 agreement is more appropriate as LCC is best placed to deliver the works. They consider that based on the works proposed that £30,000 is considered appropriate.

Officer opinion – The route proposed by the applicant is not considered acceptable by the LPA. The requirement to undertake works to a highway via a section 278 agreement is the normal route for off site highway works and as the works are considered necessary to make the development acceptable they should remain as a condition. LCC Highways have confirmed that the applicant's suggestion is not acceptable to them either.

#### Other comments on planning conditions

Condition 5 – this requires that the landscaping works shall be maintained for a period of 10 years following their completion. The applicants consider that this is excessive and the standard period for such a condition is 5 years.

Officer's view – 10 years is the length of time used in landscaping conditions for development in Fylde so there is no need to amend the condition.

Condition 20 – They state that it is unusual for foul drainage to be included in such a condition.

Officers view – It is agreed that the condition is incorrectly worded, this should be amended to the following;

*The development hereby approved shall not be commenced until a scheme for the provision of foul water drainage works, 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.*

Condition 24 – The applicants state that the FFL are covered in condition 21.b.

Officer View - This is accepted and condition 24 can therefore be deleted.

Condition 25 – The applicants consider that this details can form part of the construction method statement (condition 11) so that surface water management can be coordinated through the construction phase.

Officer's view – It is considered that condition 25 is a compliance condition and as such should remain.

Consultation response and recommendation

In addition to the above comments on contributions and conditions, LCC have commented to state that the revised layout is still not acceptable. The proposed amendments to the access from the existing mini roundabout provide a clearer route into and out of the site and LCC now have no objections to this. They do however object to the exit onto Brooklands Way for service vehicles stating that the over-run is not acceptable and that if the applicants want to pursue this exit only proposal they should supplement the application with a road safety audit. This exit leads to a route which has permission to be accessed by 200 dwellings as well as further employment uses. They consider the existing/proposed access from Dugdales Close is adequate to serve the development. They also have concerns about the staff parking and cycle parking in the service area that could lead to conflict. LCC also state that they object to the application as the latest plan does not show continuation of existing footway into the site at the main access. This plan therefore does not show a safe access for pedestrians that suitably addresses sustainable transport modes in line with NPPF. The proposal does not consider desire lines based on recent planning approvals or the direct route from what will be the only viable bus service/stops. With regard to parking they do not accept the trip rates and consider the parking accumulation misleading but do not raise any objections to the amount provided.

Officer View - As these comments were received the day before Committee there has not been sufficient time to discuss these matters with the applicant and seek to resolve the concerns. Therefore it is considered that the recommendation should be revised to the following;

*That, Subject to improvements to the site layout and landscaping, the resolution of highways issues to the satisfaction of the Head of Planning & Regeneration and, Subject to the completion of a Section 106 agreement in order to secure:*

- *a financial contribution of £60,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,*
- *a financial contribution of £10,000 towards enhancements of Cropper Road and School Road junction*
- *a financial contribution of £30,000 toward local pedestrian/cycle improvements*
- *a financial contribution of £10,000 towards TRO investigations*
- *a financial contribution of £45,000 towards public realm improvements.*

*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 (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):*