

## **Development Management Committee**

**Wednesday 7 May 2014**

### **Late Observations Schedule**

#### **Schedule Items**

<b><u>Item</u></b>	<b><u>App No</u></b>	<b><u>Observations</u></b>
--------------------	----------------------	----------------------------

1	13/0526	<b>Additional Neighbour Observations</b>
---	---------	--

10 further letters received in respect of amended plans, issues raised include:

1. The limited time for comments during the reconsultation process.
2. The revised layout will facilitate development on adjoining land.
3. Piecemeal development such as this does not allow full consultation on the accumulating effects of such development and should be resisted.
4. Planning applications should not be decided until Warton's infrastructure is addressed and the Local Plan is finalised.
5. The scheduling of this application to DMC is unacceptable in the light of the Warton Masterplan meeting of 9th May.
6. How can LCC Highways endorse this application when they strongly objected to previous applications in 1983 & 1990.
7. The amended proposals will not compensate for the damage caused to the infrastructure and public safety.
8. Unable to access the plans on the Council's website.
9. The proposal is out of keeping with the housing stock.
10. Increased traffic would be harmful to highway safety
11. The bat roost on the site must be protected in accordance with legal requirements.
12. The design of the cycleways & footpaths requires clarification.

#### **Warton Parish Council: Summary of response received following reconsultation on amended plans.**

The application should be deferred for the following reasons:

The application comes before Committee after the Portfolio Holder for Planning & the Head of Planning have been on leave and it has been subject to late amendment. There is concern that the application has not been subject to thorough and meticulous review by them, contrary to their earlier assurances.

The amended application references use of the adjacent piece of land the owner of which, the Parish Council has had several reassurances from believed reliable sources, has neither agreed nor apparently even been approached about being included in development.

The strength of feeling against development in Warton & the haste with which this application appears before Committee is viewed by many residents in an extremely poor light. The implication that the planning officer having compiled

their report without consideration of additional representations and regardless to the amendments would seem a disgrace to the interests of representation and can surely only be described as deplorable service to the committee members. The true extent of representation and strength of objection is perhaps limited in late notification and restricted preparation allowance provided.

It is most strongly felt that members of the Committee should visit to the site to view conditions in the area & the implications if allowing the development before they make a decision.

The proposal is contrary to policy SP2 of the Adopted Fylde Local Plan – ‘Countryside Areas’, as it is outside the settlement & also policy TREC17 ‘Public Open Space Within New Developments’ as it does not provide sufficient & centrally located open space.

The application is similar in nature to that recently refused by the Committee at Kings Close, Staining ref: 13/0590 and it would be consistent if the application was refused for the same reasons.

It therefore must be recognised that if the members of the Committee now approve the application for this residential development for Riversleigh Farm which clearly also breaches SP2 of the existing plan any prospect of the decision for the Staining application being upheld at appeal is most certainly compromised and will fail. Any legal challenge would likely ‘slaughter’ such an inconsistent position on development from an Authority and it is expected that the borough planning officers will recognise this and advise members as to the jeopardy of ignoring the consequences of adopting a duplicitous or inconsistent position in regard such an important policy.

As well as the additional vehicular traffic that will be generated in regard to the estate of 85 new homes there is also extreme local concern as to the safety implications of a further road junction adjoining Lytham Road at this section.

The residents and representatives of Warton are fully appreciative of the 5 year housing supply commitments and the obligations for the Borough Council’s provision of which. The Parish Council and the community have acceded to the developments at the former Nine Acres Nursery and GEC Marconi sites etc. totalling approximately 400 proposed residences despite the serious lack of infrastructure within the village.

The Parish Council is in the process, with the community, of compiling and submitting a Neighbourhood Plan which will provide sustainability planning within the community and also maintain compatibility with the Borough Local Plan.

It may not rule out future development opportunities on this particular site but the current application is both excessive, premature to future requirements and does not reflect design or feature concepts within the measure of sustainability or

needs of the community in the immediate future.

It is also been identified that there is a negligible requirement within Warton for affordable housing of the type offered locally which is evidenced by the reduced provision, accepted by the planning officers, in regard to the GEC Marconi site in the percentage originally proposed was found to be unsustainable.

The support for the listing of the ward of Westby and Warton, before the European Parliament, as being an 'Assisted Area' registering it in effect a disadvantaged area for economic growth and essentially in need of financial industrial growth incentives through funding raises a further controversy. The disparity of any representation of the sustainability of new developments and being within an 'Assisted Area' are incomprehensible until such time local growth and improvement of infrastructure has been stimulated.

It is proven that the greater proportion of the work force of BAE Systems, the main employer for the area, live outside the Parish Boundary and are more than content to travel on a daily basis.

The deadline the Parish Council were given for their consultation response in respect of the amended plans is after the meeting of the Development Management Committee and knowing that there was a likelihood that representation could not be considered presents the officers in an extremely poor light. The obvious implication is that the response would be totally immaterial if the Committee had approved the application.

Very recent information has come to light appertaining to refusal and supporting arguments submitted, by the Borough Council officers, for appeal of an application 13/1087 to build some 50 residential lodges at the nearby Oaklands caravan site. This site is but a short distance away from the proposed Riversleigh development and it is the very same representation put before you by the Parish Council. If as believed this application is to be supported by the officers it again raises the absence of any likelihood that the borough will win the appeal for Oaklands as it seriously undermines the policies, continuity and competence of those concerned in pursuing the core strategy and policies toward future planning in the Fylde.

### **Amendment to Recommendation**

It is proposed that recommendation be amended to delete the reference on page 31 of the report 'Planning permission be granted subject to the following conditions,' and replace this with, 'Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or such additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

### **Amended Conditions:**

The following are suggested changes to the conditions set out in the agenda:

4. Prior to commencement of development a scheme for the external lighting of the site [including degree of illumination] shall be submitted to and implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority. The proposed lighting shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roofs or eaves of the nearby buildings, or trees and hedgerows on the site and in the local area.

5. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved in writing by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

7. No part of the residential development shall commence until a scheme including the detailed design (dimensions, surfacing, landscaping, signage, marking, boundary details & lighting) & a timetable for the construction of the proposed pedestrian and cycle access into the site, shown on the site layout plan ref: 3550/P/002 Rev C has been submitted to and approved in writing by the Local Planning Authority. The approved pedestrian and cycle access shall be implemented in accordance with this timetable or any variation thereof approved in writing by the Local Planning Authority.

9. Before the development hereby permitted is commenced measures shall be agreed with the Local Planning Authority for the safeguarding and protection of existing trees from damage by development works, storage of materials and operation of machinery. The area within which trees are growing shall be adequately fenced off with chestnut paling or other similar fencing to the satisfaction of the Local Planning Authority before any development is commenced, or material brought into the site. No vehicles shall pass into this area, no materials shall be stored there, no waste shall be tipped or allowed to run into the area, no fires shall be lit and no physical damage to bark or branches shall be allowed. Any pruning or other treatment to trees shall be competently carried out only after the treatment has been agreed in writing with the Local Planning Authority.

13. Before any works are carried out on the site, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Thereafter these facilities shall be used by all vehicles

immediately before leaving the site.

17. Prior to demolition the roof slates of the bungalow to be demolished shall be removed carefully (by lifting up and away) by hand. In the event that bats are suspected or detected to be using the buildings for roosting at any point prior to or during the works then all works shall cease until Natural England have either (1) confirmed in writing that works may proceed without a licence or (2) issued the appropriate licence.

18. The recommendations to install roosting opportunities for bats within the re-developed site, detailed in sections 5.4.2 & 5.4.3 of the *Ecological Survey and Assessment* (ERAP Ltd, July 2013, ref: 2013\_095) shall be implemented in full prior to the completion of the final dwelling unless otherwise agreed in writing by the Local Planning Authority.

19. A further precautionary survey/check of the bungalow for Barn Owls shall be carried out immediately prior to demolition of the bungalow. Development shall not commence until Fylde Borough Council has confirmed in writing that it is satisfied that Barn Owls are not nesting in the bungalow.

20. Prior to commencement of development, plants listed on schedule 9 of the Wildlife & Countryside Act 1981 (as amended) which occur on the site, including Rhododendron, shall be eradicated from the site and working methods shall be adopted to prevent their spread.

21. Prior to the commencement of works there shall be a repeat survey for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in writing. Any necessary and approved measures for the protection of badgers will be implemented in full prior to commencement of works.

22. No vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections and the commencement of works has been agreed in writing by Fylde Borough Council.

23. A survey identifying any features likely to provide shelter for amphibians and/or hedgehogs (for example, rubble piles, log piles, piles of leaf litter, dense vegetation) shall be carried out prior to commencement of any works and works affecting identified areas will be avoided when amphibians and hedgehogs are likely to be hibernating. Proposals for the protection and treatment of amphibians, great crested newts and /or hedgehogs shall be submitted to and approved in writing by Fylde Borough Council prior to commencement of works on the site and thereafter all works shall be carried out in accordance with the approved proposals. If Great Crested Newts are identified on the site all works must cease until Natural England have either (1) confirmed in writing that works may proceed without a licence or (2) issued the appropriate licence.

24. No works shall commence until details of replacement habitat for birds has

been submitted and approved in writing by Fylde Borough Council. Replacement habitat shall include sufficient replacement planting and installation of nest boxes including for House Sparrow and other birds which use the site. The approved details shall be implemented in full prior to completion of the final dwelling.

25. No site clearance, site preparation or development work shall take place until a fully detailed habitat creation/landscaping and management plan has been submitted and approved in writing by Fylde Borough Council. The scheme shall demonstrate adequate extent of planting and appropriate native species to compensate for losses and will demonstrate maintenance and enhancement of the biodiversity value of retained and established habitats. The approved plan shall be implemented in full in accordance with an approved time table.

#### **Additional Condition**

28. All roads, footpaths and cycleways indicated on the approved plan shall be constructed to adoptable standard up to and contiguous with the boundary of the site and shall be made available for use by members of the public.

*Reason:* In order to prevent the sterilisation of the development potential of adjoining land and to provide for pedestrian cycle and vehicular access through the site in the event that adjacent areas of land are developed in the future.

#### **2      13/0754      Additional Consultee Comments**

County Highways have provided their comments on the application. These have been prepared following an assessment of the planning history to the site, the Transport Assessment submitted with the application and with the Mill Farm application, and with knowledge of the other developments that have been approved in the area since they last assessed a development proposal on this site.

They raise no objection to the application, but refer to the need for the development to provide certain works to ensure that the capacity of the highway network is not adversely affected. In particular, reference is made to traffic on the A585 which connects the site to the M55. This is said to be subject to regular peak time queuing that can reach back to the site, with a high proportion of injury accidents from shunt type accidents. The previous application proposed a series of improvements (bus service through site, upgrade shelters, travel plan, illuminated sign, traffic calming on Mowbreck Lane) to assist with this. These have been re-considered for their adequacy in addressing concerns over the queuing traffic by reducing the need to travel by private car.

- Bus Diversion – This is a benefit to new residents, but adds to overall journey times so is a negative impact for others and may require the operator to provide more vehicles to maintain the same frequency of service. This remains a requested improvement with the cost of providing this having increased from £150,000 in 2008 to £200,000. It would also be beneficial to extend the service to evenings and weekends.
- Kirkham & Wesham Rail Station – The site is reasonably close to this facility which has good service connections and so provides a helpful alternative for journeys. There is a known need for a passenger lift to

platform level and for cycle storage stands that this development could assist with the provision of.

- Cycle routes – there are opportunities for these to be expanded to serve the existing and any future employment sites to the west of the site, and to link with existing networks to Wrea Green. The upgrade of the recent Puffin Crossing on Fleetwood Road to a Toucan would assist with this.
- Travel Plan – A framework plan is submitted with the application, but would need progressing with a contribution of £18,000 appropriate to assist with the development and monitoring of the plan.
- Mowbreck Lane traffic calming – This was previously suggested, but since then there has been a countywide 20mph speed limit imposed on such roads. They request that the developer funds monitoring of traffic speeds and levels on Mowbreck Lane given that their development will impact on its use, and then fund any physical traffic calming measures that may be necessary.
- Physical works – The development should also provide for the previously agreed improvements to the A585/B5192 roundabout, the construction of the access from Fleetwood Road with right turn in and pedestrian refuge, the construction of the access to Mowbreck Lane with a priority junction, the extension of the northern footway on Mowbreck Lane across Chapel Close to serve the pedestrian link that is appropriate to link to that road from the development
- Financial Contributions – It is estimated that the collective cost of the sustainability improvements sought from the development as summarised in this response amount to £450,000.
- Conditions – A list of conditions is suggested relating to matters such as visibility splays, construction of the junctions, etc.

### **Additional Neighbour Comments**

The Wesham Action Group have provided further correspondence which is in response to the rebuttal from the agent to earlier comments, and to the LCC Highways comments noted above. The points they raise are summarised under the following headings:

#### Highways

- the application needs to consider the impact of the Kirkham Triangle and Mill Farm schemes on the Wesham Roundabout and A585 as well as other smaller schemes in the area
- that the applicant's traffic assessments are confusing
- there are regular queues in the area which are recognised as an issue by LCC Highways
- LCC have not commented on the impacts of the Mill Farm access alterations to the Wesham roundabout
- WAG do not believe that LCC Highways and the Highways Agency have worked together on the site assessments.
- LCC Highways reply is silent on the confused nature of the Traffic Assessments, the implications of a bus diversion through the site on the use

- of the bus stops, the nature of the northbound highway improvement, the lack of pedestrian road crossing for Mowbreck Lane
- LCC Highways reply raises queries in that there is doubt that a Toucan can be accommodated in the Fleetwood Road crossing and may be of little value, traffic monitoring on Fleetwood Road is required, there is a need to investigate Park and Ride facilities, and the accessibility improvements must be guaranteed before any permission is granted

#### Land Use

- Concerns reiterated over the loss of agricultural land that is beneficial to global and national food production and security
- That the previous appeal decision on 08/1072 found that the land use was to be protected

#### Housing

- there is a state of flux at present over the council's housing supply position
- the RSS has been revoked and so should not be relied on to provide these figures

#### Sustainability

- the bus service in the area has been further reduced
- The applicant relies on accessibility criteria from PPG13 which has been withdrawn whereas current guidance would give a low accessibility as the facilities in Kirkham are too far away to be considered accessible
- There is no evidence that the 23.7% increase in the dwellings in the town since 2001 with the Willowfields and Crossing Gates developments has brought any economic benefit to the community
- Other statistics indicate that there is a greater level of car use, higher unemployment and decreased cycle use

#### Policy

- The Fylde Local Plan is only in draft and so should not be relied on
- The reasons for refusing the original appeal were upheld by the High Court and remain valid, with this decision also confirming that Kirkham and Wesham could be considered as separate settlements

### 3      13/0757      **Applicant Comments**

The applicant has submitted comments on the case officer's report, this is summarized below:

1. Comment that at the time of site visits by case officer and Land Agent there was little evidence of crops - applicant states that this has now increased by bringing plants and seeds grown at his home in Stockport (supported by photographs).
2. States that 'mobile home' is not immobile
3. Applicant states that he intends to apply for a further greenhouse on the site
4. States that this site was previously 'cottage industry' and he is continuing this.
5. An aerial photo is supplied to indicate areas of work on the site

The applicant has also submitted further financial information which has not



been assessed but indicates a modest profit.

The applicant has expressed that he suffers from dyslexia and his wife also has health problems and preparing for the meeting has caused distress. He has requested a visit by Members to see the extent of works carried out and the 'green' credentials of the site.

### **Additional Consideration**

Article 8 of the European Commission for Human Rights provides the Right to respect for private and family life. As follows:-

- 1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

If this application is refused then rights that the applicant has under Article 8 maybe interfered with. However, the applicant is making an application to vary a temporary permission and taking this into account together with information that the Council has that this is not the only home that the applicant has, any interference that the applicant and his family may suffer is in accordance with the law and is necessary to uphold the expectation that the planning system will be lawfully implemented.

#### **4            14/0041    Consultee Comments**

County Highways have confirmed that the submitted layout is acceptable and one that they would consider for adoption. They also confirm that the accesses and parking arrangements are acceptable but that further information is required on details such as the construction, surface materials, street lighting, etc.

### **Applicant Comment**

The applicant's agent has written to object to the proposed imposition of condition 1 on the agenda papers which relates to the provision of a upgrade to the existing farm track from the site to provide a cycle / pedestrian connection to Mowbreck Lane. They explain that this would be of considerable expense to the client, and that it is not necessary to make the development acceptable. On that basis they believe it fails the relevant test for planning conditions and so should not be imposed. They refer to the lack of any reference in the conditions with the outline planning permission, the Unilateral undertaking, or the Inspector's deliberations to support this position.

### **Officer Comment**

It is considered that the provision of a safe and convenient access to Mowbreck Lane, and so improve the accessibility of the site to services available in that direction and to integrate the development into the Wesham community is

necessary and so the condition is appropriate. It is noted that the outline application for the development on the larger site provides such an access in this area from that site and so if approved and implemented would met this requirement, but at this stage there is no certainty on that happening or its timing. Accordingly the condition is appropriate.

- 9        14/0188    The following is suggested as an alternative to condition 2:

"Prior to the commencement of the construction of the chimney hereby approved samples of material for use in the construction of the development, inclusive of colour shall be submitted to and approved in writing by the Local Planning Authority, thereafter only those approved materials shall be used.

In the interests of visual amenity."