

Planning Committee

Wednesday 08 November 2017

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	15/0177	<u>Further Consultee Comments – Local Education Authority</u> The council has received further comment from Lancashire County Council in their role as Local Education Authority:
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“As a result of both your queries we have revisited the site information for the schools local to this development and whilst our previous school site information showed that no additional places could be provided at the closest schools to the development the later review has identified that in fact additional places could be delivered at Medlar-With-Wesham Church Of England Primary School. This is the closest school to the development at 0.45miles away. The site can actually accommodate an additional 75 places, and of which 11 places have already been allocated to another named infrastructure project. With 64 places available this means that this school could accommodate the impact of the A585 Kirkham development, which is projected to be 56 places. Therefore, please can I ask that the infrastructure project for primary provision is amended to Medlar-With-Wesham Church Of England Primary School and that this is reported to the planning committee on Wednesday. I apologise for any inconvenience caused. “

Revised Recommendation

Officers have concerns over the location of the schools that were initially put forward by the Local Education Authority as their suggested project for the education contributions. This is on the basis that they are located some distance from the proposed development site and legal advice is that on the face of it the contributions would fail to comply with the requirement of the CIL regulations for such contributions to be 'directly related to the development'.

Since the report was published the comments reported above from the Local Education Authority have revised the intended primary school to one that is appropriately located in respect of the development. The recommendation should be revised to name this School as the intended project.

However, the secondary school remains in a remote location from the site. It is intended that there will be further discussion with the Local Education Authority over this matter and so it is appropriate to reflect the revised primary school that is identified to accommodate the development and to add flexibility to the powers delegated to officers by adding the bold text to the existing bullet point on this matter in the recommendation as follows:

- A financial contribution of £796,169.36 towards **Medlar-With-Wesham Church Of England Primary School**, a financial contribution of £514,158.48 towards Our Lady's Catholic High School, Preston **(or such other Secondary School that would serve the education needs of residents of the site)** and the phasing of the payment of that funding.

- 6 17/0509 Additional Consultee Response - BAE Systems.
BAE Systems have raised objection to the proposal due to the requirement for a Bird Hazard Management Plan and the need to assess implications of the development on the increased probability of bird strike resultant from the Lake proposed.

Officer Comments on BAE Response

Air safety is clearly a critical factor in the determination of applications across the borough and the council needs to take these matters seriously. Given the comments of this consultee advice against the approval of the application until more detail is provided to allow an informed assessment of the application and its potential to impact on air safety it is considered that an additional reason for refusal is justified on this matter. A suggested wording for this is as follows:

The proposal involves the formation of an additional lake at the application site which will be located within the consultation zone of an existing runway facility maintained and operated by BAE Systems and the Ministry of Defence at Warton Aerodrome. The presence of this additional water body could create an unacceptable risk of impact to the movement patterns of birds around the Warton Aerodrome site and its flightpaths. The scale and proximity of the pond is such that the risks of bird strike to impact on the operational functionality of the Warton Aerodrome site, as well as risk to protected bird species, must be assessed prior to determination of the planning application. The planning application, as submitted, has not provided any information on this matter and so the Local Planning Authority is unable to make this assessment.

This risk to air safety, and the potential to harm the continued safe operation of Warton Aerodrome, could reduce the economic benefits it brings to the wider community and businesses to which it is intrinsically linked. The proposal therefore does not constitute sustainable development as supported by para 14 and 17 of the NPPF and contrary to the guidance set in the Department for Transport Circular 1/2003 - advice to local planning authorities on safeguarding aerodromes and military explosives storage areas.

National Air Traffic Services (NATS).

No safeguarding objection.

- 7 17/0616 Additional Neighbour Comments
Further representations have been received from four neighbours to the application site. These not only reiterate concerns previously raised (over development of the site, visual impact on character of the area, flooding, and adverse impacts on No.22 South Holme) but also raise additional concern. These are listed below with the officer view on this in brackets following each issue:
- The rear extension has several heavy girders but no piling of the ground was carried out prior to its construction. This could cause subsidence (This is a Technical issues relating to the integrity of foundations that is addressed under building regulations)
 - The existing garage, which is to be removed as part of the development, is shown incorrectly on the submitted drawing and actually forms a party wall with No's 8 and 22 South Holme (Should the garage form a party wall with neighbouring properties then this is a private matter between the applicant and neighbours to be dealt with under the Party Wall Act 1996)
 - The deed of conveyance contains clauses relating to loss of space and air and infringement of boundaries affecting adjoining properties, which support objections to the development, although no details of the content of these clauses was provided. (Whilst there may be a relevant covenant on the land that the development might conflict with it is not a material consideration for the purposes

of determining a planning application and can only be enforced by the party responsible for the covenant)

- The extension exceeds the limits for extensions, as set out in planning legislation. (The limits referred to by the objector are those set out in Class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, which if not exceeded would negate the requirement for formal planning permission from this authority. The extension does exceed these limits and hence the reason why planning permission is now sought)
- The extension is 24 cm away from the boundary with No.26 South Holme. Any guttering later fitted would project over the boundary of No.26. (The gap of 24 cm will likely be sufficient to enable the fitting of guttering that does not overhang No.26's land, however should the guttering prove to later overhang No.26 land then this would be a private matter between No.26 and the applicant)
- Concerned that the proposed two storey side extension will not be built in accordance with any approved drawings, given that the approved rear extension was not. (The application is to be determined on the basis of the submitted plans)