

Planning Committee

Wednesday 23 May 2018

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
1	16/0621	<p><u>Wesham Town Council Comments</u></p> <ol style="list-style-type: none">1. <i>"The approval was for a stadium with a 6000 capacity and the provision of an overspill car park was included at the request of LCC.</i>2. <i>The Town Council supports the comments of David Watson (LCC) regarding highways and car parking, which the Fylde BC Planning Officers are disregarding and undermining his expertise.</i>3. <i>The Council agrees with Lancashire CC that the table provided in paragraph 33 of the CPMS is a misrepresentation.</i>4. <i>The plan does not take into account the ancillary services around the stadium or for their staff on match day. These services include a restaurant for 80 people and a 40 seater café and conference centre.</i>5. <i>No provision has been made for car parking for those using the bar, restaurant and sports facilities and not attending the football matches</i>6. <i>The Trilanco site does not provide a provision for car parking that can be tied/enforced as part of CPMS,</i>7. <i>The removal of the numbers of car parking spaces on the Trilanco site and the current capacity of the 3G pitches reduces the car parking space numbers so they are insufficient to meet the standards set by Lancashire CC and NPPF.</i>8. <i>The 1 spaces per 15 spec (for all seated stadium) etc adopted by Lancashire CC is used for existing stadium but the National Policy requires considerable more car spaces for new grounds.</i>9. <i>The full length of Coronation Way is coned off or is inaccessible on match days and cannot be not be used for car parking on match day although it is included in numbers</i>10. <i>Model spilt is not working satisfactorily with the current visitors to stadium.</i>11. <i>As previously commented upon 2 coach parking spaces are insufficient.</i>12. <i>The Club is encouraging supporters to use car by offering free car parking (item 37 paragraph b)</i>13. <i>The CPMS still does not mention impact of car park on surrounding areas. The Town Council therefore requests an evaluation be undertaken before a decision is made.</i>14. <i>The Town Council have no knowledge of the Fylde BC Officers making any attempt to evaluate the harm of the car park arrangements despite complaints and photographic evidence sent to Fylde BC by residents."</i>

Officer Comments on Representation

These matters have been raised previously and are covered in the officer report.

Additional Neighbour Comments

An additional representation has been received from a local resident. This highlights several elements of the submitted documentation which they see as pertinent to the decision, with those being summarised as:

- There remains confusion around how many spaces are actually provided
- The coning results in cars parking on the verges around the site
- Parking requirements should not be a ratio of spaces to fans but should be based on local factors and how people travel to the ground by car (including how many people per car), public transport and foot.
- The level of parking has been provided for a capacity of 4,250 whilst the average attendance this year has been 1,930 - this would suggest that on match days there is plenty of parking for everyone but despite this, cars are parked all over Wesham providing clear evidence although the car parking is reported to be adequate for 4.250 capacity it clearly is inadequate for the 1,930 currently attending and certainly not the 4.250 current capacity
- As a consequence of inadequate parking arrangements, cars are often parked illegally on pavements and grass verges around the area making it impossible for disabled in wheelchairs and people with prams/pushchairs to use pavements safely
- There is a clear need for people working at the ground on match days to park their cars - these needs are surely over and above the needs of fans but are ignored - my observation is that the car park provided are quite full well in advance of the game (2/3 hours ahead) suggesting that they [are] taken up with "workers" rather than "fans".
- There is no provision for car park capacity expansion - no overflow arrangements in place as promised originally

"Finally, on a personal note, as well as a local resident, car driver and grandfather I am also motorcyclist and ride as a volunteer for North West Blood Bikes. I made the mistake of volunteering for duty on a match day and received an urgent call to pick up blood samples and take them to the Path Lab at Blackpool Victoria Hospital at the same time as crowds were arriving for a match, Despite being on a liveried bike, getting out of Wesham was virtually impossible due to the mini roundabout at the entrance to the ground being gridlocked and I did not have the authority needed to use Blue Lights / Sirens. Suffice to say, I no longer volunteer on match days as a consequence."

Officer Comments on Representation

These matters have been raised previously and are covered in the officer report.

2 17/0690 Wesham Town Council Comments

1. *"The original application for the Mill Farm Development includes separate land for hotel but this application does not comment on what will happen to this site.*
2. *The application does not include any additional car parking space. The car parking on the current development is insufficient for the site.*
3. *This change in use can only increase the demand for car parking on the development*

4. *Parking bay shown on application have not been built*
5. *The Town Council have concerns regarding possible variations in licensing due to residential nature of the application*
6. *The Town Council supports the comments of David Watson (Lancashire CC) regarding highways and car parking which the Fylde Planning Officers are disregarding and undermining his expertise.*
7. *The application seems confused as to whether the proposed development will be 18 or 19 bedrooms.*

Officer Comments

The officer comments are provided here with the same numbers as those used by WTC.

1. The planning permission for the hotel that was granted as part of the original planning permission has now expired. That land currently forms part of the parking provision for the football stadium.
2. The application designates 20 spaces for the hotel use within the site and adjacent to the proposed location of the hotel.
3. The additional use will potentially increase parking demand, although there may also be linked trips to other uses on site. The parking provided is appropriate in its number and location.
4. The parking bays indicated have been provided and are surfaced, marked out and numbered so can easily be identified on the ground.
5. There will be licencing implications from the application which will likely be addressed through the submission of a variation of the existing Premises Licence for the site.
6. The report explains the position with regards to parking, and has been discussed with Mr Watson as a professional courtesy.
7. The proposed development is for 19 bedrooms as shown on the submitted plans and described in the application.

3 17/0762 Comments from Applicant on Report

Following the publication of the committee report the applicant has made the following comments (repeated verbatim) concerning Officers' conclusion that the building should be treated as a "non-designated heritage asset" and has asked that these be drawn to the attention of the Planning Committee:

"The description of the building as a "non designated heritage asset" is misleading. I note and accept that the Council has included the building in a list which indicates its wish for the building to be included on a local heritage list. We have appealed against its inclusion, so until that matter is determined I maintain that the building has no heritage status of any kind."

"I also feel that the proposed condition 9 is unreasonable. The Reason stated is "To record and advance understanding of the heritage asset to be lost". However the building is not a "heritage asset".

Comments from Applicant on 'Local List' Position

The applicant has also asked that their grounds of appeal against the local listing

be summarised in the late observations report as a rebuttal to the panel's comments summarised on p. 49 of the agenda papers. The applicant's appeal against local listing asserts that the existing building fails to meet the selection criteria for the following reasons:

***"Age** - The synagogue was built in the late 1950s and thus is not of special historic interest by virtue of its age alone, as buildings from that era are commonplace.*

***Architectural Merit** - this is a highly subjective matter and various sub-criteria are listed. The building has a bland, utilitarian and unattractive appearance. It is nondescript having very close neighbours to both sides and rear. The front, functional, facade is simply that in front of a modern shell of no merit. Historic England have published a guide on how it lists places of worship. There is a section on Synagogues and Dr Sharman Kadish is mentioned as an authority. The guide contains nothing which would support even a Local Listing.*

***Group Value** – The building is not part of a group of buildings wherein others are of special historic or architectural interest.*

***Historical Interest** - Our building has no special historic interest to our community and it is we who use it. It does not satisfy the bulleted criteria.*

***Archaeology** - There is no archaeological relevance.*

***Designed Landscapes** - Not applicable.*

***Rarity** - There are other examples of this style of building elsewhere.*

*Thus, it cannot be demonstrated that the building **meets at least three of the selection criteria**. It clearly does not satisfy the majority of the criteria and certainly not three of those criteria which are more subjective."*

Officer Response

The applicant considers that the building cannot be considered as a "non-designated heritage asset" (or, laterally, a "heritage asset") as its inclusion on the local list is the subject of an ongoing appeal and, accordingly, has not yet been confirmed. For the same reason, the applicant contends that the requirements of recommended condition 9 (which requires a programme of historic building recording prior to demolition) are unreasonable.

The term "heritage asset" is defined in Annex 2 of the NPPF as follows (emphasis added):

- "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets **and assets identified by the local planning authority (including local listing).**"

Accordingly, a "heritage asset" provides a collective term which refers to both

designated and non-designated heritage assets. While designated heritage assets are also defined separately in the Framework, the same is not true of non-designated heritage assets. This is because the classification of a building or other feature as a “non-designated heritage asset” is a matter of judgement for the decision maker which is to be applied on a case-by-case basis in the context of paragraph 129 of the NPPF which requires a local planning authority to “identify and assess the particular significance of any heritage asset that may be affected by a proposal [...] taking account of the available evidence and any necessary expertise”. Unlike statutory designations (e.g. for listed buildings and conservation areas), the classification of a building as a non-designated heritage asset does not rely on a formal ‘listing’ process to allow designation.

The Council is in the process of preparing a local list of non-designated heritage assets. This list is intended to provide greater certainty to stakeholders as to those buildings, features or sites which will be assessed as non-designated heritage assets for planning purposes. It is not, however, intended to provide an exhaustive list of all non-designated heritage assets within the Borough and it is certainly not the case that simply because a building does not appear on the local list it cannot be considered to represent a non-designated heritage asset. Indeed, the definition of heritage assets makes clear that this includes “assets identified by the local planning authority (**including** [but not exclusive of] local listing)”.

The synagogue has been nominated for inclusion on the Council’s local list due to its architectural and historic interest and significance. This follows research and evidence gathered by the Council, Historic England (as part of a failed application for statutory listing), the Twentieth Century Society, the Lancashire Archaeological Advisory Service and representations from Dr Sharman Kadish of ‘Jewish Heritage Studios’ and the Lytham St Annes Civic Society. In addition, a separate assessment of the building’s significance has also been made by an independent panel of heritage specialists who have concluded that its inclusion on the local list should be supported. Although the panel were unaware that this was being considered in the context of an appeal, there is no reason to conclude that this would have resulted in a different outcome. It is also noted that the supporting heritage statement which accompanies the application assesses the development’s impact on the basis that the building is a non-designated heritage asset. When considered in combination, the detailed assessment that has taken place to date with respect to the building’s significance provides a compelling case which supports its consideration as a non-designated heritage asset for the purposes of assessing the application. For the same reasons, and as specifically recommended by the Lancashire Archaeological Advisory Service, the requirements of condition 9 are considered wholly reasonable and proportionate.

4 17/0968 Officer Recommendation

The officer recommendation on the agenda papers is that planning permission be granted subject to conditions. Some of these follow the consultation reply of Natural England in which they ask for further details of the lighting at the sight, and the method of ensuring material from construction do not enter the watercourse.

Since compilation of the agenda a Court of Justice of the EU decision has come to officer's attention. This ruling establishes the principle in case law that the council must be aware of the mitigation measures at the time of the decision on the planning application to ensure that its Appropriate Assessment has been appropriately concluded.

Given that the council is not aware of the mitigation that is to be introduced in this development to address the concerns highlighted by Natural England, it is not currently possible to make an informed Appropriate Assessment on these works. Accordingly officers advise that Committee defer the application from consideration at this Committee meeting until this information has been received and assessed by the council, with support from Natural England as the statutory consultee on such matters.

Revised Conditions

In the event that Committee do not take this advice and proceed to determine the application favourably, officers make unrelated suggestions regarding the wording of a couple of the suggested conditions:

- Condition 17 - Added to require passing places to be provided on Poolside.

Condition 5 - Wording amended for clarity and accuracy.

9 18/0081 Town Council Comments

St Annes Town Council have made further comments on the application. These are as follows:

"A neighbour has contacted the Town Council and made representations which have caused the Town Council Planning Committee to revisit this application as it contains revisions to the original.

1. *Massing effect caused by the size and scale of the proposed development, dominating neighbouring properties.*
2. *A development not in keeping with the nature of surrounding properties.*
3. *Loss of light / increased shade impacting on neighbouring properties.*
4. *Not replacement dormers but creation of a significant increase in size and shape of the building.*
5. *This development will adversely affect the amenity of neighbours."*

Officer Comments

The Town Council raise issues that are relevant to the determination of the application, and which are addressed in the report already. The recommendation is unchanged.

13 18/0335 Neighbour representations received

Two further letters of objection received, summary of comments as follows;

- No commercialisation should be allowed on the Green as stated in the

Covenants. Therefore cable laying cannot be permitted.

- This is for permanent development to support a temporary event.
- Contrary to the Built Heritage Strategy as it harms the heritage of the Green.
- Once installed would lead to more events on our Green. These events already cause nuisance and annoyance to Lytham residents. This development would exacerbate the problems.
- It would contravene the conditions laid down when the Foreshore and Shore Lands were granted to Lytham St Annes Corporation in 1927.
- It would be a betrayal of almost two hundred years of fighting to keep the Green free of permanent development.
- One letter includes an attachment of a 1932 counsel's opinion regarding the Foreshore and Shore lands which his opinion is that the Lytham St Annes Corporation's responsibilities with regard to Lytham Green (also known as "the Beach") including "to keep it open and unbuilt upon". Fylde Borough Council has inherited these responsibilities.

Lytham Civic Society representation

This application constitutes a permanent change on the Green. The various inspection chambers and free standing cabinet will be unsightly and badly affect the open aspect of the green. We do not think that the grass should be intrude upon. We are a society concerned with the need to maintain the Green as an open facility, with a minimum of clutter around it. We normally do not comment on the temporary uses such as the festival however this application is for permanent items associated with the festival. We do see them as unsightly and intrusive. The council should respect the intentions of the historic covenants associated with the Green.

Officer comments on representations received

The issues with regard to the visual impact of the development and the impact on the Conservation area are addressed in the main report. With regard to the covenants issues, these are not a material planning matter however the Head of Governance has confirmed that there is nothing in the covenants that prevents the proposed development. Therefore the development can be approved without being in breach of the covenants.