

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 | 17/0495 | |
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| | | <u>Consultee Clarification - LCC Highways</u> |
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| | | A County Councillor has queried with the officer direct why their consultation response recommends approval of the application when previous applications have twice been refused on highway safety grounds. |
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The Highway Officer involved has replied to this with comments which are summarised as follows:

- He highlights that the comments provided do not recommend approval, but rather they express concerns over the adequacy of the space between the edge of carriageway and the entrance gate at Foxwood Chase
- He then explains that this is reported in the agenda papers, and that there is commentary that specifically covers this matter
- Clarification is provided over the planning history whereby one of the previous applications was refused due to an inadequate junction, but that this was to use the field gate and so was a different one to that proposed here
- He explains that the other was refused due to concerns over passing places on the access road rather than the use of the junction that this application proposes to utilise. He then comments on the use of Foxwood Chase and explains that he does not believe that the constraints of that road would cause the 'severe' highway safety issue that is required by the NPPF to justify a highway safety reason for refusal.
- He reiterates that the LCC Highways view is not to recommend approval, but that whilst he has concerns over an element of its operation he does not believe that this is a justification to refuse on highway safety grounds

Officer Comments

This is a useful expansion of the highway comments reported in the agenda papers, but does not alter the highway conclusion or officer recommendation.

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| 2 | 17/0530 | |
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| | | <u>Additional Information - Drainage</u> |
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| | | The applicant has submitted a revised Flood Risk Assessment and Drainage Strategy. |
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Consultee Comments - Lead Local Flood Authority:

They have assessed the revised Flood Risk Assessment and Drainage Strategy and have withdrawn their initial objection to the proposal, subject to conditions requiring detailed design of a surface water drainage scheme and agreement of SuDS management/ maintenance regime(s).

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| 3 | 17/0540 | |
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| | | <u>Additional Information - Employment</u> |
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| | | The applicant has provided additional information regarding the employment; |
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"There are a total of 16 employees who attend the site on regular basis although not all at any one time. Only 1 or 2 employees will remain at the site as the others only attend to collect in a morning and park up at night.

From the 16 a minimum of 8 employees only attend the site once per week leaving Monday morning and returning Friday afternoon, as the vehicles do not operate locally.

The employees live locally as follows :-

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|------------|---|
| Elswick | 2 |
| Fleetwood | 3 |
| Freckleton | 1 |
| Bispham | 2 |
| Cleveleys | 3 |
| Blackpool | 5 |

Officer Comment

Paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy plans should support the sustainable growth and expansion of all type of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

The above information demonstrates that employment generation resultant from the haulage business is small and the proportion of local workforce to Elswick is low. Neighbours have indicated that vehicle movements to/ from the site are early morning and before adjacent bus routes are in operation, thereby encouraging unsustainable patterns of travel which would not be consistent with Para. 28 of the NPPF. The job creation associated to the rural business is not considered sufficient to outweigh the inherent visual harm to the countryside location and amenity of local residents.

The officer recommendation remains for refusal.

4

17/0595

Officer Correction

There are a number of references to Ash Lane within the Committee Report. This is an administrative error, reference to Ash Lane should be substituted with Oak Lane.

Additional Comments from Newton with Clifton Parish Council (dated 2nd November 2017)

The Council wishes to reaffirm that it is in factual possession of and maintains part of the 'Sandy Gap/ Lane' frontage and a residual part is in the actual possession of the applicant and maintained by the Parish council, with the permission of the applicant.

Notwithstanding the applicant's land registration title plan, Council still considers that the claimed 5.95/4.74m within the planning application is inconsistent with historical maps of "Sandy Gap". Therefore, dimensions of the respective areas of land still require to be agreed. However, the Parish council also considers that the 2m width, as suggested by Lancashire County Council highways authority, for development of a pedestrian/cyclist link at the easterly frontage of "Sandy Gap"/Bryning Lane, Newton-with-Scales is acceptable as this is within the claimed ownership of the applicant. Any development beyond 3m will affect the land in factual possession of the parish council and will detrimentally impact on flower/shrub bed displays, public notice board and seasonal decorations i.e. Christmas tree/lights.

Officer Comments: As per the Committee report, the applicant has provided a location plan and signed declaration with their planning application confirming the extent of their land ownership. It would appear that this matter is a private ownership issue for both parties to resolve. Notwithstanding, it is apparent that the footpath connection

through the site could be provided and that linkages are also available to a footpath to the frontage of the row of shops. Access may be needed to neighbouring land in order to implement the proposals and it is hoped that agreement could be reached between both parties to ensure delivery of the scheme. At a minimum, it would be expected that any damage to land required for access purposes will be reinstated to its original appearance.

The Parish Council considers that the revised proposals improve the visibility splay and reaffirm that the Highway Authority should be consulted and Section 278/38 arrangements for provision of the revised access, and maintenance of the proposed roads and footways including the link access to/ egress from Bryning Lane.

Officer Comment: The Highway Authority have been consulted on the revised proposals and has no objection to the amended access arrangement. A condition requiring detailed design of the access and footpath provision to Oak Lane has been suggested and will ensure that these details are implemented.

The Parish consider that the Section 106 could also include provision for improved parking on Avenham Place and Bryning Lane, as well as improvement to traffic control signals at the junction with the A583 and drainage infrastructure.

Officer Comment: It is considered that the request for parking on Avenham place and Bryning Lane is not necessary to make the development acceptable. In addition the Highway Authority comment that the network impact of this scheme is negligible and does not require improvements to the traffic controlled junction at the A583, such improvements being delivered by the Woodlands Close approval. United Utilities have also been reconsulted in light of the Newton Residents Association objection, and reconfirm that they have no objection to the development, subject to condition.

The Parish consider that Newton Bluecoat CE Primary School and Kirkham Carr Hill are the nearest school geographically and could both accommodate expansion.

Officer Comment: Advice from LCC Education requests contributions toward enhancing capacity at Freckleton Strike Lane Primary School and Ashton Community Science College. It is considered that this request is reasonable and required to make the development acceptable.

Consultee Update - United Utilities

The Newton Residents Association (NRA) objection referred to existing problems with the drainage infrastructure in Newton, in relation to existing capacity problems during heavy rainfall. In light of the initial comment from United Utilities stating no objections, the NRA requested reconsultation in order for this matter to be clarified. In response United Utilities have been reconsulted and comment:

"Further to our recent discussion Re. Planning Ref: 17/0595 I can confirm an Engineer has reviewed the drainage proposals & our position remains as stated in our response (Our Ref: DC/17/3024, dated 8th August 2017).

The scheme proposes foul only flows connecting to the public sewer system & this is acceptable to United Utilities. Should the scheme be deemed suitable for approval, we request a condition is included in any subsequent Decision Notice to ensure surface water is drained through sustainable methods."

Additional Public Representation:

An adjacent land owner has objected to the development on grounds that the proposal could prejudice development on their site. The parcel of land referred to is located immediately to the south west and has been accepted by Members as a modification to

the submission version Fylde Local Plan to 2032 for inclusion within a larger housing allocation capable of delivering up to 54 dwellings. In particular the application is criticised for not being devised to comply with the up to date publication version of the Local Plan, no consideration of how the proposed design has taken the development of the overall site into account with particular reference to provision of 54 dwellings, that it would prejudice future development of adjacent land, access is designed for a scheme of 30 dwellings with no recognition of the wider allocation of 54 dwellings, and, the creation of ransom strips whereby connecting access roads do not fully extend up to the site boundary.

The objector has requested that the application be deferred to enable the following:

- 1) Reconsultation with the Highway Authority to ensure that the access proposed can accommodate the larger allocation of up to 54 dwelling.

Officer Response: It is requested that the recommendation is altered to include delegation to the Head of Planning and Housing for consideration of this matter by the Highway Authority.

- 2) Reconsultation with Planning Policy to gauge opinion of a reduced housing number on the allocation in total to 38, a net loss of 16 dwellings.

Officer Response: A verbal consultation with Planning Policy has been undertaken. It is considered that the housing allocation cannot provide for 54 dwellings, with this number based on a basic application of 30 dwellings per hectare without any recognition of onsite constraints. Given the layout of the current proposal a more realistic figure for housing provision would be 38 as per that suggested by the objector. Whilst this may result in a net loss of 16 dwellings from the allocation and overall housing supply, Members should note that the Woodlands Close (Newton) application for 50 dwellings has been recently granted permission on appeal.

- 3) The applicant and Highway Authority to demonstrate how the current layout will facilitate development of the objectors land, including means of access. Provision made by condition or planning agreement to ensure that appropriate vehicular access is provided to the objectors land without the creation of ransom strips.

Officer Response: It is considered that that the current layout facilitates the development of the adjacent site and that access to that site can be ensured by the following condition:

All roads, footpaths and cycleways indicated on the approved layout plan shall be constructed to adoptable standard and, where they are adjacent to or approach the site boundary, they shall be provided up to and contiguous with that part of the site boundary 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 in accordance with the provisions of Policy SL5 of the emerging Fylde Local Plan to 2032.

the proposal as it would impact on their ability to park their motor home and car on the adjacent access road.

Officer Comments on Representation

The rear access road is adopted and maintained by Lancashire County Council and not subject to any parking restrictions. The proposed development will alter the character of the access road as it will provide the access to some of the dwellings proposed in this application, but it will not impact on its width or impose any other restrictions that would prevent it functioning as highway. Whilst the availability of this area may have provided a convenient parking location for the resident's motorhome, they had no specific right to use it and this is not an issue that is material in the determination of the application.

Consultee Comments – Lancashire County Highways

Their comments were received following the completion of the officer report and so the key points are included here:

Comments have been received from the County Highways Department:

(LCC) Highways cannot support the proposals and would ask that planning permission is refused on the highway grounds that: -

1. *The proposed development will have an adverse impact on highway safety on Wesley Street.*
2. *The development fails to adequately promote safe and sustainable travel.*

.....The proposed new dwellings will generate more vehicle and pedestrian movements along Wesley Street to access the car parking bays, the backs of the properties and the bin stores which will have an impact on highway safety for the new residents and the existing vehicle and pedestrian movements. To promote sustainable forms of transport the aid with social inclusion and improve highway safety for the exiting pedestrians and the new residents, (LCC) Highways are of the opinion that the applicant should provide a 2m wide footpath for the full frontage of the site with Wesley Street. The footpath recommendations would also help to protect the sight lines from the private drives, as the sight line recommendations above could be fully provided over the footway. As part of the 2m wide footpath recommendations the carriageway of Wesley Street to have a 500mm kerbed delineation line off the gable wall of 2 Curzon Road (to allow vehicles an overhang area); a carriageway width of 4.1m (to reduce vehicle speeds passing the parking bays and reduce the likelihood of on road parking).

As part of the footpath provision and formation of the new drives the street lighting levels to be assessed to determine the level of street lighting is acceptable for the new use and layout.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" and "safe and suitable access to the site can be achieved for all people". (LCC) Highways are of the opinion that the development will have a severe impact on highway safety on Wesley Street in the immediate vicinity of the site and as such would recommend a refusal on highway safety grounds unless the recommendations regarding the sight lines and carriageway narrowing are provided as detailed above.

The National Planning Policy Framework states in paragraph 32 "improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development". And the National Planning Policy Framework states in

paragraph 29 "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel". (LCC) Highways would raise an objection to the development in the interest of highway safety where safe facilities for pedestrians including children and mobility impaired are not provided as recommended above.....

Officer Comments on Representation

The highway authority objection is primarily based on a lack of direct footway link between those properties that are accessed from the rear and the wider public footpath network. In response to these highway comments a revised plan (16-2134 PN001 Rev C) was sought from the applicant and confirms the inclusion of a footway from these units to Curzon Road so linking the units and parking space to the wider pedestrian network. This revised layout is considered to address the highway objection and has been sent to them for confirmation of this although no response has been received to that.

The additional footway involves the loss of a small area of landscaping, but this is not significant in the overall development and so the officer recommendation remains to approve the application, with the plan reference in condition 2 revised to relate to the new plan.

7 17/0667 Comments on Condition

The agent has highlighted that the stone from this site is to be taken away as required by other jobs that are local to the site so as to minimise the distance that this is transported and to avoid the need to send it to landfill. They advise that it is likely that this will be completed within the 3 month period allowed in the suggested wording of condition 4, but have suggested there would be a potential that it may be extended beyond that time.

Officer Comments

Given that there will be neighbour amenity and highway issues from the removal of this stone it is helpful that it is removed to sites that are local to the site to minimise the length of these journeys and the associated nuisance. The agent confirms the intention to remove the stone promptly but makes a valid point about the benefits of reducing the length of movements associated with that removal. Accordingly officers suggest that the condition is revised as follows to allow for the eventuality that the period of remediation can be extended, with the new text in bold.

*Within 2 months of the date of this permission a scheme for the remedial works to re-instate the site to its make it available for agricultural use shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of landscaping, levels, method of disposal of hardcore materials, and the routeing / timing of vehicular movements associated with the remediation. The approved scheme shall be implemented immediately upon cessation of the use of the site as a compound and shall be completed no later than 30 June 2018 **unless a different timeframe is agreed in writing by the Local Planning Authority as part of the approved scheme of remedial works required by this condition.***

8 17/0690 Consultee comment – County Highway Authority

The County Highway Authority have now commented on the application as follows:

The parking spaces proposed for use for the 19 bedroom hotel are currently required (and fully used - particularly on match days) by the permitted Mill Farm development.

If this application is approved, I consider these parking spaces will be occupied as you might expect by hotel guests at all times during a normal week. Therefore, the outcome will simply be to reduce parking provision necessary to serve this stadium and all currently permitted uses on the Mill Farm site. This can therefore only exacerbate the existing inadequate parking provision that has, as yet, never been adequately addressed.

The condition imposed in regard to the previous Stadium application has never been discharged and adequate information has not been forthcoming to date. I consider this lack of information remains relevant to this current application in order for LCC Highways to be able to assess the overall cumulative residual impact of this and all other approved development on the site.

Therefore, I would recommend that the application is not supported at planning committee due to lack of information until the issue of parking has been suitably addressed.

Officer comment and revised recommendation:

Given the response from LCC objecting to the level of detail submitted to demonstrate that car parking would not be an issue on the wider Mill Farm site on match days with the loss of the spaces proposed to be allocated parking spaces for the hotel it is not considered appropriate to determine the application until this matter has been adequately addressed.

This should be through the Car Parking Management Strategy condition for the site as whole. This currently remains outstanding, and whilst the applicant's agent has committed to provide the information to allow this to be progressed, it has yet to be received.

As such it is officer opinion that the most appropriate course of action is to defer this application to allow this issue to be resolved and so the revised recommendation is:

That the application be deferred for future consideration by members, with this deferral to allow time for the submission of additional information regarding the car parking capacity across the Mill Farm site, the consultation on that information, and satisfaction that it addresses the concerns highlighted by the County Highway Authority in their comments on this application.