

Planning Committee

Wednesday 03 March 2021

Late Observations Schedule

Schedule Items

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

1	19/0318	<u>Agent Correspondence – An Overview</u>
---	---------	---

Following the publication of the Committee agenda the agent has provided a letter which responds to that report, principally with regards to the matters that are said to be outstanding and delegated to officers for further assessment.

The letter explains their view that there are some matters that the officer report advises need further assessment, which they believe can be resolved by the imposition of conditions to allow further details to be provided. Officers agree that conditions are appropriate in some instances (phasing, water supply, contamination, etc,) but the report recommendation is specifically worded as it is to allow discussions over the scope and content of those conditions given that the matters they relate to have, in some cases, not been fully assessed as yet.

With regards to the Habitat Regulations Assessment the letter argues that this should be agreed as it is as and simply adopted by the authority. Officers accept that is likely to be the case, but as their assessment of the ecological implications has not been completed the recommendation simply reserves the position should it prove necessary to revisit this.

With regards the impact assessment for town centre uses the agent refers to the PPG guidance on this and appeal caselaw to argue that the scope of the assessment should be narrow, and should provide a comparison only of the leisure facility on similar uses in town centre (not edge of centre or out of centre) locations. They also argue that the proposed facility is not directly comparable to any facility in any of the neighbouring town centres. Officers welcome their thoughts on this, and a meeting has been scheduled to progress that discussion in the coming weeks in the event the Committee support the recommendation,

The final area of discussion in the latter relates to the comments regarding visual impact in the report. The letter explains that the approach taken with the application is to develop a low-density site with extensive areas of landscaping around its permitter amounting to 16 hectares of landscaping in addition to the golf course and the ecological area. However, they recognise that the scheme will revise the character of the area and so are open to a dialogue with the council over how any of the areas highlighted in the report can be improved. Officer recognise that this reflects the position they put forward in the report and so it is expected that suitable visual impact improvements will be delivered.

Agent Correspondence – Officer Response

Officer's welcome the submission of the letter and hope to continue construction dialogue with the applicant's agent in the coming weeks and months to finalise the scheme in line with the agenda recommendation. That recommendation is therefore unchanged.

Agent Correspondence – Details

To assist Members the text of the correspondence is provided here.

“Further to our recent telephone discussion we note that the Committee Report refers to a number of outstanding issues, however, our understanding was that the following matters were to be dealt with by way of condition.

- *The EA request for further information regarding the potential for the development of the site to impact on contaminated material that may be on site. The EA do not raise an objection to the grant of planning permission and recommend this matter is dealt with by way of condition as it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission.*
- *Highways England's request for a condition to agree fencing which may be required in this location. The golf course has been designed by Westenburg Golf Course Architects, who not only have significant international experience in advising and designing golf facilities but also act as expert witness in a number of golf course health and safety conflicts. They have clearly set out in the submitted golf course statement why holes 1 and 2 would not raise any unacceptable health and safety concerns.*
- *The committee report states that the proposals will create some complex water management arrangement and an appropriate SuDS system and other general matters relating to flood risk and drainage will require further discussion. However, the statutory consultees have not raised any objections based on the submitted FRA/drainage strategy and we see no reason why this matter cannot be dealt with by way of condition. The reference in the Committee Report to the submission of additional information regarding the supply of water to facilitate the maintenance of the golf course and wider landscaping areas of the site is also unnecessary. This appears to be based on the United Utility consultation response, however, UU have simply commented the applicant may be required to pay a contribution if they wish to use the main distribution water mains to serve the development, which is a commercial matter of no relevance to the determination of the application. Other arrangements, such as boreholes, would need environmental permits and would be covered by that legislation. In either case this is not a matter which requires further information as part of the determination of this planning application.*

The committee report refers to two matters which we do not consider require the submission of further information, namely:

Ecology

To clarify, a shadow Habitat Regulations Assessment was produced by GMEU,

which has been considered by Natural England who have confirmed that they agree with the conclusions and suggested mitigation. It is appreciated that the Council have to approve the HRA, but I am not aware of any outstanding ecological matters other than the need to agree the wording of the conditions. As such it is assumed that the reference in the report to having to give further consideration to ecological impacts simply means the formal approval of the HRA and the agreement of the condition wording.

Impact Assessment

With regards to the need for an impact assessment in relation to the hotel and leisure facility, you will be aware that whilst a hotel is deemed a main town centre use in the NPPF Glossary paragraph 89 of the NPPF only requires an impact assessment in relation to retail and leisure development outside town centres. The NPPF Glossary does not include hotels within the definition of retail or leisure; it is instead defined as tourism. Accordingly, an impact assessment is not required for the hotel, although the mere fact that there is a fallback planning permission for a hotel makes this unnecessary in any event.

With regards to the leisure use, Planning Practice Guidance confirms that the impact should be assessed on a like-for-like basis. Even if there is a potential impact, SoS appeal decision APP/V2723/V/15/3132873 confirms that when assessing impact for the purposes of NPPF paragraph 90 the test is not to assess the impact of a development on the same sector, but its impact on the town centre as a whole. As such, even if there were deemed to be an impact on a leisure use in a town centre the next consideration is the extent of this impact on the whole town centre. Moreover, NPPF paragraph 90 confirms that there would have to be a “significant adverse impact” to be unacceptable.

In this context, a search has indicated that there are no leisure facilities within the town centres of Kirkham and Poulton, so there would be no impact on these town centres (there is no need to consider an impact on edge of centre or out of centre facilities). There is a leisure facility in Garstang town centre but this is a YMCA municipal Leisure Centre for badminton, football, netball, table tennis, volleyball and indoor bowls, none of which are activities proposed at the application site, although it is acknowledged that both will have a gym. However, the YMCA leisure centre and gym is available on a pay as you go basis whereas our client’s leisure facility is restricted to users of the holiday lodges / hotel and private memberships. It is not a pay as you go facility. They are therefore aimed at a different clientele base and the impact would not be on a like for like basis. Notwithstanding, there is no reasonable basis to conclude that a private members leisure facility at the application site, some 9 miles away from Garstang Town Centre, would have a material impact on a municipal Leisure Centre to the extent that it would have a “significant adverse impact” on the town centre as a whole.

Ultimately the leisure facility is an integral part of the holiday accommodation development and the Committee Report acknowledges that its location on-site is appropriate, which is a material consideration. There is also no reasonable basis to assume that it would have a significant adverse impact on any town centre and there is already enough information to reach this conclusion.

Visual Impacts

Finally, we note the comments on visual impact based on the Council's Regeneration Team's comments, as set out in pages 22 and 23 of the Planning Committee report. These comments have not been uploaded to the Council's planning application search function and they have not been sent directly to us. Therefore, it was not until we reviewed the committee report that we were aware of the existence of these concerns.

The applicant is eager to work with the Council but we would like to highlight that the scheme has already been sensitively designed to minimise landscape and visual impact, including:

- There are substantial landscaped open space buffers already incorporated into the development. With exception to the very south west corner of the site which is already screened by extensive tree planting, the lodges are set back from the site boundaries with Garstang Road, the river and the eastern site boundary by 70-100 metres, providing substantial opportunities for additional landscaping to complement existing retained trees and hedgerows. As to Pool Foot Lane, the proposals involve a golf course to the north of the road and the lodges to the south are already set some distance back from the road with plenty of scope for landscaping and open space.*
- The development includes almost 16ha of open space in total around the site boundaries and within the main body of the site, which excludes the golf course and biodiversity area.*
- The proposal is a low density scheme equating to 3 lodges per acre. To put this into context the adjacent Windy Harbour caravan site was 13 caravans per acre, before the recent permission to add further caravans. At the Council's request in pre-application discussions the layout also includes open space and landscaping within the heart of the lodge development to further break up the visual impact of the proposals.*

I look forward to hearing from you in due course. "