

## Development Management Committee

Wednesday 2 September 2015

### Late Observations Schedule

#### Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
1	15/0065	<p><u>Consultation Response – County Highway Authority</u></p> <p>Since the publication of the report the council has received the consultation comments of the County Highway Authority. These look at the highway safety/traffic implications of the development and the accessibility to services and are summarized as follows:</p> <ul style="list-style-type: none"><li>• Highways – They refer to the application suggesting that 2.4m x 160m sight lines and discuss the merits of these before concluding that they are incorrect. The consultation response suggests that the 2.4m distance is incorrect for this type of road and that a distance of 4.5m is required using the guidance in ‘Design Guide for Roads and Bridges’. The comments then explain that this will require the removal of 130m of hedgerow and trees to the north of the access point (towards Blackpool) and 40m to the south (towards Preston) so that these can be provided. With these sight lines provided the form of junction is considered acceptable and will operate within capacity.</li><li>• Public transport – The village is served by the No. 61 service that runs between Blackpool and Preston with the nearest stops almost 500m from the centre of the site on Preston Old Road. This distance exceeds the accepted 300m walking distance and the 400m maximum walking distance from IHT guidelines. There is also an hourly service running along Blackpool Road (No. 785 between Fleetwood and Preston) but there are no stops near the site entrance and the road characteristics would make provision an issue.</li><li>• Schools – The comments highlight the lack of a primary school in Clifton and the distances to the nearest in Newton and Lea.</li><li>• Employment – The limited availability other than at Westinghouse /Springfields is highlighted.</li><li>• Health – The distances to the nearest health centre in Freckleton (to which there is no public transport link) and Kirkham are highlighted.</li><li>• Shops – The presence of the village shop is highlighted.</li><li>• Connectivity – The comments highlight that the main means of access to the site is from Blackpool Road which means that the vast majority of trips to and from the site will have no link with Clifton. The presence of the footpath link is acknowledged but the limited services in the village is felt to minimize the benefits that this would bring.</li><li>• Conclusion – They explain that the limited facilities, shops and employment in the village are such that the development will involve movements that are predominantly car borne, with the development providing little in the</li></ul>

- way of improvements to encourage walking, cycling or public transport use.
- Requirements – If the council is minded to support the scheme they make requests that a series of improvements are part of that permission: a mechanism to secure improvements to the public right of way to the village to allow it to be used by all users and to be lit, that the existing stops in the village are improved and that new stops on Preston New Road are provided. They also request conditions to secure the sight lines and proper construction of the junction.

#### Additional Officer Comment on Highway Comments

With the application seeking consent for the access arrangements to the development and the location of the access being direct to Blackpool Road it is critical that the sight line arrangements and design of the junction are adequate to allow this to operate safely. The comments confirm that a safe access can be constructed, albeit that this will require the removal of around 180m of hedgerow and trees to provide it. These comments confirm the concerns of the implications of the construction of this access as are addressed in the report.

Comments also rehearse the accessibility to services of the site and these are already addressed in the officer report.

Reason for refusal 2 explains that the visibility plays required are 'substantial'. The highway comments confirm the requirement to be 4.5m x 160m and so this requirement should be referred to in the reason for refusal.

#### Consultation Response – Natural England

They refer to the proximity of the site to the Ribble and Alt Estuaries Special Protection Area and RAMSAR site which has European protection, and the Ribble Estuary and the Newton Marsh SSSI which have national protection. The consultation reply highlights that it is necessary for Fylde Council as the determining body on the planning application to undertake a Habitats Regulation Assessment to establish how the development could impact on the conservation objectives of these areas. They then state that there is currently not enough information available to allow this to be undertaken.

They explain that the Special Protection Areas are designated for the benefit of rare and vulnerable birds, and for regularly occurring migratory species and that these species may also rely on land outside of the Area where that land is functionally linked to the birds' use of the land within the Area. In this case the land could provide foraging habitat and so Natural England would expect that the application be supported by survey information for the site and adjacent fields to determine suitability for and level of use by SPA birds, with the records from LERN, Lancashire Wildlife Trust and Fylde Bird Club being resources that could be used to support that work.

They also refer to the surface water drainage implications of the development given that the drainage flows are an important contributing factor to the value

of the protected areas and that the sites appear to have hydrological connectivity.

The comments highlight the legislative duty placed on the council to understand the implications of allowing development and to re-consult with Natural England should it be intending to do so under the Wildlife and Countryside Act.

Finally, standing advice is offered in respect of protected species.

Officer Comment on Natural England Comments

The report highlights that the views of this consultee are important in establishing whether the development of then site is likely to impact on habitat used by wintering birds, and so potentially conflict with Policy EP18 and EP19 of the Fylde Borough Local Plan and NPPF guidance.

With the comments reported above the developer has failed to demonstrate that there will be no adverse impact and the legislation requires that a precautionary approach be taken. Accordingly officer advice is that this issue represents a further reason for refusal with the suggested wording of this being:

*That the application is not supported by any survey information, either from primary or secondary sources, regarding the use of the site and adjacent fields by bird species that contribute to the designation of the Ribble and Alt Estuaries Special Protection Area and Ramsar site. With the functional linkage that exists between the site and this SPA the absence of such survey information prevents the council from being able to be satisfied that the proposed development will not cause these birds to be displaced or disturbed to a degree that would have an adverse impact on the species that contribute to the designation of these sites. Accordingly the proposal is contrary to the requirements of the Habitat Regulations, to Policy EP15 of the Fylde Borough Local Plan, and paragraph 118 of the National Planning Policy Framework (NPPF). In such circumstances the presumption in favour of sustainable development is also outweighed as explained in paragraph 119 of NPPF.*

2      15/0165      Observations:

*Education:*

At the request of Officers, the additional comments below have been submitted by the Planning Contributions Service at Lancashire County Council (LCC) in order to identify a specific school where the requested education contribution is to be spent:

"Following an initial school scoping exercise LCC are able to identify proposed school expenditure projects for the application as follows:

- A contribution of £132,326 towards the provision of 11 primary places at Lea Community Primary School.

As information regarding the number of bedrooms to be created by the

development is not available at this time, a reassessment of this figure will be required at reserved matters stage. A formula should be included in any S106 agreement to address this.

The Lea Community Primary School presently has 1 sealed Section 106 pooled against it. It is requested that the following caveats are included in any S106 agreement:

Please note that whilst the County Council have confirmed its intention to deliver additional places at the above identified schools to address the impact of the developments it should be noted that this would be subject to the following:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams

Should the education contributions from the application not be spent on the project named above, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local school places are provided to address the impact of the developments at no cost to the owner".

*Highways:*

The comments below have been submitted by the County Highway Authority following the publication of the agenda:

- The proposed access to the development is via a new junction onto Ash Lane. Ash Lane is an unclassified road linking Lodge Lane with Darkinson Lane. At its westerly end there is residential development fronting its northerly side, this abuts the development site. From its junction with Lodge Lane the road is lit by a system of street lighting and subject to a 20mph speed limit for its first 180m (current limits of residential development), followed by an unlit 30mph speed limit for the next 120m (the majority of the development site frontage) and an unlit national speed limit (60mph) for the remainder of its length.
- To the east of the existing residential developments Ash Lane is very lightly trafficked. Traffic count data shows around 50 two-way daily movements. The developer has used the TRICS database to estimate the number of traffic movements from the proposed development. It is estimated that 18/19 vehicle movements will occur in the peak hours. This is considered a reasonable estimate and this level of traffic raises no specific highway concerns.
- The developer has produced access plans which show a sightline of 2.4m x 45m. This is considered acceptable given the existing local highway conditions. The form of the access is a simple priority junction, again this is considered acceptable.

- Clifton is served by service 61 (Blackpool – Preston) which provides an hourly service. The nearest bus stops to the site are located on Preston Old Road within the village and are nearly 500m from the centre of the development site. This is beyond the accepted walk distance of 300m (IHT guidelines) and the preferred maximum of 400m.
- Access to the site by rail is limited and local schools, employment opportunities and health facilities are not within a comfortable walking distance of the site. Clifton does, however, have a Post Office/newsagent/general store. The application proposes to widen the carriageway of Ash Lane and provide a footway between Rowan Close and the site access in order to afford greater connectivity with the remainder of the village.
- The limited level of facilities, shops, schools and employment in the village means that travel from the development will be predominately car borne. Therefore, it is reasonable to expect the development to deliver improvements that will encourage walking, cycling and use of public transport. Accordingly, the following off-site highway improvements should be delivered as part of the scheme:
  1. Ash Lane widening to 5.5m between Rowan Close and the development site access.
  2. Provision of street lighting on Ash Lane between Rowan Close and the development site access.
  3. Provision of footway (minimum 1.8m wide) between Rowan Close and the development site access.
  4. Upgrading the existing bus stops on Preston Old Road (one in each direction nearest the site) with raised boarder, together with associated road markings and signs.
- If the development is permitted, it is unlikely that it would place an unacceptable burden on public transport to necessitate an increase in the frequency of services, nor would it have an unacceptable impact on highway safety or capacity. Conditions should be attached to any permission granted requiring: (i) the provision of a minimum 2.4m x 45m visibility splay at the junction of the site access with Ash Lane (to be kept free of obstructions); (ii) the provision of wheel washing facilities during the construction phase; (iii) A scheme for the construction of the site access and delivery of the four off-site highway improvement works outlined above (to be implemented before any of the dwellings are first occupied).

Officer recommendations:

*Education:*

That the third bullet point to the Committee resolution which relates to contributions to be secured towards education through planning obligation be amended to read as follows:

- "A commuted sum payment to the County Council for the provision of 11 Primary School places at Lea Community Primary School in accordance with Fylde Borough Local Plan policy CF2 and the National Planning Policy Framework".

*Highways:*

That recommended conditions 7 and 8 be amended to incorporate the comments of the Highway Officer as follows:

7. Notwithstanding the requirements of condition 3 of this permission, no above ground works shall take place until a scheme for the design, construction and drainage of the site access (the position of which is shown on drawing no. 8321-P21) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for a minimum visibility splay of 2.4 metres x 45 metres in both directions at the junction of the site access with Ash Lane. The site access shall be constructed in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent order following the revocation or re-enactment thereof) the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction).

Reason: To ensure safe and convenient access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme showing details of the siting, layout, design, construction and drainage for the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- (i) The widening of the carriageway of Ash Lane to 5.5 metres along its northern flank between Rowan Close and the site access (the extent of which is shown on drawing no. 8321-P21 and the plan titled 'Proposed Off-Site Highway Improvements' appended to the Transport Statement by VTC dated 5<sup>th</sup> January 2015).
- (ii) The provision of a minimum 1.8 metre wide footway alongside the widened section of carriageway detailed in (i) (the extent of which is shown on drawing no. 8321-P21 and the plan titled 'Proposed Off-Site Highway Improvements' appended to the Transport Statement by VTC dated 5<sup>th</sup> January 2015).
- (iii) The provision of street lighting on Ash Lane between Rowan Close and the site access.
- (iv) The upgrading of two existing bus stops on Preston Old Road located at/adjacent to the junctions with Lodge Lane (eastbound) and Silver Street (westbound) to include provisions for raised boarders, together with associated road markings and signs.

The highway improvement works in the duly approved scheme shall be implemented and made available for use before any of the dwellings hereby approved are first occupied.

Reason: To secure improvements to the highway and public transport network

in order to ensure safe and convenient access and circulation for pedestrian and vehicle traffic and to prevent obstruction of the highway in the interests of road safety, and to promote modal shift and increased use of public transport in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

6 15/0450 Observations:

The comments below have been submitted by The County Highway Authority following the publication of the agenda:

*"This is an outline application with means of access a detailed matter. The means of access is acceptable. I can therefore confirm that there are no highway objections to the application.*

*The indicative layout of the site raises no significant issues and I would ask that the developer take note of Manual for Streets and Creating Civilised Streets when submitting any reserved matters application."*

Officer recommendations:

The above observations are for the Committee's information only and to confirm that County Highway Engineers have raised no objections to the scheme.

7 15/0458 Additional Neighbour Comments – Langtons Farm

The planning consultant acting for the neighbour at Langtons Farm has sent the following comments:

*"Our client feels that the Committee Report fails to adequately describe the nature of the equestrian uses at Langtons Farm and that the reference to this being a hobby could result in the Committee failing to fully appreciate the potential implications of the proposed development.*

*The Wallaces' 15 year old daughter Grace is pursuing a career in show jumping and is already placed 53 in the British Showjumping Silver League, is ranked as the 5th best under 16 in the UK and has been selected for the Riding Development Pathway, a scheme that develops promising riders for future top flight competitions. Grace competes in affiliated show jumping competitions across the Country, ostensibly against adults and professionals, winning significant prize money. Indeed in the recent British Show Jumping National Championships at Stoneleigh Horse Show, Warwickshire she finished 5th, behind 4 full international adult professional show jumpers.*

*Langtons Farm is not a generic equestrian facility. It comprises purpose built bespoke stables and an international standard floodlit arena specifically designed for competition horses and to enable Grace to train at a high standard on a daily basis, to continue in her progression towards becoming a professional horse jumper. Grace trains on a daily basis at and competes on very expensive high performance competition horses which have been bred from proven show jumping lines and are very expensive to buy and maintain. Indeed 3 of the 4 competition horses kept at Langtons Farm are valued in the region of £75,000. Grace also now jumps as high as 1m 30cm, i.e. towards the higher limit set by*

*the British Showjumping Association, and as a consequence the nature of a fall from these highly strung temperamental animals, for example if the horse were to be spooked during a practice session or if it were to kick or run whilst being handled, generates a risk of serious or fatal injury.*

*As shown on the applicant's submitted concept plan, the stables and grazing land are located immediately adjacent the boundary of the development site and the arena is also located in very close proximity to the proposed development. The potential impact on the equestrian activities from the development, in terms of security, the horses' welfare and the safety of Grace when riding / handling the horses, is therefore significant. This has been clearly set out in the submitted reports.*

*Given the potential impacts involved, it is considered that the proposed conditions fail to adequately ensure that the eventual reserved matters scheme will include sufficient mitigation measures to limit these detrimental impacts."*

He then suggests amendments to the conditions relating to the compliance with the illustrative layout, the securing of boundary treatment details, modification of the Construction Method Statement, and an amendment to the landscaping of the site.

#### Officer response to Langtons Farm Comments

The comments are included so that the Committee can clearly understand the specific concerns of this neighbour and their particular circumstances.

The condition variation requests that relate to the provision of an 'exclusion zone' to the rear of the stables during construction, and the landscaping of part of that area are not considered to be unreasonable and should be incorporated into the decision.

With respect to the layout of the site the comments request that a 'buffer zone' of approximately 30m is established to the rear of the stables with this not used for play equipment, dwellings or their curtilages. The reasoning for this is understood and would assist in minimising potential disturbance. This has been discussed with the applicant's agent who has supplied a revised version of the 'Initial Concept Block Plan' that indicates that this area is not to contain dwellings or their curtilages, and will provide this protection.

#### Resident Group Comments

They write to advise that the figure quoted on p176 of the agenda for the houses approved in the village is incorrect as the 129 should actually be 139 if all the dwellings approved are counted, and that this is a 39% increase over the figure quoted as the maximum that was sustainable for the village in determining the appeals in 2014.

They then suggest this number could be increased further to 169 by reducing the house sizes and increasing numbers at reserved matters stage.

#### Officer Response to Resident Group Comments

The figure would be increased to the 139 quoted by the resident group by including every house approved since the chosen start date. However the sentence before the table explains it is to list the major residential schemes,

and so it is accurate in doing so.

It would not be possible to increase the numbers of dwellings at reserved matters stage as is suggested as any outline planning permission would dictate the upper limit approved by that permission.

#### Additional Neighbour Comments

A further letter has been received from a neighbour to the site. This states their objection to the proposal on the basis that they do not believe the application to be sustainable, that the site is not well related to services, that the access arrangements are inappropriate, that the site is in the area of separation in the emerging local plan, that the development adds further to the imbalance in the village's housing stock, that the scheme will involve the loss of greenfield agricultural land, and that the development is opposed by a large majority of the local community.

#### Officer Response to Neighbour Comments

No further comments are required as these matters have been raised by others and comments on them are provided in the agenda report.

#### Local Education Authority Comments

The report on the agenda papers explains that the consultation response from this consultee was outstanding and then makes an assumption that the situation would be as it was in respect of the original application for 49 dwellings. That response has now been received and confirms that there is a shortfall in secondary school capacity to meet the needs of the anticipated number of children from this development, but that there would be capacity for primary school places. However, this primary school position is caveated with a statement that there would be shortfall if other applications that are currently awaiting a decision are approved and those decisions do not account for the shortfall that they would contribute to. These applications include major developments at Kirkham and in Warton.

The secondary school request is for 7 places = £126,885 whilst the possible primary school request is for 19 places = £228,563 and so is a possible total request of £355,448. This reflects the figures quoted in the agenda report.

#### Officer Response to LEA Comments

The position quoted in this response is similar to that in the agenda report albeit there is a possibility that primary education requirements could be met. The figures quoted are consistent and the mechanism to secure them remains a s106 agreement to be completed prior to the issuing of the decision.

To reflect the possibility that primary school education contributions may not be required it is suggested that the recommendation in the agenda paper is revised (third bullet point of s106 agreement terms to state :

*“a financial contribution of £228, 563 towards primary school places and £126,885 towards secondary school places **should those contributions be required to address actual identified shortfalls at the time of the decision** (or other such sum calculated at a later date based on the actual bedroom numbers within the development)”*

### Revisions to conditions

The above comments result in the modification of a number of conditions and the revised versions are listed below for clarity, although the recommendation retains the flexibility to allow these to be further varied should the need arise prior to the decision being issued

3) should be revised to remove reference to Landscape Plan and to update reference to Concept Block Plan

4) Revised wording is proposed as follows:

The details submitted as part of the reserved matters approval shall be substantially in accordance with the illustrative Concept Block Plan (472-STO 503 Rev A) and shall respect the design and layout principles established by this plan. This shall include the provision of a buffer zone along the northern site boundary shared with Langtons Farm, of a sufficient distance and design to minimise disturbance to the equestrian activities carried out on the adjacent land and which shall remain free from play equipment, dwellings and associated curtilages.

Reason: In the interests of securing appropriate protection for amenity of the proposed housing with respect to the proximity of equestrian activity to the northern boundary of the site, protecting the security and amenity of Langtons Farm and limiting the potential detrimental impact on the adjacent equestrian use.

22) Proposed additional condition relating to boundary treatments:

The reserved matters shall include the details of the proposed boundary treatments within and around the site. This shall include the erection of a suitable boundary treatment along all of the boundaries shared with Langtons Farm and its associated grazing land. This boundary treatment shall be of sufficient height and robustness to prevent access to Langtons Farm and avoid detrimental impacts from the shining headlights of vehicles travelling on the access road, taking into account the topography of the land with the approved boundary treatment to Langtons Farm implemented at the outset of development.

Reason: To ensure full consideration of these details is available at that stage and to ensure that they respect the character and appearance of this edge of settlement site, and protect the security and amenity of Langtons Farm, and limit the potential detrimental impact on the adjacent equestrian use.

8) Add bullet point reference to buffer zone in proximity to Langtons Farm

9) Add reference to planting zone to Langtons Farm boundary.