

Planning Committee

Wednesday 18 December 2019

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	19/0248	<u>Revised Details</u>
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Following publication of the agenda papers a set of revised plans have been received which attempt to address some of the design issues that are raised in the officer report:

- The refuse storage area that was previously shown to the front of the proposed building has been relocated to the rear of the building where it would sit alongside the communal garden area to the Ribble Point flats, with the cycle store located to the front
- The side facing bedroom windows have been revised in design to have a projecting oriel form with windows only to the front facing aspect thereby removing the potential for direct views over the building and communal rear garden area to the Ribble Point side
- The top floor balcony to the side is now shown with side louvres to reduce the potential for overlooking of the garden area to 261 Inner Promenade

In addition some photomontages to indicate the building in the streetscene with either a grey roof or a red tiled roof have been provided.

Officer Comments on Revised Details

The details are helpful in confirming viable options to address the concerns raised. The officer recommendation on the application should be unchanged to enable further consideration of these proposed amendments and any consequential changes that may be required as a result of any further issues that arise.

Additional Representation from Ribble Point

The planning consultant representing the residents of Ribble Point has written with a detailed additional representation on the application as discussed in the agenda report. This is included here in full to assist members, with comments provided afterwards by the planning officer with the bullets in the consultant's comments replaced by numbers to assist with this.

1. *First and foremost the application recommendation to the Planning Committee, without redress to any cited planning conditions and based upon an incomplete final proposal from the developers for consideration, is contended to be not sufficiently authoritative at this stage to secure a decision of the Committee to defer final judgement of the application to the chief officer under delegated powers. Indeed, the front summary of the report advises that there are a number of areas where "further information and discussions are required with the developer, and as such would make any decision on the application at this stage premature. The summary goes on state that the Committee's views upon the scale and design of the development in this location needs to be understood. This is a somewhat unusual*

stance of the officers and reading from that is that there remains a good degree of subjectivity about the officer's judgement upon the proposals and that the Committee could quite clearly take an opposing view. It is also noted that the reason for reporting the application to the Committee is that "it is necessary to present the application for a decision." And as such the final decision upon the application should remain in that domain and not be delegated to officers.

2. *The residents agree with the comments made by the Civic Society in that the approved development [and the extant permission until next year] was for just 7 flats. It is a bigger development and one having greater impact upon its surroundings. This echoes comments made on behalf of Ribble Point in the initial objection grounds.*
3. *In regard to another comment made at the initial objection stage, the Committee Report relates that it was alleged that the juxtapose of the proposed building against that of Ribble Point would be very dominant upon that Ribble Point. That comment also related to the resultant wider view of the built development [if approved and constructed] in street picture along Inner Promenade and from the grounds of Fairhaven Lake. The application site is in a very prominent location. The text in the report upon that the element of the proposed building adjacent Ribble Point should be reduced in scale to address the impacts put forward, was supported by a sketch revision of the front elevation lowering eaves and ridge height adjacent to Ribble Point - which is not referred to. In urban design terms this alternative solution was pro-active advice to assist the planning department in arriving at a better resolution for the outward, front facade of the building should it ultimately be approved. It offers a vastly preferable solution to that currently proposed should Committee be minded to agree to the officers's recommendation about further discussions with the developer or subsequently approve the development themselves. In this light, the Committee members are urged to ask to request sight of the sketch proposal during the case officer's presentation of the application for their information.*
4. *The report considers a satisfactory development has been arrived at, but that it is not a "clear-cut position". A number of aspects of the report are presented in that same vein which undoubtedly means that there is scope for the members of the Committee to take an alternative view upon it from the subjective one expressed in the Committee Report - without any due sanction from determining the application contrary to the express requirements of the Development Plan.*
5. *The Committee Report relates, in a very comprehensive and detailed manner, the planning history to this site. There is an approval but also a withdrawn application and an appealed refusal that was dismissed. The extant 2017 permission only establishes a principle of development on the site akin to that which was approved and not for the currently proposed building. The dismissed appeal application was at the time an attempt to bring forward a building that as it happens replicated the scale and mass similar to that now proposed. Though the determining Inspector concurred that the redevelopment of the site for flats was probably inevitable and would not be an unacceptable principle in some form, it is contended that the Inspector would have found the current scheme unacceptable upon the same basis and that the level of development achieved in the approved, extant scheme was sufficient and acceptable within the street picture and in relation to its neighbours.*
6. *Upon the consideration of the proposed development in the street scene to Inner Promenade, it is noted that it is felt the current building on site, given its size and scale, does provide "visual relief in the street scene in longer views of the sitegiven the taller buildings around it." Also that the building is out of scale with those taller buildings, but surely that should be the other way around given the*

longevity of the original building and the introduction of the larger apartment blocks. The site, the writer feels, is more akin to forming part of Granny's Bay, being almost exclusively made up of "large four storey flatted buildings". The site in presenting itself as providing a transition in development terms, as the report refers to, ought not to be regarded as a mere platform for this larger 5 storey development than that which has already been accepted by the Council just because it is seen as a transition up to scale of Ribble Point. Ribble Point itself now with the building along the Granny's Bay frontage are now themselves 'historic' developments in their own right that ought not to create any precedent for what is now proposed above that which was previously approved which was sufficient development for the site then and is still considered to be. The case officer has asked for members views in regard to the scale and nature of the development in this location, and accordingly it is urged that that consensus of a view is that the proposed development at the current time exceeds that which ought to be acceptable on this site.

7. *The report relates the design of the refused / appealed 2007/2008 application as "brutal" but in reviewing that, that only really applies to particularly the side elevations. The front elevation was far from that presenting the development in more of a traditional approach with 3 elements of bays and then upper glazed segments to each bay, while the proposed building was further away from Ribble Point. Again committee members need to see comparative street elevations to both the 2007 application and the current one. Though that appeal decision is 11 years old and weighted against a previous local and national guidance, it is far from obsolete. The Inspector's comments, which retain weight, were that it was not the design of the building that was the main issue [the side elevations apart] but that it would introduce represent a consolidation of apartment buildings on this stretch of the Promenade and thereby "diminish the visual quality of the area." He also felt that the width of the building on the frontage [and the current building is wider] was exaggerated and made it appear cramped on site. He failed the development against the then local plan policy strand HL2[2] on account of it being harmful to the character and appearance of the area. These points, it is argued, remain valid critiques that could be applied to the current development. It is not considered that the current building is "smaller" than the refused / dismissed development, and as such that comparative analysis is essential.*
8. *Under 'density and massing' the officers accept that the proposed development features greater frontage width, projects forward of Ribble Point and loses the stagger of buildings back to nos. 261/263, and they accept that there would be implications for the resultant view in the street scene - while the higher massing of the building in the street scene [beyond the extant permission] will be significant. But the conclusion is, on balance, that there would not be a resultant harmful impact. It is not clear though why the development would not be harmful for it is certainly has the same credentials warranting refusal as in the 2007 application. Again the writer concedes that a contrary view could be taken by the members, and that as with a number of areas of the report appears to suggest that the recommendation of approval to Committee is very finely balanced. Committee could and should take such an opposing view and refuse planning permission.*
9. *In regard to parking though this is perhaps seen as a lesser issue than the urban design impact, but a single car space per flat assumes a downsizing that incorporates a single vehicle ownership per flat unit, while there is no visitor car parking. A traffic engineer's view from LCC is that the scheme warrants 150% parking, albeit supporting that need for visitors as opposed to 2nd car ownership. Though in theory, there is adequate street parking and parking too on Fairhaven Lake car park, the former is heavily utilised by locals and visitors using the locality for leisure in the summer months - while the car park is fee based and would visitor*

and second car parking. The requirement for the provision of an acceptable level of on site parking for this development is also, it is argued, finely balanced and requiring some further consideration by the Committee members.

- 10. The report argues that the amenity for the users of the rear garden area at Ribble Point will not be prejudiced as a result of the dense, high conifer hedge now in situ on the boundary, but one would expect users of that garden area to feel a sense of the enormous visual dominance of the side of the five storey masonry building as opposed to the soft landscaping in place on the boundary. Flat developments have limited private open space areas anyway and these areas ought not to be prejudiced. The determining Inspector previously referred to the high hedge and saw it as important in 'softening' the bulk of the building - but it could not now be retained.*
- 11. The report refers to a need to consider the obscuration of bathroom and secondary bedrooms in the proposed side elevation to safeguard privacy facing Ribble Point. There are two issues here; first is the principle of obscuring any bedroom windows really acceptable; and two the application proposals need to demonstrate what is proposed and if it is to be the utilisation of oriel windows within those window spaces these will need to be shown as proposed and should not be the subject of a planning condition.*
- 12. In the conclusion section, the report reaffirms that this is a full, detailed application. As such it should reflect all matters to be determined by the decision maker which in this case should be the Planning Committee. Given what the officers request of the members in seeking their view upon the principle of the scale and design of the application building in its location before any further work is undertaken to complete the application process, which is as has been stated quite an unusual standpoint, then there can be no decision in regard to delegated the proposal at this stage. The full application here does not have full and complete details, and as such the only decisions available to Committee are to defer the application with a view to having it returned to Committee after further discussions with the applicants and with a final submission OR to refuse the application now at this stage upon the view sought of members, should that view be a negative one. And that refusal would be upon the impact of the scale and mass of the development, at five storeys in the proportions proposed on a restricted site area, affording a cramped development and one having an unduly adverse impact upon the setting of the site at this juncture upon Inner Promenade with immediate and wider views of the development in juxtaposition to its neighbours.*

Officer Response to Additional Representation from Ribble Point

1. In this section the comments argue that the decision to delegate the resolving of a number of matters to officers is inappropriate and that the decision on the application remain with Committee if the scheme is to be considered favourably. The officer report explains the reason for the recommendation being to allow a number of matters to be resolved but that Committee's view on the principle of the use and scale and design of the building are sought before additional officer and applicant time is spent on resolving these matters. This is not an unusual approach to take, and whilst the level of outstanding issues is wider than in most cases these are not considered to be of significance and so Committee are advised to follow the recommendation in the agenda report.
2. The support for the Civic Society position is noted with the points raised all addressed in the agenda report.
3. This refers to the scale of the proposed building and highlights that a sketch

provided by the planning consultant which was not referenced in the agenda papers. This sketch was provided and does provide an alternative form of development to the application site, albeit one that would reduce the level of accommodation provided. The agenda report provides commentary on the scale and design of the building as proposed and its impacts on the street scene and the neighbouring land uses. As such there is no need to provide further comments on the desirability of an alternative scheme.

4. The consultant highlights that there are elements of the report where a subjective view is proposed. This is a normal position and allows Committee to assess these aspects as part of their overall decision on the application.
5. The comments refer to the weight to the planning history. These are covered in the agenda report and explain the appealed scheme and the scheme now proposed in sufficient detail.
6. In this section the report is criticised for describing the application site as being part of the Granny's Bay streetscene. The factual situation is that the site is closer to Granny's Bay than the Ribble Point development and so cannot be a boundary to that streetscene. Reference is also made to the desirability of supporting a smaller development on the application site, but this is not for consideration at this time.
7. The consultant highlights the relevance of the appeal decision and argues the similarity of the current proposal to that under consideration at that time. The agenda report explains the differences in the scheme and the policy position since the appeal, but highlights that the appeal decision is a material consideration in the determination of the current application. The weight to be applied to this is limited by the time that has passed, the differing policy position that applies, and the difference in the schemes under consideration.
8. This section relates to the difference between the 2007 appeal scheme and the current one in assessing the relationship to the Ribble Point development. The relevant assessment is of the actual impacts of the current scheme and the agenda report covers these matters in appropriate detail and the conclusions are sound.
9. The consultant requests that Committee give consideration to the arguments that are presented regarding the shortage of parking within the scheme in the comments of the local residents and the highway authority. The parking matters are covered in appropriate detail within the agenda report with the availability of visitor space in the area a factual matter.
10. Here the consultant describes the conifer hedge as a soft landscaping feature that cannot be compared to the impact of the building. The building will be larger but has a greater separation and lighter finish than the dense hedge in place. The report remains valid in respect of its assessment of the impacts between these features.
11. The comments regarding the amenity consideration of the occupiers of some properties within the development are a matter that the agenda report highlights and explains needs to be addressed through future design negotiations with the agent. The agenda recommendation covers this point.
12. This refers to the conclusion section which is identical to the Summary and so covered in point 1 to this Late Observations section.

Additional representation from 261 Inner Promenade

The owner of the property has written to query the validity of the officer assessment of the impact on that property without any visit having been made to it.

Officer Response to Additional Representation from Ribble Point

The officer site visits included a visit to the ground floor flat of No. 261, and so it is considered that the assessment is informed by appropriate site visits as this part of the property must be the one that could suffer the greatest potential impact.

3 19/0640 Additional Representation

Cllr Gill has made comment on the loss of the use of the application site for parking associated with the drop-off and collection of children attending the nearby Hall Park Primary School:

"This will have the effect of removing the parking for the parents at drop off and pick up, causing more danger to the school children than already exists.

The application has to consider the effect on the amenity of the area. This application will have a huge impact in this area and although the application in its own right should not be refused, until the council do something about an unsafe situation which will be exacerbated by this build it should not proceed. If heaven forbid an accident happens after the loss of the parking then the council could be held culpable if due care in the planning assessment had not taken place with suitable mitigation actioned."

Officer Comments on Additional Representation

There is some informal parking use of the application site associated with the school, and some of this is likely to be displaced with the development that is proposed. However, this is not formally available for School use and is seemingly provided at the goodwill of the landowner. LCC highways have been specifically made aware of this arrangement but have not provided any comments on it.

It is not considered that the loss of this area would lead to any 'severe' highway safety implications or any conflict with development plan policy. If the school or local education authority have concerns over parking arrangements, then this is a matter that they would need to consider as part of the school's Travel Plan arrangements.

LCC Highways Clarification

Following the receipt of the comments from the LCC Highways officer he was asked to clarify several matters, and has provided the following points in response:

- School Parking - Whilst there is no right for parents to use the site he believes that any displaced parking could be accommodated on Forest Drive where there are currently no waiting restrictions. If this parking were to prove an issue then there is the option of introducing waiting restrictions around junctions to ensure that they are kept clear on safety grounds
- Parking levels - The level of parking proposed is no longer raised as an issue given the availability of parking on Forest Drive if needed
- Internal layout and junction design - Further clarifications are provided on the need for some minor changes to this to enable the site to be operated safely by pedestrians and emergency / refuse vehicles

Officer comments on LCC Highways Clarification

The clarifications confirm the position expressed in the officer report and so no changes to the recommendation are required as a result.

6 19/0803 Scheme Clarification

The agenda report refers to the provision of a 1.4m high fence over the front boundary wall along the full frontage of the property. That aspect has been removed from the scheme to present a more sympathetic 900mm high wall to the front boundary only, other than where the gates are provided which are at the 1.4m height for practical reasons. The description to the development proposed has been revised accordingly.

The applicant's agent has also provided supporting information that confirms the care and physical development needs of the occupier are dictating the provision of a large area of hard surface within the property to support the needs of one of the occupiers of the property.

Officer Comments

The revisions and clarifications only serve to support the recommendation that planning permission should be granted.