

Development Management Committee

Wednesday 06 January 2016

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	15/0194	<u>Observations:</u>
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Following the receipt of detailed representations from the Local Highway Authority on 17th December 2015 Officers consider that, should the committee be minded to approve the application (subject to the completion of a S106 agreement) in accordance with the recommendation set out in the report, a condition should be added to require a scheme for the provision of vehicle, pedestrian and cycle routes between the site and adjoining land to be submitted as part of the development layout at reserved matters stage. Conditions 3, 6 and 8 should also be updated to refer to the most recent access plans supplied in the Transport Note by SCP dated 11th December 2015 and shown on the updated illustrative masterplan.

A further condition is also recommended to require intrusive site investigations with respect to the potential for any contamination on the site and, where necessary, submission of a remediation strategy before any development takes place.

Officer response:

It is recommended that the committee resolve to approve the application subject to the completion of a S106 agreement and the conditions as set out in the report, subject to the following amendments/additions:

The following conditions are to be **amended**:

3. This permission relates to the following plans:

- Drawing no. GA1888-LP Rev A – Location plan.
- Drawing no. GA1888-PSP Rev D – Proposed site plan-1.
- Drawing no. 4023-02 Rev A – Tree protection plan.
- Drawing no. SCP/15078/F01 – Proposed improvements to general layout.
- Drawing no. SCP/15078/F02 – Visibility check.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to matters of access and the maximum number of dwellings.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not

exceed the parameters established as part of this permission.

6. No above ground works shall take place until a scheme for the design, construction and drainage of the site access, the layout of which is shown on drawing nos. SCP/15078/F01 and SCP/15078/F02 (Appendix B and C to the Technical Note by SCP dated 16 November 2015 – ref JI/15078/TN01), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, as a minimum, make provision for the visibility splays shown on drawing no. SCP/15078/F02 in both directions at the junction of the site access with Lytham Road. 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. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the landscaping strategy indicated on drawing nos. GA1888-PSP Rev D and 4023-02 Rev A. The scheme shall include, but not be limited to, the following details:

- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- (iii) the strengthening and/or introduction of landscaping buffers along the perimeter of the site;
- (iv) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- (v) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside and surrounding occupiers, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the

development in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP10, EP12, EP14, EP18, EP19 and the National Planning Policy Framework.

The following conditions are to be **added** (to appear as conditions 12 and 13):

12. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme for the provision of the vehicular and pedestrian/cycle routes through to adjoining land to the east and west of the site, the indicative positions of which are shown on drawing no. GA1888-PSP Rev D. The scheme shall include details of the siting, layout, design, construction (including surfacing materials) and drainage of each route, and a timetable for their provision. The vehicular and pedestrian/cycle routes shall thereafter be constructed and made available for use in accordance with the details in the duly approved scheme and the timetable contained therein.

Reason: To ensure connectivity between adjoining sites for vehicles, cyclists and pedestrians in the interests of promoting permeability and accessibility between sites and a holistic approach to development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, the Bryning-with-Warton Neighbourhood Plan and the National Planning Policy Framework.

13. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

Following the preparation of the Officer report, the following comments have been received from the Local Highway Authority (Lancashire County Council):

The proposal to introduce gated access between private access drives and the spine road raises a number of concerns.

Whilst the creation of pedestrian access points within a housing development helps maximise pedestrian penetration into a residential area the siting of these access points should be at locations that are safe. There is a concern that the gated access points will encourage parking on the spine road as it is seen to be more convenient to park on the spine road rather than drive round onto the access drive.

The spine road has been designed to carry significant levels of traffic into and out of a major employment area. As such parking of vehicles, especially at peak periods should be discouraged. It is noted that at present the spine road is the responsibility of the developer, however, at some point in the future the road will be adopted and become LCC's responsibility when if necessary Traffic Regulation Orders could be introduced to regulate parking.

Where the gates are proposed the spine road has a shared footway / cycleway 3m wide however, the width of the verge between the gates and the carriageway of the access drives varies between 0.8m and 1.6m. LCC generally require 0.5m clearance between the edge of the carriageway and any object in a footway or verge. As it is an offence under the Highways Act 1980 for gates / door to open over a highway the gates must open over the private access drives which would then mean that the 0.9m wide gate would overhang the carriageway of the private access drive at one point and be within 0.5m at two others.

Whilst the spine road is generally 7.3m wide (standard width of an industrial estate access road) it widens as it approaches Lytham Road, the widening is to accommodate turning lanes at junctions and pedestrian refuges. Its primary purpose is to accommodate the movement of traffic to the employment and residential areas and as such any proposal that could lead to parking on the spine road should be resisted.

Officer recommendations:

The Local Highway Authority have raised concerns regarding the introduction of gated openings onto the spine road (Thunderbolt Avenue) as this is likely to encourage on-street parking along this route, thus narrowing the carriageway and causing a potential obstruction for vehicles entering the employment site to the southern end once the spine road is opened to traffic from the employment zone. Similar concerns have been expressed by both Bryning with Warton and Freckleton Parish Councils. A response to this point is contained on pages 73-74 of the Officer report. However, when considering the implications of the Local Highway Authority's comments, the following are considered to be pertinent:

- i. As recognised by the Local Highway Authority, the spine road is currently the responsibility of the developer but will be adopted by LCC in the future.

- The Local Highway Authority acknowledge that, once adopted, it will be possible for waiting restrictions to be introduced through a Traffic Regulation Order to prevent parking in locations which have the potential to cause an obstruction. Therefore, it is considered that satisfactory measures can be put in place to prevent any obstruction arising due to inappropriate parking on the carriageway of Thunderbolt Avenue.
- ii. The proposed gates are 1.1m high. Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows "the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure" providing that, where these enclosures are "constructed adjacent to a highway used by vehicular traffic [they do not exceed] 1 metre above ground level". Therefore, if the proposed gates were reduced to 1m in height, they could be installed using permitted development rights without the need for planning permission.
 - iii. The applicant has indicated that the four gates have been requested by the Fire Service in order to allow ease of access to the dwellings fronting onto Thunderbolt Avenue. This is also a requirement of the Building Regulations.

Given the above, the representations from the Local Highway Authority do not alter the Officer recommendation that the application be approved. It is, however, recommended that the following condition be added in order to prevent the proposed gates opening over the footway of Thunderbolt Avenue.

Condition:

All of the four gated openings onto Thunderbolt Avenue hereby approved (the locations of which are shown on drawing no. 439_PL_01 Rev N) shall be inward opening and shall not open over the footway of Thunderbolt Avenue.

Reason:

To ensure that none of the gates overhang the footway of Thunderbolt Avenue and do not cause an obstruction to pedestrians in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan policy TR1.

5 15/0733 Consultee comments

Lead Local Flood Authority (LCC) - The Lead Local Flood Authority has no objection to the proposed development.

Environment Agency – *We object to the granting of planning permission and recommend refusal on the basis of the following reasons.*

The proposed development is unacceptable because it proposes landscaping features and structures within 8 metres of the designated Main River, Bradkirk Brook, and would be unlikely to receive Environment Agency consent for the works as the current proposals will restrict maintenance and emergency access.

We have the following concerns in particular:-

1. *Drawing 10401_L11 Rev G (dated 11 November 2015) indicates 2.1 metre high*

palisade security fencing and landscaping features, including hedge and tree planting and a grass/wildflower landscape bund, within the vicinity of Bradkirk Brook. It is not clear for the drawing submitted whether these features are located within our 8 metre easement. However, it is unlikely that our Consent will be forthcoming in this instance.

2. *Drawing 2255-13 SFD 01 Rev C1 (dated 10 January 2014), which shows the “8.0 m wide EA exclusion area from top of bank” in green, indicates that the 2 northern-most small pitches and the neighbouring larger pitch fall within our 8 metre easement. The sports pitches should not be within our 8 metre easement.*

The Environment Agency state Revised Plans will be required to be submitted to overcome their objection with plans identifying the location of the top of the bank of Bradkirk Brook, together with the location of the 8m easement along the length of the watercourse, with any proposed landscape features, structures or pipelines shown in this easement.

They also state that Drawing 2255-13 SFD 01 Rev C1 (dated 10 January 2014) indicates a proposed “shallow channel” within our 8 metre easement that will be formed to carry overspill water directly to Bradkirk Brook. However, Drawing 2255-13 AP 01 Rev C3 (dated 23 September 2015) submitted with the applicant’s application for Flood Defence Consent for the outfall headwall does not show this channel and it therefore does not form part of their Flood Defence Consent (Ref: NW_L_2015_109). It should be noted that this channel structure was not included as part of the hybrid planning application 13/0655 and it therefore was not considered at the time of consultation.

The proposed shallow channel intends to provide a bypass to the hydrobrake therefore providing an unregulated discharge from the attenuation pond to Bradkirk Brook and this channel will also require the Environment Agencies consent as it is within 8m of the main river. The current proposals, as shown on Drawing 2255-13 SFD 01 Rev C1 (dated 10 January 2014), are to construct a sports pitch drainage system to collect excess run-off during major storms and discharge it to the attenuation pond. As part of the hybrid planning application 13/0655, drawings for the Drainage Layout Parts 1, 2 and 3 were provided to show the breakdown of the drainage catchment on the site. The area where the smaller pitches and the neighbouring larger pitch are located were not shown to be drained, therefore this area did not contribute to the 126 litres per second maximum discharge rate, as agreed under the planning approval for application 13/0655. We therefore consider that it should be demonstrated that the attenuation provided on site will be sufficient to accommodate this additional area.

Officer opinion

With regard to the objection from the Environment Agency this can be overcome by removing development from this 8m area and providing clarity regarding the attenuation of the site.

As the comments were received shortly before Christmas there has not been time for the plans to be amended and the issue resolved prior to consideration of the item by members. The applicants are currently having dialogue with the Environment Agency so that their objection can be removed. It is considered that as the objection can be removed by removing development from within the 8m easement and that

this would result in pitches being further away from the boundary that with any amendment there would be no additional impact on residential amenity and that it is therefore appropriate to delegate approval of the application to officers subject to the removal of the objection to the application from the Environment Agency and the variation of the existing Section 106 agreement.

With regard to the Environment Agency's comments about the shallow channel required as a condition of application 15/0309 which was for the attenuation pond, this channel was made a condition of the approval following a request from a neighbour and in order to provide them comfort. The channel as it is located within the 8m easement of the main river will require the consent of the Environment Agency, if this is not forthcoming then the LPA cannot enforce and make it be provided. The three drainage consultees had no objections to the attenuation pond without the provision of the channel and none of them requested it.

Change in recommendation

That given the issues outlined above that the recommendation in the main report be amended to the below;

That, Subject to the withdrawal of the objection to the scheme from the Environment Agency and variation of the existing Section 106 agreement in order to accommodate the increased number of pitches in the definition and Obligations planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable)

8 15/0778 Observations:

Following the preparation of the Officer report St Annes on the Sea Town Council have confirmed that they have no specific observations to make in respect of the application.

Officer recommendation:

That the Town Council's response be noted by the committee and that the committee resolve to approve the application subject to the conditions and the completion of a deed of variation to the S106 agreement as set out in the Officer report.