

Development Management Committee

Wednesday 02 November 2016

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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1	16/0061	The Late Representations on this application fall into 3 categories: Neighbour comments, Consultee comments and revisions to the recommendation.
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Neighbour Representation

Since the agenda was published a neighbour from Wildings Lane has written to reiterate the points that they made in earlier correspondence that is covered in the officer report. The specific points they highlight are:

- Formation of traffic calming ramp outside their property could direct highway drainage to their property
- The development will increase the number of vehicle movements on Wildings Lane
- Wildings Lane is unsuited to HGV movements and could cause stability issues and disturbance
- The increased traffic could cause safety issues for children playing in the rear
- The proposal could lead to traffic from the Queensway development using Wildings Lane

Officer Comments on further Neighbour Representation

These matters are covered in the report.

Consultee Response

A response has been received from Blackpool Airport which raises concerns over the lack of any assessment of bird strike potential from the development of the site, and so the implications for air safety. This is summarised as follows:

The proposed development has been considered by Blackpool Airports Safeguarding team who find that it conflicts with national and international aerodrome safeguarding requirements, and it presents a hazard to the safe operation of aircraft in the vicinity of Blackpool Airport.

The Civil Aviation Authority's publication CAP 393 "*Air Navigation: The Order and the Regulations*" places, at Article 128(5), an obligation on the aerodrome licensee to take all reasonable steps to secure the safety of aircraft operating in the vicinity of the aerodrome. Blackpool Airport therefore object to the grant of Planning Permission for the development.

They refer to the Town and Country Planning (Safeguarding of Aerodromes, Technical Sites, and Military Storage Areas) Direction 2002 which (*at Annex 1 paragraph 7*) requires a local planning Authority that proposes to grant permission, with or without conditions, for the development of land in the neighbourhood of an aerodrome, contrary to the advice of the consultee, to notify both the Civil Aviation Authority and the consultee and provide the information listed at paragraph 8.

The specific reasons for this objection are as:

1. ATMOS have not consulted with the airport as to bird strike risk assessment or air safety.
2. It is unclear as to the level of disturbance the development will create to the Farmland Conservation Area.
3. It is unclear what measures ATMOS intend to put in place to mitigate any risks identified.
4. It is unclear as to what the final detailed planting plan around the development will be.

They then request that a full consultation with the airport on the mitigation of any potential increased bird strike risk is undertaken before they are able to consider removing this objection.

Officer comments on Blackpool Airport representation

Whilst the application's impact on birds has been considered, and the nature of the existing use of the site as a stables and equestrian land, and is not attractive to birds and has been subject to a Habitats Regulation Assessment which has been accepted by Natural England, the above comments need to be addressed before the council can issue a planning permission.

Revision to Recommendation

Given that the comments of Blackpool Airport raise matters that legislation requires are assessed further it suggested that the recommendation to members should be revised to the following;

That the authority to GRANT planning permission be delegated to the Head of Planning and Regeneration subject:

- *to the withdrawal of the objection from Blackpool Airport or the appropriate consideration of these comments and other matters in accordance with the Town and Country Planning (Safeguarding of Aerodromes, Technical Sites, and Military Storage Areas) Direction 2002, and*
- *on completion of a Section 106 agreement that will secure:*
 - *the provision, retention and operational details for 30% of the proposed dwellings to be affordable properties*
 - *a contribution towards addressing the shortfall of primary and secondary education capacity to serve the occupants of the development. This is expected to amount to £128,780 for secondary and £207,559 for primary with the agreement also clarifying the phasing of its payment and the projects it is to be spent on; and*
- *a series of planning conditions as listed below, 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.:*

Updated Condition

Condition 2 should read as follows;

This consent relates to the following details:

Approved plans:

Site Location Plan
Revised Access Plan – J614 –Access-flg1
Proposed Site Plan – A2A.15.702_202 Revision E
Proposed strip elevations – A2A.15.702_303 Revision D
Proposed strip elevations – A2A.15.702_302 Revision D
Proposed strip elevations – A2A.15.702_301 Revision D
House types – A2A.15.702_101
A2A.15.702_102
A2A.15.702_103
A2A.15.702_104
A2A.15.702_105
A2A.15.702_106
A2A.15.702_107
A2A.15.702_108
A2A.15.702_109
A2A.15.702_1010
A2A.15.702_1011

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3 16/0566 Consultee comments

Since publication of the committee report the following consultation responses have been received;

Blackpool Airport - *The proposed development has been considered, and we find that certain elements cause us some concern. With this in mind, we should require the following condition to be applied to the grant of Planning Permission:*

At least 21 days before commencement of the development, the developer must contact the Safeguarding Team, Blackpool Airport, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472523 or by email to safeguarding@blackpoolairport.com) if any equipment to be used during construction will exceed 10m above ground level (eg cranes, piling rigs). Notification of the equipment shall be made in writing and include:

- *its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);*
- *height above ordnance datum;*
- *anticipated dates on site;*
- *emergency contact numbers for the crane operator and site manager*

The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 'Cranes & Other Construction Issues'.

Reason: In the interest of aerodrome safeguarding and in accordance with Policy AS7 of the Blackpool Local Plan 2001 - 2016

Provided the grant of Planning Permission includes the requirement to comply with the conditions indicated above and is constructed as shown on the drawings and plans attached to the Application, and at the OSGB Grid Coordinates indicated Blackpool Airport would offer no aerodrome safeguarding objections to the Application.

NATS - *The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of*

this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL require that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Officer comments on additional consultee comments

These confirm a lack of objection to the development from agencies involved in airport operations and safety subject to the imposition of the additional condition as requested by Blackpool Airport. It is appropriate that this condition be imposed and so the recommendation revised accordingly.

5 16/0620 Additional Information from Applicant

The applicant has provided the following clarification of the expected sale price of the Discounted Market Sale properties to support their view that the 25% discount that is proposed is appropriate to ensure that these are 'affordable' to those in housing need.

"With regard to details in connection with the level of discount as set out on page 75 of the report to members. It is noted that an estimate of the potential Open Market Value has been made based on analysis of semi-detached dwelling sales in Kirkham over the past 12 months which suggests an average price of £156,800. After application of the 25% discount it is suggested that these will be available to a household with an income of around £35,000 per annum.

There are two dwelling types proposed in respect of the Discount Market Sale dwellings, a 2 bedroom house and a 3 bedroom house. The current estimated values are £125,000 for the 2 bedroom house and £145,000 for the 3 bedroom house. After application of the 25% discount these would be available to households with incomes in the range of £27,000 to £31,000 assuming use of the same income to mortgage multiplier. Therefore based on current estimates they are likely to be more affordable than is suggested by the report.

The actual sale price will be agreed with the Council prior to the Discount Market Sale dwellings being released for sale with the discount being applied to the prevailing level of Open Market Value at that time.

Whilst every effort will be made to sell to purchasers with a local connection to Fylde in the event that sales are made to persons who do not meet this criteria it should be noted that when such properties are resold in the future priority will once again be afforded to purchasers with a local connection under the terms of the restrictive covenant. Therefore initial sales to purchasers without a local connection would still contribute toward the creation of a stock of dwellings that are able to assist in meeting the future housing needs of Fylde BC"

Officer Comments

There are no comments to add to this information which reaffirms the officer view that this is an appropriate overall solution to the delivery of affordable housing from this development.

6 16/0642 The applicant's agent has written to withdraw this application and so it is no longer with the council for a decision.