

Development Management Committee

Wednesday 10 February 2016

Late Observations Schedule

Schedule Items

<u>Item</u>	<u>App No</u>	<u>Observations</u>
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2	15/0587	<u>Further Comments – Parish Council</u>
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Since the publication of the agenda papers the Clerk to Treales Parish Council has written to withdraw their objection, stating:

“The Parish Council understands that the objection raised with respect to the location of the car parking area has been resolved in that the applicant has revised their plan resulting in car parking being accommodated in front of the proposed cafe.

On the basis that the location of the parking at this revised location forms a definite part of the approved planning application and is not subject to subsequent revision, the Parish Council withdraws its objection to this application.

However, councillors note that hardcore has been laid on the site of the original proposed parking location adjacent to the roadside and request that the applicant is requested to remove the hardcore and reinstate the field to its original agricultural status.”

Officer Comment

This does not affect the content of the report. The need to reinstate the hardcore area had already been raised with the agent.

6	15/0733	<u>Consultee comments - Environment Agency</u>
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“We have reviewed the additional information as submitted and we maintain our objection to the proposed development for the following reason:-

The submitted drawings 4884_P_105 Rev S2 (dated 21 January 2016) and 10401_L11 Rev J (dated 4 February 2016) still indicate works (including landscaping) and structures within our 8 metre easement of the designated Main River, Bradkirk Brook.

In this particular case, the permanent retention of a continuous unobstructed 8 metre easement is an essential requirement for future maintenance and / or improvement works. Flooding on and off-site could result if we are unable to carry out essential maintenance works, such as removing debris / obstructions.

Based on the information available it is likely that the development cannot proceed in its present format and our Consent is unlikely to be forthcoming. Overcoming our objection

Revised plans should be submitted which address the above concerns. All plans should clearly identify the location of the top of the bank of Bradkirk Brook and based on site-specific topographic data. The location of our 8 metre easement along the watercourse should be clearly mapped and, in this case, no landscaping or structures should be proposed in this 8 metre strip.

We ask to be re-consulted on this information and we will provide you with bespoke comments within 21 days of receiving formal re-consultation."

Officer opinion

With regard to the objection from the Environment Agency the submitted plans show an 8m easement with no development within it. This objection can be easily overcome by amending the plans to include an annotation which shows the distance from the top of the bank of Bradkirk Brook to the development proposed. The Environment Agency will then be able to withdraw their objection.

With regard to landscaping in this area, whilst a landscaping plan has been submitted as reported in the cover report following receipt of the above consultation response with the Environment Agency the applicants have now formally withdrawn this plan in order to overcome the EA's objection. Whilst landscaping is not development and does not require planning permission anything be it on or under the land within 8m of the brook requires the consent of the EA which they have made clear will not be forthcoming.

Therefore the development will not have any additional landscaping in this area, but as made clear in the report this area already has a large amount of landscaping on this boundary adjacent to the main river in the form of trees and a hedgerow. As said previously the landscaping will not screen the development and the fact that the development cannot be screened is not something on which a refusal of the application can be justified as the visual impact and the harm it will create has already been accepted by members. If members were to require landscaping in the area 8m from the brook this would result in the removal of the two seven a side pitches and potentially the full size pitch from the development. This could potentially render the scheme unviable and hence will not deliver the significant community benefits that will result from its development in the form proposed. These were considered the positive community benefits when allowing the hybrid application and their loss in order to provide landscaping would reduce the benefits of the application and overall site development.

Recommendation

Given that the Environment Agencies response remains one of objection the

recommendation remains;

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)

7 15/0763 Revised Plans

The Local Planning Authority received amended plans in respect of the application on 25 January 2016. These plans show a revised junction design and off-site highway works around the proposed access off Preston Old Road. Surrounding occupiers and the Parish Council have been notified of the amended plans and given 14 days (until 8 February 2016) to make further comments on these revisions.

Additional representations:

Newton-with-Clifton Parish Council have submitted additional representations in objection to the application following their meeting of 4 February 2016. Whilst much of this objection repeats the points already made (as summarised on pages 79-80 of the Committee Report), the following additional points are raised in respect of the amended plans:

- The Parish Council request that the Development Management Committee defer consideration of the application in order to enable them to undertake a site visit. This will allow Members to assess highway safety issues and to become familiar with the site, its surrounding environment and to gain a clear understanding of the issues associated with the proposal, particularly those relating to parish amenity and highway safety, before determining the application.
- The revised highway proposals remain insufficient and will not ensure traffic speeds do not exceed prevailing levels. The proposed development still fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF.

Six additional letters from members of the public have also been received in objection to the application. A number of the points made in these letters repeat the public objections summarised on pages 86-91 of the Committee Report. The points raised in these letters which relate specifically to the amended plans are summarised as follows:

- The revised site access plan further compromises the future viability of Taylor's garage (and the consequential loss of employment in the village) through the loss of on-street parking which is crucial to the garage business. However, the committee report makes scant reference to the adverse impact that the proposed site access arrangements will have on

the ongoing viability of the Taylor's garage business. Because the garage business relies heavily on on-street parking facilities with no ready alternative, the loss of this parking will seriously impact upon the future viability of the business. Committee members should be absolutely clear and in no doubt that approval of the access proposals could well result in the closure of the business with the consequent loss of employment.

- The proposed site access onto Preston Old Road will be approximately 45 metres from the signalised junction with Blackpool Road. Vehicles frequently exit Blackpool Road at 50mph (the speed limit of that road) and, with a braking distance of 38m at that speed, will be almost upon the access point before being able to stop after leaving the dual carriageway. The proximity of the site access to the signalised junction will make this a dangerous junction, particularly at peak times when there is queuing along Preston Old Road up to the junction, exacerbated by obstructions caused through on-street parking.
- Traffic in Clifton is already increasing due to demographic changes and there are more vehicles than ever before in the village. This has resulted in increased demand for on-street parking along Preston Old Road. The proposed development would be served by a single access point onto a road which is lined with residents' cars and this results in single file traffic along much of Preston Old Road.
- Between 8am and 9am on Thursday 9 November there were 150 vehicles passing through this stretch of Preston Old Road. This will more than double as a result of the development. The signalised junction is the safest exit onto Blackpool Road for vehicles travelling from Salwick or Lea so traffic is funnelled down this route.
- The proposed access to the development remains hazardous despite the amendments made. Cars exit Blackpool Road (which has a limit of 50mph) into the village at speed. The distance from the Blackpool Road junction to the site access is not sufficient to allow vehicles sufficient time and space to slow down to the 20mph limit along Preston Old Road, the sign for which lies immediately adjacent to the proposed site access. Even though the applicant is now proposing not to narrow the road at this point, issues still remain with the position of the bus stop on the opposite side of the road in close proximity to the site access and the parked vehicles that are related to the day to day running of Taylors Garage.
- The committee report indicates that if this development is approved, along with the other two sites earmarked for development in the village, the size of the village, with few amenities, will be increased in size by circa 30%. This is far too much for a small rural community and is of a scale that would demonstrably harm the village character, the appearance of the area and the amenities of local residents.

Officer recommendations:

Additional representations:

It is recommended that Members note the additional representations from the Parish Council and six members of the public submitted following the publication of the Committee Report. In response to the specific points made in the

additional representations insofar as they relate to the amended access arrangements:

- Preston Old Road is part of the adopted public highway. It does not fall within the curtilage or ownership of Taylors Garage and, accordingly, cannot be relied upon to provide parking for this business. Notwithstanding this, the proposed revisions to the access arrangements (having particular regard to the reduced narrowing of Preston Old Road) would ensure that the carriageway is maintained at a width which would continue to allow on-street parking along this stretch of Preston Old Road. It should also be noted that a planning application has recently been granted for the formation of additional car parking spaces on the site of Taylors Garage to the rear of the existing building (application reference 15/0532). The applicant estimates that this enlarged parking area will provide increased off-road parking capacity for around 12 additional vehicles within the curtilage of the garage, thus reducing reliance on on-street parking on Preston Old Road.
- The Transport Assessment includes speed survey data which indicates that the average and 85th percentile speed of vehicles travelling westbound was 23.0 and 29.6mph respectively and 28.4 and 33.6mph respectively for vehicles travelling eastbound. The TA recognises that the higher eastbound traffic speeds are likely to be a result of the change in speed limit from 50mph to 20mph after the junction.
- The centreline of the proposed access would be located approximately 53m from the signalised junction with Blackpool Road. Preston Old Road is subject to a 20mph speed limit along this stretch. Off-site highway improvement works including the provision of a raised junction table, new carriageway road makings and traffic signs are to be introduced to provide additional traffic calming measures along this route and reduce vehicle speeds on the approach to the access.
- Traffic counts undertaken as part of the TA indicate that two way flows on Preston Old Road in the peak am (08:00 – 09:00) and pm (16:30 – 17:30) periods were 140 and 173 vehicle movements respectively. With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the development would generate a maximum of 44 two-way vehicle movements in the peak am and pm periods. This equates to less than 1 vehicle movement per minute.
- The Local Highway Authority have not raised any objections to the application on the grounds of access arrangements or traffic generation. The LHA consider that the proposed off-site highway improvements are sufficient to mitigate the development's impact and appropriate conditions have been recommended in this regard.

In summary, the additional representations received do not raise any new material considerations which alter the conclusions and recommendations set out within the Committee Report.

8 15/0811 Observations:

Asset of Community Value Nomination:

The Council received a nomination under section 89(2) of the Localism Act 2011 to list the airport terminal building as an Asset of Community Value (ACV) on 27 January 2016. The Council's Finance and Democracy Committee is responsible for considering ACV nominations and, in accordance with the Assets of Community Regulations 2012, the Council has 8 weeks (up to 23 March) to make a judgement in response to this request.

Highways:

The Local Highway Authority (LHA) at Lancashire County Council provided their substantive response to the application on 2 February. The comments from the LHA are summarised below as follows:

- To establish baseline traffic levels traffic counts are generally undertaken. However, with the cessation of commercial flights from Blackpool Airport any recent traffic count information would not include any trips associated with that activity. To establish realistic traffic levels the developer has compared Blackpool Airport with a similar sized airport where actual traffic levels are known. This approach is considered to be acceptable. The factored traffic flows (agreed as a baseline) for Blackpool Airport are 66 arrivals and 17 departures (total 83) in the AM peak and 58 arrivals and 91 departures (total 149) in the PM peak.
- Revised (and agreed) trip rates for the proposed use are estimated at 64 arrivals and 18 departures (total 82) in the AM peak and 17 arrivals and 47 departures (total 64) in the PM peak.
- Given that AM peak hour figures are very similar for the existing and proposed uses, and that PM peak hour figures are lower for the proposed use, it is not considered that trip distribution information is necessary in this case. Similarly, as it is established that there is no significant difference in peak hour traffic levels, committed development traffic and traffic growth assessment is not necessary, nor is it necessary to include a formal assessment of the development's impact on highway junction capacity in these circumstances.
- The TS identifies 26 injury accidents on Squires Gate Lane between Star Gate and Amy Johnson Way since 2010. Whilst the accident rate appears high, the total length of road (approximately 1,400m) concerned must be taken into consideration. It should also be noted that there is little difference in peak hour traffic levels between the proposed development and the baseline traffic. Moreover, the site access/Squires Gate Lane junction has only one injury accident.
- Access to the development is via the existing signalised junction. No alteration to the geometry of the junction is proposed or necessary. However, the inclusion of pedestrian facilities at the signals is necessary to accommodate additional pedestrian movements safely.
- Given the nature of the development it is reasonable to assume that the number of pedestrians, cyclists and public transport users will increase from current levels. As pedestrian access to the site directly from Squires Gate Lane cannot be provided, all pedestrian access would be via the signalised site access. In general walking, cycling and public transport access to the site is good. However, a number of improvements to the local highway would encourage even greater use:
 - To facilitate safe pedestrian movement at the junction of the site

access with Squires Gate Lane improvements to the signals should be carried out. It is suggested that these improvements should be in the form of a pedestrian request on each leg of the junction.

- To further encourage use of public transport it is suggested that two existing bus stops on Squires Gate Lane be upgraded to have raised boarding areas (mobility compliant).
- The developer has submitted a document entitled "Blackpool and the Fylde College, Energy HQ Travel Plan, 2015-16". This Travel Plan appears to be for all of Blackpool and the Fylde College's site and not site specific. Whilst an organisation should have an overall travel plan it should also look at site specific measures. Specifically, the travel plan should include:
 - A commitment and timescale for the appointment of a Travel Plan Co-ordinator, ideally 1 month prior to occupation.
 - A commitment and timescale to undertake travel surveys, recommended within 3 months of occupation in order to provide a baseline for target setting.
 - A commitment and timescale for the development of a full travel plan, recommended within 3 months of the first travel survey and within 6 months of first occupation.
 - Details of cycling, pedestrian and public transport links to and within the site.
 - Details of the provision of cycle parking.
 - A list of measures to be introduced in a full travel plan to encourage travel by sustainable modes.
 - Details of arrangements for monitoring and review of the travel plan for a period of at least 5 years, including provision for annual monitoring.
- The existing travel plan does not meet all of these requirements and, accordingly, the applicant should be required to update the Framework Travel Plan and develop a Full Travel Plan in line with agreed timescales.
- Overall parking levels are acceptable. The developer has provided a car parking accumulation assessment based upon the revised and agreed trip rate.
- On a development of this size a contribution of £12,000 would normally be requested in order to enable LCC's travel planning team to provide a range of services to assist in the appraisal, implementation and monitoring of the developer's Travel plan.
- Providing that highway mitigation measures are introduced to provide safe pedestrian access to the site and encourage a modal shift to walking, cycling and public transport use, the development will not have an unacceptable impact on the highway network. Conditions should be attached to any permission granted requiring:
 - A scheme for the provision wheel washing facilities for construction vehicles accessing the site.
 - A scheme for the provision of off-site highway improvement works to be implemented prior to the occupation of the building.
 - The submission of a Framework Travel Plan and subsequent implementation of a Full Travel Plan within agreed timescales.
 - A scheme for the surfacing of the car park which requires that

the car parking spaces and manoeuvring areas are marked out before the building is first occupied.

In addition, the LHA for Blackpool Council have provided the following comments:

- Lancashire County Council are the main highway authority for this section of Squires Gate Lane. However, there is a cross border agreement between Blackpool Council and Lancashire County Council which places the maintenance responsibility on Blackpool Council. This responsibility extends to the Squires Gate Lane/Lytham Road/Airport signal junction. The requirement to install pedestrian facilities should be discussed and agreed with Blackpool Council and their PFI Traffic Signal maintenance contractor, as well as LCC. It is further advised that the junction is re-validated within a month of the development first coming into use. A second validation may be needed when it becomes fully occupied. These works are key to ensure the highway network continues to operate satisfactorily for all road users, especially as additional facilities are required at the signal junction for pedestrians.
- The suggested level of cycle parking should be increased and a covered facility provided. CCTV covering the cycle parking would also improve security. A review of the cycling networks in the locality should also be undertaken with a view to connecting these to the site.
- A total of 155 car parking spaces are proposed with 14 accessible bays and 2 EV bays. Whilst this is considered to be acceptable, the developer should pay contingency funding for off-site parking problems that could occur incidentally. The level of contribution should be agreed with Blackpool Council and held for a period of 5 years as the impact of any incidental parking will be on Blackpool's highway network.

Other Matters:

The Lytham St Annes Civic Society submitted representations on 5 February indicating as follows:

- *"We can only stress the importance of a strategic master plan. Piecemeal applications are very damaging to the infrastructure of the area. We would like to see clearer policies on the future of the airport, the transport infrastructure, train and tram links, the Enterprise Zone, the Green Belt, and how the development relates to the Queensway housing development."*

Officer recommendations:

Asset of Community Value Nomination:

Paragraph 2.20 of the 'Community Right to Bid: Non-statutory advice note for local authorities' indicates that:

- "The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material

consideration if an application for change of use is submitted, considering all the circumstances of the case.”

In this case, it should be noted that:

- (i) Prior approval for the demolition of the airport terminal building has already been granted in accordance with the provisions of Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”).
- (ii) The building’s nomination does not result in its immediate inclusion on the list. As the building is not currently included on the list (having only been nominated at this stage), it cannot be treated as an ACV for the purposes of the decision making process.

With respect to (i), the building’s nomination as an ACV does not prevent its demolition taking place in accordance with the extant prior approval. This is because the building is not yet listed as an ACV and the restriction on the demolition of nominated buildings in the GPDO applies only to A4 (drinking establishment) uses (defined as “specified buildings”). The demolition of the airport terminal building commenced on 8 February and is scheduled to be completed by 11 March 2016. Assuming that this demolition programme is followed, the building will have been demolished before the end of the 8 week period which the Council has to determine the nomination request.

In terms of (ii), notwithstanding that the airport terminal building can be demolished imminently by implementing the consent afforded by the prior approval (and, accordingly, these works are not reliant on this planning application being approved), it is considered that any adverse effects arising from this demolition are significantly and demonstrably outweighed by the benefits of the development for the reasons set out at pages 139-140 of the Committee Report. As the building is not currently listed as an ACV, its nomination is not considered to represent a material consideration against the development which would warrant refusal of the application.

Highways:

The LHAs of LCC and Blackpool have not raised any objections to the application on the grounds of access, traffic generation or parking provision, and do not consider that the development would have a severe impact on highway safety. Indeed, following agreement of baseline traffic flows with respect to the site’s established use as an international airport, it is apparent that the proposed development would result in one less vehicle movement to the site in the peak AM period, and 85 fewer movements in the peak PM period in comparison to the established use.

The LHA have, however, requested that the following conditions be attached to any permission granted:

- (i) The provision of wheel washing facilities for construction vehicles accessing the site.
- (ii) The provision of off-site highway improvement works to be implemented prior to the occupation of the building.
- (iii) The submission of a Framework Travel Plan and subsequent

- implementation of a Full Travel Plan within agreed timescales.
- (iv) A scheme for the surfacing of the car park which requires that the car parking spaces and manoeuvring areas are marked out before the building is first occupied.

The requests in points (i) and (iv) above are already addressed in recommended conditions 13 and 14 respectively. In order to address point (ii), it is recommended that the following condition be added (to appear as condition 21) in order to secure the off-site highway improvement works suggested by the LHA:

21. The building hereby approved shall not be first occupied until a scheme for the siting, layout, design and construction of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- (i) The upgrading of two existing bus stops on Squires Gate Lane located approximately 42m to the east of the junction with Stony Hill Avenue (eastbound) and approximately 48m to the east of the junction with Westgate Road (westbound) to include provisions for the introduction of mobility compliant raised boarding areas and bus stop markings.
- (ii) The upgrading of existing traffic signals at the junction of the site access with Squires Gate Lane to include the introduction of pedestrian request facilities on each leg of the junction.

The highway improvement works in the duly approved scheme shall be implemented and made available for use before the building hereby approved is first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to highway and public transport infrastructure in order to ensure safe and convenient access for pedestrians in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan policies CF1 and TR1, and the National Planning Policy Framework.

In addition, it is recommended that the wording of recommended condition 12 be amended as follows in order to address the LHA's observations regarding the submitted Travel Plan in accordance with point (iii) above:

12. The building hereby approved shall not be first occupied until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Framework Travel Plan shall contain:

- (i) The identity and contact details of a Travel Plan Coordinator and a timetable for their appointment.
- (ii) Details of a student travel survey to be undertaken within 3 months of the building first being occupied and a timetable for its submission to the Local Planning Authority.
- (iii) Details for the development of a Full Travel Plan within 6 months of the building first being occupied and a timetable for its submission to the

Local Planning Authority. The Full Travel Plan shall, as a minimum, include:- measures to be introduced to promote a choice of travel modes to and from the site; SMART Targets; and an action plan.

- (iv) Details of cycling, pedestrian and public transport links to and within the site.
- (v) Details for the provision of cycle parking.
- (vi) A regime for the monitoring and review of the Full Travel Plan for a period of at least five consecutive years, including details of the frequency of future student travel surveys.

The Framework Travel Plan and Full Travel Plan shall thereafter be implemented in accordance with the duly approved details and timetables contained therein.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Borough Local Plan policies CF1, TR1 and TR3, and the National Planning Policy Framework.

In respect of the LHA's request for a £12,000 travel plan contribution, paragraph 203 of the NPPF states that:

- "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

As the application relates to a development for an educational institution on the edge of the Borough boundary (with the access to the development opening onto a section of Squires Gate Lane which is maintained by Blackpool Council), it is considered that the mechanism for the preparation, implementation and monitoring of a Travel Plan is most appropriately dealt with through condition rather than a travel plan contribution payable solely to Lancashire County Council. This will enable both Authorities to comment on the measures set out in the Travel Plan as part of any condition discharge application, with the college being responsible for its implementation. The revised wording of the Travel Plan condition will also allow a review of access to cycle networks and cycle parking spaces as requested by Blackpool Council. This approach has been agreed with the LHA at Lancashire County Council.

The LHA of Blackpool Council have requested that the applicant makes a financial contribution towards "contingency funding for off-site parking problems that could occur incidentally." Any such financial contribution would need to be secured through planning obligation. Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests (reiterated in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)):

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

No specific details of the "contingency funding" requested by Blackpool Council

have been provided. In particular, the LHA for Blackpool have failed to provide any details of what measures this contingency funding would deliver, where the funding would be spent, how this is directly related to the development or a precise figure which fairly and reasonably relates to its scale and kind to be included in any planning obligation. Moreover, this contribution has been requested despite Blackpool's LHA acknowledging that the proposed level of parking provision is sufficient (and, accordingly, there is no deficiency in parking which is likely to result in overspill on the surrounding network). Therefore, it is considered that such a contribution fails to meet any of the tests in paragraph 204 of the NPPF and the CIL Regulations and, resultantly, there is insufficient justification to require such a contribution in this case.

Other Matters:

It is recommended that members note the representations made by the Lytham St Annes Civic Society. In response to the points raised in this letter:

- The content, nature and wording of policies concerning the future development of the airport and surrounding transport infrastructure are matters to be addressed through the Council's preparation of its new Local Plan rather than through individual planning applications.
- Planning applications are to be considered on their own merits on the basis of the development being applied for and decisions cannot be delayed to allow the formation of masterplans across larger sites.

In summary, other than the need for amended/additional conditions as set out above, the building's nomination as an ACV and the additional representations received from the Local Highway Authorities and Lytham St Annes Civic Society do not alter the conclusions and recommendations in the Committee Report.