

**DEVELOPMENT DIVISION**  
**PLANNING COMMITTEE**  
**PLANNING APPLICATIONS FOR DECISION**  
**11th June 2013**

Ladies and Gentlemen,

The plans in this report have been submitted for approval under the Town and Country Planning Acts.

All County Council Matters are “Delegated” to the Committee for comment and cannot be moved “Non-Delegated” (Minute No. 244, 20<sup>th</sup> July, 1992).

All other applications in this report are also “Delegated” but can be moved “Non-Delegated” by a Member of the Committee under the terms adopted for the Scheme of Delegation approved by Council, 16<sup>th</sup> May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8<sup>th</sup> August, 1995). All applications left as delegated will be decided by the Committee and will not be subject to confirmation by Council.

The application plan numbers also refer to files for the purposes of background papers.

*Jason Hipkiss*

**Planning Manager**

# PLANNING COMMITTEE

## 11th June 2013

PLAN NUMBER:	APPLICANT:	AGENT:
2013/0244	South Lakes Wild Animal Park Ltd	
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton North Dalton and Newton Parish Council	Tim Corry	26/03/2013
		STATUTORY DATE:
		20/05/2013
LOCATION:	South Lakes Wild Animal Park, Broughton Road, Dalton-in-Furness	
PROPOSAL:	Application for approval of details reserved by condition No. 3 (Design and Construction details to the junction of A590 trunk road and U6097 (Melton Brow) to Planning Permission B12/2010/0712 Extension to South Lakes Wild Animal Park.	
SAVED POLICIES OF THE LOCAL PLAN:	<p><b><u>National Planning Policy Framework</u></b></p> <p>14. At the heart of the National Planning Policy Framework is a <b>presumption in favour of sustainable development</b>, which should be seen as a golden thread running through both plan-making and decision-taking.</p> <p>In the context of this application this means:</p> <ul style="list-style-type: none"> <li>●● approving development proposals that accord with the development plan without delay; and</li> <li>●● where the development plan is absent, silent or relevant policies are out of date, granting permission unless: <ul style="list-style-type: none"> <li>— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or</li> <li>— specific policies in this Framework indicate development should be restricted</li> </ul> </li> </ul> <p>17. Within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:</p> <ul style="list-style-type: none"> <li>●● always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;</li> </ul>	

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## SUMMARY OF MAIN ISSUES:

Whether the details submitted for the discharge of Condition no.3 of Planning Permission 2010/0712 satisfy the requirements of the Highways Agency and Cumbria County Council as Highway Authority.

## NON MATERIAL CONSIDERATIONS:

None.

## REPRESENTATIONS:

The Occupiers of Melton House, 4, 2, 3, 1, Melton Terrace, Lindal-in-Furness. All informed.

Neighbours and objectors were re-consulted on revised drawings on the 24<sup>th</sup> May 2013.

1, 2, 4, Melton Terrace, 1, 3, 6, Church Close, The Old Vicarage, 2 Primrose Cottage, 1 Vicarage Field, 2 Queensbury Court – The Green, Lindal

Please see separate booklet for details of representations received.

## CONSULTATIONS:

Highways Agency (HA) – As per our previous discussions the HA are happy to agree to discharge the Condition 3 and will continue to work with the Wild Life Park as per the agreed approach letter and Cumbria County Council with regard to taking forward the scheme details.

### Cumbria Highways – (Dated 24/05/2013)

I refer to the detailed design drawing submission submitted on 27/2/13 and write to advise you that the following issues need to be satisfactorily addressed before the drawings can be approved for inclusion in a Section 278 Agreement

### Drawing No's.P4114/12/130B & P41114/1121/131

1. Tidy up the base plan e.g. the terraced houses are shown twice in different locations, property/field boundaries are duplicated, the position of the existing footway outside the terraced houses is unclear. A survey of the kerb lines needs to be undertaken and their positions on the plan need to be correctly shown.

2. The extent of proposed footway construction needs to be identified more clearly on the plan, please colour or hatch, please also identify width (i.e. show existing measurement between wall and front of kerb at various locations).

3. Amend the position of the kerb opposite the terraced houses, The drawing suggests a new kerb is being laid in the carriageway, but I understood the existing kerb is being retained.

4. Show the position/type of dropped kerbs and tactile paving {1.2m wide x 0.8m deep} on the drawing (see attached standard details and sketch).

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5. Provide 2no. additional "SLOW" lettering/red patches (see attached sketch).
6. The alignment of the centre-line/hatching is not acceptable and needs amending. The hatching type should also be amended to a broken 4m line, 2m gap.
7. Provide minimum of 3no. 4m centre lines an new car park junction and add give way triangle.
8. Add car park junction kerb radii
9. Add existing/proposed carriageway widths (see attached sketch)
10. The extent of widening of Melton Brow needs to be reduced in the location shown on the attached sketch as a lack of verge width and available land will prevent the proposed widening. The widening needs to commence on the start of the radius kerb on the bend.
11. The full width of carriageway needs to be re-surfaced between the bend outside Melton House & the extent of the 278 works, for the following reasons:-
  - o The position of the longitudinal joint is unacceptable and will place an unacceptable maintenance liability onto Cumbria Highways.
  - o The widening of Melton Brow will result in the centre line and camber position moving from the existing position. Resurfacing and regulating will be necessary to reposition the camber and give the correct shape to the widened carriageway.
  - o It is likely resurfacing of the full width is necessary to achieve appropriate cross fall and longitudinal fall, although as you have not provided levels or long/cross sections this is not possible to confirm.
12. Add the proposed traffic signs on Melton Brow to these drawings
13. Amend all traffic sign mounting heights on Melton Brow to 2.3m
14. Add an additional traffic sign directing traffic exiting the car park towards the A590. Locate the sign opposite the car park junction.
15. Add an additional traffic sign on Melton Brow directing vehicles left to the animal park
16. It is Cumbria Highways intention to undertake a micro-asphalt treatment to the existing carriageway between Melton House and the bend near the A590. The works will include removal of the existing road studs and double white line system. It is the intention to undertake this work in conjunction with the 278 works, but at the Council's expense.
17. Provide 2m wide parking bay along the terraced properties and re-mark new centre line to diagram 1004 in the centre of remaining carriageway width. See attached sketch showing carriageway widths measured on site, and suggested parking bay and remaining carriageway widths
18. Add kerbed build out at top end of proposed parking bay, position to be determined by swept paths.

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P4114/12/132

1. Amend material types and thicknesses to comply with the attached standard details
2. Until such time as CBR results are available the capping thickness on the carriageway widening should assume CBR less than 2.5% and 450mm of capping. On receipt of CBR drawings this can be re-assessed.

### Proposed Junction Improvements to A590 Trunk Road/Melton Brow

The proposals involve the widening of a short length of Melton Brow maintained by Cumbria Highways. Our approval will be required for the works on the County Highway. Therefore, please provide the additional information required for me to assess the proposals:-

- Construction details
- Highway drainage
- Street lighting
- Road Markings
- Kerbing
- Cross sections for the full extent of widening
- Long sections (left hand channel, right hand channel, centre line)

Highways Agency approval will need to be obtained for the works on their network.

### Additional Information Required

The following additional information is required:-

1. Site clearance drawing showing removal of walls, lighting columns and trimming back of hedgerow on Melton Brow to accommodate the new footway construction, removal of road studs and double white line system, removal of kerbs for widening and drop crossings.
2. Long Sections and Cross Sections for the resurfacing/widening between Melton House and the North Western extent of the 278 works
3. Proposed highway drainage between Melton House and the North Western extent of the 278 works, existing highway drainage also needs to be shown on the drawings.
4. Swept paths need to be re-checked. I will arrange this on receipt of the amended drawings.
5. Land dedication and boundary ownership drawing is needed for the 278 agreement. The area to be dedicated as highway needs to be coloured pink, and the area needs to be identified in square metres.
6. CBR results in the area of the proposed carriageway widening and new junction. 3no. tests will be sufficient.
7. Copy of stage 1 Road Safety Audit

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8. Following approval of the drawings a Stage 2 Road Safety Audit needs to be undertaken and report provided

## Consultation

Once plans are approved we will need to consult with residents and Statutory Consultees, following which further amendments may be necessary.

Statutory Undertakers will need to be consulted on the proposed works. Once drawings are approved I will arrange for them to be consulted. Any required diversions or protection works will be need to be incorporated into the 278 agreement and undertaken at the developer's expense.

From my initial review of available Statutory Undertakers drawings available, the following apparatus may be affected:-

- ENW overhead electric cables are situated above the proposed car park junction. Please advise what, if any, arrangements have been made in respect of diverting these.
- A United Utilities man hole may be affected by the widening works on the A590/Melton Brow junction. The man hole position will need to be surveyed to determine what if any works will be necessary. Depending on its location it may need to be moved to accommodate the proposed kerb line or strengthened in order to cater for vehicular loading should it be situated in the widened carriageway.
- United Utilities water meters/hydrants are located in the footway on the bend opposite Melton House and may need relocating
- United Utilities water main lies under the proposed car park and close to the proposed wall and could be affected by these works.

Please provide revised drawings and further information and I will arranged for a further design check to be undertaken”.

## Lindal and Marton Parish Council – dated 2.5.13

– Declared its unwillingness to support the application in its present form for the following reasons.

- “In the absence of any information to the contrary, it appeared that the Road Safety Audit recommendations regarding additional car spaces in the proposed right-turning lane on the A590 and also the need for a traffic island in the carriageway leading down from the roundabout to the turning into Melton Terrace were not to be implemented. The Council considered that both suggestions were critical for the safety of both vehicle users and pedestrians. (It was noted that there was already a traffic island in place on the A590 as it left the roundabout, to enable pedestrians to cross, and that this could be extended, in part or in whole.)
- It was also considered that vehicles waiting to come out of Melton Terrace at its junction with the A590 would have major problems in trying to turn right onto the A590 towards Dalton once the new entrance to the Park, and the additional traffic,

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was fully established. No specific reference to this particular problem appeared to have been made.

- Assuming that the original proposals to use the existing car park as an overflow car park would still be implemented, it would be unacceptable to contemplate using the U6097 without radical improvements such as road widening or passing-places, together with appropriate signage.”

## Cumbria Highways – dated 31.5.13

“I refer to the above consultation received on 9th April 2013 and revised drawings submitted directly by the applicant and comment as follows.

### A590/Melton Brow Junction Improvements

The design of the junction improvements needs to be agreed with the Highways Agency, who are responsible for this junction and the A590 Trunk Road. Therefore, please consult with them prior to discharge of Condition 3.

I can confirm that Cumbria Highways are satisfied with the proposals for the very small portion of the junction improvements that lie on the County Highway.

Condition 3 appears to relate to this junction, rather than the alterations to Melton Brow in vicinity of the proposed car park/existing properties. Given this and that we are now satisfied with the proposals for the very small portion of the junction improvement works that lie on the County Highway, ***I can now confirm that we have no objection to Condition 3 being discharged.***

### Melton Brow Highway Improvements

A revised set of detailed design drawings were submitted to us by Modal Group Ltd on 21st May 2013.

A detailed design check has been undertaken, see attached letter dated 27th May 2013.

The issues highlighted in the attached letter remain unresolved, so at this stage, Cumbria Highways cannot confirm approval of the proposed highway improvements on Melton Brow in vicinity of the proposed car park/existing properties”.

## **OFFICERS REPORT:**

This report is in two parts.

Part One relates to the discharge of Condition 3 of Planning Permission 2010/0712 with respect to details relating to the required improvements to the junction of the A590 trunk road and U607 (Melton Brow) as set out below:

*No development pursuant to this planning application shall commence until the following full design and construction details of the required improvements to the junction of the A590 trunk road and U6097 (Melton Brow) have been submitted to and approved in writing by the local planning authority in conjunction with the Secretary of State for Transport. The details included shall include:*

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- *How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;*
- *Full signing and lighting details;*
- *Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),*
- *An independent Stage Two Road Safety Audit (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.*

Part Two is an information item to update on the design work currently being worked on regarding the proposed new vehicular and pedestrian entrance/egress that is to be subject of a separate planning application for a Minor Material Amendment (MMA) once the Highways Authority have completed their design check and consultation process in relation to the preparation and signing of the s.278 Agreement governing the timing and construction of the works.

### **PART ONE – Discharge of Condition 3**

Condition 3 is a technical condition attached to the original Planning Permission to ensure that the junction between the A590 and the U6097 (Melton Brow) would be capable of being constructed to the standards required by the responsible highway bodies and as would be capable of being discharged for planning purposes.

As part of the consultation on the planning application the Highway Authority expressed concerns that the original plans and drawings submitted replicated a previous set of drawings that were out of date obliging the Highway Authority to issue its letter of 25<sup>th</sup> March 2013 advising that due to the technical deficiencies of the submission Condition 3 should not be discharged.

Subsequent to a meeting with the Highways Authority, the applicant and their representatives, a revised set of drawings has been received that now fully meets the requirements of the Highway Agency and the Highway Authority for the junction design and as such is now able to be discharged as a condition on the original planning application 2010/0712.

### **Response to Objections**

The objections received relating materially to the discharge of Condition 3 of planning permission 2012/0712 can be summarised as relating to the following concerns:

- (a) Traffic levels, Junction performance, congestion and diversion – re-siting of junction to roundabout.
- (b) Timing of development and lawfulness.



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## Traffic levels, congestion and diversion

Concerns have been raised as to the impact of the proposed junction design on the free flow of traffic along the A590 due to the manoeuvres required for vehicles, especially larger ones when the A590 is busy and the potential for abattoir vehicles to be diverted, due to the volumes of Park traffic, away from the approved U6097 route and through Lindal Village instead. A number of representations queried as to whether the existing A590 roundabout would be a suitable alternative access to the Park.

Issues of traffic volume and movement patterns are considered as part of the High Agency's and Highway Authority's assessment of the proposals and in this case are deemed to be acceptable for the purposes of their respective networks. Access via the roundabout is unsuitable for the Park's purposes and forms the entrance to land in separate control.

## Timing of development and lawfulness

A report was brought before Planning Panel on 29<sup>th</sup> January 2013 by Officers in response to complaints from local residents that development had commenced in advance of the requirements of Condition 3 being satisfied.

Legal opinion was subsequently obtained regarding the potential to take a successful enforcement action. The advice was that the Council should avoid taking any form of enforcement action given that the current 'live' application provided an open channel of communication deemed appropriate to resolve issues of concern and especially given that the advice of the Highway Agency and Authority is in favour of discharging the condition.

The Planning Inspectorates publishes advice on when an award of costs may be made including circumstances where the advice of an appropriate approving body is not followed in decision-taking. The advice highlights the need for equally credible technical evidence to rebut such advice to be in place if an award of costs is to be avoided.

## **PART TWO – Information Update**

A significant number of the issues raised by the consultation cannot be considered by this application as they fall outside of the very limited and precise terms needing to be satisfied, relating to either a consequence of the original principle of development granted planning permission or inform work currently underway for the submission of a Minor Material Amendment (MMA) application for the repositioning and reconfiguration of the entrance/egress to the new car park.

The purpose of this information item is to identify the concerns being raised and, where appropriate, how they are to be addressed.

## **Response to Objections**

The objections falling outside of the scope of the application can be summarised as follows:

- (i) Disturbance to residential amenity – Noise, vibration, visual intrusion, lights, removal of bushes buffering with A590

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- (ii) Impact on Habitat – hedgerow removal
- (iii) Parking Provision
- (iv) Removal of Wall

## Disturbance to residential amenity

Concerns have been raised about the disturbance arising from the construction process. Environmental Health consider that the noise and vibration levels on site are within normal levels associated with the scope and nature of the works granted planning permission and as such cannot be a matter for consideration in this application. Detailed impacts on structural fabric arising from the construction would however be a private matter to be pursued directly with the applicant.

The impact of `tracking' lights from the Park egress along with the mitigation of any acoustic impact arising from the cutting back of the existing hedge opposite Melton Terrace is to be considered as part of the on-going design works associated with the MMA application to be submitted with any works on third party land negotiated as part of that process.

## Impact on Habitat

The impact on habitat was a matter considered within the original planning approval granted on appeal. It is considered that the hedgerow removal within the site is consistent with the areas of removal required to create the approved internal car park access arrangement.

## Parking Provision

The original plans submitted with the application showed an out of date configuration for the on-carriageway residents parking adjacent Melton Terrace. The revised scheme now shows a consolidated parking area protected by build-outs for at least 12 private vehicles.

## Removal of Wall

The construction of a stone boundary wall in conjunction with signage requirements is to be negotiated in a revised configuration behind the visibility splay in conjunction with an area of reinforced planting as part of the MMA application to be submitted.

## **Conclusions**

The Highways Agency and Highway Authority are satisfied that the submitted plans, as revised, meet the current highway design standards appropriate for their respective networks and as such Condition 3 of Planning Permission 2010/0712 can now be discharged.

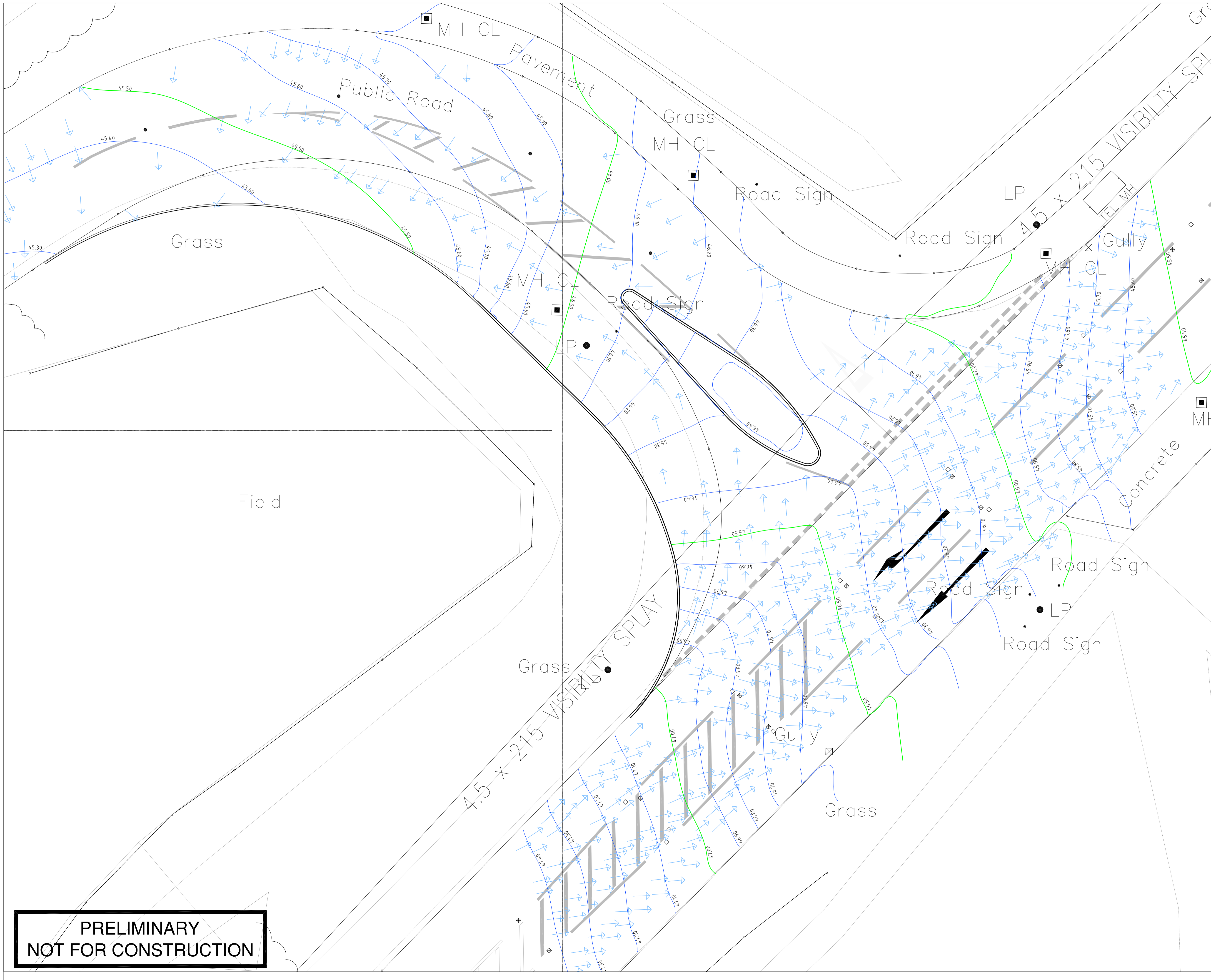
A strict letter to the applicant is to be sent requiring a timetable to be agreed with the highway authority and highway agency for completion of the Section 278 Agreements, the submission of the Minor Material Amendment (MMA) relating to the entrance relocation and subsequent related works. The letter will also include an unambiguous statement as to the Councils intentions to pursue any further breach of conditions should they occur.

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### RECOMMENDATION:

1. I recommend that planning permission be GRANTED for the discharge of Condition 3 of planning permission 2010/0712 relating to the components of the junction between the A590 and U6097 only as detailed in drawing numbers; P4114/12/130E, P4114/12/131C, P4114/12/132B, P4114/12/140, P4114/12/141, P4114/12/142, P4114/12/143, P4114/12/144, P4114/12/145, P4114/12/146, P4114/12/147, P3876/11/110E, P3876/11/115B, P3876/11/120B, hereby approved.
  2. Note the information regarding the nature of the on-going design work relating to the repositioning and reconfiguration of the entrance to the new car park and associated landscaping and boundary treatments.
-



- Notes
1. Before construction commences the setting out engineer shall ensure that all setting out information is mutually compatible with all the drawings and documents provided by the designers. Where information is apparently contradictory or ambiguous, the design engineer and/or the architect is to be informed immediately. Thomas Consulting will accept no liability for setting out errors where work is constructed to incorrect information.
  2. All drawings and documents are to be read in conjunction with one another, are mutually compatible and shall be read as such. All documents shall be checked to ensure that they are compatible by the contractor before construction commences. In the event of apparent ambiguity or contradiction the engineer and/or architect shall be notified immediately. Thomas Consulting accept no liability in the event of not being so notified and where construction work has commenced.
  3. This drawing is to be read in conjunction with:
    - a) Construction (Design & Management) Regulations, 1994
    - b) Thomas Consulting's drawings & specifications,
    - c) Architect's drawings & specifications,
    - d) Any other relevant documentation, such as specialist contractor's details or manufacturer's technical information.
  4. All drainage construction details shall be in accordance with Part H of the Building Regulations.
  5. The Contractor shall comply with the following:
    - a) All operations shall be carried out in accordance with the Client's general Health & Safety Policy, as required by Section 2 of the Health & Safety At Work, Etc. Act 1974, and in particular the Construction (General Provisions) Regulations,
    - b) The Local Authority and Service Companies are to be notified prior to commencement of work on site,
    - c) Prior to construction, the actual positions and depths of services likely to be affected by the works shall be established by means of hand digging, in close liaison with the Service Companies. The Contractor shall immediately advise Thomas Consulting in writing of any services exposed which may affect the design.
  6. Thomas Consulting's appointment is restricted to the design of the permanent civil / structural works only and involves no site role. The Contractor is thus entirely responsible for compliance with the Health & Safety At Work Act. The Contractor shall be specifically responsible for all temporary works and for the stability of any and all affected and structures.
  7. This drawing is preliminary and supplied for information purposes only. It has been produced from layout drawings supplied by the Architect and may not fully represent the current working layout. The current relevant Architect's drawings take precedence in all respects.
  8. All road, path and other layout dimensions & levels are in metres, unless noted otherwise. All other dimensions are in millimetres, unless noted otherwise.
  9. The grid relates to LocalS grid as supplied by the clients representative.
  10. The levels shown are to OS Newlyn Datum

Revisions			
Rev	Date	Description	Initial

Drawing Issued By

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Client  
 South Lakes Wild Animal Park

Project  
 Melton Brow Improvement Works

Scale	Drawn	Checked	Date
1:100 @A1	KW	-	02.05.2013

Drawing Title  
 A590 Junction Contours  
 and flow paths

Drawing Number  
 P4114/12/145

**PRELIMINARY  
 NOT FOR CONSTRUCTION**