

COMMITTEE UPDATE SHEET
SUPPLEMENTARY REPORT OF THE ASSISTANT DIRECTOR OF PLANNING

This sheet is to be read in conjunction with the main report.

Agenda Item No 6: Planning Applications to be determined

Planning Site Visits held on 2nd December 2016 commencing at 10:00hours.

PRESENT:-

Members:

Councillors: Tom Alexander; Pauline Bowmer; Jim Clifton; Paul Cooper; Hilary Gilmour; Brian Murray-Carr; John Ritchie; Deborah Watson; and Jen Wilson.

Officers: Chris Fridlington (Planning Manager)

Apologies:

Councillors: Terry Connerton; Duncan McGregor; Tom Munro; Rita Turner; and Brian Watson.

SITE VISITED

Applications for determination by Committee:

16/00345/FUL - Construction of retail foodstore with associated car parking and landscaping on land off Portland Road, Shirebrook

16/00423/OUT - Erection of two dwellings on land at Crich View Farm, Tibshelf Road, Stainsby Common

The meeting concluded at 11:45 hours.

Summary of representations received after the preparation of the main Committee Report and any recommendation based thereon.

Item 6(i): Lidl, Shirebrook (16/00345/FUL)

Members will be aware that there were outstanding issues in respect of this proposal that had not been fully resolved at the time of preparing the original report in respect of highway matters, namely the provision of a pedestrian crossing across and the provision of financial contributions to Travel Plan Monitoring and to the monitoring of travel conditions and funding for the monitoring of on street parking and potential implementation of Traffic Regulations Orders (TRO) if on-street parking proves to be an issue.

In respect of the crossing, officers of this Council have been seeking to secure a dedicated pedestrian crossing to provide improved links between the site and the town centre, that are currently separated by Portland Road. The developers had agreed to such provision and are showing this on the submitted drawings. Notwithstanding this, the Highway Authority is

unwilling to accept, and therefore would not adopt, such a dedicated crossing, seeking instead the provision of pedestrian refuges.

The applicant is unwilling to provide pedestrian refuges, which would involve widening of the highway and would take part of the site frontage (currently shown containing landscaping) to make this provision. Whilst they consider that the proposed controlled crossing is a much safer option than any refuges, they state that “we do not think that any crossings are required; Portland Road is only 7.3m wide and not very heavily trafficked. Nevertheless, a pedestrian controlled crossing provides the safest option for crossing the road and encouraging links and Lidl are happy to fund these works. We do not consider that pedestrian refuges, which would result in substantial works to the site frontage along its whole length, are required in addition. Assuming that the Highway Authority maintains its view that there is no evidence that a pedestrian controlled crossing is needed, then we are happy to accept the suggestion that a monitoring regime be put in place but that any monies not spent would need to be repaid after 5 years.”

For the reasons stated above, it has not been possible to secure a fully agreed position between the Highway Authority and the applicants. Whilst a pedestrian priority crossing is considered the most appropriate option to secure improved linkages with the town centre, this could not be delivered in view of the fact that the Highway Authority will not sanction the works through its Highways Act controls. To take more land out of the site frontage to deliver the road widening necessary to provide pedestrian refuges are not supported as this would reduce the ability to provide the amount of landscape mitigation that has been secured, that are considered important to soften the overall appearance of this site on the prominent Portland Road frontage.

Given the above position further consideration to a compromise position has been sought, that has resulted in agreement from both the Highway Authority (verbally) and the agent. This relates to the provision of a raised table/differential surface treatment across Portland Road as a device to differentiate a crossing point to motorists. Such provision could be subject to a condition requiring approval of details and provision prior to the opening of the store. Lidl have stated that this is on the understanding that such a scheme does not include pedestrian refuges or requires road widening/works along the site frontage

Whilst not considered an ideal position, it is considered that this provides a public realm improvement that would provide a defined route, albeit not a pedestrian priority route, for pedestrians on an appropriate ‘desire line’ to the store.

The proposed monitoring option suggested by the Highway Authority has also been accepted by the applicant, such that as well as providing the differential surfacing, the possible opportunity to fund a pedestrian priority crossing in the event that it is proven to be needed can still be maintained. This would need to be secured in a S106 Planning Obligation.

The combination of the differential surfacing and S106 agreement for monitoring and potential priority crossing at a later date is considered the most appropriate compromise position to facilitate the delivery of the development, whilst keeping the option of securing a funded pedestrian crossing open.

Lidl have agreed to pay the Travel Plan costs requested by the Highway Authority in respect of the annual verification of the Travel Plan. This would also need to be secured by an appropriate S106 Planning Obligation.

In respect of the requested contribution for Traffic Regulation Orders, Lidl “consider that the request for financial contribution towards monitoring for TRO’s over a period of years is unnecessary and unreasonable. The proposed scheme has a large car park, as required by the County’s own standards, and there is also a free public car park directly opposite the site, on the other side of Portland Road. On this basis we consider that the likelihood of on-street parking as a direct result of the development is very unlikely”. The Highway Authority “considers that the likelihood of on-street parking would be reduced by the provision of the pedestrian refuges on Portland Street. However, in the event that they are not provided as part of the development scheme, the likelihood of on-street parking occurring would significantly increase, with the potential for an associated compromise to highway safety. To prevent this occurring a contribution for monitoring and the promotion of two TRO’s is requested. In the event of such a situation not arising the monies will be returned.”

Given the applicant’s unwillingness to make this contribution we need to consider whether consent should be withheld without such a contribution. In this respect, it is worth noting the earlier comments of the Highway Authority in respect of the overall parking provision (it would be the occurrence of overflow car parking that would trigger a need for a TRO). In this the Highway Authority stated that “The parking assessment for the site is based on the standards contained in the Bolsover Local Plan. The standards actually assess the site as creating a demand for 148 spaces, 122 are proposed within the site. Bearing in mind that the car ownership in the area is relatively low (although this could change) and the trip generation is calculated on new trips, the parking provision is considered to be adequate. In discussions with the Highway Authority, they have verbally confirmed that they do not consider that a refusal could be sustained on highway safety grounds if this contribution was not made.

Given the above, it is considered that there is no strong case to insist on the provision of the TRO contribution and that planning permission should not be withheld on the basis that the applicant is unwilling to make the contribution.

On a more minor point, whilst shown in précis form in the report, conditions 16 and 22 that also relate to highway matters are a duplicate of each other and only one such condition would be needed.

Applicants Comments

It is understood that Planning Committee Members have received a briefing note from Lidl in respect of the planning application. This doesn’t raise any new issues to those covered in the original report nor in the comments above in respect of highway issues.

Representations

3 further letters have been received, in response to letters notifying interested parties about this matter being determined by the Planning Committee, all of which are giving support to the proposals. The letters state: -

Shirebrook needs this shop and we cannot understand what the hold-up is. This eyesore in the centre of Shirebrook has been like this for years. I really don’t think they want Shirebrook to have anything nice as the permission was already given when they thought Tesco was

going to build. Please give this permission and let them get on with turning this tip into a nice shopping centre for Shirebrook.

If the Planning Committee turn down or delay this application it will show how out of touch they are with the people of Shirebrook. It would actually be another stab in the back for Shirebrook, which has suffered greatly from the ineptitude of Bolsover District Council for many years now. This project is not just another shopping opportunity for the residents; it is a much needed attraction to bring more people into the Town which may just encourage a few more shops to open up.

I for one hope the planning committee approve plans for LIDL in Shirebrook a new development is long awaited and hope progress is soon made so please planning committee approve yes for Lidl ...and take Shirebrook forward.

REVISED RECOMMENDATION

DEFER decision and delegate to Assistant Director Planning in consultation with chairman and Vice-Chairman of Planning Committee subject to:

- Completion of S106 Planning Obligation to cover Travel Plan monitoring and funding of a pedestrian crossing in the event that it can be shown that such a crossing is required following suitable monitoring following the opening of the store; and
- Conditions deemed necessary including those set out in the original report in précis form to be formulated in full by the Assistant Director of Planning, but with the deletion of condition 22 that has been duplicated (condition 16) and the inclusion of a condition requiring the approval of details and provision (prior to the store opening to the public) of the differential road surfacing (such a scheme not to include pedestrian refuges road widening/works along the site frontage).

Item 6(ii): Erection of two dwellings, Crich View Farm, Tibshelf Road, Stainsby Common (16/00423/OUT)

The Council has not received any further representations on this application since the publication of the original report.

Item 6(iii): Silos off Kirkby Lane, Pinxton (16/00508/FUL)

The Council has not received any further representations on this application since the publication of the original report.