

**Development Control Committee
23 February 2010**

Additional Information

NB1 – S09/2409

Proposal: Residential Development (7 dwellings)

Additional Information

Comments have been received from the Primary Care Trust (PCT).

Proposal

Erection of seven dwellings and provision of parking in-lieu of existing spaces that would be lost.

Information Received

The PCT note that the application site forms part of a larger housing allocation that may be developed in a piecemeal way.

As a result request that a contribution be sought for the dwellings, £6,328, based on a contribution of £904/dwelling.

Officer Comment on Information Received

None

Additional conditions to be added

None

Changes to Recommendation:

None

JST1 – S09/2375

Proposal: Change of use from highway land to a mixed use of highway land and outdoor seating area ancillary to the existing A3 use and external canopy to front

Additional Information

Third Party Representations

A petition was received on 12 February 2010 containing approximately 1500 signatures, which do not include addresses, in support of the canopy and outdoor seating area.

Four further letters of support have been received that were not included within the committee report.

Local Highways Authority

A request was made to the applicant for further information and amended plans on 2 December 2009. As no information was received the local highways authority has provided a further statutory response dated 11 February 2010 stating:

'Due to the lack of further information to accompany this application, the local highways authority requests a refusal as the seating area is unacceptable due to the boundary lines, and no further amended plans have been submitted to overcome highway concerns to the detriment of highway safety.'

The initial response relating to the canopy states;

'In accordance with the indicative detail and photographs accompanying the application, the proposed awning would be erected so that it projects over the highway. The application does not provide just reason why space above a highway for commercial gain should be utilized and it is not clear that the proposal to overhang such a highway is necessary to achieve planning merit. For this reason the local highways authority request refusal of the application.'

Whilst the local highways authority makes a valid reason for not supporting the application, their refusal should be handled by other legislation controlled by the Highways Act. It is therefore considered that a 'note to applicant' should be attached drawing the applicant's attention to the highways responses referred to

above, and that the applicant is advised that a Site License must be obtained from the local highways authority as well as planning consent for the proposal.