

# Public Document Pack

# Blackpool Council

29 January 2016

To: Councillors I Coleman, Critchley, Elmes, Hutton, Maycock, Stansfield and L Williams

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 9 February 2016 at 6.00 pm  
in Council Chamber, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 12 JANUARY 2016** (Pages 1 - 6)

To agree the minutes of the last meeting held on 12 January 2016 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 7 - 12)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

### **4 PLANNING ENFORCEMENT UPDATE REPORT** (Pages 13 - 16)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager, Public Protection.

**5 PLANNING APPLICATION 15/0228 - 6-8 CARLIN GATE** (Pages 17 - 32)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

**6 PLANNING APPLICATION 15/0229 - REAR GARDEN AREA TO 6-8 CARLIN GATE** (Pages 33 - 46)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

**7 PLANNING APPLICATION 15/0394 - 138 STONY HILL AVENUE** (Pages 47 - 80)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

**8 PLANNING APPLICATION 15/0747 - 170 PRESTON NEW ROAD** (Pages 81 - 94)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477212, e-mail [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor L Williams (in the Chair)

Councillors

I Coleman  
Critchley

Elmes  
Hutton

Maycock  
Stansfield

### **In Attendance:**

Mr Gary Johnston, Head of Development Management

Mrs Carmel White, Chief Corporate Solicitor

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE MEETING HELD ON 1 DECEMBER 2015**

**Resolved:** That the minutes of the meeting held on 1 December 2015 be signed by the Chairman as a correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Committee considered a report outlining details of planning and enforcement appeals lodged and determined since the last meeting.

**Resolved:** To note the planning and enforcement appeals lodged and determined.

Background papers: (1) Letter from the Planning Inspectorate dated 10 December 2015.  
(2) Letter from the Planning Inspectorate dated 5 October 2015.

### **4 PLANNING ENFORCEMENT UPDATE REPORT**

The Committee considered a report summarising planning enforcement activity within Blackpool during November 2015.

**Resolved:** To note the outcomes of the cases set out in the report and to support the actions of the Service Manager, Public Protection in authorising the notices.

### **5 PLANNING APPLICATION 15/0227 - 4 ST STEPHENS AVENUE**

The Committee considered application 15/0227 for the erection of roof lift to existing rear extension to provide five additional bedrooms and lounge and provision of three additional car parking spaces to rear following removal of existing storage building.

Mr Johnston, Head of Development Management presented the Committee with a brief

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 12 JANUARY 2016

overview of the application and the site layout plans for the proposed development. He circulated to Members an aerial photograph of the proposed development site and surrounding area.

Mr Johnston reported on the main issues of the proposed development which included a detrimental impact on the amenity of the nearby residents from a further intensification of development at the site and an increase in the height of the existing building including two windows resulting in neighbouring properties being overlooked. A further issue was the increase in the number of residents within the care home with no indication of an increase in the amenity space for the existing residents.

Mr Cove, public objector, spoke in objection to the application.

**Resolved:** That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the application.

### 6 PLANNING APPLICATION 15/0228 - 6-8 CARLIN GATE

The Committee considered application 15/0228 for the use of premises as four self contained permanent flats with associated landscaping/car parking and works following demolition of existing rear extensions and alteration to existing garage.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and the site layout plans for the proposed development. An aerial photograph of the proposed development site and surrounding area had been circulated to Members at the meeting.

Mr Johnston advised the Committee that there was no issue with the principle of converting the existing properties to flats and that the proposed flats would meet the requirement of the New Homes for Old Places Supplementary Planning Document. The application included adequate off street parking provision, an amenity area and bin and cycle storage. Mr Johnston acknowledged that access to the car parking area would be adjacent to a neighbouring property at 10 Carlin Gate, but did not consider that the use of the car park would be sufficiently intensive to adversely affect the amenity of the residents of the property, particularly as the area would be partially shielded by a garage.

Mr Cove, public objector, spoke in objection to the application.

In response to concerns raised by the public objector regarding the impact on the privacy of residents of neighbouring properties, Mr Johnston reported that in his opinion he did not consider that the proposed development would adversely impact on the privacy of nearby residents in view of the location of windows on the side and rear elevations of the property and the location of the amenity area and given that the proposal included the removal of buildings to the rear of the development.

During a lengthy discussion on the application, the Committee raised concerns regarding the potential for further development should the application be granted, although Members accepted that they could only consider the merits of the application before

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them. Further concerns raised by the Committee included the potential future use of the property within the Use Class C3 should permission be granted, in particular its potential use for the purposes of providing care accommodation as an extension to the facilities of the nearby care homes owned by the applicant. Members also expressed concerns that if the application was approved, the ancillary car parking and amenity area might not be reserved for use by the occupants of the flats. The Committee was also concerned at the potential for the car parking and rear area to be developed without the existing buildings being converted into flats.

In response to a request from the Committee, Mr Johnston agreed to consider whether any conditions to address the concerns raised by Members could be attached to the planning permission.

**Resolved:** That consideration of the application be deferred to the next meeting to allow the Head of Development Management the opportunity to consider and formulate any conditions which might address the concerns raised by the Committee.

Background papers: Applications, plans and replies to consultations upon the application.

### **7 PLANNING APPLICATION 15/0229 - REAR GARDEN AREA TO 6-8 CARLIN GATE**

The Committee considered application 15/0229 for the use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and the site layout plans for the proposed development. An aerial photograph of the proposed development site and surrounding area had been circulated to Members at the meeting.

Mr Johnston reported that one of the main considerations of the proposed development was whether it transgressed Policy BH24 of the Blackpool Local Plan. However, in his opinion, whilst he acknowledged that theoretically the proposed development would appear to extend beyond the 10% of properties in a block permitted for C2 use, in practical terms it would not impact upon the character of the residential area as residential frontages would be retained to St Stephen's Avenue and Carlin Gate and as such would not conflict with the intent of Policy BH24. A further issue was whether the usage of the garden area, if permission was granted, would adversely impact upon the occupiers of the neighbouring properties. Mr Johnston confirmed his view that on balance it would not significantly affect the amenities of the local residents and therefore recommended that planning permission ought to be granted.

Mr Cove and Mrs Singleton, public objectors, spoke in objection to the application.

The Committee considered the merits of the application and noted the representations made relating to the perceived impact on the amenity of the neighbouring properties in terms of noise disturbance and reduced privacy.

In response to concerns raised by a Member of the Committee, Mr Johnston confirmed that a condition requiring the retention of the existing tree located within the

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 12 JANUARY 2016

development site would be imposed on the planning permission if approved.

Further concerns were raised by the Committee which included the intended purpose for the use of the land and the potential for future development on the land should the application be approved, however it acknowledged that it could only consider the merits of the application before it.

In response to a request from the Committee, Mr Johnston agreed to consider whether any conditions to address the concerns raised by Members could be attached to the planning permission.

**Resolved:** That consideration of the application be deferred to the next meeting to allow the Head of Development Management the opportunity to consider and formulate any conditions which might address the concerns raised by the Committee.

Background papers: Applications, plans and replies to consultations upon the application.

### Chairman

(The meeting ended 7.15pm)

Any queries regarding these minutes, please contact:  
Bernadette Jarvis Senior Democratic Services Adviser  
Tel: (01253) 477212  
E-mail: [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

**Application Number: 15/0227 – 4 St Stephens Avenue**

Erection of roof lift to existing rear extension to provide five additional bedrooms and lounge and provision of three additional car parking spaces to rear following removal of existing storage building.

**Decision:** Refuse

**Reasons:**

1. The proposed rooflift to the existing rear extension would have an adverse impact on the amenities of neighbouring residents by reason of its bulk, its proximity to the boundary, the inclusion of windows which would overlook neighbouring gardens and its cumulative impact with the existing built form on the application site and at 4 Carlin Gate . As such the proposal would be contrary to a core principle of paragraph 17 of the National Planning Policy Framework regarding a good standard of amenity for all existing and future occupants of land and buildings, Policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan - Part 1: Core Strategy.
2. The proposal would conflict with a core principle of paragraph 17 of the National Planning Policy Framework regarding a good standard of amenity for all existing and future occupants of land and buildings as well as conflicting with Policies LQ1, LQ2, LQ14 and BH24 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan - Part 1: Core Strategy in that it would further intensify development on the application site which would be out of context with the neighbouring residential properties and would not alleviate the existing lack of amenity space for the residents of the home and would in fact exacerbate the situation.
3. ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 and the Blackpool Local Plan - Part 1: Core Strategy - which justify refusal.

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<b>Report to:</b>	<b>Planning Committee</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting:</b>	9 February 2016

## **PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED**

### **1.0 Purpose of the report:**

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

### **2.0 Recommendation(s):**

2.1 To note the report.

### **3.0 Reasons for recommendation(s):**

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the report is for information only.

### **4.0 Council Priority:**

4.1 Not applicable

### **5.0 Background Information**

#### **5.1 Planning/Enforcement Appeals Determined**

#### **5.2 Dean Nurseries, Chapel Road, Blackpool FY4 5HU (14/0730)**

5.3 The appeal is made by Mr Maddock against the decision of Blackpool Council.

Application Reference 14/0730, dated 5 November 2014, was refused by notice dated 12 February 2015. The development proposed is 2 no.4 bedroom dwellings.

5.4 **Decision:** The appeal is dismissed.

5.5 The appeal is in respect of outline planning permission with details of access and layout, but with all other matters reserved. Since the decision on the planning application, Blackpool's Local Plan Part 1: Core Strategy-Proposed Submission (June 2014) (the emerging Core Strategy) has been subject to examination. The public has been consulted on Main Modifications to the emerging Core Strategy. The Council submitted the consultation to the Planning Inspectorate on 7 October 2015 to inform the final report. Relevant policies of the Core Strategy therefore form part of the deliberations.

5.5 **Main Issues**

The main issues in this appeal are firstly, the acceptability in principle of the site for housing having particular regard to national and local policy; secondly, the effects of the appeal scheme on the character and appearance of the area and; thirdly, the proposal's effects on the living conditions of the occupiers of the Hollies particularly in regards to outlook and the availability of natural light.

5.6 **Principle of development**

The appeal site is within Marton Moss Countryside Area on the rural fringe of Blackpool. The site and its surroundings are characteristic of the area's pattern of dispersed and sporadic development. Policy NE2 in the Blackpool Local Plan (adopted June 2006)(the Local Plan) is generally restrictive of new residential development within Marton Moss with the exception of accommodation necessary to agricultural or horticultural uses. The aim of the policy is both to retain the existing rural character of the area and also to prevent peripheral urban expansion.

5.7 Blackpool's emerging Core Strategy includes Policy CS26. This policy promotes a neighbourhood planning approach to the delivery of development in the area, to ensure that any new residential uses are coordinated with appropriate supporting infrastructure. However, in advance of adoption of a neighbourhood plan, the policy is generally restrictive of new dwellings unless they are developed in connection with an agricultural or horticultural purpose.

5.8 The Inspector was mindful of the guidance contained within the Framework paragraphs 215 and 216 in relation to the weight to be given to policies in both older and emerging Local Plans and of the Framework's advice at paragraph 49 in relation to policies that control the supply of housing. The Council provided undisputed evidence of a deliverable five year supply of housing. In this context, significant weight is attached to the policy NE2 of the Local Plan. Also, due to the advanced stage of its preparation and lack of significant objections in relation to it, moderate

weight is attached to policy CS26 of the emerging Core Strategy.

- 5.9 Furthermore policy NE2 is consistent with the Framework in that its objectives conform with paragraph 17, which states that planning should “take account of the different roles and character of different areas”. Similarly, CS26 is consistent with the objectives of paragraph 17 in that regard and also in that it promotes an approach that “is genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”
- 5.10 Whilst it is accepted that, given its proximity to the urban area of Blackpool, the proposal would not constitute isolated residential development as per paragraph 55 of the Framework; it would nevertheless be in a location where access to services would be largely reliant on the use of the private car. This indicates that the proposal would not have a high degree of either environmental or social sustainability.
- 5.11 Moreover, the proposal, being the type of ad hoc and sporadic development that the local policies seek to control, would be at variance with the objectives of policy NE2 of the existing Local Plan and policy CS26 in the emerging Core Strategy and therefore the principle of development at the appeal site has not been established.
- 5.12 In coming to that view the previous appeal referred to in the appellant’s statement has been considered. However this was determined at a time when the Council could not demonstrate a five-year housing supply and the emerging Core Strategy was not as advanced in its preparation. The Inspector in that appeal gave only limited weight to policy NE2 in those circumstances. It is clear that the Council’s current five-year supply position and the more advanced stage of preparation of the Core Strategy both distinguish the current appeal from that previous decision. Also in that previous decision the site in question was much more proximate to an established residential area. Thus, development of the site would run contrary to the plan-led approach of the emerging Core Strategy, and would also not constitute sustainable development in the context of the Framework.
- 5.13 **Character and appearance**  
The wider area within which the site sits includes a detached bungalow (the Hollies) within a generous plot set back from the road and a number of outbuildings of an agricultural character. The site is well screened from the road with its mature boundary of hedgerows and large trees.
- 5.14 To the front of the site across Chapel Road there are open fields also bounded by hedgerows. The road has a footway on the opposite side to the appeal site, and lampposts, telegraph poles and electricity pylons give the wider area a cluttered appearance. In the immediately surrounding area there are a range of land uses including dwellings, waste transfer, kennels and stabling, employing a variety of

materials, though red brick is predominant in the older structures. For these reasons the area does not have a deeply rural ambience or an aesthetically appealing landscape character.

- 5.15 The development would secure two houses across the access track from the Hollies, the forward building lines of which would be similar to that of the Hollies' forward elevation. The layout and indicative design would be of an entirely suburban character, which, although well screened from Chapel Road by existing planting, would in combination with the Hollies, be an intensification of residential uses, the density of which would be at variance with the scattered nature of development in the surrounding area. The proposal would thus be unduly cramped and appear urban and out of context given the more spacious character of residential development in the wider area.
- 5.16 Though the site would not necessarily constitute a continuation of built frontage, the Inspector was also mindful of the potential requirement for boundaries and trees to be removed to facilitate sight lines for the proposed access, which could render any development of the site more prominent in the area. The proposal would, by virtue of its design, siting and density be harmful to the character and appearance of the wider area, and would run contrary to the objectives of NE2 of the Local Plan and CS26 of the emerging Core Strategy in this regard.
- 5.17 **Living Conditions**  
The appeal proposal's flank wall would be located some 10 metres away from the adjacent flank wall of the Hollies. The illustrative design shows a blank gable elevation without fenestration facing towards the Hollies. The Hollies' flank wall adjacent to the appeal site contains several windows to habitable rooms. However, these rooms also have windows on the front and back elevations of the Hollies. Given this fenestration pattern, and the generous separation distances proposed, it was not considered that the appeal scheme would be significantly harmful to the occupiers of the Hollies in terms of its effects on outlook.
- 5.18 Similarly, given the orientation of the proposal, the pattern of fenestration on the Hollies and the separation distances between the existing and proposed developments, it was not considered that the appeal scheme would be harmful to adjacent occupiers in terms of its effects on natural light and sunlight. Accordingly, there was no conflict with policy BH3 of the Local Plan, the objectives of which seek to ensure, amongst other things, that new development does not cause harm to the living conditions of adjacent occupiers.
- 5.19 **Conclusion**  
Although no harm would result from the scheme to the living conditions of the occupiers of the Hollies, the proposal would be harmful to the character and appearance of the wider area and the proposal does not comply with the Local Plan

and emerging Core Strategy policies in regard to the Marton Moss Countryside Area. The principle of residential development of the appeal site is thus not established. Furthermore in the context of these local policies, and the advice given in the Framework, the appeal site's residential use would not constitute sustainable development. The appeal scheme's harm to the area's character and appearance, and its failure to accord with the relevant development plan policies outweigh the lack of harm in relation to its effects on living conditions.

**6.0 Planning/Enforcement Appeals Lodged**

**6.1 16 Carlin Gate, Blackpool, FY2 9QX (15/0595)**

6.2 An appeal has been submitted by Mr Mervyn Beevers against the Council's refusal of planning permission for the Erection of 1.85m high boundary fence to Holmfield Road and Carlin Gate.

5.4 Does the information submitted include any exempt information? No

**5.5 List of Appendices:**

5.6 None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

<b>Report to:</b>	<b>Planning Committee</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager, Public Protection
<b>Date of Meeting</b>	9 February 2016

## PLANNING ENFORCEMENT UPDATE

### 1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during December 2015.

### 2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

### 3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:  
Not applicable. The report is for noting only.

### 4.0 Council Priority:

4.1 Not applicable

## 5.0 **Background Information**

### 5.1 **Cases**

#### 5.2 **New cases**

In total, 29 new cases were registered for investigation, compared to 40 received in December 2014.

#### 5.3 **Resolved cases**

In December 2015, nine cases were resolved by negotiation without recourse to formal action, compared with five in December 2014.

#### 5.4 **Closed cases**

In total, 26 cases were closed during the month (20 in December 2014). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

#### 5.5 **Formal enforcement notices / s215 notices / BCNs**

- No enforcement notices authorised in December 2015 (none in December 2014);
- Six s215 notices authorised in December 2015 (none in December 2014);
- One Breach of Condition notice authorised in December 2015 (none in December 2014);

relating to those cases set out in the table below

- No enforcement notices served in December 2015 (two in December 2014);
- No s215 notices served in December 2015 (two in December 2014);
- No Breach of Condition notices served in December 2015 (none in December 2014).



**Enforcement notices / S215 notices authorised in December 2015**

<b>Ref</b>	<b>Address</b>	<b>Case</b>	<b>Dates</b>
14/8485	35 Station Road	Poor condition of property	S215 notice authorised 04/12/2015
14/8486	37 Station Road	Poor condition of property	S215 notice authorised 04/12/2015
14/8565	8 Grosvenor Street	Poor condition of property	S215 notice authorised 04/12/2015
15/8093	4 Wall Street	Poor condition of property	S215 notice authorised 04/12/2015
15/8172	1-3 Crystal Road	Poor condition of property	S215 notice authorised 04/12/2015
14/8323	29-37 Market Street	Poor condition of property	S215 notice authorised 04/12/2015
14/8595	102 Reads Avenue	Breach of condition 4 on planning permission 11/0796 re: a dwarf wall not being erected	Breach of Condition notice authorised 07/12/2015

Does the information submitted include any exempt information? No

**List of Appendices:**

None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

COMMITTEE DATE: [09/02/2016](#)

**Application Reference:** 15/0228

WARD: Warbreck  
DATE REGISTERED: 31/07/15  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Belsfield Care

**PROPOSAL:** Use of premises as 4 self contained permanent flats with associated landscaping/car parking and works following demolition of existing rear extensions and alteration to existing garage.

**LOCATION:** 6-8 CARLIN GATE, BLACKPOOL, FY2 9QX

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr Gary Johnston

## **SUMMARY OF RECOMMENDATION**

The proposal would involve the re-use of existing properties as flats and hence it would be consistent with paragraph 51 of the National Planning Policy Framework (NPPF), Policy HN5 of the Blackpool Local Plan and Policy CS12 of the Core Strategy. The flats would meet the minimum requirements of the New Homes from Old Places Supplementary Planning Document (SPD) in terms of overall sizes and room sizes and would have storage space, an amenity area and off street car parking (plus two would have secure covered cycle storage) and hence the flats are considered acceptable in terms of paragraph 17 of the NPPF, Policies HN5 and HN6 of the Local Plan and Policies CS7 and CS13 of the Core Strategy. It is not considered that the flats would have a significantly detrimental impact on the amenity of neighbours nor on highway safety and hence there is not considered to be any conflict with Policies BH3 and AS1 of the Local Plan or with Policy CS7 of the Core Strategy.

## **INTRODUCTION**

This application was deferred at the meeting of the Planning Committee on 12 January 2016 to enable officers to consider the suggested planning conditions and consider whether additional conditions may be necessary to ensure that the development is acceptable. The wording of conditions 7, 10 and 11 has been amended as a result and has been shared with the applicant's agent.

Some Members will recall that applications relating to 6-8 Carlin Gate, 4 Carlin Gate and 4 St Stephens Avenue have been before the Committee before ( details are listed below). This

application is one of three applications for the properties which are owned by the applicants. The three applications are -

15/0227 -Erection of roof lift to existing rear extension to provide 5 additional bedrooms and lounge and provision of 3 additional car parking spaces to rear following demolition of existing lounge. (**4 St Stephens Avenue**)

15/0228 -Use of premises as 4 self contained permanent flats with associated landscaping and works following demolition of existing rear extensions and alteration to existing garage. (**6-8 Carlin Gate**)

15/0229 - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate. (**6-8 Carlin Gate and 4 Carlin Gate/4 St Stephens Avenue**)

These applications follow on from previous applications which sought to link 4 St Stephens Avenue to 4 Carlin Gate and redevelop 6-8 Carlin Gate. Outline planning applications with references 12/0700 and 13/0754 were withdrawn. Outline Planning Application reference 13/0301 for the erection of a two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 12 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with integral garages, with associated access, parking and landscaping to the rear for use by the extended rest homes following demolition of 6-8 Carlin Gate, was refused by the Planning Committee at its meeting on 22 July 2013 ( a subsequent application 14/0150 - *Erection of two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 10 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with associated vehicle access, parking and landscaping to rear for use by rest homes following demolition of 6-8 Carlin Gate was withdrawn*).

The reasons for refusal of Planning Application 13/0301 are listed below:

1. The proposed extensions and alterations, linking 4 Carlin Gate and 4 St. Stephens Avenue and extending into residential gardens at the rear of 6-8 Carlin Gate, would constitute an over-development of the plots and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the boundaries and fenestration resulting in overlooking, visual intrusion and a development which is overly intensive and out of character within a residential setting. The proposed link extension would also be detrimental to future occupants by virtue of the proximity of windows to boundary walls resulting in lack of natural light and lack of outlook. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.
2. The proposal would create an inadequate vehicle access off Carlin Gate to substandard parking facilities to the rear of 6-8 Carlin Gate which would result in vehicle conflict, leading to vehicles having to reverse out of Carlin Gate and around tight corners with poor visibility. This would be contrary to highway safety and the free flow of traffic within the site.

Furthermore the under-provision of useable parking spaces would lead to additional on street parking within the vicinity of the site which would lead to congestion and impede the free flow of traffic and would be detrimental to residential and visual amenity. The proposal would therefore be contrary to Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

3. It has not been demonstrated that 6-8 Carlin Gate could not be brought back into viable use and the demolition of 6-8 Carlin Gate is therefore unsustainable. Furthermore, the two-storey domestic scale of the replacement dwellings proposed at 6-8 Carlin Gate would be out of character with the neighbouring properties at 4 Carlin Gate and 10-12 Carlin Gate and would therefore be an incongruous feature in the streetscene. The proposal would therefore be contrary to Policies LQ1, LQ4 and LQ8 of the Blackpool Local Plan 2001-2016.

There have been numerous applications for the use/new build and extensions to 4 St Stephens Avenue, 4 Carlin Gate and 6 Carlin Gate in recent years and they are listed below:

#### **4 St Stephens Avenue:**

86/0420 – Use of premises as a rest home. Granted 22 April 1986

86/0916 - Erection of two-storey side extension and extension to rear dormer and erection of external staircase. Granted 06 August 1986.

88/1571 - Erection of part two-storey and part single-storey rear extensions. Granted 29 November 1998.

92/0667 - Erection of first floor rear extension to rest home. Granted 20 October 1992.

93/0810 - Erection of first floor rear extension to rest home. Granted 19 October 1993.

95/0574 - Use of premises as a rest home and nursing home. Granted 11 October 1995.

98/0019 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities. Refused 06 April 1998 for the following reasons:

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan because the development, by reason of its size and site coverage, is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to an increase in on-street parking to the detriment of highway safety and residential amenity.

98/0319 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities and creation of vehicular access and car parking space to front. Refused 22 June 1998 but granted on appeal.

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to an increase in on-street parking to the detriment of highway safety and residential amenity.

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10/1309 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 32 en-suite bedrooms at existing care home. Granted 14 January 2011.

11/0510 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 38 en-suite bedrooms at existing care home. Refused 08 September 2011 for the following reason:

- The proposed extensions and alterations would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook, loss of car parking facilities and a lack of useable amenity space for the residents of the home. In addition it is considered that the proposals would lead to additional on street parking within the vicinity of the site which would lead to congestion and would be detrimental to residential and visual amenity. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3, BH24 and AS1 of the Blackpool Local Plan 2001-2016.

11/1000 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 36 en-suite bedrooms at existing care home. Refused 19 January 2012 for the following reason:

- The proposed rear extension, when added to other constructed and approved extensions, would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants by virtue of its size, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook and a lack of useable amenity space for the residents of the home. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.

#### **4 Carlin Gate:**

06/0203 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/ care home with provision of 8 car parking spaces. Refused 12 June 2006 for the following reason:

- The proposal would be contrary to policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 by reason of the intensity of development within the application site, the resultant number of properties in such use in the locality and impact on amenity of nearby residents.

06/0524 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/care home with provision of car parking spaces at the front and rear. (Re-submission of application 06/0203). Granted 04 September 2006.

07/0998 - Erection of three-storey detached building with basement and two storey section at the rear, both incorporating accommodation within the roofspace, to form 40 bedroom nursing/ care home with provision of 6 car parking spaces at the front and rear. (Amendment to planning permission 06/0524). Granted 28 April 2008.

08/1198 - Elevational alterations to three storey detached care/nursing home (amendments to planning permission 07/0998). Granted 12/01/2009.

#### **6-8 Carlin Gate:**

04/0523 - Use of premises as single private dwellinghouse and conversion of rear extension to form additional living accommodation to provide guest facilities for private use. Granted 13 July 2004.

07/0593 - Use of premises as a single private dwellinghouse by no more than six residents living together as a single household (including a household where care may be provided for residents) (Certificate of Lawfulness for Proposed Use). Refused 18 October 2007 for the following reason:

- The applicant has failed to provide sufficient information, with particular reference to the intended future residents and the nature and extent of any care to provided for

those residents, to enable the Local Planning Authority to properly assess the application submission and to be in a satisfactory position to confirm whether the proposed use falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site has no allocation in the Blackpool Local Plan 2001-2016.

### **SITE DESCRIPTION**

This application relates to a pair of semi detached properties on the northern side of Carlin Gate approximately 100m to the east of the junction with Queens Promenade. There are further semi detached properties to the east and to the rear fronting St Stephens Avenue. On the southern side of Carlin Gate are three detached houses and the Casino which extends between Carlin Gate and Knowle Avenue. The application properties are substantial two storey properties with accommodation in the roof space. To the rear of the properties are ancillary outbuildings and the garden area is overgrown. Currently the rear garden extends some 24 metres from the bay on the rear elevation of the properties. There is a substantial conifer tree on the boundary between the two properties. To the west of the properties, set at a slightly higher level is a relatively new care home that is owned by the applicants.

### **DETAILS OF PROPOSAL**

This application is for the conversion of the two properties into four flats – two on the ground floor each with two bedrooms and two on the first and second floors each with three bedrooms. The existing side entrances to 6 and 8 Carlin Gate would be used to access the flats. One of the existing garages would be retained (at no. 6) and it would be subdivided to provide storage/cycle storage for two of the flats. It is intended to demolish the other garage and ancillary buildings in the rear garden and provide four car parking spaces and a rear garden area for the flats of some 5.5 metres in depth by 10 metres in length (the remainder of the garden area would be attached to 4 Carlin Gate/ 4 St Stephens Avenue – see application 15/0229). Bin storage would be provided for the flats in 6 Carlin Gate at the side of the property and in the rear garden for the flats in 8 Carlin Gate.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- principle of the development
- standard of the development
- impact on residential amenity
- impact on highway safety

These issues will be discussed in the assessment section of this report.



## **CONSULTATIONS**

**Head of Transportation:** I have no objection to this proposal. Off-street parking is provided as part of the development. On-street parking is currently unrestricted and undersubscribed.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 6 August 2015

Neighbours notified: 6 August 2015 and 7 December 2015

**Mrs Susan Giacomini, 3 CARLIN GATE** - I agree to the improvements of 6 and 8 Carlin Gate as both these properties are in poor condition after being deliberately neglected by the owner hoping to have them demolished (application refused in July 2014) but I strongly object to the loss of the rear gardens of both properties by joining them to 4 Carlin Gate. This would impact on the local residents through loss of privacy, increased noise and unacceptable disturbance. It would also make the Care Home exceed the 10% limit. I also object to the associated plans for the rear extension and increased bedrooms of 4 St. Stephens as over intensification of the site and the joining of the two care homes. The original granting of the Care Home at 4 Carlin Gate was with the proviso that it should not and never should be joined to 4 St. Stephens Ave. In response to the re-notification in December I re-iterate my objection as stated in my previous letter. I totally oppose the loss of the rear gardens of 6 and 8 Carlin Gate and joining them to No. 4. This would contravene planning laws.

**FC Cove, 10 CARLIN GATE** - comments on original plans - no objections in principle to the conversion subject to the whole of the rear garden being retained.  
Comments on revised plans - concerned about disturbance which would result from cars using the drive at the side of 8 Carlin Gate and the noise and disturbance which would be associated with this activity.

**Mr M Farrell, 8 ST STEPHENS AVENUE** -We agree that the improvements are needed to 6-8 Carlin Gate. Last year Belsfield wanted to demolish these buildings and it is to be welcomed that this was refused and that they should be redeveloped to viable use. This has not happened yet. When Belsfield bought these properties, 8 Carlin Gate was already used as flats but 6 Carlin Gate was a single residence so would therefore be a change of use. We object to the plans for the garden area as use for the residents of 4 Carlin Gate and 4 St Stephens. This would increase the footprints of these care homes and would cross three existing boundaries as registered at the Land Registry. It would therefore increase the area of the care homes to over 10%. If this application was granted who is to say that Belsfield would try to increase development of the two care homes on this land.

**Mr B and Miss G Walsh and Laird, 10 ST STEPHENS AVENUE** - objects to the proposal on the basis that the proposed garden area would be too small, on the basis of the loss of part of

the rear garden area and on the basis that there are already too many flats and family houses are needed.

**Owners of 8 and 10 ST STEPHENS AVENUE** maintain their objection to the proposal (in response to revised notification on 7 December 2015).

### **NATIONAL PLANNING POLICY FRAMEWORK**

Paragraph 14 establishes a presumption in favour of sustainable development.

Paragraph 17 sets out the core principles of which a good standard of design and amenity is one.

Paragraphs 48 – 55 deal with housing and paragraph 51 seeks to ensure unused or underused buildings are brought back into beneficial residential use.

Paragraphs 56 – 65 deal with design.

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy HN4 – windfall sites for housing

Policy HN5 – conversion of properties to residential

Policy HN6 – housing mix

Policy BH3 – amenity

Policy BH10 - open space

Policy AS1 – general traffic/ highway considerations

New Homes From Old Places Supplementary Planning Document (SPD)

Housing Technical Standards 2015

SPG11 - Open space in new residential developments

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

Policy CS1 - Strategic Location of Development

Policy CS2 - Housing Provision

Policy CS7 - Quality of Design

Policy CS12 - Sustainable Neighbourhoods

## Policy CS13 - Housing Mix, Density and Standards

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan.

### **ASSESSMENT**

- **principle of the development**

The principle of using the property as flats would be consistent with paragraph 51 of the National Planning Policy Framework (NPPF) and Policy HN5 of the Blackpool Local Plan. In addition the proposal would be consistent with Policy CS12 of the Core Strategy. The property is outside the defined inner area and hence there is not the same concern about conversion to flats as there would be if the property was within the defined inner area. The key issues are therefore the size of the flats, the amenity space associated with the flats and bin storage/parking.

- **standard of the development**

The proposal is to create 2x2 bedroom flats and 2x3 bedroom flats. This would be consistent with Policy HN6 of the Blackpool Local Plan. Each flat would have one off street parking space. The ground floor flats would have a floor area of 62 sq m and the first floor flats would have a floor area of 72 sq m. These sizes would accord with the national technical standards which have now been incorporated in the New Homes from Old Places Supplementary Planning Document (SPD). The individual room sizes would meet the standards and the ceiling height would be acceptable for the ground floor flats. The first floor flats would have some accommodation in the roofspace and the reduced head height has been accounted for in the overall floorspace calculation. The flats in 6 Carlin Gate would have storage space in the existing garage which would be split in two. A shared garden area of some 55 sq metres would be provided. It is considered that the proposed development would provide a good standard of amenity for the occupiers of the flats and hence would be consistent with paragraph 17 of the NPPF, Policies HN5 and HN6 of the Blackpool Local Plan, Policies CS7 and CS13 of the Core Strategy and the New Homes from Old Places SPD.

- **impact on residential amenity**

It is not felt that the use of the property as flats would have a significantly detrimental effect on the amenities of local residents. The key issue is the proposed location of the car parking area and the potential impact that this would have on the amenities of the occupiers of neighbouring residential properties. In terms of numbers 6, 8 and 10 St Stephens Avenue to the north it is felt that the separation of some 13 metres to their rear gardens is considered acceptable. In terms of 10 Carlin Gate the parking would be adjacent the garage in the rear garden of no. 10 and hence this would act as a buffer. There are windows on the side of 10 Carlin Gate and a 1.3 metres (approximately) high wall divides the two properties. It is not felt that the vehicle movements associated with four flats would be so significant so as to have a significantly detrimental impact on the amenities of the occupiers of 10 Carlin Gate. In terms of paragraph 17 of the NPPF, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Core Strategy it is considered that the proposal would not adversely affect the amenities of neighbouring residents.

- **impact on highway safety**

The proposal would provide for one parking space per flat which is considered acceptable given the proximity of the site to Queens Promenade and bus/tram services. In addition the two flats in 6 Carlin Gate would have secure covered cycle storage which could reduce reliance on the private motor car. It is not felt that the proposal would conflict with Policy AS1 of the Blackpool Local Plan.

- **other matters**

The bin storage for the flats in 6 Carlin Gate would be reasonably accessible to the flats as it would be sited in the side drive and it would not be too far from Carlin Gate in terms of bin carry distance. The bin storage for the flats in no 8 Carlin Gate would be less conveniently located as it would be sited in the rear garden and would involve a lengthy bin carry distance. On its own this is not considered that this deficiency is enough to warrant refusal of the application. As the proposal involves the conversion of the property from one form of residential development to another no open space contribution is required.

### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

### **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

### **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998.

### **BACKGROUND PAPERS**

Planning Application File(s) 15/0228, which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

**Recommended Decision:** Grant Permission

## Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 31 July 2015 including the following plans:

Location Plan stamped as received by the Council on 31 July 2015  
Drawing numbered 2200.12 stamped as received by the Council on 03 December 2015

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall

thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

5. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

6. Prior to the development hereby approved being first brought into use the secure cycle storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

7. No flat shall be occupied until all of the external alterations (including car parking, cycle storage, bin storage, garden area for the flats, fencing, dwarf wall, landscaping) and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and all of the external alterations (including car parking, cycle storage, bin storage, garden area for the flats, fencing, dwarf wall, landscaping) hereby approved shall thereafter be retained for the benefit of the occupiers of the flats.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

9. A dwarf wall or other means of enclosure shall be retained or erected along the frontage of the premises and details of materials and design of such means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details prior to the development hereby permitted being first brought into use. Such means of enclosure shall thereafter be retained.

Reason: In the interests of appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

10. Before the flats are first occupied an acoustic wall or fence of a height and type to be agreed in writing by the Local Planning Authority shall be erected on the northern boundary of the garden area/car parking area for the flats and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the amenities of the residents of the flats in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

11. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the flats hereby approved shall only be occupied by people for whom it is their sole or main residence and shall not be used for staff accommodation in association with the care homes at 4 Carlin Gate, 4 St Stephens Avenue and 3 St Stephens Avenue nor for any other purpose within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: To safeguard the character and appearance of the area and the amenities of the occupiers of neighbouring properties in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016

### **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

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N

# LOCALITY PLAN

Lower

## ~~Stephens Ave~~

## #.6.8 Carlin Gate

### Scale 1:1250

Shelter

BLACKPOOL & FLEETWOOD TRAMWAY

Shelter

QUEEN'S  
P R O M E N A D E

78

LB

WOLVERTON

AVENUE

ST STEPHEN'S

AVENUE

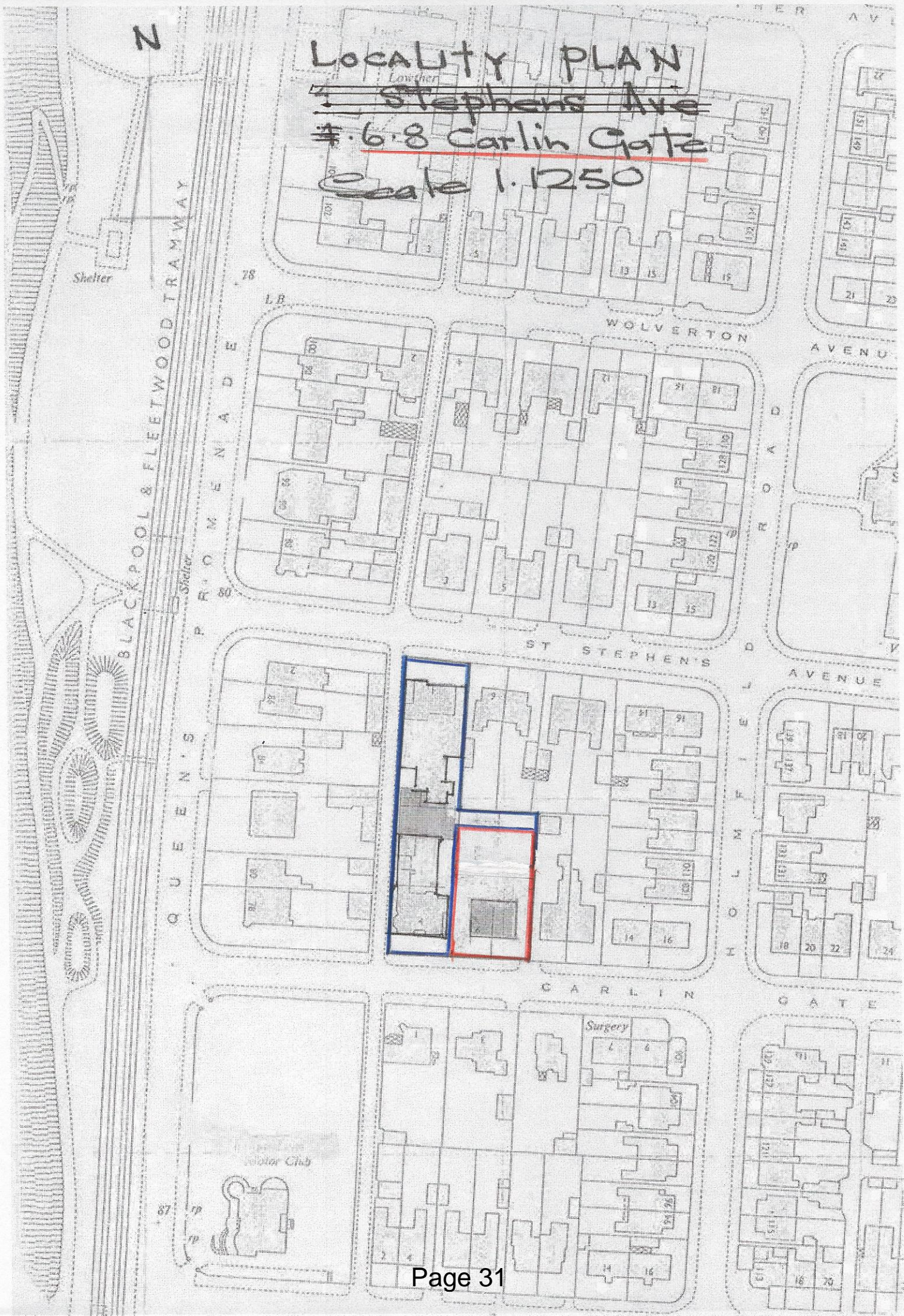
CARLIN

GATE

Boat Club

Surgery

87





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**COMMITTEE DATE:** [09/02/2016](#)

**Application Reference:** 15/0229

WARD: Warbreck  
DATE REGISTERED: 31/07/15  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Belsfield Care

**PROPOSAL:** Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

**LOCATION:** REAR GARDEN AREA TO 6-8 CARLIN GATE, BLACKPOOL, FY2 9QX

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr Gary Johnston

## **SUMMARY OF RECOMMENDATION**

Whilst there are concerns that the use of this land in association with the existing care homes at 4 Carlin Gate and 4 St Stephens Avenue may lead to other things in the future this application has to be considered on its merits and on balance it is considered that it would not conflict with the intent of Policy BH24 of the Blackpool Local Plan in that residential frontages would remain to Carlin Gate and St Stephens Avenue to the east of the existing care homes and that the proposal would not significantly affect the amenities of local residents so as to be contrary to para 17 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Core Strategy. Approval is therefore recommended

## **INTRODUCTION**

This application was deferred at the meeting of the Planning Committee on 12 January 2016 to enable officers to consider the suggested planning conditions and consider whether additional conditions may be necessary to ensure that the development is acceptable. The wording of condition 5 has been amended and an additional condition has been added (condition 6) as a result. These changes have been shared with the applicant's agent.

Some Members will recall that applications relating to 6-8 Carlin Gate, 4 Carlin Gate and 4 St Stephens Avenue have been before the Committee before (details are listed below). This

application is one of three applications for the properties which are owned by the applicants. The three applications are -

15/0227 -Erection of roof lift to existing rear extension to provide 5 additional bedrooms and lounge and provision of 3 additional car parking spaces to rear following demolition of existing lounge. **(4 St Stephens Avenue)**

15/0228 -Use of premises as 4 self contained permanent flats with associated landscaping and works following demolition of existing rear extensions and alteration to existing garage. **(6-8 Carlin Gate)**

15/0229 - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate. **(6-8 Carlin Gate and 4 Carlin Gate/4 St Stephens Avenue)**

These applications follow on from previous applications which sought to link 4 St Stephens Avenue to 4 Carlin Gate and redevelop 6-8 Carlin Gate. Outline planning applications with references 12/0700 and 13/0754 were withdrawn. Outline Planning Application reference 13/0301 for the erection of a two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 12 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with integral garages, with associated access, parking and landscaping to the rear for use by the extended rest homes following demolition of 6-8 Carlin Gate, was refused by the Planning Committee at its meeting on 22 July 2013 (a subsequent application 14/0150 - *Erection of two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 10 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with associated vehicle access, parking and landscaping to rear for use by rest homes following demolition of 6-8 Carlin Gate was withdrawn*).

The reasons for refusal for 13/0301 are listed below:

1. The proposed extensions and alterations, linking 4 Carlin Gate and 4 St. Stephens Avenue and extending into residential gardens at the rear of 6-8 Carlin Gate would constitute an over-development of the plots and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the boundaries and fenestration resulting in, overlooking, visual intrusion and a development which is overly intensive and out of character within a residential setting. The proposed link extension would also be detrimental to future occupants by virtue of the proximity of windows to boundary walls resulting in lack of natural light and lack of outlook. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.
2. The proposal would create an inadequate vehicle access off Carlin Gate to substandard parking facilities to the rear of 6-8 Carlin Gate which would result in vehicle conflict, leading to vehicles having to reverse out of Carlin Gate and around tight corners with poor visibility. This would be contrary to highway safety and the free flow of traffic within the site.

Furthermore the under-provision of useable parking spaces would lead to additional on street parking within the vicinity of the site which would lead to congestion and impede the free flow of traffic and would be detrimental to residential and visual amenity. The proposal would therefore be contrary to Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

3. It has not been demonstrated that 6-8 Carlin Gate could not be brought back into viable use and the demolition of 6-8 Carlin Gate is therefore unsustainable. Furthermore, the two-storey domestic scale of the replacement dwellings proposed at 6-8 Carlin Gate would be out of character with the neighbouring properties at 4 Carlin Gate and 10-12 Carlin Gate and would therefore be an incongruous feature in the streetscene. The proposal would therefore be contrary to Policies LQ1, LQ4 and LQ8 of the Blackpool Local Plan 2001-2016.

There have been numerous applications for the use/new build and extensions to 4 St Stephens Avenue, 4 Carlin Gate and 6 Carlin Gate in recent years and they are listed below:

#### **4 St Stephens Avenue:**

86/0420 – Use of premises as a rest home. Granted 22 April 1986.

86/0916 - Erection of two-storey side extension and extension to rear dormer and erection of external staircase. Granted 06 August 1986.

88/1571 - Erection of part two-storey and part single-storey rear extensions. Granted 29 November 1998.

92/0667 - Erection of first floor rear extension to rest home. Granted 20 October 1992.

93/0810 - Erection of first floor rear extension to rest home. Granted 19 October 1993.

95/0574 - Use of premises as a rest home and nursing home. Granted 11 October 1995.

98/0019 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities. Refused 06 April 1998 for the following reasons:

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to an increase in on-street parking to the detriment of highway safety and residential amenity.

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- The proposed extensions and alterations would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook, loss of car parking facilities and a lack of useable amenity space for the residents of the home. In addition it is considered that the proposals would lead to additional on street parking within the vicinity of the site which would lead to congestion and would be detrimental to residential and visual amenity. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3, BH24 and AS1 of the Blackpool Local Plan 2001-2016.

11/1000 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 36 en-suite bedrooms at existing care home. Refused 19 January 2012 for the following reason:

- The proposed rear extension, when added to other constructed and approved extensions, would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants by virtue of its size, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook and a lack of useable amenity space for the residents of the home. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.

#### **4 Carlin Gate:**

06/0203 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/ care home with provision of 8 car parking spaces. Refused 12 June 2006 for the following reason:

- The proposal would be contrary to policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 by reason of the intensity of development within the application site, the resultant number of properties in such use in the locality and impact on amenity of nearby residents.

06/0524 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/care home with provision of car parking spaces at the front and rear. (Re-submission of application 06/0203). Granted 04 September 2006.

07/0998 - Erection of three-storey detached building with basement and two storey section at the rear, both incorporating accommodation within the roofspace, to form 40 bedroom nursing/ care home with provision of 6 car parking spaces at the front and rear. (Amendment to planning permission 06/0524). Granted 28 April 2008.

08/1198 - Elevational alterations to three storey detached care/nursing home (amendments to planning permission 07/0998). Granted 12 January 2009.

#### **6-8 Carlin Gate:**

04/0523 - Use of premises as single private dwellinghouse and conversion of rear extension to form additional living accommodation to provide guest facilities for private use. Granted 13 July 2004.

07/0593 - Use of premises as a single private dwellinghouse by no more than six residents living together as a single household (including a household where care may be provided for residents) (Certificate of Lawfulness for Proposed Use). Refused 18 October 2007 for the following reason:

- The applicant has failed to provide sufficient information, with particular reference to the intended future residents and the nature and extent of any care to be provided for those residents, to enable the Local Planning Authority to properly assess the application submission and to be in a satisfactory position to confirm whether the proposed use falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site has no allocation in the Blackpool Local Plan 2001-2016.

#### **SITE DESCRIPTION**

This application relates to part of the rear garden of 6-8 Carlin Gate. The area currently contains outbuildings and a tree. The area measures approximately 22 metres by 15 metres. It is bounded by the rear gardens of houses fronting St Stephens Avenue to the north, the rear garden of 10 Carlin Gate to the east and care homes owned by the applicants at 4 Carlin Gate and 4 St Stephens Avenue to the west.

## **DETAILS OF PROPOSAL**

The proposal is to segregate part of the rear garden of 6-8 Carlin Gate and use it as an amenity/garden area for the homes at 4 Carlin Gate and 4 St Stephens Avenue. The application site would have a 15 metres boundary to 4 Carlin Gate. Access to it from 4 St Stephens Avenue would be via the rear area of 4 Carlin Gate. The outbuildings would be demolished and the area would be laid out as pathways, seating area and landscaped areas with the existing tree being retained.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- The principle of the development
- The impact on residential amenity

These issues will be discussed in the assessment section of this report.

## **CONSULTATIONS**

**Environmental Protection** - We have never had a complaint from Carlin Gate and only one complaint in July 2014 about noise from the residents at St Stephens Avenue. This complaint was investigated but not substantiated and the job was closed down.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 6 August 2015

Neighbours notified: 6 August 2015 and 7 December 2015

**Mrs M Singleton, 12 CARLIN GATE** - objects very strongly to this application. By garden grabbing from 6-8 Carlin Gate this increases the footprint of the nursing home and we have no doubt that further plans will be submitted in the future for further extensions and redevelopment. Another major concern is the noise. We already suffer greatly from the noise from the residents. Due to the very nature of their conditions there is constant screaming and shouting for help and telling people to get off them/stay away from them. This is very upsetting in particular to my young children when they are playing outside. Ours is a family home and we should be able to use our garden in peace without having to come in to escape the noise. It is not fair to my children. To allow the gardens to creep even nearer to our property will make an already difficult situation unbearable. If outside space is an issue then this should have been thought about in the original plans. We strongly object to this application. In response to the re notification the following comments have been made -We still strongly object to the garden grabbing of 6-8 Carlin Gate for the use of communal gardens. Our original objections still stand. The nature of the patients who constantly shout, scream and cry would render our garden unusable. My children already find the constant shouts and screams very upsetting, to move the noises nearer would be unbearable.



**Mrs Susan Giacomini, 3 CARLIN GATE** - objects strongly to this planning application. By taking the garden areas from 6 and 8 Carlin Gate to increase the land area of no. 4 is against the 10% limit for the Care Home. Three Boundaries are being contravened. The impact on the surrounding residents and their properties would be horrendous. Already the shouting and screaming from the residents of 4 Carlin Gate and 4 St. Stephens Avenue is unbearable when the weather is good and the windows are open. Bringing this level of disturbance closer to private gardens is immoral and unacceptable. Last year the applicant was refused planning application for the back gardens of No. 6 and 8 Carlin Gate to be united with the Care Home at No. 4. Nothing has changed to alter this decision. NO should mean NO!!!!!!

**Owner of 3 CARLIN GATE** has made the following comments in response to the revised notification on 7 December 2015 - I object to No. 4 taking over the rear garden areas of No. 6 and 8 Carlin Gate. This is in contravention of planning laws and the 10% maximum development. This is effectively turning the care homes on St. Stephen's Ave and Carlin Gate into one huge nursing home complex and putting a car park into private garden areas. After nearly 10 years of planning being turned down for this encroachment I cannot see any reason for this application being granted.

**FC Cove, 10 CARLIN GATE** - objects to increased land area associated with the homes. The use of this land in association with the existing homes would bring noise and disturbance closer to neighbouring residents.

**Owner of 10 CARLIN GATE** maintains his objection to the proposal (in response to revised notification on 7 December 2015).

**Mr B and Miss G Walsh and Laird, 10 ST STEPHENS AVENUE** - objects to increasing the site area of the existing homes and is concerned that it would bring noise and disturbance closer to existing neighbouring residents. Concerned that it represents creeping development and could result in further expansion of the homes.

**Mr M Farrell, 8 ST STEPHENS AVENUE** - objects to this application as it would change the boundaries of three properties as registered with the Land Registry and would increase the footprint of the care homes at 4 St Stephens Avenue and 4 Carlin Gate. There are a number of dementia patients who shout loudly during the day, especially in the summer months when the windows are open. This noise is disturbing and upsetting and would increase. As far as improving the daily life of residents this should have been considered before the care homes were extended onto what were previously gardens of these two properties.

**Owners of 8 and 10 ST STEPHENS AVENUE** maintain their objection to the proposal (in response to revised notification on 7 December 2015).

#### **NATIONAL PLANNING POLICY FRAMEWORK**

Paragraph 14 establishes a presumption in favour of sustainable development.

Paragraph 17 sets out the core principles of which a good standard of design and amenity is one.

Paragraphs 56 – 65 deal with design.

## **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy LQ1 - Lifting the quality of design  
Policy LQ2 - Site Context  
Policy LQ6 - Landscape design and biodiversity  
Policy BH3 - Residential and Visitor amenity  
Policy BH24 - Residential Homes

## **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

CS7 Quality of Design  
CS12 Sustainable Neighbourhoods  
CS15 Health and Education

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan

## **ASSESSMENT**

### **• The principle of the development**

The proposal would extend the care home usage further east along St Stephens Avenue/Carlin Gate. Currently that usage extends north - south through 3 St Stephens Avenue, 4 St Stephens Avenue and 4 Carlin Gate albeit that there is limited amenity space on any of the plots because of the site coverage of the built form. Policy BH24 of the Local Plan seeks to restrict care homes to represent no more than 10% of properties in any one block. It could be argued that the existence of three homes meets this requirement in terms of the respective blocks in which they are situated. The issue in this case is that the frontages to both Carlin Gate and St Stephens Avenue would remain unaltered by the current proposal i.e. they would remain residential. There are concerns that if this application is approved it could weaken the case for further extensions to the homes at 4 Carlin Gate and 4 St Stephens Avenue and weaken the case for further encroachment eastwards onto the remaining site of 6-8 Carlin Gate. It also seems a little perverse given the

extensive planning history for the properties at 4 St Stephens Avenue and 4 Carlin Gate that there is suddenly a concern regarding the lack of amenity space for the homes.

Notwithstanding these concerns, the application has to be considered on its merits and some of the issues identified may well result in applications in the future which will have to be judged on their own merits. The area is of a reasonable size but given it is set at right angles to the two homes it would have limited visual benefit for the occupants of the homes (six of the bedrooms at 4 Carlin Gate would overlook the area whilst none at 4 St Stephens Avenue would directly do so because the home at 4 St Stephens is offset relative to the application site) although it would offer a seating/walking area in the summer months. On balance it is felt that this proposal would not conflict with the intent of Policy BH24 of the Local Plan.

- **The impact on residential amenity**

The land is currently overgrown and in part occupied by buildings. It is obvious that it has not been used as a conventional garden area for some time. This is not in itself a reason to support the application as anyone could leave land or property to deteriorate in the hope of getting planning permission for an alternative proposal. Having said that the proposal would involve an enhancement of the land and an existing tree would be retained. The key issue is whether the usage of this area by the residents of the two homes would adversely affect the amenities of the occupiers of the houses which abut the application site. The two homes currently accommodate 71 residents, but not all of the residents would use the area at the same time. There is a clear intention that there would be a seating area and a circular walkway, although this would be set away from the boundaries with neighbouring properties. There is a perception amongst local residents that given the nature of the occupants of the homes there will be significant noise and disturbance through the use of this area. Given the use of the area would have to be managed by staff at the homes, it is not felt that this would be such a significant issue so as to warrant refusal of the application. On balance therefore it is felt that the proposal would not conflict with paragraph 17 of the National Planning Policy Framework, Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy.

## **CONCLUSION**

Whilst there are concerns that this may lead to other things in the future this application has to be considered on its merits and on balance it is considered that it would not conflict with the intent of Policy BH24 in that residential frontages would remain to Carlin Gate and St Stephens Avenue to the east of the existing care homes and that the proposal would not significantly affect the amenities of local residents so as to be contrary to paragraph 17 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Core Strategy. Approval is therefore recommended

## **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

## **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

## **BACKGROUND PAPERS**

Planning Application File 15/0229 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 31 July 2015 including the following plans:

Location Plan stamped as received by the Council on 31 July 2015  
Drawing numbered 2200.12 stamped as received by the Council on 3 December 2015

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, above ground structures, means of enclosure and boundary

treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. (a) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the existing tree on the application site has been submitted to and approved in writing by the Local Planning Authority.

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme are in place.

(d) The fencing or other works which are part of the approved protection scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior written agreement of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, having regards to Policy LQ6 of the

Blackpool Local Plan 2001-2016.

5. The garden area hereby approved shall only be used as garden area for the benefit of the residents of the homes at 4 Carlin Gate and 4 St Stephens Avenue and for no other purpose.

Reason: To safeguard the amenities of neighbouring residents and in the interests of the amenity of the occupiers of the two homes in accordance with Policies BH3 and BH24 of the Blackpool Local Plan 2001-2016

6. Before the garden area is first brought into use an acoustic wall or fence of a height and type to be agreed in writing by the Local Planning Authority shall be erected on the northern and eastern boundaries of the garden area and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the amenities of the residents of the surrounding properties in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

#### **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.



N

# LOCALITY PLAN

~~Stephens Ave~~

R/O 6-8 Carlin Gate

Scale 1:1250

Shelter

BLACKPOOL & FLEETWOOD TRAMWAY

P R O M E N A D E

Q U E E N S

78

L.B.

WOLVERTON AVENUE

ST STEPHEN'S AVENUE

CARLIN GATE



Surgery

Water Club

87



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**COMMITTEE DATE:** 09/02/2016

**Application Reference:** 15/0394

**WARD:** Squires Gate  
**DATE REGISTERED:** 27/07/15  
**LOCAL PLAN ALLOCATION:** No Specific Allocation

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** Mr Moore

**PROPOSAL:** Erection of eight two storey semi detached dwellinghouses and one detached bungalow with associated access road, car parking, landscaping and boundary treatment, following demolition of existing building.

**LOCATION:** 138 STONY HILL AVENUE, BLACKPOOL, FY4 1PW

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**Summary of Recommendation:** Refuse

## **CASE OFFICER**

Mr Gary Johnston

## **SUMMARY OF RECOMMENDATION**

The original proposal for 10 semi detached houses was recommended for refusal on the following grounds at the Planning Committee meeting on 1 December 2015 -

- 1 The proposed development is considered to be overintensive for the size of the site and out of character with the area in which the site is located. As such the proposed development would be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, Policies LQ2 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy (modification version).
- 2 The proposed development would have an adverse impact on the amenities of neighbouring residents by reason of its height, bulk and proximity to site boundaries with shading and overlooking being the principle concerns leading to a loss of privacy. As such the proposed development would be contrary to paragraph 17 of the National Planning Policy Framework, Policies LQ2 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy (modification version).

The revised proposal for eight semi detached houses and a bungalow has sought to address some of those concerns to the extent that it is not considered that suggested reason No. 2

could now be sustained. In terms of reason No. 1, the key issue is whether the proposal remains out of character and overintensive. Again, a number of changes to the proposal have sought to improve the design and appearance of the proposed development and make it more in character with the existing streetscene. Local residents do not feel that this has gone far enough in terms of the intensity of the development and the creation of the new access/inclusion of the undercroft. On balance, officers agree with this position and hence the proposal is considered unacceptable for the following reason:

The proposed development is considered to be overintensive for the size of the site and out of character with the area in which the site is located. As such the proposed development would be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, Policies LQ2 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy.

## **INTRODUCTION**

This application was deferred by the Planning Committee at its meeting on 1 December 2015 and since then the applicant has amended the application and it has been subject to re-notification and consultation. The key changes are as follows -

- the number of properties has been reduced from 10 to 9.
- the northern pair of semi detached houses facing the courtyard access have been deleted from the proposal and replaced with a bungalow.
- the properties fronting Stony Hill Avenue (and the pair of semi detached houses to the rear) have been redesigned to complement existing properties on Stony Hill Avenue - hipped roofs (no dormers), projecting angular two storey bays with decorative gable roof above and no significant forward projection.
- additional tree planting is proposed in the front gardens of properties fronting Stony Hill Avenue and some of the rear gardens.
- the access road to the three properties at the rear is shown as wider at six metres.
- the slabs levels of the properties are shown as consistent across the site - previously the houses at the rear were shown higher than those fronting Stony Hill Avenue.
- low level lighting to serve the three properties at the rear.

The application site was previously owned by the Council and in March 2014, the Council granted itself outline planning permission for the redevelopment of the site for three pairs of semi detached houses (six houses) which would replicate the streetscene at this end of Stony Hill Avenue, which comprises pairs of semi detached houses (14/0036 refers). A pre-application enquiry for 12 houses was submitted prior to the application being submitted and it was pointed out that permission exists for six houses and this had not raised serious concerns with local residents but this was declined on viability grounds although no evidence was put forward. It was suggested that the number be reduced to eight. A scheme of 10 was suggested by the applicants and officers still had concerns and recommended that pre-application consultation with local residents was undertaken prior to an application being submitted but this approach was declined by the applicant.

## **SITE DESCRIPTION**

This application relates to a site on the western side of Stony Hill Avenue. It is close to the southern end of Stony Hill Avenue and has a frontage of some 54 metres and a depth of 36 metres. It currently contains one detached two storey L shaped building with car parking on the southern side of the building and garden area to the north. To the south of the site is garage premises (the rear boundary wall of which forms the site boundary) fronting Squires Gate Lane. To the west of the site are semi detached houses fronting Hillcrest Road. To the north and opposite are semi detached houses fronting Stony Hill Avenue. There are 2 metre high walls and fences around the other boundaries of the site. There were some trees on the site but these have been removed by the applicant. The existing L shaped building is sited some 23 metres to the south of the boundary with 136 Stony Hill Avenue and some 9 metres to the east of the boundary with the properties that front onto Hillcrest Road. It is acknowledged that there are windows in both elevations but in the case of 136 Stony Hill Avenue the impact of these in terms of overlooking is minimised by the 22 metres distance. The two first floor windows on the elevation facing the rear of properties fronting Hillcrest Road are nearer to the boundary than would be expected today.

## **DETAILS OF PROPOSAL**

This application is for the erection of nine properties on the site - six would front Stony Hill Avenue in the form of two pairs of semi detached houses and the middle pair would have an undercroft which would allow for a short access road to serve one further pair of semi detached houses and a detached bungalow. The semi detached properties would be two storey but would include accommodation in the roof space, which would be served by a velux window on the rear roof plane. The semi detached properties fronting Stony Hill Avenue would have two storey angular bays which would be similar to the bays on the existing properties and they would have driveways to accommodate two cars, reflecting the pattern of development in Stony Hill Avenue. The pair of semi detached properties to the rear would have two car parking spaces each in front of the properties. The bungalow would have two off street car parking spaces. The semi detached properties to the rear would be set between 13 metres and 14.5 metres from the main rear elevations of properties fronting Hillcrest Road and the bungalow would be set 10.5 metres to the south of the end semi detached house fronting Stony Hill Avenue, although there would be a projecting rear wing to the proposed bungalow which would come within 6.5 metres of the boundary.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the intensity of the development
- the character and appearance of the development
- the impact of the development on residential amenity
- the impact of the development on highway safety

## CONSULTATIONS

**United Utilities Plc (Water)** - With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region. In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- a sewer (approval must be obtained from United Utilities)

**Head of Transportation:** has the following comments to make on the revised plans (eight houses and one bungalow):

1. The creation of the proposed access road and driveways will result in the loss of available unrestricted on-road car parking, approximately five car parking spaces. Car parking is in high demand due to the small cluster of shops that operate from Squires Gate Lane. Loss of some on-street car parking spaces will only transfer the demand further along Stony Hill Avenue.
2. The six units accessed from the front have adequate car parking provision, however the units at the rear only appear to have access to four spaces. This could create additional demand for car parking either within the development curtilage or on Stony Hill Avenue. The larger unit to the rear appears to have no dedicated off-street parking, unless the paved area shown to be dedicated for car parking purposes, a single space at that. **(there is space on the drive and on the western side of the proposed bungalow for two spaces)**
3. The access road is now shown to be 6.2 metres wide but with no dedicated footway(s) for pedestrians, effectively making pedestrians and private vehicles share the same area. This could lead to conflict and possibly highway safety issues.
4. Tracking details/plans to be provided detailing how large vehicles (Fire Tender and Refuse Collection vehicle) can access the site. They must be able to drive in and drive out in forward gear. The reversing distance exceeds standards as Fire Tenders in particular should not reverse a distance greater than 20 metres.
5. The development, in particular the access road will not be subject to a Section 38 agreement as it only serves four properties. How will the developer overcome maintenance matters for the access road, drainage, any lighting scheme proposed.

6. No lighting scheme shown.
7. The bin drag distance exceeds 25 metres. What discussions have taken place with refuse collection contractors? Also, the height from ground level to beneath the underside of the property over the access road is 2.6 metres - is this correct? High sided vehicles will struggle to access the site.
8. Forward visibility will be hindered for future occupiers. I should add that this is an existing situation, maybe made worse.
9. The proposal submitted a couple of years ago for six semi-detached units all facing Stony Hill Avenue is considered better, that scheme will have resulted in the loss of some on-road car parking (for the creation of driveways) but was in keeping with the character and use of the street.
10. The layout does not provide good connectivity, in particular for pedestrians. Footways terminate on the south side with no linkage. No footway shown on the north side. No footways proposed as part of the current submission.

In response, the applicant's agent has commented:

1. Car Parking. In the approved scheme for six houses, the loss of three car parking spaces is already accepted. Ergo it is alleged that there is a further loss of two car parking spaces. The previous use had a demand for 53 car parking spaces, the majority of which were on road. Furthermore, the letters of objections from residents acknowledge that when charges were introduced for staff parking on site this number significantly migrated to the road. Therefore the proposal is a net reduction in demand for on street parking from previous use. Furthermore, all car parking likely to be generated by the dwellings is contained on site with at least two spaces per dwelling, and mostly three plus spaces. The potential loss of one-two spaces is not significant.
2. The "large unit" is a two bed bungalow. This has dedicated driveway and can accommodate up to three cars.
3. We would refer your highway advisor to the document 'Manual for Streets'. This guide requires that the access roads have shared usage as exhibited in Blackpool Council's own adopted highways on Oxford Road and Cambridge Road. Indeed this proposal was actually stated as a preference in your Committee report. I therefore consider these comments are incorrect.
4. There is no requirement for a fire vehicle to enter site. The requirement is indeed that a fire appliance should not reverse more than 20 metres and this proposal would be compliant. This is a Scottish Standard and not part of English standards/requirements. Again your highways advisor would appear not to be aware that if the entire perimeter can be accessed with 45 metres from a public highway there is no requirement for the appliance to enter site (Part B Building regulations). In this manner the highway layout is compliant and your highway advisor is incorrect.
5. We do not consider that this is an issue for your highway advisor, however in response it is not intended to seek adoption of the access road. Private estate roads are managed and maintained by the landlord. The site will be lease hold basis and home owners pay an annual maintenance charge/ ground rent. Again this is common practice and not a planning issue.
6. This comment is wrong. Illuminated bollards are shown.

7. There is no requirement for refuse vehicles to enter site. All bins will be placed in temporary bin collection point at end of access road, which is compliant with 25 metres drag distance. There is no requirement to consult with council refuse contractor as this will not provide any additional benefit.
8. It is unclear what your highway advisor is referring to on this point. There is not such terminology with Highways and Transportation. Perhaps your highway advisor could clarify this point. The visibility splay from the junction is fully compliant with all current legislation and guidance.
9. Your highway advisor is not qualified to make these remarks and at best can be considered to be personal opinion. This should be set aside.
10. Refer to point 3 above.

### **PUBLICITY AND REPRESENTATIONS**

Press notice published: 11 August 2015

Site notice displayed: 31 July 2015

Neighbours notified: 30 July 2015 and 14 January 2016

**Objections have been received from the following to the original proposal for 10 semi detached houses (comments on the revised proposals are shown in italics):**

**Mr Dominic Hudson, 127 Stony Hill Avenue**

Objects to proposed plans of 10 semi detached houses on the following grounds:

The added access road will further reduce parking on an already busy street due to current resident on the street and busy commercial properties which will most likely see a down turn in customers due to increased difficulty in parking in local area. Also the access road will cause disturbance with headlights directly beaming into main living areas of houses opposite at all hours of night.

The dormer windows will invade on the privacy of neighbours, Stony Hill Avenue doesn't have any front facing dormer windows.

Stony Hill Avenue is a very much loved and well known tree lined street the proposed plans of a courtyard development wouldn't fit in with current look of this avenue. We agreed with current approved plans for six semi detached properties as this was in keeping with Stony Hill Avenue and not an over development of the land and would not of had a wider impact on neighbours and local business like the current proposed plans do have.

***Comment submitted date: Mon 18 Jan 2016***

***The new amended do not address the many concerns regarding the proposed plans at 138 Stony Hill Avenue.***

***Some of the concerns that we still have include -***

***The parking at the end of Stony Hill Avenue is already very congested due to the businesses on Squires Gate Lane resulting in parking issues and entry to and from Squires Gate Lane***

***everyday including weekends. Stony Hill Avenue is already used as a 'cut through' for traffic to avoid the traffic lights on Squires Gate Lane. The further increase in cars parked on the street and the added road which will often be concealed due the parked cars on the street will be a risk to pedestrians, cyclists and motorists. Car/van headlights entering and exiting the new road will directly shine into living areas on the house opposite 138 Stony Hill Avenue. Stony Hill Avenue is a very much loved and well known tree lined street the proposed plans of a court yard development wouldn't fit in with current look of this avenue. We agreed with current approved plans for six semi detached properties as this was in keeping with Stony Hill Avenue and not an over development of the land and would not of had a wider impact on neighbours and local business like the current proposed plans do have.***

**Mr S Taylor, 126 Stony Hill Avenue**

Objects to the proposed planning application on the following grounds:

#### Highway Safety and Parking

The parking at the south end of Stony Hill Avenue is already very congested due to the businesses operating on Squires Gate Lane, this results parking issues and entry to and from Squires Gate Lane most of the day and at weekends. If there were 10 extra houses built on the proposed area it will make a severe problem very much worse. Stony Hill Avenue is already used as a 'cut through' for traffic to avoid the traffic lights at the entrance to the airport and the extra congestion and inevitable cars parked at the roadside would increase the safety risk to pedestrians and motorists alike.

#### Character /Appearance

The previous application to build six semi-detached properties on this site which would have been in keeping with the area and were an appropriate number for the size of the land. However, the present application for 10 houses (an increase of 40%) on the same area would appear to be over development and not in keeping with other buildings in the Avenue. Some of these proposed houses are three storey buildings and as such are not in keeping with Stony Hill Avenue as there are currently no three storey properties at the south end of the avenue. The proposal is for a courtyard style development but Stony Hill is a very well established tree lined Avenue there aren't any developments of this style on the Avenue, again it is not in keeping with the character of the avenue.

#### Effect on nature conservation and trees

The Avenue is currently tree lined and most of the properties have large rear and front gardens, the current plot also has a large grassed area. Ten properties on that plot along with the courtyard appearance and driveways will surely have an impact.

#### The possibility of more noise or disturbance

Due to the type, style and scale of the proposed development, with the increase in number of people an vehicles on such a small site (not including visitors) an increased level of disturbance and noise is to other residents is inevitable.

138 Stony Hill Avenue was sold originally with planning permission for six x semi-detached dwellings each with garages and driveways which surely was deemed to be appropriate and the limit for the development to allow it to be within the character of surrounding area and as such this must have been obvious and apparent to the buyer at the time. If this plot had been considered large enough for such a ten property development surely the Council would have sold it with planning for this at the time. As such, I feel this application should be rejected to allow for the original development which was agreed and was in keeping with the character of the area.

**Mr Graham Oxley, 108 Stony Hill Avenue**

Object on the grounds that they consider that this application is an over development of the land available and is not in keeping with our beautiful tree lined avenue. Having seen the plans it is obvious that there will be an overflow of parked vehicles onto Stony Hill Avenue worsening an already formed bottle neck of traffic using the avenue as a bypass to the traffic lights on Squires Gate Lane. In essence we object to the out of character development and on street parking.

**Mr A Murphy, 132 Stony Hill Avenue**

Objects to the proposed planning application on three main points:

**1. Parking**

The addition of 10 properties will reasonably require anywhere between 15 - 20 parking spaces as the majority of families currently have two cars. There is insufficient parking included in this application and therefore would cause more parking congestion further down the street.

As mentioned in most of the pervious comments there is a current overflow from the garage business that causes employees and clients from the business to park in front 138 Stony Hill Avenue and even further down the street on a daily basis. This application would only exacerbate the parking issue further.

**2. Design**

The design of the whole development is not in keeping with anything along the whole street, there are no three storey houses anywhere along the whole length of Stony Hill Avenue. All houses along Stony Hill Avenue and indeed in most of the surrounding area all have brick wall perimeter and not picket fences.

**3. Overlooking**

The current plans would allow the houses at the rear of the proposed development direct viewing of at least 30 rear gardens along Stony Hill Avenue and Hillcrest Road. The majority of property owners have bought houses in this area for the size and privacy that these rear gardens provide and I find the current layout totally unacceptable.



**Mrs M Whittaker, 135 Stony Hill Avenue**

Objects to the proposed planning application on two main points.

1) The parking in Stony Hill Ave which will occur when 10 extra houses are built on the proposed area will make a severe problem very much worse. There are two businesses in the road which have vehicles parking on street for short or longer periods of time. There are also businesses in Squires Gate Lane, the customers of which use Stony Hill Avenue to park their cars. The building of these houses will exacerbate an already serious problem and cause restriction for passing traffic and also for those people who live in Stony Hill Avenue.

2) I did not object to the previous application to build six semi-detached properties on this site as they were in keeping with the area and were an appropriate number for the area of the building. However, the present application for 10 houses on this fairly small area would appear to be over development and not in keeping with other buildings in the Avenue. Some of these proposed houses are three storey buildings and as such will overlook my property and restrict light.

***Comment submitted 26 January 2016 - maintains her objection to the revised plans***

**Mr Chris Allan, 51 Stony Hill Avenue**

Objects to the proposed development on the following grounds:

1. Scale - The scale of the proposal would be over development for the size of land. On the opposite side of the road to the proposed site and all down the avenue there are a maximum of six three bedroom properties in an area of similar dimensions to the proposal.

2. Appearance and design - The proposal shows windows to three floors on the street elevation of Stony Hill Avenue. There are no residential properties on Stony Hill Avenue that have windows to three floors on the street elevation. The proposal is for a courtyard style development but Stony Hill Avenue is a very well established tree lined Avenue there aren't any developments of this style on the Avenue, it is not in keeping with the character, all properties are street facing. Due to the size and enclosed nature of the properties at the back of the drive through there must be safety issues over access to emergency vehicles e.g. fire engines etc.

3. Impact on the residential amenity of local residents including loss of light, overlooking and loss of privacy, noise and disturbance - The size of this development is far too large for the space available and is an increase of 40% on the size of original approved plans. This proposal will be massively over dominant for the space available. The plans show that the street facing

properties are further forward than the existing properties, again out of keeping with neighbouring properties.

4. Impact on the character of the area and whether the use is appropriate - Stony Hill Avenue is noted as being one of the very few original tree lined Avenues in Blackpool and a courtyard style development and properties of this style is completely out of character with the rest of the Avenue and the area.

5. Effect on highway safety and parking - The Squires Gate end of Stony Hill Avenue already has issues with parking from the customers using the commercial units on Squires Gate and Stony Hill Avenue and in an attempt to resolve these properties have white road markings at the end of our drives. The proposal will result in the loss of parking on that side of the road due to driveways and drive through having to be created therefore pushing additional vehicles and visitors further along Stony Hill Avenue and causing issues for all residents. The courtyard properties have the potential for 12 or more vehicles in the fullness of time but they do not have any driveways and only six parking spaces, where do the other vehicles and visitors park? This development will undoubtedly attract families and due to the size of the properties could potentially house 36 children. In an already built up area, busy with traffic this would surely create safety issues. Again the size of this proposed development is far too large for the space available. When the Council owned this property a large car park was provided on site for the use of employees and visitors as they were aware of parking issues in this area. Refers to attached photos to his objection.

6. Effect on nature conservation and trees - There are mature trees on site yet the application form it states there are no tree which would need to be removed.

7. The possibility of more noise or disturbance - Due to the type, style and scale of the proposed development, with the increase in number of people and vehicles on such a small site an unacceptable level of disturbance to other residents is inevitable.

Due to its established and original features Stony Hill Avenue has a reputation as in Blackpool as a desirable area in which to live and has residents who have lived on the Avenue for many years and in fact in some cases for generations. It is a lovely tree lined Avenue which should remain that way and not have any courtyard style areas introduced onto it.

The Council sold 138 Stony Hill Avenue along with planning permission for six x semi-detached dwellings each with garages and driveways and as such why are they now considering allowing any developer to revise this for the developer's additional gain? If this plot had been considered large enough for such a development surely the Council should have sold it with planning for this at the time and that would also have increased the value at that time? The

Council have the perfect opportunity to ensure that any developer finishes off Stony Hill Avenue and for this development to complement the character of Stony Hill Avenue and for it to be a mirror image of the opposite side of the Avenue.

I also wish to point out that since the Government removed the requirement for planning permission for certain sized extensions/conservatories these properties could, if permission is granted to build, also further add to their size and already over dominance of the site by adding such extensions/conservatories and further impose/overlook and cause disturbance, loss of light to adjoining properties.

**Miss Nicola Clark, 128 Stony Hill Avenue**

I have two young children and have lived in the street for three years and since that time the traffic has become progressively busier. To introduce a further 20 cars into an already very busy street is placing my children, other children and elderly people in further danger. We already have the garage that is very busy, the car wash and butty bar at the end of the road. They all separately bring cars into the street which causes the residents problems.

During rush hour the street is already very busy and to introduce further traffic flow is madness.

***Comment submitted date: Thu 21 Jan 2016***

***I have seen the so called amended plans that have been submitted by the developer with regards to 138 Stony Hill Avenue Blackpool. I stand by my original objections and in addition I have two young children who play in the street. I am on tender hooks with regards to the flow of traffic most hours of the day. To introduce a further nine properties and their vehicles is pure madness. We already have the issues of the garage, take away cafe and car wash to contend with, it's unthinkable to introduce additional traffic and at the speed they travel.***

**Ms G Ogden, 121 Stony Hill Avenue**

Objects on the following grounds:

The scale of the proposal has increased drastically from six semi-detached houses to ten mews-style houses. The same space occupied opposite this development area has six semi-detached houses.

All of the houses on Stony Hill Avenue are two storeys and the proposal shows windows to three floors onto the street elevation. This would make the new houses a completely separate entity and as such would detract from the uniformity of one of Blackpool's few remaining true tree-lined "Avenues". I don't see any of the established trees currently on this area remaining on the plans.

The people directly facing or living next door to the proposed development will lose a degree

of privacy especially when overlooked by a 2.5/3-floor dwelling. The buildings are forward of the current building line and again this makes them unsightly and out of keeping with the surrounding area.

Residents of Stony Hill Avenue are already experiencing issues with parking from the customers using the commercial units on Squires Gate Lane and we now have white road markings at the end of our drives. The extra houses (which do not all appear to have driveways) will result in the loss of parking on that side of the road. We have also experienced the increase in traffic using Stony Hill Avenue as a cut through to Lytham Road or Squires Gate Lane in order to miss the traffic lights and numerous vehicles have been damaged (mirrors knocked off, dents etc.) Extra traffic parked on Stony Hill Avenue (ten properties could mean twenty cars plus) is likely to exacerbate the issue.

Most of the houses on Stony Hill Avenue were built circa 1935 and are in keeping with this era. Mews-style houses do not fit in with this. Due to its established and original features Stony Hill Avenue has a reputation in Blackpool as a desirable area in which to live and has residents who have lived on the Avenue for many years and in fact in some cases for generations.

The original plans that were issued for six semi-detached houses had been designed in keeping with the area and no objections were raised to these.

***Comment submitted date: Thu 21 Jan 2016***

***I stand by my original objection to this proposal as it is clear that the developer has not addressed any of our concerns when creating the new proposal.***

***The proposal has decreased the number of properties by one.***

***The style of the new proposal remains out of keeping with the other properties.***

***The reduction of one property does not address the parking/traffic issues.***

***Some of the properties show a second floor - still out of keeping and overlooking other established properties.***

***It is a shame that the developer declined the opportunity to discuss the requirements with the residents but these new plans fall a long way short of addressing our concerns.***

**Mr and Mrs G and M Hague, 4 Hillcrest Road**

Objects on the following grounds -

- out of character
- impact on amenity

***Comment submitted 26 January 2016 - Acknowledges that a bungalow would replace a pair of semi detached houses but concerned about access road , proximity to boundary and impact on amenity.***

**Mr G Roberts, 117 Stony Hill Avenue**

Objects on the following grounds:

The scale and proposed style of the planning application Reference 15/0394 is not in keeping at all with the existing properties. No properties on Stony Hill Avenue have third floor exposed windows as part of the street elevation and I feel this could set a precedent for other properties which I feel would take away the character of the street.

Stony Hill Avenue is one of the very few original tree lined avenues left in this area and I feel that this courtyard style development is totally out of style and character with the rest of the avenue and the area.

Effect on nature i.e. conservation of trees - There are mature trees on this site yet the application form states that no trees are to be removed? I don't believe this?

Effect on safety and parking. The Squires Gate Lane end of Stony Hill Avenue already has big issues with parking from the customers using the commercial units. The proposal will result in the loss of parking on that side of the road due to driveways and a drive through having to be created therefore pushing additional vehicles and visitors further along the road and causing issues for all the residents.

I feel the scale of the proposal would be a massive over development for the size of the plot.

The council sold the plot at 138 Stony Hill Avenue with planning permission for six semi-detached properties, why are they now considering allowing the developers to increase the development by 40%.

***Comment submitted date: Thursday 21 Jan 2016***

***The new amended plans do not address the many concerns regarding the proposed plans at 138 Stony Hill Avenue. I feel strongly that this application is an over development of the land available. The original plans for the three semi/detached houses was deemed to be appropriate for the surrounding area and in keeping with Stony Hill Avenue. The new access road will further reduce parking on an already busy road. The parking at that end of Stony Hill Avenue is already congested due to the commercial units on Squires Gate Lane with cars parked on both sides if the road it is even more hazardous for pedestrians, cyclists and motorists. Stony Hill Avenue is already used as a short cut to avoid the traffic lights at Lytham Road.***

**Ms J Moss, 2 Hillcrest Road**

Objects on the following grounds -

- out of character - overintensive
- impact on privacy
- impact on light to property
- increased noise and disturbance

### **R Clarke, 12 Hillcrest Road**

Objects on the following grounds -

- out of character
- overintensive/overbearing
- impact on privacy/ security
- impact on light to property
- increased noise and disturbance
- 

### **Ms S Hill, 8 Hillcrest Road**

Objects on the following grounds -

- proximity to boundary
- overintensive/ overbearing
- impact on privacy
- impact on light to property
- increased noise and disturbance

### **R and D Connolley and Sinclair, 131 Stony Hill Avenue**

1. Scale - The scale of the proposal would be over development for the size of land. On the opposite side of the road to the proposed site and all down the avenue there are a maximum of six three bedroom properties in an area of similar dimensions to the proposal.

2. Appearance and design - The proposal shows windows to three floors on the street elevation of Stony Hill Avenue. There are no residential properties on Stony Hill that have windows to three floors on the street elevation. The proposal is for a courtyard style development but Stony Hill Avenue is a very well established tree lined Avenue there aren't any developments of this style on the Avenue, it is not in keeping with the character, all properties are street facing. Due to the size and enclosed nature of the properties at the back of the drive through there must be safety issues over access to emergency vehicles e.g. fire engines etc.

3. Impact on the residential amenity of local residents including loss of light, overlooking and loss of privacy, noise and disturbance - the size of this development is far too large for the space available and is an increase of 40% on the size of original approved plans. This proposal will be massively over dominant for the space available. The plans show that the street facing properties are further forward than the existing properties, again out of keeping with neighbouring properties.

4. Impact on the character of the area and whether the use is appropriate - Stony Hill Avenue is noted as being one of the very few original tree lined Avenues in Blackpool and a courtyard

style development and properties of this style is completely out of character with the rest of the Avenue and the area.

***Comment submitted date: Wed 20 Jan 2016***

***My previous objections stand to the amended plan as this is still a courtyard development which is not in keeping with the character of Stony Hill Avenue.***

***Cars entering and leaving the courtyard will have lights shining directly opposite into my property and will be dangerous to oncoming traffic in an already very congested area. The amount of properties is still over dense to the size of land. I do not object to six properties being built as the original plan that the property was sold with. Street parking will still be a concern.***

**Mr and Mrs I and J Lavelle, 136 Stony Hill Avenue**

The reasons for the objection are as follows:

The scale and the proposed style of planning application Reference 15/0394 is not in keeping at all with existing properties:-

No properties on Stony Hill Avenue have 2.5/3rd floor exposed feature windows as part of the street elevation.

All existing dividing/boundaries to front street elevations are brick but the proposal is to establish concrete posts with wooden fencing in between.

All existing properties have sectional stone mullion walk in bay windows with apex above these to front elevations the proposal shows flat windows with apex above front entrance doors and no feature walk-in bay windows.

All existing properties front onto Stony Hill Avenue there are no courtyard type developments in this locality.

The application states that no trees need to be removed however, there are at least nine very well established trees within the site (I have photographs of all trees from our property) which would need to be removed.

The proposed style of development is not in keeping with the local area.

The proposal states that the existing boundary would remain, however this boundary requires replacing as it is in a bad state of repair, the concrete sections have exploded, this has always been maintained by the LA.

The proposal shows six parking spaces for the rear four courtyard properties as they do not have driveways - potentially each four bedroom property may have at least two to three vehicles each, where will the other vehicles park?

The building line to the proposed front street elevation of all new properties is further forward than the existing properties.

We are also very concerned in relation to the demolition of the existing building. We would like guaranteed assurance that all asbestos contained within the property will be removed following HSE Regulations and guidelines.

Unacceptable direct impact to ourselves:

The proposal would have three x four bedroom dwellings with all boundaries directly adjacent to our property.

Severely restrict light to the rear of our property.

Loss of light to front elevation due to front building line being further forward than all existing properties.

Increased noise and disturbance.

Dramatic loss of privacy.

Loss of nine well established trees.

Overlooked unnecessarily by addition of two courtyard style properties.

Proposed street lighting within courtyard area.

Over dominance by size of new development.

Increase in volume of vehicles due to proposed number and type of dwellings being far too large for parking space available.

It is extremely frustrating to see that the Council is even considering such a scale of development for this size of site when they refused our original planning application for a conservatory which was just two feet larger than what was later approved for building. The reason given for refusal of the original plan was that it was over-dominant and would cause loss of light. We were advised that in order to go ahead we could consider removing or moving the existing garage, details of this are still on the planning site for viewing, yet the Council is considering this size of development on a site which is only suitable for six street facing properties in order to keep in character with this area and not cause over-dominance to existing properties.

Although our key concerns have been raised in our objection dated 5 August we feel that it is also extremely important that the following is also noted: we know that in determining planning decisions due consideration must also be taken of the current Blackpool Local Plan which very clearly states the following:

Paragraph 5.42 (*Policy HN7*) Government guidance encourages housing development that is built at 30-50 dwellings per hectare. Building housing at higher densities makes a better use of limited land resources and helps to sustain local facilities and services. Higher densities of 50 or more dwellings per hectare are particularly sought at more accessible locations within walking distance of town, district and local centres and along public transport corridors. There will be some instances, particularly on very small sites, where location, design and site configuration constraints outweigh density considerations. Therefore, to be in keeping with Stony Hill Avenue the existing site density for this Avenue is very clearly six dwellings per 0.5 acre or 1/5 hectare in order to ensure that what is known as a desirable area of Blackpool to live is not brought down by over density, and over population, further traffic issues etc.. We ask the Council to stick to their own local plan as 138 Stony Hill Avenue was sold as 0.53 acres.

Surely when Blackpool Council originally sold this site and drew up their original plans for six x three bedroom properties that is what they felt was acceptable and the correct site density for this area and piece of land, if the Council felt that 10 x 2.5 storey four bedroom properties



was acceptable then why wasn't it sold with permission for this as it would have attracted a much higher selling price.

In further considering any options for 138 Stony Hill Avenue we feel it must also be noted that the Council cannot consider this site for any affordable housing scheme as according to the current Local Plan ( *Policy HN8* - para 5.55) these must only be considered for sites which are over 0.5 hectares.

Paragraph 6.18 (Policy *BH3*) The ability for people to enjoy their homes, or their stay in the resort, will be an important consideration in determining planning applications for development. To this end the Plan will protect the environment of residential and visitor accommodation areas from over-intrusive development.

If the Council allow this application they would not be adhering to their Local Plan as our property would be so over dominated with an additional three properties all overlooking ours and completely encroaching onto our space and invading our privacy not allowing us to enjoy our home.

Paragraph 6.19 (Policy *BH3*) Development should respect the privacy, outlook and levels of sunlight and daylight received by existing properties and ensure that adequate amenity standards are provided for the occupiers of new properties.

A development of such size would severely restrict our levels of sunlight and daylight and be totally disrespectful of our privacy, we would be hemmed in. Thought must also be given to the removal of restrictions surrounding the erection of conservatories and such like structures as these no longer require permissions, if each property were also to construct the same our privacy would be non existent. In essence if this was to be allowed then every house on Stony Hill Avenue could request permission to erect a four bedroom property at the bottom of their garden because that would be what the Council were saying is acceptable therefore setting a precedent. There would not be adequate parking for the number of proposed properties. With such a potential of influx of children/teenagers it is also worth noting that all schools in this area are already well oversubscribed.

***Comment submitted date: Sun 24 Jan 2016***

***The whole content of our previous objections remain the same.***

***The developer was offered the opportunity to meet with residents but sadly declined the offer to discuss his new proposal in any detail prior to submission.***

***What has been submitted is merely a token gesture in terms of change and remains wholly unacceptable for residents of Stony Hill Avenue. This is not in keeping with the character of the area.***

***The actual footprint of this site remains exactly the same as previous. This is a huge over development of the site, the LA must surely refuse this application on the basis of it not complying with their own Local Plan, otherwise what is the point in having this in place if no heed is taken of it?***

***The concerns raised by LA Head of Transportation surely will also stand?***

***The LA need to request that the developer revert to the original plans which the site was***

***sold with. Any further amended plans which contain a courtyard style area will attract continued very strong objections.***

***We also wish to point out that the plans show the retention of the existing boundary fencing between 136 and 138, this is in a very bad state of repair and has always been maintained by the LA, therefore, we request that any development also takes this into account.***

***Once again I would like to know if this site has been paid for by the developer, if not why have they been allowed to progress in the way in which they have? We also still await a response to the very important question for residents regarding the safe removal of asbestos from the site?***

**Mrs Sandra Dancy, 133 Stony Hill Avenue**

Objects to the proposal on the following grounds-

Parking has now become an issue on our street due to the latest addition of the car garage and this will only add to further congestion outside our home.

The previous planning application for six houses was greatly received among neighbours as evident with no objections and one supportive comment online. We feel that the previously granted development was the correct size for this plot of land and in keeping with the current surroundings.

The applicant is advised that should any part of the extension encroach onto adjoining land, the consent of the adjoining landowner will be required in order to carry out the extension as shown. If any amendments are subsequently made to the extension these should be agreed with the Local Planning Authority before works commence.

***Comment submitted date: Mon 25 Jan 2016***

***Unfortunately even with the amendments we still object to this development, due to our end of the Avenue being already congested with parking. We feel this development with so many properties does not have sufficient off road parking, therefore adding to our current problem. Since the petrol station closed and auto expert opened along with car wash it can already be extremely difficult to find a space.***

**Ms G Riley, 123 Stony Hill Avenue**

Objects to the proposal on the following grounds-

1. Scale - The scale of the proposal would be over development for the size of land. On the opposite side of the road to the proposed site and all down the avenue there are a maximum of six three bedroom properties in an area of similar dimensions to the proposal.

2. Appearance and design - The proposal shows windows to three floors on the street elevation of Stony Hill Avenue. There are no residential properties on Stony Hill that have windows to three floors on the street elevation. The proposal is for a courtyard style development but Stony Hill is a very well established tree lined Avenue there aren't any

developments of this style on the Avenue, it is not in keeping with the character, all properties are street facing. Due to the size and enclosed nature of the properties at the back of the drive through there must be safety issues over access to emergency vehicles e.g. fire engines etc.

3. Impact on the residential amenity of local residents including loss of light, overlooking and loss of privacy, noise and disturbance - The size of this development is far too large for the space available and is an increase of 40% on the size of original approved plans. This proposal will be massively over dominant for the space available. The plans show that the street facing properties are further forward than the existing properties, again out of keeping with neighbouring properties.

4. Impact on the character of the area and whether the use is appropriate - Stony Hill Avenue is noted as being one of the very few original tree lined Avenues in Blackpool and a courtyard style development and properties of this style is completely out of character with the rest of the Avenue and the area.

5. Effect on highway safety and parking - The Squires Gate end of Stony Hill Avenue already has issues with parking from the customers using the commercial units on Squires Gate and Stony Hill Avenue and in an attempt to resolve these properties have white road markings at the end of our drives. The proposal will result in the loss of parking on that side of the road due to driveways and drive through having to be created therefore pushing additional vehicles and visitors further along Stony Hill Avenue and causing issues for all residents. The courtyard properties have the potential for 12 or more vehicles in the fullness of time but they do not have any driveways and only six parking spaces, where do the other vehicles and visitors park? This development will undoubtedly attract families and due to the size of the properties could potentially house 36 children. In an already built up area, busy with traffic this would surely create safety issues. Again the size of this proposed development is far too large for the space available. When the council owned this property a large car park was provided on site for the use of employees and visitors as they were aware of parking issues in this area. Please see attached photos.

7. Effect on nature conservation and trees - There are mature trees on site yet the application form it states there are no tree which would need to be removed.

8. The possibility of more noise or disturbance - Due to the type, style and scale of the proposed development, with the increase in number of people and vehicles on such a small site an unacceptable level of disturbance to other residents is inevitable.

Due to its established and original features Stony Hill Avenue has a reputation as in Blackpool as a desirable area in which to live and has residents who have lived on the Avenue for many years and in fact in some cases for generations. It is a lovely tree lined Avenue which should remain that way and not have any courtyard style areas introduced onto it.

The Council sold 138 Stony Hill Avenue along with planning permission for six x semi-detached dwellings each with garages and driveways and as such why are they now considering

allowing any developer to revise this for the developer's additional gain? If this plot had been considered large enough for such a development surely the Council should have sold it with planning for this at the time and that would also have increased the value at that time? The Council have the perfect opportunity to ensure that any developer finishes off Stony Hill Avenue and for this development to compliment the character of Stony Hill Avenue and for it to be a mirror image of the opposite side of the Avenue. Please do not allow this area to become a mis-mash, by allowing developers to do as they wish without any care or consideration for the area or the residents.

I also wish to point out that since the government removed the requirement for planning permission for certain sized extensions/conservatories these properties could, if permission is granted to build, also further add to their size and already over dominance of the site by adding such extensions/conservatories and further impose/overlook and cause disturbance, loss of light to adjoining properties.

**Mr Barry Oldham, 130 Stony Hill Avenue**

Objects to the proposal on the following grounds:

The scale and design has changed dramatically from the initial planning design and thus is not in keeping with the aesthetics of the rest of the street. It's now a three storey as opposed to the current two. There's now more properties planned which will move more people, vehicles and noise into the street. It's tree lined with a great kerb appeal. The building company are proposing to take trees out of the area to use as building land, thus create an effect on nature conservation and trees. We already have a garage in the street that draws more and more vehicles into the area for repair. It's currently difficult for neighbours to park their cars and you are proposing to bring more and more into the area.

The design of the houses will make it more like and street in a street, i.e. courtyard style. The design of the houses makes it completely different to the current design. Picket fences in between the houses is very different to the current brick design.

Stony Hill Avenue is a much desired, sought after area and I feel the new modern design will undoubtedly change the appearance of the location and make it more affordable thus encouraging a change in standards.

This change in application appears to be purely down to cost and profit for the builders and as such is a major shift in the initial approved application.

Also comments that Stony Hill Avenue is a busy cut through from Blackpool to Lytham St Annes and Warton and a rat run for general traffic. During rush hour it is continuous and I feel the addition of upwards of another 20 vehicles plus the garage and the car wash, together with the sandwich shop, it's completely intolerable to introduce additional vehicular traffic is dangerous and unthinkable.

**Comment submitted date: Thu 21 Jan 2016**

**With regards to the so called revised plans for 138 Stony Hill Avenue, I continue to object against them in their entirety.**

**They have been only been slightly amended as a token gesture and make no significant difference. My original objections are as follows:**

**The scale and design has changed dramatically from the initial planning design and thus is not in keeping with the aesthetics of the rest of the street. There's now more properties planned which will move more people, vehicles and noise into the street. It's tree lined with a great kerb appeal. The building company have taken trees out of the area to use as building land, thus creates an effect on nature conservation and trees. We already have a garage in the street that draws more and more vehicles into the area for repair and service. It's currently difficult for neighbours to park their cars and you are proposing to bring more and more into the area. With vehicles parked on either side of the street it reduces the width to a single track. It's almost impossible during the daytime to enter the south bound end, without coming up against delays.**

**The design of the houses will make it more like a street within a street, i.e. courtyard style. Again the design of the houses makes it completely different to the current and long existing design. Picket fences in between the houses is very different to the current brick design.**

**Stony Hill Avenue is a much desired, sought after area and I feel the new modern design will undoubtedly change the appearance of the location and make it more affordable thus encouraging a change in standards.**

**This change in application appears to be purely down to cost and profit for the builders and as such is a major shift in the initial approved application.**

**Stony Hill Avenue is a busy cut through from Blackpool to Lytham St Anne's and Warton and a rat run for general traffic. During rush hour it is continuous and I feel the addition of upwards of another 20 vehicles plus the garage and the car wash, together with the sandwich shop, it's completely intolerable to introduce additional vehicular traffic is dangerous and unthinkable.**

**The overall inconvenience will be catastrophic for all concerned and in particular the residents who have the misfortune of living directly opposite and behind the new proposed site.**

**Mr Andrew Bassett, 125 Stony Hill Avenue**

The reasons for the objection are as follows:

c1) we at 125 Stony Hill Avenue will be directly facing the proposed new property named as

'Plot 8' with the obvious impact to us of loss of privacy given the increased closeness to the road of the property and given that these new properties are proposed to have a third floor with this higher elevation facing directly the bedrooms of our house.

c2) presently, on the road side opposite 125, there is an established Sycamore tree which affords 125 with a degree of weather protection - this tree is not shown on the plans for the development. We would be 'disappointed' were this tree to be removed.

c3) the proposal for 10 new dwellings (in our view this is too many dwellings for the site and only made manageable by lack of garage space and the use of the attic space as additional living accommodation) will place additional loading onto the main sewer, which as shown and as already known by the Council, is somewhat fragile given the recent collapse outside 123.

c4) whilst already covered in a) and b), we will also stress the importance to any development of 138 of the traffic management aspects; there are bound to be a significant number of vehicles associated with whomsoever buys the would be new houses and there is clearly limited space within the development to accommodate these additional vehicles. An overspill onto Stony Hill Avenue would, in our view, be completely unacceptable as this end of Stony Hill Avenue is already swamped thanks to the businesses at the Squires Gate Lane end. We have previously experienced this exact problem when 138 was used by the Council, with the Council staff preferring to park on the road rather than paying to park on 138 - Council policy at the time. Residents perhaps finishing work early, found themselves unable to park near their own homes, let alone outside.

c5) Stony Hill Avenue is also constantly used as a traffic light bi-pass with a significant number of vehicles exceeding the speed limit with obvious risk of human injury and consequential damage to parked vehicles and of course there has to be sufficient clearance (between what would be a row of parked cars on both sides) for the bin wagons on Monday mornings.

Note:

Whilst we are not able to offer a preference for an alternative development (your letter dated 30th July), the Council Planning Department do need to recognise that the previous application for six new dwellings was more in-keeping with the existing constructions and was consequently the recipient of few stated objections.

***Comment submitted date: Fri 22 Jan 2016***

***Whilst I accept that the would-be builder has made positive strides towards addressing many of the previous points of objection raised, there still persists:***

***a) The inevitable amount of cars that will attempt to park on Stony Hill Avenue as a consequence of the new dwellings, which will doubtless all have at least one, perhaps two and perhaps even three cars to manage per household. Where does the Council propose that these vehicles will go especially given that the access points for the new "estate" will demand the removal of what is currently kerbed pavement, which in itself will remove an estimated seven parking spaces?***

***b) There remains insufficient height clearance for access to the properties at the rear by emergency services vehicles, in particularly Fire Trucks and Bin wagons, unless it is proposed for the houses at the rear to have to walk their bins 100 Yards to the road and back on each bin day.***

***c) There remains the issue of the glare of head lights into the front rooms of the houses directly opposite the new buildings.***

***In general and exacerbated by the proposed development, when are the Council going to actually do something about the parking issue at the Squires Gate Lane end of Stony Hill Avenue - it is already a nightmare situation caused entirely by the amount of cars parked/abandoned in connection with the car works at was part of Woodhead's garage. Never mind, putting up new houses that will inevitably lead to a much worse situation with what could potentially lead to lines of cars on both sides of Stony Hill all the way up Albany - does it take someone to be physically injured as a consequence before any action is taken?***

***d) If the Council is to approve the development, perhaps it should consider as a means of taking some action on the car parking issue, residential parking status for those of us that will be impacted - at no cost to the residents!***

**Mr and Mrs J and S Marshall, 134 Stony Hill Avenue**

The reasons for the objection are as follows:

The scale and the proposed style of planning application Reference 15/0394 is not in keeping at all with existing properties:-

No properties on Stony Hill Avenue have 2.5/3rd floor exposed feature windows as part of the street elevation.

All existing dividing/boundaries to front street elevations are brick but the proposal is to establish concrete posts with wooden fencing in between.

All existing properties have sectional stone mullion walk in bay windows with apex above these to front elevations the proposal shows flat windows with apex above front entrance doors and no feature walk-in bay windows.

All existing properties front onto Stony Hill Avenue there are no courtyard type developments in this locality.

The application states that no trees need to be removed however, there are at least nine very well established trees within the site which would need to be removed.

The proposed style of development is not in keeping with the local area.

The proposal states that the existing boundary would remain however, this boundary requires replacing as it is in a bad state of repair, the concrete sections have exploded, this has always been maintained by the LA.

The proposal shows six parking spaces for the rear four courtyard properties as they do not have driveways - potentially each four bedroom property may have at least two to three vehicles each, where will the other vehicles park?

The building line to the proposed front street elevation of all new properties is further forward than the existing properties.

We are also very concerned in relation to the demolition of the existing building, we would like guaranteed assurance that all asbestos contained within the property will be removed following HSE Regulations and guidelines.

Unacceptable direct impact to ourselves:

Increased noise and disturbance

Dramatic loss of privacy

Loss of nine well established trees

Overlooked unnecessarily by addition of two courtyard style properties

Increase in volume of vehicles due to proposed number and type of dwellings being far too large for parking space available

***Comment submitted 27 January 2016 -All my previous objections/comments on the above planning permission still apply and the amended plan is still unacceptable.***

**Gordon Marsden MP** - I ask the Planning Committee to consider refusal of Planning Application 15/0394 or any variant thereof until they and the objectors have obtained cast iron assurances from Moore Homes that they will respect their neighbours' concerns and boundaries.

### **NATIONAL PLANNING POLICY FRAMEWORK**

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

Paragraph 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:



- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable development and secure a high standard of design and a good standard of amenity.

Paragraphs 47-52 deal with the supply of housing.

Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 61 states that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 186 states that Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 states that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

## **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

**Policy LQ1 Lifting the Quality of Design** states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

**Policy LQ2 Site Context** states that the design of new development proposals will be considered in relation to the character and setting of the surrounding area. New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. These locations include locations affecting the setting of a Listed Building or should be a high quality contemporary and individual expression of design.

**Policy LQ4 Building Design** states that in order to lift the quality of new building design and ensure that it provides positive reference points for future proposals, new development should satisfy the following criteria:

(A) Public and Private Space - New development will need to make a clear distinction between areas of public and private landscaping utilising appropriate landscaping treatments.

Residential developments will be expected to achieve a connected series of defensible spaces throughout the development.

(B) Scale - The scale, massing and height of new buildings should be appropriate for their use and be related to:

(i) the width and importance of the street or space.

(ii) the scale, massing and height of neighbouring buildings.

(C) Design of Facades - The detailed appearance of facades will need to create visual interest and must be appropriate to the use of the building. New buildings must have a connecting structure between ground and upper floors composed of:

(i) a base, of human scale that addresses the street.

(ii) a middle, of definite rhythm, proportions and patterns, normally with vertical emphasis on the design and positioning of windows and other architectural elements.

(iii) a roof, which adds further interest and variety.

(iv) a depth of profile providing texture to the elevation.

(D) Materials - need to be of a high quality and durability and in a form, texture and colour that is complementary to the surrounding area.

**Policy HN4 - Windfall Sites** - allows for housing development on vacant, derelict or underused land subject to caveats.

**Policy HN6 - Housing Mix** - sets out requirements in terms of the types of houses and size of houses on sites.

**Policy HN7 - Density** - suggests that developments should seek to achieve a density of between 30 and 50 dwellings per hectare.

**Policy BH3 Residential and Visitor Amenity** states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

(i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;

and/or

(ii) the use of and activity associated with the proposed development;

or by

(iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

**Policy BH4 - Public Safety** - seeks to ensure air quality is not prejudiced, noise and vibration is minimised, light pollution is minimised, contaminated land is remediated and groundwater is not polluted.

**Policy BH10 - Open Space in New Housing Developments** - sets out the need for open space as part of developments and where full provision is not made a commuted sum should be sought.

**Policy NE6 - Protected Species** - seeks to ensure that development does not adversely affect animal and plant species that are protected.

**Policy NE7 - Sites and Features of Landscape, Nature Conservation and Environmental Value** - seeks to protect groups of trees, hedgerows and watercourses.

**Policy NE10 Flood Risk** states that development in areas at risk from flooding (including tidal inundation) will only be permitted where appropriate flood alleviation measures already exist or are provided by the developer. Developments will not be permitted which would increase run-off that would overload storm drains or watercourses. Sustainable drainage systems will be used in new developments unless it can be demonstrated to the Councils satisfaction that such a scheme is impractical.

**Policy AS1 General Development Requirements** states that development will be permitted where the access, travel and safety needs of all affected by the development are met as follows:

(a) convenient, safe and pleasant pedestrian access is provided.

(b) appropriate provision exists or is made for cycle access.

(c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided.

(e) appropriate provision exists or is made for public transport.

(f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development.

(g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport.

(h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

Where the above requires the undertaking of off site works or the provision of particular services, these must be provided before any part of the development comes into use.

**Supplementary Planning Guidance 11: Open Space: provision for new residential development and the funding system.**

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

- CS1 - strategic location for development
- CS2 - housing provision
- CS5 - connectivity
- CS7 - quality of design
- CS9 - water management
- CS10 - sustainable design
- CS12- sustainable neighbourhoods
- CS13 - housing mix density and standards
- CS14 - affordable housing

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan.

### **ASSESSMENT**

- **the intensity of the development**

The principle of redeveloping the site has been established by the granting of outline planning permission ref 14/0036 for three pairs of semi detached houses fronting onto Stony Hill Avenue. This proposal would have six properties fronting onto Stony Hill Avenue but the rear gardens would be smaller to accommodate one pair of semi detached houses and a bungalow at the rear. The properties fronting onto Stony Hill Avenue would be a similar overall height to the existing properties in Stony Hill Avenue and would have hipped roofs and angular two

storey bays topped with a gable roof. They would each have a 2.5 metres wide drive which would be capable of accommodating two cars (12 metres in length) and low front boundary wall. Whereas the six approved houses would have rear gardens of some 18 metres in length (reflective of existing properties on Stony Hill Avenue) the proposed properties would have gardens of between 8 metres to 10.5 metres in length (the normal requirement is 10.5 metres) although it is acknowledged that with the side drive to the properties the rear gardens would be 8 metres wide (similar width to the existing properties in Stony Hill Avenue). The properties to the rear of them would be set between 8.8 and 11 metres away whereas the normal requirement would be 12 metres. Again it is acknowledged that the properties would only slightly overlap where the shorter 8.8 metres distance is involved. The main front elevation of the properties fronting Stony Hill Avenue would be set on a similar building line to the existing houses with the projecting angular bay projecting some 1 metre which would be similar to the bays on the existing houses. It is acknowledged that the front elevation to front elevation separation distance with properties on the opposite side of Stony Hill Avenue would not be compromised (28 metres compared with the normal requirement of 21 metres).

In terms of the properties to the rear of those proposed on the Stony Hill Avenue frontage they would be side on to the properties in Hillcrest Road and set away from them by between 13 and 14.5 metres. They would have a blank gable to the properties in Hillcrest Avenue (the bungalow would have a side door facing these properties but it could be obscure glazed) and this distance is considered acceptable. In terms of rear gardens they would be between 8 metres and 10.5 metres in length but would be narrower because parking would be provided communally. The bungalow would have a rear garden of between 6.5 and 10.5 metres in depth and 13.5 metres in width. The height of the undercroft at 2.6 metres would not allow a bin lorry to access the site and hence residents of the pair of semi detached houses and the bungalow would have to move their bins between 25 and 34 metres onto the pavement in Stony Hill Avenue for collection which is not ideal.

Policy HN7 of the Local Plan suggests densities of between 30-50 dwellings per hectare and recognises that on small sites location, design and site configuration constraints may outweigh density considerations. This proposal would equate to around 45 dwellings per hectare (0.2 hectare and 9 dwellings) which is towards the top end of that range. The issue is whether this is acceptable having regard to the character of the area.

- **the impact of the development on residential amenity**

The amendments to the proposed development would improve the relationship with existing houses around the site. The pair of semi detached houses would be set between 13 and 14.5 metres from the properties fronting Hillcrest Avenue with part of the side elevation hidden by the existing building fronting Squires Gate Lane. The removal of the front dormer, the use of a hipped roof and the lowering of the proposed floor level of the properties would help to reduce the potential for overlooking of the rear gardens of properties in Hillcrest Avenue and reduce the height/ bulk of the houses. The proposed bungalow would be set 13 metres from the rear elevation of properties in Hillcrest Avenue and would have a hipped roof which would slope away from these properties. The floor level of the bungalow would be the same

as the houses on the development and hence it is not considered that the proposed bungalow would shade the rear gardens of houses fronting Hillcrest Avenue. The proposed door on the side elevation facing properties fronting Hillcrest Avenue could be obscure glazed and hence there would be no overlooking of the properties. In terms of the relationship of the proposed bungalow to the end house on Stony Hill Avenue (no 136) it would be to the south of this property and between 6.5 and 10.5 metres from the boundary. The roof would slope away from no 136 and hence with the distances proposed it is not considered that it would shade the rear garden of no 136. The projecting wing at the rear of the bungalow would not have any windows in the elevation facing No. 136 and hence it is not considered that the privacy of the occupiers of No.136 would be affected. It is recognised that the proposal would mean that No.136 would have two gardens abutting its garden but it is not considered that this would significantly adversely affect their amenities.

The proposed development would introduce activity at the rear of the properties fronting Hillcrest Avenue in that there would be four car parking spaces for the pair of semi detached houses and two spaces within the curtilage of the bungalow with a manoeuvring area of 8 metres in width. This area would be lit by low level lighting. It is not considered that this scale of development and the activity associated with it (cars coming and going) would significantly adversely affect the amenities of the residents of Hillcrest Avenue. Similarly it is not considered that the number of vehicles exiting the site from the three properties would adversely affect the amenities of the residents on the opposite side of Stony Hill Avenue either by reason of noise or vehicle headlights facing their properties.

- **the impact of the development on highway safety**

The houses fronting Stony Hill Avenue would each have two off street car parking spaces which is considered acceptable given the site is within the built up area and close to bus routes. The pair of semi detached houses and the bungalow to the rear would have two spaces per dwelling per dwelling and this is similarly considered acceptable. The manoeuvring space would now be wide enough at 8 metres and the access road would allow two cars to enter and leave the site at the same time. The access road to serve the pair of semi detached houses and the bungalow to the rear would be a shared surface for car and pedestrian use and this is considered acceptable given the number of properties it would serve and given its length (approximately 40 metres) which would keep vehicle speeds low. The height of the undercroft would not allow a bin lorry, fire engine or delivery vehicles to access the properties to the rear. The proposed development would involve the loss of some on street car parking spaces through the provision of the access points to serve the properties. This would be the case if the six semi detached properties approved under Application Reference 14/0036 were built. The six semi detached properties would allow for six on street car parking spaces to be retained whereas the current proposal would only allow for four. This reduction is not considered significant and a justifiable reason for refusal.

## **CONCLUSION**

There is a presumption in favour of sustainable development and this site is sustainable in that it involves the re-use of an existing site in a location close to bus routes and relatively

close to Local Centres and a District Centre. The amendments to the proposed scheme have sought to address a number of the concerns highlighted in the report to Planning Committee on 1 December 2015. The impact on residential amenity is significantly reduced through the amended proposal, the access and parking arrangements are improved albeit that large vehicles would not be able to access the pair of semi detached houses and the bungalow to the rear and the design of the properties has been improved. This means that the key remaining issue is whether the land to the rear of the frontage properties should be developed, whether an access road is appropriate and whether an undercroft is appropriate in terms of the character of Stony Hill Avenue. Members will note the local opposition to the proposal. Notwithstanding the applicant has not met with the local residents he has sought to respond to some of their concerns. On balance your officers feel that the proposal is considered unacceptable for the following reason:

The proposed development is considered to be overintensive for the size of the site and out of character with the area in which the site is located. As such the proposed development would be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, Policies LQ2 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy.

#### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

#### **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

#### **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998.

#### **BACKGROUND PAPERS**

Planning Application File 15/0394 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

**Recommended Decision:** Refuse

## Reasons for Refusal

1. The proposed development is considered to be overintensive for the size of the site and out of character with the area in which the site is located. As such the proposed development would be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, Policies LQ2 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy.

2. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

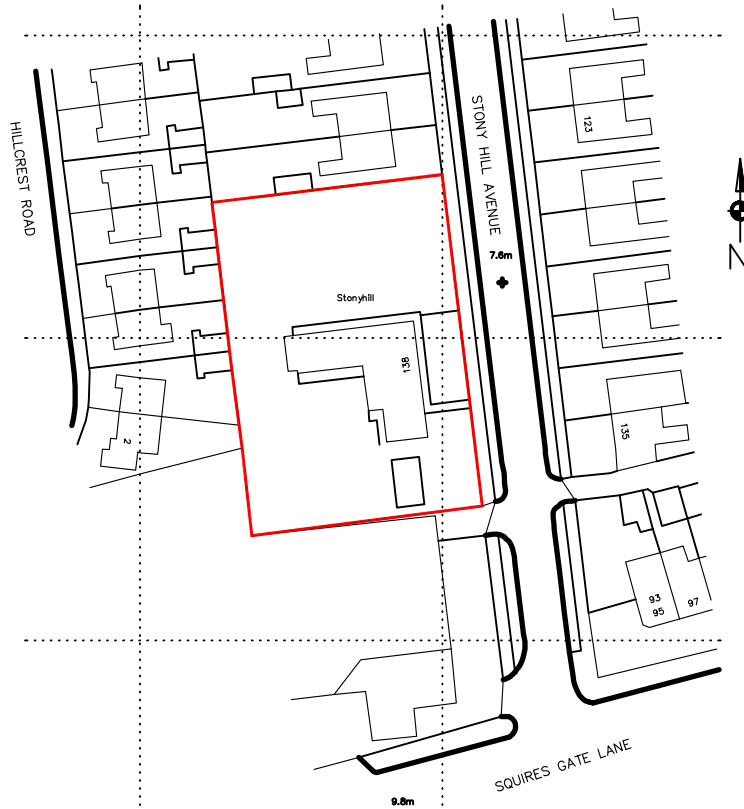
The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework and National Planning Policy Framework, Policies LQ2, BH3 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy which justify refusal.

## Advice Notes to Developer

Not applicable



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KEY

BOUNDARY LINE.

TOTAL PLOT AREA 2121m<sup>2</sup>



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PROJECT  
STONY HILL AVENUE BLACKPOOL

DRAWING TITLE  
SITE LOCATION

Drawn PB	Checked	Date 14-01-15	Scale 1:1250@A4
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DRAWING No. **Page 79** A014/293/S/02 Rev.

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**COMMITTEE DATE:** [09/02/2016](#)

**Application Reference:** 15/0747

WARD: Clifton  
DATE REGISTERED: 24/11/15  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr J Kay

**PROPOSAL:** Erection of residential development in rear garden.

**LOCATION:** 170 PRESTON NEW ROAD, BLACKPOOL, FY4 4HE

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Ms Pippa Greenway

## **SUMMARY OF RECOMMENDATION**

The principle of developing the site for residential purposes has been established in the past (in 2000 and 2003) and the site is within the main urban area and in sustainable location. Any adverse impacts arising from the development i.e. on the amenities of the local residents in terms of close proximity, overlooking, site layout, parking provision for future occupiers of the development, private amenity space etc. could be designed out at Reserved Matters stage.

## **INTRODUCTION**

This proposal is a resubmission of an outline application which was for the erection of 13 dwellings in the rear garden of 170 Preston New Road, with associated access from Carson Road following demolition of 15 and 17 Carson Road (14/0337 refers). The application was withdrawn prior to Committee as the recommendation was for refusal for the following reasons:

1. No information has been submitted to demonstrate that the development proposed would not have a detrimental impact on bats, birds or other protected species. As such, it has not been demonstrated that the scheme would not cause harm to a protected species.
2. The proposed development would result in an unsatisfactory level of residential amenity for the future occupiers of the proposed houses due to cramped accommodation in terms of internal floorspace standards, unsatisfactory refuse storage facilities and manoeuvring for refuse collection vehicles, inadequate private amenity space, and no on-site public

open space sufficient to serve the residents, and would therefore result in an over-intensive development.

3. The proposed development provides insufficient and unsatisfactory car parking facilities for both proposed residents and visitors and would therefore result in on-street parking and additional congestion in the surrounding area to the detriment of pedestrian and highway safety and the residential amenities of existing and proposed residents.
4. The proposed development would have a significantly detrimental impact on the residential amenities of the surrounding residents on Carson Road and Newhouse Road by virtue of its massing and close proximity to the common boundaries, resulting in loss of privacy and an overbearing impact.
5. The proposal does not demonstrate a sufficiently wide mix of house types and sizes in order to ensure that a variety of housing needs would be accommodated as part of the development.
6. The means of access to the proposed development would be significantly detrimental to highway safety by virtue of the close proximity to the road junction of Carson Road with Sunningdale Avenue, which would be exacerbated by the higher than normal volume of through traffic, which uses Carson Road as a rat-run.

A subsequent outline application (15/0224) deleted all reference to number of units but drawings showed an indicative layout with access from Preston New Road. That was also withdrawn prior to determination rather than attract a refusal on the location of the access.

### **SITE DESCRIPTION**

This 0.3 hectare site is currently the rear garden to a bungalow at 170 Preston New Road, a locally listed building. The site is bounded to the north by the bungalow on Preston New Road, to the west by semi-detached houses on Carson Road, to the south by terraced houses on Newhouse Road and to the east by the KFC / Pizza Hut on Cornelian Way. The area is one of fairly dense, residential development. There is a Tree Preservation Order (TPO) on eight trees within the application site, although permission was given last year for the removal of six of these as they were diseased, subject to them being replaced (TPO permission 15/0192 refers).

### **DETAILS OF PROPOSAL**

This application is an outline proposal for a residential development in the rear garden of 170 Preston New Road. Whereas on the previous scheme, vehicular access was proposed from Carson Road (following demolition of 15 and 17 Carson Road) the current application is for the principle of residential development and reserves all matters for future consideration (previously layout and access were applied for).

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the principle of the proposal in terms of backland development

- the impact on protected species and TPO trees
- the impact on the locally listed building
- the impact on the amenities of neighbours
- highway safety, parking and accessibility

These issues will be discussed in the assessment section of this report.

## **CONSULTATIONS**

**Built Heritage Manager:** I refer to the outline application for the erection of residential development in the rear garden on 170 Preston New Road. I have no objection to the proposal providing it will not involve the demolition of the locally listed 170 Preston New Road, or otherwise cause harm to its character.

**Blackpool Civic Trust:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Head of Transportation:** I have no objection in principal to this proposal. Any proposed or new access / egress from the site should not be taken from Preston New Road.

**Head of Parks and Green Environmental Services:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Head of Waste (Residential):** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Sustainability Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**United Utilities:** Has no objection to the proposed development provided that the following conditions are attached to any approval:

- Foul and surface water shall be drained on separate systems.  
Reason: To secure proper drainage and to manage the risk of flooding and pollution.
- Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (NPPG) with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the

Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework (NPPF) and NPPG.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 27 November 2015

Neighbours notified: 27 November 2015

Objections received from 3, 9, 10, 27 Carson Road and 168 Preston New Road.

Objections relate to:

- this is an enclosed garden, surrounded by buildings so not suitable for development.
- huge impact on the traffic and parking in the surrounding streets. Traffic here is already bad as people use Carson Road as a bypass to avoid the lights at Preston New Road.
- detrimental effect on way of life.
- multiple dwellings at rear of Carson Road properties will generate more noise from cars coming and going in this already busy area.
- no entrance or exit to the garden because it's surrounded on all sides by properties.

See assessment for response.

### **NATIONAL PLANNING POLICY FRAMEWORK**

Of the 12 core planning principles those that are relevant to this proposal are summarised below:

- Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings.
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land).

#### **Part 6 - Delivering a wide choice of high quality homes.**

Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a Local Planning Authority is unable to demonstrate a five year supply of housing land. Local planning authorities should consider the case for setting out

policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

### **Part 7 - Requiring good design.**

Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or reinforce local distinctiveness.

### **Part 11 Conserving and enhancing the natural environment.**

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

### **Part 12 - Conserving and enhancing the historic environment.**

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the desirability of new development making a positive contribution to local character and distinctiveness.

In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- LQ2 Site context
- LQ3 Layout of streets and spaces
- LQ6 Landscape Design and Biodiversity
- LQ8 Energy and Resource Conservation
- HN4 Windfall sites
- HN6 Housing Mix
- HN7 Density
- BH1 Balanced and Healthy Community
- BH3 Residential and Visitor Amenity
- BH10 Open space in new housing developments
- NE6 Protected Species

NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value  
NE10 Flood Risk  
AS1 General Development Requirements

SPG11 Open Space: New Residential Development and the Funding System

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are:

**CS1:** Strategic Location of Development - to create predominantly residential neighbourhoods on the edge of the Inner Areas. The focus of the Core Strategy is on regeneration of the Town Centre and Resort Core with supporting growth at South Blackpool. It recognises the important character and appearance of remaining lands at Marton Moss and the priority to retain and enhance its distinctive character.

**CS2:** Housing Provision - sets out Blackpool's housing provision with '*sites and opportunities identified to deliver around 4,500 new homes to meet Blackpool's housing need between 2012 and 2027.*'

**CS6:** Green Infrastructure - protect and enhance the quality, accessibility and functionality of green infrastructure.

**CS7:** Quality of Design - ensure amenities of nearby residents are not adversely affected by new development.

**CS8:** Heritage - seeks to safeguard listed buildings, conservation areas and locally listed buildings.

**CS9:** Water Management - all new developments should ensure buildings are located away from areas of flood risk, incorporate mitigation measures and Sustainable Urban Drainage Systems (SUDS) where possible, ensure there is no increase in the rate of run-off and reduce the volume of surface water run-off where possible.

**CS10:** Sustainable Design and Renewable and Low Carbon Energy - mitigate the impacts of climate change where possible.

**CS11:** Planning Obligations - development will only be permitted where existing infrastructure, services and amenities are already sufficient or where the developer enters into a legal agreement.

**CS12:** Sustainable Neighbourhoods - seeks to provide a better quality of life for residents, with high quality housing and enhancing the appearance of important existing buildings and their settings.

**CS13:** Housing Mix, Density and Standards - on sites where flats are permitted no more than 30% of the flats should be less than 2 bedroom flats.



**CS14:** Affordable Housing - where developments comprise 3-14 dwellings then a financial contribution towards off-site affordable housing is required. The contribution will be set out in a Supplementary Planning Document (SPD).

**CS15:** Health and Education - contributions will be sought towards provision of school places and healthcare facilities where the development would impact on existing provision.

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan.

## **ASSESSMENT**

### **Principle of backland development**

Regarding the principle of residential development in this location, outline planning permission was granted in 2000 (00/0744 refers) for a residential development comprising six, two-bedroomed flats in one two-storey block across the middle of the site. This was renewed in 2003 (reference 03/1038), however the permission lapsed in 2008. The principle of residential development on this garden site has therefore been established. A condition of the approval was that there was no vehicular access from Preston New Road.

In order to be more in keeping with the character of the area, I consider that family houses are preferable to flats and as the site is over 0.2 hectares in area, Policy HN6 requires a mix of house types and sizes in order to ensure that a wide variety of housing needs would be accommodated as part of the development. The number and form of development could be addressed at Reserved Matters stage as layout and appearance have not been applied for.

### **Biodiversity / Tree Preservation Order**

A neighbour has commented that there are house sparrows resident in some of the trees; house sparrows are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a house sparrow, or to take, damage or destroy an active nest or its contents. The provision to control house sparrows under a general licence was removed from the Act in early 2005 in England, making the species fully protected in England. Development of the garden site could take place outside the breeding season so that there was no conflict in that respect.

The site currently contains 16 individual trees, two domestic hedges and three groups of trees. A Tree Preservation Order originally applied to eight individual trees and one group of trees. Of those eight trees, permission has recently been granted for six to be removed as they were hazardous and a condition was imposed requiring their replacement in accordance with a scheme to be agreed. The scheme could be designed to take account of any new building proposed, should planning permission be forthcoming on this application.

## **Locally listed building**

In terms of the impact on 170 Preston New Road, the proposed scheme would not be particularly visible from Preston New Road and there would still be a sizeable garden attached to the bungalow. The proposed development could be laid out so as not to have any significant impact on the setting of the locally listed property.

## **Amenity**

With regard to the impact on the amenities of neighbours, design and layout are not for consideration at the present time and any privacy, outlook or loss of sunlight issues could be designed out at Reserved Matters stage.

It is not considered that the noise and disturbance generated by the proposed residents would have a significant impact on the quality of life in the existing private rear gardens around the site. Issues with overlooking could be overcome by the use of suitable boundary screens and the careful positioning of upper floor windows. Similarly, private amenity space could be addressed at Reserved Matters stage.

## **Highway Safety, Parking and Accessibility**

The Head of Transportation has no objection to the development as long as no access is taken from Preston New Road, as it would lead to conflict with other road users to the detriment of highway safety. A condition could be imposed to that effect and would then require access to be obtained by other means. The applicant owns some properties on Carson Road which could be demolished to provide access. In considering a previous scheme here, the Head of Transportation recommended refusal of the access onto Carson Road; however in that instance, the number of residential units was high (13) and he considered that access for a lesser number of properties would be acceptable. All the car parking requirements generated by the scheme could be contained within the site and would have no impact in terms of congestion or on-street parking in the residential streets in the vicinity.

## **Other Issues**

With regards to surface water drainage and flooding, the Ordnance Survey map shows a land drain running east-west across the bottom (south) of the site; however the Environment Agency flood maps do not indicate that the site is at potential risk of flooding from rain or tidal sources. Any new hard surfaces could be the subject of a condition requiring them to be permeable. With regard to noise and cooking smells from the fast-food outlets, if these became a nuisance, they could be controlled through the use of Statutory Nuisance powers by Environmental Protection colleagues.

## **CONCLUSION**

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development, which means approving development proposals

that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Relevant policies for the supply of housing should not be considered up-to-date where the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, this is not applicable as the 2013 SHLAA Update demonstrates that Blackpool has a five-year supply against the proposed housing requirement. Therefore, the Core Strategy policies are a material consideration along with relevant saved policies in the current Blackpool Local Plan.

The proposal is in outline only with all matters (scale, siting, layout, access, landscaping) reserved for future consideration. The site is in a sustainable location and any adverse impacts arising from the development i.e. on the amenities of the local residents in terms of close proximity, overlooking, site layout, parking provision for future occupiers of the development, private amenity space etc., could be designed out at a later date.

### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

Policy BH10 sets out that all new housing developments should either physically provide or financially contribute to the full rate of provision of 24sq.m of open space per person. SPG Note 11, *Open Space Provision for New Residential Development and the Funding System*, provides more detailed guidance, with the policy applying to all new residential developments of three or more dwellings.

Since no open space capable of being utilised as play area has been shown and there is no indication as to the potential number of future residents, the requirement for open space or a commuted sum in lieu of open space provision, cannot be assessed at this stage. This could be secured by means of an appropriately worded condition, if permission was forthcoming.

### **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

### **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998.

### **BACKGROUND PAPERS**

Planning Application File 15/0747 which can be accessed via the link below:  
<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1.
  - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
    - Layout
    - Scale
    - Appearance
    - Access
    - Landscaping
  - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).
2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 24 November 2016 including the following plans: Drawing number B14-1438.01 (site location plan).

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.
3. No vehicular or pedestrian access/egress shall be obtained from/to Preston New Road.

Reason: In the interests of highway safety and in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016.
4. The reserved matters application(s) pursuant to this outline planning permission shall include a scheme to secure the provision of on-site open space, or improvements to off-site open space, together with a mechanism for delivery, in

accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policies BH3 and BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways, including a hard standing area of 15m for wheel washing facilities.
- the routeing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. No site clearance, preparation or development work shall take place until a fully detailed scheme for the identification and protection of wildlife species, hedges and TPO'd trees has been submitted to and agreed in writing by the Local Planning Authority. No clearance shall be carried out between 1st March and 31st October inclusive in any one year unless surveys by a competent ecologist show that nesting birds would not be affected. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife & Countryside Act 1981 (as amended).

7. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system to surface water. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure proper drainage and to manage the risk of flooding and pollution to water resources and in accordance with Policies BH4 and NE10 of the Blackpool Local Plan 2001-2016.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy NE10 of the Blackpool Local Plan 2001 – 2016 and the NPPF.

### **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval need to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.



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