

# Blackpool Council

21 June 2019

To: Councillors Baker, D Coleman, Hobson, Hugo, O'Hara, Owen, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 2 July 2019 at 6.00 pm  
in Committee Room A, 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 either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 4 JUNE 2019** (Pages 1 - 22)

To agree the minutes of the last meeting held on 4 June 2019 as a true and correct record.

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

The Committee to note that there have been no planning/enforcement appeals lodged or determined since the last meeting.

**4 PLANNING ENFORCEMENT UPDATE REPORT** (Pages 23 - 26)

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

**5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE** (Pages 27 - 30)

To update the Planning Committee of the Council's performance in relation to Government targets.

**6 PLANNING APPLICATION 19/0149 - ANCHORSHOLME METHODIST CHURCH, NORTH DRIVE, BLACKPOOL** (Pages 31 - 56)

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 18/0122 - 296-298 HIGHFIELD ROAD, BLACKPOOL** (Pages 57 - 66)

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 18/0204 - WATERLOO ROAD METHODIST CHURCH, WATERLOO ROAD, BLACKPOOL** (Pages 67 - 88)

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

**9 PLANNING APPLICATION 19/0168 - 442 MIDGELAND ROAD, BLACKPOOL** (Pages 89 - 110)

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

**10 PLANNING APPLICATION 19 0172 - MARTON MERE HOLIDAY VILLAGE, MYTHOP ROAD, BLACKPOOL** (Pages 111 - 126)

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

**11 PLANNING APPLICATION 19/0176 - LAND TO THE NORTH OF RYSCAR WAY AND WEST OF FARADAY WAY, BLACKPOOL** (Pages 127 - 154)

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

## 12 DATE OF NEXT MEETING

The Committee is asked to note the date of its next meeting as Tuesday 31 July 2019 at 6pm.

### **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 Governance 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).

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### Present:

Councillor Owen (in the Chair)

Councillors

Coleman  
Cox

Hobson  
Hugo

O'Hara  
Robertson BEM

Stansfield  
L Williams

### In Attendance:

Mr Keith Allen, Highways and Traffic Development and Control Officer

Mr Ian Curtis, Legal Officer

Miss Pippa Greenway, Senior Planner

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mr Mark Shaw, Principal Planning Officer

### 1 DECLARATIONS OF INTEREST

Councillors Hobson, Robertson BEM and L Williams declared a prejudicial interest in Agenda Item 9, Planning Application 19/0144, Land at Troutbeck Crescent and Agenda Item 10, Planning Application 19/0103, Land Bounded by Rigby Road, Tyldesley Road, Princess Street and Blundell Street. The nature of the interest being that they were Council appointed Non-Executive Directors of Blackpool Coastal Housing Company Limited and Blackpool Housing Company Limited.

### 2 MINUTES OF THE MEETING HELD ON 2 APRIL 2019

The Planning Committee considered the minutes of the last meeting held on 2 April 2019.

### Resolved:

That the minutes of the meeting on the 2 April 2019 be approved and signed by the Chairman as a correct record.

### 3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee noted that three appeals had been lodged against the decision of the Council to refuse planning permission for the following:

1. The demolition of the existing public house, relocation of the vehicular access and erection of a bingo hall (Use Class D2) and a drive-thru cafe/restaurant (Use Class A3) with associated reconfiguration of the existing car park and provision of new landscaping at the Land at Odeon Cinema, Rigby Road, Blackpool.
2. The retention of log flume ride on land to the north of the pier at South Pier, Promenade, Blackpool.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 4 JUNE 2019

3. The erection of a two-storey side and rear extension and single-storey rear extension at 139 Clifton Drive, Blackpool,

The Committee also noted the decisions of the Planning Inspectorate as follows:

1. To dismiss an appeal against the Council's decision to refuse planning permission for the erection of a first floor rear extension including formation of a vehicle crossing to Waterloo Road.
2. To allow an appeal against the Council's decision to refuse planning permission for the erection of a single-storey building for the storage and maintenance of vehicles to the Rear of 518 Midgeland Road, Blackpool.
3. To allow an appeal and full award of costs against the Council against the Council's decision to refuse planning permission for the erection of 86 dwellings with associated open space and landscaping and formation of new access to Warren Drive.
4. To dismiss an appeal against the Council's decision to refuse planning permission for the erection of two x two bedroom dwellings on the Land to the rear of 150 Harcourt Road, Blackpool.

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

### 4 PLANNING ENFORCEMENT UPDATE REPORT - MARCH 2019

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during March 2019.

The report stated that 34 new cases had been registered for investigation, five cases had been resolved by negotiation without recourse to formal action and 43 cases had been closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action. The report also provided comparative information for the same period last year.

The report also noted that three enforcement notices had been authorised and notices served during March 2019.

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

### 5 PLANNING ENFORCEMENT UPDATE REPORT - APRIL 2019

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during April 2019.

The report stated that 30 new cases had been registered for investigation, three cases had been resolved by negotiation without recourse to formal action and 24 cases had

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 4 JUNE 2019

been closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action. The report also provided comparative information for the same period last year.

The report also noted that one s215 notice had been authorised and one enforcement notice and one s215 notice had been served during April 2019.

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

### 6 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

The Committee considered the Planning Application and Appeals Performance Report and positive comments were noted regarding the performance figures for the year 1 April 2018 – 31 March 2019.

**Resolved:** To note the report.

### 7 PLANNING APPLICATION 19/0093 - SUBSCRIPTION BOWLING CLUB, SOMERSET AVENUE, BLACKPOOL

The Committee considered planning application 19/0093 seeking permission for the erection of four floodlighting columns to be positioned one at each corner of the bowling green at Subscription Bowling Club, Somerset Avenue, Blackpool.

Mr Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented an aerial view of the site and the site layout and location plans along with a photographic image of the proposed floodlights. He highlighted that it was a well-established bowling club in a predominantly residential location. He advised that, following discussions with environmental protection officers, the height of the lights would be limited to 7metres and the use of the lights would be limited to 9pm each evening. Mr Shaw reported on the bowling season being from April to September.

In response to questions from the Committee, Mr Shaw referred to the conditions that would be imposed on the planning permission, if granted, requiring agreement by the Planning Authority of the height, angling, shading, brightness and colour prior to use to mitigate the potential impact on the amenity of the occupiers of nearby residential properties.

Ms Blockley, member of the public, spoke in objection to the application advising that she was speaking on behalf of local residents. Her main concerns related to the potential impact on the amenity of residents of nearby properties from the floodlights and the anti-social behaviour issues currently experienced which in her view would be exacerbated should the application be approved.

The Committee considered the application and noted the residents' concerns, however, it was also mindful that the anti-social issues raised were not planning considerations and the application had to be determined on its merits. The Committee noted that the

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 4 JUNE 2019

applicant was in attendance at the meeting and asked that the residents' issues be taken into consideration outside of the meeting. Responding to the Committee's concerns, Mr Shaw reported the view of the environmental protection officers that the floodlights could be fitted in such a way so as not to adversely impact the amenity of the residents of nearby properties. The Committee considered it necessary to impose a condition, if permission was granted, to limit the use of the floodlights to between the months April to September to protect the amenity of residents of neighbouring properties. The Committee noted that proposed condition 3 limited the use of the floodlights to no later than 9pm each evening.

**Resolved:** That the application be approved, subject to the conditions, and the amendment of condition 3 to limit the use of the floodlights between the months April to September, and for the reasons set out in the appendix to the minutes.

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

### **8 PLANNING APPLICATION 19/0132 - 238 QUEENS PROMENADE, BLACKPOOL**

The Committee considered planning application 19/0132 seeking permission for the use of a hotel as a single holiday letting unit with associated external alterations to the front elevation at 238 Queens Promenade.

Mr Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented a street view of the property and site location, layout and elevation plans and reported on its location as being on the end of a block of flats and adjacent to a residential property on the south side. The application was for the conversion of an existing 16 bedroom hotel into an eight bedroom holiday let and Mr Shaw reported his view that the extent of the works to the front elevation was indicative of the level of investment in the proposed development. He referred the Committee to the Management Statement attached to the report that had been provided by the applicant to demonstrate how it intended to manage the proposed property and that this could be included in the conditions attached to the permission, if granted. He advised that the environmental protection officers had raised no concerns with the proposal and referred to previous enforcement issues being from the time when it had last been used as a hotel and in his view there was nothing to suggest at this stage that the holiday let would be aimed at the lower end of the market.

Responding to questions from the Committee regarding the residents' concerns as detailed in the report, Mr Shaw referred to conditions that could be attached to the planning permission, if granted, to address potential environmental protection concerns and mitigate the impact on the amenity of residents of neighbouring properties.

The Committee considered the application and noted that the proposal represented an improvement to the neighbourhood and the potential for it to have a positive impact on the local economy.

**Resolved:** That the application be approved, subject to the conditions and for the reasons set out in the appendix to the minutes.



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

**Note:** Prior to the consideration of the following items, Cllrs Hobson, Robertson BEM and L Williams, having declared a prejudicial interest, left the room and took no further part in the meeting.

### 9 PLANNING APPLICATION 19/0144 - LAND AT TROUTBECK CRESCENT, BLACKPOOL

The Committee considered planning application 19/0144 seeking permission for the erection of residential development comprising 75 dwellings (56 houses and 19 flats) in two and three storeys, with associated landscaping, public realm and highway works on the land at Troutbeck Crescent.

Miss Greenway, Senior Planner, provided the Committee with an overview of the application and presented an aerial view of the site and the site location, layout and elevation plans. She reported on the principal aim of the proposed development to replace existing flats and replace with them with affordable rental homes to improve the condition and quality of the social housing provision. The main issue with the development was considered to be the loss of some public open space, however, the remaining public open space would be improved and available for use by the wider community. Miss Greenway advised on the proposal for the removal of a significant number of trees and relocate them within the site. She referred the Committee to the late representation reported in the update note and the agent's response included in the supplementary update note.

Mrs Furnival, accompanied by Mr Furnival, members of the public, spoke in objection to the proposal. The main concerns raised included the adverse impact on the residents of neighbouring properties, the potential increased flood risk and an adverse impact on parking. Further concerns raised related to overdevelopment of the area and adverse impact on the environment and wildlife.

Ms Parker, the applicant's agent, spoke in support of the application. She outlined her view of the benefits of the scheme which included the replacement of poor quality flats with a mix of new affordable rental properties including accessible units and the provision of an attractive public open space which would be available to the wider community. She referred to conditions that would be imposed to mitigate the impact on the amenity of the residents of neighbouring properties.

The Committee considered the application and requested assurance on the quality of materials to be used. Miss Greenway confirmed that a condition requiring the use of high quality materials could be imposed on the planning permission, if granted. The Committee also discussed at length the impact of the removal of trees and noted that the proposal included the relocation of a significant number of the trees.

**Resolved:** That the application be approved, subject to the conditions, including the additional condition requiring the use of high quality materials, and for the reasons set out in the appendix to the minutes.

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

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**Note:** Cllrs Hobson, Robertson BEM and L Williams, having declared a prejudicial interest, had left the room prior to consideration of this item and took no part in the discussion or voting thereon.

### **10 PLANNING APPLICATION 19/0103 - LAND BOUNDED BY RIGBY ROAD, TYLDESLEY ROAD, PRINCESS STREET AND BLUNDELL STREET, BLACKPOOL**

The Committee considered planning application 19/0103 seeking permission for the erection of 59 houses, two and three storey houses and a part two/ three and four storey block of 15 self-contained apartments with retail use on the ground floor with associated car parking, landscaping, means of access and public realm on the land bounded by Rigby Road, Tyldesley Road, Princess Street and Blundell Street.

Mr Shaw, Principal Planning Officer, presented the Committee with an overview of the application and presented an aerial view of the site and the site location, layout and elevation plans. Images of the proposed apartment block were also shown. Mr Shaw reminded Members that outline planning permission had been granted in March 2013 for a maximum of 410 dwellings on the site fronting Rigby Road and that this was followed by a reserved matters application and a number of more recent planning applications revising the previously approved layouts. The current full planning application related to phase 2 of the overall development and incorporated a mix of properties and retail use. Mr Shaw advised that details on the treatment of the green area would be subject to conditions, should planning permission be granted. Mr Shaw referred to the issues raised regarding parking and advised that there would be 95 available parking spaces which equated to a minimum of one space per property. He also referred to the comments made by the Head of Highways and Traffic Management and advised on the potential for a condition to be added to the permission, if granted, for the agreement of highway works and detailed highway configuration. Mr Shaw provided a further update from the architect providing assurance that the development would accord with necessary security measures and that ground remediation would be undertaken by the Council's contractors. The proposed scheme would also comply with the Airport's requirements.

The Committee considered the application and raised concerns regarding security measures. On invitation from the Chairman, Mr Burrell, Development Director, Blackpool Housing Company, on behalf of the applicant, provided assurances that the scheme would meet the Secured by Design requirements in both layout and design. Responding to further concerns regarding parking, Mr Shaw expanded on the parking provision.

**Resolved:** That the application be approved, subject to the conditions and for the reasons set out in the appendix to the minutes.

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

**Note:** Cllrs Hobson, Robertson BEM and L Williams, having declared a prejudicial interest, had left the room prior to consideration of this item and took no part in the discussion or voting thereon.

**11 DATE OF NEXT MEETING**

The Committee noted the date of the next meeting as Tuesday 2 July 2019.

**Chairman**

(The meeting ended 7.20pm)

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

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**Application Number 19/0093 – SUBSCRIPTION BOWLING CLUB, SOMERSET AVENUE, BLACKPOOL, FY1 5QU**

Erection of four floodlighting columns to be positioned one at each corner of the bowling green.

**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 including the following plans:

Plans received by the Council on 12th, 19th and 20th February and 6th March 2019

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

3. Prior to the first use of the lighting hereby approved the following details shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

- The exact height, angling, shading, brightness, colour of the lighting
- In addition the lights be fitted no higher than 7 metres above the bowling green and shall not be in use after 9pm on any given evening and the lights shall only be used between April and September.

Reason: In the interests of residential amenity and the appearance of the locality, in accordance with Policies BH3, BH4 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

**Application Number 19/0103 - LAND BOUNDED BY RIGBY ROAD, TYLDESLEY ROAD, PRINCESS STREET AND BLUNDELL STREET BLACKPOOL FY1 5DE**

Erection of 59 houses, two and three storey houses and a part two/ three and four storey block of 15 self-contained apartments with retail use on the ground floor with associated car parking, landscaping, means of access and public realm.

**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 including the following plans:

Location Plan received by the Council on 18 February 2019

Drawings numbered 151.06HT.01 Rev B, 151.06.HT.02, 151.06.HT.03, 151.06.HT.04, 151.06.HT.05, 151.06.HT.06, 151.06.HT.07, 151.06.HT.08, 151.06.HT.09, 151.06.HT.10, 151.06.HT.11, 151.06.HT.12, 151.06.HT.13, 151.06.HT.14, 151.06LAY.01 Rev C, 151.06.01.PLD01, 151.06.01.PLD02, 151.06.01.PLD03, 151.06.01.PLD04, 151.06.01.PLD05, 151.06.01.PLD06, 151.06.01.PLD07, 151.06.01.PLD08, 151.06.01.PLD09, 1 51.06.01.PLD10, 151.04.F.01, 151.04.F.02, 151.04.F.03, 151.04.F.04, 151.04.F.04, 151.06.01.PLS01, 151.06.01.PLS02, 151.06.01.PLS03, 151.04.F.06, 151.04.F.07, 151.04.F.08, 151.06.HT.15 and HT.06.HT.16 Rev A

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

3. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. 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 5 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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
  - the routing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the garage(s)/ car port(s) shall not be used for any purpose which would preclude its use for the parking of a motor car(s).

Reason: In the opinion of the Local Planning Authority the retention of parking spaces within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the dwelling/s the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building



and maintained and managed in accordance with the approved details thereafter.  
Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

11. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not 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 secure proper drainage and to reduce the risk of flooding & pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

12. The area of public realm shown on the approved layout plan shall be laid out and made available for use in accordance with a scheme and a timetable to be submitted to and agreed in writing the Local Planning Authority. The agreed scheme shall be retained thereafter.

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings 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).

13. Prior to the development hereby approved being commenced a detailed highway scheme shall be submitted to and agreed in writing with the Local Planning Authority plans and the agreed scheme shall be provided in accordance with a timetable to be agreed in writing with the Local Planning Authority 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

**Application Number 19/0132 - 238 QUEENS PROMENADE, BLACKPOOL, FY2 9HA**

Use of hotel as a single holiday letting unit with associated external alterations to the front elevation.

**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 including the following plans:

Drawings numbered B/19/46/01, B/19/46/02, B/19/46/03

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

3. Prior to the development hereby approved being first brought into use the car parking provision shall be laid out and made available for use in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. This provision 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The accommodation hereby approved shall not be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document to provide quality visitor accommodation and to improve the external appearance of the property in accordance with Policies LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS21 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The approved use as managed holiday accommodation shall solely be used for this purpose in accordance with the submitted Management Plan; and shall not be used at any time for permanent residential occupation.

Reason: The accommodation shown on the approved plans is unsuitable for permanent residential use, is located within one of the protected holiday accommodation areas and to safeguard the amenity of adjoining residents in accordance with Policies BH3, BH4 and HN5 of the Blackpool Plan 2001-2016, Policies CS7, CS21 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, the Holiday Accommodation Supplementary Planning Document and the New Homes from Old Places Supplementary Planning Document.

**Application Number 19/0144 - LAND AT TROUTBECK CRESCENT BLACKPOOL FY4 4SX**

Erection of residential development comprising 75 dwellings (56 houses & 19 flats) in two and three storeys, with associated landscaping, public realm and highway works.

**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, including the following plans:

9313/L01 Location Plan  
9313/P01 Existing Site Plan  
9313/P02 Proposed Site Plan Rev C  
9313/P03 Building Identification Plan Rev C  
9313/P06 Hard Landscaping Site Plan Rev A  
9313/P07 Hard Landscaping Details Rev A  
9313/P08 Landscape Details  
9313/P09 Boundary + Bin Store Details  
9313/P10 Street Sections - Sheet 1  
9313/P29 Proposed Elevations Rev B  
9313/P30 Proposed Elevations Rev B  
9313/P31 Proposed Elevations Rev B  
9313/P32 Proposed Elevations Rev B  
9313/P33 Proposed Elevations Rev B  
9313/P34 Proposed Elevations Rev B

9313/P35 Proposed Elevations Rev B  
9313/P36 Proposed Elevations Rev B  
9313/P39 Additional balcony details Plots 24 & 58  
9313/HT01 Proposed House Types Rev B  
9313/HT02 Proposed House Types Rev B  
9313/HT04 Proposed House Types Rev B  
9313/HT05 Proposed House Types Rev B  
9313/HT06 Proposed House Types Rev B  
9313/HT09 Proposed House Types Rev B  
9313/HT10 Proposed House Types Rev B  
9313/HT11 Proposed House Types Rev B  
0901/60-002 ENWL Electrical Supply Rev P2  
0901/63-301 External lighting Rev P2

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

3. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. If any demolition works take place during the nesting bird season (March - August inclusive) a nesting bird check shall be carried out within the 24 hour period prior to demolition of the building(s) by a licensed ecologist. If nesting birds are found then the building will have to remain in place until the young have fledged and left the nest.

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).

5. (a) 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 a Construction Exclusion Zone and tree protection works for the retained trees, as detailed in the Arboricultural Impact Assessment Report (Bowland Tree Consultancy March 2019) submitted with the application, are in place. Any construction activities within the root protection areas of those trees shall be carried out in accordance with a detailed Arboricultural Method Statement and Tree Protection Plan, which shall first be submitted to and agreed in writing with the Local Planning Authority.

(b) 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.

(c) 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 CS6 of the Blackpool Local Plan: Part 1 - Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001-2016.

6. The construction of the dwellings hereby approved shall not commence until details of the provision to be made for bat roosting opportunities as recommended in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd 02/08/2018) & Bat Survey - Emergence and Activity Surveys (Arbtech Consulting Ltd 12/10/2018), and replacement nesting bird habitat have been submitted and approved by the Local Planning Authority. For the avoidance of doubt, this shall include permanent replacement roosting provision incorporated into the new dwellings, comprising bat tubes inserted into the fabric of the new dwellings during construction (positioned high on the buildings, close to the eaves, away from artificial light sources), replacement nesting provision in the form of House Martin nest cups, Sparrow terraces, nest boxes and insect towers and details of the siting of these; and the incorporation of wild flower borders and long grass areas within the landscaping scheme, as also recommended. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority, and maintained thereafter. Provision shall also be made to mitigate any impact on hedgehogs during the construction phase.

Reason: To ensure that bat and bird species are protected and their habitat enhanced in, accordance with the Wildlife & Countryside Act 1981, as amended, the Conservation [Natural Habitats &c] Regulations 1994, Policy CS6 of the Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001 - 2016.

7. (a) Notwithstanding the submitted landscaping plans, no development shall take place until a detailed landscaping proposal plan has submitted to and approved in writing by the Local Planning Authority. This scheme shall include planting plans, specifications and schedules to include plant size, species and number/densities. For the purpose of this condition, the scheme shall include specific details of the trees to be transplanted and new native trees to be supplemented, and shall include provision for wild flower borders and long grass

areas within the soft landscaped areas, as recommended in the Preliminary Ecological Assessment.

(b) The agreed 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 5 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 ecological enhancement 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. No development shall take place until a plan to identify those areas of the site to be adopted by the Local Highway Authority, those areas to be managed and maintained by third parties, and a Highway Management Plan for those areas of the site to be managed and maintained by third parties, has been submitted to and agreed in writing by the Local Planning Authority. The Highways Management Plan shall:

- Identify the third parties responsible for management (e.g. Site Management Company)
- Set out a regime/timetable for inspections and regular repair or maintenance works
- Explain how issues can be reported, assessed and resolved

The Highway Management Plan hereby approved shall be implemented in full at all times when any part of the area to which it relates is occupied or in use.

Reason: In order to ensure that safe and convenient access is available to the development by a range of transport modes in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policy AS1 of the Blackpool Local Plan 2001-2016.

9. No development shall take place until a detailed infrastructure scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme should include:

- Works to existing highways

- Works to construct new areas of highway for adoption including SuDS drainage approach
- Works to construct other infrastructure in those areas of the site proposed to be managed and maintained by third parties including SuDS drainage approach

The infrastructure scheme shall thereafter be implemented, in defined phases as appropriate and agreed, prior to first occupation of dwellings and thereafter maintained for the life of the development.

Reason: In order to ensure that safe and convenient access is available to the development by a range of transport modes in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policy AS1 of the Blackpool Local Plan 2001-2016.

10. The recommendations and mitigation measures identified in the Noise Assessment report (Ecus Environmental Consultants January 2019), shall be implemented in full before first occupation of the affected dwellings, and thereafter retained.

Reason: In the interests of residential amenity, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. 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 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 into the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

NOTE: Geological conditions suggest that infiltration may be a suitable method of surface water disposal and this should be fully explored. In addition there are a number of surface water drains / ditches located to the east of the site which drain

directly to watercourse. We would expect investigations to be carried out to determine whether the site can drain to watercourse.

13. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company; and,
  - b) Arrangements for inspections and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that management arrangements are in place for the sustainable drainage system for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

16. 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 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

17. 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
  - the routing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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| <b>Report to:</b>        | <b>PLANNING COMMITTEE</b>                      |
| <b>Relevant Officer:</b> | Tim Coglan, Service Manager, Public Protection |
| <b>Date of Meeting:</b>  | 2 July 2019                                    |

## 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 May 2019.

### 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 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool.'

## 5.0 Background Information

### 5.1 Cases

#### 5.1.1 New cases

In total, 45 new cases were registered for investigation, compared to 47 received in May 2018.

#### 5.1.2 Resolved cases

In May 2019, nine cases were resolved by negotiation without recourse to formal action, compared with 12 in May 2018.

#### 5.1.3 Closed cases

In total, 22 cases were closed during the month (17 in May 2018). 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.

#### 5.1.4

##### Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in May 2019 (none in May 2018);
- No s215 notice authorised in May 2019 (none in May 2018);
- No Breach of Condition notices authorised in May 2019 (none in May 2018).
  
- No enforcement notices served in May 2019 (none in May 2018);
- No s215 notice served in May 2019 (one in May 2018);
- No Breach of Condition notices served in May 2019 (none in May 2018);
- No Community Protection Notices served May 2019 (none in May 2018).

Does the information submitted include any exempt information? No

### 5.2 List of Appendices:

5.2.1 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

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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>  | 2 July 2019                                   |

## PLANNING APPLICATIONS AND APPEALS PERFORMANCE

### 1.0 Purpose of the report:

1.1 To update members of Planning Committee of the Council's performance in relation to Government targets.

### 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 current performance.

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? No

3.3 Other alternative options to be considered:

None the report is for information only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is both

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

### 5.0 Background Information

5.1 Members of the Planning Committee will be aware that the Government has set targets for the determination of major and minor category planning applications and major and minor category appeals.

5.2 These are speed and quality of decision targets and are currently –

**Speed of major development decisions** – 60% within 13 weeks or an agreed Extension of Time – for the period October 2017 to September 2019

**Speed of minor development decisions** – 70% within 8 weeks or an agreed Extension of Time – for the period October 2017 to September 2019

**Quality of major development decisions** – Loss of more than 10% of appeals – for the period April 2017 – March 2019

**Quality of minor development decisions** – Loss of more than 10% of appeals – for the period April 2017 – March 2019

5.3 Figures are submitted quarterly to the Ministry of Communities and Local Government. Performance for May 2019 is shown as is performance for the fourth quarter – January to March 2019.

5.4 The last full year performance figures for applications (1 April 2018 – 31 March 2019) were –  
**Majors 95% within 13 weeks or an agreed extension of time (target 60%)**  
**Minors 96% within 8 weeks or an agreed extension of time (target 70%)**

5.5 In terms of the last assessment period (October 2016 – September 2018) performance at the end of September 2018 for the full two year period was –  
**Majors 91% within 13 weeks or an agreed extension of time (target 60%)**  
**Minors 92% within 8 weeks or an agreed extension of time (target 70%)**

In terms of appeals for the last period April 2016 – March 2018 –  
**There were 28 decisions of which 6 non major appeals were lost (21% of the total appeal decisions) NB There were no major appeal decisions**

5.6

|                                                   | <b>Government Target</b> | <b>Performance May 2019</b>                                   | <b>Performance January – March 2019</b> |
|---------------------------------------------------|--------------------------|---------------------------------------------------------------|-----------------------------------------|
| <b>Major development decisions</b>                | >60%                     | 100%                                                          | 100%                                    |
| <b>Minor development decisions</b>                | >70%                     | 96%                                                           | 92%                                     |
| <b>Quality of major development decisions</b>     | >10%                     | No major appeal decisions in the month                        | None                                    |
| <b>Quality of non major development decisions</b> | >10%                     | One appeal decision in the month and the appeal was dismissed | None                                    |



Does the information submitted include any exempt information? No

**5.6 List of Appendices**

5.6.1 None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 Performance is influenced by staffing numbers, sickness and leave

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.

**10.0 Risk management considerations:**

10.1 Under resourcing the service could lead to inability to respond to peaks in workload.

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 Not applicable

**13.0 Background Papers**

13.1 None

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**COMMITTEE DATE:** [02/07/2019](#)

**Application Reference:** 19/0149

**WARD:** Anchorsholme

**DATE REGISTERED:** 08/03/19

**LOCAL PLAN ALLOCATION:** No Specific Allocation

**APPLICATION TYPE:** Full Planning Permission

**APPLICANT:** Melrose Developments Limited (1996) Pension Fund

**PROPOSAL:** Erection of a single storey retail store with 21 car parking spaces and associated vehicle access and service access from North Drive including loading bay, service yard, external plant area with associated landscaping and boundary and service yard fencing .

**LOCATION:** ANCHORSHOLME METHODIST CHURCH, NORTH DRIVE, BLACKPOOL, FY5 3PG

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr Mark Shaw

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

## **SUMMARY OF RECOMMENDATION**

Planning application 18/0384 was recommended for refusal on the grounds set out below in the Introduction section of this report, although the application was subsequently withdrawn prior to the Planning Committee meeting on 13 November 2018. The proposal has been revised which has resulted in this current application. This application now solely seeks approval for a single storey retail store (suggested occupant the Co-op) set further back into the site with a single vehicle access from North Drive to a car park with 21 spaces. The servicing area is shown to the rear of the store.

The revised application includes an updated retail impact assessment and sequential test. It is considered, on balance, that the revised submission satisfactorily addresses previous policy concerns regarding the unavailability of suitable alternative premises within established designated retail areas, namely Cleveleys Town Centre, and also addresses the retail impact of the proposal on existing shops within the catchment area, particularly on

East Pines Drive closest to the application site, which is shown to be limited. There is no evidence to suggest the proposal would have a significant adverse impact on nearby local centres.

The third intended reason for refusal of application 18/0384 related to the erection of a two storey building close to the road frontages has been addressed by reducing the building to single storey and setting the proposed building further back from the site frontages.

**Accordingly this revised application is recommended for approval subject to a number of conditions.**

## **INTRODUCTION**

This application is a re-submission of 18/0384 which involved the erection of a part two storey/part single storey building to form a retail store on the ground floor and 3 x two bedroom apartments above with 26 car parking spaces and associated vehicle access and service access from North Drive and vehicle egress onto Luton Road and including a service yard, trolley and cycle store and landscaping. This application was withdrawn on 12 November 2018. However, the application was to be recommended for refusal at the Planning Committee meeting on 13 November 2018 for the following reasons:-

- The proposed development involves a Class A1 retail use outside a designated town, district or local centre and there are considered to be sequentially more preferable site(s) for such development and hence if approved the proposal would undermine the Council's objectives of protecting the vitality and viability of existing designated centres and set a precedent making it difficult for the Council to resist future applications for other out of centre retail proposals elsewhere in the Borough. The proposal is therefore contrary to Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 86, 87 and 90 of the National Planning Policy Framework.
- The retail development would have a significant adverse impact on existing designated local centres within the catchment area of the application site including the East Pines Drive Local Centre and hence would be contrary to paragraphs 89 and 90 of the National Planning Policy Framework (NPPF) and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
- The proposed building would be an overly dominant and incongruous addition which would be out of character within the street scene and significantly detrimental to the appearance of the area due to its size, massing, close proximity to the site frontages and prominent and exposed location of the application site. As such the proposal would be contrary to Policies LQ2, LQ3 and LQ4 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 124, 127 and 128 of the NPPF.

## **SITE DESCRIPTION**

The application site measures 1,870 sqm and is rectangular in shape having a frontage onto North Drive in excess of 53 metres and a frontage onto Luton Road of 29 metres. There was a church and church hall on the site which have now been demolished and the cleared site has been enclosed with hoardings. The character of the area is primarily residential although within close proximity of the application site is Anchorsholme Library, East Pines Park, Anchorsholme Academy on East Pines Drive and a designated local centre also on East Pines Drive next to the school, including two convenience stores one of which has a post office.

The junction of North Drive and Luton Road where the application site is located incorporates a mini roundabout, a pedestrian crossing on the south side of the junction, a pedestrian refuge island on each arm of the junction and pedestrian safety railings on each of the four corners. On the other three corners of this junction are residential properties, these houses are set back between 6 and 7 metres from the road frontages. There is a northbound bus stop on North Drive opposite the application site.

## **DETAILS OF PROPOSAL**

This is a detailed planning application for the erection of a single storey building comprising a Class A1, 418 sqm retail store (suggested occupant the Co-op) including a 139 sqm back of house area (net retail floor area of 279sqm). The pedestrian entrance into the store would be situated on North Drive. 21 car parking spaces would be provided to the side of the building up to the rear boundary with gardens of houses which front onto Neville Avenue and a new vehicle access would be provided from North Drive situated to the north of the store. A service yard would be located to the rear of the building with a loading bay sited abutting the rear boundary with Neville Avenue. A 2.5m high acoustic fence would be erected along the boundary with the Neville Avenue houses.

A Retail Impact Assessment has been submitted to seek to address concerns regarding the impact on designated local centres nearby namely East Pines Drive, Anchorsholme Lane West/ East and Fleetwood Road. The application is also accompanied by a Planning Statement, an Ecological Survey and Assessment, a Design and Access Statement, a Flood Risk Assessment and Drainage Management Strategy, a Sequential Assessment, a Transport Assessment and a Noise Impact Assessment.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of Retail Re-development
- Highway and Pedestrian Safety/ Servicing and Car Parking Provision
- Design of the Development and its Impact on the Character of the Area
- Impact on Residential Amenity
- Any Other Matters

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

## **CONSULTATIONS**

**Environment Agency:** We have no objection to this application, but we wish to make the following comments:-

**Flood risk-** The application site is located within Flood Zone 3 on the Environment Agency Flood Map for Planning. In the National Planning Practice Guidance (NPPG) to the National Planning Policy Framework (NPPF), Flood Zone 3 is defined as having high probability of flooding. Development proposed in Flood Zone 3 or 2 should be accompanied by a Flood Risk Assessment (FRA) appropriate to the nature and scale of the proposed development. The proposal is for a retail store, which is considered to be 'less vulnerable' development.

We are satisfied that the Flood Risk Assessment prepared by Betts Associates, demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the flood risk assessment and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved Flood Risk Assessment and / or the mitigation measures identified will require the submission of a revised flood risk assessment as part of an amended planning application.

**Sequential Test -** In accordance with the revised NPPF paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding.

**Head of Highways and Traffic Management:** The Transport Assessment stresses that the parking overspill will be less than the (anticipated) previous levels at times. The 21 spaces are a little below the standard but the car visits are likely to be of relatively short duration given the size of the store.

The layout and Heavy Goods Vehicle turning is not ideal but is workable given a strategy for managing the car park. I suggest that a servicing strategy is requested and the use of it is conditioned. Otherwise I have no objection.

**Service Manager Public Protection:** the installation of an acoustic barrier (as mentioned) would mitigate any potential nuisance caused, my recommendation would be an acoustic green barrier (i.e. living willow) which would both reduce the impact of the residents and improve the aesthetics.

**United Utilities:** wishes to provide the following comments:

**Drainage Conditions** In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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. We request standard drainage conditions are attached to any subsequent approval to reflect this approach.

**Electricity North West Ltd:** 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.

**Environmental Protection (Contaminated Land):** 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.

### **PUBLICITY AND REPRESENTATIONS**

3 site notices displayed: 18 March 2019

Neighbours notified: 18 March 2019

106 letters of objection from North Drive, Neville Avenue, Luton Road, Anchorsholme Lane East, Kirkstone Drive, Brentwood Avenue, Eastpines Drive, Heritage Way, Portree Road, Rossington Avenue, Rockville Avenue, Beryl Avenue, Hesketh Place, Seabrook Drive, Ellerbreck Road, Hastings Avenue, Tudor Close, Sherwood Place, Valeway, Cumberland Avenue, Warren Drive, Greenfield Road, Broadhurst Road, Wood Green Drive, Kinnerton Place, Maplewood Drive, Conway Avenue, Hillylaid Road, Murchison Road, Belvedere Road, Denvill Avenue, Chatteris Place, Cresswood Avenue, Glenarden Avenue, Hobart Place, Willowdene, Victoria Road West, Warren Manor, Springbrook Avenue, Welwyn Place, Waterloo Road, Idlewood Place, Radnor Avenue, .

The grounds of objection are as follows:-

#### **Traffic/ highway issues**

- The adjacent roundabout is an accident blackspot and there has previously been a fatality and the access is too close to the junction.
- This junction has already seen accidents due to the volume of traffic and a shop would only increase this, as well as possible parking problems adding to the risk especially around school times.
- The proposal will only add to the number of accidents in the vicinity.
- Surrounding streets already suffer twice daily during the school runs
- Parking is already difficult with the shops and school on Eastpines Drive and would be made worse.
- Surprised to see how few accidents have been registered in the last five years.
- Parents walk their children across this junction every day on their way to school and nursery and it is already dangerous.
- Insufficient parking in the area and an increase in traffic will cause potential road safety issues.

- When the church was open on street parking made it very difficult for residents to back out of their driveways.
- Comparison with the former church / community building is not appropriate given the site has not been in use for over 24 months.
- There is a well used zebra crossing close to the junction.
- The site is on a busy bus route and not very wide for the volume of traffic.
- There is a very busy school and nursery nearby.
- Would involve HGVs using the roundabout.
- Will there be a limit on the size of delivery vehicles accessing the site?
- North Drive is a main road.
- The area is home to a large number of elderly people.
- On street parking reduces visibility.
- Poor location for a supermarket.

#### **Impact on the character of the area**

- The proposal is out of character.
- North Drive is residential in character.
- The building will not fit in well with the area.

#### **Existing retail provision**

- The area is already served by several convenience stores in more established locations.
- The proposal would have a negative impact on shops on East Pines Drive and Anchorsholme Lane both within a quarter of a mile of the site.
- This shop is not needed.
- The proposal will undermine existing thriving local centres.
- Bustling Cleveleys Town Centre is less than a mile away and Morrison's is also close by.
- Will adversely affect trade of existing businesses.
- There will be issues if the post office closes.
- Proposal is contrary to Policy CS4 of the Core Strategy.

#### **Impact on residential amenity**

- A late night store may attract more anti-social behaviour which is already a problem including drinking, crime, litter and vandalism.
- Increase in air and light pollution.
- Late opening would be detrimental to the peace of the area.
- The construction process will cause unnecessary stress and worry to local residents who are elderly and vulnerable. The sale of alcohol would cause amenity problems.

#### **Other Matters**

- It was understood only housing was going to be built. Housing would be more in keeping with the rest of the area.
- We need new houses.
- If there is an issue with flood risk then perhaps the builder should develop somewhere else.



- There are drainage issues in the area and there has been localised flooding. A housing development would give more soft landscaping.

**One Stop Shop** - The Head of Estates confirms One Stop have traded on East Pines Drive for many years, combined in recent years with a post office. In 2015 One Stop saved the post office from closing at significant financial cost and invested significant funds in the knowledge that the local plan would afford protection to local centres and not permit development falling outside the parameters set by planning policy. If the proposal is approved it will have a significant adverse impact of existing designated centres with the catchment area, notably East Pines Drive. We wish to support the many local residents who are vehemently against this proposal.

### **Councillor Tony Williams**

1. The potential loss of a well-used and essential post office in a residential area where the residents are of an older generation and depend on the post office to make utility payments and collect benefits etc. An additional low-cost store would be a serious threat to the collection of shops on East Pines Drive which could see the re-location of One Stop due to loss of trade.

2. The junction is already a known black spot where two deaths caused by traffic incidents have already occurred. There is also a zebra crossing immediately after the junction which can at times cause tailbacks along North Drive. Parents taking and collecting their children from school park right up to the junction of North Drive and there is concern that parked cars obscure the view of the carriageway for traffic turning into Luton Road East.

3. Parents will obviously use the Co-op car park when they drop off their children as street parking is extremely limited. This will cause further traffic safety issues as they enter and leave the car park. The Co-op will not be able to differentiate between store users and casual parkers. Daily large delivery wagons would also cause inconvenience for local residents and impact on their human rights by increasing traffic flow of commercial vehicles and associated noise levels both on the road and noisy deliveries.

4. Luton Road is a two-carriage highway, multiple vehicles turning and leaving this car park would have a serious impact in regard to tail backs to the North Drive Junction. The additional traffic would also cause damage to the highway which would be costly to the Council to keep repairing.

5. There is already a serious shortage of parking for local school staff, nursery school staff and those staffing the adjacent library. The staff from these facilities will undoubtedly use the new car park reducing the spaces for shoppers and causing further on street parking on Luton Road.

6. Car parks are a magnet for youths in the evening who use them for skate boarding and social gathering. This inevitably leads to some anti-social behaviour (ASB) which would seriously disrupt the quality of life for the residents living close to this site. The approval of this application would seriously impact on ASB in the area in a negative manner. I request to speak at the planning meeting.

The application states that the entrance and exit will be on North Drive. This is an extremely busy Road with a large roundabout and zebra crossing just yards from the proposed entrance. Traffic is often backed up along the four junctions leading to this roundabout especially from the north end of the junction as cars remain stationary whilst the crossing is in use. It will be difficult for cars leaving or entering this site due to an obstructed view if turning right onto North Drive. There is also a speed hump to the entrance to the junction which will be eventually eroded by the regular use by heavy delivery vehicles. As this is a residential area the house opposite and adjacent to the site will also be subject to vibration and collective exhaust fumes.

### **Councillor Paul Galley**

As one of the ward Councillors I wish to submit a list of concerns and objections to the proposal for the Methodist Church site.

1) Negative economic impact on our existing retail economy: The area is already well served by retail and any new development will negatively impact those stores including the One Stop and with it our local post office. These existing shops are in a protected local centre defined in our local plan and our local plan seeks to protect these areas. This new development will undermine them as well as the retail stores at Norbreck.

2) Negative impact on ASB in the area: Small supermarket car parks in the area are already a target for anti-social behaviour. There are already ASB issues at Sainsbury's in Cleveleys, the Lidl Car Park and due to its immediate proximity to East Pines Park there will almost certainly be ASB issues at this site. We as a Council are trying to reduce ASB in the area and this scheme will without doubt undermine our efforts.

3) Negative Impact on the amenity and the Human Rights of the Residents: Compared to residential units which generate a fixed amount of traffic, a retail unit of this size will generate use throughout the day. The impact on the extra traffic movements, including delivery lorries and their noise, will negatively impact on the lives of local residents who live on North Drive and Luton Road.

Additionally, considering the access point shown on the plans, when the store receives deliveries they would have to turn using most of the road, therefore it will not only cause a blockage while it turns but will decrease visibility on a junction that already has a significant history of accidents.

4) Parking- There are already parking issues in the area due to having Anchorsholme Academy, Happy Days Nursery, East Pines Park and Anchorsholme Library and the existing shops in the immediate area. Any parking spaces provided by the supermarket not used by staff will soon be taken up by users of the school, Nursery, Park and Library. This will result in supermarket customers parking on Luton Road and North Drive creating blind spots increasing the risk of even more accidents at a notorious mini roundabout. I request permission to speak at the Planning meeting.

**Headteacher, Anchorsholme Academy School, East Pines Drive**

It has been brought to my attention that there is a proposal in place to open a mini supermarket on the old Methodist Church site on North Drive.

If this is the case I would like to express my concerns on a couple of levels.

1) Firstly from a road safety point of view. As Headteacher of a large Primary School very close to North Drive, I am acutely aware of the traffic issues on the route that present real challenges for both road users and pedestrians. North Drive is a busy route with a high volume of traffic throughout the day, particularly at the start and end of the school day. This is magnified by the fact that 630 children and their families are arriving and departing from school which generates both traffic and parking issues. Despite the excellent measures of introducing a zebra crossing and the mini roundabout, speeding on North Drive is a regular occurrence. This is magnified by a concentration of parking, both residential and school based.

Bearing in mind all of the above, I feel strongly that the introduction of a mini supermarket is going to increase traffic and parking issues which will raise the threat level of serious injury to pedestrians and road traffic accidents. Children are not as road savvy as most adults and I feel that increasing the potential for traffic related issues would significantly increase the risks for our children.

2) Secondly from a community and commercial point of view - East Pines Drive is blessed with having a small number of shops which very much cater for the needs of the local community. In a mainly ageing community, the shops are vital for the local residents who can easily walk to the shops. Local residents can purchase their shopping, visit the post office, have a haircut and get fish and chips all in one location. Developing a mini supermarket is clearly going to have an impact on the financial viability, some of these shops which could result in some of the shops having to close.

In conclusion, I feel that the construction of a new mini supermarket in this area is not needed and if constructed could present unnecessary risk of harm, as a result of traffic issues, to the children in our school and the local residents.

I would urge planners to reject this application.

**letter of support from Rockwood Avenue-** I would like to record the fact that I would be in favour of building a Co-op store on North Drive on the site of the old Methodist church, provided the company are willing to finance a safer solution to the current mini roundabout, which is a death trap. As I have complained before, it is so dangerous as there is limited visibility to the right for traffic coming out of Luton road on the west side, and the traffic on North Drive of course doesn't slow down enough. If a safer solution could be found, such as traffic lights, then it would be a positive thing, as the Council don't seem able to correct this badly planned junction. I would welcome a larger store in the neighbourhood in addition to Lidl, and it may even help the environment by saving people sometimes driving further.

**NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should not usually be granted. There is a presumption in favour of sustainable development. The relevant Chapters are:-

- **'building a strong, competitive economy'**- ..... Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- **'ensuring the vitality of town centres'**- ..... Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations it should be refused.
- **'promoting healthy and safe communities'**
- **'making effective use of land'**
- **'achieving well designed places'** ..... The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities
- **'meeting the challenge of climate change, flooding and coastal change'**

Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).

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

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are -

CS1 - Strategic Location for Development

#### **CS4- Retail and Other Town Centre Uses**

1. In order to strengthen Blackpool Town Centre's role as the sub-regional centre for retail on the Fylde Coast, its vitality and viability will be safeguarded and improved by:
  - a) Focusing new major retail development in the town centre to strengthen the offer and improve the quality of the shopping experience
  - b) The preparation and implementation of a Town Centre Strategy and Action Plan, working with stakeholders to arrest decline and restore confidence in the town centre
2. For Town, District and Local Centres within the Borough, retail and other town centre uses will be supported where they are appropriate to the scale, role and function of the centre.
3. In edge of centre and out of centre locations, proposals for new retail development and other town centre uses will only be permitted where it can be demonstrated that:
  - a) It is a tourism attraction located in the Resort Core in accordance with policy CS21; or
  - b) There are no more centrally located/ sequentially preferable, appropriate sites available for the development; and
  - c) The proposal would not cause significant adverse impact on existing centres; and
  - d) The proposal would not undermine the Council's strategies and proposals for regenerating its centres; and

- e) The proposal will be readily accessible by public transport and other sustainable transport modes.
- 4. The Council, through the Site Allocations and Development Management DPD, will identify a range of sites for new retail development in Blackpool Town Centre to allow for new comparison goods floorspace over the plan period.

CS5 - Connectivity  
CS7 - Quality of Design  
CS9 - Water Management  
CS10 - Sustainable Design  
CS12- Sustainable Neighbourhoods

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

LQ1 Lifting the Quality of Design  
LQ2 Site Context  
LQ3 Layout of Streets and Spaces  
LQ4 Building Design  
LQ6- Landscape Design and Biodiversity  
BH3 Residential and Visitor Amenity  
BH4 Public Health and Safety  
AS1 General Development Requirements

**BLACKPOOL RETAIL, LEISURE AND HOTEL STUDY 2018** - Members will be aware that the Council has to have a robust up to date evidence base to underpin its Local Plan. To assist with the preparation of Part 2 of the Local Plan the Council commissioned the preparation of a new retail, leisure and hotel study. The findings and recommendations of the Study were endorsed by the Council's Executive at its meeting on 16 July 2018.

**LOCAL IMPACT THRESHOLD 2018** - The NPPF sets a threshold for impact assessments to be undertaken for out of centre retail and leisure proposals over 2,500sqm (gross floorspace) unless a local threshold is set. The Blackpool Retail, Leisure and Hotel Study 2018 recommended impact thresholds for out of centre development. In the case of retail or leisure development within 800 metres of a local centre the threshold is 200 sqm or greater. This figure was endorsed by the Council's Executive at its meeting on 16 July 2018.

### **BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies. The policies in Part 2 that are most relevant to this application are -

Policy DM15: District and Local Centres

Policy DM16: Threshold for Impact Assessment

Policy DM20: Landscaping

Policy DM21: Public Health and Safety

Policy DM39: Transport requirements for new development

## **ASSESSMENT**

### **Principle of Retail Re-development**

The application site is in an out of centre location. It is unallocated and situated over 300 metres from the nearest designated local centre at East Pines Drive. Members will be aware that the purpose of national and local retail policy is to protect the vitality and viability of existing centres from edge of centre and out of centre development which would have a significant adverse impact on those centres. Given that this site is not within a District or Local Centre, the policy requires it to be demonstrated that:

- There are no more centrally located/ sequentially preferable, appropriate sites available for the development; and
- The development would not cause significant adverse impact on existing centres.

In response to these requirements, a revised and updated sequential test and retail impact assessment were submitted with the application. The catchment area identified in the Blackpool Retail, Leisure and Hotel Study and agreed with the applicant extends from the northern boundary of Cleveleys to Norbreck Road in the south and eastwards to Fleetwood Road North/ South in Thornton.

### **Sequential Test**

Policy CS4 of the Core Strategy and the NPPF requires proposals for new retail development in out of centre locations to demonstrate there are no more centrally located/ sequentially preferable, appropriate sites available for the development.

Within the catchment and relatively close to the application site is Cleveleys Town Centre (within Wyre Borough) and three local centres in Blackpool Borough, namely:-

- Anchorsholme Lane East/West
- Fleetwood Road
- Eastpines Drive (closest to the application site)

In terms of the sequential test it is acknowledged that there are no suitable sites/ premises within the local centres. There was considered to be a site available in Cleveleys Town Centre, namely the former Tesco store, however this is soon to be occupied by Iceland. Other sites have been looked at and discounted, as not being available, being too small, or being over two floors (the lack of curtilage parking is also mentioned). It is therefore considered that the applicant has now satisfactorily undertaken the sequential test in accordance with paragraphs 86, 87 and 90 of the NPPF and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy.

### **Impact Assessment**

Policy CS4 of the Core Strategy requires proposals for new retail development in out of centre locations to demonstrate the proposal would not be a significant adverse impact on existing centres (town, district or local centres)

The Core Strategy recognises the important supporting role that district and local centres have in meeting the needs of local communities. Policy CS4 is relevant and states that in out of centre locations, proposals for new retail development will only be permitted where it can be demonstrated that the proposal would not cause significant adverse impact on existing centres. The purpose of these centres is to meet the day to day needs of residents who live within walking distance of the centres. In addition the applicant needs to demonstrate that there is no impact on existing, committed and planned investment in centres in the catchment area. With regard to the second aspect it is not considered there would be significant adverse impact on existing, planned or committed investment. In terms of the potential impact on Cleveleys Town Centre, the supporting retail impact assessment concludes that there would not be a significant adverse impact on this Town Centre.

Looking at the three local centres within Blackpool; East Pines Drive, Fleetwood Road and Anchorsholme Lane East, concerns were raised regarding a number of assumptions in the retail impact assessment. The retail impact assessment has subsequently been amended to address the Council's previous concerns.

When re-assessing the figures to address the Council's previous concerns, the retail impact assessment does indicate an increased impact on the nearby local centres with a trade diversion of - 4.6% from Eastpines Drive and -2.3% from Fleetwood Road to 2023. However, this level of trade diversion would not be considered to cause a significant adverse impact to justify a refusal of planning permission. The test in the NPPF and Policy CS4 is that there needs to be a significant adverse impact to justify refusal of an application. The nearby local centres are fully occupied, trading well and appear robust and the East Pines Drive centre is also strengthened by the presence of the post office and its proximity to Anchorsholme Academy.

In terms of the other elements of Policy CS4 the following comments apply:



3. *In edge of centre and out of centre locations, proposals for new retail development and other town centre uses will only be permitted where it can be demonstrated that:*
  - a) *It is a tourism attraction located in the Resort Core in accordance with Policy CS21 - **this does not apply***
  - e) *The proposal will be readily accessible by public transport and other sustainable transport modes - **the site is within a largely residential area with the potential for a walk in catchment. Cycle parking is proposed and the site is also on a bus route with two services running down North Drive***

**Highway and Pedestrian Safety/ Servicing and Car Parking Provision-** A new access /egress is indicated to the car park and servicing area from North Drive situated to the north of the store. The layout and HGV turning is not considered ideal but is workable given a strategy for managing the car park. It is suggested that a servicing strategy is conditioned as part of any planning permission. This condition could also reasonably control the size of vehicles delivering to the site to address the number of concerns regarding HGVs operating in and around this road junction.

Adopted Council car parking standards require a maximum of one space per 16 sqm of gross floorspace which for 418 sqm of gross retail floorspace equates to a requirement for 26 car parking spaces. However, it should be noted that the car parking standards are maximum standards and on the basis that the application site is in a sustainable location the proposal is considered acceptable in terms of car parking provision of 21 spaces and the car visits are likely to be of relatively short duration given the size of the store. It would be expected that the retail operator would manage the car park to ensure it is used solely by customers for short periods of time to prevent spaces in the car park being taken by people for longer periods and /or using nearby facilities.

Pedestrian safety would not be compromised by the proposal in that existing crossing facilities around the junction are already in place. Pedestrian access to the store would be on North Drive and a large number of future customers would be expected to be on foot. The proposal is therefore considered to be in accordance with Policy AS1 of the Local Plan.

Whilst it is acknowledged that a significant number of the representations received in connection with the application refer to highway matters Members of the Committee are reminded that applications should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, because of the scale of the development, it is not felt there would be an unacceptable impact on highway safety, nor that the residual cumulative impacts on the road network would be severe (paragraph 109 of the NPPF).

**Design of the Development and its Impact on the Character of the Area** - Anchorsholme Methodist Church and Church Hall was a part two/ part single storey building dating from the 1930s and although it was not listed or locally listed it was nevertheless an attractive period building occupying the prominent corner plot. It was set back 6-7 metres from its frontages onto both Luton Road and North Drive in keeping with the building lines

established by housing within the area which date from the same era. The setback of the church also created a green, landscaped setting to the site.

The proposal has been reduced in scale from part three/ part single storey to part two/ part single storey (under planning application 18/0834) and is now single storey. Under this revised application the proposed building has also been pushed back to 6m from the North Drive boundary (it was between 2m and 2.8m back from the North Drive boundary under ref 18/0384) and 5.6m from the Luton Road boundary (it was between 3m and 3.9m from the Luton Road boundary under 18/0384). The proposed building would have an 11.5m frontage onto Luton Road (not including the chamfered entrance into the store) and a 27.5m frontage onto North Drive again not including the chamfered entrance into the store. The adjacent houses are approximately 7m to the ridge line of the pitched roof whereas the proposed single storey store would be 5.2m to its ridge line. The ridge line of the proposed two storey section of the previously proposed building was 12m high.

The proposal, as amended, is considered to address previous concerns regarding the visual impact on the street scene and character of the area and is now in accordance with Policies CS7 of the Core Strategy and Policies LQ1 and LQ4 of the Blackpool Local Plan.

**Impact on Residential Amenity-** the former Church and Church Hall on the site would have generated traffic to and from the site during church services and social activities within the Church Hall. These activities would have included weekends and evenings. There would have been a certain amount of noise and disturbance from these activities although the Church and its Church Hall were long established land uses within the area.

The proposed retail store involves a much higher level of use from early morning until late evening, the proposed hours of business are given as 6am until 11pm, 7 days a week. The proposed car parking area occupies most of the land available at the side of the store. Servicing would be via North Drive close to the rear boundary. There is however a sizeable landscaped area measuring 10m wide adjoining 95 Luton Road. The proposal also indicates that a 2.5m high acoustic fence will be erected along the boundary with Neville Avenue to reduce the potential noise impact of the car park. Whilst concerns have been raised regarding noise levels from the proposal it is not uncommon for retail stores to adjoin residential property and with the acoustic fence and appropriate conditions including a restriction on the times of deliveries to the site and the size of delivery vehicles it is considered that the retail proposal can be controlled to an acceptable level. Therefore the proposal does not warrant a refusal on this ground and accords with Local Plan Policies BH3 and BH4 and Core Strategy Policy CS7.

Whilst some sites and developments including parks, shops or even bus shelters can be a focus of anti-social behaviour it is difficult to say with any conviction that the proposal will itself attract such unwanted attention. As with any site or development this is a site management issue and it would be responsibility of future occupants of the site to deal with in an appropriate and proportionate manner.

#### **Other Matters**

**Employment-** The application form states that 4 full time jobs and 15 part time jobs will be created by the retail proposal which would be a significant local benefit.

**Alternative Development-** a number of local residents have commented that houses should be built on the site. However, this retail application has to be assessed on its own merits and not on the basis that another form of development is more preferable to the one currently under consideration. A planning application cannot be refused, on a site which is not allocated for any particular land use, on the basis that another use, in this case residential, is preferable to a number of people.

**Flood Risk-** The Environment Agency has confirmed that they are satisfied that the Flood Risk Assessment (FRA) prepared by Betts Associates, demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Any planning permission will be tied to the details of the FRA. In terms of the sequential test it is not considered that there are any more sequentially preferable sites. In terms of the exception test the development could be designed to minimise impact - location of sockets etc.

**Drainage-** there would be a requirement for any development on the site to be drained on a separate foul and surface water system and this would be ensured via the imposition of appropriate conditions on any planning permission.

## **CONCLUSION**

The application has raised considerable local and Member interest and there are a number of issues to consider with the application including the application of retail policy (the sequential test and impact on local centres), visual impact of the development on the character of the area, highway safety/ traffic generation/ car parking and servicing and the residential amenity impact of the development.

The amended application submission has addressed previous policy concerns regarding the non-availability of more sequentially suitable premises and it is considered that, sequentially, there are no other preferable and alternative suitable sites available to locate the proposed store. The Retail Impact Assessment also satisfies the previous concerns regarding the impact upon nearby local centres, and on East Pines Drive in particular, and it has now been demonstrated that the proposal will have a limited impact and will not undermine the viability of East Pines Drive and Fleetwood Road. The proposal therefore satisfies the requirements of the National Planning Policy Framework and Policy CS4 of the Core Strategy and it is not considered that a refusal of planning permission on retail policy grounds can be substantiated for the reasons set out elsewhere in this report.

The other main issues namely highway safety, car parking, impact on residential amenity, design and visual impact on the street-scene issues have also been satisfactorily addressed for the reasons outlined above and accordingly the revised planning application is recommended for approval subject to a number of conditions.

## **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) 18/0384 which can be accessed via the link below:

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

**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 including the following plans:

Location Plan received by the Council on 08 March 2019  
Drawings numbered 1001 Rev B, 1002 Rev B, 1003 Rev B

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

3. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Notwithstanding the submitted plans details as to the exact location and design/appearance of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to the store first being occupied and shall be retained as such thereafter.

Reason: In the interests of the appearance of the locality and residential amenity, in accordance with Policies LQ1, BH3 and BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. 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 5 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. No goods shall be stored or displayed for sale.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Treatment of the ground floor windows to the North Drive and Luton Road elevations shall be in accordance details to be submitted to and agreed in writing prior to the development hereby approved first being brought into use and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ10 and LQ11 of the Blackpool Local Plan 2001-2016.

8. 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
- the routing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. The building/use hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas, have been provided in accordance with the approved details; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Prior to the development hereby approved being first brought into use the car parking and cycle 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not 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 secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

12. Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

13. The building/use hereby approved shall not be occupied/first commenced until a servicing strategy, including reference to service delivery hours and the size(s) of delivery vehicles, has been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The store shall subsequently be serviced in accordance with the approved strategy thereafter unless other agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. The approval hereby granted shall be carried out in accordance with the submitted Betts Hydro Flood Risk Assessment received by the Local Planning Authority on 8 March 2019 prior to the use first commencing and shall be retained at all times thereafter.

Reason: To minimise potential flood risk in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

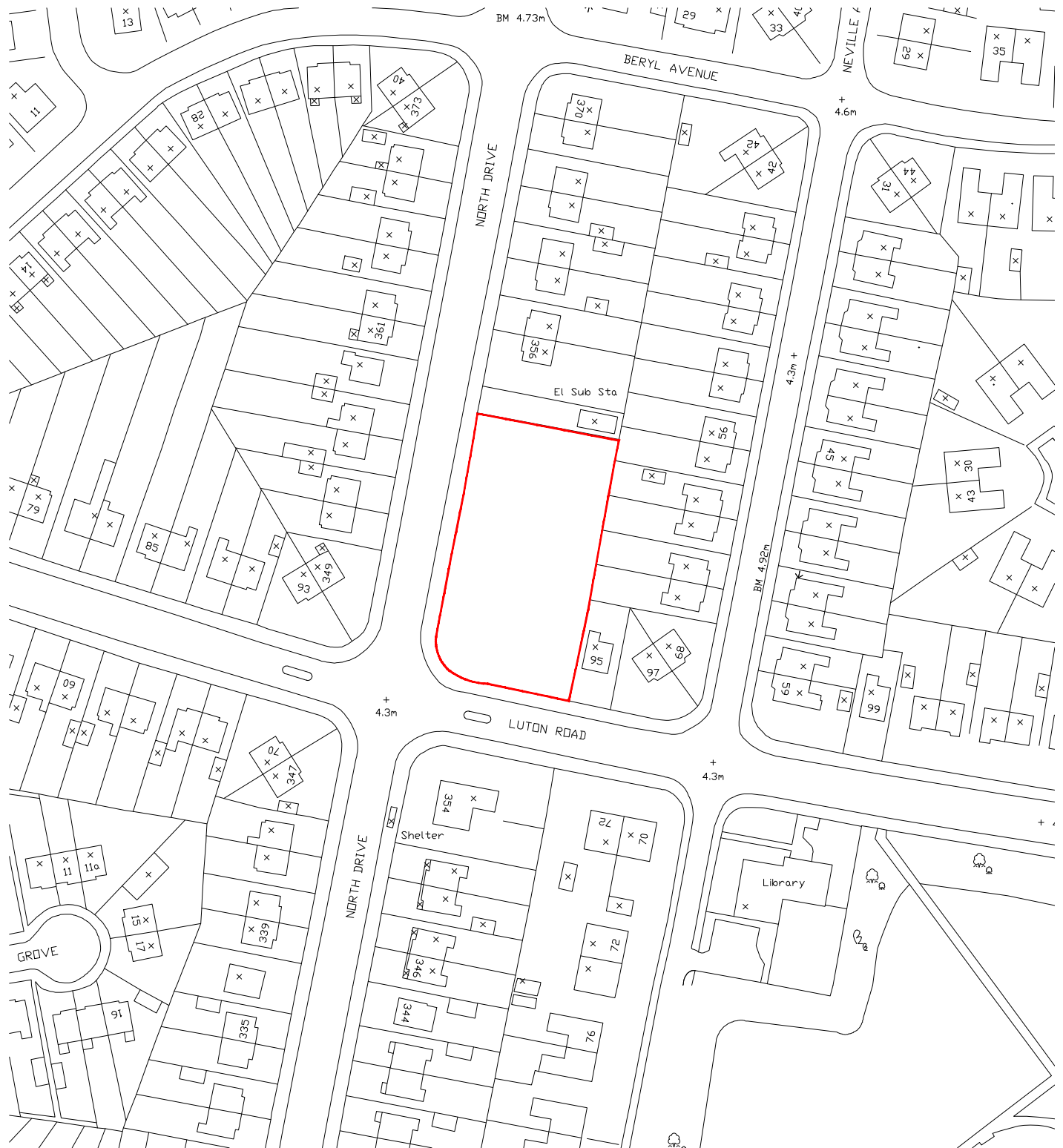
#### **Advice Notes to Developer**

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.



0m 50m 100m 150m 200m

1 : 1250



**PLANNING**

Client:  
Melrose Investments Ltd

Project:  
North Drive / Luton Road, Cleveleys

Drawing Title:  
Location Plan



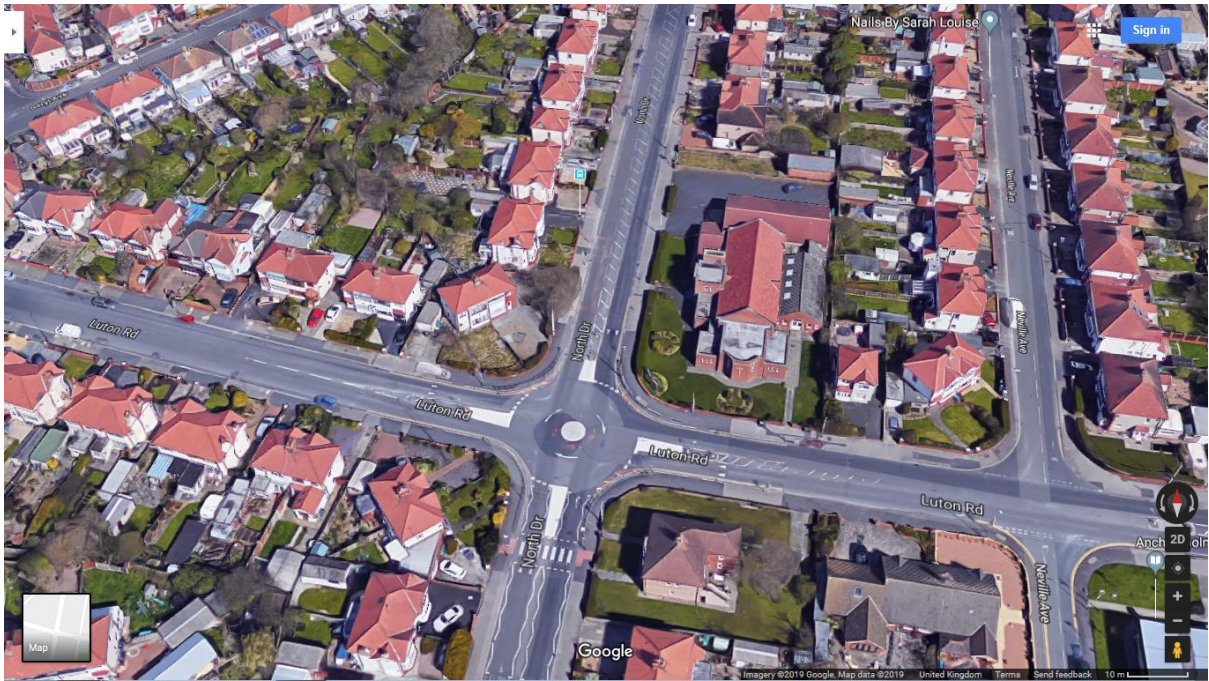
**associates limited**

architecture | building surveying | urban design

burnaby villa ■ 48 watling street road ■ fulwood ■ preston ■ pr2 8bp  
tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

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| Drawn:<br>RE | Checked:<br>PS | Scale:<br>1:1250 | Date:<br>FEB 2019 | Job No:<br>Page 53<br>18-003 | Drawing No:<br>0000 | Rev: |
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COMMITTEE DATE: 02/07/2019

**Application Reference:** 18/0122

WARD: Highfield  
DATE REGISTERED: 01/03/18  
LOCAL PLAN ALLOCATION: Local centre

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr P Nuttall

**PROPOSAL:** Installation of new shop front, internal alterations and use of premises as altered as a mixed travel agency (Use Class A1) and associated administration offices (Use class B1).

**LOCATION:** 296-298 HIGHFIELD ROAD, BLACKPOOL, FY4 3JU

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Miss Pippa Greenway

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with the principles of **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool, but is still in conflict with national and local policies and guidance relating to design, width and materials.

## **SUMMARY OF RECOMMENDATION**

The shopfront has already been installed and the business use has expanded into 296 Highfield Road. However, notwithstanding that this is a retrospective application the proposals for the shopfront and administrative offices are considered acceptable, subject to an hours of operation condition to protect the occupants of the adjacent upper floor residential premises from noise transmission.

## **INTRODUCTION**

This application relates to an established travel business which has expanded into an adjoining unit. The proposal was originally submitted for a new shop front and the recommendation was for refusal at the Planning Committee meeting on 20 June 2018. The Committee considered the shop front, which had already been installed, to be acceptable. However, the Committee declined to determine the application and invited the applicant and his agent to resubmit the proposal to include the change of 296 Highfield Road into business use, as the Committee wanted to consider this element of the proposal. The

application has now been amended to include the change of use and is before the Committee for a final decision.

### **SITE DESCRIPTION**

The application relates to two mid-terraced properties in a parade of nine shops on Highfield Road, almost opposite Highfield Leadership Academy (Secondary School) and to the east of Fishers Field. There are three more shops across the junction with Acre Gate. Many of the first floor premises in the vicinity are residential, including the immediately adjacent property.

### **DETAILS OF PROPOSAL**

The proposal is retrospective for the installation of a new shopfront across the two properties, with one access door and a continuous fascia across both properties and the change of use of 296 Highfield Road to include administrative offices to support the ground floor travel agency.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- appearance in the streetscene
- impact on neighbours' amenities

### **CONSULTATIONS**

Head of Environmental Protection: With regard to noise, the first floor administrative offices would be using ear pieces /headsets as they have to nowadays at call centres due to health and safety. I doubt there would be any nuisance caused if the proposal was restricted as suggested in the conditions.

### **PUBLICITY AND REPRESENTATIONS**

Neighbours notified: 1 March 2018

No representations have been received.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (NPPF) was published in February 2019. It retains the key objective of achieving sustainable development. Hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications.

The following paragraphs and sections are most relevant to this application:

Paragraph 8: There are three overarching objectives to sustainable development; which are interdependent and need to be pursued in mutually supportive ways:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Chapter 6 is concerned with building a strong, competitive economy. Paragraph 80 says that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

- CS3: Economic Development and Employment
- CS7: Quality of Design

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy. Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- LQ11 Shopfronts
- LQ14 Extensions and Alterations
- BH3 Residential and Visitor Amenity
- BH14 Local Centres
- DE4 Outside the Defined Industrial/Business Estates

## **ASSESSMENT**

### **Principle**

In principle, an improvement to a shop front and expansion of a business is to be welcomed.

### **Design**

When the Committee originally considered this proposal, the modern design of the shop front was agreed to be acceptable within this parade of shops and not detrimental to the character and appearance of the application properties nor the parade of shops.

### **Amenity**

The applicant did not originally apply for a change of use, stating that the existing ground, first and second floors of both properties were in use as offices. Further investigation with respect to the use of 296 Highfield Road found that it was not in office use at the time of the application. The ground floor (vacant) was a sweet shop within Use Class A1 and the first floor was a residential flat within Use Class C3, with a separate door from Highfield Road and was registered as such with the Valuation Office.

The applicant's original premises at 298 Highfield Road was granted planning permission in 2001 (01/0574) (use of premises as travel reservation and administration offices) and at that time was considered by all parties to be a mixed Use Class A1 travel agency and a Use Class B1 telesales offices. The ground floor front retained the active shop use with the B1 use to the rear and on the first floor.

The application now includes a retrospective change of use for both the ground and upper floors of 296 Highfield Road. Since this is a shopping parade, it is important to be able to retain an active public facing frontage to the ground floor, which this proposal does. It is also important to be able to control the hours of operation of the use, as there is potential for a residential use at first floor adjacent, which needs to be protected from noise in the evenings. This can be achieved through the use of appropriate conditions as imposed on the original change of use on 298 Highfield Road (01/0574), restricting the use of the upper



floors of the premises so that it could not operate between 1900 hours and 0900 hours on the following day Mondays to Saturdays inclusive and not at all on Sundays; and not permitting sound to emanate from the upper floors so as to be audible between 1900 hours and 0900 hours on the following day within any premises used for residential accommodation at the date of this permission.

### **CONCLUSION**

The installation of the shopfront and expansion of the business into the adjoining property is considered acceptable in principle. The design of the shopfront, which has already been installed, has already been considered by the Committee as acceptable at its meeting on 20 June 2018. The noise issues around the use of the upper floors for offices and canteens can be controlled by conditions. The proposal is therefore recommended for approval.

### **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 shopfront 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) 18/0122 and 01/0574, which can be accessed via the link below:

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

**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 including the following plans: location plan stamped as received by the Council on 27 Feb 18; drawing no. F702\_03J received on 24 April 2019.

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

3. The use of the upper floors of the premises shall not operate between 1900 hours and 0900 hours on the following day Mondays to Saturdays inclusive and not at all on Sundays.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Sound shall not be permitted to emanate from the upper floors of the premises so as to be audible between 1900 hours and 0900 hours on the following day within any adjacent premises used for residential accommodation.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

#### **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.

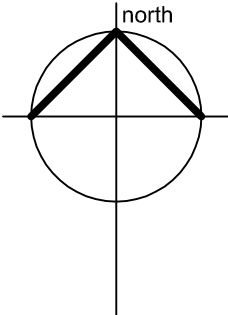
# LOCATION PLAN

296-298 HIGHFIELD ROAD  
BLACKPOOL  
FY4 3JU

SCALE; 1:500 @ A4



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**FYLDE DESIGN**  
associates

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**COMMITTEE DATE:** 02/07/2019

**Application Reference:** 18/0204

WARD: Hawes Side  
DATE REGISTERED: 24/04/18  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr Leeson

**PROPOSAL:** Erection of a three-storey block of 12 no. self-contained flats accessed from Arnott Avenue with associated car parking and landscaping (outline application seeking to agree matters of access, layout and scale).

**LOCATION:** WATERLOO ROAD METHODIST CHURCH, WATERLOO ROAD, BLACKPOOL, FY4 4BJ

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**Summary of Recommendation:** Grant Permission

## CASE OFFICER

Miss Susan Parker

## BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience by providing good quality new housing in a sustainable location to help meet the borough's housing needs.

## SUMMARY OF RECOMMENDATION

The scheme would propose new residential accommodation of appropriate scale and layout in a suitable and sustainable location. The proposed means of access is considered to be acceptable. The loss of the existing facility has been justified. The proposal is considered to be acceptable in principle and it is felt that a good-quality development could be secured at reserved matters stage. No material planning considerations have been identified that would weigh unduly against the application. On this basis the proposal is considered to constitute sustainable development and Members are respectfully recommended to grant outline planning permission subject to appropriate conditions.

## SITE DESCRIPTION

The application relates to the site of the Waterloo Methodist Church. This sits between Waterloo Road and Arnott Avenue close to Spen Corner which forms the junction between Waterloo Road, Ansdell Road, Watson Road and Hawes Side Lane. Arnott Road terminates

in a turning-head before this junction and so does not provide vehicular access onto Waterloo Road.

The building on the site is constructed of rough brown-multi brick with parapet gables at either end concealing the roof between that is covered with lead sheet. The main body of the church is two-storey in height with single storey wings to either side and a single-storey section to the front providing the main entrance. There is a single-storey extension to the rear. The boundary of the site to the front and sides is marked by a dwarf brick wall. Towards the rear along the Waterloo Road frontage this wall is topped with railings between brick piers. Fencing forms the boundaries with the existing residential properties. The site is bound by housing to the north-east, south-east and south.

The site is not designated for any particular use but churches are afforded safeguarding as community facilities. The site has some small trees along the Waterloo Road frontage and the building has the potential to accommodate roosting bats and nesting birds in the roofspace. Otherwise no habitat features are present. The site falls within flood zone 1. No other constraints are identified.

### **DETAILS OF PROPOSAL**

The application seeks outline planning permission for the demolition of the existing church and the erection of a three-storey block to provide twelve self-contained flats. Three one-bed and nine two-bed flats are proposed.

A car parking area for 13 cars would be provided to the northern end of the site adjacent to No. 401 Waterloo Road. Refuse and cycle stores would be provided within the building albeit accessed externally. Areas of soft-landscaping would be created along the Waterloo Road frontage and around the junction with additional strips along the site boundaries and along the access way. Within the site footpaths would run along the north-eastern and south-eastern sides of the building.

The application has been supported by a Design and Access Statement, viability information, and a Bat Survey.

### **RELEVANT PLANNING HISTORY**

17/0365 – planning permission granted for the use of the premises as a mortuary college, embalming theatre and living accommodation.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- The principle of the loss of the church
- The principle of residential development in this form in this location
- the suitability of the access and the potential impact on highway function and safety
- the suitability of the layout of the site in terms of impact on amenity



- the suitability of the proposed scale of the development in terms of visual impact and impact on visual amenity
- sustainability and planning balance appraisal

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

## **CONSULTATIONS**

**Head of Highways and Traffic Management (initial):** vehicular access from Waterloo Road would not be acceptable. Access should be taken from Arnott Avenue.

**Head of Highways and Traffic Management (follow-up):** As a result of the amended access, no objection is now raised. A small, 1m radius, semi-circular kerb build-out should be provided to the near-side as the car reaches the gateway to improve driver visibility of pedestrians. A highways agreement would be needed to establish a footpath crossing and to remove the redundant one on Waterloo Road. It is unclear if the existing lighting column and/or the telegraph pole would need to be relocated. No walls or gateposts within the applicants control should exceed 1m in height within 2m of the access and a 45-degree visibility splay at the back of footpath must be achieved. The gateposts as shown seem to constrict the width of the access.

**Head of Highways and Traffic Management (final):** following a site meeting it has been agreed that it is only feasible to produce a 4.5m wide access point as a wider access would involve disproportionate expense. The submitted drawing illustrates this. A dropped crossing would be required to usual highways standards. The gateposts should not exceed 1m in height.

**Local Education Authority:** the Council has developed a calculation to devise necessary infrastructure contributions towards local education provision. This uses forecasted pupil projections and an estimation of the additional demand that would be generated by a development to ascertain if the scheme would result in a shortfall of places in the school planning area. This area covers primary schools within a two mile radius and secondary schools within a three mile radius. The development proposed would yield approximately 1-2 new places. This level of demand could be accommodated within existing schools in the area. As such, no developer contribution towards local education provision is required.

**Service Manager Public Protection (land contamination):** there is no historical evidence to suggest that previous land uses could have produced contamination on the land. As such, no further investigation is necessary.

**Lead Local Flood Authority:** there is ample landscaping space on site to provide appropriate, sustainable surface water drainage.

**United Utilities:** foul and surface water should be drained separately and a surface-water drainage scheme based on the established hierarchy of sustainable drainage options should be agreed, as should a plan for lifetime management and maintenance. The applicant should engage with United Utilities (UU) at the earliest opportunity in relation to water

supply. All pipework must be to current standards. Level of UU cover should not be compromised. If a sewer is discovered during construction, a building control body should be consulted. Any drainage features proposed for UU adoption must first be agreed with UU. Any works carried out prior to formal agreement are at the applicant's own risk.

**Lancashire Fire and Rescue Service:** adequate access for a fire appliance must be ensured as must adequate water provision and pressure. Officer comment – these matters fall outside of the remit of the planning system and are instead covered by the building regulations.

### **PUBLICITY AND REPRESENTATIONS**

Press notice published: 26 April 2018 and 18 April 2019 (revised proposals)

Site notices displayed: 1 May 2018 and 16 April 2019 (revised proposals)

Neighbours notified: 24 April 2018 and 15 April 2019 (revised proposals)

Nine representations have been received from the following addresses:

Arnott Avenue, No.s 2, 8 11 and 41

Dalewood, No. 18

Hawes Side Lane, No. 248

Waterloo Road No.s 326, 334 and 403

These raise the following issues:

- Over-development of the site
- Over-bearing/over-dominating impact
- Overshadowing
- Would be out-of-keeping with area
- Loss of privacy
- Inadequate parking
- Existing congestion and parking problems would be exacerbated
- Impact on highway safety, particularly given proximity to junction and traffic levels
- Access onto Arnott Road would be preferable
- Unclear how construction traffic would be routed
- Noise, dust and disturbance from construction
- Loss of war memorials from within the church
- Loss of community facility
- Building should be used for community purposes
- Inadequate consultation
- Loss of views

The application has been publicised in accordance with the statutory requirements including site and press notices. Loss of view is not a valid planning consideration and preference for alternative schemes cannot be taken into account.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The third iteration of the National Planning Policy Framework (NPPF) was published in February 2019 and retains the key objective of achieving sustainable development. Hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The following sections of the NPPF are most relevant to this application:

- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 11 – Making effective use of land
- 12 – Achieving well-designed places

## **NATIONAL PLANNING PRACTICE GUIDANCE**

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. For the purpose of this application the section on design is most relevant.

## **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY 2012-2027**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The following Core Strategy policies are most relevant:

- CS1 Strategic Location of Development
- CS2 Housing Provision
- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Density and Standards
- CS14 Affordable Housing

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- LQ1 Quality of Design
- LQ4 Building Design
- HN4 Windfall Sites
- BH3 Residential and Visitor Amenity
- BH10 Public Open Space

- BH21 Protection of Community Facilities
- AS1 Access and Parking

## **BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- DM2 Housing for Older People
- DM5 Design Requirements for New Build Housing Development
- DM18 Tall Buildings and Strategic Views
- DM20 Landscaping
- DM21 Public Health and Safety
- DM25 Public Art
- DM36 Community Facilities
- DM39 Transport Requirements for New Development

## **OTHER RELEVANT PLANNING POLICY DOCUMENTS**

Supplementary Planning Guidance Note 11: Public Open Space – this document sets out the requirements for public open space provision or financial contributions in lieu in respect of new housing development.

## **ASSESSMENT**

### **Principle**

The application site is not designated on the Proposals Map to the Local Plan, but the existing church is a community facility that is afforded protection under saved Policy BH21. The applicant has provided a viability statement to support the application. It is understood that there are eight other Methodist Churches within a four mile radius of the site and that congregation numbers had been falling for several years. Two community groups used the premises and both were given ample time to relocate to alternative sites in the local area. The church has been vacant for some time and is stated to be in some disrepair. There have been instances of anti-social behaviour and criminal damage, including the stripping of lead and copper. There has been no interest in the site from other local community groups. On this basis, the loss of the existing facility is considered to be acceptable in principle.

The scheme would make a quantitative contribution of 12 new dwellings to towards the boroughs housing requirement. This weighs in favour of the proposal but, as current indications are that the Council can identify a five year housing land supply, the degree of weight that can be attached to this is limited.

Policy CS13 of the Core Strategy precludes flat development where this would result in a local over-concentration of such accommodation, and Policy CS13 stipulates the necessary mix in flat developments. The area surrounding the application site has a low proportion of flats at just 9.7% relative to the Blackpool average of 25%. As such, and as the site falls outside of the defined Inner Area, flat development is acceptable in principle and would contribute towards a housing mix in the wider area. Twelve flats are proposed and only three or 25% would be one-bedroom meaning that the scheme would accord with the mix requirements of Policy CS13.

The development would require the demolition of the existing church building which may support roosting bats or nesting birds, both of which are protected. As a responsible authority, the Council must satisfy itself that no harm would arise to protected species before a determination is made. To this end the applicant has submitted a survey report carried out to a recognised methodology by a suitably qualified and experienced ecologist. This survey found no evidence of bat or bird use and judged the building to have negligible potential to support roosting bats. No further survey work is considered necessary. On this basis, it is accepted that the demolition of the existing building would not cause undue harm to a protected species.

The site falls within flood zone 1 and is less than 1 hectare in area. As such there is no requirement for the applicant to provide a site-specific flood risk assessment or demonstrate compliance with the sequential or exceptions tests. On this basis, no unacceptable flood risks are anticipated and, subject to appropriate drainage of the site, it is not expected that the proposal would increase flood risk off-site.

The existing site is largely hard-surfaced with only narrow strips of soft-landscaping along the northern and western boundaries and small patches of planting around the front of the site. The development proposed would see the creation of new areas of hard-standing and soft-landscaping and a new built footprint. United Utilities expects the redevelopment of brownfield sites to include a betterment with regard to surface-water discharge rates. As such, a new drainage scheme should be agreed and secured through condition, along with a lifetime management and maintenance plan for this system.

The site is previously developed but historic records do not indicate any previous land uses that could have contaminated the land. Consequently, there is no need for any further site investigation with regard to potential land contamination.

There is no reason to suppose that the proposed use would have an unacceptable impact on air or water quality. The agreement of a construction management plan and a drainage strategy through condition could manage any potential dust emissions or contamination of water bodies during the construction process.

Policy CS14 of the Core Strategy requires the provision of affordable housing in new residential developments. Depending upon the scale of development, this must either take the form of on-site provision or a commuted sum financial contribution towards off-site provision. However section 2b of the policy states that, for developments of between 3 and 14 units, the financial contribution requirement for affordable housing will be set out in a

Supplementary Planning Document (SPD). At present there is no affordable housing SPD in place to set out the contributions required. As such and notwithstanding the accepted evidence base to the Core Strategy, the Council lacks the published justification to request a financial contribution. On this basis, no affordable housing contribution is to be sought in respect of this proposal.

Policy BH10 of the Local Plan requires all new housing developments of three or more units to either include on-site public open space provision or make a contribution towards off-site provision or improvement. Supplementary Planning Guidance (SPG) Note 11 sets out the requirements for public open space contributions based on bedroom numbers. The scheme proposes nine two-bedroom units at £688 apiece and three one-bedroom unit at £512. As such a total contribution of £7,728 is required and this would be secured through condition.

Paragraphs 17 and 72 of the NPPF expect Local Authorities to ensure that adequate education infrastructure is in place to meet local needs. It is understood that there is existing capacity in the local area to accommodate any additional demand for child places generated by this scheme. As such, there is no requirement for any financial contribution towards local education provision. At the time of writing the NHS has not provided a justification or methodology for the calculation of financial contributions towards local health care provision. As such, no such contribution is sought.

### **Access**

The scheme has been amended significantly since first submission. The point of vehicular access has been moved from Waterloo Road to Arnott Avenue at the request of the Head of Transportation. The revised plans are now considered to be acceptable. Pedestrian access to the site would be available from both Waterloo Road and Arnott Avenue but the point of access to the building itself would be at the rear. However, this entrance point would be clearly visible from Arnott Avenue and, as the flats would have Arnott Avenue addresses, this arrangement is considered to be acceptable.

Off-site highway works would be required to establish a new footpath crossing on Arnott Avenue, and to reinstate the pavement on Waterloo Road where the existing vehicular access would become redundant. This could be secured through condition. Given the scale of development proposed and the nature of the surrounding road network, no unacceptable impacts on highway safety or function arising from traffic generation or vehicle movements are anticipated.

### **Layout**

The building would be positioned towards the front of the site nearest the road junction with areas of soft-landscaping on either side and to the front. Car parking for 13 vehicles would be provided to the rear adjacent to No. 401 Waterloo Road. Refuse and cycle stores would be provided on either side of the entrance to the building. It is understood that a refuse wagon would be able to collect bins from Arnott Avenue.

The site is in a reasonably accessible location. Bus routes run along Hawes Side Lane, Ansdell Road and Waterloo Road and connect the site to the town centre and there are two supermarkets within reasonable walking distance. On this basis there is no reason to suppose that residents would be dependent upon private car use, and the development proposed would justify a maximum parking provision of 14 car-parking spaces. Parking along much of this stretch of Waterloo Road is restricted by double-yellow-lines. The on-street parking that is available in the surrounding streets appears to be well-used and subject to some pressure. Nevertheless, given the accessibility of the site and the Council's lack of minimum adopted parking standards at the current time, the level of parking proposed is considered to be acceptable.

The footprint of the building has been amended since first submission to follow the existing and established front building lines of Arnott Avenue and Waterloo Road. As such, it is considered to be acceptable. The overall footprint of the building now proposed would be very similar to that of the existing church, albeit moved somewhat closer to the junction.

With regard to the internal layout, the Council currently does not have any minimum standards for new-build residential scheme. However, the flats would be well-stacked and arranged and the layout appears to make an efficient use of space. In terms of gross floor area, the flats would all meet the National Housing Technical Standards. As such it is considered that the accommodation would afford a reasonable level of residential amenity.

Internal layout plans submitted show that the apartments would be arranged along the Waterloo Road frontage. As such, and with the exception of a ground floor unit, no windows to habitable rooms would face towards no. 9 Arnott Road. The apartment closest to the junction would face towards the existing properties on the opposite side of Arnott Road but the separation distance is sufficient to safeguard amenity. At upper floor level, the apartments at the north-eastern end of the building would have a kitchen window facing towards the rear garden of No. 401 Waterloo Road. The Council's minimum accepted separation distance between front/rear and side elevations is 13m. This should be increased for buildings of more than two storeys in height but in this case the separation is at least 18m and this is considered to be acceptable. The neighbour is already surrounded by residential properties and so no material increase in over-looking would result. On this basis, no unacceptable impacts on privacy are anticipated.

The soft landscaping areas are welcomed and, with appropriate planting, would help to soften the appearance of the development. At reserved matters stage a condition could be attached to any permission granted to require agreement of a management plan for the landscaped areas to ensure that they are well-maintained and contribute positively to the streetscene.

## **Scale**

The scale of the development proposed has been reduced since first submission and twelve units are now proposed instead of fourteen. The massing of the building has changed in response to the changes to the site layout and building footprint. A three-storey building is now proposed. Although detailed design is a matter for the next stage, streetscene

elevation drawings have been produced to show how the building would relate to the existing neighbours.

As the building would be three-storeys in height, it would be taller than the surrounding two-storey houses. The nearest property on Waterloo Road has eaves and ridge heights of 5.7m and 7.1m respectively. The building proposed would be 8.7m tall at the closest point but this would be some 19.6m away. On Arnott Avenue, the nearest property has eaves and ridge heights of 4.6m and 6.7m. The proposed building would sit to the rear of this property and would run at an oblique angle up to Arnott Avenue. Where the proposed building would run level with this neighbour it would be separated from the side wall by at least 15m. As such, the step up in height moving towards the corner would be visually acceptable.

The drawings submitted show a flat roof. The surrounding properties all have traditional dual-pitched or hipped roofs. Consideration has been given to incorporating a roof form that would reference this more traditional design, however, given the scale and arrangement of the building, it is felt that this would appear overly contrived. Instead, to break up the massing of the building, some sections would vary slightly in height and would project or be recessed. To reflect the traditional bays in the area and introduce a more vertical emphasis, two window columns would be highlighted in a contrasting material and would punch up through the roof level. To create a focal feature at the junction, the height of the corner treatment has been increased. Overall it is considered that these fluctuations in building height would establish appropriate visual interest.

In terms of impact on amenity, the building would be separated from the properties on the opposite side of Waterloo Road by nearly 30m. It would sit around 25m to the north of the houses on the opposite side of Arnott Avenue, and at an oblique angle at a minimum distance of 11m to the east of the neighbouring properties on Arnott Avenue. As such, no unacceptable impacts arising from over-shadowing are expected. As stated, the building would sit nearly 20m from the side elevation of No. 401 Waterloo Road to the south-west and so would have little impact on this property.

In light of the above, the scale of the building proposed is considered to be acceptable.

### **Sustainability and planning balance appraisal**

Sustainability comprises economic, environmental and social components.

Economically the site is not safeguarded for any kind of employment use. Some limited employment would be generated during construction and local residents would help to support local shops and services.

Environmentally the scale of the building is considered to be acceptable and an appropriate design could be secured at reserved matters stage. No unacceptable impacts on protected species or biodiversity are expected and a suitable ecological enhancement could be secured through condition. Likewise an appropriate drainage strategy for the site could be secured through condition. No unacceptable impacts on environmental quality are



anticipated. The site is in a reasonably accessible location and so there is no reason to suppose that residents would be dependent upon private car use.

Socially the loss of the existing church is considered to be acceptable. The provision of new housing would contribute towards Blackpool's housing supply and the mix and standard of the accommodation would be acceptable. No undue impacts on residential amenity are anticipated. No unacceptable impacts on highway safety or function are expected and the scheme would not lead to increased flood risk. It is understood that there is a war memorial of heritage value within the church and this could be safeguarded through condition. The site is considered to be a suitable and sustainable location for residential development.

In terms of planning balance, the principle of redevelopment is considered to be acceptable and it is felt that a good-quality scheme could be agreed at reserved matters stage. No material planning considerations have been identified that would weigh against the proposal. As such, the scheme is judged to represent sustainable development.

### **CONCLUSION**

The scheme would propose new residential accommodation of a good standard in a suitable and sustainable location. The loss of the existing facility has been justified. The proposal is considered to be acceptable in principle and it is felt that a good-quality development could be secured at reserved matters stage. No material planning considerations have been identified that would weigh unduly against the application. On this basis the proposal is considered to constitute sustainable development and Members are respectfully recommended to grant outline planning permission subject to the conditions listed below.

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

Off-site highway works are required to create a new vehicular access to the site and reinstate pavement across the existing access that would become redundant. These works would have to be pursued through a S278 Legal Agreement or similar equivalent.

The scheme would also generate a requirement for a financial contribution of £7,728 towards the provision or improvement of public open space off-site.

### **FINANCIAL BENEFITS**

The scheme would generate some Council Tax revenue for the Council. However, this is not a material planning consideration and carries no weight in the planning balance.

### **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 18/0204 which can be accessed via the following link:

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

**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:

Appearance  
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 including the following plans:

Proposed site layout plan ref. 1728\_110 Rev H  
Proposed internal layout plan ref. 1728\_111 Rev G  
Streetscene drawing ref. 1728\_311 Rev B insofar as it relates to the scale of the building

The development shall thereafter be retained and maintained in accordance with these approved details.

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

3. (a) Prior to the commencement of development a scheme for the provision of a vehicular access to the site from Arnott Avenue and for the reinstatement of pavement over the existing vehicular access from Waterloo Road shall be submitted to and agreed in writing by the Local Planning Authority.

(b) The works required pursuant to part (a) of this condition shall be completed in full and in full accordance with the approved details before the commencement of development on site.

Reason: In the interests of highway safety and to ensure safe and appropriate access to the site in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016. These details are required prior to the commencement of development as they have not been provided as part of the application and because the new access needs to be provided to serve construction traffic.

4. 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
- measures to prevent contamination of surface or sub-surface water bodies
- measures to protect the existing trees to be retained on site
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. (a) 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 and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

(i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

(ii) Surveys and appropriate evidence to establish the position, capacity and interconnection of all watercourses and surface-water sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;

(iii) A determination of the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

(iv) A demonstration that the surface water run-off would not exceed the rate to be first agreed in writing by United Utilities.

(v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

(vi) Flood water exceedance routes, both on and off site;

(vii) A timetable for implementation, including phasing where applicable;

(viii) Details of water quality controls, where applicable.

(b) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(c) The scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:

i. on-going inspections relating to performance and asset condition assessments  
ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of 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 Policy BH10 of the Blackpool

Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £7,728 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG11. The Applicant(s) should contact the Council to arrange payment of the contribution.

9. 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. 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 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. Prior to any above ground construction, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include the provision of bat and bird boxes and native tree and shrub planting.

Reason: To enhance biodiversity in accordance with the provisions of paragraph 170 of the NPPF.

13. No vegetation clearance or trees or shrubs shall take place during the main bird nesting season (March to August inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and a report of confirmation submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard biodiversity in accordance with the provisions of paragraph 170 of the NPPF.

14. Prior to the demolition of the existing church, any war memorials within the building shall be removed and deposited intact with the Local Planning Authority.

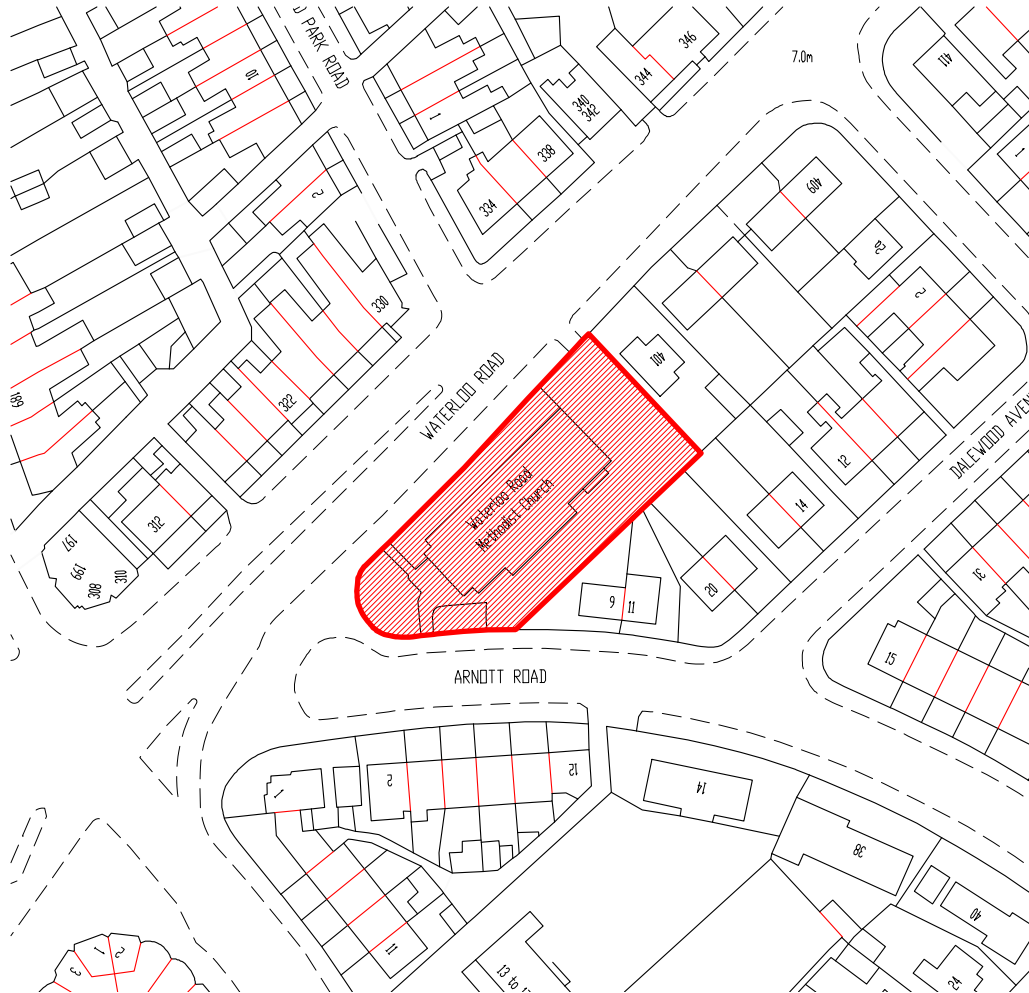
Reason: In order to safeguard these features of social, cultural and heritage value in accordance with the provision of section 16 of the NPPF.

**Advice Notes to Developer**

Not applicable

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LOCATION PLAN



PROJECT

Waterloo Road Methodist  
Church, Blackpool  
FY4 4BJ

DRAWING

Location Plan

|                         |                 |                |
|-------------------------|-----------------|----------------|
| DRAWING NO.<br>1728_LOC | REV.<br>-       | DRAWN<br>J.A-H |
| DATE<br>28/02/2018      | SCALE<br>1:1250 | @ A1           |

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E info@abbotstevens.co.uk

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**COMMITTEE DATE:** [02/07/2019](#)

**Application Reference:** 19/0168

WARD: Stanley  
DATE REGISTERED: 29/03/19  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr Porter

**PROPOSAL:** Erection of up to 19 retirement bungalows and an associated community building with car parking and landscaping (outline application with all matters except access reserved).

**LOCATION:** 442 MIDGELAND ROAD, BLACKPOOL, FY4 5EE

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**Summary of Recommendation:** Refuse

## **CASE OFFICER**

Miss Susan Parker

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

The Council sets out two priorities. Priority one of the Plan relates to Economy: Maximising growth and opportunity across Blackpool and Priority two of the Plan relates to Communities: Creating stronger communities and increasing resilience However, overall the proposal is considered to be at odds with the Council Plan as it proposes unsustainable development.

## **SUMMARY OF RECOMMENDATION**

The application site falls within the designated Marton Moss Strategic Site. Policy CS26 of the Core Strategy makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. As such, and notwithstanding the contribution the scheme would make towards meeting the Borough's identified housing requirement, the proposal is considered to be unacceptable in principle. The scheme is considered to constitute significant over-development of the site given the nature of the surrounding area. It would have a fundamental, irrevocable and detrimental impact upon the character of the area and the quality of the Marton Moss Conservation Area as a heritage asset. It is not anticipated that the site could adequately accommodate the quantum of development sought. The applicant has failed to demonstrate that biodiversity would be adequately safeguarded. As such, Members are respectfully recommended to refuse the application.

## **INTRODUCTION**

This application is before Members in accordance with the Council's published constitution as it is a major scale development that is recommended for refusal.

## **SITE DESCRIPTION**

The application relates to a 0.87ha site that sits on the north-western corner of the junction between Midgeland Road and Kitty Lane. It has a frontage of around 125m to Midgeland Road and a frontage of some 105m to Kitty Lane. The site is bound by open countryside to the north with a stable complex to the west. Houses fronting Midgeland Road and Kitty Lane lie to the south whilst the land to the east is open countryside.

The application site has a house at its northern end with an out-building running the length of the western boundary. Planning permission was granted in 2008 for the use of this former stable building as offices. There are a number of other, much smaller out-buildings within the site. Mature trees and hedgerow run along the northern, eastern and southern boundaries and much of the site is grassed.

The site is in flood zone 1. It also falls within the designated Marton Moss Strategic Site and the Marton Moss Conservation Area. No other specific designations or constraints apply.

## **DETAILS OF PROPOSAL**

The application is a resubmission of application ref. 18/0669 which sought outline planning permission for the development of 23 bungalows on the site. This previous application was withdrawn by the applicant and so was never determined. The current application seeks outline planning permission for the erection of 19 bungalows and a community building with vehicular access from Midgeland Road. A pedestrian and emergency-vehicle access would be provided onto Kitty Lane. The application seeks to agree the details of the access at this stage with all other matters reserved for later consideration. Initially agreement of layout was sought but, as inadequate information had been provided, this matter is now to be considered at reserved matters stage.

The submitted indicative layout plan shows the bungalows arranged around three formal, landscaped squares. The community building would face onto the northern-most square and would have a strip of landscaping to the south. Thirty-nine car parking spaces including ten accessibility spaces would be provided around the outside of the dwellings. Those parts of the site to the east and south of the buildings would be largely hard-surfaced to provide access to the parking.

No details of the house types have been provided as part of the application but the application form stipulates the provision of bungalows.

The application has been supported by:

- Planning statement
- Design and access statement
- Heritage statement
- Accessibility information
- Transport statement
- Drainage strategy
- Geotechnical assessment
- Bat survey
- Great Crested Newt survey
- Tree survey
- Details of a public consultation exercise
- Planning Inspectorate appeal decision notice for a site in Fylde

The appeal decision from Fylde Borough Council is not considered to be relevant to this proposal.

### **RELEVANT PLANNING HISTORY**

17/0490 – pre-application advice sought in respect of residential development on the site. The Council advised that it would not be looked upon favourably.

18/0095 – pre-application advice sought in respect of residential development on the site. The Council advised that it would not be looked upon favourably.

18/0669 – outline planning permission withdrawn for the erection of 23 bungalows on the site. This application sought to agree the details of access and layout and would have been refused on the basis of conflict with Policy CS26 of the Core Strategy; the piecemeal nature of the development in the absence of a Neighbourhood Plan; the over-intensive nature of the scheme and the poor amenity it would offer; the failure of the application to demonstrate a safe means of access; and the failure of the applicant to demonstrate that the scheme would not have had an unacceptable impact on biodiversity.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- The principle of residential development in this location
- The density of development and impact on the character of the area
- The acceptability of the housing type
- The acceptability of the proposed layout and the impact on residential amenity
- Acceptability of the access arrangements and the impact on highway safety
- Drainage, ecological and environmental impacts
- Sustainability and planning balance appraisal

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

## **CONSULTATIONS**

**Marton Moss Neighbourhood Forum:** the proposed access onto Kitty Lane is considered to be a bad idea as the road is narrow, private and in poor condition. It is already used as a cut-through by parents taking children to the local school. Turning manoeuvres at the junction of School Road and Midgeland Road are already difficult at peak times. It is considered that the age restriction could not be sustained. There is potential for the scheme to be amended in future if the site is sold on. The site is remote from local services and facilities. The scheme would be contrary to Policy CS26 of the Core Strategy. The development would not be in-keeping with the character of the Moss. There is some wish for the site to be redeveloped but in a more appropriate manner. There is a need for affordable housing for younger people delivered in a style sympathetic to the forms evident on the Moss. Equally, large houses with large gardens would be more appropriate to keep the open feel. It is understood that economics will play a part in the future of the site.

**Head of Highways and Traffic Management:** the accessibility questionnaire submitted gives a skewed impression as the nearest bus stop enjoys a good frequency even though it is remote from the application site. It is considered that, in reality, the site is relatively inaccessible by any quantification. As such the residential development of the site could not be supported. The development proposed would be unlikely to have a material impact on highway capacity, function or safety on Midgeland Road. Subject to a condition securing the necessary details and visibility splays, no objection on highway grounds is raised. It would, however, be reasonable to restrict use of the community building to on-site residents only to avoid extraneous traffic.

**Service Manager Public Protection:** no response received in time for inclusion in this report. Any comments that are received in advance of the meeting will be reported through the update note.

**United Utilities:** foul and surface water to be drained on separate systems and this should be secured through condition. Surface water to drain in the most sustainable way in accordance with the established hierarchy and a suitable scheme should be agreed through condition. No surface water to discharge into the public sewer directly or indirectly. Discharge to a watercourse would require agreement of the Lead Local Flood Authority or Environment Agency. A lifetime management and maintenance plan should be agreed for any sustainable drainage system. An appropriately worded condition has been provided. Any wastewater assets proposed for adoption must be to United Utilities (UU) standards and early consultation is recommended. The applicant should consult with UU at the earliest opportunity regarding connection. The Lead Local Flood Authority should be consulted. All pipework and fittings to be to current standards. The level of cover to UU assets must not be compromised. If a sewer is discovered during construction, a building control body should be consulted. Any drainage systems proposed for UU adoption must be agreed with UU and would be subject to a S104 agreement.

**Head of Coastal and Environmental Partnership Investment:** conditions should be imposed to require the agreement and implementation of a surface-water drainage strategy based on sustainable principles and a management plan for that system.



**Head of Parks and Green Environmental Services:** no response received in time for inclusion in this report. Any comments that are received in advance of the meeting will be reported through the update note.

**Head of Property and Asset Management:** no response received in time for inclusion in this report. Any comments that are received in advance of the meeting will be reported through the update note.

**Lancashire Archaeological Advisory Service:** the site lies within Marton Moss which was examined as part of the North West Wetland Survey in 1995. This survey revealed a large number of previously unrecorded archaeological sites in this area and identified it as a key area for settlement from the late Mesolithic era to the Bronze Age. Very little of the original peat resource remains in the south-west Fylde area. Such peats could hold organic archaeological matter but the greatest potential for well-preserved remains lies with buried deposits. The area has already yielded Bronze Age metal weapons including a Celtic axe with a wooden handle in 1837. It is therefore recommended that an archaeological desk-based assessment and rapid identification site walkover survey be carried out prior to any development. This should be followed by a trial trenching to investigate the potential for archaeological remains, including organic deposits. Any geo-technical work or investigation should be monitored and the results of any existing borehole surveys examined to assess survival of peat, including any paleo-environmental value. If this cannot be carried out, an archaeological auger survey with associated assessment and analysis would be required. A phased programme of archaeological work should therefore be secured through condition if planning permission is granted and suitable wording for this condition has been provided.

**Built Heritage Manager:** the density of development would be entirely unacceptable. The Marton Moss Conservation Area Appraisal stresses that the area is characterised by low density development with a mainly agricultural tradition. This proposal would have an irredeemably negative impact on the character of the Conservation Area.

**Blackpool Civic Trust:** no response received in time for inclusion in this report. Any comments that are received in advance of the meeting will be reported through the update note.

## **REPRESENTATIONS**

Press notice published: 11 April 2019

Site notice displayed: 16 April 2019

Neighbours notified: 2 April 2019

Eight representations have been received from:

Squires Gate Lane; No. 239

Jubilee Lane; Poplar Cottage, Silvern

Kitty Lane; Avondale, The Poplars

Midgeland Road; No. 512

Dunes Avenue; No. 14

These raise the following issues:

- Inappropriate location for development
- Contrary to planning policy
- Impact on the character of the area
- Unsustainable location due to lack of shops and services, particularly for retired persons
- Increased pressure on local infrastructure and services
- Development would be out-of-keeping with the locality
- Increase in traffic, vehicle movements and congestion
- Impact on highway safety
- Surrounding lanes unsuitable for pedestrians and wheelchair users
- Kitty Lane is a private road that is narrow and used as a rat-run and cannot cope with additional traffic
- Access onto Kitty Lane should be removed or gated
- Unclear what the community building would be used for
- Development could not be safeguarded for over-65 occupation
- A planning permission would set an undesirable precedent
- Existing hedgerows should be retained

It is relatively common practice for residential developments to be restricted to occupation by older persons where this is necessary to make the scheme acceptable. This is achieved through condition and appropriate wording is available that meets the standard planning tests for a reasonably and defensible condition.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (NPPF) retains the key objective of achieving sustainable development and hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The parts most relevant to this application are:

- Section 5 – Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

### **NATIONAL PLANNING PRACTICE GUIDANCE**

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. For the purpose of this application, the following

sections are most relevant:

- Design
- Flood Risk and Coastal Change
- Health and Well-Being
- Natural Environment
- Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
- Planning Obligations
- Travel Plans, Transport Assessments and Statements in Decision-Taking

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

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016.

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

- CS1 Strategic Location of Development
- CS2 Housing Provision
- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage
- CS9 Water Management
- CS11 Planning Obligations
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Density and Standards
- CS14 Affordable Housing
- CS15 Health and Education
- CS26 Marton Moss

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

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
- LQ10 Conservation Areas

- HN4 Windfall Sites
- 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
- AS1 General Development Requirements (Access and Transport)

## **BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- DM2 Housing for Older People
- DM5 Design Requirements for New Build Housing Development
- DM20 Landscaping
- DM21 Public Health and Safety
- DM25 Public Art
- DM33 Biodiversity
- DM39 Transport Requirements for New Development

### **OTHER RELEVANT DOCUMENTS**

Supplementary Planning Guidance Note 11: Open space: provision for new residential development and the funding system – this document was adopted in October 1999 as sets out the amount of open space required per person and per property depending upon size. It also sets out the equivalent financial contributions that can be made in lieu of on-site provision.

### **ASSESSMENT**

#### **Principle**

Policy CS26 of the Core Strategy relates specifically to Marton Moss and replaces saved Policy NE2 of the Local Plan in relation to the Moss. Like its predecessor, Policy CS26 precludes development in the area other than that directly related to agricultural, horticultural or rural recreational uses. This approach will hold until a formal Neighbourhood Plan is developed for the area. Thereafter the Neighbourhood Plan will direct the nature of development on the Moss. One exception permitted by Policy CS26 under section 2 is housing intended to meet the requirements of paragraph 55 of the NPPF. This policy was drafted when NPPF 1 (2012-2018) was in force and so this criterion relates to paragraph 55 of that document. This paragraph relates to housing required to enhance or maintain the viability of rural communities. Such examples would include housing that would support service delivery, agricultural workers dwellings, properties of innovative and

exceptional design, or conversions of heritage assets or disused buildings where the works would enhance the setting. This approach is continued in the latest NPPF at paragraphs 78 and 79.

At present, although local residents are looking to progress with the development of a Neighbourhood Plan for the area, and a forum and area map have been established, there is no plan in place for Marton Moss. The proposal must therefore be judged against the criteria of part 2 of Policy CS26 of the Core Strategy. The housing proposed would not re-use any existing buildings and there is no indication that it would be of exceptional design. There is no justification for the housing to accommodate rural workers. Whilst Marton Moss is rural in character, it sits on the edge of the urban area of Blackpool. The existing pattern of development in the wider area is well-established. Notwithstanding issues of connectivity and accessibility, the wider area is reasonably well served in terms of education, employment, services and public transport. As such, the development is not required in order to sustain population numbers to safeguard the provision of community facilities. The proposed community building has been considered as an ancillary element to the main residential scheme and so the assessment set out here applies equally to this element of the application. In light of the above, as the scheme is not for a use appropriate to a rural area, it is contrary to the provisions of Policy CS26 of the Core Strategy.

The intention of Policy CS26 is to safeguard the character and function of Marton Moss as an area of rural fringe around the Blackpool settlement. This approach accords with the objectives of the NPPF to make efficient use of land, direct development to brownfield sites, and respect the function and character of local areas. The application site sits within an area that is characterised by sporadic dwellings and rural buildings along rural roads interspersed with open land. It is recognised that some of these buildings are substantial in size. Kitty Lane is a relatively narrow, private road without footpaths. This section of Midgeland Road is also a fairly narrow road with a footpath along the eastern side only. The site itself is largely open albeit with some outbuildings, areas of compacted hardstanding and a paddock area. The land to the north and east is open countryside. There is a farm complex immediately to the west with houses to the south. The development of up to 19 dwellings on the site would equate to a housing density of up to 22 dwellings per hectare. Whilst this is relatively low in general terms, it would nevertheless significantly exceed existing built densities in the immediate area, and thereby appear incongruous and overly urban in the setting.

Currently the application site is surrounded by tall and substantial hedgerows. Based on the site layout plan submitted, some 70m of this hedgerow would have to be removed and replanted in a slightly different position in order to enable the provision of an adequate visibility splay. This hedgerow would have to be maintained at a lower height of 1.5m. In contrast to the previous submission, it is no longer considered that the indicative layout of the site would compromise the successful retention of the existing hedgerows along the southern boundary and the corner of the site. In any event, were the Council minded to support the scheme, a layout could be agreed at reserved matters stage that would safeguard the hedgerows. It must be acknowledged that the retention of the hedgerows would continue to make a positive contribution towards the appearance of the streetscene. However, even bungalow development would be clearly visible over the boundary

hedgerows and the quantum of built form proposed would fundamentally, irrevocably and detrimentally alter the character of the site and the immediate area. Equally, it would have a clearly harmful impact on the character and quality of the Marton Moss Conservation Area and its value as a heritage asset. This weighs heavily against the application.

The development of a Neighbourhood Plan for Marton Moss is advocated on the basis that any development of the area should be adequately supported by an appropriate highway network, transport connections and community facilities and services. A comprehensive approach is therefore required in order to ensure that development is sustainable, would facilitate community integration and cohesion, and would not depend upon private car use. As stated, Kitty Lane is a private road without footpaths and Midgeland Road only has a relatively narrow footpath along the eastern side. The nearest bus stops are around a 1.1km walk from the application site on Common Edge Road to the west. These stops are served by line 17 which is a half-hourly service running between Blackpool Town Centre and Lytham via St. Annes. The nearest primary school, St. Nicholas Church of England, is around 670m away. The nearest retail facilities that would sustain day-to-day needs are around 2km away on Squires Gate Lane. It is proposed that the accommodation would be intended for occupation by older persons and it would be possible for a condition to be imposed on any permission granted to restrict occupancy to this effect. However, it is not accepted that older people have reduced accessibility or connectivity requirements. Indeed, it can be argued that older people have greater need for easy pedestrian access and good public transport connections to a range of shops and services, along with good opportunities for social interaction. As such it is highly likely that residents of the site would be dependent upon private car use and this reduces the sustainability of the proposal and further weighs against the scheme.

The proposed development of a community building is noted. Whilst this would go some way towards providing opportunities for social interaction, by serving only the residents of the development it would be insular in nature and would not support meaningful neighbourhood or community engagement and integration. If the community building was intended for wider neighbourhood use it would have to be considered as a main town centre use and accompanied by a sequential appraisal. As no such has been submitted, the community building has been assessed as an ancillary element of the residential scheme.

It is recognised that the Government places heavy emphasis on the need to ensure an adequate supply of new homes. Local Planning Authorities are expected to be able to demonstrate a five year supply of housing land and to monitor delivery in order to ensure supply. The development of 19 new homes would make a notable quantitative contribution towards meeting the Blackpool's identified housing requirement. It is also recognised that there is a need for accommodation suitable for older persons within the borough. However, current indications are that a five year housing land supply is available. Whilst a need for retirement housing is acknowledged, it is not considered to be over-riding. Furthermore, and in-line with the brownfield focus set out in the NPPF, the priority in Blackpool is to direct new housing development to the established urban area and particularly the defined Inner Area to promote regeneration and a rebalancing of the housing market to create more stable and sustainable communities. As such, the weight that can be attached to the specific quantitative contribution proposed is limited, and is not considered sufficient to outweigh

the harm that would result from the impact on the character of the area, the quality of the Marton Moss Conservation Area and its value as a heritage asset, and the poor accessibility of the site.

### **Housing Density and Mix**

As stated above, the application proposes a density of up to 22 dwellings per hectare. Policy CS13 of the Core Strategy seeks to achieve efficient land use by encouraging developers to optimise proposed densities as appropriate to the character of the site and surrounding area. In this case, the surrounding area is characterised by very low housing densities as would be expected in a rural fringe location. The level of development proposed is therefore considered to be excessive and inappropriate.

As the application is made in outline, no housing mix information has been submitted. Policy CS13 of the Core Strategy requires development sites of this size to contribute towards a balanced mix of housing in the surrounding area. Were the Council minded to support the scheme, a condition could be attached to any permission granted to require the housing mix on the site to be agreed.

### **Planning Obligations**

Policy CS14 of the Core Strategy requires all developments of 15 dwellings or more to provide affordable housing at a rate of 30% of the total number of dwellings created. In this case, as 19 units are proposed, six of them would have to be made available on an affordable basis. This would be secured by condition should planning permission be granted.

Policy CS15 of the Core Strategy expects developers to contribute towards the provision of school places where the development would impact upon the capacity of existing schools. In this case, as the accommodation would be intended to accommodate retired persons, no impact on school capacity is anticipated and so no contribution would be required.

Saved Policy BH10 of the Local Plan relates to the provision of public open space as part of new housing developments. Supplementary Planning Guidance Note 11 sets out the amount of public open space required per property based on the number of bedrooms, and the equivalent financial contribution that can be paid in lieu of on-site provision. As the application does not include any details of bedroom numbers, the exact quantum of necessary provision cannot be calculated. As such and were the Council minded to support the scheme, a condition could be imposed on any permission granted to require the agreement of a scheme of public open space provision that would deliver the necessary requirement once it is known.

### **Amenity**

The layout of the site is not a matter for consideration at this stage. The Council has long-standing minimum separation distances for residential developments that are designed to safeguard privacy and levels of daylight. Should outline permission be granted, it is

considered that a layout could be secured at reserved matters stage that would adequately safeguard residential amenity.

Some disturbance during construction would be inevitable, but a Construction Management Plan could be agreed through condition to ensure that the construction process would not have an undue impact. There is no reason to suppose that the use of the land for housing would generate a level of noise, activity or disturbance during the operation phase that would have an unacceptable impact on the residential amenity of nearby neighbours. Future residents would not be subject to any undue noise nuisance from surrounding businesses or from local traffic.

The indicative layout plan does not show any public open space. Policy BH10 makes it clear that public open space should be provided on-site where it is possible to do so. It is appreciated that on many sites across Blackpool, financial contributions have been sought in lieu of on-site provision. However, this has generally occurred where the site does not lend itself to on-site provision, or where the numbers of units proposed mean that a financial contribution towards off-site provision would provide greater benefit than a small and isolated area of provision on-site. In determining whether provision should be made on-site or through a financial contribution, a key consideration is the proximity of the off-site provision to the site and the quality of the connectivity between the two. In this case, there are no areas of public open space within reasonable walking distance of the site. Furthermore, given the lack of pavements along Kitty Lane and the narrow footpath along Midgeland Road, connectivity to the nearest sites is poor. It is recognised that the site falls within an area of countryside. However, the surrounding land is privately owned and so is not accessible for use as public open space. On this basis, it is considered that provision of public open space should be made on site. It is unclear based on the indicative plan provided how up to 19 dwellings meeting the Council's requisite separation distances and the necessary amount public open space could be provided on site. Any lack of on-site public open space would weigh against the proposal.

Scale is not a matter for consideration as part of this application but the submitted information indicates the provision of bungalows. Were the Council minded to support the application, maximum heights for the properties could be imposed through condition but this would not necessarily overcome the issue identified above.

### **Design and Heritage Impact**

The application seeks outline planning permission only and the details of design are not a matter for consideration at this stage. A variety of property types, sizes and forms are evident in the area and so the provision of single-storey bungalows would not be inappropriate on the site in principle. Although the submitted plan is acknowledged as being indicative only, the provision of hard-standing around much of the perimeter of the site would not be considered acceptable. Equally, properties presenting rear elevations to Midgeland Road and Kitty Lane would be unacceptable. Notwithstanding the Council's objection to the proposal in principle, particular attention would have to be given at reserved matters stage to the views into the site from the two access points where there is no hedgerow screening. To achieve the necessary visibility splay at the access, a significant



stretch of existing boundary hedgerow would have to be removed and replanted. This would impact upon the character and appearance of the site and area.

The site falls within the defined Marton Moss Conservation Area and the scheme has been considered by the Council's Built Heritage Manager. The appraisal for the Conservation Area stresses that the area is characterised by low density development arising from agricultural traditions. Although the existing buildings on site are relatively open, the development proposed would be of a density that would be entirely inappropriate in this area. It is considered that this would have a irredeemably negative impact on the character of the Conservation Area and its value as a heritage asset.

### **Access, Parking and Highway Safety**

The parking standards set out in the Local Plan advocate that two and three-bedroom properties should have up to two parking spaces apiece in low accessibility areas. A one-bedroom property should have at least one space. As layout is not a matter for consideration at this stage, the total bedroom number is unknown and so the total parking requirement cannot be calculated. This is something that would have to be addressed at reserved matters stage as part of the consideration of layout. However, the illustrative plan indicates 19 units of accommodation with 39 parking spaces. As bedroom numbers are unknown, it is not possible to comment on the acceptability of this ratio.

The Head of Transportation has considered the application. It is judged that the development would be unlikely to have a material impact on highway capacity, function or safety and that, subject to a condition securing the necessary details and visibility splays, no objection on highway grounds could be raised. As such, the pedestrian and emergency services access onto Kitty Lane is considered to be acceptable.

In response to the previous application, the Head of Transportation noted that it had not been demonstrated that a refuse wagon would adequately access and navigate the site. This could be addressed at reserved matters stage were the Council minded to support the scheme. The existing pedestrian footpath facilities in the area are considered to be inadequate and, if planning permission were granted, off-site highway works to provide additional footpath and improve the existing footpath to link the site to the nearest public transport connections would be required. Were permission granted, it would also be appropriate to restrict use of the community building to on-site residents only to avoid extraneous traffic.

The application site is considered to be a relatively inaccessible location for residential development and, on this basis, the Head of Highways and Traffic Management does not consider the current proposal to be acceptable. As stated above, Policy CS26 of the Core Strategy seeks to limit development on Marton Moss until a Neighbourhood Plan has been developed for the area. This document would identify any infrastructure necessary to enable the delivery of the plan and the accessibility of the area. If highway works or infrastructure/connectivity improvements were required, all developments would be expected to contribute towards the costs of these schemes. This kind of strategic and holistic planning for an area accords with the aims and objectives of the NPPF. A grant of

planning permission for this scheme in isolation would preclude this kind of approach. An approval in this instance could pre-determine the location of new development on the Moss by taking up available highway capacity, and in doing so without contributing towards wider highway and connectivity improvement works in the area, could sterilise alternative development opportunities.

### **Flood Risk and Drainage**

The site falls within flood zone 1 and is less than a hectare in area. As such there is no requirement for the developer to provide a site-specific flood risk assessment, or demonstrate compliance with the sequential or exceptions tests.

A drainage strategy has been submitted in support of the application. This identifies a need for further site investigation prior to detailed design to determine how the site is currently drained and whether or not infiltration is a practicable option. Given the soil type in the area, infiltration is unlikely to be a realistic option and so discharge to the surrounding watercourses at restricted rates should be considered. This may require the re-excavation of infilled ditches and this could impact upon the access to the site, particularly as Land Drainage Consent would be unlikely to be granted for the culverting of a watercourse. It is suggested the Council's three standard drainage conditions be imposed to enable the agreement of a suitable drainage strategy. On balance, and notwithstanding any conflict with the proposed position of the access, it is considered that an appropriate drainage strategy for the site could be agreed.

### **Arboricultural and Ecological Impact**

The application includes a bat and bird survey and a great crested newt survey. Both have been prepared by suitably qualified ecologists and appears to have been conducted in accordance with appropriate methodologies at an appropriate time of year. The bat and bird survey was produced in June 2018 and so is still valid for use as part of this assessment. The newt study confirms that newts are absent from the site and immediate surrounding habitat and that no further survey work or mitigation is required. The bat study concludes that the buildings on site are not suitable for roosting bats and showed no evidence of use by bats. Bats were recorded to forage over the site and the trees and boundary hedgerows are considered to offer important habitat in terms of commuting routes and foraging potential. The hedgerows should be retained and care should be taken to avoid potential disturbance of bats through the provision of external illumination. No evidence of barn owl activity was identified. The vegetation on site has the potential to support nesting birds although no active nests were found during the survey work. It is recommended that demolition work be carried out in winter and that roofs are dismantled by hand. Vegetation clearance should not take place during the bird nesting season and ecological enhancement should be incorporated into any approved scheme. Boundary treatments should be designed so as to enable the movement of small mammals.

Notwithstanding the submitted bat, bird and great crested newt surveys, no phase 1 ecological assessment has been carried out. Whilst the land is previously developed, the nature of the site and area would not preclude the presence of other mammalian,

amphibian or invasive plant species. As such, it is considered that a full ecological appraisal should have been submitted as part of the application. Given the issues with the proposal set out above, it has not been considered reasonable to require the applicant to undertake abortive work to produce this information prior to the determination of this application. Nevertheless, the applicant's failure to demonstrate that the proposal would not impact upon protected species or biodiversity is contrary to the provisions of paragraph 180 of the NPPF and saved Policy NE6 of the Local Plan, and this weighs against the application.

The submitted tree survey advocates the retention of the existing hedgerows and the provision of a high quality landscaping scheme to mitigate any losses. None of the trees on site are considered to be of sufficient quality to warrant retention.

### **Other Issues**

No unacceptable impacts on air quality are anticipated. Water quality would be safeguarded through the design and implementation of a site drainage strategy and construction management plan. Given the intended and previous uses of the site, a condition should be attached to any permission granted to require an investigation into the potential for land contamination and any remediation measures found to be necessary.

The applicant has submitted an appeal decision relating to a proposal for residential development on a site within the jurisdiction of Fylde Borough Council in support of this scheme. However, this decision is not considered to be relevant to the current proposal because it was taken prior to the abolition of the Regional Spatial Strategy at a time when Fylde Borough Council did not have an established housing target or a strategy for housing delivery, but where the evidence base at the time indicated that some settlement boundaries would have to change to encompass necessary development in the countryside. The site in question was judged to be sustainable and its development would not have unduly compromised the character of the area. In contrast to this situation, Blackpool has a published housing target and an up-to-date Development Plan to guide development across the borough. The application site is not particularly accessible and the development proposed would be at odds the character of the area. As such the cases are not considered to be comparable.

### **Sustainability Appraisal**

Sustainability comprises economic, environmental and social components.

Economically the proposal would have a limited impact. The site is not safeguarded for employment use, future residents would help to support local shops and services and some limited employment would be created during construction.

Environmentally, no impacts on air quality are expected, water quality could be suitably protected and land contamination adequately addressed. A suitable drainage scheme could be agreed although implementation may be compromised by works to create an adequate access point. The proposal is not anticipated to impact unduly upon bats, nesting birds or Great Crested Newts but insufficient information has been provided to demonstrate that no

other protected species would be affected or fully consider the ecological impact of the proposal. Visually, although design is not a matter for consideration at this stage, the development itself would have a fundamental, irrevocable and detrimental impact on the character of the area. The site lacks accessibility and it is highly likely that future residents would be dependent upon private car use. As such, the scheme is not considered to be environmentally sustainable.

Socially the scheme would make a quantitative and qualitative contribution towards meeting the Borough's housing requirement. This weighs in favour of the scheme. However, as current indications suggest that the Council can demonstrate a five-year housing land supply, the degree of weight that can be afforded to this is limited. There is an acknowledged need for accommodation suitable for older persons but this should be directed to sustainable locations where residents would enjoy easy access to local shops and services, opportunities for social interaction, and the public transport network. The site is in a relatively remote and disconnected location offering poor connectivity to local shops and services and opportunities for social integration. It is not considered that the quantum of development sought could be delivered on the site in accordance with the Council's separation standards along with appropriate public open space, landscaping and car parking. The scheme would have an irredeemably negative impact on the character of the Marton Moss Conservation Area and its value as a heritage asset. If approved, the scheme could pre-determine and compromise the development of a Neighbourhood Plan for the wider area, thereby undermining the comprehensive, holistic and community-led planning approach advocated by the Local Plan and NPPF. No undue highway safety or flood risks are identified.

## **CONCLUSION**

In terms of planning balance the contribution the scheme would make towards the Borough's housing requirement is not considered sufficient to outweigh the harm that would arise to the character and appearance of the area, the quality and value of the Marton Moss Conservation Area as a heritage asset, and the anticipated failure of the site to adequately accommodate the quantum of development sought. The applicant has failed to demonstrate that biodiversity could be adequately safeguarded. As set out above, the proposal is not judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this view. As such, planning permission should be refused.

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

None sought given the recommendation for refusal.

## **FINANCIAL BENEFITS**

The scheme would generate some Council Tax income but this has not been taken into account as part of the consideration of the planning balance and merits of the scheme.

## **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) 19/0168 which can be accessed via the link below:

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

**Recommended Decision:** Refuse

## **Conditions and Reasons**

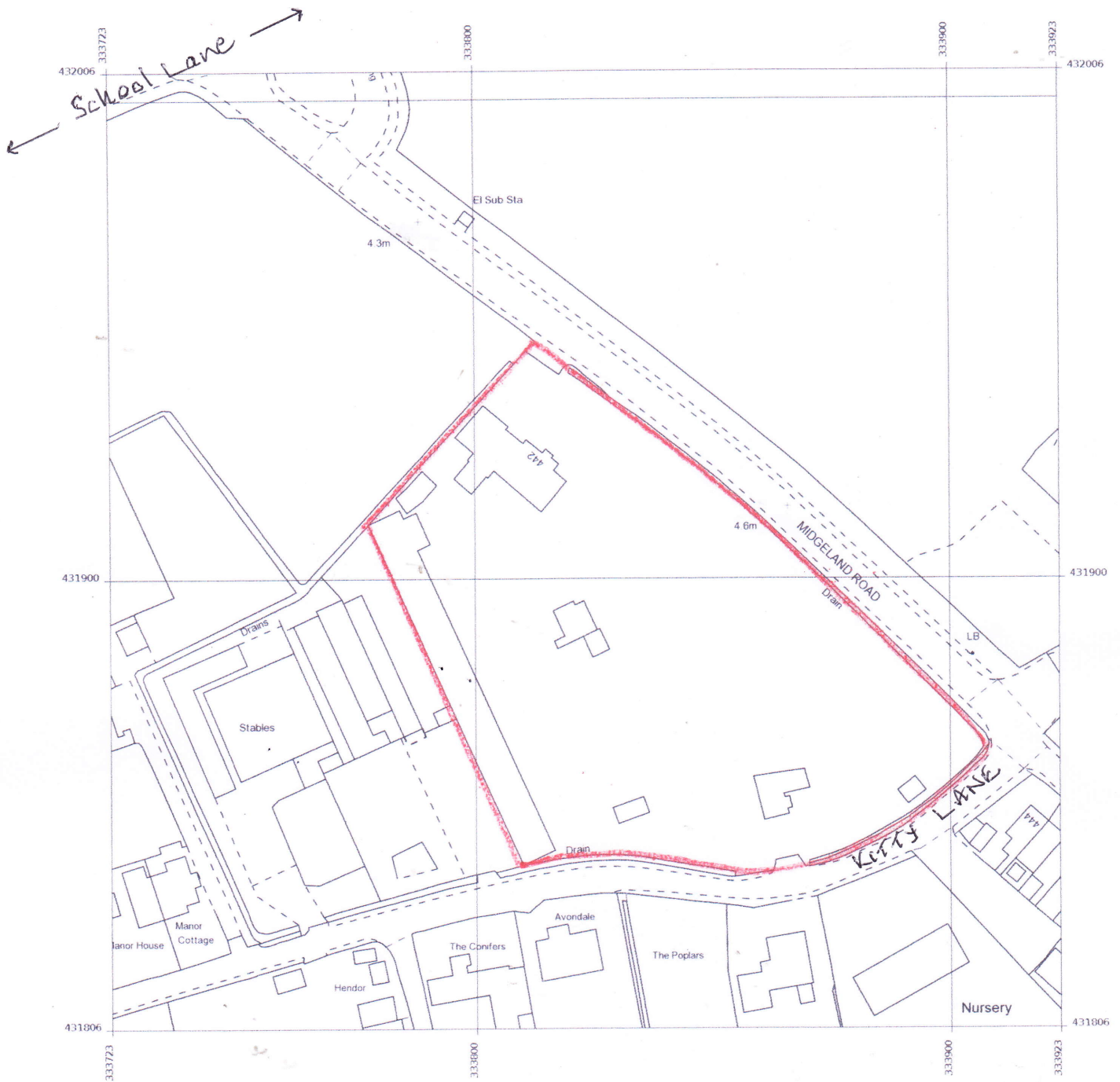
1. Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 seeks to restrict development within the Marton Moss Strategic Area to appropriate rural uses only until a Neighbourhood Plan for the area is developed in order to safeguard the character of the area and ensure sustainable, holistic and strategically considered, future development. The development proposed would conflict with Policy CS26 and would compromise a neighbourhood planning approach by pre-determining the location of significant new development. Moreover, in the absence of a comprehensive plan including improvements to the highway network, connectivity, and associated community services and facilities, the site is relatively disconnected and poorly accessible. Notwithstanding the proposed community building, residents would have limited options for social integration and would be dependent upon private car use. In the absence of a framework plan to guide development on Marton Moss, the proposal would not be in-keeping with and would compromise the character of the area by virtue of over-intensive development and the impact on the boundary hedgerows arising from the proposed layout of the site and the need to create a safe point of access. As such, the proposal is considered to be contrary to the provisions of paragraphs 7, 91, 92, 122, 124 and 127 of the NPPF, Policies CS7 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, and saved Policies LQ1 and LQ2 of the Blackpool Local Plan 2001-2016.

2. It is not considered that the site could accommodate the quantum of development sought along with the necessary public open space, landscaping, manoeuvring space and car parking to a sufficient standard to deliver acceptable residential amenity to future occupants. As such, the proposal is considered to be contrary to the provisions of paragraphs 124 and 127 of the NPPF, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, and saved Policy BH3 of the Blackpool Local Plan 2001-2016.
3. By virtue of the density of development sought, the scheme would have an unacceptable impact upon the appearance and character of the streetscene and upon the character and quality of the Marton Moss Conservation Area as a heritage asset. As such it would be contrary to the provisions of paragraphs 193, 194 and 195 of the NPPF, Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, and saved Policies LQ1, LQ2 and LQ10 of the Blackpool Local Plan 2001-2016.
4. The applicant has failed to properly assess the potential impact of the scheme on biodiversity. As such, the proposal is considered to be contrary to the provisions of paragraph 180 of the NPPF and saved Policies NE6 and NE7 of the Blackpool Local Plan 2001-2016. (It is acknowledged that this reason for refusal could be easily addressed through a phase 1 ecological appraisal).
5. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 38)**

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 which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

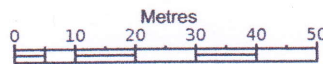
**Advice Notes to Developer**

Not applicable



Produced 18 Sep 2018 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



1:1250



Midgeland Rd, Blackpool

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 Reference: OI1264335  
 Centre coordinates: 333823 431906

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**COMMITTEE DATE:** [02/07/2019](#)

**Application Reference:** 19/0172

**WARD:** Marton

**DATE REGISTERED:** 21/03/19

**LOCAL PLAN ALLOCATION:** Marton Mere Local Nature Reserve  
Open land meeting community and recreational needs

**APPLICATION TYPE:** Full Planning Permission

**APPLICANT:** Bourne Leisure

**PROPOSAL:** Retention of pedestrian footpath around the western perimeter of the extended holiday village

**LOCATION:** MARTON MERE HOLIDAY VILLAGE, MYTHOP ROAD, BLACKPOOL, FY4 4EA

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Miss Susan Parker

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority Two of the Plan** – Our Community: Creating Stronger Communities and Increasing Resilience as it would maintain access between an established residential area and a local nature reserve.

## **SUMMARY OF RECOMMENDATION**

The application seeks retrospective planning permission for the development of a new footpath around the western perimeter of the Marton Mere Holiday Village caravan park to be used in conjunction with the existing footpath through part of the extended holiday park. The footpath is considered to be generally satisfactory and no unacceptable impacts have been identified. It is recommended that conditions be attached to any permission granted to require the improvement of a stretch of its surfacing and to agree a management plan for the pathway. Subject to these conditions, the proposal is judged to represent sustainable development. Members are, therefore, respectfully recommended to grant planning permission subject to the conditions listed at the end of this report.

## **INTRODUCTION**

The application is before Committee as a significant number of public comments have been received making the proposal a matter of public interest. Some Members of the Committee will recall that, in granting planning permission for the extension to the Holiday Village in

July 2017, improvements to the paths from Kipling Drive and Cornwall Place were proposed, and that one of the improved routes would go through the extended part of the Holiday Village.

### **SITE DESCRIPTION**

The proposal relates to land to the west of the Marton Mere Holiday Village caravan park. The site falls within an area of Open Land Meeting Community as defined on the Proposals Map to the Blackpool Local Plan 2001-2016. The site is roughly vegetated with mixed grasses and shrubs. It is surrounded by residential properties fronting Kipling Drive and Rosefinch Way to the south and west, by the Marton Mere Local Nature Reserve to the north, and by the caravan park to the east.

### **DETAILS OF PROPOSAL**

The application seeks planning permission for the retention of a footpath around the western boundary of the Marton Mere Holiday Village. This footpath falls outside of the caravan park site and landscaping separates it from the park boundary. It links the footpath connection from Kipling Drive to an existing footpath to the north.

Formerly the footpath from Kipling Drive ran in a north-westerly direction before bearing north to skirt the western boundary of the caravan park and link into the network of footpaths around Marton Mere and Herons Reach. In 2016 planning permission was granted for an extension to the caravan park that took in land on either side of this footpath. The path was retained and improved as part of this scheme. Initially there was no fencing around the perimeter of the extended Holiday Village but a fence with gates at either end of the footpath through the Holiday Village was erected earlier this year. The Marton Mere Holiday Village no longer wishes to permit open public access through its site and has created a replacement footpath that runs around the perimeter of this extension to the park. As stated, it links the connection through from Kipling Drive with the pathway to the north that forms part of the wider network extending to Marton Mere and Herons Reach.

The footpath the subject of this application is roughly surfaced with compacted hard-core. It is unlit and unfenced aside from a short stretch directly to the rear of the properties fronting Kipling Drive. The footpath network into which the application footpath connects is similarly unlit and unfenced.

### **RELEVANT PLANNING HISTORY**

16/0490 – planning permission granted for the creation of 31 additional static caravan pitches with associated works including access roads and parking areas, landscaping and footpath improvement.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of redevelopment
- Amenity impact
- Visual impact
- Access and public safety
- Potential impacts on drainage and biodiversity

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

## **CONSULTATIONS**

**Natural England:** no comment. Natural England standing advice should be used to assess potential impact on protected species or an ecology service should be consulted. Standing advice is also available with regard to potential impacts on ancient woodland. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. The Local Planning Authority must consider consistency with planning policy and impact on the natural environment.

**Council Drainage Officer:** no response received to date.

## **PUBLICITY AND REPRESENTATIONS**

Site notices displayed: 2 April 2019

A petition bearing 110 signatures has been submitted and 66 representations have been received from the then Councillor Jim Elmes and the following properties:

Bassenthwaite Road: 3  
Barclay Avenue: 30  
Beechfield Avenue: 1  
Bowfell Close: 26  
Catforth Avenue: 41, 43, 47  
Cherry Tree Road: 94  
Clifton Avenue: 26 (x2)  
Colwyn Avenue: 33  
Cornwall Place: 26, 35  
Finsbury Avenue: 15  
Kelmarsh Close: 1 (x2)  
Kipling Court (Kipling Drive): 3, 15, 23, 24, 28  
Kipling Drive: 2, 6, 54, 58, 62, 69, 75, 79 (x2), 82, 89, 91 (x5), 96, 97, 111, 117  
Lawnswood Crescent: 1, 2, 3, 17  
Lawson Road: 50  
Meadowbrook: 6, 28 (x2)  
Newholme Residential Park: 4 Pine Crescent

Norfolk Road: 29 (x2)  
Patterdale Avenue: 63  
Preston Old Road: 161, 212  
Preston New Road: 207, 238  
Ribchester Avenue: 6 (x2), 12  
Skelwith Road: 11, 24  
Southbourne Road: 37  
St. Vincent's Avenue: 17 (x2)  
Stonyhill Avenue: 61  
Sunfield Close: 12  
Wheatlands Crescent: 6  
Whitemoss Avenue, Staining: 45  
Worcester Road: 114

12 Knowsley Gate, Fleetwood  
Leeswood, Hackensall Road, Knott-End-on-Sea

These make the following comments:

The scheme is contrary to planning policy (this comment appears to relate to the extension to the caravan park which does not form part of this application).

- The original footpath was a longstanding and well-used public access
- The new path is of poor quality
- The new path was supposed to be temporary
- The top end of the path is of a good standard
- The new footpath becomes over-grown in summer and floods in winter
- The new path does not provide disabled access
- The new path is not suitable for the elderly
- The new path hurts dogs feet
- The new route is longer than the older route
- The current path through the caravan park is lit and so the new path should be lit
- The proposal is not in-keeping with the character and openness of the area (these comments appear to be in reference to the fences and gates that do not form part of this application)
- Disturbance and intimidation of the occupants of the existing properties due to proximity of footpath
- The fences and gates do not prevent anti-social/criminal behaviour as the park is accessible from elsewhere
- Footpaths provide local amenity
- Loss of health benefits
- Access to Marton Mere and the bus network would be lost
- It is unclear who would have long-term responsibility for the upkeep of the footpath
- The fences and gates are unacceptable and do not have planning permission
- The application is misleading
- Application ref. 16/0490 was disingenuous

- The applicant has failed to comply with the conditions of planning permission reference 16/0490
- Access along the original footpath has been restricted or removed
- The original footpath is a public right of way
- Local residents have acquired a legal right to use this path over time
- The CCTV infringes privacy and should have planning permission
- The Council must listen to and support residents rather than businesses
- Dog walkers should clear dog waste

The path proposed would provide access to Marton Mere and other point and means of access are available. The fence and gates around the site have been erected using Permitted Development Rights. The application is clear in its request to retain the footpath around the perimeter of the caravan park. Any closure of access to the existing footpath through the park falls outside of the remit of this application. Planning applications must be considered on their own merits and content at the time of the application. Failure of an applicant to comply with one permission cannot be taken as justification to refuse a separate application. The original application was not a public right of way. CCTV provision does not form part of this application. There are dog waste bins between Kipling Drive and the site.

### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The revised National Planning Policy Framework (NPPF) was published in February 2019. It retains the key objective of achieving sustainable development. Hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The following sections are most relevant to this application:

- 8 – Promoting healthy and safe communities
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. The following sections are most relevant to this application:

- Health and well-being
- Open space, sports and recreation facilities, public rights of way and local green space

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

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The following policies in the Core Strategy are most relevant to this application:

- CS5 – Connectivity

CS6 – Green infrastructure

CS7 – Quality of design

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced. The following policies are most relevant to this application:

LQ1 - Lifting the quality of design

LQ6 – Landscape design and biodiversity

BH3 – Residential and visitor amenity

BH8 – Open land meeting community and recreational needs

AS1 - General Requirements (Access and Transport)

### **EMERGING BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies. The following policies in Part 2 are most relevant to this application:

DM20 – Landscaping

DM21 – Public health and safety

DM35 – Open land meeting community and recreational needs

DM39 – Transport requirements for new development

### **ASSESSMENT**

#### **Principle**

The application site falls within an area of Open Land Meeting Community and Recreational Needs as designated by Policy BH8 of the Local Plan. This Policy states that development on such land will not be permitted unless the development only covers a small part of the site and enhances community or recreational use, and the development maintains the open character of the land.

The pathway proposed would cover a relatively small area of the designation and would provide connectivity between Kipling Drive and the wider footpath network. As such it would enhance community and recreational use of the area. As no above ground construction is involved, the footpath maintains the open character of the area.

Policy CS6 of the Core Strategy is also relevant. This policy seeks to achieve high-quality and well-connected networks of green infrastructure. The provision of a rough-surfaced



footpath is not considered to constitute a loss of green infrastructure but instead an improvement to connectivity.

It is recognised that a number of local residents have objected to the proposal on the basis of the loss of the former route through the Marton Moss Holiday Village caravan park. Although it is acknowledged that this route was of long-standing, it was not a safeguarded Public Right of Way. The application to extend the caravan park in 2016 (ref. 16/0490) was recommended for approval, and subsequently approved by the Planning Committee, on the basis that the benefits of the scheme were sufficient to outweigh the loss of open space. These benefits included the enhancement of the remaining open land, improvements to biodiversity, and the retention of pedestrian routes through from the residential areas to the Mere. The Holiday Village proposed to maintain the former pathway through the extended site and provided planting along either side. This maintenance of connectivity helped to justify the approval of the scheme. The route was duly provided as part of the extension to the Holiday Village and had been available for use by members of the public until earlier this year when a fence around the perimeter of the extended Holiday Village and gates at either end of the footpath were erected. Since then residents have had restricted access through the extended part of the Holiday Village.

The footpath, the subject of this application, was constructed without the benefit of planning permission outside of the boundary of the caravan park. The scheme now proposed seeks to retain this footpath for use in conjunction with that through the site. The caravan park has sought this alternative route due to problems with crime and anti-social behaviour since the extension to the park was opened. It is proposed that the existing route through the caravan park be left open for general public use during the day, but that the gates be locked overnight to help increase security. Any persons wishing to access Marton Mere and the surrounding area from Kipling Drive whilst the gates are locked would still be able to do so using the newly created path.

Given that the footpath around the outside of the site proposed for retention is intended for use in conjunction with the existing path through the site, and as this existing footpath would remain available for general public use during the day, no unacceptable loss of connectivity is identified.

It is acknowledged that a number of local residents have raised objection in relation to the condition of the footpath, both in terms of drainage and the quality of the surfacing. However, the original path across the fields, was an informal, roughly-surfaced path with no drainage. As such it was liable to become muddy with some standing water after a period of rainfall. Furthermore, the new path that has been constructed is relatively indistinguishable from the original path down to the Mere that it connects into. It should also be noted that the network of pathways around the Mere are informally surfaced. The area and the network of footpaths is intended to provide passive and informal walking and recreation opportunities. Against this context, it is the short section of footpath through the caravan park that is somewhat anomalous and out-of-keeping with the general setting rather than the new footpath the subject of this application. On this basis, the form and condition of the new pathway is considered to be appropriate and acceptable.

The Committee is respectfully advised that local residents have been advised of the procedure that would have to be followed in order to have the original footpath established as a Public Right of Way. To date and at the time of writing, despite the passage of three months since the validation of the application and ten weeks since the display of site notices, no such application has been made.

### **Amenity**

As the area to the west of the pathway which falls to the north of Kipling/Bluebell Courts and the east of Cornwall Place is public open space, and as this area has historically been crossed by a public footpath, it is not considered that the new footpath would have an unacceptable impact on residential amenity by virtue of increased noise, activity or disturbance. It is noted that there is a fence to the rear of Kipling Court and that some of the properties of this Court face out onto the greenspace. As such, the footpath would benefit from a good level of natural surveillance and so no undue security risks are identified. Given the previous position of the path which would have afforded a face-on view of the properties over a long approach, the new path that runs alongside the properties is not expected to result in an undue loss of privacy.

### **Visual Impact**

The footpath is rough surfaced and has been made up of compacted sand, grit, gravel and loose stones. As such it is appropriate in the setting and is not overly dissimilar to the form of the wider network of paths surrounding the Mere. As such, no undue visual impact arises. A condition could be attached to any permission granted to require agreement of a management plan for the pathway.

### **Access, Highway Safety and Parking**

The footpath would continue to connect Kipling Drive with the wider network of footpaths around Marton Mere. Previously, a stretch of footpath ran north from Kipling Drive and then angled to the north-west across the field before connecting into the wider network to the north. Following the construction of the extension to the caravan park, the new path was created. This runs from the point where the original footpath from Kipling Drive enters the caravan park, and runs around the perimeter to the west before linking in with the wider network. The new footpath is therefore slightly longer than that running through the caravan park. However, as it is to be used primarily for leisure-walking and passive recreation, rather than for commuting or connection to key services, this increase in length is not considered to be problematic.

It is acknowledged that a number of local residents have objected to the form and condition of the pathway, and it is recognised that the section of pathway immediately to the rear of Kipling Court contains a significant amount of loose, sharp stones. This surface is not pleasant to walk on and could give rise to a greater risk of slip injury for walkers and runners. On this basis, it is recommended that a condition be attached to any permission granted to require this section of pathway to be resurfaced within three months.

Initially some concern was raised on the basis that the new footpath runs between a fence to the rear of Kipling Drive and the fence around the caravan park, and would therefore be poorly lit and subject to a lack of natural surveillance. However, a number of properties on Kipling Court have their accesses at the rear of the building and also have security lights on this rear elevation. Consequently a number of residents would look onto the footpath and the security lighting would illuminate the pathway. On this basis, users of the footpath would benefit from acceptable levels of security.

Objections have been made on the grounds that the pathway floods and is overgrown, and is therefore impassable in places. It is noted that, following recent heavy rains, there were two isolated areas where water had puddled across the pathway. This appeared to relate more to land levels than to any issues with the surface or condition of the footpath, as the standing water was in areas of natural depression. The pathway was reasonably useable even in normal footwear. On the officer's visit in June, there was no evidence of vegetation over-growth although for a couple of very short stretches it is not possible for two people to walk abreast. Given the nature of the footpaths in the area and the likely destinations that users would walk towards, it would not be considered unreasonable for users to have to don suitable footwear such as wellington boots in inclement weather. The existing pathway between Kipling Drive and the start of the new route is not wheelchair accessible. On this basis, and given that the new footpath would be used in conjunction with the existing footpath through the caravan park, the new footpath is considered to provide an acceptable surface and adequate connectivity to the wider network. As stated above, a condition could be attached to any permission granted to require agreement of a management plan for the pathway and this would ensure it is maintained in a useable condition.

### **Flood Risk and Drainage**

The site falls within flood zone 1. The pathway is permeable in form and materials and covers a limited area and so would have little impact on drainage in the immediate vicinity. It would not unacceptably increase flood risk off-site. Given the nature of the development and its intended use, it would not be at undue risk of flooding. As such, no unacceptable flood risk or drainage issues are identified.

### **Other Issues**

By its scale and nature, the pathway would not have an unacceptable impact on biodiversity.

It would not affect environmental quality and would not be at undue risk of such.

It is noted that a number of local residents have complained that the surface of the footpath hurts their dog's paws. It is acknowledged that the start of the path to the rear of Kipling Court is surfaced with loose, sharp stones. Although this is not a valid planning consideration, the proposed condition to improve the quality of the surface of this stretch of the path would resolve this issue.

## **Sustainability Appraisal and Planning Balance**

Sustainability comprises economic, environmental and social components.

Economically, the proposal would have little impact, although the caravan park claims that the ability to lock the gates overnight would improve security and prevent anti-social behaviour. Environmentally, the design of the footpath is acceptable and no detrimental impacts on biodiversity or environmental quality are anticipated. Drainage would not be materially affected. Socially, the pathway would adequately maintain connectivity between Kipling Drive and Marton Mere, particularly when used in conjunction with the existing pathway through the caravan park. It would not be at undue risk from flooding and would offer adequate security for users. Use of the path would not compromise the residential amenities of nearby neighbours.

In terms of planning balance, the pathway is judged to be acceptable and no material planning considerations have been identified that would weigh against the application. On this basis it is judged to constitute sustainable development.

### **CONCLUSION**

In light of the above, the proposal is judged to constitute sustainable development and no material planning considerations have been identified that would outweigh this view. As such, Members are respectfully recommended to grant planning permission subject to the conditions listed below.

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

None required.

### **FINANCIAL BENEFITS**

The development would generate no financial benefits.

### **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. This application is not considered to raise 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) 19/0172 which can be accessed via the following link:

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

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1. (a) Within six weeks of the date of this permission, a scheme for the resurfacing of the section of pathway running parallel to Kipling Drive shall be submitted to the Local Planning Authority for agreement in writing. For the purpose of this condition, the scheme of resurfacing shall remove the loose stones from the surface of the path and provide an integrated, compacted surface.

(b) The scheme of resurfacing agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details within three months of the written agreement of the scheme and shall thereafter be retained and maintained as such.

Reason: In order to ensure that the surface of the pathway is fit for purpose and to safeguard connectivity between the surrounding residential areas and Marton Mere and the wider public footpath network in the interests of public amenity in accordance with the provisions of Policies BH8 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

2. (a) Within six weeks of the date of this permission, a management plan for the pathway the subject of this application shall be submitted to the Local Planning Authority for agreement in writing. For the purpose of this condition, the plan shall detail means of monitoring, public reporting of concerns, maintenance and repair.

(b) The management plan agreed pursuant to part (a) of this condition shall be followed in full and in full accordance with the approved details at all times when the caravan park is operational.

Reason: In order to ensure that the surface of the pathway is fit for purpose and to safeguard connectivity between the surrounding residential areas and Marton Mere and the wider public footpath network in the interests of public amenity in accordance with the provisions of Policies BH8 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. The existing footpath through the caravan park as shown on drawing reference PPDA1174/01/101 shall be made available for general public use during daylight hours at all times when the caravan park is operational.


Reason: In order to ensure that adequate connectivity is available for general public use in the interests of public amenity, in accordance with the provisions of Policies BH8 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.


**Advice Notes to Developer**

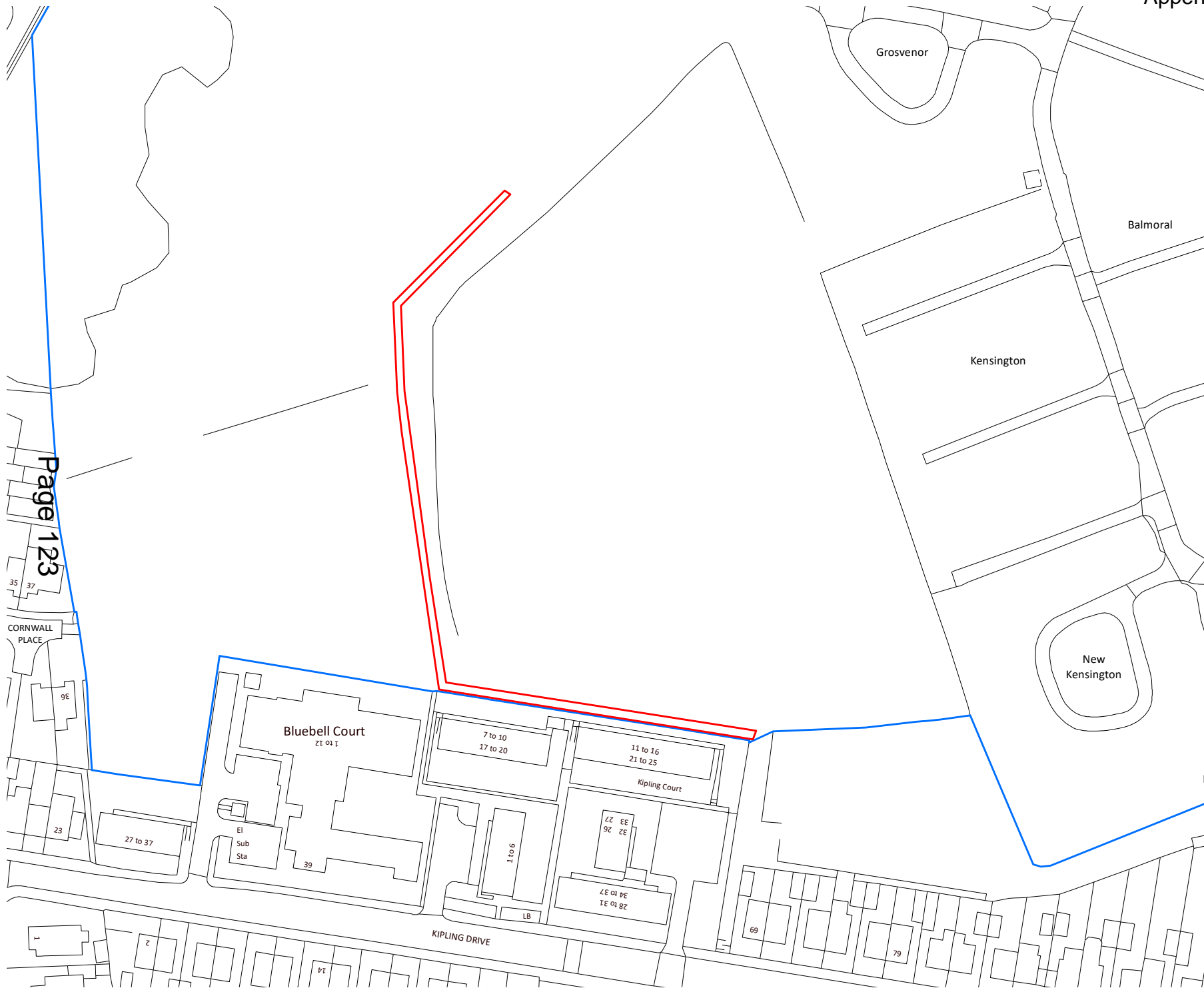
Not applicable

# Appendix 10(a)

## Key

 Site Boundary

 Ownership Boundary



0 10 20 30 40 50 m

Landmark information: Ordnance Survey © Crown Copyright 2019. All rights reserved. Licence number 100022432

Lichfields: Based upon Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. © Crown Copyright reserved. Licence number 100017707



Project Marton Mere

Title Location Plan

Client Bourne Leisure Ltd

Date 21.03.2019

Scale 1 : 1,250 @ A4

Drawn by MAR

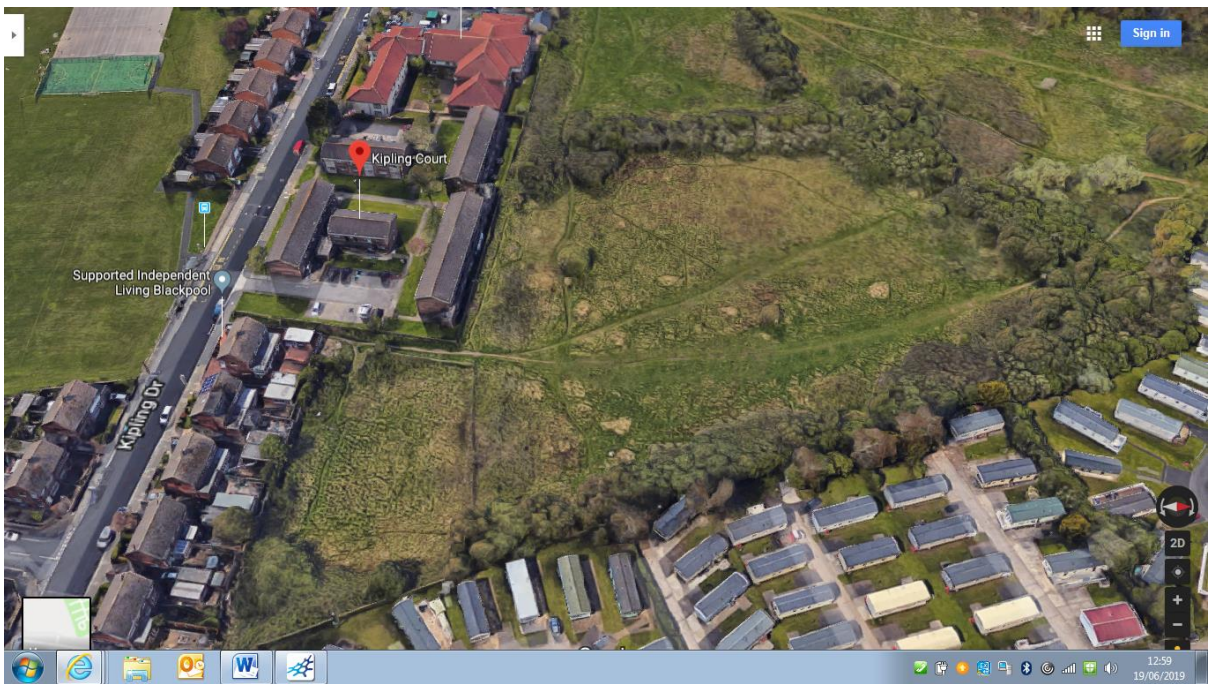
Drg. No GIS\MA\41745\04-01

GIS Reference: S:\MA Jobs\MA41745 - Marton Mere\MA41745-04 - Marton Mere - Site Location - 21.03.2019.mxd



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COMMITTEE DATE: 02/07/2019

**Application Reference:** 19/0176

WARD: Ingthorpe  
DATE REGISTERED: 05/04/19  
LOCAL PLAN ALLOCATION: Protection of Public Open Space

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Blackpool Council

**PROPOSAL:** Erection of up to 47 dwellings with vehicular access from Ryscar Way (outline application with all matters reserved).

**LOCATION:** LAND TO THE NORTH OF OF RYSCAR WAY AND WEST OF FARADAY WAY  
BLACKPOOL

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Miss Susan Parker

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority Two of the Plan** – Our Community: Creating Stronger Communities and Increasing Resilience as it would deliver new housing to help meet the Council’s identified housing requirements.

## **SUMMARY OF RECOMMENDATION**

The application seeks outline planning permission with all matters reserved for the development of up to 47 new dwellings. This would make a significant quantitative contribution towards meeting the Borough’s identified housing need and this weighs heavily in favour of the application. The housing would be proposed towards the eastern end of the site away from the protected public open space and the public right of way, and outside of flood zones 2 and 3. The scheme would inevitably have some visual impact on the area but, given the surrounding context, housing development on the site is considered to be acceptable. Subject to the imposition of the conditions listed at the end of this report, no unacceptable impacts are anticipated. It is considered that an appropriate access and a good standard of site layout, scale, appearance and landscaping could be secured at reserved matters stage. As such, Members are respectfully recommended to grant planning permission.

## **INTRODUCTION**

The application is before Committee because it is a major housing proposal on Council owned land.

## **SITE DESCRIPTION**

The proposal relates to a 2.6ha site to the north of Ryscar Way and to the west of Faraday Way. The site is roughly rectangular in shape and is bound by housing to the north and east. The southern boundary wraps around the former Bispham Hospital site (now a care home called Bispham Gardens) and there are houses to the south along Faraday Way and on the opposite side of Ryscar Way.

Established hedgerows bisect the site in two places running north to south, and there is additional hedgerow planting along the northern and southern boundaries. The site is otherwise grassed with some shrubbery. There is a small pond in one hedgerow on the site and there is an additional large pond immediately to the south. The site rises from west to east by around 2.5m, and also from north-west to south and south-east by around 3m

The western part of the site falls within flood zones 2 and 3 and there is a Public Right of Way bisecting the site along the western boundary. This western part of the site is protected as public open space. The site falls within the potential impact zone for a number of local Biological Heritage Sites. The site is not designated for any particular purpose on the Proposals Map to the Local Plan.

A small part of the eastern side of the site falls within the jurisdiction of Wyre Borough Council and hence a parallel application has been made to this Council.

## **DETAILS OF PROPOSAL**

The application seeks outline planning permission for up to 47 new houses with vehicular access from Ryscar Way. The application seeks permission in principle only with all detailed matters reserved for later consideration. The submitted layout plans are purely illustrative. A parameters plan has been provided which shows that no development would take place within the flood zone or within an easement strip along the western boundary that contains the existing Public Right of Way.

The application has been supported by:

- Design and Access Statement
- Planning Statement
- Ecological Appraisal
- Arboricultural Impact Assessment and Tree Survey
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment
- Interim Travel Plan

## **RELEVANT PLANNING HISTORY**

19/0067 – pre-application advice sought in respect of this proposal.

19/00258/OULMAJ – parallel application made to Wyre Borough Council as the application site is cross-boundary

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of redevelopment
- Amenity impact
- Visual impact
- Highway Impact
- Flood risk and drainage
- Ecological and arboricultural impacts
- Environmental Impact
- Sustainability and planning balance appraisal

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

## **CONSULTATIONS**

**Environment Agency:** in the absence of an acceptable Flood Risk Assessment (FRA), an objection is raised and the application should be refused. The site is located partially within flood zones 2 and 3 and so the application should be accompanied by a Flood Risk Assessment appropriate to the nature and scale of development. The proposal is for housing which is a 'more vulnerable' land use. The Flood Risk Assessment submitted does not comply with the requirements for site-specific flood risk assessments set out in paragraphs 30-32 of the 'Flood Risk and Coastal Change' section of the National Planning Practice Guidance. The Flood Risk Assessment establishes minimum finished floor levels but not ground levels. The Flood Risk Assessment also states that the dwellings would be located in flood zone 1 but there is no assessment of the extent to which the boundaries of flood zones 2 and 3 may vary with climate change. The housing should be located outside of any areas that may be at risk of flooding in the future. To overcome the objection the flood risk assessment should establish if fluvial or tidal flooding takes precedence; confirm the surrounding ground level and clarify any proposed change in ground levels; include a topographical survey showing the extents of flood zones 2 and 3 to include undefended flood level and climate change and to show that the development would be limited to flood zone 1. The fluvial flood levels for Royals Brook as stated in section 5.1 do not correspond to Environment Agency records. On-site levels should be used in preference to in-channel levels. The local planning authority must determine if the development would accord with the sequential test. Additional information has been submitted in response to the Environment Agency's concerns and further comments from the Environment Agency will be reported through the update note.

**Ramblers Association:** no comment received at the time of writing this report. Any comments that are received in advance of the Committee meeting will be communicated through the update note.

**Greater Manchester Ecology Unit:** the application includes an ecological appraisal and the site has some limited ecological interest. The hedgerows on site are generally species poor but with potential to support nesting birds. Some hedgerow would be lost and so a landscaping scheme to include replacement and mitigation planting will be required. An Ecological Design Strategy (EDS) should be secured through condition and appropriate wording is provided. The appraisal found no evidence of great crested newts although other amphibians were present. A suitable vegetated buffer to pond 1 should be retained and this should be incorporated into the EDS. The reasonable avoidance measures identified in the appraisal should be followed and included in a construction environmental management plan (CEMP). Again this should be secured through condition and appropriate wording has been provided. Nesting birds may be present on site and so vegetation clearance should take place outside of main bird breeding season. This should be included in the CEMP. The EDS should include details of biodiversity enhancement measures to deliver a net gain for biodiversity on the site.

**Lancashire County Council (Highways):** the indicative site plan shows that access would be taken from Ryscar Way but, as the application is made in outline with all matters reserved, access could be taken from Faraday Way. The submitted transport assessment only considers highway implications with regard to a Ryscar Way access. No objection is raised if the access is to be onto Ryscar Way. It is recommended that a 3.5m wide shared-surface pedestrian/cyclist access be provided onto Faraday Way. This would need to be delivered through a S278 highway agreement. Were the access to be onto Faraday Way, assessments of the Bispham Road junction and the Norcross Lane roundabout would be required, and these assessments would have to take account of committed developments. The increase in vehicle movements on Faraday Way would be a concern and an objection would be raised against a vehicle access onto Faraday Way. Appropriate conditions are recommended.

**Wyre Borough Council:** no comment received at the time of writing this report. Any comments that are received in advance of the Committee meeting will be communicated through the update note.

**Lead Local Flood Authority:** the drainage assessment is acceptable in the context of an outline application. Significantly more detail and sustainable drainage consideration will be required in full course.

**Local Education Authority:** the Council has developed a calculation to devise necessary infrastructure contributions towards local education provision. This is based on forecasted pupil projections and an assessment of the demand that would be generated by a development. It considers primary schools within a two mile radius and secondary schools within a three mile radius. The application is made in outline form but it is estimated that it would yield ten primary school places and eight secondary school places. This would have to be reassessed once full details are known. At present this level of demand could be

accommodated within existing schools in the area and so no contributions are required at the present time.

**Head of Highways and Transportation:** the transport assessment is acceptable in the context of an outline application. There is an erroneous reference at one point but the intent is clear from the plans. Access must be taken from Ryscar Way. Necessary off-site highway works would include the provision of additional footways and waiting restrictions.

**Environmental Protection (Contaminated Land):** there are no known historic land uses that would indicate a significant likelihood of significant harm from contaminated land. As such, no further investigation is required. If contamination is discovered during development, works should cease and an appropriate investigation carried out.

**Environmental Protection (Amenity):** the submitted noise report identifies traffic on Faraday Way to be a likely source of noise nuisance. A number of recommendations are proposed to mitigate this impact such as use of double-glazing. In addition to this an acoustic green-living barrier should be erected along the Faraday Way frontage.

**Head of Parks and Greens:** no comment received at the time of writing this report. Any comments that are received in advance of the Committee meeting will be communicated through the update note.

**United Utilities:** The submitted FRA has been considered and the proposals are acceptable in principle. The drainage of the site should be carried out in accordance with the submitted FRA. No surface water should drain into the public sewer. Any variation to the discharge of foul water must be first agreed with the Local Planning Authority. The development must be completed in accordance with the agreed details. The Lead Local Flood Authority should be consulted. Any wastewater assets proposed for adoption must meet United Utilities (UU) standards and early consultation with UU is recommended. Appropriate management of the surface water drainage strategy should be secured through condition. UU water mains may need to be extended to serve the development at the developer's expense and again the developer should contact UU at the earliest opportunity. All fittings must meet current standards. Level of cover to UU assets must not be compromised. A public sewer crosses the site and must not be built over. A 6m access strip centred on the sewer must be maintained and no deep-rooted shrubs or trees should be planted within it. If a sewer diversion is necessary then the developer should discuss this with UU at the earliest opportunity. If a sewer is discovered during construction, a Building Control body must be consulted.

## **PUBLICITY AND REPRESENTATIONS**

Press notice published: 18 April 2019

Site notices displayed: 16 April 2019

Neighbour letters sent: 9 April 2019

Representations have been received from nos. 1, 5 and 10 Bordeaux Crescent, and 1 Tennyson Drive raising the following issues:

- Loss of greenspace
- Impact on amenity
- Loss of privacy
- Increased noise and disturbance, including from traffic and residents without gardens
- Loss of light
- Visual impact
- Impact on trees, hedgerows and wildlife
- Increase in traffic and congestion
- Impact on highway safety, especially given proximity of primary school
- Lack of parking and increase in parking pressure on-street
- There are existing issues with traffic speeds
- There has been a fatal traffic incident in the area
- Impact on air quality
- Inadequate drainage and risk of flooding
- The apartments would not have outdoor space

Members are respectfully advised that this is an outline application with all matters reserved. As such, any details relating to housing mix or site layout are only indicative at this stage.

#### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The revised National Planning Policy Framework (NPPF) was published in February 2019. It retains the key objective of achieving sustainable development. Hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The following sections are most relevant to this application:

- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

#### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. The following sections are most relevant to this application:

- Air quality
- Design



- Flood risk and coastal change
- Health and well-being
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Travel plans, transport assessments and statements
- Water supply, wastewater and water quality

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

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The following policies in the Core Strategy are most relevant to this application:

- CS1 – Strategic location of development
- CS2 – Housing provision
- CS6 – Green infrastructure
- CS7 – Quality of design
- CS9 – Water management
- CS11 – Planning obligations
- CS13 – Housing mix, density and standards
- CS14 – Affordable housing
- CS15 – Health and education

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced. The following policies are most relevant to this application:

- LQ1 - Lifting the quality of design
- LQ2 – Site context
- LQ6 – Landscape design and biodiversity
- BH3 – Residential and visitor amenity
- BH5 – Protection of public open space
- BH10 – Open space in new housing developments
- NE5 – Other sites of nature conservation value
- NE6 – Protected species
- NE7 – Sites and features of landscape, nature conservation and environmental value
- AS1 - General Requirements (Access and Transport)

## **EMERGING BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies. The following policies in Part 2 are most relevant to this application:

DM2 – Housing for older people

DM5 – Design requirements for new build housing developments

DM20 – Landscaping

DM21 – Public health and safety

DM25 – Public art

DM33 - Biodiversity

DM39 – Transport requirements for new development

### **ASSESSMENT**

#### **Principle**

The majority of the site is unallocated on the Proposals Map to the Local Plan. It is vegetated and has been used for horse-grazing in the past. Given the size of the site and its enclosure by built development and a main road, it would have limited value as agricultural land. There is a mix of uses around the site and in the wider area but the land to the west of this section of Faraday Way is predominantly residential in character. As such, the development of the land to provide residential accommodation is considered to be acceptable in land use terms.

The western part of the site is protected as public open space and also includes a public right of way. This same area also falls within flood zones 2 and 3 and includes a public sewer that is subject to a 6m easement. Paragraphs 158-163 of the NPPF require new housing development to be located in accordance with the sequential and exceptions tests where appropriate. This means that new housing should not be permitted within flood zones 2 or 3 if there is available land that could accommodate the development within flood zone 1. In this case it is proposed that the housing development would be limited to the area of the site falling within flood zone 1. A condition could be attached to any permission granted to limit development to this area and, subject to this, there would be no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. This would also have the effect of keeping built development outside of the protected public open space and away from the public right of way and public sewer easement. Appropriate landscaping to preserve the character and function of the public open space and public right of way could be secured at reserved matters stage.

The scheme would make a significant quantitative contribution of up to 47 new dwellings towards the Borough's housing requirement. Current indications are that the Council can identify a five year housing land supply but the residential development of this site has been included in the latest calculations. Should planning permission be refused for the

development proposed, the Council would not be able to identify a five year housing land supply. On this basis, the quantitative contribution the scheme would make towards the Borough's housing supply weighs heavily in favour of the application.

The application is made in outline with all matters reserved. As such there is no indication of proposed housing mix. Policy CS13 of the Core Strategy stipulates the appropriate housing mix that should be provided on sites of more than 1ha area. It states that at least 20% of homes should be two-bedroom, at least 20% should be three-bedroom or larger, and that no more than 10% should provide only a single bedroom. Compliance with this condition could be secured through condition.

No part of the site is identified as a mineral safeguarding area.

In light of the above, the proposal would be acceptable in principle.

### **Planning obligations**

Policy CS14 of the Core Strategy requires residential schemes of 15 dwellings or more to include an on-site provision of affordable housing equivalent to 30% of the total. As up to 47 dwellings are proposed, this would equate to an affordable housing provision of 14 units. This would be secured through condition.

Policy CS15 of the Core Strategy explains that contributions will be sought from developers towards local health care and education provision where the development would impact upon existing capacity. At the time of writing, the local NHS Care Commissioning Group has not produced a methodology with which contributions can be calculated. As such, it is not possible for the Council to secure financial contributions towards local health care provision at the current time. The scheme has been considered by the Council in its capacity as Local Education Authority. It is estimated that the scale of development proposed would generate a requirement for 10 primary school places and 8 secondary school places, but that existing schools in the area could accommodate this level of demand. As such, no education contribution is sought.

In accordance with Policy BH10 of the Local Plan, the scheme proposed would generate a requirement for on-site public open space provision. The exact quantum of necessary provision cannot be calculated until the exact housing mix of the scheme is known. As such, a condition should be imposed on any permission granted to require the agreement of a scheme of public open space provision that would deliver the necessary requirement once it is known. The public open space developed to serve the needs of this development should be provided in addition to the existing area of public open space along the western boundary of the site, however, it would be appropriate for the two to be combined into a single area offering more meaningful public amenity benefit.

### **Amenity**

A number of objections have been received from local residents in relation to anticipated impacts on residential amenity. In particular, concerns have been raised relating to potential

loss of privacy and loss of daylight, and increased noise and disturbance. Some disturbance during construction would be inevitable, but a Construction Management Plan could be agreed through condition to ensure that the construction process would not have an undue impact. Housing is considered to be an appropriate land use for the site given the surrounding context and there is no reason to suppose that residential development would generate an unreasonable amount of noise or disturbance once occupied.

With regard to the concerns relating to over-looking and over-shadowing, Members are respectfully reminded that the application has been made in outline with all matters, including layout, reserved for latter consideration. The Council has long-standing minimum separation distances for residential developments that are designed to safeguard privacy and levels of daylight. Should outline permission be granted, an appropriate layout could be secured at reserved matters stage.

The submitted noise report suggests that vehicular traffic on Faraday Way would likely be a source of noise nuisance. This could be overcome through mitigation measures such as the use of double-glazing and through the provision of an acoustic barrier along the Faraday Way frontage. Subject to appropriate conditions to secure these measures, no unacceptable amenity impacts arising from noise are expected.

In light of the above, no unacceptable impacts on residential amenity are anticipated.

#### **Visual impact and impact on the character of the public right of way**

The site is currently undeveloped greenfield land and therefore has inherent value as open space. The development of the site would inevitably have a detrimental visual impact on the immediate area and this weighs against the application. However, the extent of visual impact must be weighed against the characteristics of the area. The site is not designated for its landscape, nature conservation or heritage value. In landscape terms is not rare and is of no more than local significance. Consequently the site is not considered to be particularly visually sensitive.

At present the site is visible primarily from Faraday Way, from the public right of way along the western boundary, from the rear elevations of surrounding properties, and from the Bispham Gardens care home site. From Faraday Way the site is viewed against the backdrop of the surrounding buildings. Although there is a footpath along the western side of the road, it is not heavily used by pedestrians. Views across the site from vehicles would be relatively fleeting. Equally the views across the site from the care home and the properties fronting Bordeaux Crescent would be against the backdrop of built development. On this basis, the development would not be expected to have an unacceptable visual impact on these receptors.

The properties fronting Kinraig Place would view the site against the backdrop of the fields on the eastern side of Faraday Way. As such the visual impact would arguably be greater on these receptors. However, the existing public open space along the western boundary of the site nearest to these properties would be retained and any additional public open space to serve the needs of the development would be likely to be located along the western edge.

As such, these properties would be likely to benefit from a substantial landscaped buffer separating them from the new houses. It is considered that this would adequately mitigate any visual impact.

The public right of way bisects the site and follows the line of the western boundary. It runs from Ryscar Way to the south and links into a network of footpaths to the north. At present it is screened from the main body of the site by a substantial hedgerow that includes some tree planting. The indicative plans show that this hedgerow would be retained and a condition could be attached to any permission granted to require it to be bolstered with appropriate native species. The public right of way runs through or along residential areas for much of its length and so this urban, housing context is an intrinsic element of its character. On this basis and given that appropriate screening could be safeguarded, the development is not anticipated to have an unacceptable impact on the character of the public right of way.

Details of the appearance of the development are not a matter for consideration at this stage. It is considered that an appropriate layout of well-designed properties could be adequately secured at reserved matters stage. At that time it will be important to ensure that the properties relate well to the internal estate road, to Faraday Way and to the surrounding properties. In order to mitigate potential noise nuisance, an acoustic barrier is recommended along the Faraday Way frontage. To minimise visual impact and soften the appearance of the development, this acoustic barrier should be designed as a green living fence. Appropriate landscaping both within the site and along the site boundaries could also be secured at reserved matters stage to improve the appearance of the development and allow it to integrate effectively into its surroundings. As such, no unacceptable visual impacts are anticipated.

### **Access, highway safety and parking**

The proposal has been considered by the Head of Highways and Traffic Management as the Local Highway Authority, and by Lancashire County Council as the neighbouring Local Highway Authority. As long as vehicular access is taken solely from Ryscar Way, no objections are raised, and this could be secured through condition.

The submitted transport information has been considered and, as long as vehicular access were taken from Ryscar Way, is considered to be acceptable. Given the anticipated level of traffic generation, no unacceptable impacts on highway capacity, function or safety are anticipated. As stated, layout is not a matter for consideration at this stage but, at Reserved Matters stage, an appropriate level of car parking provision to meet the needs of the development could be secured. Necessary off-site highway works to include the provision of a new footpath, any necessary Traffic Regulation Orders, and a connection for pedestrians and cyclists between the site and Faraday Way could be secured through condition.

In light of the above, no unacceptable impacts on highway safety or function are anticipated.

## **Flood risk and drainage**

The western part of the site falls within flood zones 2 and 3. However, as the applicant intends to limit the development to the area of flood zone 1 within the site, and as this can be secured through condition, there is no need for the applicant to demonstrate compliance with the sequential or exception tests. A site-specific Flood Risk Assessment (FRA) has been submitted as part of the application. This has been considered by the Environment Agency, United Utilities and the Council in its capacity as Lead Local Flood Authority.

The Environment Agency has raised some concerns in relation to the FRA. Additional information has been submitted and it is anticipated that the Environment Agency will be able to withdraw their objection prior to the Committee meeting. This would be reported through the update note. United Utilities and the Council's drainage officer have raised no objections. United Utilities has suggested that the drainage proposal set out in the FRA are acceptable, but the Council's drainage officer considers that more information is needed. On this basis, it is considered that three standard conditions should be attached to any outline permission granted. The first would require foul and surface water to be drained separately. The second would require a surface-water drainage scheme to be agreed and implemented, and the third would require the agreement of a management plan for the surface-water drainage scheme. In order to be acceptable, a surface-water drainage strategy would have to adhere to sustainable principles. Compliance with the approved FRA could be secured through condition.

In light of the above, and subject to the imposition of appropriate conditions, it is considered that the site could be appropriately drained. Subject to the Environment Agency withdrawing its objection on the basis of the revised information that has been submitted, it is also considered that the development would not be at undue risk from flooding and would not unduly increase flood-risk off-site.

## **Biodiversity**

The site has been surveyed by competent ecologists and their findings have been reviewed by Greater Manchester Ecology Unit on behalf of the Council. No protected species have been identified on site but other species, including amphibians and birds, have been identified. As such, reasonable avoidance measures should be practiced during construction to avoid harm. A Construction Environmental Management Plan has been requested but it is considered that conditions to require adherence to the recommendations in the appraisal and to prevent vegetation clearance unless the absence of nesting birds is established would be sufficient to safeguard biodiversity.

In accordance with paragraph 180 of the NPPF, new developments should sustain and enhance biodiversity and the quality of the natural environment, and should provide a net gain where practicable. To this end an Ecological Design Strategy (EDS) would be secured through condition. This strategy would detail the provision replacement planting to mitigate the loss of any trees or hedgerows; the retention and enhancement of a landscaped buffer around the nearby pond; and the incorporation of ecological enhancement measures into the development such as bird and bat boxes and features to support small mammals. A

condition should also be imposed to prevent vegetation clearance during the main bird nesting period.

Subject to the imposition of appropriate conditions, no unacceptable impacts on biodiversity are anticipated. Members are respectfully reminded that details relating to general landscaping are reserved for later consideration.

### **Environmental quality**

The site is not close to a designated Air Quality Management Area and so, given the scale of development, no unacceptable impacts on air quality would be expected once the properties were occupied. A Construction Management Plan could be agreed through condition to prevent dust nuisance and safeguard air quality during construction. The proposal has been considered by the Council's Environmental Protection team and, given the history of the site, no further investigation with regard to potential land contamination is considered necessary. Water quality could be adequately safeguarded during construction through the agreement of a Construction Management Plan, and during the lifetime of the development through the agreement of an appropriate surface-water drainage strategy. On this basis, no unacceptable risks from or impacts on environmental quality area anticipated.

### **Sustainability and planning balance appraisal**

Sustainability comprises economic, environmental and social components.

Economically, the proposal would have limited impact. It would not result in a loss of employment or valuable agricultural land and would not unduly compromise the operation of any existing businesses. Future residents would help to support local shops and services and some limited employment would be generated during construction.

Environmentally, and subject to the imposition of appropriate conditions, the scheme would not have an unacceptable impact on ecology, drainage or environmental quality. Future residents may be somewhat dependent upon private car use and this weighs somewhat against the application. Detailed design is not a matter for consideration at this stage. The scheme would inevitably have a visual impact on the area and, whilst this weighs against the scheme, it is not considered to be unacceptable.

Socially, the scheme would deliver up to 47 new dwellings. This would make a significant quantitative contribution towards meeting the Borough's identified housing need and this weighs heavily in favour of the application. Subject to the agreement of a detailed layout, no unacceptable impacts on amenity are expected. Through appropriate landscaping it is considered that the character and quality of the public right of way could be satisfactorily sustained. No unacceptable impacts on flood risk or highway safety are anticipated.

In terms of planning balance, the benefits arising from the delivery of new housing to meet the borough's needs in a sustainable location weigh heavily in favour of the application. No other relevant, material planning considerations have been identified that would weigh

sufficiently against the application as to over-ride this view. On this basis and on balance, the proposal is judged to represent sustainable development.

### **CONCLUSION**

In light of the above, the proposal is judged to constitute sustainable development and no material planning considerations have been identified that would outweigh this view. As such, Members are respectfully recommended to grant planning permission subject to the conditions listed below.

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

A S278 agreement under the Highways Act would be required to secure the necessary off-site highway works.

### **FINANCIAL BENEFITS**

The development would generate an income to the Council through the sale of the land. It would also generate some Council Tax income. However, these are not material planning considerations and have been afforded no weight whatsoever in the assessment of the planning balance.

### **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. This application is not considered to raise 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) 19/0176 which can be accessed via the following link:

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

**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 including the following plans:

Parameters plan ref 18 0741 OP02 Rev A

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

3.
  - (a) Vehicular access to the site shall be taken from Ryscar Way only with no vehicular access from Faraday Way.
  - (b) Prior to, concurrent with or as part of the submission of a Reserved Matters application, a scheme for the provision of a pedestrian and cycle access onto Faraday Way shall be submitted to and agreed in writing by the Local Planning Authority, and this scheme shall be implemented in full and in full accordance with the approved scheme before any of the homes hereby approved are first occupied.

Reason: In order to ensure safe, appropriate and convenient access to and from the site in the interests of accessibility and highway safety in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy AS1 of the Blackpool Local Plan 2001-2016.

4. Prior to the commencement of development a scheme of off-site highway improvement works shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the homes hereby approved are first occupied. For the purpose of this condition, this scheme shall include:
- a 3.5m wide shared-surface pedestrian and cyclist access from the site onto Faraday Way
  - provision of street-lighting
  - provision of on-street waiting restrictions
  - extension of the existing footpath to connect into the site

Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

5. The built development associated with this application shall be limited to the area highlighted in beige on submitted Parameters Plan ref. 18 0741 OP02 Rev A.

Reason: In order to ensure that the development does not encroach on flood zones 2 and 3, the protected public open space or the public right of way to the western end of the site in accordance with the provisions of Policies CS6 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies LQ6 and BH10 of the Blackpool Local Plan 2001-2016, and section 14 of the NPPF.

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- I. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - II. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - III. the arrangements for the transfer of the affordable housing to an affordable housing provider (if no RSL involved) ;
  - IV. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - V. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the provisions of Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. This scheme must be agreed prior to the commencement of works on as it would fundamentally dictate the nature of development.

7. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of Policy BH10 of the Blackpool Local Plan 2001-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11), or any subsequent replacement Local Plan policy for the provision of public open space, and such area or areas of open space shall be provided and available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: To ensure sufficient provision of open space to serve the dwellings 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).

8. The housing hereby approved shall achieve the following housing mix:

- No more than 10% one-bedroom
- At least 20% two-bedroom
- At least 20% three-bedroom or more

Reason: In order to ensure that an appropriate housing mix is delivered on the site in accordance with the provisions of Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. (a) Prior to the commencement of development, a scheme for the bolstering of the existing hedgerow separating the public right of way from the main area of the site identified for development shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full 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). For the purpose of this condition, the bolstering shall include planting to fill any gaps and enhance the benefit of the hedgerow as a visual screen and shall use native species of a mix designed to maximise ecological value.

(b) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 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: In order to effectively screen the public right of way from the development proposed in order to safeguard the appearance, character, quality and function of the public right of way in accordance with the provisions of Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. This scheme must be agreed prior to the commencement of works on site in order to ensure that the protection of the character and quality of the PROW is established as soon as is possible.

10. No vegetation clearance shall take place between the main bird nesting season (March to September inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard nesting birds in accordance with the requirements of paragraph 170 of the NPPF.

11. The development shall be carried out in full accordance with the reasonable avoidance measures set out under section 7 of the ecological appraisal produced by Envirotech ref. 4808 dated 18/03/19.

Reason: In order to appropriately safeguard biodiversity in accordance with the provisions of paragraph 170 of the NPPF.

12. 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
- means to prevent contamination of any surface or sub-surface water bodies
- 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
- the routing 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 environmental quality and the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraph 180 of the NPPF.

13. Prior to the commencement of development, an Ecological Design Strategy shall be submitted to and agreed in writing by the Local Planning Authority, and this strategy shall be implemented in full and in full accordance with the approved details before any of the homes hereby approved are first occupied, and shall thereafter be retained and maintained as such. For the purpose of this condition, this Strategy shall include:

- replacement planting to mitigate for any loss of hedgerow
- establishment of an appropriate buffer around pond 1 as identified in the submitted ecological appraisal
- ecological enhancement measures such as bat and bird boxes and provision for amphibians and small mammals.

Reason: To safeguard and enhance biodiversity on the site in accordance with the provisions of paragraph 170 of the NPPF. This scheme must be agreed prior to the commencement of works on site in order to safeguard biodiversity during construction and to ensure that final impacts can be properly mitigated.

14. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. (a) 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 and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

(i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

(ii) Surveys and appropriate evidence to establish the position, capacity and interconnection of all watercourses and surface-water sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;

(iii) A determination of the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change - see EA advice

Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

(iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate.

(v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

(vi) Flood water exceedance routes, both on and off site;

(vii) A timetable for implementation, including phasing where applicable;

(viii) Details of water quality controls, where applicable.

(b) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(c) The scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. This scheme must be agreed prior to the commencement of works on site as the drainage must be installed before any above-ground works can commence.

16. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. This plan must be agreed prior to the commencement of works on site as the drainage must be installed before any above-ground works can commence.

17. The development shall proceed in full accordance with the flood risk assessment prepared by Ironside Farrar Limited and ref. 30336/SRG.

Reason: In order to ensure that the site is safe from flood risk and to prevent increased flood-risk off site in accordance with the provisions of Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and section 14 of the NPPF.

18. Prior to the commencement of any works or development on site, a tree protection plan shall be submitted to and agreed in writing by the Local Planning Authority and the development shall proceed in full accordance with this agreed plan. This plan shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing, and details of incorporated specialist construction methodology in relation to the interfaces between the development and the hedgerows and trees to be retained on and around the site.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity in accordance with paragraph 180 of the NPPF. This plan must be agreed prior to the commencement of works on site in order to ensure that no works pursuant to the development damage any trees to be retained.

19. (a) The development hereby approved shall proceed and thereafter operate in full accordance with the mitigatory measures set out under section 6.0 of the noise impact assessment submitted by PDA ref. DA/J002502/3798/1.

(b) Prior to or concurrent with the submission of a reserved matters application to agree the layout of the development, a scheme for the provision of a living, green, acoustic barrier along the Faraday Way frontage shall be submitted to and agreed in writing by the Local Planning Authority. This approved barrier shall then be

provided in full and in full accordance with the agreed details before any of the properties hereby approved are first occupied and shall thereafter be retained and maintained as such.

Reason: To safeguard the living conditions of the occupants of the proposed properties in accordance with the provisions of paragraph 180 of the NPPF, Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

20. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plans shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

21. Prior to or concurrent with the submission of a reserved matters application to agree layout, a scheme for the provision of vehicle charging points within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with this approved scheme which shall thereafter be retained and maintained as such.

Reason: In order to minimise the environmental impact of the development and promote renewable/low-carbon energy use in accordance with the provisions of Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

22. Prior to or concurrent with the submission of an application for reserved matters to agree the matters of scale and/or layout, a plan or plans showing proposed ground and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority and the development shall proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the site, the amenities of neighbours and appropriate drainage in accordance with the provisions of Policies CS7 and

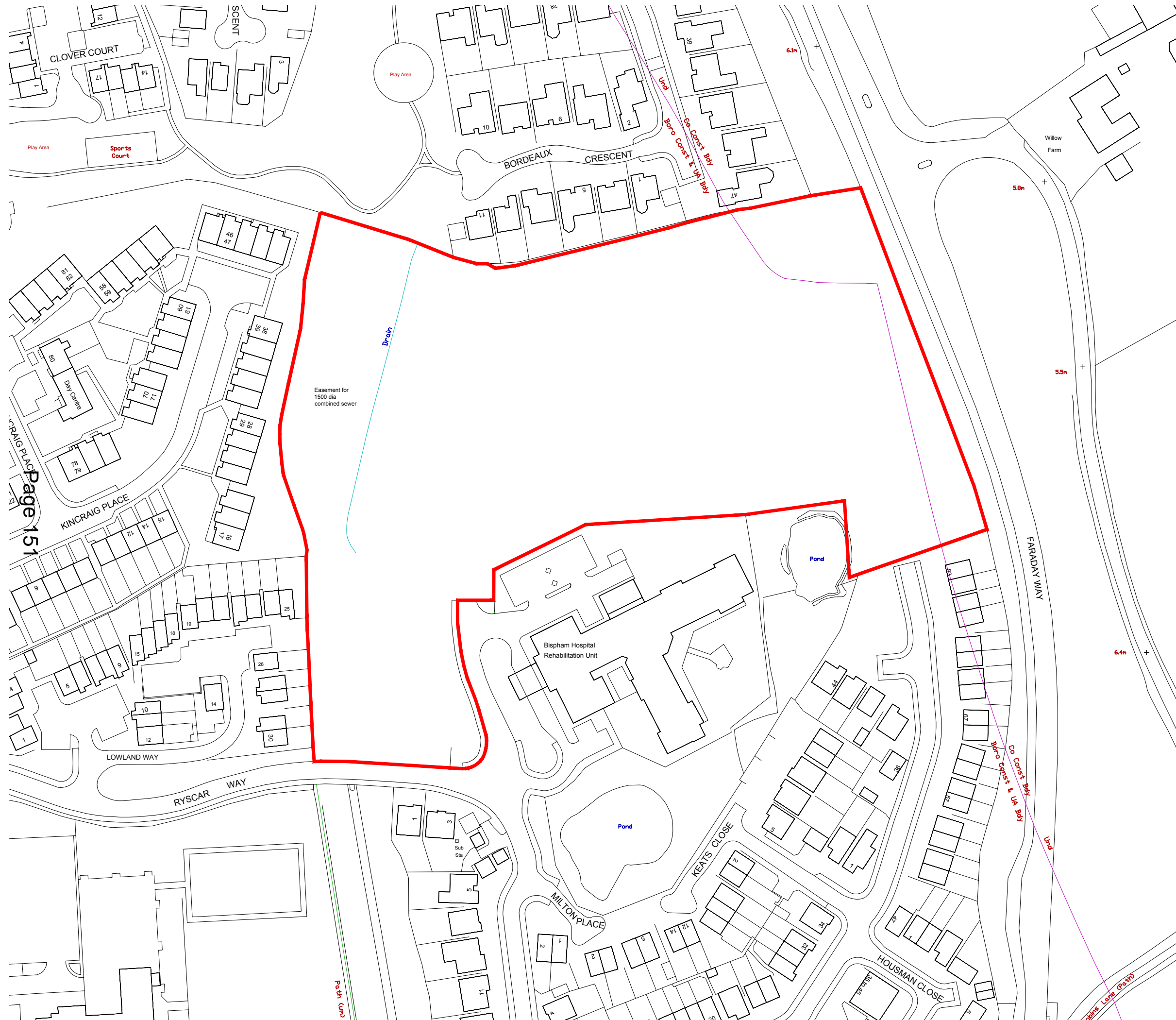
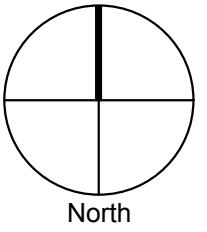


CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

**Advice Notes to Developer**

Not applicable

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| rev | description | date | drawn | check |
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client  
Blackpool Council

project  
Land off Ryscar Way

Bispham  
Blackpool

drawing  
Location Plan

|                                        |                    |
|----------------------------------------|--------------------|
| file name<br>18 0741 L01 Location Plan | drawn<br>14-Mar-19 |
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| drawing reference<br>18 0741 L01 | rev | scale<br>1:1250 @ A3 |
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