

Blackpool Council

10 January 2020

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

The above members are requested to attend the:

PLANNING COMMITTEE

Wednesday, 22 January 2020 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 5 NOVEMBER 2019 (Pages 1 - 6)

To agree the minutes of the last meeting held on 5 November 2019 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 7 - 20)

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

4 PLANNING ENFORCEMENT UPDATE REPORT - OCTOBER 2019 (Pages 21 - 24)

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

5 PLANNING ENFORCEMENT UPDATE REPORT - NOVEMBER 2019 (Pages 25 - 28)

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

6 PLANNING ENFORCEMENT UPDATE REPORT - DECEMBER 2019 (Pages 29 - 32)

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

7 PLANNING APPLICATIONS AND APPEALS PERFORMANCE (Pages 33 - 36)

To receive a quarterly update on the Council's performance in relation to Government targets.

8 PLANNING APPLICATION 19/0588 - LAND TO REAR OF 1-7 BROAD OAK LANE, BLACKPOOL, FY3 0BZ (Pages 37 - 64)

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 0720 - 8 NORBRECK ROAD, BLACKPOOL (Pages 65 - 92)

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

10 DATE OF NEXT MEETING

To note the date of the next meeting as Tuesday 11 February 2020.

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Owen (in the Chair)

Councillors

Baker
D Coleman

Farrell
Hobson

O'Hara
Jackson

Robertson BEM
Stansfield

In Attendance:

Mr Ian Curtis, Legal Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Miss Susan Parker, Head of Development Management

Mr Latif Patel, Network Planning and Projects Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 1 OCTOBER 2019

The Committee considered the minutes of the last meeting held on 1 October 2019.

Resolved:

That the minutes of the meeting held on 1 October 2019 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee received a report on the planning appeals lodged and determined since the last meeting.

The reported stated that an appeal had been lodged by Melrose Developments Limited against the refusal of planning permission for the 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 at the former Anchorsholme Methodist Church, North Drive, Blackpool.

The Committee noted that an appeal made by Mr Palmer against the Council's decision to refuse planning permission for the erection of 1.83 metre high fencing to Warbreck Drive boundary and part of Shaftesbury Avenue boundary had been dismissed by the Planning Inspectorate.

Resolved: To note the report.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the summary of planning enforcement activity within Blackpool during September 2019.

The report stated that 28 new cases had been registered for investigation, eight cases had been resolved by negotiation without recourse to formal action and 83 cases had been closed as there had either been no breach of planning control found, no action was appropriate or it had not been considered expedient to take action.

It was noted that a Section 215 Notice had been served in September 2019.

The report also provided comparative information for the same period last year.

The Committee noted the continued high level of enforcement activity undertaken.

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.

5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

The Committee considered an update report on the Council's performance in relation to Government targets.

The report stated that for the quarter July – September 2019 the Council's performance in terms of speed was 100% of major applications determined within 13 weeks or an agreed Extension of Time against a target of 60% and 93% of non-major applications determined within eight weeks or an agreed Extension of Time against a target of 70%.

Miss Parker, Head of Development Management, reminded the Committee of the intention to report performance on a quarterly basis in future and that this report represented the first quarterly report.

Resolved: To note the report.

6 PLANNING APPLICATION 19/0163 - FORMER POST OFFICE ABINGDON STREET AND EDWARD STREET, BLACKPOOL

The Planning Committee considered planning application 19/0163 requesting permission for internal and external alterations to the former post office including erection of two x 3 storey rear extensions, including one with roof terrace to Abingdon Street elevation, erection of first floor level hotel terrace within existing service yard area, installation of replacement windows, new hotel entrance and entrance to Class A3 restaurant/ cafe use to Edward Street elevation, re-cladding of roof level to Edward Street and conversion of buildings to provide 102 bed hotel with ancillary bar, leisure uses, retail uses, restaurant/ cafe within Use Classes A1, A3, D2 with associated Class B1 administrative offices, car parking for 46 vehicles, landscaping, boundary treatment, refuse storage, access, servicing,

plant and associated demolition works at Former Post Office, Abingdon Street and Edwards Street, Blackpool.

Miss Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. Miss Parker advised that there were two applications relating to the proposed development which comprised this application that sought full planning permission and the application at Agenda Item 7 for Listed Building Consent.

Miss Parker reminded the Committee of the two previous applications for planning permission and Listed Building Consent that been approved for the site and advised that the current application represented a revision and re-submission of the previous applications. She also advised that the application remained speculative and that no end user for the proposed development had as yet been identified. The Committee was also reminded of the property's status as a Grade II Listed Building. Miss Parker reported on her view that the proposal represented an appropriate re-use of the premises in principle, subject to the imposition of appropriate conditions.

The Committee noted the current concerns relating to potential enforcement action and acknowledged the need to ensure no further deterioration of the property. Miss Parker referred to the applicant's continued endeavours to identify an end user for the proposed development which provided the potential to bring the building back into beneficial use and thereby safeguard its future which, in her view, weighed significantly in favour of development. She also reported on the lack of objection from the Head of Highways and Traffic Management, subject to appropriate conditions being attached to the permission, if granted and referred to the amended and additional conditions as detailed in the update note. She also reported on the additional objections that had been received since publication of the update note.

Mr White, Member of the Public, spoke in objection to the application. He reported on the reasons for objection which included the oversupply of bed stock in the town, the number of approved applications for new hotels combined with the decrease in the number of overnight visitors. Further concerns related to his view of the inadequate parking provision and overall impact on the community, which in his view extended beyond the independent hoteliers.

Mr Taylor, member of the public, also spoke in objection to the application. His main concerns included the impact on the town and the livelihoods of existing accommodation providers. He also reported on his view of the impact of the proposed development on the provision of quality accommodation.

The Committee considered the application and had regard to the concerns raised by the objectors to the proposal. It noted that commercial competition was not a planning consideration. In response to a question from the Committee, Miss Parker confirmed that the conditions attached to the planning permission, if granted, could be made to be both enforceable and defensible. Members acknowledged the benefit of the proposal in terms of bringing a heritage asset back into use and the need for quality hotel accommodation within

the town. In terms of parking provision, the Committee noted the highly accessible location of the premises.

Resolved: That the application be approved, subject to the conditions, including the amended and additional conditions reported in the update note, and for the reasons outlined in the decision notice which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63041>

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

7 PLANNING APPLICATION 19/0164 - FORMER POST OFFICE ABINGDON STREET AND EDWARD STREET, BLACKPOOL

The Planning Committee considered application 19/0164 requesting Listed Building Consent for internal and external alterations to the former post office including erection of two x 3 storey rear extensions, including one with roof terrace to Abingdon Street elevation, erection of first floor level hotel terrace within existing service yard area, installation of replacement windows, new hotel entrance and entrance to Class A3 restaurant/ cafe use to Edward Street elevation, re-cladding of roof level to Edward Street and conversion of buildings to provide 102 bed hotel with ancillary bar, leisure uses, retail uses, restaurant/ cafe within Use Classes A1, A3, D2 with associated Class B1 administrative offices, car parking for 46 vehicles, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works at Former Post Office, Abingdon Street and Edwards Street, Blackpool.

The Committee noted that that this application was similar to the application at Agenda Item 6 with the exception that it was requesting Listed Building Consent. Miss Parker drew the Committee's attention to the information already reported at Agenda Item 6.

Resolved: That the application be approved, subject to the conditions, including the amended and additional conditions reported in the update note, and for the reasons outlined in the decision notice which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63042>

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

8 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 10 December 2019.

Chairman

(The meeting ended 6.27pm)

Any queries regarding these minutes, please contact:

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 NOVEMBER 2019

Bernadette Jarvis Senior Democratic Governance Adviser

Tel: (01253) 477212

E-mail: bernadette.jarvis@blackpool.gov.uk

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	22 January 2020

PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

1.0 Purpose of the report:

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

2.0 Recommendation(s):

- 2.1 To note the report.

3.0 Reasons for recommendation(s):

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

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

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

- 3.3 Other alternative options to be considered:

- 3.4 None, the report is for information only.

4.0 Council Priority:

- 4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Planning Appeals Lodged

- 5.1 39 Melbourne Avenue, Blackpool, FY5 3DX (19/0357) – an appeal has been lodged by Ms Diane Hutchinson against the refusal of planning permission for the erection of single-storey side extension.

5.2 Planning/Enforcement Appeals Determined

- 5.2.1 Erection of a dwellinghouse on land between Longfield and No. 21 Robins Lane, Blackpool, FY6 7QN (reference 19/0306)

- 5.2.2 Appeal dismissed

- 5.2.3 The main issues were:

- 1) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- 2) The effect of the proposal on the openness of the Green Belt; and
- 3) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

- 5.2.4 *Whether the proposal would be inappropriate development*

Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS6 of the Core Strategy 2012-2027 sets out that the Green Belt will be protected in accordance with national policy, to protect openness and character, and retain local distinctiveness. In this respect, Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they meet one of a limited number of specific exceptions, including 145 e) limited infilling in villages. The Framework does not define a village or what would constitute limited infilling.

In this case there is a distinct change in character where the defined urban edge meets the countryside. At this point, Robins Lane is an unadopted rural road with no footway and it is narrow and enclosed by tall hedges with overhanging trees. The consistency of the urban built form, including in terms of plot sizes, spacing and boundary treatments, quickly gives way to sparse and sporadic development characteristic of rural areas. Consequently, the Inspector considered that the site is not part of Carleton and it is not within a village for the purposes of the assessment.

The Inspector therefore concluded that the proposal would be inappropriate development in the Green Belt, as it would not meet the exceptions for the construction of new buildings set out in the Framework. It would conflict with paragraph 145 of the Framework. It therefore follows that it would also conflict with Policy CS6.

5.2.5 *Effects on openness of the Green Belt*

Irrespective of its scale and appearance, there would be a significant visual impact resulting from the bulk of a new dwelling and associated domestic paraphernalia. The proposal would represent encroachment into the countryside and there would be a harmful loss of openness of the Green Belt. While the loss might be somewhat modest in the context of the Green Belt as a whole, there would be a moderate loss of openness in this locality.

5.2.6 *Other Considerations*

While the accessibility of the site would be a small benefit, there are nevertheless likely to be other equally accessible sites in more suitable locations. This was therefore a matter which carried little weight in the Inspector's assessment.

5.2.7 The Planning Inspectorate decision letter is attached at Appendix 3(a) for information.

5.3 Retention of a log-flume ride at South Pier, Promenade, Blackpool, FY4 1BB (reference 18/0333)

5.3.1 Appeal dismissed

5.3.2 The Inspector considered the main issue to be the impact of the development on the character and appearance of the area and gave particular regard to the impact on the setting of South Pier as a locally-listed building. It was noted that a temporary permission had been granted for the relocation of the ride to enable the upgrade of the pier, but that the decision notice acknowledged the conflict with the Development Plan and made it clear that a permanent relocation was not considered acceptable.

5.3.3 The physically detached nature of the log-flume was noted and the Inspector considered it to form a stand-alone ride rather than a part of the pier. The ride was judged to obscure views of the pier. By virtue of its scale, massing, height and functional design, it was not considered to fit well with the quality of the upgraded promenade. The Inspector concluded that the ride harms the setting of the pier and did not consider that landscaping could be provided to mitigate this given its height. During the Inspector's site visit he noted the presence of the go-kart track to the

south of the pier but did not considered it to be a comparable development due to its reduced height and visual impact.

5.3.4 The Inspector noted that the works to the pier that were to be facilitated by the location of the log-flume had not been carried out and that no case had been advanced to justify the retention of the ride.

5.3.5 The scheme was found to be contrary to Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, and the National Planning Policy Framework by virtue of its detrimental visual impact and its impact upon the setting and heritage value of a locally-listed building.

5.3.6 The Planning Inspectorate decision letter is attached at Appendix 3(b) for information.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.5.1 Appendix 3(a): Letter from the Planning Inspectorate dated 30 October 2019
Appendix 3(b): Letter from the Planning Inspectorate dated 19 November 2019

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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Appeal Decision

Site visit made on 15 October 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th October 2019

Appeal Ref: APP/J2373/W/19/3234213

**Land between Longfield and No 21 Robins Lane, Carleton, Blackpool
FY6 7QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr John Boardman against the decision of Blackpool Borough Council.
- The application Ref 19/0306, dated 07 May 2019, was refused by notice dated 21 June 2019.
- The development proposed is erection of 1no. dwellinghouse.

Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance (the PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

4. The appeal site is to the east of Robins Lane, between No 21 and Longfield. It is in the Green Belt on the outskirts of Carleton and beyond the administrative boundary of Wyre.
5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 Adopted January 2016 (the CS) sets out that the Green Belt will be protected in accordance with national policy, to protect openness and character, and retain local distinctiveness. In this respect, Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they meet one of a limited number of specific exceptions, including 145 e) limited infilling in villages.
7. The Framework does not define a village or what would constitute limited infilling. In this case, Carleton does not have the character of a village in the Green Belt, being neither surrounded, nor washed over, by the Green Belt. Moreover, notwithstanding that it has local services and facilities, Carleton is functionally and physically linked to Poulton-Le-Fylde and both parties agree that it is part of the urban settlement of Poulton-Le-Fylde.
8. Although the appeal site is beyond the urban edge of Poulton-Le-Fylde and Carleton, the defined settlement boundary is not necessarily determinative for the purpose of identifying a village. However, in this case there is a distinct change in character where the defined urban edge meets the countryside. At this point, Robins Lane is an unadopted rural road with no footway and it is narrow and enclosed by tall hedges with overhanging trees. The consistency of the urban built form, including in terms of plot sizes, spacing and boundary treatments, quickly gives way to sparse and sporadic development characteristic of rural areas.
9. The part of Robins Lane that includes the appeal site is characterised by a small number of widely and irregularly spaced properties, set in generous grounds and with intervening areas of farmed land. They are not a linear continuation of the built form of Carleton and they do not form a coherent group of properties beyond the settlement. Moreover, the appeal site is in any case part of a large open field which is visually, functionally and physically related to the undeveloped countryside behind Robins Lane at this point. Consequently, the site is not part of Carleton and it is not within a village for the purposes of my assessment.
10. While appeal decisions elsewhere have addressed the issue of infilling within villages, the assessment in each case will depend upon the particular circumstances of the site and its surroundings. In the case referred to on the outskirts of Blackburn, the Inspector concluded that the site was within a village for the purposes of the Framework. However, notwithstanding the similarity in respect of the relationship to the administrative boundary, there are nevertheless differences between the sites. In that case, the appeal site was part of a long ribbon of development with a large number of houses to

either side of Barker Lane. Moreover, while there is a change in character along Barker Lane, it is nevertheless a continuation of the built form of Blackburn. It is not therefore directly comparable to the appeal site before me, which is in the countryside and which is not a linear continuation of the built form of Carleton.

11. I therefore conclude that the proposal would be inappropriate development in the Green Belt, as it would not meet the exceptions for the construction of new buildings set out in the Framework. It would conflict with paragraph 145 of the Framework. It therefore follows that it would also conflict with Policy CS6 of the CS.

Effects on openness of the Green Belt

12. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual impacts.
13. There are no details provided in respect of the layout, scale or appearance of the proposed dwelling, in accordance with the limited requirements of the first stage of an application for permission in principle. However, the appellant envisages that the dwelling would reflect the scale, character and appearance of neighbouring residential properties.
14. The appeal site is an undeveloped field with open countryside behind. The proposal would therefore introduce a significant footprint of permanent development in this location as a result of the construction of a detached residential dwelling with associated vehicular access and car parking. Consequently, the proposal would result in a significant spatial loss of openness.
15. Notwithstanding the vegetated boundary to the Lane, a dwelling in this location would be visible from locations along the Lane and from nearby properties and the surrounding countryside. Irrespective of its scale and appearance, there would be a significant visual impact resulting from the bulk of a new dwelling and associated domestic paraphernalia. The proposal would represent encroachment into the countryside and there would be a harmful loss of openness of the Green Belt. While the loss might be somewhat modest in the context of the Green Belt as a whole, there would be a moderate loss of openness in this locality.

Other Considerations

16. The appeal site is in an accessible location with respect to local services and facilities and the availability of public transport. However, any site proposed for new housing would be required to have reasonable access to services and facilities. Therefore, while the accessibility of the site would be a small benefit, there are nevertheless likely to be other equally accessible sites in more suitable locations. This is therefore a matter which carries little weight in my assessment.
17. The proposal would not result in harm to the highway network or to the living conditions of the occupiers of neighbouring residential properties. However, these are neutral factors and do not weigh in favour of the scheme.

18. It is suggested that the site is Previously Developed Land (PDL) by virtue of forming part of an existing equestrian facility. In this respect, paragraph 145 g) of the Framework relates to the limited infilling or the partial redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development. Even if I were to accept that the site is PDL for the purposes of the Framework, the proposal would have a significantly greater impact on the openness of the Green Belt. Therefore, the proposal does not meet the exception set out in paragraph 145 g). This is not therefore a matter that weighs in favour of the scheme.
19. With reference to the contribution to local housing needs, there is little before me in respect of the Council's 5 year housing supply. However, Paragraph 11 d) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. The specific policies referred to are listed in footnote 6 and include those relating to land designated as Green Belt. As such, the provision of a new dwelling in an unsuitable location is not a benefit of the scheme and it is therefore a neutral factor in my assessment.

The Green Belt Balance

20. I have concluded that the proposed development would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These matters attract substantial weight.
21. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

22. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR

Appeal Decision

Site visit made on 29 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/J2373/W/19/3224973
South Pier, Promenade, Blackpool, FY4 1BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by The Blackpool Pier Company against the decision of Blackpool Borough Council.
- The application Ref 18/0333, dated 17 May 2018, was refused by notice dated 18 September 2018.
- The development proposed is the retention of log flume ride.

Decision

1. The appeal is dismissed.

Preliminary matter

2. In the appeal the appellant refers to two reasons for refusal. From the decision notice there is only one. It appears that they have confused the Council's Section 35 comments under The Town and Country Planning (Development Management Procedure) (England) Order 2015 as a reason for refusal. For the avoidance of doubt, I have considered the appeal on the single reason for refusal as set out in the decision notice.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to the setting of the adjacent South Pier, a locally listed building.

Reasons

4. The appeal proposal relates to the retention of an existing log flume ride that was granted a temporary planning permission in July 2016 for a period up to April 2018. The appeal proposal sought for the permission to be permanent.
5. Prior to being located adjacent to the South Pier, the log flume was located at the head of the pier. The case for its temporary relocation was that it would facilitate upgrading of the pier. In granting the temporary planning permission in 2016 the Council were conscious of conflict with development plan policies but felt that the improvements to the existing pier justified supporting the temporary relocation of the ride. This is clear from the reason given in granting the temporary planning permission that stated *The development is such that it would not be approved for permanent development in this location, in*

accordance with Policies RR1 and RR4 of the Blackpool Local Plan 2001-2016 and Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy.

6. The log flume is physically detached, although adjacent to the South Pier, and occupies a prominent position adjacent to the pier. It occupies a tarmac area and has a maximum height of some 12 metres and is enclosed by a palisade fence of around 1 metre high. The ride is set back from the frontage of the South Pier. Given the clear separation between the pier and the ride, I do not see it as part of the pier but rather a stand-alone ride.
7. Views of the site from the south of the pier are limited as the pier obstructs them. From the north, the ride is seen against the side of the pier. Whilst the view of the ride diminishes the further away along the promenade you get, from my site visit I saw that it was visible from at least some 500m away. Although it is mainly seen against the backdrop of the side of the pier when approached along the promenade from the north, its form and height present a somewhat incongruous feature against the pier. I consider that it is not viewed as part of the pier due to its setback from the pier frontage and clear physical separation. This is further amplified when the ride is viewed from the east where the gap between the pier and the ride is such that the ride clearly does not form part of the pier. This, coupled with the scale, massing, height and functional design of the ride does not fit well with the quality of the upgraded promenade that presents an attractive public area along the seafront.
8. The South Pier is a non-designated heritage asset, identified as a locally listed building. For the reasons I have set out above, I consider that the ride would harm the setting of the pier, appearing as a free-standing structure of poor design with no clear link to the pier. It is of a functional design that relates poorly to the character and form of the nearby pier and wider promenade area. I consider this to be a negative effect.
9. During my site visit I noted the go-kart track adjacent to the pier on its south side. I am informed that this has had the benefit of a number of temporary planning permissions and was relocated from elsewhere in order to facilitate a Tram Station improvement and that the Council were continuing to look for an alternative site for the go kart track. Notwithstanding this, I do not consider it to be comparable to the appeal proposal as it is a ground level use and is sited more in line with the pier frontage, where the visual impact on the setting of the non-designated heritage asset is significantly less than the appeal proposal.
10. Whilst it has been suggested that the visual appearance of the ride could be improved with the introduction of landscaping, I am not convinced that this would have any significant benefit. Whilst it would assist in softening the appearance at ground floor level, it would do nothing to address the concerns about the poor design and height of the ride.
11. I do not accept the appellant's case that the development is acceptable because it has already been given planning permission, albeit a temporary planning permission. The appellant points out that the Council's Heritage Officer raised no objection to the application for temporary planning permission and the appeal proposal. The report to Planning Committee provides no indication of any comments from the Council's Heritage Officer in either support or objection. Notwithstanding this, the decision was made by the Council and it is that decision that I am considering.

12. The Council were only supportive of the development in granting temporary planning permission because the relocation of the ride was necessary to facilitate the upgrading of the pier. The Council made that clear in their reasoning. The works to the pier have not been undertaken and no case has been advanced to justify the retention of the development contrary to adopted planning policy.
13. Taking the above into account I conclude that the proposed development would harm the character and appearance of the area and the setting of the non-designated heritage asset. The development would be contrary to saved Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan (2001) that, amongst other things, seek new development to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment, development that makes a strong positive contribution to the physical and economic regeneration of the Resort Core. The site also falls outside specific locations that are permissive of fun fair rides that restricts the development of funfair rides and policy that promotes comprehensive improvements along the central promenade and seafront that support a high quality public realm.
14. It would also conflict with Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy (2012) that, amongst other things, supports high quality development that is appropriate in terms of scale, mass, height, layout and appearance in relation to adjoining buildings. Any new development along the promenade built frontage should complement the high quality public realm initiatives along the promenade.
15. Furthermore, the proposed development would not accord with advice in the Framework, in particular paragraphs 124-131 that, amongst other things, seek to promote quality design in new development and to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 197 deals specifically with non-designated heritage assets and advises that a balanced judgement will be required when dealing with development proposals that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.

The planning balance and conclusion

16. Having regard to the above, adopted planning policy is not supportive of the proposed development as it does not fall within a location that would allow funfair rides. Furthermore, the design of the development falls below that expected in an area where there has been significant investment in upgrading the promenade. The siting, scale and design would also harm the setting of the non-designated heritage asset adjacent to the site.
17. For the above reasons, the appeal is dismissed.

David Storrie

INSPECTOR

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting	22 January 2020

PLANNING ENFORCEMENT UPDATE – OCTOBER 2019

1.0 Purpose of the report:

- 1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during October 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, 52 new cases were registered for investigation, compared to 23 received in October 2018.

5.1.2 Resolved cases

In October 2019, 4 cases were resolved by negotiation without recourse to formal action and 5 for October 2018.

5.1.3 Closed cases

In total, 28 cases were closed during the month (17 in October 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 October 2019 (none in October 2018);
- No s215 Notices authorised in October 2019 (none in October 2018);
- No Breach of Condition Notices authorised in October 2019 (none in October 2018);
- One Enforcement Notice served in October 2019 (1 in October 2018);
- No s215 Notice served in October 2019 (none in October 2018);
- No Breach of Condition notices served in October 2019 (none in October 2018);
- No Community Protection Notice served in October 2019 (none in October 2018).

5.1.5 Notices served in October 2019

Reference	Address	Case	Dates
17/8562	124 Reads Avenue, Blackpool.	Without planning permission, the material change of use of the property from holiday accommodation to five self-contained permanent flats and one non self-contained permanent flat.	Enforcement Notice issued 09/10/2019. Compliance due 20/02/2020.

Does the information submitted include any exempt information?

No

5.2 List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Cogan, Service Manager, Public Protection
Date of Meeting	22 January 2020

PLANNING ENFORCEMENT UPDATE – NOVEMBER 2019

1.0 Purpose of the report:

- 1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during November 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, 29 new cases were registered for investigation, compared to 21 received in November 2018.

5.1.2 Resolved cases

In November 2019, 19 cases were resolved by negotiation without recourse to formal action and 10 for November 2018.

5.1.3 Closed cases

In total, 62 cases were closed during the month (34 in November 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 November 2019 (none in November 2018);
- No s215 notices authorised in November 2019 (none in November 2018);
- No Breach of Condition Notices authorised in November 2019 (1 in November 2018);
- No enforcement notices served in November 2019 (1 in November 2018);
- No s215 notices served in November 2019 (none in November 2018);
- No Breach of Condition notices served in November 2019 (none in November 2018);
- No Community Protection Notices served in November 2019 (none in November 2018).

Does the information submitted include any exempt information?

No

5.2 List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Cogan, Service Manager, Public Protection
Date of Meeting	22 January 2020

PLANNING ENFORCEMENT UPDATE – DECEMBER 2019

1.0 Purpose of the report:

- 1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during December 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, 16 new cases were registered for investigation, compared to 12 received in December 2018.

5.1.2 Resolved cases

In December 2019, 16 cases were resolved by negotiation without recourse to formal action and three for December 2018.

5.1.3 Closed cases

In total, 50 cases were closed during the month (9 in December 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 December 2019 (1 in December 2018);
- No s215 Notices authorised in December 2019 (none in December 2018);
- No Breach of Condition Notices authorised in December 2019 (none in December 2018);
- No Enforcement Notices served in December 2019 (none in December 2018);
- No s215 Notices served in December 2019 (none in December 2018);
- No Breach of Condition Notices served in December 2019 (none in December 2018);
- No Community Protection Notices served in December 2019 (none in December 2018).

Does the information submitted include any exempt information? No

5.2 List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	22 January 2020

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

- 1.1 To update the Committee of the Council's performance in relation to Government targets. This report reflects performance in the third quarter of the 2019/2020 financial year.

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 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? Yes

- 3.3 Other alternative options to be considered:

None the report is for information only.

4.0 Council Priority:

- 4.1 This report is relevant to both Council priorities:

- Priority 1 - The economy: Maximising growth and opportunity across Blackpool
- Priority 2 – Communities: Creating stronger communities and increasing resilience

5.0 Background Information

- 5.1 The Government sets targets for both the speed and quality of planning decisions.

Speed

- Major applications – 60% to be determined within 13 weeks or an agreed Extension of Time

- Non-major applications – 70% to be determined within 8 weeks or an agreed Extension of Time

Quality

- Major applications – loss of less than 10% of appeals
- Non-major applications – loss of less than 10% of appeals

5.2 The Council's performance in relation to speed must be reported to Government on a quarterly basis.

5.3 For the quarter of October – December 2019, the Council's performance in terms of speed was as follows:

Speed

- Major applications – 88% determined within 13 weeks or an agreed Extension of Time
- Non-major applications – 88% determined within 8 weeks or an agreed Extension of Time

5.4 The Council has therefore exceeded the statutory targets in this quarter.

5.5 The Council's performance in relation to quality is monitored internally on an annual basis at the end of the financial year.

5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices 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 of 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: 22/01/2020

Application Reference: 19/0588

WARD: Marton
DATE REGISTERED: 08/10/19

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr Beardmore

PROPOSAL: Erection of three detached bungalows with associated access road.

LOCATION: LAND TO REAR OF 1-7 BROAD OAK LANE, BLACKPOOL, FY3 0BZ

Summary of Recommendation: Refuse

CASE OFFICER

Miss. P. Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience'.

This application accords with priority one of the Plan - The economy: maximising growth and opportunity across Blackpool to some extent as it would provide new houses. However, it would be contrary to priority two as it would be contrary to the Council's wider strategy to direct new residential development to the more central areas of the town where it is more sustainable and can support Inner Area regeneration.

SUMMARY OF RECOMMENDATION

The proposal would provide three bungalows in a reasonably accessible location and there would be no adverse impact on local ecology or protected species (subject to appropriate conditions). However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within the Blackpool Borough and in addition the scheme does not adequately address the flood risk issue. Although the layout has changed compared to the refused and subsequently dismissed scheme for seven bungalows (13/0604 and 16/0443 refers) the proposal is still seeking to secure permission for residential development and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside

Area. As such the proposal would not represent sustainable development. This adverse impact would not be outweighed by the relatively limited benefits of the scheme. Therefore, for the reasons given and having had regard to all other matters raised, the application is recommended for refusal.

INTRODUCTION

This application is before Members because it constitutes a departure from the development plan and there have been a lot of representations against the proposal.

SITE DESCRIPTION

The application site is a field on the edge of Staining village that has an area of approximately 0.37ha. The site is bounded to the north by open countryside with the village of Staining to the east. A small number of dwellings lie to the west of the site along Broad Oak Lane which has a very rural character, being narrow (approximately 3 metres in width) with no footpaths. An isolated triangle of densely vegetated land lies to the south of the site across Broad Oak Lane with the south-westerly extent of Staining village beyond. The site itself is roughly vegetated with grass with some trees and hedges evident around the perimeter. There are no ponds on the site. The site is elevated by approximately 1.8 metres above the level of Broad Oak Lane. Staining village has seen a significant amount of residential development in recent years within the jurisdiction of Fylde Borough Council. The boundary between Blackpool and Fylde runs along the eastern boundary of the site.

The site is located within a Countryside Area in the Local Plan and within Flood Zone 1.

DETAILS OF PROPOSAL

The current application seeks full planning permission for the erection of three detached bungalows with associated parking and an access road from Broad Oak Lane. The plans submitted with the application show the bungalows restricted to the southern portion of the field, with an area of meadow across the northern part of site. The proposed properties back on to the rear gardens of properties on Maclaren Close, with the internal access road running closer to the western boundary with Broad Oak Lane. A landscaped zone is proposed along the western boundary of the site. The individual plots are also shown as having a landscaped zone to the rear. It is proposed that both foul and surface water would be discharged into the existing sewerage pipes that run eastwards along The Nook to the south-east of the site. No sustainable drainage features are proposed within the site.

The application has been supported by:

- Planning Statement
- Ecological Appraisal
- Contaminated Land Assessment
- Drainage Proposals

RELEVANT PLANNING HISTORY

89/0820 - Erection of residential development - Refused
90/0288 - Erection of residential development - Refused
95/0760 - Erection of residential development - Undetermined
96/0292 - Erection of residential development - Refused
96/0454 - Erection of residential development of 15 dwellings - Refused
96/0952 - Erection of residential development - Refused
98/0159 - Erection of residential development - Refused
09/1234 - Erection of residential development of 19 dwellings - Refused
10/1484 - Erection of residential development of 7 bungalows - Withdrawn
11/0853 - Erection of residential development of 7 bungalows - Refused
12/0655 - Erection of residential development of 7 bungalows - Refused
13/0604 - Erection of residential development of 7 bungalows - Refused - APPEAL DISMISSED

The Inspector's main issues and conclusions were:

i) the effect of the proposed development on the character and appearance of the area. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the emerging Core Strategy.

ii) whether the appeal site could be adequately drained without adverse flooding impact on neighbours. He was not persuaded on the evidence before him, that it has been adequately demonstrated that the site would be drained satisfactorily, so as not to exacerbate flooding problems.

iii) the effect on local ecology. From the evidence before him, he was satisfied that the proposal would not adversely affect Great Crested Newts or any other protected species or the local ecology, subject to conditions to secure biological enhancement measures (if the appeal were to succeed).

iv) the effect of other considerations including the supply of housing land in the Blackpool Borough, and sustainability, on the planning balance.

Policy NE2, which primarily relates to the protection of the character of the countryside, and in that respect is consistent with one of the core planning principles of the Framework, is not out of date and carries weight in the decision. Staining village has a reasonable range of facilities including, a small supermarket, school, surgery and access to public transport. The site is, therefore, in a sustainable location. However, due to the identified harm to the designated countryside area, the development would not satisfy the environmental dimension of sustainable development that the Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore, the proposal would not represent sustainable development and the presumption in favour of such development set out in the Framework, would not apply.

The Inspector concluded that the proposal would provide seven bungalows in a reasonably sustainable location and in an area acknowledged as having a population with a high percentage of retired people who may have preferences for bungalows. He was satisfied that there would be no adverse impact on local ecology or protected species. However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within the Blackpool Borough. As such the proposal would not represent sustainable development. It had not been adequately demonstrated that the surface water run-off from the site, which the Flood Risk Assessment (FRA) confirms would be increased by the development, would be discharged satisfactorily without exacerbating the existing flooding issues in the area, particularly in Broad Oak Lane and the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme.

Therefore, for the reasons given and having had regard to all other matters raised, he dismissed the appeal. Two s106 Unilateral Undertakings, designed to mitigate the impact of the proposal, were submitted by the appellants during the appeal process. In view of his overall conclusion, he commented that there was no need for him to consider the contents of these Undertakings further.

16/0443 - Erection of residential development of 7 bungalows - Refused

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of residential development in this location
- the highway implications of the scheme
- the potential impact on residential amenity
- the acceptability of the layout
- the adequacy of the design
- the adequacy of the proposed drainage scheme
- the potential ecological impact

CONSULTATIONS

Natural England: Habitat Regulations Assessment (HRA) Screening required: For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'). Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. Where the HRA Screening cannot rule out a likely significant effect on the coastal designated

sites then an Appropriate Assessment is required, of which Natural England is a statutory consultee, please consult us again at this stage.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of further comment from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Ramblers Association: no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

Lancashire County Council (LCC) (Flood Risk): Lancashire County Council Lead Local Flood Authority would like to add the following comments to the above planning application site regarding drainage issues. The proposed development site is within Blackpool Council's boundary but is immediately adjacent to the boundary of Lancashire County Council and its village of Staining. The proposed development site has a watercourse (drainage ditch) within it that captures surface water flow from the site and from the uphill/surrounding area. It is well documented that in recent years this watercourse has been non-operational due to it being filled in/levelled thus causing the surface water that it should be draining to flow downhill to the surrounding residential areas, namely Eddleston Close, Maclaren Close and Broad Oak Lane. The surface water drainage systems in the named residential locations struggle to cope during storm events as it is, with many flooding incidents listed. The extra surface water flow, from the non-operation watercourse, has only added to and increased the chance of flooding to the residential locations. It is understood that due to legal action by Blackpool Council the watercourse has been reopened in recent days/weeks. Therefore with all the above in mind it is of high importance that this watercourse remains operational, be that as a Greenfield site or a developed site. All surface water from this site must be drained to its existing outlet. If planning permission is ever granted for this site the developer must not be allowed to drain surface water to any watercourse other than to its existing outlet.

Lancashire County Council (Archaeology): I have checked our records and the proposed development site is considered to have negligible archaeological potential. I advise that archaeology does not need to be considered further for this application.

United Utilities: Following our review of the Proposed Drainage Plan (Ref: KB/04639/005, Rev: 0, Dated: 30.05.2019, by CFM Consultants) we can confirm the proposals are unacceptable in principle to United Utilities.

Fylde Borough Council: no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

Head of Environmental Protection (Contaminated Land): There is a historic landfill located approximately 170m from the site and adjacent to the site is a former farm. As a result a Phase 1 desk study is required, if this shows that there is a significant likelihood of significant harm then this is to be followed by a Phase 2. The findings of these reports will identify if remediation is required. All reports are to be submitted to the Local Authority prior to development occurring. I agree with the conditions regarding land contamination. Gas monitoring will need to be carried out as recommended by the report over a six month period.

Local Highways Authority: It is noted that the proposed road is not intended for adoption. However, it would be logical for it to be put forward for adoption and, subject to geometry and specification, it could be made acceptable. If it is not to be adopted the drainage in the site might not be accepted for adoption. Given the concerns over surface water drainage it would be logical to pursue adoption of the road and drainage in order to secure certainty of future maintenance and, therefore, control of run-off. The access is too close to the existing junction at a point where there is no footway and the alignment involves a very tight bend. It is not acceptable as drawn and should be positioned further west and the alignment simplified. Visibility would need to be established in both directions. I would expect a greater width of carriageway on Broad Oak Lane itself to some point west of the access. This would push the access north, as it were, making the pronounced bend even less acceptable. It is appreciated that these comments would make this part of Broad Oak Lane less rural in appearance but I believe that it could be done sympathetically. In the event that the access is eventually built and is sited further west than the application shows it is most likely that it would not be possible to drain it through the site, as is noted above. It would then have to drain, in accordance with the hierarchy outlined above, via Broad Oak Lane to the continuation of the restored watercourse.

Local Drainage Authority: The supporting documentation indicates that any past drainage issues are resolved. This is not the case, except that a filled watercourse has been restored. Subject to the agreement of United Utilities it seems likely that the proposed foul drainage arrangement could be acceptable – with the caveat that if the site road is not to be adopted then the drainage in the site would not normally be accepted for adoption.

The surface water drainage is another matter. Both United Utilities and Lancashire County Council have indicated that the connection of surface water sewerage eastward into the surface water sewer network in Staining is unacceptable. It is understood that the network already surcharges in storms of relatively short return periods and so further flow would

exacerbate the situation. The National Planning Policy Framework is clear that a drainage proposal that would exacerbate flooding elsewhere is unacceptable. The proposal is, therefore, unacceptable as presented. I have not made further reference to what is proposed but have addressed the more general surface water drainage issues.

The site slopes generally to the southwest. The northern boundary, identified by the restored watercourse, is the highest part of the site together with the eastern edge of the site. The eastern boundary may have been a watercourse at some point in the past but is now partly obstructed by garden walls and is overgrown. The restoration of the watercourse on the northern boundary has taken the flow of water away from the eastern boundary and further work will be done to consolidate this.

Surface water is required to be attenuated appropriately, then discharged into the ground if feasible. Whilst it has not been addressed in the application this is unlikely to be a solution, except perhaps in part. If discharge into the ground is not possible the next alternative is to discharge to a surface water body – that is a body of water or a watercourse. Since the site can be drained to the recently restored watercourse in the northwest corner of the site we need not consider the other options in the hierarchy which are to discharge to a surface water sewer or local highway drain or, in the last resort to a combined sewer.

The situation is that watercourses flowing toward the site from the north will drain away westward and the site falls that way. Given that the site can be drained to a watercourse in that direction there need be no surface water flow other than westward. Since the site itself falls to the southwest it is likely that an effective drainage scheme would involve cutting off flow in that direction from the site.

In conclusion: neither the highways nor the drainage aspects of the proposal are acceptable.

Greater Manchester Ecology Unit (GMEU): no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

PUBLICITY AND REPRESENTATIONS

Press notice published: 17/10/2019 (Departure)

Site notice published: 11/10/19

Neighbours notified: 08/10/2019

The following comments have been received from **Councillor John Singleton, Fylde Borough Council**

As the local Elected Member for Fylde Council, Staining and Weeton Ward, I strongly object to any developments on this land. This land is open countryside and should remain open countryside. More importantly it separates the authorities of Blackpool and Fylde of which Staining is a Village in the Borough of Fylde. Over the last few years the cottages down Broad

Oak lane have been flooded several times, the last time being three weeks ago during heavy rains. Staining Village, in particular, Eddleston Close which runs alongside this land has been flooded several times. The last time being three weeks ago which resulted in water entering residents garages? I advised residents to call 999 for assistance. This has always been noted as a flood area. I am Chairman of the Staining Flood Action Group which has links to Lancashire County Council Flood Management Department and its Manager Rachel Crompton. Eddleston Close and this parcel of land in question has always been the subject of discussion on the Staining Flood Action Group Agenda. This was compounded when the ditch surrounding the field was filled in. The residents of the cottages on Broad Oak Lane are one of the oldest cottages in Blackpool and suffer the most appalling conditions I have witnessed due to drainage. I do not represent these residents but being close to Staining I am aware of their problems. I will be attending the Planning meeting with some residents from Blackpool and Staining with recent images of the flooding. We plan to voice our objections to this 15th application at the meeting. I will advise Democratic Services of our intention to speak. I will also supply them with the names of the speakers.

The following comments have been received from **Staining Parish Council:**

David Kirkham (Clerk) and Councillor David Angel:

On behalf of Staining Parish Council, I am submitting this document with regards to the above planning application. Although the Parish Council has not been requested to comment officially, it feels the necessity to raise concerns regarding the application. Should the application be successful, it would certainly have an effect on Staining Village. The increase in traffic will have a detrimental effect throughout the village which will naturally be utilised as a thoroughfare and Staining Village will receive no benefit whatsoever. With this in mind, the Parish Council would strongly support refusal of the application.

16 additional representations have been received from the following properties:

- Broad Oak Lane: 1, 4 and 5
- The Nook: Cherry Trees, 22 and 24
- Eddleston Close: 19 & 26
- Maclaren Close: 1, 2 and 3
- Windmill Close: 12
- Staining Road: Staining Villa and 210
- Staining Rise: 2
- Whitehead Close: 12

These representations raise the following issues:

- impact on rural character of the designated countryside, Staining village and Broad Oak Lane. Some of the cottages are amongst some of Blackpool's oldest dwellings so would compromise the look and feel of the area.
- if approved it would give the green light for more properties on this site.
- there are enough properties in the village (Parish Plan).

- the application states 'three bungalows specifically for occupation by over 55's. There are several bungalows for sale in Staining which would provide housing for the over 55's and or disabled persons which will have no detrimental impact on the village as existing purpose built properties.
- there are several bungalows for sale and some been empty for a period in Staining so there is already provision for such properties.
- conflict with National Planning Policy Framework.
- drainage issues: the Nook floods every year and which has increased dramatically since new properties were built behind the Nook and Elizabeth Close; residential properties (No 1 and No.3 Broad Oak Lane) have been subjected to internal flooding on many occasions; flooding already causes severe problems for the residents and damage to property; septic tanks overflow during flooding incidents a building development will only increase the surface water run-off and compound the problem; lack of capacity in local sewer system.
- highways issues: increase in traffic on an already busy road will cause more hazards for walkers, cyclists and horse; inadequate access and visibility at access; dangerous access road; impact on condition of local roads.
- The driveway directly faces my property, in darkness hours headlights from vehicles exiting will shine directly into my house causing disturbance.
- sustainable urban drainage systems impractical in this area.
- inadequate infrastructure/facilities in village to support the housing. there is one 'shop' in Staining only and no easy access to Poulton-le-Fylde as only one bus and one route which by passes Blackpool first. School is stretched to the limit in the village, our local doctors has just closed.
- loss of habitat for wildlife - there are newts, frogs and toads using this field, also there is a bunch of wintering Barnacle Geese regularly using the field as a grazing and roosting site, these birds are on the endangered species list. There is an SSSI within 500 metres and there are Biological Heritage Sites in the area which will be affected.
- potential loss of hedgerows.
- as my property is adjacent to the land I am concerned with the loss of both light and privacy.
- increase in crime.
- village would become less desirable.
- impact on property prices.
- disturbance during construction.
- rates would be paid to Blackpool Council whilst the impact would be in Fylde.

The Committee are respectfully reminded that issues relating to loss of view, potential impact on property prices or preference for an alternative scheme are not valid planning considerations. The payment of Council Tax is also not a valid planning consideration.

RELEVANT PLANNING POLICY

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

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.

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 -

- CS2 Housing Provision
- CS7 Quality of Design
- CS9 Water Management
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Density and Standards

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- BH3 Residential Amenity
- BH10 Open Space in New Housing Developments
- HN4 Windfall Sites (for housing development)
- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces

- LQ6 Landscape Design and Biodiversity
- NE2 Countryside Areas
- NE5 Other Sites of Nature Conservation Value
- NE6 Protected Species
- 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 policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM2: Housing for Older People
- Policy DM5: Design Requirements for New Build Housing Development
- Policy DM32: Development in the Countryside
- Policy DM33: Biodiversity
- Policy DM39: Transport Requirements for New Development

ASSESSMENT

Principle

In this instance, the key issues to consider are Blackpool's current housing requirement and five-year supply position; the extent to which the proposal would contribute towards Blackpool's housing supply; the impact of the proposal on the character and function of the designated Countryside Area; and the extent to which the proposal would constitute sustainable development.

Housing Requirement

The National Planning Policy Framework expects Local Planning Authorities to be able to demonstrate a five year supply of housing land. Where this cannot be achieved, the National Planning Policy Framework makes it clear that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This has been tested during the examination of the Core Strategy and more recently at the Warren Drive housing appeal. The Council can demonstrate a five-year supply of housing land, the tilted planning balance in favour of housing does not therefore come into play.

Countryside Area Designation. The application site falls within the designated Newton Hall/Preston New Road Countryside Area that forms a buffer between Staining village and the main urban area of Blackpool as defined in the adopted Blackpool Local Plan. This is the only remaining countryside area in the Borough and is predominantly in agricultural use adjoining

extensive areas of open countryside in neighbouring Fylde Borough. It has an open character comprising fields and Biological Heritage Sites. This designation merges with a wider area of Countryside extending around Staining village and beyond in the adjoining borough of Fylde. Saved Policy NE2 of the Local Plan relates to this area and is designed to preserve its open and rural character and function, and prevent the expansion of the built up area into the open countryside. The policy prohibits the development of new dwelling units within the Countryside Area unless essential to support agricultural or horticultural uses. This principle is longstanding in local planning policy as a similarly worded policy featured in the 1996 Local Plan. Policy CS1 of the Core Strategy seeks to focus growth, development and investment in Blackpool Town Centre, the Resort Core and inner area Neighbourhoods to support the regeneration of the town. The Countryside Areas are considered to be integral to the local distinctiveness of Blackpool and are valued by the local community. Proposals that would be detrimental to the existing open and rural character, landscape quality and nature conservation value of these areas should continue to be resisted.

The application site is accessed via The Nook which is a relatively narrow and unadopted rural road. Approximately 200m from its junction with Chain Lane the road splits with The Nook continuing to the south-west and Broad Oak Lane branching off to the north-west. The application site sits at this divergence on the edge of the built up part of Staining village. Broad Oak Lane is relatively narrow, has no footways and is edged by trees and high hedges giving it a very rural character. The application field is elevated above the lane by about 1.8 metres. Although the proposal is for bungalows with a ridge height of about 4.7m, the elevated dwellings would dominate the rural character of Broad Oak Lane and appear incongruous in relation to nearby properties, particularly the older small cottages to the west which are at road level. The proposal would therefore have a detrimental impact on the open and rural character of this section of the defined Countryside Area.

In dismissing the latest appeal on this site (13/0604), the Inspector found that given the sporadic and isolated nature of the properties to the west of the appeal site, and the dense area of trees and shrubs to the south, he was not persuaded by the appellant's argument that the seven bungalows would be infill development. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the Core Strategy, and as such, would not be sustainable development.

Although the layout has changed compared to the dismissed scheme:

- principally in the reduction in number of bungalows from seven to three
- location of the access road which was along the eastern boundary, but is now proposed closer to the western boundary;
- the relocation of the bungalows further eastwards on the site; and,
- the reduced height of the development (the dismissed appeal required the bungalows to be raised by additional mounding of up to 2m high on the site, to overcome drainage issues)

The proposal is still seeking to secure permission for three bungalows and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside Area.

Sustainability. The site only has medium accessibility but accessibility is only one indicator of sustainability which incorporates a range of economic, social and environmental considerations. The site is surrounded by existing residential properties, including some recent developments, suggesting that the area is a desirable place to live. Chain Lane gives access to the southern area of Blackpool and the M55 motorway via a two-lane rural road. It also gives access to Poulton-le-Fylde town centre but via a narrow single track rural lane with passing places. Staining village contains a primary school, a public house, a convenience store and a couple of other local businesses. The village is poorly served by public transport, there is one bus route which runs to and from Poulton-le-Fylde via Blackpool, but this is only one bus per hour. Also, the village has suffered the loss of its doctor's practice since the last application and the site is therefore less sustainable than it was.

The applicant has said that the bungalows would cater for the over 55's. The emerging Supported Accommodation and Housing for Older People policy requires specialist housing for older people to have a good level of accessibility to public transport, shops, services and community facilities. National Planning Practice Guidance Paragraph 018 relates to housing for older people and confirms that issues to be considered include the proximity and links to public transport and local amenities. There is only one convenience store in the village which is over 560m away from Broad Oak Lane. I consider that this is too far to regularly walk for people with lower levels of mobility and I note that the proposed bungalows do not include mobility scooter stores or charging points. The bus service (one per hour) stops approximately 170m away from Broad Oak Lane and there are no facilities such as a doctor's surgery in Staining. I do not consider Broad Oak Lane to have a good level of accessibility for purpose built housing for older people and is therefore not a sustainable location as such.

Housing Mix. In accordance with Policy CS13 of the Core Strategy, the proposed development would either have to provide a mix of housing types on the site, or the housing would have to contribute towards a balanced mix of housing in the wider area. The scheme proposed would provide three, detached, two-bedroom bungalows. This would not provide a mix of house types on the site, but there is no evidence to suggest that this would compromise the housing mix of the wider area. Many of the properties surrounding the application site are two-storey, terraced or semi-detached houses. On this basis, and given the limited number of properties being provided, the lack of mix proposed is not considered to justify refusal of the application.

Due to the identified harm to the designated countryside area, the development would not satisfy the environmental dimension of sustainable development that the National Planning Policy Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore the proposal would not represent sustainable development and the presumption in favour of such development, as set out in the National Planning Policy Framework, would not apply.

Amenity

The application site is elevated by approximately 1.8 metres from the surrounding properties. Additionally the houses fronting Broad Oak Lane backing onto the site have extremely small back gardens with Nos. 5 and 7 Broad Oak Lane separated from the boundary by only around 2 metres at the closest point. To overcome these issues, the applicant is proposing a low-density scheme of bungalows rather than houses. The separation distances between the properties proposed and those existing on Maclaren Close and Eddleston Close to the east and Broad Oak Lane to the west meet the Council's minimum acceptable standards of 21m rear-to-rear and 12m side-to-side. As such, no unacceptable impacts arising from over-looking or over-shadowing would be anticipated. Each bungalow would be provided with a reasonable level of private outdoor amenity space which would be sufficient for the storage of refuse and cycles. As each property would be detached, refuse would be easy to present for collection.

The application seeks to provide 3 two-bedroom bungalows within an area of the application site measuring roughly 0.37ha. As Staining is a reasonably large and built-up village, it is not considered that this level of development would generate sufficient noise and disturbance from activity so as to have a detrimental impact on the residential amenities of nearby neighbours. A Construction Management Plan would be secured through condition were the Council minded to support the proposal. On this basis, the development is not considered likely to have a detrimental impact on residential amenity.

The access would face onto the side elevation of a property fronting Lodge Court. There is only one, obscure-glazed, first floor window in this elevation and so glare from the headlights of cars leaving the site would not impact upon the residential amenities of occupants.

Visual Impact

The layout of the site would have an impact upon the appearance of the streetscene. The bungalows proposed would be aligned north to south and so the level of development immediately visible from Broad Oak Lane would be limited. The development would be further screened to the south-west by an area of mature vegetation to the front of the site which is not in the applicant's ownership and which does not form part of the application site. The property closest to Broad Oak Lane has the principal elevation facing the internal access road (westwards) and a side elevation facing towards the access point. A small bathroom projection including a window that would be expected to be obscure-glazed is proposed on the side elevation. Whilst this would provide some visual interest, it would be a relatively small and secondary feature that would not adequately address its position within the streetscene. As such, the design weighs against the proposal. This issue could be easily addressed by the applicant but, given the objection to the scheme in principle, it is felt that it would be unreasonable to request abortive work to be carried out to vary the design.

It has been suggested that the scheme would have a detrimental impact on the setting of the historic cottages on Broad Oak Lane. However, these cottages are not listed and would be

separated from the new properties by 20m of rear garden, vegetation and access road. It is not considered that any impact on their setting could be supported as a reason for refusal.

Highway Impacts

As indicated by the Council's Highways officer, the proposed access is too close to the existing junction at a point where there is no footway and the alignment involves a very tight bend and is not considered acceptable as drawn. He considers that it should be positioned further west and the alignment simplified and would increase the carriageway width on Broad Oak Lane itself. The land to the west is not within the applicant's control and it is not clear whether or not it is highway land. In any event, the suggested amendments would make this part of Broad Oak Lane less rural in appearance; and even if carried out "sympathetically" it would suburbanise this part of the countryside area and contribute to the recommended reason for refusal relating to the impact on the character of the Countryside Area. As submitted, the shortcomings of the proposed access arrangements are considered to be unacceptable and constitute another reason for refusal. Adequate parking provision would be provided within the site to meet the needs of the development. The gardens would be large enough to accommodate cycle storage if desired.

Drainage and Flood Risk

Subject to the agreement of United Utilities it seems likely that the proposed foul drainage arrangement could be acceptable – with the caveat that if the site road is not to be adopted then the drainage in the site would not normally be accepted for adoption.

With regard to surface water drainage, it is recognised that flooding is a serious issue in Staining and the adequacy of drainage provision in the area is a key concern. United Utilities has objected to the submitted drainage proposal, as has Lancashire County Council and Blackpool Council's own drainage officer. Some practical measures could be incorporated into the scheme to reduce the run off (such as the use of permeable materials for driveways and parking areas, and increased numbers of trees to dry out the site, harvesting of grey water), however both United Utilities and Lancashire County Council have indicated that the connection of surface water sewer eastward into the surface water sewer network in Staining is unacceptable. It is understood that the network already surcharges in storms of relatively short return periods and so further flow would exacerbate the situation. The National Planning Policy Framework is clear that a drainage proposal that would exacerbate flooding elsewhere is unacceptable. The proposal is, therefore, unacceptable as presented.

Ecological Impacts

An Ecological appraisal has been submitted which includes: a Phase 1 Habitat Survey (including the preparation of a vegetation and habitat map of the site and the immediate surrounding area); a survey and assessment of all habitats for statutorily protected species; an evaluation of the ecological significance of the site; the identification of any potential development constraints and the specification of the scope of mitigation and enhancement required in accordance with wildlife legislation, planning policy and other relevant guidance;

and, the identification of any further surveys or precautionary assessments that may be required prior to the commencement of any development activities.

The report concludes that some of the ponds in the vicinity of the site were deemed to be suitable for breeding Great Crested Newts. The application site provides suitable habitat for hibernation, refuge and foraging. This distance from the nearest breeding pond and size of the development is however such that negative impacts on Great Crested Newt are unlikely. Bats, Brown Hare, Water Vole and nesting birds are known to occur in the local area. There was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.

The report considers that the protection of trees and hedgerows on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.

The report advises that contractors will be observant for protected species and all nesting birds. Should any species be found during construction, all site works should cease and further ecological advice should be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

Natural England has commented on the proposal and identified a need for a Habitats Regulation Assessment screening. No such has been submitted. Whilst in 2013 Natural England did not identify a likely impact on Great Crested Newts, this assessment is now out-of-date and Natural England makes it clear in its latest response that it does not consider impact on protected species. Although the contents of the submitted ecological appraisal are noted, officers are aware that local residents and the Parish Council have referred to the variety of wildlife in the area including Great Crested Newts. Consequently Greater Manchester Ecology Unit (GMEU) has been consulted but no response has been received in time for inclusion in this report. If GMEU concur that a Habitats Regulations Assessment screening is required, then the absence of one will have to constitute a further reason for refusal. This will be communicated through the update note.

Other Issues

In terms of contaminated land, if the Committee was minded to support the scheme, appropriate conditions would be required to secure gas recording and mitigation measures as necessary. The scheme would not be expected to impact upon air quality and water quality could be safeguarded through the agreement of a Construction Management Plan and drainage strategy for the site.

Although not part of the adopted Development Plan, it should be noted that the proposal would be directly contrary to the stated aspirations and objectives of the Staining Parish Plan which states that 99% of residents responding to a questionnaire did not want to see the settlement grow any larger.

The closest school that would be affected by the development would be Staining Primary School. This school falls within the jurisdiction of Lancashire County Council who does not seek financial contributions toward education provision from developments of less than 10 units. On this basis, whilst the scheme may place further pressure on existing capacity at the school, it is not considered to be defensible as a reason for refusal.

It has been suggested that the existing facilities and infrastructure within Staining are insufficient to support additional housing. Given the accessibility score of the site this is not considered to be a reasonable reason for refusal for standard housing (as opposed to specialist or housing for the elderly). Furthermore, it is possible that the provision of additional housing would make existing facilities more sustainable and would support their expansion and/or improvement.

There is no reason to suppose that the scheme would result in an increase in crime.

Sustainability and planning balance appraisal

Sustainability comprises economic, environmental and social components.

Economically the scheme would have a very limited impact but the creation of new residential units would help to support local shops and services and some employment would be generated during construction.

Environmentally, although environmental quality and biodiversity would not be materially affected, there would be a significant detrimental impact on drainage and on the character and function of the Countryside Area.

Socially, the scheme would provide good quality accommodation that would make a contribution towards the housing stock in the local area. The scheme would contribute towards the Borough's housing provision albeit to a negligible extent. However, there would be adverse impacts for the village with regard to flood risk and highway safety.

In terms of planning balance, the development proposed is considered not to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

CONCLUSION

As set out above, the scheme not judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment.

On this basis, planning permission should be refused.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Not Applicable

FINANCIAL BENEFITS

The development would deliver some financial benefit in terms of Council Tax receipts but this consideration 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(s) 19/0588 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. The application site falls within the designated Newton Hall Countryside Area and separates Broad Oak Lane, which is a narrow rural road, from the main body of Staining. By virtue of the size of the site, the proposal is not considered to constitute infill development. Given the elevated level of the site; the sporadic and isolated nature of the properties to the west; and the dense area of trees and shrubs to the south; the development proposed would appear incongruous, particularly in relation to the properties to the west, and would dominate and compromise the open and rural character and function of this part of the Countryside Area. The proposal would constitute an urban extension of the settlement into a designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Blackpool Local Plan 2001 - 2016, Policy CS1 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 117 and 127 of the NPPF.

2. The proposed access to the site would be too close to the existing junction at a point where there is no footway. The proposed alignment of the internal road would be unacceptable by virtue of the tight bend close to the access point which would compromise visibility. The necessary visibility splays at the point of site egress cannot be achieved within the confines of the application site, and the applicant has not demonstrated that they could be achieved without reliance upon third party land without either exacerbating the unacceptability of the geometry of the proposed access arrangement or increasing the visual impact upon the character of the area. As such, the proposed access arrangements would have an unacceptable impact on highway and pedestrian safety contrary to the provisions of Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016, and paragraphs 108, 109 and 110 of the NPPF.
3. It is proposed that the site would drain into the existing surface-water drainage network serving Staining village and running from the site to the south-east. This network operates at or above capacity and is known to surcharge during storm events of relatively short return periods. As such, the drainage proposals would result in an unacceptable increase in flood-risk off site which would be contrary to the provisions of Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraph 163 of the NPPF.
4. The design of the southern-most bungalow is considered to be unacceptable by virtue of the lack of detailing on the southern side elevation. This lack of detailing prevents the property from adequately addressing the site access point and making a positive contribution to the quality of the appearance of the site and streetscene. As such it is contrary to the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016, and paragraphs 127 and 130 of the NPPF.
5. The applicant has not submitted an appropriate Habitat Regulations Assessment screening assessment of likely significant effects on affected designated sites and landscapes that may be affected. In the absence of such information the Council as a Responsible Authority cannot be assured that the proposal would not have an unacceptable impact upon ecology, biodiversity or protected species. As such, the proposal is contrary to the provisions of paragraphs 170, 175 and 177 of the NPPF.
6. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 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.

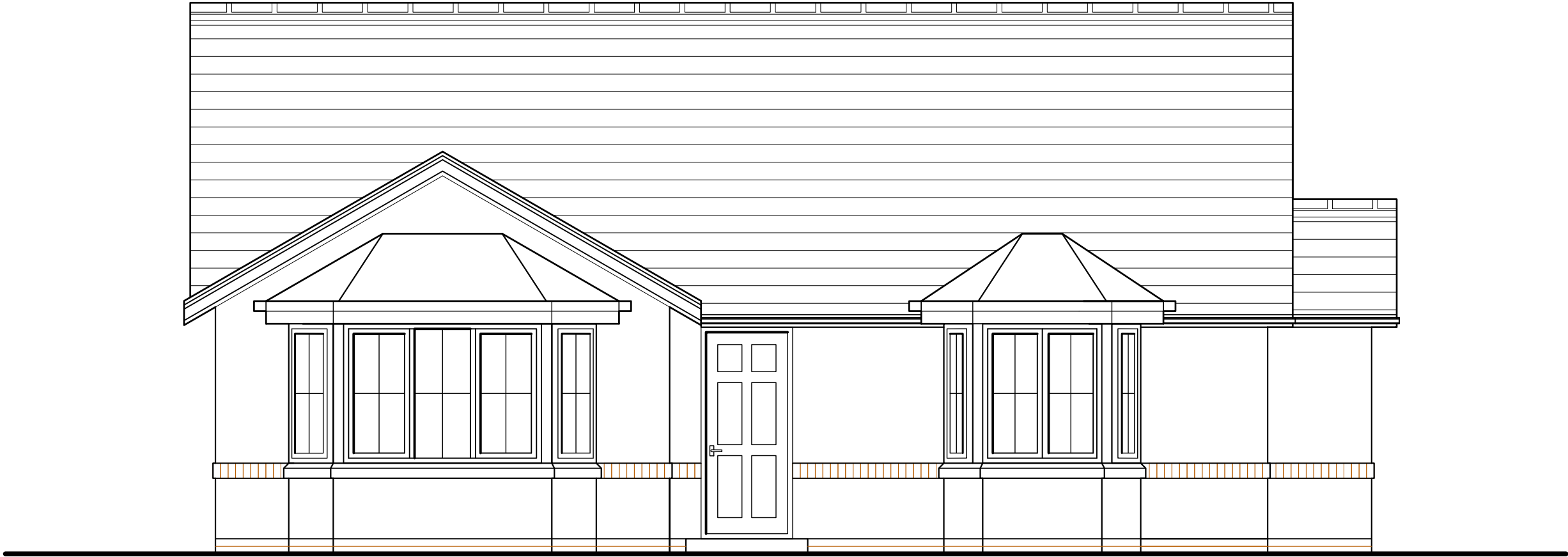
Advice Notes to Developer

1. The fourth reason for refusal could be addressed through the submission of amended plans. However, given the officer recommendation for refusal, it has not been considered reasonable to request potentially abortive work to address this concern.

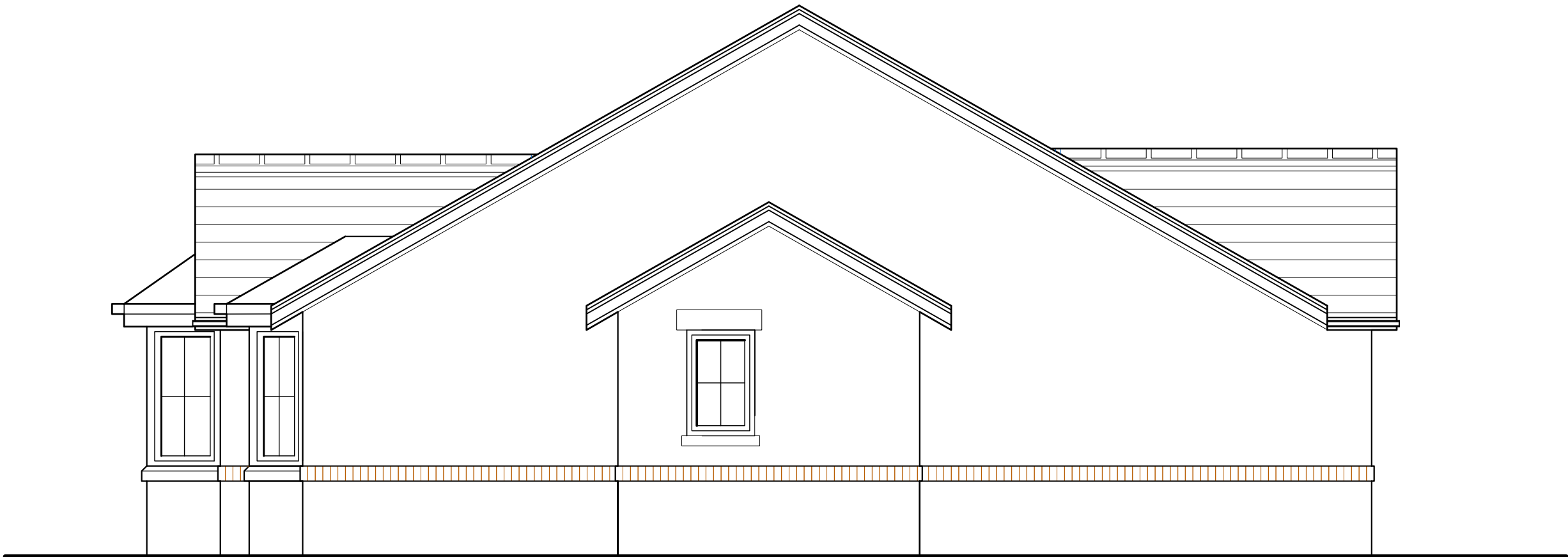
2. Reason for refusal 5 could be addressed through the submission of an appropriate assessment. However, given the officer recommendation for refusal it was not considered reasonable to request potentially abortive work to address this concern.



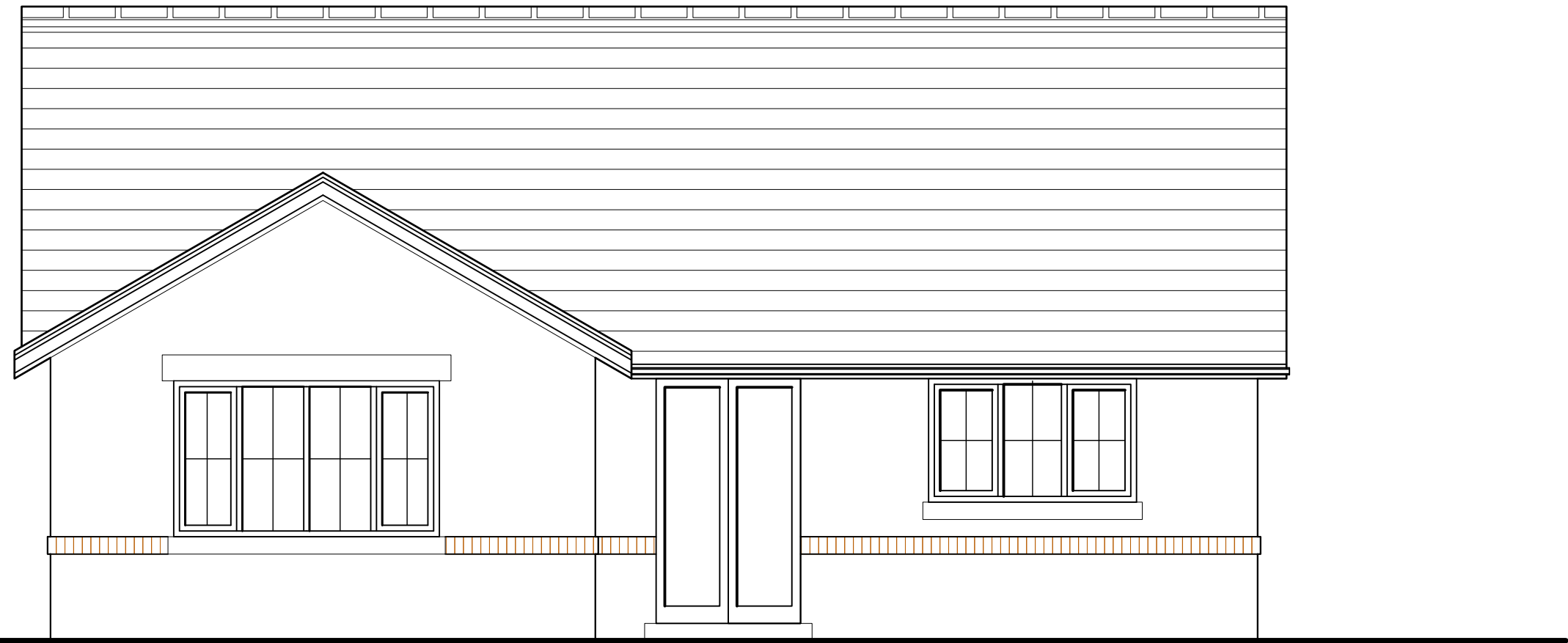




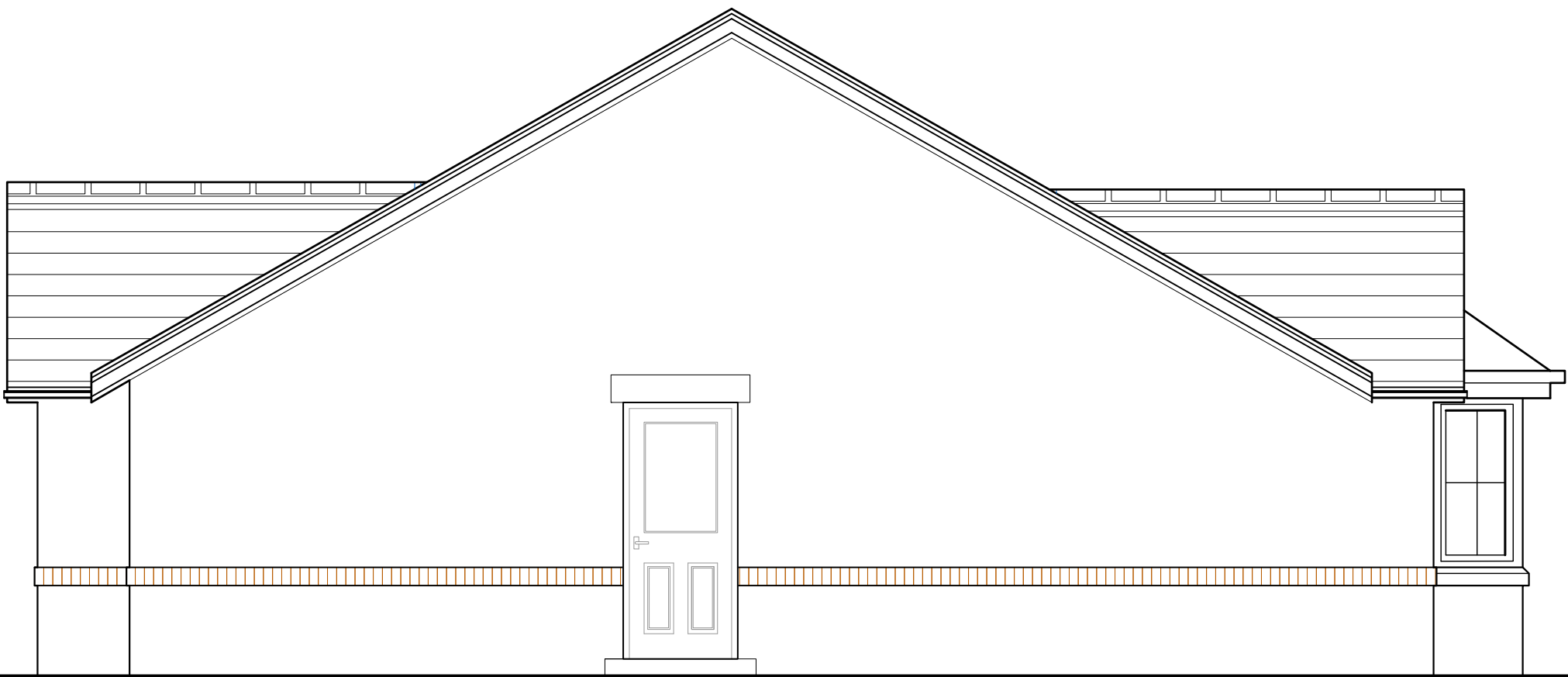
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

CFM

CONSULTANTS

New Media House, 8 Hardhorn Road, Poulton-Le-Fylde, FY6 7SR

Tel: 01253 891988 Email: roy@cfmconsultants.co.uk

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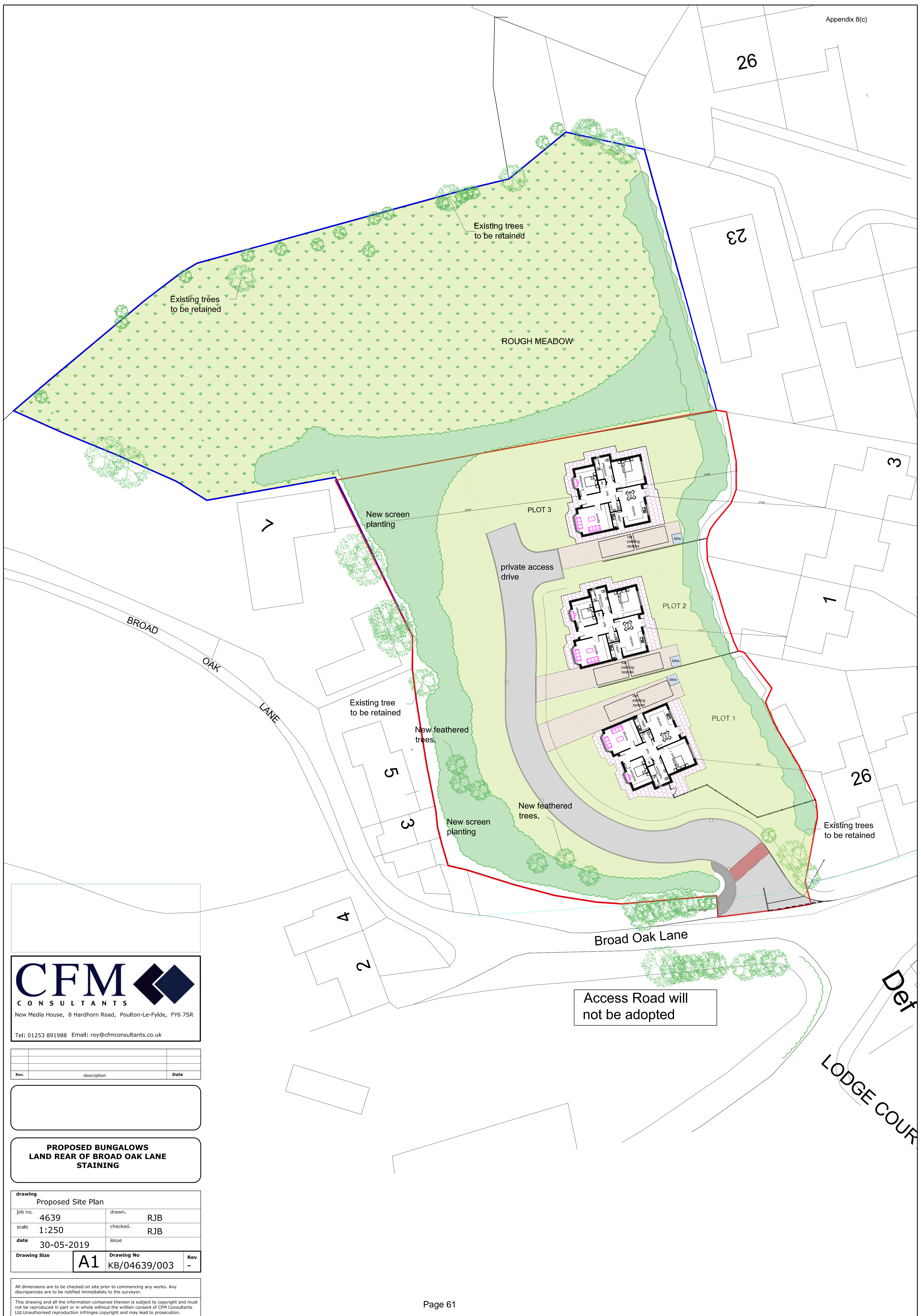
Proposed Bungalows
Land Rear of Broad Oak Lane
Staining

drawing Proposed Bungalow Elevations			
job no.	4639	drawn.	RJB
scale	1:50	checked.	RJB
date	30-05-2019	issue	
Drawing Size	A2	Drawing No	KB/04639/007
		Rev	-

All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor.

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CONSULTANTS

New Media House, 8 Hardhorn Road, Poulton-Le-Fylde, FY6 7SR

Tel: 01253 891988 Email: roy@cfmconsultants.co.uk

Rev.	description	Date

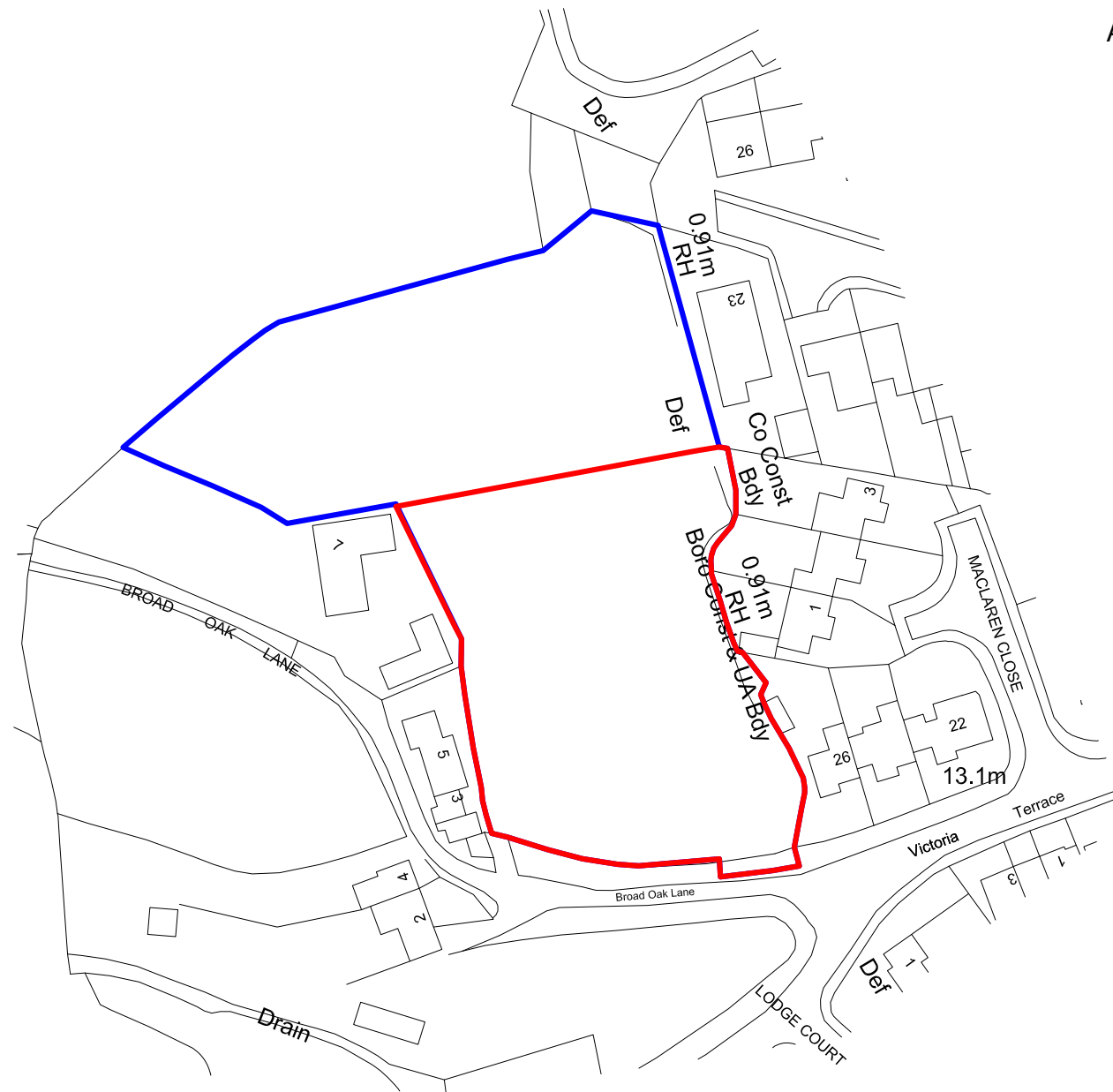
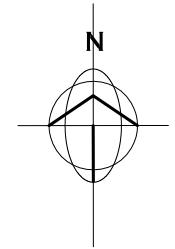
PROPOSED BUNGALOWS
LAND REAR OF BROAD OAK LANE
STAINING

drawing Proposed Site Plan		
job no. 4639	drawn. RJB	
scale 1:250	checked. RJB	
date 30-05-2019	issue	
Drawing Size A1	Drawing No KB/04639/003	Rev -

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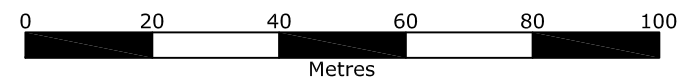
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**PROPOSED BUNGALOWS
LAND REAR OF BROAD OAK LANE
STAINING**

drawing Location Plan		
Job no.	4639	drawn. MG
scale	1:1250	checked. RJB
date	30-05-2019	issue Planning
Drawing Size	A4	Drawing No KB/04639/001
		Rev

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LOCATION PLAN

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COMMITTEE DATE: 22/01/2020

Application Reference: 19/0720

WARD: Bispham
DATE REGISTERED: 13/11/19

APPLICATION TYPE: Full Planning Permission
APPLICANT: The Manager

PROPOSAL: Erection of a four/ five and six storey block 34 self-contained apartments including refuse store, cycle store, landscaping and vehicular access from Norbreck Road with car parking for 30 vehicles to the rear. (Resubmission 19/0382)

LOCATION: 8 NORBRECK ROAD, BLACKPOOL, FY5 1RP

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

SUMMARY OF RECOMMENDATION

This revised application has addressed previous concerns and issues resulting in the withdrawal of planning application ref: 19/0382 involving the erection of 36 apartments. The revisions include a reduction of two apartments, amendments to the design and appearance of the building, its bulk and massing, the materials palette and the layout and fenestration details to a number of the apartments. A viability assessment has also been included with this revised application to address the policy requirement for new housing development above fifteen units to make a 30% contribution towards affordable housing unless the requirement would render the development unviable.

The viability assessment submitted with the application is considered to satisfactorily demonstrate that the development cannot make any affordable housing provision in order to remain viable which would prevent the proposal from proceeding to construction. The proposal is, however, expected to make the required contribution towards public open space provision/ maintenance, a figure of £21,844 and to pay for the required off site highway

works. On this basis, and subject to a number of conditions to ensure the satisfactory delivery of the development, the application is recommended for approval.

INTRODUCTION

The former Mariners Public House was demolished approximately ten years ago having been vacant for some time following extensive fire damage. The front half of the site, where the Public House was located, has been enclosed with hoardings for a number of years and has been subject to fly tipping and also contained a large amount of building material and rubble from the demolition works. The site has since been cleared. The hardsurfaced rear half of the site has previously been used as a car park in association with the Public House.

The site was sold approximately twelve months ago and the current application is the second planning application submitted by the new owners. The site has also been subject to pre-application discussions. The first planning application was withdrawn due to a number of concerns over the size, design and layout of the development and this re-submission has considered to have addressed the previous concerns.

SITE DESCRIPTION

A 0.2 hectare (2,000 sqm) vacant site which was the former site of the Mariner Public House demolished approximately ten years ago following extensive fire damage. The front half of the site has been enclosed with hoardings. The application site is located close to the junction with Queens Promenade and sits opposite Norbreck Castle. The site has a frontage onto Norbreck Road of 40 metres. The rear half of the site is bisected by an alleygated access road connecting Norcliffe Road and Chatsworth Avenue. An electricity sub-station sits adjacent the rear of the application site. Other than the two/ three/ four/ six and seven storey scale Norbreck Castle with an extensive frontage onto Queens Promenade, and a designated local centre a short distance further up Norbreck Road, the character of the area is of one, two and three storey residential property.

DETAILS OF PROPOSAL

This is a full planning application involving the erection of a four/ five and six storey block comprising 34 self-contained apartments including refuse store, cycle store, landscaping and vehicular access from Norbreck Road. The proposed building would be built over the Norbreck Road access with car parking for 30 vehicles to the rear to be accessed from Norbreck Road, Norcliffe Road or Chatsworth Avenue although the entrance points from Norcliffe Road and Chatsworth Avenue are fitted with alleygates. The access from Norbreck Road would be via an automatic access gate.

The proposed building is shown to have a dark brick base and a dark grey cladding and contrasting light coloured render panels on the upper floors with textured panels also included. Most of the apartments also have balconies on the front or rear elevations. In addition to the front elevation varying in scale, being at its highest point in the centre of the site, the front elevation is also broken up into four different elements using differing materials

and by staggering the front elevation. A front entrance into the building has been included to supplement the side entrance.

The 34 self-contained apartments comprise 11 x one bed, 22 x two bed and 1 x three bed apartment ranging from 54-61 sqm for the one bed apartments to 67-78 sqm for the two bed apartments and 91 sqm for the three bed apartment. The refuse storage and cycle parking areas are also located directly to the rear of the undercroft.

The application is accompanied by a Design and Access Statement, Drainage Strategy, Contaminated Land Study, 3D views, a Landscape Specification, a Planning Statement, a Solar Study and a Viability Assessment.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Development
- Acceptability of the Scale and Design
- Housing Mix, Density and Standards
- Impact on Residential Amenity
- Access and Car Parking
- Affordable Housing and Other Contributions
- Other Issues

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

CONSULTATIONS

United Utilities Plc (Water) With regards to the above development proposal, United Utilities wish to provide the following comments:

Drainage 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. Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any approval:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design Drawing C-0894-02, Rev: A, Dated: 25/09/2019 which was prepared by Hamilton Technical Services. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water from the overall site must drain at the restricted rate of 10 litres a second. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems - Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend a condition regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

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 inspection 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 ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply - As a multi-storey development is proposed we would recommend that the applicant install pump and storage of 24 hour capacity to guarantee an adequate and constant supply particularly to the upper floors.

If the applicant intends to obtain a water supply from United Utilities, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

United Utilities Property, Assets and Infrastructure - A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. Where United Utilities assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to investigate the possibility of any United Utilities assets potentially impacted by their proposals and to demonstrate the exact relationship between any assets and the proposed development. Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans.

Community and Environmental Services Directorate, Contaminated Land - Based on the information provided through the Desk Study no further investigation is required. If at any stage during construction contamination is identified then works are to cease and investigations are to be carried out.

Education - Property and Development Officer - 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.

WASTE - Commercial - No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Highways and Traffic Management: - A scheme for upgrading the rear access street should be required by condition. The condition numbered 8 on the Decision Notice for 07/0192 is suitable and needs to refer to a drawing. I would suggest that the extent of works are agreed with the developer before a decision is made. It has also been clarified that the upgrading of bus stops (included in the 2007 condition) is no longer a requirement.

Environmental Protection Manager (Environmental) - 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.

Environment Agency - 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.

Police Architectural Liaison Officer - 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

Press notice published: 22 November 2019

4 site notices displayed: 13 November 2019

Neighbours notified: 13 November 2019

9 Norcliffe Road Bispham, Blackpool

Even though this version of plans has reduced the number of apartments from 36 to 34, there is still a shortfall in parking spaces for apartment residents and visitors. 30 spaces (of which only two are designated disabled) is insufficient. Mention has been made in the Design and Access Statement, that there is access via Chatsworth Avenue and Norcliffe Road. These are both unadopted roads and are gated with keys being held by those with garages or access to their property rear garden. What are the actual access arrangements for residents of this development upon completion? (These access points are currently unmonitored fly tipping areas). Increased usage of these areas will increase noise levels as the gates are manually operated. Should the gates be removed, vehicles that cannot be parked within the development will perhaps park here, thereby preventing access for public service vehicles

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 -

Chapter 5: delivering a sufficient supply of homes.
Chapter 8: promoting healthy and safe communities.
Chapter 11: making effective use of land.
Chapter 12: achieving well-designed places.

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 -

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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
CS9: Water Management
CS11: Planning Obligations
CS12: Sustainable Neighbourhoods
CS13: Housing Mix, Density and Standards
CS14: Affordable Housing

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 -

DM5: Design Requirements for New Build Housing Developments
DM20: Landscaping
DM21: Public Health and Safety
DM36: Community Facilities

ASSESSMENT

Principle of Development - the principle of re-developing this vacant site for residential use was established with the granting of planning permission for 35 apartments in February 2008 under ref: 07/1092. There has been no material change of circumstances since 2008 which would now mean that residential development on the site is unacceptable subject to the proposal satisfying current standards. Accordingly, the principle of residential development is considered acceptable subject to the revised details of this application, which are discussed below, being considered acceptable. The provision of apartments on the site will contribute towards the Council's housing supply and bring a site in poor condition which has been an eyesore for a number of years back into beneficial use. The proposal will also assist the local economy, for example, in supporting local shops and services, in addition to the environmental and physical improvements on offer.

Acceptability of the Scale and Design - Whilst the proposed development is 4/ 5 and 6 storeys in scale, as amended , it has an improved design stepping up in height more gradually with less massing at the sixth floor level. It has also been visually broken up into sections with a more varied materials palette, the inclusion of glazed balconies and a staggered front elevation. A front entrance has now been included creating a focal point on the front elevation to supplement the side entrance. The end result is that the proposed building fronts onto Norbreck Road much more comfortably without appearing overly heavy, cramped or bulky. Given the long range of visibility to the rear, the rear elevation has also been designed in a similar manner using the same materials palette and design features to break up the bulk and massing with the extensive inclusion of balconies, as on the front elevation, to give a more domestic appearance. The development has a double fronted appearance due to prominence and size of the rear elevation and the fact that it opens up onto the proposed car parking area. As amended from application 19/0372 the proposal is considered to be a quality development, the approval of appropriate facing materials will be dealt with by way of condition.

Housing Mix, Density and Standards - the application proposes 11 x one bed, 22 x two bed apartments and 1 x three bed apartment and satisfies the Council housing mix standard in Core Strategy Policy CS13 requiring a minimum of 70% of apartments on developments over 10 units or more to have two bedrooms or more. The one bed apartments range in size from 54-61 sqm which exceeds the 50 sqm standard set out in the National Technical Housing Standards (NTHS). The two bed apartments range from 67 sqm – 79 sqm are also in excess of the 61 sqm standards for a 3 person apartment (the figure is 70 sqm for a 2 bed 4 person apartment). The three bed apartment is 91 sqm which is within the 74 sqm - 95 sqm threshold for a 3 bed apartment with the NTHS.

27 of the 34 apartments have individual balconies/ terraces providing individual outdoor space so whilst there is fairly limited amenity space around the building, which is often the case with apartment developments. The proposal is nevertheless considered acceptable

given the inclusion of the balconies, and the proposal will also make the appropriate financial public open space contribution.

Impact on Residential Amenity - a solar study has been submitted to illustrate that the proposal will not adversely impact upon adjoining property in terms of overshadowing and loss of sunlight. A number of the apartments on the western elevation facing properties fronting Queens Promenade are shown to have obscure glazing to prevent overlooking issues with property fronting Queens Promenade and rely on clear glazed south facing windows to address any direct overlooking issue with neighbouring property. The layout of a number of flats on the western elevation, the footprint of the building and the window detailing has been amended to improve the outlook from and natural light received into flats on the western side of the building and in this respect the amended proposal is now considered acceptable subject to the obscure glazing of windows on the proposed western elevation.

There is a minimum distance of 30 metres to properties on Norcliffe Road and Chatsworth Avenue to the south and east of the application site. The distance from the western elevation of the building to properties close to the Norbreck Road/ Queens Promenade junction is between 8.7 metres and 13 metres. However those adjoining properties are not directly facing the proposed building and are angled to face southwards towards the rear parking area. This is a relationship that was accepted under planning application 07/0192 and is still, on balance, considered acceptable.

Access and Car Parking - the proposed undercroft access from Norbreck Road formed part of planning permission ref: 07/1092 and is still considered acceptable from a highway and pedestrian safety viewpoint. The proposed rear car parking area can also be accessed from either Norcliffe Road or Chatsworth Avenue via alleyways. The proposed car parking provision of 30 spaces equates to almost one space per apartment (88% provision) and is considered acceptable in this accessible and sustainable location close to bus and tram services and also close-by to local shops, schools and other local facilities.

Current car parking standards refer to a maximum provision of 1.5 spaces for developments in excess of 30 units however this number can be reduced by up to 35% for development in highly accessible locations. The application site is in a highly accessible location and therefore this reduces the car parking requirement to around 100% provision effectively leaving the proposal four spaces short. A limited number of additional spaces could be provided directly to the rear/ side of the building although this would reduce the limited amount of landscaping and amenity space around the building. Any additional provision may also impinge on the residential amenity of future residents of the rear ground floor apartments, for example, due to headlights shining into ground floor windows. It is not considered that a shortfall of four spaces is an overriding consideration in this instance.

An up-grading of the service road between Norcliffe Road and Chatsworth Avenue would be required to include re-surfacing and street lighting as part of any re-development of the application site. There is a footpath shown from Norbreck Road into the site in order to access the building and to provide direct access to the rear car park. The proposal is therefore considered to be in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016

Affordable Housing and Other Contributions - Policy CS14 of the Core Strategy requires a 30% provision of affordable housing on developments of 15 or more. However the application is accompanied by a viability assessment which concludes that the proposal is unviable with the requirement of an affordable housing contribution attached. Accordingly, and given the considerable environmental, economic and social benefits to be had from the proposal, the absence of an affordable housing contribution is accepted in this instance as a means of ensuring the development remains viable and can therefore be carried forward to fruition bringing this longstanding derelict site back into beneficial use.

The necessary off site highway works require the applicant/ developer to enter into a Section 278 highways agreement. There is also the requirement of a contribution of £21,844 towards public open space maintenance/ provision. Both these requirements will be dealt with by way of condition attached to any planning permission.

Other Issues - The application is within Flood Risk-Zone 1 however a Flood Risk Assessment is not required as the application site is below 1 hectare.

United Utilities and the Council as Lead Local Flood Authority have recommended the imposition of appropriate drainage conditions on any approval. The drainage strategy submitted with the application states surface water run off will have to be discharged into the public sewer network as occurs at present, and on site storage will be required to control the rate of discharge to the sewer network.

The site will be secured from Norbreck Road although general access to the development would still be possible from the rear although via the alleys. However the development would be afforded ample natural surveillance from adjoining property and from within the development itself which would act as a crime deterrent. Any comments from the Police will be reported via the up-date notes.

CONCLUSION

This is a brownfield site and the provision of housing on the site would contribute towards the Council's housing supply and bring a site in poor condition back into beneficial use. The proposal, as amended, has addressed the number of issues outlined above resulting in the withdrawal of planning application ref 19/0382 and the submitted viability assessment adequately demonstrates that the application of an affordable housing contribution will render the scheme unviable. Therefore the proposal is now considered to be in accordance with both local and national planning policy and guidance and accordingly the application is recommended for a conditional approval.

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 as set out in condition 9 and a payment of £21,844 will be required under condition 5 as a contribution towards the provision and/ or maintenance of public open space.

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) 19/0382 and 07/1092 and 07/0581 which can be accessed via the link below:

<http://www.blackpool.gov.uk/planningapplications>

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 29/10/19

Drawings numbered GA- 0000 P4, GA-0001 Rev P4, GA-0002 Rev P4, GA-0003 Rev P4, GA- 0004 Rev P4, GA-0005 Rev P4.

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

3. Notwithstanding the submitted details;

- (a) the materials to be used on the external elevations, and
- (b) the surfacing materials to be used in the site,

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) Notwithstanding the submitted plans 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. 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 offsite 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 £21,844 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 SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

6. 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.

7. 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.

8. No flat shall be occupied until its internal layout 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 Guidance and to safeguard the living conditions of the occupiers of the flats, in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. No development shall be commenced until a scheme of off-site highway works has been submitted to and agreed in writing with the Local Planning Authority. No flat shall be occupied until this scheme has been implemented in full. For the purposes of this condition the works shall include :-

- upgrade of the rear access from Norcliffe Road up to junction of rear access road with Chatsworth Avenue to adoptable standards (to include speed cushions).
- street lighting to be upgraded at new entrance onto Norbreck Road and rear access entrance from Norcliffe Road.
- provision of a vehicle and pedestrian access off Norbreck Road and the re-instatement of pavement in place of any redundant crossing.

Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

10. The premises shall be used for permanent residential occupation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order).

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policies RR2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. 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.

12. Details of the appearance of the bin and cycle storage areas indicated on the approved plan(s) shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced and these agreed stores shall be provided prior to first occupation of the development and retained thereafter as such.

Reason: In the interests of the appearance of the site and locality, 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.

13. 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.

14. 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.

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 & 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 10 litres per second as required 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.

16. All glazing to the west elevation of the apartment building shall be at all times obscure glazed and fixed permanently closed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

17. Other than the details shown on the approved plans, the roof of the building shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises, to safeguard the visual amenities of the area in accordance with Policy LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

18. Notwithstanding the information shown on the approved plans 1:50 scale sections showing the elevational detailing of the building shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of works above ground level, and the development shall subsequently be constructed in accordance with these agreed details.

Reason: In the interests of the appearance of the premises and locality in accordance with Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

19. Details of an external lighting scheme to the building to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works above ground level and such scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1 and LQ4 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. Advice about the Building Regulations can be obtained from the Planning Department's Building Control Division, either by writing to the address shown above or by telephoning (01253) 476219.
2. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Built Environment Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
3. Please note that any address changes or new addresses needed as a result of this development must be agreed by the Council. Please contact Council's Streetscene and Property Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477).
4. Waste Storage and Collection: The Council operates a wheeled bins scheme in accordance with the Environmental Protection Act 1990. The detailed proposal for the development hereby approved will need to include suitable arrangements to allow storage and collection of the bins. Please contact the Council's Waste Management Division Layton Depot, Depot Road, Blackpool, FY3 7HW (tel: 01253 477477) or visit www.blackpool.gov.uk for further advice.



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DO NOT SCALE. IT IS ESSENTIAL THAT THIS DRAWING IS READ IN CONJUNCTION WITH THE SPECIFICATION & THAT ALL WORKS ARE INCLUDED FOR. THE CONTRACTOR MUST VISIT SITE, SO AS TO SATISFY HIMSELF TO LOCAL CONDITIONS, ACCESS ETC. & TO INCLUDE FOR THESE IN HIS COST FOR THESE WORKS. THE CONTRACTOR IS RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS, LEVELS ETC., ON SITE.

P 4	17/10/19	Issued for Planning
P 3	30/09/19	Issued for Planning
P 2	20/08/19	Issued for Planning
P 1	31/05/19	Issued for Planning

rev date info description

project	Norbreck apartments
location	Former Mariners Pub Site, Norbreck Road, Blackpool
client	Fabrik



drawing title	3D Views	rev date	17/10/19
dwg purpose	PLANNING	scale	@ sheet size A1
Project Number	SK-0002	P4	revision
job number	drawing number		

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drawing title		
3D Views		
dwg purpose		
PLANNING		
scale		
@ sheet size A1		rev date 17/10/19
Project Number	SK-0003	P4
job number	drawing number	revision

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1 Site
1:200

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Apartment Schedule Per Level

Apartment Schedule - Level		
No.	Name	Area
L0		
0-01	2x Bed Apt.	75 m ²
0-02	1x Bed Apt.	54 m ²
0-03	1x Bed Apt.	58 m ²
0-04	1x Bed Apt.	61 m ²
0-05	2x Bed Apt.	67 m ²
0-06	1x Bed Apt.	58 m ²

L1		
1-01	2x Bed Apt.	75 m ²
1-02	2x Bed Apt.	73 m ²
1-03	1x Bed Apt.	58 m ²
1-04	2x Bed Apt.	76 m ²
1-05	2x Bed Apt.	67 m ²
1-06	1x Bed Apt.	58 m ²
1-07	2x Bed Apt.	78 m ²

Apartment Schedule - Level		
No.	Name	Area
L2		
2-01	2x Bed Apt.	75 m ²
2-02	2x Bed Apt.	73 m ²
2-03	1x Bed Apt.	58 m ²
2-04	2x Bed Apt.	76 m ²
2-05	2x Bed Apt.	67 m ²
2-06	1x Bed Apt.	58 m ²
2-07	2x Bed Apt.	78 m ²

L3		
3-01	2x Bed Apt.	75 m ²
3-02	2x Bed Apt.	73 m ²
3-03	1x Bed Apt.	58 m ²
3-04	2x Bed Apt.	76 m ²
3-05	2x Bed Apt.	67 m ²
3-06	1x Bed Apt.	58 m ²
3-07	2x Bed Apt.	79 m ²

Apartment Schedule - Level		
No.	Name	Area
L4		
4-01	2x Bed Apt.	79 m ²
4-02	1x Bed Apt.	58 m ²
4-03	2x Bed Apt.	76 m ²
4-04	2x Bed Apt.	67 m ²
4-05	2x Bed Apt.	76 m ²

L5		
5-01	2x Bed Apt.	67 m ²
5-02	3x Bed Apt.	91 m ²
Grand total: 34		2345 m ²

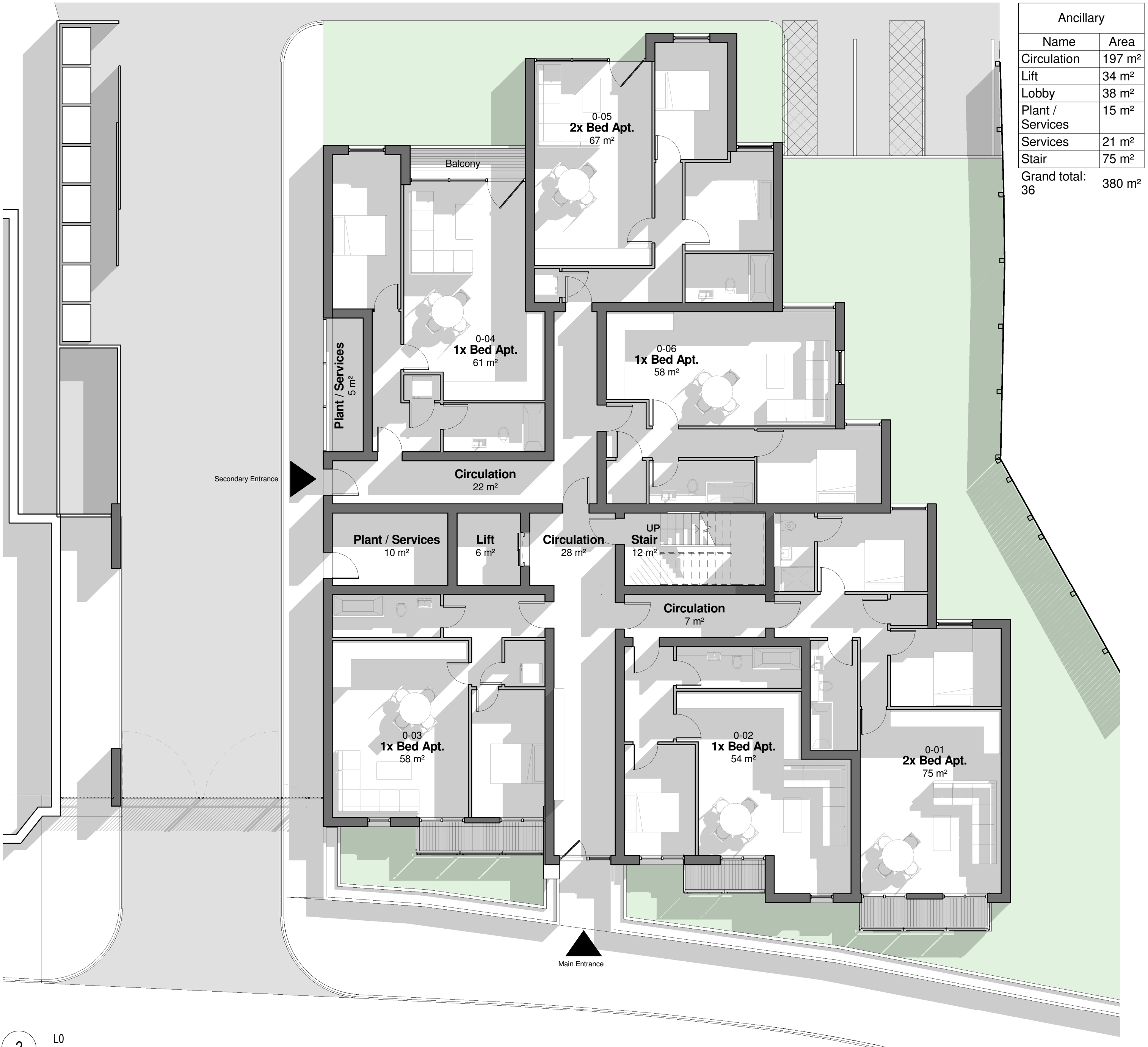
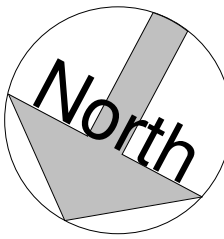
Apartment Schedule Per Type

Apartment Schedule - Type		
No.	Name	Area
1x Bed Apt.		
0-02	1x Bed Apt.	54 m ²
0-03	1x Bed Apt.	58 m ²
0-04	1x Bed Apt.	61 m ²
0-06	1x Bed Apt.	58 m ²
1-03	1x Bed Apt.	58 m ²
1-06	1x Bed Apt.	58 m ²
2-03	1x Bed Apt.	58 m ²
2-06	1x Bed Apt.	58 m ²
3-03	1x Bed Apt.	58 m ²
3-06	1x Bed Apt.	58 m ²

Apartment Schedule - Type		
No.	Name	Area
1x Bed Apt.: 11		
4-02	1x Bed Apt.	58 m ²
2x Bed Apt.		
0-01	2x Bed Apt.	75 m ²
0-05	2x Bed Apt.	67 m ²
1-01	2x Bed Apt.	75 m ²
1-02	2x Bed Apt.	73 m ²
1-04	2x Bed Apt.	76 m ²
1-05	2x Bed Apt.	67 m ²
1-07	2x Bed Apt.	78 m ²
2-01	2x Bed Apt.	75 m ²
2-02	2x Bed Apt.	73 m ²
2-04	2x Bed Apt.	76 m ²

Apartment Schedule - Type		
No.	Name	Area
2x Bed Apt.: 22		
2-05	2x Bed Apt.	67 m ²
2-07	2x Bed Apt.	78 m ²
3-01	2x Bed Apt.	75 m ²
3-02	2x Bed Apt.	73 m ²
3-04	2x Bed Apt.	76 m ²
3-05	2x Bed Apt.	67 m ²
3-07	2x Bed Apt.	79 m ²
4-01	2x Bed Apt.	79 m ²
4-03	2x Bed Apt.	76 m ²
4-04	2x Bed Apt.	67 m ²
4-05	2x Bed Apt.	76 m ²
5-01	2x Bed Apt.	67 m ²
2x Bed Apt.: 22		1616 m ²

3x Bed Apt.		
5-02	3x Bed Apt.	91 m ²
3x Bed Apt.: 1		91 m ²

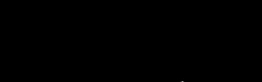


2 L0
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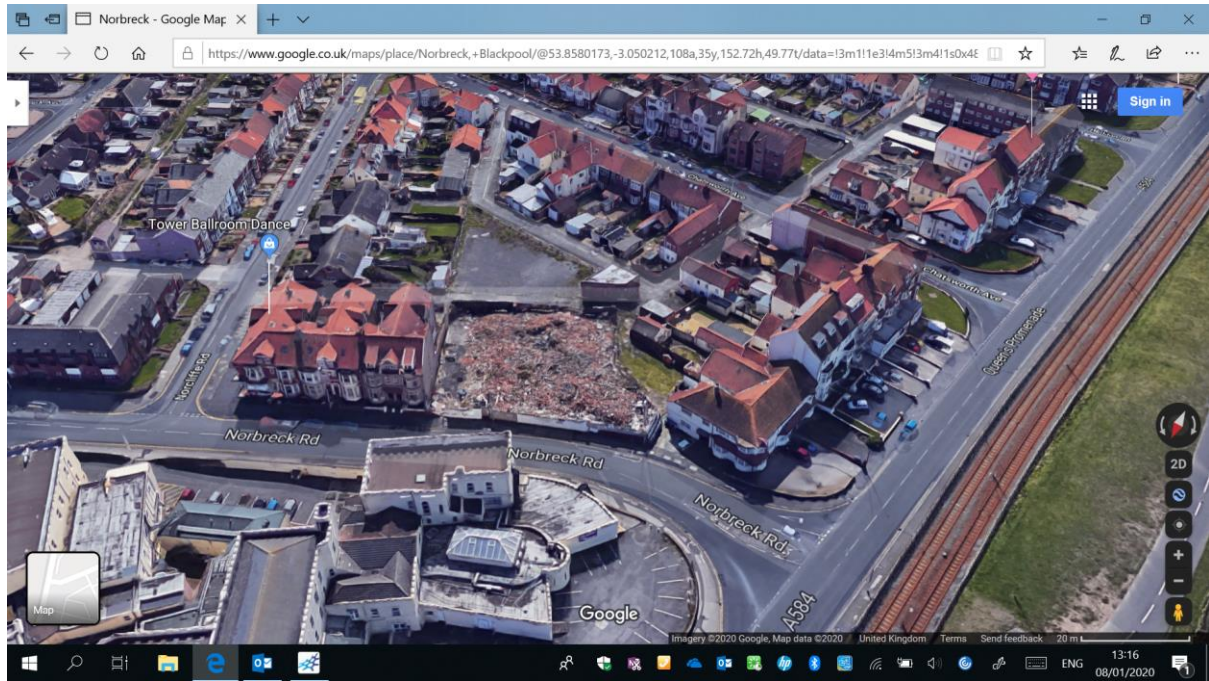
Ancillary	
Name	Area
Circulation	197 m ²
Lift	34 m ²
Lobby	38 m ²
Plant / Services	15 m ²
Services	21 m ²
Stair	75 m ²
Grand total: 36	
380 m ²	

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project	Norbreck apartments
location	Former Mariners Pub Site, Norbreck Road, Blackpool
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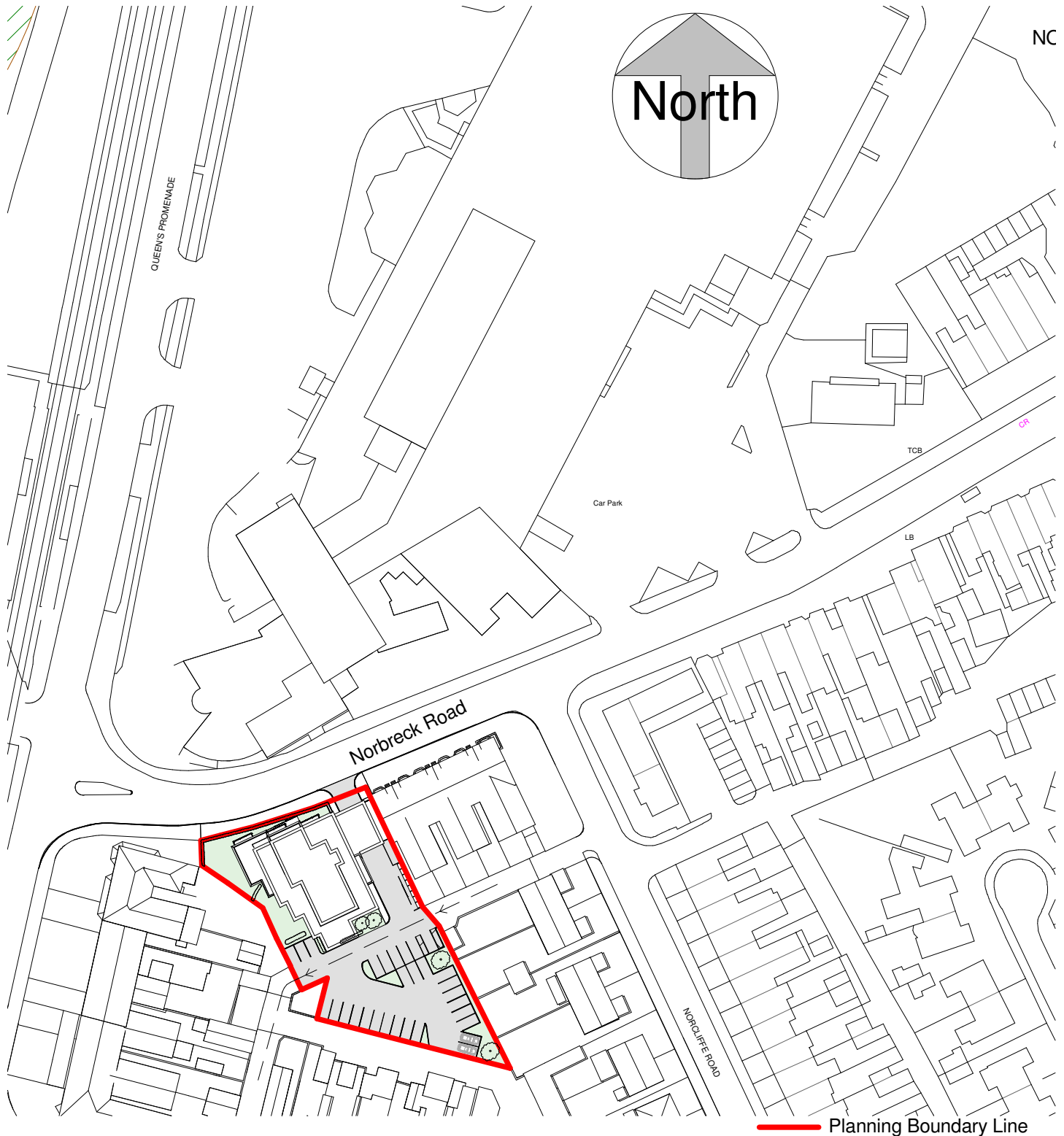
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	dwg purpose:	PLANNING	
	scale	As indicated	rev date 17/10/19
	@ sheet size A1		
	Project Number	GA-0000	P4
job number	drawing number	revision	

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project Norbreck apartments	drawing title Site Location Plan
location Former Mariners Pub Site, Norbreck Road, Blackpool	dwg purpose PLANNING
client Fabrik	



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