

COMMITTEE DATE: [01/12/2015](#)

Application Reference: **15/0394**

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

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr Moore

PROPOSAL: Erection of 10 x two and two and a half storey semi -detached dwelling houses with associated access road, car parking, landscaping and boundary treatment, following demolition of existing building.

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

Summary of Recommendation: Refuse

CASE OFFICER

Mr Gary Johnston

SUMMARY OF RECOMMENDATION

The proposed development is considered to be too intensive, out of character with the area and would have an adverse effect on the amenities of neighbouring residents. The cumulative impact of all of the issues identified in this report suggests that the development is too intensive for the site available, out of character and would have an adverse impact on amenity and as such the proposal would be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, Policies LQ2, BH3 and HN7 of the Blackpool Local Plan and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy (modification version).

INTRODUCTION

The application site was previously owned by the Council and in March 2014 the Council granted itself outline planning permission for the redevelopment of the site for three pairs of semi-detached houses (6 houses) which would replicate the streetscene at this end of Stony Hill Avenue, which comprises pairs of semi-detached houses (14/0036 refers).

A pre-application enquiry for 12 houses was submitted prior to the application being submitted and it was pointed out that a permission exists for six houses and this had not raised serious concerns with local residents but this was declined on viability grounds although no evidence was put forward. It was suggested that the number be reduced to eight. A scheme of 10 was suggested by the applicants and officers still had concerns and recommended that pre-application consultation with local residents was undertaken prior to an application being submitted but this approach was declined by the applicant.

SITE DESCRIPTION

This application relates to a site on the western side of Stony Hill Avenue. It is close to the southern end of Stony Hill Avenue and has a frontage of some 54 metres and a depth of 36 metres. It

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

DETAILS OF PROPOSAL

This application is for the erection of 10 properties on the site - six would front Stony Hill Avenue in the form of two pairs of semi detached houses and the middle pair would have an undercroft which would allow for a short access road to serve two further pairs of semi detached houses. The properties would be two storey but would include accommodation in the roof space and as such the properties would have piked dormers on the front roof plane to provide light to this accommodation. The properties fronting Stony Hill Avenue would have a projecting section which would be similar to the bays on the existing properties and they would have driveways to accommodate two cars, reflecting the pattern of development in Stony Hill Avenue. The two pairs of semi detached properties to the rear would have a communal parking area. The properties to the rear would be set between 12 metres and 14.5 metres from the main rear elevations of properties fronting Hillcrest Road and 10 metres to the south of the end semi detached house fronting Stony Hill Avenue, although there would be a projecting single storey wing which would come within 7.5 metres of the boundary.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the intensity of the development
- the impact of the development on residential amenity
- the impact of the development on highway safety

CONSULTATIONS

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

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

- an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical

- a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- a sewer (approval must be obtained from United Utilities)

Head of Transportation: 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: 11 August 2015

Site notice displayed: 31 July 2015

Neighbours notified: 30 July 2015

Objections have been received from the following -

Mr Dominic Hudson, 127 Stony Hill Avenue

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

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

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

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

Mr S Taylor, 126 Stony Hill Avenue

Objects to the proposed planning application on the following grounds:

Highway Safety and Parking

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

Character /Appearance

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

character of the avenue.

Effect on nature conservation and trees.

The avenue is currently tree lined and most of the properties have large rear and front gardens and the current plot also has a large grassed area. 10 properties on that plot along with the courtyard appearance and driveways will surely have an impact.

The possibility of more noise or disturbance:

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

138 Stony Hill Avenue was sold originally with planning permission for six semi-detached dwellings each with garages and driveways which surely was deemed to be appropriate and the limit for the development to allow it to be within the character of surrounding area and as such this must have been obvious and apparent to the buyer at the time. If this plot had been considered large enough for such a 10 property development surely the Council would have sold it with planning for this at the time. As such, I feel this application should be rejected to allow for the original development which was agreed and was in keeping with the character of the area.

Mr Graham Oxley, 108 Stony Hill Avenue

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

Mr A Murphy, 132 Stony Hill Avenue

Objects to the proposed planning application on three main points.

1. Parking

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

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

2. Design

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

3. Overlooking

The current plans would allow the houses at the rear of the proposed development direct viewing of at least 30 rear gardens along Stony Hill Avenue and Hillcrest Road.

The majority of property owners have bought houses in this area for the size and privacy that these rear gardens provide and I find the current layout totally unacceptable.

Mrs M Whittaker, 135 Stony Hill Avenue

Objects to the proposed planning application on two main points.

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

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

Mr Chris Allan, 51 Stony Hill Avenue

Objects to the proposed development on the following grounds -

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

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

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

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

5. Effect on highway safety and parking - The Squires Gate end of Stony Hill Avenue already has issues with parking from the customers using the commercial units on Squires Gate Lane and Stony Hill Avenue and in an attempt to resolve these properties have white road markings at the end of our drives. The proposal will result in the loss of parking on that side of the road due to driveways and drive through having to be created therefore pushing additional vehicles and visitors further along Stony Hill Avenue and causing issues for all residents. The courtyard properties have the

potential for 12 or more vehicles in the fullness of time but they do not have any driveways and only six parking spaces, where do the other vehicles and visitors park? This development will undoubtedly attract families and due to the size of the properties could potentially house 36 children. In an already built up area, busy with traffic, this would surely create safety issues. Again the size of this proposed development is far too large for the space available. When the Council owned this property a large car park was provided on site for the use of employees and visitors as they were aware of parking issues in this area. Refers to attached photos to his objection.

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

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

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

The Council sold 138 Stony Hill Avenue along with planning permission for six semi-detached dwellings each with garages and driveways and as such why are they now considering allowing any developer to revise this for the developer's additional gain? If this plot had been considered large enough for such a development surely the Council should have sold it with planning for this at the time and that would also have increased the value at that time? The Council has the perfect opportunity to ensure that any developer finishes off Stony Hill Avenue and for this development to complement the character of Stony Hill Avenue and for it to be a mirror image of the opposite side of the avenue.

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

Miss Nicola Clark, 128 Stony Hill Avenue

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

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

Ms G Ogden, 121 Stony Hill Avenue

Objects on the following grounds:

The scale of the proposal has increased drastically from six semi-detached houses to 10 mews-style houses. The same space occupied opposite this development area has six semi-detached houses. All of the houses on Stony Hill Avenue are two storeys and the proposal shows windows to three

floors onto the street elevation. This would make the new houses a completely separate entity and as such would detract from the uniformity of one of Blackpool's few remaining true tree-lined "avenues". I don't see any of the established trees currently on this area remaining on the plans. The people directly facing or living next door to the proposed development will lose a degree of privacy especially when overlooked by a 2.5/3-floor dwelling. The buildings are forward of the current building line and again this makes them unsightly and out of keeping with the surrounding area.

Residents of Stony Hill Avenue are already experiencing issues with parking from the customers using the commercial units on Squires Gate Lane and we now have white road markings at the end of our drives. The extra houses (which do not all appear to have driveways) will result in the loss of parking on that side of the road. We have also experienced the increase in traffic using Stony Hill Avenue as a cut through to Lytham Road or Squires Gate Lane in order to miss the traffic lights and numerous vehicles have been damaged (mirrors knocked off, dents etc.) Extra traffic parked on Stony Hill Avenue (10 properties could mean 20 cars plus) is likely to exacerbate the issue.

Most of the houses on Stony Hill Avenue were built circa 1935 and are in keeping with this era. Mews-style houses do not fit in with this. Due to its established and original features Stony Hill Avenue has a reputation in Blackpool as a desirable area in which to live and has residents who have lived on the avenue for many years and in fact in some cases for generations. The original plans that were issued for six semi-detached houses had been designed in keeping with the area and no objections were raised to these.

Mr and Mrs G and M Hague, 4 Hillcrest Road

Objects on the following grounds:

- out of character
- impact on amenity

Mr G Roberts, 117 Stony Hill Avenue

Objects on the following grounds -

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

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

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

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

I feel the scale of the proposal would be a massive over development for the size of the plot. The Council sold the plot at 138 Stony Hill Avenue with planning permission for six semi-detached properties, why are they now considering allowing the developers to increase the development by 40%?

Ms J Moss, 2 Hillcrest Road

Objects on the following grounds:-

- out of character – over-intensive
- impact on privacy
- impact on light to property
- increased noise and disturbance

R Clarke, 12 Hillcrest Road

Objects on the following grounds:

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

Ms S Hill, 8 Hillcrest Road

Objects on the following grounds:

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

R and D Connolley and Sinclair, 131 Stony Hill Avenue

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

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

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

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

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

The reasons for the objection are as follows:

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

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

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

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

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

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

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

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

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

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

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

Unacceptable direct impact to ourselves:

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

Severely restrict light to the rear of our property.

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

Increased noise and disturbance.

Dramatic loss of privacy.

Loss of nine well established trees.

Overlooked unnecessarily by addition of two courtyard style properties.

Proposed street lighting within courtyard area.

Over dominance by size of new development.

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

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

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

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

Surely when Blackpool Council originally sold this site and drew up their original plans for six x three bedroom properties that is what they felt was acceptable and the correct site density for this area and piece of land, if the Council felt that 10 x 2.5 storey four bedroom properties was acceptable then why wasn't it sold with permission for this as it would have attracted a much higher selling price

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

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

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

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

A development of such size would severely restrict our levels of sunlight and daylight and be totally

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

Mrs Sandra Dancy, 133 Stony Hill Avenue

Objects to the proposal on the following grounds:

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

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

Ms G Riley, 123 Stony Hill Avenue

Objects to the proposal on the following grounds:

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

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

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

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

5. Effect on highway safety and parking - The Squires Gate Lane end of Stony Hill Avenue already has issues with parking from the customers using the commercial units on Squires Gate Lane and Stony Hill Avenue and in an attempt to resolve these properties have white road markings at the end of our drives. The proposal will result in the loss of parking on that side of the road due to driveways and drive through having to be created therefore pushing additional vehicles and visitors further along Stony Hill Avenue and causing issues for all residents. The courtyard properties have the

potential for 12 or more vehicles in the fullness of time but they do not have any driveways and only six parking spaces, where do the other vehicles and visitors park? This development will undoubtedly attract families and due to the size of the properties could potentially house 36 children. In an already built up area, busy with traffic this would surely create safety issues. Again the size of this proposed development is far too large for the space available. When the Council owned this property a large car park was provided on site for the use of employees and visitors as they were aware of parking issues in this area. Please see attached photos

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

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

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

The Council sold 138 Stony Hill Avenue along with planning permission for six x semi-detached dwellings each with garages and driveways and as such why are they now considering allowing any developer to revise this for the developer's additional gain? If this plot had been considered large enough for such a development surely the Council should have sold it with planning for this at the time and that would also have increased the value at that time? The Council have the perfect opportunity to ensure that any developer finishes off Stony Hill Avenue and for this development to compliment the character of Stony Hill Avenue and for it to be a mirror image of the opposite side of the Avenue. Please do not allow this area to become a mis- mash, by allowing developers to do as they wish without any care or consideration for the area or the residents.

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

Mr Barry Oldham, 130 Stony Hill Avenue

Objects to the proposal on the following grounds:

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

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

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

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

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

Mr Andrew Bassett, 125 Stony Hill Avenue

The reasons for the objection are as follows:

c1) we at 125 Stony Hill Avenue will be directly facing the proposed new property named as 'Plot 8' with the obvious impact to us of loss of privacy given the increased closeness to the road of the property and given that these new properties are proposed to have a 3rd floor with this higher elevation facing directly the bedrooms of our house.

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

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

c4) whilst already covered in a) and b), we will also stress the importance to any development of 138 of the traffic management aspects; there are bound to be a significant number of vehicles associated with whomsoever buys the would-be new houses and there is clearly limited space within the development to accommodate these additional vehicles. An overspill onto Stony Hill Avenue would, in our view, be completely unacceptable as this end of Stony Hill Avenue is already swamped thanks to the businesses at the Squires Gate Lane end.

We have previously experienced this exact problem when 138 was used by the Council, with the Council staff preferring to park on the road rather than paying to park on 138 - Council policy at the time. Residents perhaps finishing work early, found themselves unable to park near their own homes, let alone outside.

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

Note:

Whilst we are not able to offer a preference for an alternative development (your letter dated 30th July), the Council Planning Department do need to recognise that the previous application for six

new dwellings was more in-keeping with the existing constructions and was consequently the recipient of few stated objections.

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

The reasons for the objection are as follows:

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

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

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

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

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

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

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

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

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

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

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

Unacceptable direct impact to ourselves:

Increased noise and disturbance

Dramatic loss of privacy

Loss of nine well established trees

Overlooked unnecessarily by addition of two courtyard style properties

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

NATIONAL PLANNING POLICY FRAMEWORK

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

Paragraph 11 reiterates this requirement.

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

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

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

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

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

Paragraphs 47-52 deal with the supply of housing.

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

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

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

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

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

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

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

(the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

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

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

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

(A) Public and Private Space - New development will need to make a clear distinction between areas of public and private landscaping utilising appropriate landscaping treatments. Residential developments will be expected to achieve a connected series of defensible spaces throughout the development.

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

- (i) the width and importance of the street or space
- (ii) the scale, massing and height of neighbouring buildings.

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

- (i) a base, of human scale that addresses the street.
- (ii) a middle, of definite rhythm, proportions and patterns, normally with vertical emphasis on the design and positioning of windows and other architectural elements.
- (iii) a roof, which adds further interest and variety.
- (iv) a depth of profile providing texture to the elevation.

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

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

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

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

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

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

and/or

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

or by

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

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

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

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

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

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

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

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

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

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

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was submitted to the Planning Inspectorate in December 2014 and an Inspector conducted an examination of the Core Strategy in May 2015. Consultation has taken place on modifications to the Core Strategy arising from the examination and the results of this consultation have been forwarded to the Inspector for him to consider. He will then publish his final report on the Core Strategy and the document will be adopted early in 2016.

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

CS1 - strategic location for development

CS2 - housing provision

CS5 - connectivity

CS7 - quality of design

CS9 - water management

CS10 - sustainable design

CS12- sustainable neighbourhoods

CS13 - housing mix density and standards

CS14 - affordable housing

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

• the intensity of the development

The principle of redeveloping the site has been established by the granting of outline planning permission reference 14/0036 for three pairs of semi detached houses fronting onto Stony Hill Avenue. This proposal would have six properties fronting onto Stony Hill Avenue but the rear gardens would be smaller to accommodate two pairs of semi detached houses at the rear. The properties fronting onto Stony Hill Avenue would be a similar overall height to the existing properties in Stony Hill Avenue but would have gable ended roofs rather than hipped roofs. They would each have a 2.5 metres wide drive which would be capable of accommodating two cars (12metres length) and low front boundary wall. Whereas the six approved houses would have rear gardens of some 18 metres in length (reflective of existing properties on Stony Hill Avenue) the

proposed properties would have gardens of between 7.8 metres to 10.2 metres in length (the normal requirement is 10.5 metres) although it is acknowledged that with the side drive to the properties the rear gardens would be 8 metres wide (similar width to the existing properties in Stony Hill Avenue). The properties to the rear of them would be set between 8.5 and 11 metres away whereas the normal requirement would be 12 metres. Again it is acknowledged that the properties would only slightly overlap where the shorter 8.5 metres distance is involved. The main front elevation of the properties fronting Stony Hill Avenue would be set on a similar building line to the existing houses with the projecting elements projecting some 2 metres whereas the bays on the existing houses project in the region of one metre. It is acknowledged that the front elevation to front elevation separation with properties on the opposite side of Stony Hill Avenue would not be comprised (28 metres compared with the normal requirement of 21 metres and the proposed front dormer would be some 29 metres away).

In terms of the properties to the rear of those proposed on the Stony Hill Avenue frontage they would be side on to the properties in Hillcrest Road and set away from them by between 12 and 14.5 metres. They would have a blank gable to the properties in Hillcrest Avenue and this distance is considered acceptable. In terms of rear gardens they would be between 7.5 metres and 10 metres in length but would be narrower because parking would be provided communally. The turning area shown for the communal parking area would be too small (six metres reversing distance is needed) and the footpath to serve the houses at one metre wide would be too narrow.

The height of the undercroft at 2.5 metres would not allow a bin lorry to access the site and hence residents of the two pairs of semi detached houses would have to move their bins some 35 metres onto the pavement in Stony Hill Avenue for collection which is not ideal.

The cumulative impact of all of the issues suggests that the proposed development is over-intensive for the size of the site and out of character with the area in which the site is located. As such the proposed development would be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, Policies LQ2 and HN7 of the Blackpool Local Plan and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy (modification version).

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

Having said that the separation distance between the proposed side elevation of the houses to the rear part of the site and the original rear elevation of houses fronting Hillcrest Avenue meets the minimum requirement in terms of distance 12 metres, this does not take into account that the floor level of these houses would be set at 8.35 m above ordnance datum (AOD) whereas those fronting Stony Hill Avenue would be set at 7.95m AOD. This extra height would mean the bulk of the side elevation (and property) would be greater and would offer the potential for greater shading of the rear gardens of properties in Hillcrest Avenue in the morning. The extra height also gives more potential for overlooking from the front bedroom and front dormer windows albeit at an angle to the gardens of the houses fronting Hillcrest Avenue.

The pair of semi detached houses which would back onto the rear garden of 136 Stony Hill Avenue would be set 10 metres away and would also have the additional height which would offer the potential for overlooking of the rear garden. This distance is considered too short and hence the impact on the amenity of the residents of 136 Stony Hill Avenue is considered unacceptable with two study rooms and two second bedroom windows overlooking their rear garden. The increased height could also shade the garden given the proposed houses would be due south of the rear garden of 136 Stony Hill Avenue.

As such the proposal would be contrary to para 17 of the National Planning Policy Framework, Policies LQ2 and BH3 of the Blackpool Local Plan and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy (modification version).

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

The houses fronting Stony Hill Avenue would each have two off street car parking spaces which is considered acceptable given the site is within the built up area and close to bus routes. The communal parking at the rear at 1.5 spaces per dwelling is similarly considered acceptable however as mentioned above the turning area is too small to allow for manoeuvring into/out of all of the spaces. The access road would allow a vehicle to pull clear of Stony Hill Avenue if a vehicle is exiting the site. The height of the undercroft would not allow a bin lorry, fire engine or delivery vehicles to access the properties to the rear. The footpath to serve the properties to the rear would be too narrow at 1 metre in width (it is acknowledged that it could be set flush with the carriageway which would improve the situation).

CONCLUSION

Whilst there is a presumption in favour of sustainable development and this site is sustainable in that it involves the re use of an existing site in a location close to bus routes and relatively close to Local Centres and a District Centre the issues raised in the report are considered sufficient to outweigh the presumption in favour of development in this case.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s): 15/0394 and 14/0036 which include the representations referred to in the report and all other information relevant to the application. The files can be accessed via the link below:

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

Recommended Decision: Refuse

Reasons for Refusal

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

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

3. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 187)**

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

Advice Notes to Developer

Not applicable