

COMMITTEE DATE: [09/06/2014](#)

Application Reference: **14/0302**

WARD: Stanley
DATE REGISTERED: 17/04/14
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Newfield Construction Ltd

PROPOSAL: Erection of 8 detached dwellinghouses with associated garages, car parking, landscaping, boundary treatment and vehicular access from Common Edge Road.

LOCATION: LAND BOUNDED BY FISHERS LANE, COMMON EDGE ROAD AND ECCLESGATE ROAD, BLACKPOOL

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

INTRODUCTION

This application is a full application following on from an outline proposal (13/0397 refers), which was withdrawn by the applicant prior to determination. That scheme was for a residential development of up to 14 detached and semi-detached houses across the whole of the site, with vehicular access from Common Edge Road (with the principle and access being applied for). Significant objections were raised by officers with regard to the impact of the proposal on the setting of the listed cottages on Fishers Lane. The current submission has arisen as a result of negotiations to mitigate that particular impact.

SITE DESCRIPTION

This 0.451 ha site is currently open grassland grazed by horses. Records indicate that a few glasshouses previously occupied part of the site in the northwest corner, but other than that the site has always been greenfield. Common Edge Road (B5261) forms the western boundary along with the rear boundary of 202 Common Edge Road, Fishers Lane is to the north, Ecclesgate Road to the south (with public rights of way footpath nos. 2 and 51) and a dwelling with large garden to the east. The site has a frontage of approximately 40 metres to Common Edge Road with the remainder of the frontage between Fishers Lane and Ecclesgate Road taken up by 202 Common Edge Road. The site is within Marton Moss Countryside Area (MMCA) and the topography of the land is generally level, although the site overall is approximately 500mm lower level than Common Edge Road. There are a number of relatively new residential developments in the vicinity across Common Edge Road (formerly nurseries, which are within the urban area) and Belvere Close on the same side of Common Edge Road, which was previously Thompson's Holiday Camp and Ivy Leaf Club. Numbers 1 and 2 Fishers Lane, to the north across Fishers Lane, are Grade 2 Listed Buildings and comprise a pair of semi-detached, thatched, single-storey cottages. There is a dyke

along the north boundary and the northern half of the east boundary. A 380mm diameter surface water drain runs along the southern boundary with Ecclesgate Road.

DETAILS OF PROPOSAL

The proposal is a full application for the erection of eight detached dwellings within the east portion of the site; the west portion would remain as open land with a pond. Five properties would have integral garages and three would have detached garages; all would have single storey conservatories projecting into the rear garden. There would be a single vehicular and pedestrian access point from Common Edge Road, with no vehicular or pedestrian access from either Fishers Lane or Ecclesgate Road.

The application is accompanied by:

- Design and Access Statement
- Topographic Survey
- Ecological Report
- Site Investigation Report
- Risk Assessment and Contaminated Land Report
- Transport Assessment

The Committee will have visited the site on 9th June 2014

MAIN PLANNING ISSUES

The key issues in relation to this application are:

- the principle of the proposal in terms of whether it would be acceptable in an area where development plan policy seeks to retain rural character and prevent peripheral urban expansion;
- the impact of the size and scale of the houses on the open character of the area;
- the impact on the amenities of neighbours;
- the impact on the Grade 2 listed buildings in the vicinity (1 and 2 Fishers Lane);
- the acceptability of the means of access proposed in terms of highway safety

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

CONSULTATIONS

Environment Agency:

Has no objection in principle to the proposed development providing that the Proposed Drainage Layout (Drawing No. P4979/14/100B) is implemented in full.

Sustainability Manager:

The report by Brian Robinson MIEEM covers the ecological aspects of this small site in fine detail. The proposals for biological enhancements under the provisos of the National Planning Policy Framework are sound and should be followed by the developer. I welcome the default inclusion of proposals for bats, house sparrows and starlings in the document. The tree and shrub species shown in the list provided in Table 5.1 are a good selection which should thrive in the locality but the addition of Alder buckthorn (*Frangula alnus*) would be beneficial. The grassland wildflower mix stated in the report will be low maintenance as there are no aggressive grasses provided it is sown onto a low nutrient substrate and the guidelines for management given by the seed supplier to aid establishment are followed.

Head of Transportation:

No objection but makes the following comments:

1. The site to be formally adopted under a S38 agreement, Details relating to limits of adoption, construction, materials, lighting, drainage to be discussed in the first instance with the Head of Transportation.
2. The access road leading from plot 5 to plot 8 and plots 1 - 3 will not be adopted by the Highway Authority due to the width of the road. A Management company should be set-up to deal with future maintenance.
3. I would like to see a continuous footway from the edge of the public highway, wrapping around the small POS area leading to Plot 5 and terminating at this point, in order to provide good pedestrian links.
4. Amend the layout to improve the passing point and mark it out/sign it to prevent parking for long periods.
5. The parking provision is acceptable as two spaces are available on the driveway with one in the garage. The garages should be conditioned for this use.
6. The bin drag distance is quite significant for future occupiers of Plots 7 and 8. It would be advisable to discuss future bin collection arrangements with the Head of Waste Services.
7. The properties will require formal postal addresses.
8. A Construction Management Plan to be conditioned.
9. The new access into the site and dedicated right-turn lane require a S278 agreement. Given the small number of vehicle movements associated with the development, I will accept the sub-standard lane widths and there is no requirement to re-locate the pedestrian refuge. The No Waiting at Any Time restriction should follow the new kerb-line into the site. These works to be implemented prior to main construction activities commencing.
10. There is a lighting column in the vicinity of the proposed access which may have to be re-positioned.

Head of Environmental Services:

No objection subject to a Construction Management Plan.

Contaminated Land Officer:

Looking at the Phase 1 Desk Study and the information provided a gas monitoring regime is required, this will need to be submitted to the Local Authority prior to works commencing to ensure that the correct mitigation methods are implemented in the design of the dwellings. Looking at the chemical analysis that has been provided Benzo (a) pyrene exceeds in one sample by 1.2 mg/kg however if the recently published category 4 screening levels are used this falls within the criteria and is therefore acceptable.

Built Heritage Manager:

Although the scheme has been reduced from 14 to eight houses I am fundamentally opposed to the development of open space in this area. My comments submitted in relation to the earlier application 13/0397 are still relevant. The development harms what is left of the open setting for the grade II listed cottages, and is an incremental encroachment of urban development which will contribute to the erosion of the historic landscape character. The application is contrary to current and emerging planning policy and we do not believe the development offers sufficient benefit to offset the impact it will have on the local area. In addition, I do not believe that this application represents truly sustainable development when there are brownfield sites in other areas which could be brought into use to meet housing need. Because of this I would recommend against setting aside policy in this case.

Police (Secured By Design):

I have conducted a crime and incident search of this policing incident location and during the period 01/01/2013 to 01/04/2014 there have been a small proportion of reported incidents. This is hardly surprising due to the site history and being unoccupied for some considerable

time. However, reported incidents include burglary increases along Common Edge Road. In order to prevent the opportunity for crime and disorder in the future at the proposed development, in particular burglary, below are recommendations for consideration:-

1. This development should be built to Secured By Design Standards in terms of physical security
2. The front and rear of dwellings should be protected with a dusk till dawn lighting unit.
3. The dwellings should be secured with a 1.8m fencing arrangement.

Should Secured By Design accreditation for the site be progressed, further security advice and checklists can be provided by the Police Architectural Liaison Officer.

Blackpool Civic Trust:

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

United Utilities:

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval: -

- Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall have foul and surface water drained in accordance with the principles outlined in the submitted Drainage Plan P4979/14/100B - prepared by Thomas Consulting dated 26th March 2014. For the avoidance of doubt, foul must drain separate to surface water which must then combine at the last manhole prior to discharging into the public combined sewer located on Ecclesgate Road. Surface water draining from the site must be restricted to a maximum pass forward flow of five litres per second

Blackpool International Airport

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.

Electricity North West Ltd

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

Ramblers Association:

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

Site notice displayed: 30th April 2014

Neighbours notified: 30th April 2014

Objections received from 1, 2, 5, 6 Ecclesgate Road; 1, 2, 5, 6, 8, 10 Fishers Lane; 177, 179, 183, 199A Common Edge Road.

In summary, objections relate to:

- The proposal is contrary to Council policies for the countryside.
- The land is green belt/open land and has never been built on and should remain open; there would be loss of the open aspect across the paddock.
- Currently the undeveloped land protects the setting of the listed cottages on Fishers Lane.
- Common Edge Road is very busy and forming an additional vehicular access/egress would make the situation worse, result in additional highway safety issues and be dangerous.
- There are already large housing developments progressing at Whitehills and Queensway, so this development is not essential and will only add to congestion.
- The properties are close to the shared boundary and there would be issues with privacy and overlooking.
- There would be increased noise and disturbance from this new housing estate.
- The loss of mature trees from the site.
- Potential for flooding - Fishers Lane has a dyke which sometimes floods and a housing development would affect the water table and exacerbate the problem.
- Piling could cause structural damage to existing houses, particularly the listed buildings which have no foundations and already vibrate when heavy vehicles pass.
- The Council have refused a single dwelling at 7 Ecclesgate Road, so this should be refused as well.

In response, the issues will be discussed in the assessment section of this report.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

National Planning Policy Framework Part 6 - Delivering a wide choice of high quality homes.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. It is acknowledged that proposals for housing development should be looked upon favourably if a Local Planning Authority is unable to demonstrate a five year supply of housing land.

National Planning Policy Framework Part 7 - Requiring good design.

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

National Planning Policy Framework Part 12 - Conserving and enhancing the historic environment.

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

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the desirability of new development making a positive contribution to local character and distinctiveness.

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

National Planning Practice Guidance Para 14 - prematurity issue:

In the context of the Framework and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission, other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

- LQ1 Lifting the quality of design
- LQ2 Site context
- LQ3 Layout of streets and spaces
- LQ4 Building design
- LQ6 Landscape Design and Biodiversity
- LQ8 Energy and Resource Conservation
- LQ9 Listed Buildings
- HN4 Windfall sites
- HN6 Housing Mix
- HN7 Density
- BH1 Balanced and Healthy Community
- BH3 Residential and Visitor Amenity
- BH10 Open space in new housing developments
- NE2 Marton Moss Countryside Area
- NE10 Flood Risk
- PO1 Planning Obligations
- AS1 General Development Requirements
- SPG11 Open Space: New Residential Development and the Funding System

EMERGING PLANNING POLICY

The Blackpool Local Plan Part 1: Core Strategy - Revised Preferred Option consultation document was published in May 2012. This responded to representations received to earlier 2010 and 2008 consultations, publication of the National Planning Policy Framework, the pending abolition of North West Regional Spatial Strategy (which was subsequently abolished in May 2013), updated evidence base documents and a review of Blackpool Council's priorities as set out in the 'Mission, Values and Priorities' Statement (2012). A Pre-Submission document is currently being prepared.

Emerging policies in the Core Strategy Revised Preferred Option that are most relevant to this application are:

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

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

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

CS9: Energy Efficiency and Climate Change - all new developments should ensure buildings are located, designed and orientated to maximise passive environmental design for heating, cooling and natural day-lighting.

CS10: Planning Obligations - development will only be permitted where existing infrastructure, services and amenities are already sufficient or where the developer enters into a legal agreement.

CS12: Housing Mix, Density and Standards - on sites where flats are permitted no more than 30 per cent of the flats should be less than two bedroom flats.

CS13: Affordable Housing - where developments comprise 3-14 dwellings then a financial contribution towards off-site affordable housing is required. The contribution will be set out in a SPD.

CS27 of the Core Strategy sets out the approach to Marton Moss and states:

'1. The character of the remaining lands at Marton Moss is integral to the local distinctiveness of Blackpool and as such is valued by the local community. A neighbourhood planning approach will be promoted for this area to develop neighbourhood policy which supports the retention and enhancement of the distinctive character, whilst identifying in what circumstances development including residential may be acceptable.

2. Prior to developing a local policy framework through the neighbourhood planning process development on the remaining lands of the Moss will be limited to:

- a. Conversion or change of use of existing buildings for agricultural or horticultural purposes*
- b. Outdoor recreational uses appropriate to a rural area*
- c. New dwellings essential in relation to the agricultural or horticultural use of the land*
- d. Extensions or replacements dwellings in keeping with the scale and character of the area and not exceeding 35% of the original ground floor footprint of the existing dwelling.'*

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

ASSESSMENT

Principle

There are two key policy issues:

- impact of the proposal on the character/ function of the designated Countryside Area; and
- consideration of Blackpool's housing requirement.

Regarding the principle of residential development in this location, key policies are saved Policy NE2 and Proposed Policy CS27. To retain the existing rural character and prevent peripheral urban expansion, Policy NE2 limits new development within the Marton Moss Countryside Area to conversion or change of use of existing buildings for agricultural or horticultural purposes, outdoor recreational uses appropriate to a rural area, or new dwellings essential in relation to the agricultural or horticultural use of the land. Infill development will not be permitted. Proposed Policy CS27 promotes a neighbourhood planning approach for this area which will support the retention and enhancement of the distinctive Moss character, whilst identifying in what circumstances development including residential may be acceptable. Prior to the neighbourhood planning process, development on the remaining lands of the Moss will be limited in accordance with saved policy NE2. Representations received to the Core Strategy Revised Preferred Option consultation show general community support for this proposed policy.

Following the formal revocation of the Regional Spatial Strategy (RSS), local authorities are responsible for determining their own housing targets. Policy CS2 in the Core Strategy Revised Preferred Option (May 2012) proposed a new annual housing figure of 300 dwellings per annum (phased to 260 per annum in the first five years) over the plan period 2012 - 2027 based on evidence available at that time. Delivering this level of housing will be achieved by developing sites within the existing urban area (including windfall sites) or from existing commitments/ planned developments elsewhere, without the need for further development within the defined Green Belt or Countryside Areas of Marton Moss/ Land between Newton Hall and Preston New Road. The Core Strategy Proposed Submission document is due to be published shortly for consultation. This will be informed by up-to-date evidence, including a new Fylde Coast Strategic Housing Market Assessment (SHMA), which provides an up-to-date assessment of housing needs for Blackpool and the Fylde Coast, and a 2013 Strategic Housing Land Availability Assessment (SHLAA) Update. The housing figure in Policy CS2 is being revisited in order to consider the Strategic Housing Market Assessment outcomes as well as other evidence, including the alignment of housing growth to economic prosperity and the level of housing considered realistic to deliver in the Borough.

The 2013 Strategic Housing Land Availability Assessment Update is expected to demonstrate a five-year supply against this proposed requirement. However, until the Core Strategy Proposed Submission is published (following formal approval by the Council's Executive) the emerging Core Strategy policies can only be afforded limited weight, and the Council is unable to demonstrate a five year supply of housing against the former Regional Spatial Strategy housing figure of 444 dwellings per annum or against the upper end of the range of Blackpool's objectively assessed need identified in the Fylde Coast Strategic Housing Market Assessment (also accounting for a 20 per cent buffer that would need to apply to reflect persistent levels of under-delivery). The objectors comments regarding the lack of need due to the ongoing residential development at Whitehills and Queensway is not valid as these sites are in Fylde and do not contribute towards Blackpool's five year supply. In which case, the National Planning Policy Framework states that planning permission should be granted for residential development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits; and policies relating to the supply of housing cannot be considered up-to-date.

Whilst the Council has been successful in resisting new residential development in the Countryside Area in the past in accordance with Policy NE2, the way National Planning Policy Framework is being interpreted by Inspectors in recent appeals where Council's do not have a five year housing supply (including the Runnell Farm appeal) makes it increasingly difficult to defend new residential development in sustainable locations; although the impact of the development on the character and appearance of the Countryside Area remains an important consideration. It has been established in current and proposed policy that there is a need to protect and enhance the distinct Moss character, which is considered integral to the local distinctiveness of Blackpool and is valued by the local community; and development that would be detrimental to the existing rural character of the area should continue be resisted. Number 7 Ecclesgate Road (where the Council refused planning permission for a dwelling and stables in 2012, 12/0550 refers) differed from the current proposal in that the scheme was for only one house, so wouldn't have made a significant contribution to the five year supply, it was in a less sustainable location down a single track lane and would have impacted more on the character of the Moss being in a more isolated location, rather than on the urban edge of the Moss.

In considering the impact of the development on the Moss character, key considerations include the character and appearance of the existing site and immediate surroundings, the scale and function of the proposed development, the location of the site in relation to the existing urban area, accessibility/ connectivity to existing road networks, local services and public transport, and any other sustainability issues as appropriate. In the case of this particular application, the site's close proximity to the urban area, existing services and main road network, and the mixed character of Common Edge Road suggest the effects of the development on the character of the area would be acceptable in principle (when considered in the context of the Runnell Farm appeal decision). The closest primary school is less than 400 metres distant and there is a bus stop close to the Shovels PH (within 200 metres) with a 30 minute frequency of bus service (currently service no 17). The current scheme would provide for a significant amount of open space towards the front of the site, which would allow views through to the listed cottages on Fishers Lane. The properties would be detached and any detached garages would be located in such a way that would preserve some views through the site to the open land beyond.

In terms of prematurity, as the application is being considered in advance of the Core Strategy being adopted and a neighbourhood planning approach for the Moss area being developed, and given the size of the application site, then it is highly unlikely that this would meet the prematurity test set out in National Planning Policy Framework and National Planning Practice Guidance. It is not considered that the scheme could be resisted on this basis, which is consistent with the Inspector's ruling on prematurity in the Runnell Farm appeal decision.

For the reasons outlined above there are no policy objections to the principle of the development.

Design

In terms of the impact of the size and scale of the houses on the open character of the area, this is considered to be acceptable. The gross residential density would be 17 dwellings per hectare which is low to reflect the densities of the semi-rural area. As indicated previously, the current scheme has been designed to respect the open nature of the site and the open aspect across the frontage, which allows views through to the listed cottages beyond. In terms of biodiversity and habitat, there would be a pond (surrounded by a kick rail) towards the front of the site to protect the perspective across the site and to encourage local bird, mammal and plant species to flourish. The amount of tarmac would be kept to a minimum to assist with onsite rainwater drainage.

No new dwellings would directly front Common Edge Road; the properties would be staggered towards the rear of the site. Much of the private parking from the front of the properties would also be discouraged through the design of the layout, specifically to protect the open view through to the listed cottages beyond. The site would be less densely developed than the majority of developments in the vicinity to reflect the semi-rural nature of the site. The mix of three and four bedroomed houses (three x three bed and five x four bed) would fit in with the character of the area, as would their layout, appearance and materials. The building materials would be of a similar nature to the neighbouring properties, with elevations consisting predominately of facing brick, with artificial artstone cills, contrasting brick detailing, tile hanging and some sections of render finish. The final appearance would be subject to a condition to be discharged by officers.

The property on plot 1 would be closer to Ecclesgate Road than most of the existing properties on that road; however I do not see this as an issue due to the unusual character of this single track, cul-de-sac lane. There are existing single-storey buildings on the opposite side of Ecclesgate Road which almost abut the lane.

Amenity

With regard to the impact on the amenities of neighbours, a mobile home on Ecclesgate Road shares a boundary with the application site (a certificate of lawfulness was granted for the mobile home in 2002 - 02/0649 refers). The closest two storey rear elevation to a new dwelling would be 11 metres away from the private rear garden of the mobile home, the other property which would bound the site would be 16 metres distant. I consider that there would be sufficient separation to protect privacy. A boundary treatment comprising 1.8 m high close-boarded fence would also help protect the privacy of the neighbour. I do not consider that the noise and disturbance generated by the proposed residents would have a significant impact on the quality of life in the private rear garden of the mobile home. Existing properties on Fishers Lane would be unaffected by privacy issues as the proposed dwellings would look across to the public/street face of the existing dwellings. With regard

to 202 Common Edge Road, the closest proposed property would be about 17 metres to the common boundary, which again would be an adequate separation distance in order to protect privacy.

The scheme has been designed so that there would also be minimal overlooking between the proposed dwellings themselves.

Highway Safety

The submitted Transport Assessment shows that the development would take vehicular access directly off Common Edge Road in the south west corner of the site via a priority controlled junction and a dedicated ghost island right turning lane, with the required visibility splays along the existing highway. The lanes to be created in Common Edge Road would be slightly substandard in width, but because there would be relatively few vehicle movements associated with this site, the Head of Transportation has no objection to the new access road to Common Edge Road in terms of highway safety. The existing cycle lane would be modified to accommodate the new access road. The access road would be designed to accommodate a refuse wagon and a turning head would be provided within the site to allow a wagon to turn around and leave the site in forward gear.

Parking and Accessibility

Each property would have in-curtilage parking for three vehicles, including either an integral or a detached garage. The Head of Transportation has asked for a footpath to be provided into the site to make pedestrian access easier. However, the site would only accommodate eight dwellings and the roadway inside the site beyond the rumble strip would be a shared surface. I feel that to add a footpath would detract from the character of the site and increase the amount of impermeable surface, to the detriment of surface water drainage. The garden to each house would be sufficiently large to accommodate a cycle shed if the garages were not utilised. The site is in a sustainable location, with a generally flat topography and bus stops in the vicinity. The location scores medium on the accessibility rating. There is a network of public footpaths leading in to Marton Moss proper (Ecclesgate Road becomes Public Right of Way number 2 at its eastern end and joins Public Right of Way no. 51 to provide access to St Nicholas School without walking next to the main road) and Common Edge Road is on a cycle route. It has good transport links by private car and public transport (Common Edge Road is a bus route with a half hour service), the area is well served by primary schools, a secondary school and employment land; and there is a retail park within a 0.8 km walking distance and a local centre (Highfield Road) with a supermarket, medical centre, dentist, ATM etc within a 2km walking distance.

Other Issues

In terms of the impact on the Grade 2 listed buildings in the vicinity (1 and 2 Fishers Lane), the Council's Built Heritage Manager considers that the development would harm what is left of the open setting for the grade II listed cottages, and contributes to the erosion of the historic landscape character. He does not consider that the proposal offers sufficient benefit to offset the impact it will have on the local area. In addition, he does not believe that this represents sustainable development when there are brownfield sites in other areas of the town which could be brought into use to meet housing need.

In response, I consider that the scheme has been sensitively designed to protect the view across to the listed cottages, particularly when coming in to town from the south, which is their current main aspect. Built development has been kept away from that aspect and the

driveways/parking has been designed so as not to encroach into this open space. The creation of a pond in the southwest corner of the site also helps to preserve the view.

Contrary to the Built Heritage Manager's assertions, I feel that this is a sustainable development, the developer having incorporated sustainability principles into the design of the houses. With regard to damage to the listed cottages, due to the depths of made ground and soft underlying natural strata, conventional foundations are not considered to be a suitable solution by the developer, and it is likely that the dwellings would require piled foundations. Whilst this may have some impact on the listed buildings in terms of structural movement, I would expect any proven damage to be put right by the developer; however this is a civil matter between the various parties and not a planning consideration.

With regards to surface water drainage and flooding, there are numerous open watercourse features located within close proximity to the site forming a network of land drains. The nearest drain is on Ecclesgate Road approx. 40 m from the site. This system of drains flows south towards Marton Moss where the watercourses become designated as "main river". The Environment Agency flood maps do not indicate that the site is at potential risk of flooding from rain or tidal sources; and they have no objection to the proposed development providing that the submitted drainage layout is implemented in full. This can be the subject of a condition. The scheme includes a pond which should assist in providing surface water attenuation on site.

There are no trees on site currently protected by a Tree Preservation Order, the land consists of poor semi-improved grassland with locally common trees, shrubs and bramble scrub at the boundaries. There are no rare or uncommon plant species, no special habitats, nor evidence of any protected species. Whilst the boundary trees and scrub are suitable for nesting birds, the ecological report makes recommendations for protection of the birds during nesting and enhancement of their habitat as part of the development. The report also proposes enhancements in relation to bats. The proposed tree planting on site would be placed so as to retain the view through to the listed cottages. The development would present an opportunity to provide ecological enhancements, consistent with the stated aims of the National Planning Policy Framework. The Council's Sustainability Manager supports the proposals for biodiversity enhancements, subject to the recommendations in the ecological report.

CONCLUSION

In conclusion, although the proposal is contrary to current Countryside Policy (Policy NE2), the National Planning Policy Framework states that planning permission should be granted for residential development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, where policies relating to the supply of housing cannot be considered up-to-date. At this moment in time, the Council is unable to demonstrate a five year land supply. Within this context and taking into account the sustainable location of the site relative to other areas of the Moss, it is not considered that the impact of the proposal on the character of the surrounding Countryside Area would be accepted by an Inspector as being sufficiently harmful to outweigh the beneficial contribution the new homes would make towards meeting Blackpool's future housing requirements. Furthermore, I consider that the benefits of developing the site in the manner proposed outweigh any disbenefits relating to the setting of the listed cottages beyond.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Policy BH10 sets out that all new housing developments should either physically provide or financially contribute to the full rate of provision of 24 sq.m of open space per person. SPG Note 11, *Open Space Provision for New Residential Development and the Funding System*, provides more detailed guidance, with the policy applying to all new residential developments of 3 or more dwellings.

Since no open space capable of being utilised as play area has been provided (the pond cannot be considered as a play area in terms of SPG11), there is a requirement for the developer to provide the full commuted sum of £9976 in lieu of open space provision (based on three x three bed and five x four bed units on the site), to be secured by means of an appropriately worded condition.

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.

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

Reason: In the interests of the appearance of the locality and the impact on the listed cottages, in accordance with Policies LQ4 and LQ9 of the Blackpool Local Plan 2001-2016.

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

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

4. Unless the absence of nesting birds has been confirmed by further surveys or inspections, any removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive]. Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal.

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

5. No development shall be commenced until a gas monitoring regime has been carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If mitigation is then considered necessary, a scheme for implementation of this in the design of the dwellings shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of each dwelling. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016.

6. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall have foul and surface water drained in accordance with the principles outlined in the submitted Drainage Plan P4979/14/100B - prepared by Thomas Consulting dated 26th March 2014. For the avoidance of doubt, foul must drain separate to surface water which must then combine at the last manhole prior to discharging into the public combined sewer located on Ecclesgate Road. Surface water draining from the site must be restricted to a maximum pass forward flow of five litres per second. The approved drainage scheme shall be implemented before the development is brought into use and retained as such.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy NE10 of the Blackpool Local Plan 2001 - 2016.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the integral and detached garages shall not be used for any purpose which would preclude their use for the parking of a motor car.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and the setting of the listed cottages, in accordance with Policies BH3 and LQ9 of the Blackpool Local Plan 2001-2016.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts or is side onto a road, other than those detailed on approved site layout drawing no. CMNEDGE/SK/001.

Reason: The development as a whole is proposed on an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development, would detract from the setting of the listed cottages and would therefore be contrary to Policies LQ2 and LQ9 of the Blackpool Local Plan 2001-2016.

12. Notwithstanding the details shown on soft landscaping layout drawing no. CMNEDGE/LANDSCAPE/01, the details and siting of one bat roost tube, one house sparrow terrace and one starling box shall be agreed in writing with the Local Planning Authority, and provided prior to first occupation of the relevant dwelling and thereafter retained.

Reason: In order to enhance the biodiversity of the site, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016.

13. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

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

NOTE – The development is of a scale to warrant a contribution of £9976 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.

14. No external lighting shall be installed within the site, unless the details of the lights and their locations have previously been agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenities of existing residents and in the interests of biodiversity, in accordance with Policies BH3 and LQ6 of the Blackpool Local Plan 2001 - 2016.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.
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. This advice note is to remind you of the requirements of BS 7121 Part 1, specifically paragraph 9.3.3 which requires that: "the appointed person should consult the aerodrome/airfield manager for permission to work if a crane is to be used within 6 km of the aerodrome/airfield and its height exceeds 10 m or that of the surrounding structures or trees."

This permission should be sought at least **one month** prior to any crane being erected as other bodies may need to be consulted prior to granting a permit.

Application for crane permits should be made to the email address: safeguarding@blackpoolairport.com

The following information will be required as a minimum:-

- Date(s) of operation of the crane (it is best to overestimate the end date rather than have the permit time expire before the job is finished)
- Geographical Location (street name(s) and also Latitude/Longitude of the crane location as accurately as you are able to provide)
- Height of ground level at that location above Mean Sea Level (AOD as derived from Google Earth is sufficient)
- Maximum height of extended jib above ground level
- Hours of operation each day, and whether this includes use at night (if not confirmation that the jib will be fully lowered at night)
- Local contact number should it become necessary to require lowering of the jib in an emergency.

In order that the airport authority can provide a service to a consistent and high standard, a charge is levied for each submission. The airport's standard fees and charges are available to view or download at www.blackpoolairport.com

4. Blackpool Council operates a refuse collection and recycling service through the use of wheeled bins and sacks with most premises having three or four wheeled bins. The Council has purchased and provided these wheeled bins to all existing properties. However, it will be incumbent on developers and builders of new residential properties, including conversions, to provide these bins. Contact should be made with the Waste Services Section at Layton Depot, Plymouth Road, Blackpool, FY3 7HW or telephone 01253 476279 about the requirement, provision and cost of the wheeled bins prior to any resident moving in.
5. 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).
6. Notwithstanding the details on the approved plan it is requested that the applicant consider achieving "Secured By Design" for the proposed development.
7. Policy BH10 of the Blackpool Local Plan states that new residential developments will need to provide sufficient open space to meet the needs of its residents in accordance with the Council's approved standards. The policy goes on to say that where it is not possible to provide the full requirement of public open space on site, developers may pay a commuted sum to cover the provision or improvement of public open space off site. Details of the Council's standards and calculated commuted sum rates are set out in Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development". In accordance with this document, and given that no public open space can be provided on site, the commuted sum required in respect of this development would be 3x £1032 and 4x£1396 (£9976)