

COMMITTEE DATE: 14/03/2017

Application Reference: 16/0443

WARD: Marton
DATE REGISTERED: 05/09/16
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr Beardmore

PROPOSAL: Erection of seven detached bungalows with associated access road and car parking.

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

Summary of Recommendation: Refuse

CASE OFFICER

Ms P Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

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

SUMMARY OF RECOMMENDATION

The proposal would provide seven bungalows in a reasonably sustainable location and there would be no adverse impact on local ecology, protected species or flood risk (subject to appropriate conditions). However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within the Blackpool Borough. Although the layout has changed compared to the dismissed scheme (13/0604 refers), the proposal is still seeking to secure permission for seven bungalows and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside Area. As such the proposal would not represent sustainable development. This adverse impact would not be outweighed by the relatively limited benefits of the scheme. Therefore, for the reasons given and having had regard to all other matters raised, the application is recommended for refusal.

INTRODUCTION

At the Planning Committee meeting on 18 November 2013, Members voted to refuse the previous application for residential development on this site (13/0604 refers) and cited

three reasons for doing so - impact on the character and appearance of the area, drainage and ecology. The subsequent appeal was dismissed. The Inspector found that there would be no adverse impact on the local ecology. However, he found that the development would extend the urban settlement into designated countryside and would harm its character and appearance and as such, would not be sustainable development. He also felt that the appellant had not adequately demonstrated that the surface water run-off from the site would be discharged satisfactorily without exacerbating the existing flooding issues in the area, particularly in Broad Oak Lane and in terms of the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme. The decision was issued on 26th June 2015 and the present application attempts to overcome the issues raised previously.

SITE DESCRIPTION

The application site covers an area of approximately 0.7 hectares on the edge of Staining village. The site is bounded to the north by open countryside with the village of Staining to the east. A small number of dwellings lie to the west of the site along Broad Oak Lane which has a very rural character, being narrow (approximately 3 metres in width) with no footpaths. An isolated triangle of densely vegetated land lies to the south of the site across Broad Oak Lane with the south-westerly extent of Staining village beyond. The site itself is roughly vegetated with grass with some trees and hedges evident around the perimeter. There are no ponds on the site. The site is elevated by approximately 1.8 metres above the level of Broad Oak Lane. Staining village has seen a significant amount of residential development in recent years within the jurisdiction of Fylde Borough Council. The boundary between Blackpool and Fylde runs along the eastern boundary of the site.

SITE HISTORY

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

The last application was refused against officer recommendation for the following reasons:

- it would compromise the open and rural character of the Countryside Area and be detrimental to the built heritage of this part of Staining.
- it cannot be demonstrated that surface water run-off would be adequately drained from the site without over-loading the existing surface water drainage network and

exacerbating existing localised flooding events which are frequent and well recorded within this area of Staining.

- it had not been adequately demonstrated by the applicant that the development proposed would not have a detrimental impact on ecology on and in the vicinity of the application site.

The subsequent appeal was dismissed and the application for costs dismissed. The Inspector's main issues and conclusions were:

- i) the effect of the proposed development on the character and appearance of the area. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the emerging Core Strategy.
- ii) whether the appeal site could be adequately drained without adverse flooding impact on neighbours. He was not persuaded on the evidence before him, that it has been adequately demonstrated that the site would be drained satisfactorily, so as not to exacerbate flooding problems.
- iii) the effect on local ecology. From the evidence before him, he was satisfied that the proposal would not adversely affect Great Crested Newts or any other protected species or the local ecology, subject to conditions to secure biological enhancement measures (if the appeal were to succeed).
- iv) The effect of other considerations including the supply of housing land in Blackpool, and sustainability, on the planning balance. Policy NE2, which primarily relates to the protection of the character of the countryside, and in that respect is consistent with one of the core planning principles of the Framework, is not out of date and carries weight in the decision. Staining village has a reasonable range of facilities including, a supermarket, school, surgery and access to public transport. The site is, therefore, in a sustainable location. However, due to the identified harm to the designated countryside area, the development would not satisfy the environmental dimension of sustainable development that the Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore, the proposal would not represent sustainable development and the presumption in favour of such development set out in the Framework, would not apply.

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

and the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme.

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

DETAILS OF PROPOSAL

The current application seeks outline planning permission for the erection of seven detached bungalows with associated parking and an access road from Broad Oak Lane. The application seeks to agree the issues of access, layout and scale, with landscaping and appearance as reserved matters. The plan submitted with the application shows an area of meadow in the north-west corner of site that would be intended to act as a soakaway for surface water run-off. As originally submitted, the proposed properties backed on to those fronting Maclaren Close and Eddleston Close, with the internal access road running along the western boundary. The plan has since been amended to pull the road further away from the western boundary with Broad Oak Lane. Although the details of the landscaping proposed are not a matter for consideration at this stage, a significant number of trees are indicated on the submitted layout plan along the western boundary of the site and around the meadow area proposed. The individual plots are also shown as being well landscaped. The applicant has stated that surface water run-off would be attenuated to a discharge rate of 5 litres per second which is the accepted greenfield run-off rate.

The following information has been submitted in support of the application:

- Planning Statement
- Revised Ecological Assessments relating to general habitats, bats, great crested newts (February 17), European protected species and mammals
- Flood Risk Assessment
- Basic outline drainage proposal
- A completed Residential Accessibility Questionnaire which suggests that the site as being of medium accessibility.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

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

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

CONSULTATIONS

Staining Parish Council: Staining Parish Council has once again considered an application to build on the land to the rear of Broad Oak Lane. This application constitutes the fourth application this decade and the thirteenth in all. Although there have been changes to the outline plan in that the design has been flipped east to west and drainage plans have been revised, the reasons for objection to development of the land remain largely unchanged from those stated by the Chief Inspector of Planning in his decision statement of 26/06/2015. The land in question is in a designated countryside area and CS1 of the emerging Blackpool Local Plan states that development should be focussed on the town centre. Blackpool Council can now demonstrate a five year housing land supply.

The character and charm of Broad Oak Lane, which contains some of the oldest houses in the Fylde, would be irreparably changed. Although the development is of single storey dwellings the ridge height of plot 2 is only fractionally lower than the neighbouring two storey property and in the case of plot 5 is 20cm higher than the neighbouring bungalow. The 1.8m high fence proposed on the western boundary will tower above the properties on Broad Oak Lane, robbing them of light and plunging their gardens into almost 24 hour shade. Staining Parish Council is of the opinion that any development on this site would have a catastrophic impact on the character of Broad Oak Lane.

The area to the west of the site is low lying and is prone to surface water flooding. The properties rely on a septic tank for foul waste and when flooded this system is severely compromised leading to foul flooding of the older properties with devastating consequences for the householders. The planned drainage system, although catering for the run-off from the access road to the already overloaded surface water system, still relies on permeation for the hardstanding areas. As the previous surveys have shown there is approximately 600mm of top soil above impermeable mudstone, forcing penetrated water to drain towards Broad Oak Lane surfacing in the rear gardens of No's 1-5. This led us to consider the excavations which will be required for the installation of SUDS under the access roadway. These excavations will be at the first floor level of the cottages on Broad Oak Lane on land considerably higher than the ground level to the west. It remains to be seen whether this is structurally possible. This surface water drainage is then scheduled to connect to the surface water drains on The Nook, perhaps at the inspection chamber outside No.24. We refer you now to the flood risk assessment submitted with application 13/0604, paragraph 4.4, flooding from highway sewers or highway drains. The conclusion of which is as follows:

The information provided by United Utilities would suggest that the site is at potential risk of flooding associated with existing sewers / highway drains. The level of risk at present is determined to be 'High'.

Staining Parish Council, Residents, Borough and County Council are currently holding an investigation into the causes of surface water flooding of roads and gardens in the area of

Eddleston Close, Maclaren Close and The Nook. Until these investigations are complete and the problem rectified we are of the opinion that no further building should be considered. Ecological surveys have been performed on a number of occasions and no ecology has been highlighted which would prevent development. However; many residents have reported several amber list species frequenting the site which is only 500m from a Site of Special Scientific Interest. The land is a vital part of the green corridor which extends across the Fylde.

Conclusion of Staining Parish Council: The Council objects strongly to this application and would recommend permission be refused.

Head of Environmental Protection (Contaminated Land Officer): no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

Sustainability Manager: no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

Natural England: Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

United Utilities: has no objection subject to the following conditions:

Condition 1 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

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

Regardless of the stage in the planning process, we recommend the Local Planning Authority includes a condition in their decision notice regarding a management and maintenance regime for Sustainable Drainage Systems. We suggest the following condition should be appropriate for most instances:

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

- the arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

Environment Agency: The Environment Agency has no comment to make on the above application for the following reason: - It is not listed in the 'When to Consult the Environment Agency' document or in the Development Management Procedure Order 2015 / General Permitted Development Order 2015.

Head of Coastal and Environmental Partnership Investments: In light of the additional information submitted recently, I would like to remove my objection to the application which will be acceptable subject to the following conditions:

Condition 1 No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see Environmental Agency advice flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving

- groundwater and/or surface waters, including watercourses, and details of floor levels in Above Ordnance Datum;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
 - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - d) Flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing as applicable;
 - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained; and, to ensure that there is no flood risk on or off the site resulting from the proposed development.

Condition 2 No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the drainage for the proposed development can be adequately maintained; and, to ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

Condition 3 No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company.
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

In addition it is worth noting that the proposals indicate that they intend to discharge to the ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the applicant will be expected to:

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal; and,
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

Head of Traffic and Highways: Blackpool Council as Highway Authority will not consider the road for formal adoption, a note on the drawing does make reference to this.

1. As the new road will not be subject to a S38 agreement, a Management Company to be created to deal with maintenance matters in connections with drainage, lighting, surfacing to name a few. If this is not done, future owner/occupiers could be inconvenienced.
2. A lighting scheme to be requested.
3. This area is already prone to surface water flooding due to the existing highway draining into the water course that appears to be unable to cope with the flow. Additional run-off could compound the flooding of the road. How will the site be drained is a significant problem which must be addressed with agreement from relevant utility providers and others.
4. Direct access to the site will be via Broad Oak Lane. This is an inadequate means of access and will require major highway improvements to cater for increased vehicular and pedestrian movements.
5. Car parking provision is considered acceptable.
6. Refuse collection and access should be discussed and agreed with the Waste Collection Authority.

7. The units will require formal postal addresses. Applicant to contact Highways and Traffic Division, Blackpool Council, PO Box 4, Blackpool, FY1 1NA, 01253 477477.
8. A Construction Management Plan to be conditioned.

The internal road layout proposed would not be of sufficient width for it to be adopted by the Council. As such it would have to be maintained as a private road. A maintenance agreement should be put in place to avoid any detrimental impacts upon surrounding highway and to ensure pedestrian and highway safety. This agreement should detail the maintenance of adequate lighting, drainage and surfacing. The parking provision and pedestrian footway proposed are considered to be acceptable. The site benefits from a medium level of accessibility. The existing access from Broad Oak Lane would be inadequate and major highway works would be required to cater for increased vehicular and pedestrian movements. No details of any off-site highway works have been provided. The impacts of this proposal on the highway network could be mitigated. Nevertheless, no permission should be granted unless a scheme of off-site highway works has been agreed.

Ramblers Association: no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

Wyre Borough Council: does not wish to comment.

Fylde Borough Council: no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

PUBLICITY AND REPRESENTATIONS

Press notice published: Not applicable for this type of application

Site notice displayed: 07 September 2016

Neighbours notified: 05 September 2016

Objections received from Cllr J Singleton (2 Staining Rise) and Cllr D Angel (20 Staining Road); Mayo House, Cherry Trees and 22 The Nook; 1, 2 and 3 Broad Oak Lane; 15, 17, 23 and 26 Eddleston Close; 1, 3 Maclaren Close.

In summary, the objections relate to:

- impact on character of countryside
- impact on character of Staining village
- impact on character of properties on Broad Oak Lane
- no need for additional houses
- the houses that have been built recently are struggling to sell
- development should be on brownfield land
- increased flooding
- inadequate drainage
- lack of capacity in local sewer system
- sustainable urban drainage systems impractical in this area
- conflict with National Planning Policy Framework

- inadequate access and visibility at access
- increase in traffic
- impact on highway, cyclist and pedestrian safety
- impact on condition of local roads
- lack of capacity at local school
- inadequate infrastructure/facilities in village to support the housing
- impact on wildlife
- potential loss of hedgerows
- loss of privacy
- increase in crime
- cumulative impact with other developments around Staining
- repeat application wasting time and money and causing distress
- village would become less desirable
- the boundary between Blackpool and Fylde would become indistinguishable
- impact on property prices
- disturbance during construction
- site should be turned into a village green
- rates would be paid to Blackpool Council whilst the impact would be felt in Fylde Borough Council
- any financial contributions should be paid to Fylde Borough Council
- contrary to Staining Parish Plan

The impact of a development on property prices and the perceived desirability of a location are not valid planning considerations. Preference for another form of development equally cannot be taken into consideration and design is not a matter for consideration at this stage. A Construction Management Plan would be required by condition. The remaining issues will be discussed in the assessment section of this report.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development, namely economic, social and environmental, which are mutually dependent. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 6 of the National Planning Policy Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which is the 'golden thread' running

through both plan-making and decision-taking and paragraph 17 of the National Planning Policy Framework sets out 12 core planning principles.

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

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

Other relevant paras are:

Part 6. Delivering a wide choice of high quality homes

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Part 7. Requiring good design

Paragraph 56 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or reinforce local distinctiveness.

Part 11. Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Planning policies and decisions should aim to:

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

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

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

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

The following policies are most relevant to this application:

- BH3 Residential Amenity
- BH10 Open Space in New Housing Developments
- HN4 Windfall Sites (for housing development)
- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces
- LQ6 Landscape Design and Biodiversity
- NE2 Countryside Areas
- NE5 Other Sites of Nature Conservation Value
- NE6 Protected Species
- AS1 Access and Parking

SPG 11 - Open space: provision for new residential development and the funding system.

ASSESSMENT

Principle

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

Housing Requirement

The National Planning Policy Framework expects local planning authorities to be able to demonstrate a five year supply of housing land. Where this cannot be achieved, the National Planning Policy Framework makes it clear that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This has been tested during the examination of the Core Strategy and the Council can demonstrate a five-year supply of housing land.

Countryside Area Designation

The application site falls within the designated Newton Hall/Preston New Road Countryside Area that separates Staining village from the main urban area of Blackpool as defined in the adopted Blackpool Local Plan. This designation merges with a wider area of Countryside extending around Staining village and beyond in the adjoining borough of Fylde. Saved Policy NE2 of the Local Plan relates to this area and is designed to preserve its open and

rural character and function, and prevent the expansion of the built up area into the open countryside. The policy prohibits the development of new dwelling units within the Countryside Area unless essential to support agricultural or horticultural uses. This principle is longstanding in local planning policy as a similarly worded policy featured in the 1996 Local Plan. Policy CS1 of the Core Strategy seeks to focus growth, development and investment in Blackpool Town Centre, the Resort Core and inner area Neighbourhoods to support the regeneration of the town. The Countryside Areas are considered to be integral to the local distinctiveness of Blackpool and are valued by the local community. Proposals that would be detrimental to the existing open and rural character, landscape quality and nature conservation value of these areas should continue to be resisted.

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

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

Although the layout has changed compared to the dismissed scheme:

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

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

Sustainability

The applicant has submitted a Residential Accessibility Questionnaire which records the site as being of medium accessibility with a score of 24. This has been checked and agreed. Accessibility is only one indicator of sustainability which incorporates a range of economic,

social and environmental considerations. The site is surrounded by existing residential properties suggesting that the area is a desirable place to live. Chain Lane gives access to the southern area of Blackpool and the M55 motorway via a two-lane rural road. It also gives access to Poulton-le-Fylde town centre but via a narrow single track rural lane with passing places. Staining village contains a primary school, a doctors' surgery, a public house, a convenience store and a couple of other local businesses. The village is served by the No.2 Blackpool Transport bus route which runs to and from Poulton-le-Fylde. The site is not in an unsustainable location in this respect.

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

Housing Mix

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

Public Open Space

Policy BH10 of the Local Plan seeks to secure on site provision of open space to meet the needs of residents of a development. Seven two-bedroom dwellings would generate a public open space requirement of 336 sq m. If this could not be provided on site, a commuted sum contribution of £4,816 would be needed. Although an open area of meadow is shown on the layout plan, this would form part of the drainage scheme. As such, the scheme as proposed is not considered to include any Public Open Space provision. However, the applicant has agreed to a condition being attached to any permission granted to require a scheme for such provision to be agreed in order to pay for the provision of new or the improvement of existing facilities off site.

Highway Impact

The road in the site would not be adopted and so a management company would need to be set up to ensure that the road and any associated lighting is maintained to a sufficient standard. This would be secured through a condition attached to any permission granted. The Head of Traffic and Highways has not objected to the application. The surface of the road at the junction of The Nook and Broad Oak Lane is relatively poor. Although this application is only for seven bungalows, which would not significantly exacerbate the situation, the cumulative impacts of any future developments in the area would have a more substantial impact. However, because this land does not fall under the control of

Blackpool Council as Local Highway Authority, any condition requiring works to be done would make the applicant reliant upon the co-operation of third party land-owners in order for the scheme to proceed. All conditions must be reasonable, planning related, proportionate to the development proposed and necessary in order to make it acceptable. Whilst an improvement to the existing road surface would be desirable, the existing road is considered to be sufficient to accommodate the vehicle movements associated with an additional seven properties. The access to the development would fall within the red edge of the application site and so it would be possible for the Council to control the surface treatment of this section of the road. On this basis, there are not considered to be any highway safety concerns which weigh sufficiently against the proposal to justify refusal.

Amenity

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

The application seeks to provide seven two-bedroom bungalows on a site measuring roughly 0.7ha. This equates to a housing density of 10 dwellings per hectare. As Staining is a reasonably large and built-up village, it is not considered that this level of development would generate sufficient noise and disturbance from activity so as to have a detrimental impact on the residential amenities of nearby neighbours. On this basis, the development is not considered likely to have a detrimental impact on residential amenity.

Layout

The details of the design of the bungalows proposed is not a matter for consideration at this stage, however, the layout of the site would have an impact upon the appearance of the streetscene. The bungalows proposed would be aligned north to south and so the level of development immediately visible from Broad Oak Lane would be limited. The development would be further screened by an area of mature vegetation to the front of the site which is not in the applicant's ownership and which does not form part of the application site. The property closest to Broad Oak Lane could be designed to have two principal elevations to reflect the fact that it would front both Broad Oak Lane and the access road. As such, no issues related to the site layout are identified at this stage. It has been suggested that the scheme would have a detrimental impact on the setting of the historic cottages on Broad Oak Lane. However, these cottages are not listed and would be separated from the new properties by 20m of rear garden and vegetation. It is not considered that any impact on their setting could be supported as a reason for refusal.

Drainage

It is recognised that flooding is a serious issue in Staining and the adequacy of drainage provision in the area is a key concern. United Utilities have stated that it has no objection, subject to the imposition of appropriate conditions. The applicant is proposing to use permeable materials for driveways and parking areas and is proposing significant areas of soft landscaping in the form of private garden areas, screening and a meadow area in the north-west corner of the site. The applicant will be further expected to use permeable asphalt for the main estate road and employ water butts to harvest grey-water from the roofs of the bungalows. A significant number of trees are indicated on the layout plan which would take up water and support the drainage scheme.

The Council's drainage officer has no objection to the scheme, which has been revised during the course of the application, subject to a number of conditions requiring the design of an appropriate surface water sustainable drainage scheme, based on sustainable drainage principles to be implemented. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield run-off rate; and without causing flooding or pollution external to the site. The management and maintenance of the sustainable drainage scheme should be carried out by a Residents' Management Company for the lifetime of the development in accordance with an agreed plan.

The proposals indicate that the site is intended to discharge to the ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010), consent is needed from the Lead Local Flood Authority (Blackpool Council) if any culvert, structure, or works within the banks of any ordinary watercourse which may alter or impede the flow of water are proposed. The Council can refuse to grant drainage consent if it deems it appropriate. On this basis, it is not considered that the proposal could be reasonably refused on drainage grounds.

Ecology

The application has been accompanied by a number of ecological impact assessments focusing on bats, European protected species, great crested newts and terrestrial mammals.

The site comprises an area of rank grassland dominated by coarse tussock grasses with occasional clumps of soft rush and scattered hawthorn bushes. The site is riddled with field vole runs and burrows. Two small, hawthorn hedges bound the site. The site is considered to be of limited botanical value, however, its dense tussocky structure is relatively uncommon and provides good habitat for field voles which could in turn provide a useful food source for barn owls and kestrels.

The bat scoping assessment was initially carried out in November 2010, updated in October 2013 and again in 2016. The survey notes the position of the site relative to the nearby Marton Mere Local Nature Reserve and Site of Special Scientific Interest, and nearby Staining Nook Marsh wetland biological heritage site. There are no structures on the site and none of the trees were considered to be suitable as bat roosts. The site is considered to be suitable for bat foraging with the northern hedgerow potentially used as a geographical locator by transiting bats. The loss of the site for bat foraging would be considered to have a

negligible impact but it is recommended that the northern hedgerow be retained or replaced with a similar feature.

The great crested newt study (updated in 2017) considered all ponds and waterbodies within 500m of the site which were not separated from the site by insuperable barriers such as busy roads, fast flowing water, urban development or arable cultivation. There are 11 ponds and 1 ditch within the 500m zone. A Habitat Suitability Index was applied. Ponds 1, 1a and 2 were judged to be below average with ponds 3, 4 and 5 and the assessed marsh area being average. Ponds 6, 7, 8, 9, 10 and 11 and ditch 12 were considered to provide excellent habitats for newts. In the subsequent surveys, three great crested newts were found in pond 7 along with toad and frog tadpoles and fish across the other ponds. No newt eggs were found. Pond 7 lies some 420m from the application site. Based on these results, the development proposed would have a negligible impact and no licence from Natural England would be required. Instead, Reasonable Avoidance Measures would be sufficient and should be agreed with the Local Planning Authority prior to commencement. Such measures may include keeping the development as far from pond 7 as possible, restricting works to the winter period, backfill excavations or provide a newt escape ramp, and raising stored materials above ground to prevent them being used as resting places.

A European Protected Species survey has been submitted. This report advises that a reptile survey is not required based on the comparative scarcity and lack of records of reptiles in the local area. None of the habitats close to the site are considered suitable for white clawed crayfish and the development proposed would have a negligible impact in any event. However, it is recommended that care be taken to prevent a threat to vulnerable aquatic species with strict measures put in place to prevent discharge, run-off, rubble detritus or other materials from entering the nearby Marsh. The site is not considered to be suitable for barn owl nesting but foraging could be possible. No evidence of barn owl presence was identified. As extensive areas of field vole habitat exists immediately to the north and west, the loss of the application site as foraging habitat would not have a significant negative impact.

A number of birds were identified on the site including the wren, whitethroat and lesser whitethroat which nest on the ground in tall vegetation. To mitigate any impact, it is recommended that suitable artificial nest boxes be incorporated into the development, should it be approved. To mitigate any impact on dunnocks and swifts, the provision of six British Trust for Ornithology approved bird nest boxes is suggested. It is also recommended that swift bricks be built into the eaves of at least two of the proposed bungalows with consideration given to the provision of house martin bricks and house sparrow terraces. Prior to any vegetation clearance between March and August, trees and dense brush should be carefully inspected for active nests. The area should be left undisturbed until nesting activity has finished. It is recommended that these surveys be carried out by a suitably qualified person to ensure an offence is not committed. Any trees to be retained that overhang the site should have their root systems protected. Poplar and apple trees on site should be checked for bats prior to any felling.

The final ecological assessment relates to terrestrial mammals. The site was surveyed for water voles and badgers. There is extensive evidence on site for the presence of field voles.

No evidence of water voles was found on site and whilst such creatures may inhabit the nearby marsh, the proposed development would have no impact on these animals. No evidence of badgers was found on the site.

In dismissing the appeal in 2013, the Inspector noted that Natural England raised no objections to the proposal and he was satisfied that the development would not damage or destroy the interest features of the Site of Special Scientific Interest. With regard to great crested newts, Natural England considered that the proposal would have a negligible impact on this protected species. Local residents and the Parish Council referred to the variety of wildlife in the area and the presence of great crested newts in local gardens and anecdotal evidence of the species being found on another building site nearby despite previous surveys to the contrary. However, he was persuaded by the evidence of the appellant's expert witness that, although great crested newts may roam away from the ponds, the development would not impact on these important potential breeding areas. From the evidence before him, he was also satisfied that the proposal would not adversely affect any other protected species or the local ecology, subject to conditions to secure biological enhancement measures if the appeal were to succeed.

Other Issues

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

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

It has been suggested that the existing facilities and infrastructure within Staining are insufficient to support additional housing. Given the accessibility score of the site this is not considered to be a reasonable reason for refusal. Furthermore, it is possible that the provision of additional housing would make existing facilities more sustainable and would support their expansion and/or improvement. It has also been suggested that any monies secured from the development should be transferred to Fylde Borough Council. The only monies likely to arise from the scheme would be for drainage improvements in the local area and the provision or improvement of public open space. As residents of Staining are likely to make use of public open space provision within the boundary of Blackpool, such as Stanley Park or Marton Mere Nature Reserve, this is considered to be reasonable.

The Council cannot refuse to consider an application where either the scheme has changed, or additional information has been provided, or the policy or legislative context has changed significantly.

CONCLUSION

The proposal would provide seven bungalows in a reasonably sustainable location and in an area acknowledged as having a population with a high percentage of retired people who may have preferences for bungalows. There would be no adverse impact on local ecology, protected species or flood risk (subject to appropriate conditions). However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within Blackpool. Although the layout has changed compared to the dismissed scheme (13/0604 refers) the proposal is still seeking to secure permission for seven bungalows and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside Area. As such the proposal would not represent sustainable development. This adverse impact would not be outweighed by the relatively limited benefits of the scheme. Therefore, for the reasons given and having had regard to all other matters raised, the application should be refused.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

It is recommended that conditions be attached to any permission granted to require the applicant to submit the following:

- a scheme for the provision or improvement of public open space;
- a scheme for upgrade works to the local watercourse into which surface water run-off would be directed; and
- a scheme for the long-term maintenance of the drainage system on the site and the watercourse it would drain into.

It is understood at this stage that the applicant's preferred approach to discharging these conditions would be to enter into legal agreements with the Council to secure the payment of commuted sums.

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 16/0443 and previous files (as detailed under site history), which can be accessed via this link: <http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

Recommended Decision: Refuse

Conditions and Reasons

1. The application site falls within the designated Newton Hall Countryside Area and separates Broad Oak Lane, which is a narrow rural road, from the main body of Staining. Given the elevated site, the sporadic and isolated nature of the properties to the west, and the dense area of trees and shrubs to the south, the development proposed would appear incongruous, particularly in relation to the properties to the west; and would dominate and compromise the open and rural character of this part of the Countryside Area. The proposal would be an urban extension of the settlement into a designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Blackpool Local Plan 2001 - 2016 and Policy CS1 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. As such the proposal would not represent sustainable development in the terms of the National Planning Policy Framework.
2. **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 the impact on the character and function of the designated Newton Hall Countryside Area and Staining village, weigh sufficiently against the proposal so as to conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Advice Notes to Developer

Not applicable