

COMMITTEE DATE: 18/09/2018

Application Reference: 18/0420

WARD: Stanley
DATE REGISTERED: 26/06/18
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr Furness

PROPOSAL: Erection of 7 x two storey detached dwellings and garages, new access road and associated works.

LOCATION: LAND NORTH SIDE (ADJ 17 AND 21) MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

Summary of Recommendation: Refuse

CASE OFFICER

Pippa Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool **and Priority two** of the Plan - Communities: Creating stronger communities and increasing resilience, but conflicts with policies of the Blackpool Local Plan 2001 - 2016 and Blackpool Local Plan Part 1: Core Strategy.

SUMMARY OF RECOMMENDATION

The scheme is not considered to represent sustainable development as unacceptable amenity, highway safety and ecological impacts would be involved. On this basis, Members are recommended to refuse planning permission, not in terms of the principle of residential development, but on the over intensity as evidenced by the adverse impact in terms of overdominance on, and overlooking of existing neighbours, biodiversity concerns and inadequate access/highway safety implications (notwithstanding the neighbour boundary dispute).

SITE DESCRIPTION

The application site is a field of approximately 0.32 hectares (3193 sq. m.) located to the rear of Moss House Road, with a field gate access from between 17 and 21 Moss House Road. The frontage to Moss House Road is approximately 15.7 m wide, extending back for a distance of approximately 38 metres, where it widens out into a larger rectangular field approximately 60 m wide by 40 m deep. The field has the appearance of scrub land, including some trees, and is currently grazed by a horse. Work has commenced on a residential development to the north and south of the site and there is a ribbon development of older residential properties

fronting both sides of Moss House Road.

The site falls outside flood zones 2 and 3 and is not subject to any other designations or constraints.

DETAILS OF PROPOSAL

The proposal is for the erection of 7 x two storey detached dwellings and garages, new access road and associated works. The application is in outline only with the access, appearance and scale for consideration at the present time. The properties would all be four bedroom, traditional design houses, with chimneys and hipped roofs. All properties would have detached garages, apart from one, which would be attached to the house via a linked porch. One dwelling would front Moss House Road (as would the proposed vehicular access); the other six would be located to the rear of the existing houses, on a cul-de-sac.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of residential development
- amenity
- design and visual impact
- access and highway safety
- drainage and flood risk
- ecological and arboricultural impact
- environmental impact
- sustainability appraisal and planning balance

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

CONSULTATIONS

Head of Highways and Traffic Management: The application seeks approval for the location of the access bellmouth and its general scale. If it is intended to secure an approval to the detail of the access design it would require further attention. The design and construction of the access would require a formal highway agreement.

There appears to be some conflict between the western radius, the curtilage of No 17 and particularly the hedge within the curtilage - which would limit visibility. This would need to be resolved before a detailed design could be approved.

It would be logical for the front boundary of the site (ie back of footway) to be on the line of the front wall of No 21, which lines up with the front wall of No 17. Forward of this line would be footway of about 2 metres width for the length of the site frontage. I would expect to see a carriageway width of the order of 6 metres retained in Moss House Road with the existing narrow verge also retained opposite.

The Council's policy is not to adopt new roads serving so few properties. The developer would be responsible for establishing a regime for future maintenance beyond the bellmouth. It is assumed that it would not be necessary to amend street lighting in Moss House Road and that the developer would put forward, provide and maintain a system of lighting within the site.

Service Manager Public Protection (Contaminated land): The land has been predominately used for the purposes of horticulture and agricultural purposes, therefore there is a likelihood of pesticides and herbicides being present within the ground conditions. Therefore a Phase 1 study is requested to establish if there is a significant likelihood of significant harm. If the Phase 1 shows this to be so, then it is to be followed up with a Phase 2 investigation. In addition to this, due to the natural geology of the land being of peat formation, gas monitoring is requested. If this shows there to be elevated methane concentrations, measures will need to be implemented within the design of the buildings.

Head of Coastal and Environmental Partnership Investment: 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.

Marton Moss Neighbourhood Forum: 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: Recommends two drainage conditions:

- Foul and surface water shall be drained on separate systems. Reason: To secure proper drainage and to manage the risk of flooding and pollution.
- 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.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 26 June 2018

Neighbours notified: 26 June 2018

Objections received from Gordon Marsden MP; 9, 17, 21, 23 and 24 Moss House Road.

In summary, the objections relate to:

- The negative impact on Moss House Road that both the construction and completion of the proposed development would have and the lack of any environmental mitigation to compensate for the destruction of a diverse and sustainable area for wildlife.
- Potential overload and damage caused by offloading surface and foul water from the complex of new build into an existing sewer already operating at full capacity, and the

potential damage to water and gas mains which cut across the planned access road entrance for this development, and which have already suffered damage from other building and utilities activity in the area over the past year.

- The number and size of the proposed dwellings, accompanying garages, and associated works as outlined in the application represent a grossly inappropriate fitting in of too many out of proportion properties for the size of the site, squeezed in presumably to maximise profits from construction, and doing significant damage to the light, privacy and proportion of the existing residents housing and land.
- This represents a going back by the Council's planners on assurances given when the major Kensington Redwood Point development was granted after much controversy in 2009, that there would be a protected area of environmental sustainability left, and that there would be no further nibbling away at the green spaces interspersed and edging Moss House Road.
- The proposed distance of Plot 6 is less than 6 metres from the rear of no. 17 and a metre from the boundary fence, and a window that overlooks the back of our property into our rear garden and bedroom window.
- The access round to the proposed site shows the radius of the turning going through our boundary and across our land which we have not agreed to nor consent to this.
- The high hedge on the boundary at number 17, which is excess of 2.5 metres high which will mean that there is no clear exit and entry in to the proposed site and Moss House Road at this point is a single track road.
- On the plans there doesn't show any separation from Number 17 and the road, please could you indicate what is being proposed here as a separation between the boundary and the access road.
- There has been several issues in the past 6/12 months with water and drainage leading to many repairs, adding additional properties will only add to this. The water pressure is currently non-existent at times and this has been reported to the water board.
- There is limited parking on Moss House Road currently, looking at the plans it shows no visitor parking.
- The front elevation of number 21 faces west; i.e. the main lounge and kitchen windows, together with the front door, face onto the application site, not Moss House Road. The front door is approximately 2.9 metres from the boundary fence and the lounge window 3.8 metres. The height of plot 7 (in excess of 8 metres), will vastly reduce the amount of natural light into the house, which is a dormer bungalow, and the side window of the proposed house will be directly opposite the main bedroom; the distance between these would be less than 5 metres.
- Section 15 of the application form states that there are no 'trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character'. Except for the properties at numbers 17 and 21, the whole site is surrounded by existing woodland, therefore a full Tree Survey would be appropriate.

NATIONAL PLANNING POLICY FRAMEWORK

The Revised NPPF was issued in July 2018 and sets out a presumption in favour of sustainable development. The following sections of the NPPF are most relevant to this application:

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

National Planning Practice Guidance (NPPG)

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

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

- CS1 - Strategic Location of Development
- CS2 - Housing Provision
- CS6 - Green Infrastructure
- CS7 - Quality of Design
- CS9 - Water Management
- CS11 - Planning Obligations
- CS12 - Sustainable Neighbourhoods
- CS13 - Housing Mix, Density and Standards
- CS14 - Affordable Housing
- CS25 - South Blackpool Housing Growth

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

- LQ1 - Lifting the Quality of Design
- LQ2 - Site Context
- LQ3 - Layout of Streets and Spaces
- LQ4 - Building Design
- LQ6 - Landscape Design and Biodiversity
- BH3 - Residential and Visitor Amenity
- BH10 - Open Space in New Housing Developments
- AS1 - General Development Requirements (Access and Transport)

ASSESSMENT

Principle

The principle of residential development on the application site has been established through the precedent of the grant of outline planning permission and would be consistent with Policy CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 (09/0740 refers "Erection of residential development comprising up to 584 dwellings with associated parking, village green including water features and shop and formation of vehicular access to Progress Way") and subsequent reserved matters approval (17/0095 Erection of residential development comprising 422 dwellings with associated parking, village green/play area, water features and shop and formation of vehicular access to Progress Way) for a new housing estate "Redwood Point" on wider lands to the north and south of Moss House Road and to three of the boundaries of the application site. Whilst the application site is outside of that development boundary, it would be unreasonable to withhold permission in principle.

Gordon Marsden MP has expressed concern that this represents a going back by the Council's planners on assurances given when the Redwood Point development was granted in 2009, that there would be a protected area of environmental sustainability left, and that there would be no further nibbling away at the green spaces interspersed and edging Moss House Road. There are two open areas along Moss House Road within the Redwood site that have been retained as public open space (adjacent 39 Moss House Road) and an amenity pond area (across the road from no. 71).

Whilst the area around Moss House Road was allocated as Marton Moss Countryside Area in the Local Plan, the adopted Core Strategy took away the Countryside Area designation as a result of the planning permission. It is also outside the Marton Moss Strategic Site (where protectionist Policy CS26 applies). There is no statutory protection against the principle of residential development for this last parcel of undeveloped land outside of the Redwood Point site, along Moss House Road.

Housing Mix

The site is some 0.32ha in area. No specific housing mix is required on site but the development must contribute towards a balanced mix in the local area. The recent housing developments approved at Runnell Farm and Moss House Road are a mix of 2, 3 and 4 bedroom units, with an emphasis on larger units. The application proposes seven four-bedroomed houses, which is at the larger end of the market. Nevertheless, the scheme proposed would not result in an unacceptable imbalance in the local housing market and the provision of larger homes is considered to be acceptable in this area.

Amenity

There are a number of concerns with regard to amenity and the suggested layout (although layout is not for consideration) which lead to a concern that seven dwellings of the size shown is over-intensive.

Number 21 Moss House Road has its front door on the side of the property and the proposed dwelling on plot 7 would completely dominate the outlook at less than a metre from the shared boundary. This would be compounded by the forward location of the proposed house compared with no. 21 and would result in significant loss of light to the side of the existing

house, particularly in the evenings. A bedroom window would look directly down onto the side of the dormer bungalow where the front door is.

With regard to 17 Moss House Road, there is proposed a two storey dwelling less than a metre from the rear boundary. The occupant would be faced by a two storey brick wall immediately at the bottom of his short garden, the separation between the two buildings would be only in the order of 7 metres, which would overdominate the property. As indicated by the occupier of this property, there would need to be a boundary treatment along his eastern boundary to protect his privacy.

Whilst the location of the properties could be moved slightly, there is insufficient space within the site to mitigate the impact on existing neighbours.

The rear gardens of the proposed dwellings on Redwood Point are in the order of 10.m m long, which would be adequate to protect the privacy of occupiers of this proposed development.

Design and visual impact

The proposed design of the properties is traditional red brick with Rosemary tiles on hipped roofs, the properties would also have chimneys. This would fit in with the character of Moss House Road, which has a variety of styles along it. The visual impact on Moss House Road would be minimal as it would appear to be one house with an access road to the side and narrow views through to the properties at the rear. Of more concern would be the view from the internal estate road proposed to the Redwood Point development to which the properties would turn their backs and present their rear, private gardens. To overcome the impact on privacy would require a 2 m high fence or wall to the estate road which would be dead frontage and result in a poor street scene. A solution could be to turn the properties through 180 degrees but the agent has not presented such a scheme for consideration. As such, the scheme is considered to be detrimental to the character of the area.

Access, Highway Safety and Parking

Access is for consideration and the Head of Highways and Traffic Management has raised concerns regarding the design of the access as submitted (although it could potentially be improved to overcome his objections). However as submitted, the access is unacceptable. Also the owner of no 17 has pointed out that the proposed access includes a corner of his land, which he will not allow to be built on. This corner also includes a hedge, which obscures visibility into the site.

Although the internal layout is not for consideration, Council's maximum parking standards require up to three parking spaces for a four bedroom house. Each property has its own garage and there is additional space within each plot where visitor parking could be provided. There is a footway shown into the site along the east side of the access road, which is sufficient to serve this number of properties. The gardens to the properties are of sufficient size to accommodate secure cycle storage.

Ecological and Arboricultural Impact

The development and the carriageway works and footpath creation would result in the loss of some hedgerow to enable the provision of the access point, the visibility splays and adequate connectivity. The position of the access road hard up against the boundary hedge of 17 Moss House Road would be likely to damage the neighbour's hedge.

Hedgerows provide important habitat and are valuable local ecological features. Any loss of hedgerow would have to be compensated for by replacement planting of native species and this could be secured through a landscaping scheme submitted at reserved matters stage.

There are some trees along the site boundaries and across the site in general and the loss of some would be considered acceptable subject to a high quality replacement planting scheme. A formal tree survey, planting plan for the site and an Arboricultural Method Statement and Tree Protection Plan for any trees to be retained would be required at Reserved Matters Stage and would be used to inform an eventual layout. However, without a tree survey, it is not possible to confirm that seven dwellings could be accommodated on site, without undue harm to biodiversity. A condition would be required at that time to prevent tree or vegetation clearance during bird nesting season unless the absence of nesting birds has been confirmed by an ecologist.

No ecological appraisal has been submitted as part of the application. There is a dyke running along but outside the northern site boundary and there are hedges and trees within the site, which could provide valuable habitat for protected species. However, with the considerable disturbance and upheaval currently being caused by construction of the Redwood Point development, it is considered that an ecological survey is not necessary. The layout of the site could be designed to retain some habitat, increase biodiversity and introduce bird and bat boxes etc.

Drainage and Flood Risk

The site falls within flood zone 1 and is less than 1 hectare in area. As such there is no requirement for a site-specific Flood Risk Assessment and the applicant does not need to demonstrate compliance with the sequential or exceptions tests. Conditions could be attached, if permission was forthcoming, as suggested by United Utilities, to require foul and surface water to be drained separately, and to require surface water to be drained in the most sustainable way according to the established sustainable drainage hierarchy. The details of a surface water drainage strategy and a plan for its lifetime management and maintenance could be agreed through condition. Subject to these conditions, no unacceptable drainage or flood risk issues would be anticipated.

Environmental Quality

The site is not close to an Air Quality Management Area and there is no reason to suppose that the development would have an unacceptable impact on air quality during its operational phase. A Construction Management Plan (to include dust management) could be secured through condition to ensure that the development would not have an unacceptable impact on air or water quality. Similarly any drainage system would be expected to incorporate measures to prevent potential contamination of surface or ground water.

A phase 1 land contamination study would be required to ensure that the land does not pose a threat to human health or the environment.

Other Issues

No other material planning considerations have been identified.

Planning Obligations

Policy CS14 of the Core Strategy requires proposals for more than 3 new dwellings to make a financial contribution towards off-site provision of affordable housing. The policy states that an Affordable Housing Supplementary Planning Document will be produced to set out how this contribution will be calculated. At the time of writing there is no such Affordable Housing Supplementary Planning Document in place. It is not considered that a financial contribution towards off-site affordable housing provision can be justified at this time.

Saved policy BH10 of the Local Plan requires developments of three or more residential units to make a financial contribution towards the provision or improvement of off-site public open space if none is provided within the scheme. Supplementary Planning Guidance Note 11 sets out the basis on which such contributions are calculated. The contribution for a property with four or more bedrooms is £1,376, so in this case, the total required would be £9,632, to be secured through condition if permission was forthcoming.

As the proposal is for fewer than 10 dwellings, no contributions would be sought towards local education provision.

Sustainability appraisal and planning balance

Sustainability comprises economic, environmental and social dimensions.

Economically the site does not make a meaningful contribution to agriculture or any other rural operation and, given its size, has negligible potential to. Some employment would be generated during construction and future residents would help to support local shops and services and on balance the scheme is considered to be economically sustainable.

Environmentally it is considered that conditions could be used to prevent any unacceptable impacts on air, land or water quality. However, there could be unacceptable impacts on trees and biodiversity if a development of this many houses was approved and in the absence of ecological surveys this is unknown. The access as submitted is unacceptable in terms of its design and its potential part location on neighbouring land. There would be unacceptable impacts on highway safety. The development would have a localised visual impact, particularly on the proposed Redwood Point estate to the north, but the design of the properties is appropriate. The development would not be at risk of flooding and would not exacerbate flood risk off site. The main concern is the impact that seven dwellings of the scale proposed would have on the amenities of existing neighbours, particularly 17 and 21 Moss House Road. In this respect, the proposal is not considered to be environmentally sustainable.

Socially the proposal would make a small contribution towards meeting the borough's housing requirement and four bedroom family housing is considered acceptable.

In terms of the planning balance, the NPPF sets out a strong presumption in favour of sustainable development. The scheme presents significant environmental impacts that would weigh sufficiently against it as to justify. The use of conditions could not adequately mitigate the impacts that are identified above. As such, the scheme does not represent sustainable development.

CONCLUSION

As set out above, the scheme is considered not to represent sustainable development as unacceptable amenity, highway safety and ecological impacts are anticipated. On this basis, Members are recommended to refuse planning permission, not in terms of the principle of residential development but on the over intensity as evidenced by the adverse impact in terms of overdominance on, and overlooking of existing neighbours, biodiversity concerns and inadequate access/highway safety implications (notwithstanding the neighbour boundary dispute).

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

For a scheme of 7 x 4 bedroom houses, a financial contribution of £9,632 would be required in accordance with Policy BH10 towards off-site provision or improvement of public open space.

The scheme would also require the agreement and implementation of a scheme of highway works, secured through a S278 legal agreement under the Highways Act.

FINANCIAL BENEFITS

The Council would benefit financially from the development through the receipt of Council Tax payments. However, this has no weight in the planning balance and does not influence the recommendation to Members.

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File 18/0420 which can be accessed via the link below:
<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

Recommended Decision: Refuse

Conditions and Reasons

1. The proposed development would have a significantly detrimental impact on the residential amenities of the adjoining occupants at 17 and 21 Moss House Road by virtue of the scale and density of development and close proximity to the common boundaries, resulting in an overbearing impact and overlooking and would therefore be contrary to para 127 of the National Planning Policy Framework, Policies LQ2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
2. The means of access to the proposed development would be significantly detrimental to highway safety by reason of its substandard design and location and would be therefore contrary to para 109 of the National Planning Policy Framework, Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. In addition part of the access appears to be within the boundary of 17 Moss House Road and outside the applicants control.
3. In the absence of an ecological/arboricultural survey, is not possible to adequately consider the impact of the development on protected species. The potentially harmful environmental impacts of the proposal on protected species would therefore be contrary to Policies NE6 and NE7 of the Blackpool Local Plan 2001-2016 and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 174 - 177 of the National Planning Policy Framework.
4. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 38)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Advice Notes to Developer

Not applicable