

COMMITTEE DATE: 16/10/2018

Application Reference: **18/0385**

WARD: Hawes Side

DATE REGISTERED: 01/06/18

LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr and Mrs Packer

PROPOSAL: Erection of two detached dwellinghouses including car parking and landscaping with vehicle turning area and vehicle access between 125 and 127 Powell Avenue following demolition of existing garage.

LOCATION: 150 HARCOURT ROAD, BLACKPOOL, FY4 3HN

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

BLACKPOOL COUNCIL PLAN 2015 -2020

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

SUMMARY OF RECOMMENDATION

This application is a re-submission of a planning application for three x 3 bedroom dormer bungalows ref: 17/0069 that was refused on 3 July 2017 and the application was subsequently dismissed on appeal on 6 March 2018. This application was refused for the following reasons:-

1. The means of access to the proposed development would be significantly detrimental to highway and pedestrian safety by virtue of its length, inadequate width and the fact it would be a shared surface. In addition because of the length of the narrow access and space within the site it would not allow for adequate refuse storage/collection provision. As such the proposal would be contrary to Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Paragraphs 17, 58 and 69 of the National Planning Policy Framework.

2. The proposed dwellings would constitute unsatisfactory back land development with poor levels of residential amenity in terms of lack of a street frontage and poor outlook and would have a significantly detrimental impact on the residential amenities of the adjoining occupants, including those at 158 Harcourt Road, by virtue of their footprint, scale, close proximity to the common boundaries, fenestration, cramped and overly dense layout which would result in an overbearing impact, overlooking, visual intrusion, loss of natural light and loss of outlook. The proposal would therefore be contrary to Policies LQ1, LQ2, LQ3, LQ4 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Paragraphs 17 and 56-65 of the National Planning Policy Framework.

The revised application is considered to have satisfactorily addressed the two reasons for refusal of application 17/0069 in terms of scaling down the density of development from 3 x three bed dwellings to 2 x two bed dwellings and thus reducing the additional traffic flows on the existing access and also in removing potential overlooking and loss of privacy for neighbouring dwellings as a result of first floor windows. The revised proposal also has more space around the dwellings, curtilage car parking and landscaped front gardens.

SITE DESCRIPTION

The application site is an overgrown backland site measuring approximately 25 metres x 19 metres located within this residential area of South Shore comprising mainly of two storey terraced houses. The application site is located to the rear of 148-156 Harcourt Road and 127-133 Powell Avenue. A plot of land adjoining the application site has been developed (via an appeal decision) as Logan Court comprising a terrace of four houses, accessed from Harcourt Road, and another plot nearby is the subject of a recently approved application for six houses (ref 16/0551). The application site is unallocated on the Local Plan Proposals Map.

DETAILS OF PROPOSAL

This is detailed planning application for the erection of two detached bungalows each with two parking spaces with landscaped front gardens. A vehicle turning area would be provided and a 3.1 metres wide vehicle access is positioned between 125 and 127 Powell Avenue will provide access to the site following the demolition of an existing garage on the application site. Detached garages were originally included in the application but these have now been deleted due to access issues and also to provide more space around the two bungalows and the bungalows have been increased in size to meet the National Technical Housing Standards of 61sq metres for a two bedroom, three person dwelling. Further amendments have been made to the bungalows reducing the ridge height from 4.4 metres to 3.8 metres, amending the two front bays and reducing the eaves level and roof pitch on the bungalow closest to Harcourt Road.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Residential Development
- Design and Appearance of the Dwellings and Proposed Site Layout
- Impact on Residential Amenity
- Highway Safety/ Car Parking
- Other Issues

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

CONSULTATIONS

Head of Highways and Traffic Management: In the recent appeal on this site the Council argued successfully that three houses would lead to conflict within the access, causing vehicles to have to reverse out. The Inspector agreed. The highways observations on that application indicated that a less intensive development would be acceptable. Clearly a single dwelling is less intensive – but a single, large dwelling could easily generate as many trips as the current proposal. The site area appears to be capable of accommodating a substantial single dwelling that could house a family with a number of vehicles. On that basis the proposal, for two small dwellings, is not materially more intensive than a single but larger dwelling that might be home to the same number of people.

There are always going to be some occasions when someone is coming the other way even with one small house. It would seem reasonable to conclude that the difference in the probability of such conflicts, between two small dwellings and one larger dwelling, is not sufficient to warrant refusal on highway grounds in this case.

The standards used by the Council for many years would allow a 'shared drive' varying in width between 2.1 and 4.5 metres for two dwellings but not more. On that basis the access width of approximately 3 metres is adequate. In the recent appeal decision the Inspector was clearly concerned about the effect on the residents immediately adjacent to the access. In that case both were gable walls with no clearance and getting in/out at the end involved considerably worse geometry and visibility. In this case there is only one gable abutting the access and a wide footway/verge at Powell Avenue. There is the possibility of the site being used for some other purpose, which could well lead to similar traffic flows on the access. In view of this and the comparison with one large dwelling it is concluded that the current proposal is reasonable in this respect.

United Utilities (Water): the development should have separate foul and surface water drains.

Waste Services Manager: 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.

Environmental Protection: 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.

Contaminated Land Officer: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 12 June 2018

Neighbours notified: 11 June 2018.

Six letters of objection have been received with the following comments:-

146 Harcourt Road The land on which the application is made, is marshland, when Logan Court was built our houses were shaking when the foundations were being dug. I am extremely concerned for my property developing cracks and damage. There is wildlife of birds in the trees on the site. We do not need any more houses taking away our privacy and making noise when cars are coming and going. I cannot understand why people would want to live there with a view of only the backs of houses. Please also consider the residents around before a decision is made.

156 Harcourt Road I strongly object to these houses being built. Myself and our neighbours have already opposed to four houses being built here and oppose again for having two. I disagree with having garages at the back as this will create more disturbance, noise and fumes. We enjoy our garden and having two houses being built at the back of us will create loss of light into our own and neighbouring gardens.

The trees at the back bring a great deal of wildlife (Magpies, Woodpigeons etc.) to the area and their homes would be taken down due to this build. The land is also not safe to build on I believe and we already have a crack in our house which having houses being built right behind us would make this worse. Also I would like to point out that you would not be able to get any emergency vehicles into the shared access and just again creating unnecessary traffic in our back gardens! I strongly hope you object to this and any future build as I and all my neighbours disagree.

121 Powell Avenue Part of the shared entrance up to the old garage is on my deeds so should I not have been asked about this. Also what about emergency vehicles getting up the alley to the new houses, I am sure there is not enough room. The same goes for trucks that will have to get up there when building the houses.

160 Harcourt Road I strongly object to the planned building of two detached dwelling houses to the rear of 150 Harcourt Road. My wife and I, as well as all of our neighbours, spend many days, afternoons and evenings in our respective gardens to enjoy the peace and quiet and the proposed build will definitely have a major impact on our privacy.

The outlook we enjoy at the moment will be spoilt by the sight of the proposed buildings. There are many trees and hedges that the birds and wildlife thrive on, all that will disappear and the birds and wildlife will suffer immeasurably. Also, I am very concerned if any emergency vehicles need to gain access to said proposed building. The access between 125 and 127 Powell Avenue is only just wide enough for a car to get down. An ambulance and certainly a fire engine, would certainly struggle to get down the driveway. I hope you take all my comments on board and oppose the planned building of these properties.

162 Harcourt Road The previous application for four houses to be built which we strongly objected to, we now have an application for two houses which we also object to.

When previous buildings have been built close by we have had movement of our property and cracks appeared in the walls so we are concerned that there will be more movement and also more pressure on the sewage and water supplies. We have very mature trees growing around the proposed site and also wood pigeons and other wildlife living there. The access to the proposed site is between two houses which is actually a driveway, our concern is how would the emergency services get to the new dwellings when you can only just get a car through. Also the noise from the property and car traffic will be enhanced.

They are literally squeezing in two houses where all our gardens are adjoining we have a great community spirit here and that will be lost as we would not be able to speak and see each other over our gardens due to the buildings. Also the light and appearance will be changed and not for the better we really do not think it is a suitable site to build on and very strongly object to the planning application.

156 Harcourt Road I highly object to these houses being built. The build would be overlooking all of our gardens so we would lose all privacy. We would have further noise disturbance and we would have loss of light coming into our garden. None of our neighbours are happy about these and we all strongly object to this. I would also like to add that the access would not be wide enough for any emergency vehicles and feel this would cause a hazard to neighbouring properties. There are trees on the site which bring local wildlife in order to squeeze tree houses into this small piece of land which used to be gardens. I strongly hope you oppose this plan.

NATIONAL PLANNING POLICY FRAMEWORK

The revised National Planning Policy Framework (NPPF) retains the key objective of achieving sustainable development and hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications.

The parts most relevant to this application are -

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 11- Making effective use of land
- 12 - Achieving well-designed places
- 15 - Conserving and enhancing the natural environment

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
- CS6 - Green Infrastructure
- 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 (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 Policy 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
- AS1 - General Development Requirements (Access and Transport)

ASSESSMENT

Principle of Residential Development - The application is not allocated under the Blackpool Local Plan which effectively means that there is no policy presumption against the residential development of the application site and that each planning application will be assessed on its own merits. Therefore the principle of residential development on the site is considered acceptable. It should be noted that the previous planning application for the

three houses was refused and dismissed on appeal due to the details rather than the principle of development.

Design and Appearance of the Dwellings and Proposed Site Layout- the reduction in the number of dwellings from a terrace of three x 3 bed dwellings to two x 2 bed detached bungalows and reduction in the scale from two storey to single storey has addressed a number of concerns regarding the acceptability of the site layout, the site coverage of the dwellings and space around the dwellings. In terms of design and appearance the two bungalows have a standard brick with hipped tiled roof construction with a front bay window and the entrance door on the side elevation. The car parking is now also within curtilage rather than involving shared car parking on street. The deletion of the two garages within the rear gardens and increase in the size of the dwellings to meet national floorspace standards means that as amended the application is now considered acceptable and in accordance with the relevant Local Plan policies including LQ1, LQ4 and BH3 of the Local Plan and CS7 and CS13 of the Core Strategy and also paragraph 127 of the NPPF. Other more recent amendments to further reduce the potential impact on the amenities of the occupiers of the Harcourt Road dwellings are outlined below.

Impact on Residential Amenity- the overlooking, loss of privacy, loss of outlook and daylight/ sunlight which were significant concerns with planning application 17/0069 have now been addressed with the reduction in height, size and the number of dwellings. The two bungalows would be 2.45 metres to eaves level (garden fences are usually between 1.8 and 2 metres) and 3.8 metres to the ridge line (it was 4.4m high to ridge line as submitted) with the pitched roofs sloping away from the site boundaries. The two bungalows would be set away from the respective site boundaries by one metre and one of the side elevations would be 7.5 metres from the rear of 150 Harcourt Road and another would be 14 metres from the rear of 129 and 131 Powell Avenue. The rear corner of one of the bungalows would be 5.5 metres from the extended rear corner of 156 Harcourt Road. The elevation of the bungalow closest to the Harcourt Road boundary has now been further reduced in height to 2 metres at eaves level. With these amendments incorporated the proposal is now considered acceptable in terms of its impact and relationship with adjoining properties and is in accordance with the relevant local plan policy including LQ1 and BH3 of the Local Plan and CS7 and CS13 of the Core Strategy and also paragraph 127 of the NPPF. Given the type of accommodation proposed it is not expected that increased noise levels will be an issue.

Highway Safety/ Car Parking - The site would be accessed from Powell Avenue, using what is currently an unsurfaced track that is around 31m long. The width of the track is between 2.75 metres and 3.04 metres and the track is used for rear access to five other dwellings on Powell Avenue. Due to its width, the access track could only cater for one vehicle travelling in either direction. Owing to the width of the track, there would be no space to provide a pavement for pedestrians. Consequently pedestrians would be required to walk on the carriageway. The proposed two bungalows are not designed as family housing and are intended for retired couples.

Due to the reduced number, design and size of the dwellings proposed, and reduced number of vehicle movements it is now considered that the shared access onto Powell Avenue would be acceptable for both pedestrians and motorists. There is space to turn

within the site ensuring that all traffic can enter and leave the site in a forward gear. Whilst the width of the access would preclude a refuse collection vehicle entering and exiting the site the Planning Inspector did not find that the bin drag distance onto the public highway would be excessively long. Likewise in relation to the concerns regarding access for a fire service vehicle the Inspector considered as the site is within 45 metres of a fire appliance the lack of access onto the site is not an overriding factor. The amended proposal is therefore considered to be in accordance with the relevant local plan Policy AS1 of the Local Plan and Policies CS7 and CS12 of the Core Strategy and paragraph 127 of the NPPF.

Other Issues- in relation to the suggestion of potential damage to adjoining property during building works the planning system does not deal with structural issues and any such issues which arise would be a private civil matter, although it is not known why structural damage would occur with the construction of two relatively small bungalows.

There appear to be a couple of trees affected by the proposal which would have to be felled to accommodate the proposal although these trees are not readily visible from public vantage points nor are they afforded any protection against felling. Subject to a condition requiring any felling outside the bird breeding season the proposal is considered acceptable in this respect. Replacement tree planting could be secured as part of a landscaping condition

No open space contribution or affordable housing provision would be required as part of the proposal.

CONCLUSION

The application site is currently an overgrown and vacant area housing a single domestic garage. The erection of two dwellings on the site would contribute towards the Council's housing supply and as revised and amended from planning application 17/0069 the proposal is now considered acceptable and in accordance with both local and national planning policy and guidance and accordingly the application is recommended for approval.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s) 17/0069 and 18/0385 which can be accessed via the link below:

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

Also, Appeal Decision dated 6 March 2018 relating to planning application 17/0069.

Recommended Decision: Grant Permission

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

location plan, elevations, internal layout and site layout plans ref:
A016/ 148/P/02 Rev E, A016/ 148/ P/ 03, A016/ 148/ P/ 01 Rev E
A016/148/S/01 Rev A

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

3. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to any works commencing above ground level.

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

4. a) No works above ground level shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.
- b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)
- c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the bungalows the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

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

7. Prior to any foundations being laid details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. No trees shall be felled or vegetation cleared during the main bird nesting season (March to July inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding biodiversity in accordance with the provisions of paragraphs 170 and 175 of the NPPF and and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.