

Blackpool Council

9 December 2016

To: Councillors Humphreys, Hutton, Matthews, Maycock, O'Hara, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 20 December 2016 at 6.00 pm
in the Council Chamber, Town Hall, Blackpool FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2016 (Pages 1 - 22)

To agree the minutes of the last meeting held on 22 November 2016 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 23 - 40)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 41 - 44)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager – Public Protection.

5 PLANNING APPLICATION 16 0563 - 38 - 40 SPRINGFIELD ROAD AND 10 - 10A LORD STREET (Pages 45 - 60)

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

6 PLANNING APPLICATION 16/0750 - LAND BOUNDED BY FISHERS LANE, COMMON EDGE ROAD AND ECCLES GATE ROAD (Pages 61 - 88)

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

7 PLANNING APPLICATION 16/0643 - 170 PRESTON NEW ROAD (Pages 89 - 108)

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman	Hunter	O'Hara
Humphreys	Maycock	Robertson BEM

In Attendance:

Mr Carl Carrington, Head of Planning, Quality and Control
Mr Ian Curtis, Legal Adviser
Mrs Gemma Duxbury, Acting Head of Legal Services
Mrs Bernadette Jarvis, Senior Democratic Governance Adviser
Mr Gary Johnston, Head of Development Management
Mr Latif Patel, Group Engineer, Traffic Management
Mr Mark Shaw, Principal Planning Officer

Also present:

Councillors Hutton and I Taylor

1 DECLARATIONS OF INTEREST

Councillor Maycock declared that he had lodged an objection to Planning Application 16/0469 – 238 Queens Promenade and been involved in subsequent discussions regarding the application.

Councillor L Williams declared a prejudicial interest in Agenda Item 10, Planning Application 16/0553 – Land at Adelaide Street, Alfred Street and Leopold Grove. The nature of the interest being that she was a Board Member of Blackpool Entertainment Company Limited.

Councillor L Williams also declared a prejudicial interest in Agenda Item 11, Planning Application 16/0567 – Rear of 1 Sherbourne Road. The nature of the interest being that she was the Chairman of The Magic Club Community Group Committee who had submitted the planning application.

2 MINUTES OF THE MEETING HELD ON 25 OCTOBER 2016

The Committee considered the minutes of the last meeting held on 25 October 2016.

Resolved: That the minutes of the meeting held on 25 October 2016 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee noted the Planning Inspector's decision to dismiss an appeal against the

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decision of the Council to refuse planning permission in respect of 138 Stony Hill Avenue, Blackpool, for the erection of eight two-storey semi-detached houses and one detached bungalow with associated access road, car parking, landscaping and boundary treatment following the demolition of the existing building.

It also noted that an appeal had been lodged against the issue of an Enforcement Notice regarding the use of land at Carandaw Farm, School Road, Blackpool for the siting of a mobile home/static caravan for residential purposes without planning permission.

Resolved: To note the planning and enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during October 2016. The report stated that 85 new cases had been registered for investigation, 12 cases had been resolved by negotiation without recourse to formal action and 52 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action. Two enforcement notices had also been served during the same period.

The report also provided comparative information for the same period last year.

Resolved: To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department, in authorising the notices.

5 PLANNING APPLICATION 16/0428 - 26-30 ABINGDON STREET

The Committee considered an application for internal and external alterations including erection of a "plaza" to first floor level within existing service yard area and use/conversion of buildings to provide leisure uses, retail uses, restaurants and cafes within Use Classes A1, A3, D2 and a 50 bed hotel, with associated administrative offices, car parking, landscaping, refuse storage, access, servicing, plant and demolition works.

Mr Shaw, Principal Planning Officer, gave a brief overview of the application and presented the site location and layout plans for the proposed development. He reported on ongoing discussions with the applicant regarding the public counter area and confirmed that the existing counter was still intact. Members were advised that the telephone boxes to the front of the building were unaffected by the application and that following discussions with the heritage manager, there would be an agreement relating to the treatment of the existing railings. Mr Shaw referred the Committee to the proposed

additional conditions in the update note following concerns raised by the Head of Transportation regarding the allocation of parking within the courtyard, and pedestrian access into the building. An amended condition had also been included relating to servicing to include reference to a service management plan which, following subsequent consultation with Environmental Protection, Mr Shaw suggested should include controlling the hours of service delivery.

Mr Thompson, Applicant, and Mr Musi, the Applicant's Agent, spoke in support of the

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application and reported on the changes made to the application following consultation with Council representatives, the applicant's recognition of the value of the heritage asset and the applicant's willingness to invest in the town.

In response to questions from the Committee, Mr Shaw confirmed that an agreement had been reached with the applicant regarding the access ramp on Abingdon Street.

The Committee considered the merits of the application and although concerns were raised regarding the level of parking in relation to the number of hotel bedrooms proposed, it was acknowledged that the building was in an accessible location with a number of town centre car parks close by.

Resolved: That the application be approved, subject to the conditions, including the amended conditions requiring agreement of allocated parking within the courtyard, pedestrian access into the building from Abingdon Street and a further amended condition to agree a service management plan including a control of hours of service delivery and secure cycle parking and changing facilities, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

6 PLANNING APPLICATION 16/0429 - 26-30 ABINGDON STREET

Mr Shaw, Principal Planning Officer explained that this application was identical to the application at Agenda Item 5 with the exception that it was requesting Listed Building Consent which was covered by separate legislation.

Resolved: That the application be approved, subject to the conditions, including the amended conditions requiring agreement of allocated parking within the courtyard, pedestrian access into the building from Abingdon Street and a further amended condition to agree a service management plan including a control of hours of service delivery and secure cycle parking and changing facilities, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

7 PLANNING APPLICATION 16/0436 - LAYTON INSTITUTE, WESTCLIFFE DRIVE

The Committee was informed that planning application 16/0436 for external alterations and use of ground floor of premises as retail shop with associated car and cycle parking and refuse storage at Layton Institute, Westcliffe Drive had been withdrawn by the Applicant's Agent.

Resolved: To note that planning application 16/0436 had been withdrawn.

8 PLANNING APPLICATION 16/0467 - STANLEY HOUSE, CLIFTON ROAD

The Committee considered an application for the erection of an extension to create additional storage space for an existing factory building which was an amendment to

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previously approved application 15/0141.

Mr Johnston, Head of Development Management, gave a brief overview of the application and presented the site location and layout plans. The Committee was advised that permission for the extension had been granted last year, subject to conditions, and the amended application was due to a proposed change to the shape of the roof from a monopitch roof to a traditional pitched roof. Mr Johnston presented visual images of the proposed extension with both the original approved roof profile compared with the proposed pitched roof.

Mr Haslam, Applicant, spoke in support of the application and reported on the reasons for the erection of the extension and proposed change to the shape of the roof which in his view would allow the opportunity to grow the business and provide further job opportunities. He reported that the building work had ceased. Mr Jones, Supporter, also spoke in support of the application highlighting the changes to the original application which in his view would lessen the impact on the amenity of the residents of neighbouring properties.

Councillor Hutton also spoke on the application and reported on his own concerns and those of a number of residents regarding the proposed development. He suggested that previous conditions relating to the factory had not been adhered to. He also expressed concerns regarding the impact of noise on the amenity of nearby residents from the existing factory building.

Mr Johnston reminded Members that the application should be determined on its merits. He confirmed that the principle of the proposed building had been established and that the application before the Committee was to consider the amendment to the profile of the roof and its potential impact on the amenity of local residents.

In response to questions from the Committee, Mr Johnston reported his view that the proposed roof would provide better alignment to the existing building and that one of the proposed conditions was aimed at controlling the noise emanating from the activities at the site to protect the amenity of the residents of neighbouring properties.

Resolved: That the application be approved, subject to the conditions, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

9 PLANNING APPLICATION 16/0469 - 238 QUEENS PROMENADE

The Committee considered an application for the use of part ground floor and part basement level of premises as a cafe/restaurant within Use Class A3 at 238 Queens Promenade.

Mr Shaw, Principal Planning Officer, gave a brief overview of the application and site layout plans. He outlined the proposal which was to use the existing hotel dining facilities on the basement and ground floor for non-residents which was not considered unusual for hotels in Blackpool. He reported on an internal inspection that he had undertaken

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and confirmed that the renovations were ongoing. He referred Members to the objections made by the residents, and in particular the comments made by the resident of the adjacent property, which in his view were not sufficiently significant as to justify refusal of the application. The Committee was also referred to the comments made by the Head of Transportation in the update note and Mr Shaw referred Members to the proposed conditions for forecourt use and car parking that would be attached to the permission, if granted.

Mr Butter, the Applicant's Agent, spoke in support of the application and outlined the reasons for the proposal and confirmed that the café/restaurant was intended to be ancillary to the main hotel business.

Resolved: That the application be approved, subject to the conditions, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

NOTE: Councillor Maycock, having declared an interest, left the room and took no part in the discussion or voting in respect of this application.

10 APPOINTMENT OF CHAIRMAN - AGENDA ITEMS 10 AND 11

The Committee noted that the Chairman had left the meeting following an earlier declaration of a prejudicial interest in the two remaining Agenda Items and that a Vice-Chairman for the Committee had not yet been appointed. It considered the appointment of a Chairman for Agenda Item 10, Planning Application 16/0553 – Land at Adelaide Street, Alfred Street and Leopold Grove and Agenda Item 11, Planning Application 16/0567 – Rear of 1 Sherbourne Road.

Resolved: That Councillor Hunter be appointed Chairman for Agenda Items 10 and 11 only.

11 PLANNING APPLICATION 16/0553 - LAND AT ADELAIDE STREET, ALFRED STREET AND LEOPOLD GROVE

The Committee considered an outline application for the erection of part five / part six storey 156 bedroom hotel.

Mr Johnston gave a brief overview of the application and site layout and location plans. Indicative plans to demonstrate the scale of the proposed development were also shown. Members were reminded that a previous full application for the erection of a part five/part six storey 156 bedroom hotel with 48 parking spaces at the same site had been approved by the Committee in 2010 but that this permission had expired. This application was seeking to renew the prior permission although at this stage it was only requesting outline planning approval for the access and scale of the proposed development.

The Committee considered the merits of the application and raised concerns regarding the level of car parking in relation to the size of the hotel. However, Members accepted

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that the proposed development would be in an accessible location and also noted that there were a number of town centre car parks available for use by hotel patrons.

Resolved: That the application be approved, subject to the conditions, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

NOTE: Councillor L Williams, having declared a prejudicial interest, left the room and took no part in the discussion or voting in respect of this application.

ADDITIONAL NOTE: Following the earlier vote, Councillor Hunter took the chair during consideration of this item.

12 PLANNING APPLICATION 16/0567 - REAR OF 1 SHERBOURNE ROAD

The Committee considered the use of the premises at the rear of 1 Sherbourne Road as a youth club for children age 7-16 years.

Mr Shaw, Principal Planning Officer, gave a brief overview of the application explaining that the proposal sought to utilise an existing vacant premises as a youth club for local children. He referred Members to the update note in which the Head of Transportation had raised no objections to the proposal. As regards the comments made by the Police Architectural Liaison Officer, Mr Shaw confirmed that these comments would be attached for information to the permission, if granted. Members were advised that the applicant had recently requested an amendment to the proposed condition relating to the opening hours for the club and had asked for it to be allowed to operate from 8.30am to 9.00pm Mondays to Saturdays.

Ms Lowndes, Applicant, spoke in support of the application. She reported on the intention to operate the youth club as a social enterprise or community interest company and explained the reasons why, in her view, the youth club was needed which included the provision of a safe and secure facility for young people in an area with high levels of deprivation and the expectation that this would reduce incidents of crime and anti-social behaviour in the area.

Councillor I Taylor also spoke in support of the application. He acknowledged the concerns of the objectors but was confident in the management of the premises and outlined the benefits that he considered would be realised in terms of providing a much needed facility for young people in the area and a reduced risk of anti-social behaviour.

The Committee acknowledged the benefits of the scheme in providing a safe environment for young people.

Resolved: That the application be approved, subject to the conditions, including the amended condition to allow the club to operate between the hours of 8.30am to 9.00pm Mondays to Saturdays and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

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NOTE: Councillor L Williams, having declared a prejudicial interest, left the room and took no part in the discussion or voting in respect of this application.

ADDITIONAL NOTE: Following the earlier vote, Councillor Hunter took the chair during consideration of this item.

Chairman

(The meeting ended 7.04pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

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Application Number 16/0428 – 26-30 ABINGDON STREET, BLACKPOOL – Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area and use/conversion of buildings to provide leisure uses, retail uses, restaurants and cafes within Use Classes A1, A3, D2 and a 50 bed hotel, with associated administrative offices, car parking, landscaping, refuse storage, access, servicing, plant and demolition works.

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. Notwithstanding the submitted plans details of materials to be used on the all elevations, including proposed doors, windows, any proposed rendering shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of this listed building and the town centre conservation area in accordance with Policies LQ14, LQ9, LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. 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 on 11 July 2016 including the following plans:

Location Plan stamped as received by the Council on 11 July 2016.

Drawings numbered 015-023 (68) 01 Rev A , 015-023 (68) 02 Rev A, 015-023 (01) 111 Rev F, 015-023 (01) 102 Rev E, 015-023 (01) 111 Rev F , 015-023 (02) 03 Rev B, 015-023 (02) 02 Rev A, 015-023 (02)01 Rev B, 015-023 (01) 114 Rev E, 015-023 (01)113 Rev E, 015-023 (01)112 Rev E, 015-023 (01)110 Rev F, 015-023 (01)103 Rev E, 015-023 (68)103 Rev A, 015-023 (68)04 Rev A, 015-023 (68)05 Rev A, 015-023 (01)101 Rev F, (01) 121 Rev A.

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

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made

for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The building/uses hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas and a servicing management plan, have been provided in accordance with details to be submitted to and agreed in writing with the Local Planning Authority; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and the spaces allocated in accordance with details to be agreed in writing with the Local Planning Authority 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.

7. Prior to the development hereby approved being first brought into use secure cycle storage and changing facilities shall be provided in accordance with details to be submitted and agreed in writing with the Local Planning Authority and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Details of the appearance, technical specification (including noise levels) and siting of any external ventilation ducting and external plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and plant shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the integrity of this listed building and living conditions of the occupants of nearby residential premises, in accordance with Policies BH3, LQ9 and LQ10 and LQ14 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Notwithstanding the submitted plans pedestrian access into the building from Abingdon Street shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being first brought into use and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway and pedestrian safety, in accordance with Policies LQ1, LQ9, LQ10 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Notwithstanding the submitted plans boundary treatment to Edward Street shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being first brought into use and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway and pedestrian safety, in accordance with Policies LQ1, LQ9, LQ10 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Application Number 16/0429 – 26-30 ABINGDON STREET, BLACKPOOL - Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area and use/ conversion of buildings to provide leisure uses, retail uses, restaurants and cafes within Use Classes A1, A3, D2 and a 50 bed hotel, with associated administrative offices, car parking, landscaping, refuse storage, access, servicing, plant and demolition works.

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.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. Notwithstanding the submitted plans details of materials to be used on the all elevations, including proposed doors, windows, any proposed rendering shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of this listed building and the town centre conservation area in accordance with Policies LQ14, LQ9, LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. 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 on 11 July 2016 including the following plans:

Location Plan stamped as received by the Council on 11 July 2016.

Drawings numbered 015-023 (68) 01 Rev A , 015-023 (68) 02 Rev A, 015-023 (01) 111 Rev F, 015-023 (01) 102 Rev E, 015-023 (01) 111 Rev F , 015-023 (02) 03 Rev B, 015-023 (02) 02 Rev A, 015-023 (02)01 Rev B, 015-023 (01) 114 Rev E, 015-023 (01)113 Rev E, 015-023 (01)112 Rev E, 015-023 (01)110 Rev F, 015-023 (01)103 Rev E, 015-023 (68)103 Rev A, 015-023 (68)04 Rev A, 015-023 (68)05 Rev A, 015-023 (01)101 Rev F, (01) 121 Rev A.

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

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
- dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period
 - hours and days of construction work for the development
 - contractors' compounds and other storage arrangements
 - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
 - the routing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The building/uses hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas and a servicing management plan, have been provided in accordance with details to be submitted to and agreed in writing with the Local Planning Authority; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and the spaces allocated in accordance with details to be agreed in writing with the Local Planning Authority 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.

7. Prior to the development hereby approved being first brought into use secure cycle storage and changing facilities shall be provided in accordance with details to be submitted and agreed in writing with the Local Planning Authority and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Details of the appearance, technical specification (including noise levels) and siting of any external ventilation ducting and external plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and plant shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the integrity of this listed building and living conditions of the occupants of nearby residential premises, in accordance with Policies BH3, LQ9 and LQ10 and LQ14 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Notwithstanding the submitted plans pedestrian access into the building from Abingdon Street shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being first brought into use and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway and pedestrian safety, in accordance with Policies LQ1, LQ9, LQ10 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Notwithstanding the submitted plans boundary treatment to Edward Street shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being first brought into use and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway and pedestrian safety, in accordance with Policies LQ1, LQ9, LQ10 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Application Number 16/0467 -- STANLEY HOUSE, CLIFTON ROAD, BLACKPOOL - Erection of extension to create additional storage space for existing factory building (amendment to previously approved application 15/0141 in terms of the roof profile).

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 on 22nd July 2016 including the following plans:

Location Plan stamped as received by the Council on 22nd July 2016.

Drawings showing floor layouts and elevations stamped as received by the Council on 22nd July 2016 (4 drawings).

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

3. No goods or waste shall be stored other than within the building and refuse store shown on the approved plan.

Reason: In the interests of the appearance of the locality and the amenities of the occupants of nearby residential premises, in accordance with Policies BH3 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Noise generated by activities at the site, when measured one metre from the access gates off Clifton Road, on any day, shall not exceed a one hour LAeq of:- a) 62dB(A) between 07.30 and 19.30 hours; b) 50dB(A) between 19.30 and midnight; c) 45dB(A) at any other time; and, when measured one metre from the boundary fence positioned along the northwest boundary of the site, on any day, shall not exceed a one hour LAeq of:- a) 55dB(A) between 07.30 and 19.30 hours, b) 50dB(A) between 19.30 and midnight; c) 45dB(A) at any other time.

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.

5. The servicing areas shall not be used outside of the hours of 8am-6pm Mondays - Fridays and 8am-12 noon on Saturdays.

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.

6. The premises shall not be used outside of the hours of 6am-10pm Mondays-Fridays and 6am-12 noon on Saturdays.

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. The external doors to the building hereby approved must be kept closed at all times when not in use for access to or egress from the building.

Reason: To limit noise levels outside of the building 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.

8. The extension hereby approved, shall only be used as warehousing/storage, ancillary to use of the main premises within Use Class B2.

Reason: To limit noise levels outside of the building and 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.

Application Number 16/0469 -238 QUEENS PROMENADE, BLACKPOOL - Use of part ground floor and part basement level of premises as a Cafe/Restaurant within Use Class A3.

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 on 25th July 2016 including the following plans:

Location Plan stamped as received by the Council on 25th July 2016.

Drawing showing floor layouts stamped as received by the Council on 25th July 2016.

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

3. Prior to the development hereby approved being first brought into use the forecourt, and specifically the car parking provision and outside seating area, shall be provided and shall thereafter be retained in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the locality, residential amenity and highway safety, in accordance with Policies BH3, LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The non-resident guest use of the premises shall not operate outside the hours of 0800 hours and 2300 hours Sundays to Thursdays and 0800 hours and 2330 hours Fridays and Saturdays.

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.

5. Before the restaurant is first open to non-residents a wall or fence along part of the common boundary with 236 Queens Promenade shall be erected in accordance with details to be agreed in writing by the Local Planning Authority and shall be thereafter retained.

Reason: In the interests of residential amenity, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The car parking area to the rear of the building shall solely be used by the owners/ staff at the hotel.

Reason: In the interests of residential amenity the appearance of the locality and highway safety, in accordance with Policies BH3, LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Application Number 16/0553- LAND AT ADELAIDE STREET, ALFRED STREET AND LEOPOLD GROVE, BLACKPOOL - Erection of part five/ part six storey 156 bedroom hotel.

Decision: Grant Permission

Conditions and Reasons:

1.
 - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
 - Layout
 - Appearance
 - Landscaping
 - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period

- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routeing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. a) No development shall take place 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 five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

5. No development shall take place until full details of an external lighting strategy for both the building and the public landscaped area to the south of the building have been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details prior to the hotel hereby approved being first brought into use and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason. To ensure the site is satisfactorily illuminated in the interests of good design and visual amenity in accordance with paragraphs 56 and 57 of the National Planning Policy Framework, Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policies LQ1, LQ3, LQ4, LQ5 and LQ6 of the Blackpool Local Plan 2001-2016.

6. The development hereby approved shall not be occupied until details of the servicing areas and coach drop off points have been submitted to and agreed in writing by the Local Planning Authority and subsequently provided. Once provided they shall thereafter be retained.

Reason; In the interests of residential and visitor amenity and in the interests of highway safety, in accordance with Policies BH3, LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. 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 unless otherwise agreed in writing by the Local Planning Authority.

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

9. 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 on 26 August 2016 including the following plans:

Location Plan stamped as received by the Council on 26 August 2016.

Drawings numbered 104/34 Rev B, 104/33 Rev B, 104/22 Rev B, 104/21 Rev B, 104/20 Rev E.

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

Application Number 16/0567- REAR OF 1 SHERBOURNE ROAD, BLACKPOOL - Use of premises as a youth club for children age 7-16 years.

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 on 2nd September 2016 including the following plans:

Location Plan stamped as received by the Council on 2nd September 2016.

Drawing showing floor layouts stamped as received by the Council on 2nd September 2016.

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

3. The use of the premises shall not operate outside the hours of 08-30 to 21-00 Mondays to Saturdays unless otherwise agreed in writing with 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.

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Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	20 December 2016

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 Rear of 6 and 8 Carlin Gate FY2 9QX (15/0229)

5.2.1 An appeal by Belsfield Care against the decision of the Council to refuse planning permission for the use of part of the rear garden of the properties as a communal garden in association with the existing care homes at 4 St Stephens Avenue and 4 Carlin Gate following the demolition of existing rear extensions at the rear of 6-8 Carlin Gate. **APPEAL DISMISSED**

5.2.2 A copy of the Inspectors decision dated 21 November 2016 is attached at Appendix 3a.

5.2.3 The main issues are the effect of the proposal on the living conditions of neighbouring residents and on the character and appearance of the area.

5.2.4 The Inspector concluded that the proposal would have a detrimental impact on the amenities of residents in adjoining properties at 10 Carlin Gate and 6-8 St Stephens Avenue through noise and disturbance but did not consider that it would adversely affect the character and appearance of the area as the site is landlocked.

5.3 4 St Stephens Avenue, Blackpool, FY2 9RG (15/0227)

5.3.1 An appeal by Belsfield Care against the decision of the Council to refuse planning permission for the erection of a rooflift to the existing single storey rear extension to provide five additional bedrooms and a lounge and the provision of three additional car parking spaces following the removal of an existing storage building. **APPEAL DISMISSED**

5.3.2 A copy of the Inspectors decision dated 22 November 2016 is attached at Appendix 3b.

5.3.3 The main issues are the effect of the proposal on the living conditions of neighbouring residents and on the living conditions of the occupants of the care home, particularly with regard to amenity space for the residents.

5.3.4 The Inspector concluded that the proposal would have a detrimental impact on the amenities of residents in adjoining properties at 6 and 8 St Stephens Avenue through overlooking and impact on privacy and would remove the limited amenity space currently available at the care home.

5.4 26 - 28 Red Bank Road, Blackpool, FY2 9HR (15/0713)

5.4.1 An appeal by Mrs S Clayton against the decision of the Council to refuse planning permission for the installation of a new shopfront, erection of a single storey rear extension and use of the ground floor rear as one self-contained flat at 26 Red Bank Road. **APPEAL DISMISSED**

5.4.2 A copy of the Inspectors decision dated 21 November 2016 is attached at Appendix 3c.

5.4.3 There are four main issues - effect of the proposal on the living conditions of the occupiers of the flat, the effect of the proposal on the vitality and viability of the District Centre, the effect of the shopfront on the character and appearance of the area and whether the proposal would lead to an over concentration of flats in the area.

5.4.4 The Inspector felt that the location of the flat and its relationship to a rear external staircase meant the occupants of the flat would have a low level of amenity. He felt the changes to the ground floor of 26 Red Bank Road would leave a less attractive retail space and hence would adversely impact on the vitality and viability of the District Centre. He felt that the proposed UPVC shopfront would adversely affect the character and appearance of the District Centre. However, he did not consider that the flat element of the proposal would lead to an over concentration of flats in the area.

5.5 Planning/Enforcement Appeals Lodged

5.5.1 3-5 READS AVENUE, BLACKPOOL, FY1 4BW (15/0772)

5.5.2 An appeal has been lodged by Clarke & Co against the Council's refusal to grant a Certificate of Lawful Development for Proposed Use to use the premises as 10 self-contained permanent flats.

5.6 3-5 READS AVENUE, BLACKPOOL, FY1 4BW (15/0773)

5.6.1 An appeal has been submitted by Clarke & Co against the Council's refusal of planning permission for the removal of conditions 3 and 5 attached to planning permission 80/0013 to allow the use of premises as 10 self-contained permanent flats.

5.7 56 SPRINGFIELD ROAD, BLACKPOOL, FY1 2BA (16/0388)

5.7.1 An appeal has been submitted by Mr R Lewis against the Council's refusal of planning permission for formation of vehicular crossing.

5.8 Does the information submitted include any exempt information? No

5.9 List of Appendices:

5.9.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

Appeal Decision

Site visit made on 25 October 2016

by **I Jenkins BSc CEng MICE MCIWEM**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/J2373/W/16/3153802

Rear of 6 & 8 Carlin Gate, Blackpool, FY2 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Belsfield Care against the decision of Blackpool Borough Council.
 - The application Ref 15/0229, dated 15 April 2015, was refused by notice dated 9 February 2016.
 - The development proposed is use of land as communal garden in association with existing rest homes at 4 St Stephen's Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has confirmed that while the application was with the Council for consideration, the description of the proposed development was changed to that shown in the summary information above from that given on the planning application form: *use of part of private gardens to residential properties as garden used in association with adjacent care homes at 4 St Stephen's Avenue and 4 Carlin Gate*. I have taken this into account.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on: the living conditions of neighbouring residents, with particular reference to noise and disturbance; and, the character and appearance of the surrounding area.

Reasons

4. No. 4 St Stephen's Avenue and No. 4 Carlin Gate are detached care homes run by the appellant, which have a common rear boundary. The latter shares its eastern side boundary with No. 6 Carlin Gate, which is part of semi-detached pair of houses, the other house within the pair being No. 8. The appeal site comprises the rear sections of the back gardens of Nos. 6 and 8 Carlin Gate, and the proposal involves the change of use of that area from use class C3, to a garden use associated with the neighbouring care homes, use class C2.
5. Immediately to the north of the site are the adjoining back gardens of Nos. 6 and 8 St Stephen's Avenue. The site shares its eastern boundary with the

northern section of the curtilage of No. 10 Carlin Gate, which includes a small back garden area and part of the single storey rear annexe of the property, which contains a bedroom served by a large patio doorway that faces towards the appeal site.

Living conditions of neighbouring residents

6. The appellant has suggested that a resident of its care homes when using the proposed garden space would not be any more likely to cause nuisance than children playing in a garden. This is a matter disputed by a number of neighbouring residents, who have cited their own experience of noise arising from the care homes. Even if the appellant is correct, I understand that at present the two care homes neighbouring the site have capacity to accommodate up to 71 residents between them. Consequently, the appeal site may be occupied by a far higher number of people at any one time, and therefore generate more noise, than would be likely to be the case in relation to any of the neighbouring gardens, which serve modest sized semi-detached houses. Control over the number of residents who use the proposed garden area at any one time is not a matter that could be ensured through the imposition of a reasonable condition, as it would require an intolerable level of supervision.
7. I have particular concerns regarding the likely impact on residents of No. 10, as the site would be alongside the small back garden area of that neighbouring property and also close to one of its bedrooms. I consider that the likely routine use of the proposed garden area by a significant proportion, if not all, of the care home residents would be likely to greatly increase the levels of noise and disturbance experienced by residents of No. 10 when using those parts of their property. In my view, the potential effect on the environment enjoyed by residents of Nos. 6 and 8 St Stephen's Avenue, although noticeable, would not be as great, as the site adjoins the ends of their larger gardens which are furthest from those dwellings.
8. I give little weight to the appellant's contention, which is not supported by any compelling evidence, that neighbouring residents are more likely to be disturbed by activity associated with holiday uses, commercial hotels and a casino in the area. In my judgement, the rear garden environments of Nos. 6 and 8 St Stephen's Avenue and No. 10 Carlin Gate are likely to be screened by neighbouring buildings from noise arising from the wider area.
9. I conclude overall, that the proposal would be likely to cause significant harm to the living conditions of neighbouring residents, with particular reference to noise and disturbance. In this respect the proposed new use of the appeal site would conflict with: Policy BH3 of the *Blackpool Local Plan 2001/2016* (LP), which seeks to safeguard residential amenity; and, LP Policy BH24, which requires regard to be had to the intensity of use and its effect on adjacent properties, with the aim, amongst other things, of avoiding undue harm to amenity. The latter Policy is of relevance as the scheme involves the change of use of the land to use Class C2, unlike the scheme the subject of appeal Ref. APP/J2373/W/16/3153766, which involved development within the curtilage of an existing Class C2 use. It would also conflict with the aims of the *National Planning Policy Framework* (the Framework) insofar as it seeks to secure a good standard of amenity for occupants of land.

10. In my view, it is unlikely to be possible to reduce the harm that I have identified to an acceptable degree through the imposition of a condition requiring acoustic barriers to be put in place along the boundaries shared with neighbouring gardens. A barrier of a height which might be effective would be likely to be unduly dominant, particularly when seen from the small back garden and adjacent bedroom of No. 10.

Character and appearance

11. The appeal site is currently occupied by gardens and single-storey structures associated with Nos. 6 and 8 Carlin Gate. The application plan indicates that the appeal scheme involves the use of the space as a garden with a small shelter, the details of which could be controlled by condition. In my judgement this would not result in a significant change in either the character or the appearance of the site, which whilst visible from neighbouring properties, is unlikely to be visible from any public vantage points, due to its backland location.
12. Based on the location plan provided by the appellant, it appears to me that the appeal site forms part of a block of 20 properties, which is bounded by: St Stephen's Avenue to the north; Holmfield Road to the east; Carlin Gate to the south: and, a back lane to the west. Care homes, of which there are 2 within that block, comprise 10% of the properties. The planning application drawing indicates that the proposal would involve the use of the northern sections of the back gardens of Nos. 6 and 8 Carlin Gate by the care homes. The number of properties within the block in use class C2 would remain the same. In my judgment, it would not conflict with LP Policy BH24 insofar as it seeks to limit properties in class C2 use in a particular block to 'about 10%'.
13. I conclude that the effect of the proposal on the character and appearance of the surrounding area would be acceptable and in this particular respect it would not conflict with LP Policy BH24.

Other matters

14. The Council's decision to refuse planning permission in this case was against the recommendation of its officers. Nonetheless, this does not alter the planning merits of the proposal, upon which my decision is based.
15. Whilst I have had regard to the view that the proposed garden would be of amenity value to residents of the care homes, I saw that both have an area of external amenity space, in the form of hardstanding with seating. Although they lack planting, that is a matter within the control of the appellant. In my judgement, any benefits of the scheme in this regard would not outweigh the harm that I have identified.

Conclusions

16. Notwithstanding my finding that the effect of the proposal on the character and appearance of the surrounding area would be acceptable, this would not outweigh the significant harm that it would be likely to cause to the living conditions of neighbouring residents. I conclude on balance, having regard to the economic, social and environmental impacts of the scheme, that it would not amount to sustainable development under the terms of the Framework. I conclude overall, that the proposal would conflict with the Development Plan

taken as a whole and other material considerations do not indicate that a contrary decision would be justified in this case.

17. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR

Appeal Decision

Site visit made on 25 October 2016

by **I Jenkins BSc CEng MICE MCIWEM**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2016

Appeal Ref: APP/J2373/W/16/3153766
4 St Stephen's Avenue, Blackpool, FY2 9RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Belsfield Care against the decision of Blackpool Borough Council.
 - The application Ref 15/0227, dated 15 April 2015, was refused by notice dated 12 January 2016.
 - The development proposed is the erection of a roof lift to existing rear extension to provide 5 additional bedrooms and a lounge and provision of 3 additional car parking spaces to the rear following removal of existing storage building.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has confirmed that while the application was with the Council for consideration, the description of the proposed development was changed to that shown in the summary information above from that given on the planning application form: *first floor rear extension to provide 5 additional bedrooms and lounge with 3 car park spaces at rear*. I have taken this into account.
3. The proposed first floor plan, shown on application drawing no. 2200.10, shows that a new window would be inserted into the eastern elevation of the existing property to serve a bedroom. At the site visit the appellant's agent acknowledged that that new window has been omitted from the drawing of the proposed eastern elevation shown on drawing no. 2200.11. I have considered the proposal on the basis that it would include the provision of that new window.

Main Issues

4. I consider that the main issues in this case are the effect of the proposal on: the living conditions of occupants of neighbouring properties, with regard to privacy and outlook; and, on the living conditions of future residents of the appeal site, with particular reference to outdoor amenity space.

Reasons

5. No. 4 St Stephen's Avenue and No. 4 Carlin Gate are detached care homes run by the appellant, which have a common rear boundary. The appeal property

shares its eastern side boundary with No. 6 St Stephen's Avenue, which is part of semi-detached pair of houses, the other house within the pair being No. 8.

6. In 2011 the Council granted planning permission, Ref. 10/1309, for development described as the '*erection of a 3-storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions would form 32 en-suite bedrooms at the existing care home*'. The appellant has indicated that that planning permission has been implemented only in part, a matter not disputed by the Council, and it is its intention to implement it in full in due course. I have taken the full scope of this extant planning permission into account.

The effect on the living conditions of neighbouring residents

7. The appeal property comprises 3-storey and 2-storey elements to the front of the site and an adjoining single-storey annexe to the rear, which extends to within a short distance of the southern boundary of the site. The eastern building line of the rear annexe, which is irregular, runs either alongside or within relatively short distances of the side boundary shared with No. 6. The existing appeal property contains 2 windows at first floor level from which parts of the sections of the back gardens of Nos. 6 and 8 closest to their rear elevations can be seen. Extant planning permission Ref. 10/1309, if fully implemented, would add 2 more windows at second floor level, although views from one of those of the neighbouring gardens would be oblique. I consider that the potential for overlooking of Nos. 6 and 8 from No. 4 Carlin Gate is satisfactorily limited by the distances involved.
8. The proposal includes the lifting of the roof of the rear annexe of the appeal property to facilitate the provision of accommodation in the roof space and some associated modifications to the main building. The proposal would include the provision of 3 new bedroom windows and a lounge window at first floor level, which I consider would provide relatively direct views towards the areas of the back gardens of Nos. 6 and 8 closest to their rear elevations. In my judgement, it would significantly increase the potential for overlooking those parts of the back gardens of those neighbouring properties closest to their rear elevations, which are often the most private in urban housing situations and so are of particular value to residents. The proposal would be likely to have a significant detrimental effect on the privacy of the occupants of those neighbouring dwellings.
9. Whilst the appellant has suggested that if necessary the new windows I have identified could be amended to prevent overlooking and this could be controlled by condition, no revised details have been provided. I am not convinced the harm that I have identified could be satisfactorily mitigated through the imposition of reasonable conditions. In each case, each new window is the only window serving a habitable room and any restriction on the outlook from them would be likely to unacceptably harm the living conditions of residents using those rooms. Providing roof lights in place of the 3 proposed dormer windows would not necessarily reduce the potential for overlooking. I give the appellant's suggestion little weight.
10. The southern building line of the single storey rear annexe of the appeal property is broadly similar to the alignment of the rear boundary of the back garden of No. 6. I consider that the sense of openness enjoyed by the

residents of No. 6 when using their rear garden is likely to be due in no small part to views to the west above the roof of that existing annexe. Openness is limited by the 3-storey elements of the appeal property and No. 4 Carlin Gate. The proposal would noticeably increase the height of the roof of the rear annexe. As a result of its increased height, relatively close proximity to the side boundary shared with No. 6 and its rearward projection, the extended annexe would significantly reduce the sense of space enjoyed by residents of No. 6 when using their back garden. The proposed extension would appear overdominant and unneighbourly when seen from No. 6.

11. I conclude that the proposal would cause unacceptable harm to the living conditions of the occupants of neighbouring dwellings, with particular reference to privacy and outlook. This impact, resulting from the proposed intensification of use, would conflict with Policy BH3 of the *Blackpool Local Plan 2001/2016* (LP) and Policy CS7 of the *Blackpool Local Plan-Part 1: Core Strategy (2012-2027)* (CS). It would conflict with the aims of the *National Planning Policy Framework* (the Framework), which include that planning should always seek to secure a good standard of amenity for all existing and future occupants of land. This weighs heavily against the scheme.
12. It is acknowledged that some social and economic benefits would be likely to be associated with the proposal in terms of a small increase in the residential capacity of the care home, for which the appellant has identified a need, and an increase in employees to support the additional residents. In these respects it would gain some support from the Framework, which gives encouragement to the provision of services to meet local needs and economic development. However, in my view, these limited benefits would be significantly and demonstrably outweighed by the harm that the proposal would cause to the living conditions of neighbouring residents.

The effect on existing and future residents of the appeal site

13. I saw that external amenity space within the appeal site is limited, with the largest area, which contains some seating, located in the southwestern corner of the site between the main building and a small outbuilding. As part of the proposed works the outbuilding would be removed and its former footprint as well as much of the adjacent amenity space would be used for car parking.
14. I am aware that the appellant has made a separate planning application for the use parts of the back gardens of Nos. 6 and 8 Carlin Gate as external amenity space to serve the appeal property and its facility at No. 4 Carlin Gate. However, planning permission has been refused by the Council and the scheme is the subject of a separate appeal. There is no guarantee that the appeal would be allowed. I give the appellant's aspirations in that respect little weight. In its Supporting Statement, submitted in support of the planning application, the appellant has confirmed that the appeal scheme is not functionally linked to that other application and that each should be considered on its own merits. This reinforces my view.
15. I give little weight to the Council's concern that the bedrooms within the proposed extension, which it describes as *small single bedrooms with no en-suite facilities*, would not provide a good standard of amenity. The proposed bedrooms would be comparable in size, if not larger, than bedrooms previously approved by the Council (Ref. 10/1309) and they would each have an en-suite

toilet. It appears to me that they would be acceptable in terms of design and amenity.

16. Nevertheless, I consider the loss of private external amenity space that would result from the proposal would be likely to have a significant detrimental effect on the living conditions of existing and future residents of the appeal site. Overall, the proposal would result in a poor quality environment, contrary to the aims of LP Policies LQ1 and LQ14 and CS Policy CS7 as well as the aims of the Framework.

Other matters

17. Whilst the Council cites LP Policy BH24 in its reasons for refusal, in its appeal statement it acknowledges that that Policy relates to new uses. Given the appeal scheme comprises an extension of an existing use, it appears to me that this Policy is of little relevance in this particular case. The public vantage points from which the proposed extension would be visible would be limited to a back lane that runs alongside the western boundaries of the appeal property and No. 4 Carlin Gate. Features of the proposed extension visible from there would include its hipped roof punctuated by dormer windows, built forms that are not uncommon hereabouts. In this context, I consider that the scheme would be unlikely to harm the character or appearance of either the appeal property or the surrounding area as seen from public vantage points and in this respect it would not conflict with LP Policy LQ2.

Conclusions

18. Having had regard to the likely economic, social and environmental impacts of the scheme, I consider that any associated benefits would be outweighed by the harm that it would cause to the living conditions of neighbouring residents and it would not amount to sustainable development under the terms of the Framework. This is a compelling reason why the appeal should be dismissed. The likely impact of the scheme on the living conditions of existing and future residents of the appeal site adds further weight to that finding. Furthermore, on balance it would conflict with the Development Plan taken as a whole and other material considerations do not indicate that a contrary decision would be justified in this case.
19. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR

Appeal Decision

Site visit made on 15 November 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/J2373/W/16/3155956
26-28 Red Bank Road, Blackpool FY2 9HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Clayton against the decision of Blackpool Borough Council.
 - The application Ref 15/0713, dated 20 October 2015, was refused by notice dated 11 February 2016.
 - The development proposed is the installation of a new shop front, erection of a single storey rear extension to and use of the ground floor rear as 1 self contained permanent flat at 26 Red Bank Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development as it appears on the Council's refusal notice and not the appellant's planning application form as it more accurately describes all of the proposed development. The appellant agreed to this description of development by email on 27 October 2015. I have also taken the appeal site address from the Council's refusal notice, and not the planning application form, as this more accurately relates to the red edged planning application site.

Main Issues

3. The main issues are (i) the effect of the proposal upon the living conditions of the occupiers of the proposed flat in respect of light, privacy, refuse storage and outside amenity space; (ii) the effect of the proposal upon the viability of No 26 Red Bank Road and the District Centre owing to the loss of storage, staff facilities space and rear access for refuse storage and hence whether or not an undesirable precedent would be set; (iii) the effect of the proposed shop front alterations upon the character and appearance of the area and (iv) whether or not the proposal would lead to an overconcentration of flat accommodation in Blackpool and hence whether or not an undesirable precedent would be set.

Reasons

Site and proposal

4. The appeal site relates to Nos 26-28 Red Bank Road which are mid-terraced commercial properties falling within Bispham District Centre. The application form states that the No 26 Red Bank Road is being used as an animal sanctuary, although on my site visit I did not see any evidence of this. The appeal site appears to comprise a barbers shop / retail unit at No 26 and a tattoo parlour at No 28. The Council state that the latter use is unauthorised. There are open forecourts to the front of the property. To the rear there is an external staircase which gives access to the upper floors of No 26 and there is a flat above No 28 which is accessed from the back street.
5. It is proposed to erect a flat roofed extension to the rear of No 26. This extension, as well as the rear ground floor of No 26 (currently retail space and including a staff kitchen and WC), would be used as a one bedroom flat with an en-suite, WC and lounge/kitchen. As consequence of the proposed changes No 26 would have a retail floorspace of about 42 square metres (a WC is also proposed) and No 28 would have a retail floorspace of 27 square metres plus 14 square metres of storage to the rear (a WC is also proposed). In addition, it is also proposed to remove the existing shop front at No 26 and replace it with a new shop front (upvc) to match the existing shop front at No 28. The Council has stated that the latter shop front does not have the benefit of planning permission.

Living conditions

6. Whilst there would be two relatively large windows serving the proposed lounge/kitchen area of the proposed flat, they would be in very close proximity to the external staircase which gives access to the upper floors. I consider that owing to the close proximity and scale of the external staircase to the kitchen/lounge windows it would create a very oppressive and dark environment for the occupiers of the proposed flat. I acknowledge that it would likely be possible to deal with some of the overlooking issues by means of some sort of screening to the external staircase. However, this may have the effect of reducing light penetration even further. I do not have enough information before me to fully assess whether or not a screen would be acceptable from an outlook and light point of view. As this strikes at the heart of the acceptability of the residential proposal, I do not consider that it would be appropriate to deal with this matter by way of a planning condition.
7. I have no reason to disagree with the Council that the proposed flat is acceptable in terms of internal space standards. Whilst the proposed rear extension would take up some of the rear yard area of No 26, there would nonetheless be some open space in which the occupiers of the flat could sit and also where bins/bicycles could be stored. Whilst the proposal does not include a specific area for the storage of bins, and collection details are scarce, I consider that this is a matter that could be addressed by means of the imposition of a planning condition. Such a condition could also reasonably include details of boundary treatments to ensure that the occupiers of the proposed flat have private amenity space.
8. On balance, I am satisfied that the outside amenity space would be acceptable (including the potential for the storage of waste) and therefore I do not

consider that this aspect of the proposal would be in conflict with the amenity aims of the Council's "New Homes from Old Places" Residential Conversion and Sub Division" Supplementary Planning Document 2011 (SPD). However, I conclude that the proposed flat would not be acceptable in so far that its juxtaposition with the external staircase would be such that it would have a significantly adverse impact upon light and privacy for the occupiers of the proposed flat. In this respect, the proposal would not accord with the amenity aims of Policies LQ1, LQ14, HN5, BH3 and BH13 of the LP; Policies CS7, CS12 and CS13 of the CS and the National Planning Policy Framework (the Framework).

Retail viability

9. The proposal would include the loss of retail floorspace to the rear of No 26. The resultant shop would be smaller than the existing and would include a WC accessed from within the shop. The Council question whether or not the shop would be viable without ancillary storage and a staffing area and with a WC accessed from within the shop. The appellant has stated that the existing shops are too large to be viable in this location and that the proposed shop at No 26 would be viable.
10. Whilst a WC accessed from within the shop would be unusual, I do not consider that this in itself would make the proposal unviable or that it would cause harm to the viability of the District Centre. On balance, and notwithstanding my views relating to the WC, I do consider that the lack of ancillary storage space, staff facilities and the loss of rear access for refuse storage and collection purposes, would make the proposed shop less attractive for those wishing to occupy the unit for retail purposes (either now or in future years). Hence, these are matters which would render use of the proposed retail space a less viable proposition. In this regard, I therefore consider that some harm would be caused to the viability of the District Centre.
11. For the above reason, I conclude that the proposal would not support the role and function of a viable District Centre and hence the proposal would not accord with the retail vitality and viability aims of saved Policy BH13 of the LP; Policy CS4 of the CS and the Framework. I do not consider that Policy LQ1 is particularly relevant to this issue as it essentially relates to design. Given my conclusion on this issue, it has not been necessary for me to consider the Council's comments about precedent.

Character and appearance

12. The existing shop front at No 26 is more traditional in appearance (including slim-line timber window frames, timber stall risers and a recessed entrance porch) when compared to the shop front at No 28 which has upvc window frames and an entrance door and no recessed features. The Council state that the latter does not have the benefit of planning permission, although I do not have any information relating to how long such a shop front has been in situ. In any event, I have determined the appeal on the basis that the appellant would like the shop front at No 26 to match that at No 28.
13. I have considered the proposal in the context of the wider area. Whilst there are some exceptions, the vast majority of the shop fronts either have shop fascia's which are not as deep, have recessed entrance areas and/or have timber window frames and doors. Overall, I consider that this part of the

District Centre has retained a number of the more traditional shop front features and this adds positively to its distinctive character.

14. I accept that No 28 has been altered in the past (although the Council say that this did not receive planning permission) and that in appearance terms it is not as traditional as the shop front at No 26. Whilst matching this shop front would to some extent ensure that there is some regularity of design across the two retail units, I consider that it would be more appropriate restore the original shop front of No 26 and for alterations to be made to No 28. I am not aware of any reason why this could not be achieved: such alterations would ensure that as a whole the shop front design for Nos 26-28 reflected the more traditional appearance and proportions of the shop fronts that exist in other parts of the District Centre. I therefore conclude that owing to the materials, proportions and design of the proposed shop front alterations, unacceptable harm would be caused to the character and appearance of the area. Therefore, the proposal would not accord with the design aims of saved Policies LQ1, LQ11 and LQ4 of the LP; Policy CS7 of the CS and the Framework.

Overconcentration of flat accommodation

15. The Council contend that the proposal does not accord with the Council's priority for the area which is to address housing imbalance "*reducing the number of one bedroom flats and providing good quality family housing*". In addition, the Council state that Blackpool is the 4th most deprived area in England and that "*areas which have a lot of one bedroom flats tend to have high incidences of crime and anti-social behaviour and this combination of factors have undermined the health and character of these neighbourhoods*".
16. I do not doubt that Blackpool has areas of high deprivation, but saved Policy HN5 of the Blackpool Local Plan 2006 (LP) states that in defined inner areas "*proposals for conversion or sub division for residential use will not be permitted which would further intensify existing overconcentrations of flat accommodation and conflict with wider efforts for the comprehensive improvement of the neighbourhood as a balanced and healthy community*". Policy BH1 of the LP defines the inner area neighbourhoods as Central Drive, St Heliers and Claremont. As the proposal does not fall within any of these areas, I do not consider that the proposal would conflict with Policies HN5 and BH1 of the LP.
17. I acknowledged that Policy CS13 of the Blackpool Local Plan – Part 2 Core Strategy 2016 (CS) states that on all sites flats will not be permitted where there is an overconcentration of flats, but on the evidence before me I do not know if such an overconcentration exists in respect of the appeal neighbourhood. In any event, and notwithstanding the current position relating to the supply of flats in the neighbourhood, I do not consider that one flat would make a significant difference to the overall mix of residential units in the neighbourhood. In addition, I do not consider that the proposal would undermine the regeneration focus as expressed in Policy CS12 of the CS with its focus on inner areas (which in respect of this policy also includes North Beach, Foxhill and South Beach) and the outer estate priority neighbourhoods. This is because the appeal site does not fall within such areas.
18. For the above reasons, I do not find that there is any compelling evidence before me to demonstrate that there is an overconcentration of flats in the neighbourhood and, in any event, there is no conflict with Policies BH1 and HN5

of the LP and Policies CS12 and CS13 of the CS. Given these conclusions, I do not find conflict with the housing and community aims of the Framework. It has not been necessary for me to consider the Council's precedent concerns given my overall conclusions on this issue.

Conclusion

19. I do not find that I have any compelling evidence before me to demonstrate that the proposal would lead to an overconcentration of flats in the neighbourhood, or that in this regard the proposal would conflict with relevant development plan policies. Whilst outside amenity space would be acceptable, and some boundary treatment details and refuse storage/collection issues could be dealt with by planning condition, there would be unacceptable harm caused to the living conditions of the occupiers of the flat in respect of matters relating to light and privacy. In addition, the proposal would cause some harm to the viability of the District Centre and the shop front alterations would have a detrimental impact upon the character and appearance of the area. Collectively, these adverse matters are of overriding concern. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR

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Report to:	Planning Committee
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting	20 December 2016

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during November 2016.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool.'

5.0 Background Information

5.1 Cases

5.1.1 New cases

In total, 72 new cases were registered for investigation, compared to 53 received in November 2015.

5.1.2 Resolved cases

In November 2016, eight cases were resolved by negotiation without recourse to formal action, compared to fourteen in November 2015.

5.1.3 Closed cases

In total, 54 cases were closed during the month (33 in November 2015). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

5.1.4 Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in November 2016 (two in November 2015);
- No s215 notices authorised in November 2016 (none in November 2015);
- No Breach of Condition notices authorised November 2016 (none in November 2015).

- Two enforcement notices served in November 2016 (none in November 2015);
- No s215 notices served in November 2016 (two in November 2015);
- No Breach of Condition notices served in November 2016 (none in November 2015);
- No Community Protection Notice served in November 2016 (one in November 2015).

Enforcement notices / S215 notices issued in November 2016

Ref	Address	Case	Dates
15/8615	52 Bangor Avenue	Unauthorised erection of a boundary treatment consisting of close boarded wooden fencing adjacent to highway, namely Bangor Avenue and Lentworth Avenue, exceeding one metre in height	Enforcement notice issued 09/11/2016. Compliance due 21/02/2017 unless an appeal is made to the Planning Inspectorate by 21/12/2016.
15/8675	253 Promenade	Unauthorised change of use from a hotel to two self-contained permanent flats	Enforcement notice issued 14/11/2016. Compliance due 28/03/2017 unless an appeal is made to the Planning Inspectorate by 28/12/2016.

5.1.5 Does the information submitted include any exempt information? No

5.2 List of Appendices:

5.2.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

COMMITTEE DATE: [20/12/2016](#)

Application Reference: 16/0563

WARD: Claremont
DATE REGISTERED: 20/09/16
LOCAL PLAN ALLOCATION: Resort Neighbourhood
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: PEAKE PROPERTY SERVICES LTD

PROPOSAL: External alterations including re-instatement of bay windows and formation of second floor balconies to Springfield Road and Lord Street elevations, and use of premises as altered as 11 self-contained permanent flats with associated landscaping, boundary treatment, bin and cycle stores, following demolition of existing sun lounges and dormers.

LOCATION: 38 - 40 SPRINGFIELD ROAD AND 10 - 10A LORD STREET, BLACKPOOL

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms C Johnson

SUMMARY OF RECOMMENDATION

The development would be in accordance with policies CS1, CS2 and CS13 of the Blackpool Local Plan, Part 1 - Core Strategy 2012-2027, policies HN4, HN5 and BH3 of the Blackpool Local Plan 2001-2016 and the New Homes from Old Places Supplementary Planning Document in terms of housing supply and quality. The proposal would also be in accordance with policies CS6, CS7 and CS9 of the Blackpool Local Plan, Part 1 - Core Strategy 2012-2027 and policies LQ1, LQ2, LQ4, LQ6 and AS1 of the Blackpool Local Plan 2001-2016 in terms of design and highway safety.

Although technically contrary to the Holiday Accommodation Supplementary Planning Document and Policy CS23 of the Blackpool Local Plan, Part 1 - Core Strategy, the proposal would create good quality living accommodation and significantly improve the appearance of the properties on what is a key gateway into the Town Centre and the Central Business District. Given the location of the properties on the edge of the Lord Street Main Holiday Accommodation Area, on balance, it is considered that the benefits of the development outweigh any dis-benefits of using three properties in the Lord Street Main Holiday Accommodation Area as 11 flats, despite conflicts with the Holiday Accommodation

As such, the recommendation is that the application is approved.

SITE DESCRIPTION

The application site comprises three properties, two fronting Springfield Road (Nos 38 and 40) and the third fronting Lord Street (No. 10). The properties are in a terrace of four and the adjoining property appears to be holiday flats (36 Springfield Road). To the north of the site, the properties are predominantly holiday accommodation, to the south are properties in the Town Centre, including the side elevation of the former Odeon building (Grade II listed) which now trades as Funny Girls. Further to the west there are bars and other commercial property and to the east there is a mix of residential and holiday accommodation.

The properties all have three storeys with accommodation in the roof space. The property at 38 Springfield Road has a traditional two-storey square brick bay on the front elevation, a front dormer and a two-storey outrigger. There have been numerous enforcement investigations into the use of the property as a House of Multiple Occupation (HMO). The property is laid out as three self-contained flats and five en-suite bedrooms with ancillary rooms such as a laundry. The case officer visited the property on 17 October 2016 and the property was undergoing renovation at that time. There were no working kitchen facilities for the property and a number of the rooms were occupied by single tenants. A flat in the roof space was not accessible as the tenant was unprepared for the inspection. It was unclear on what basis the rooms were occupied but the tenants did not appear to be traditional holiday makers.

The property at 40 Springfield Road has a ground floor front sun lounge with the original stone bay at first floor, a front and rear dormer and a single storey extension at the rear. The property is currently trading as a hotel on a part time basis and there were only two families staying at the hotel when the case officer visited. There are 15 letting rooms but only 10 are used as much of the top floor is suffering from damp from leaks in the roof and from the dormers. The rest of the accommodation is clean and tidy but very dated and with poor en-suite facilities. One bedroom is accessed via a bathroom and most of the en-suites are little more than a shower cubicle in the bedroom. The installation of one en-suite has resulted in part of the first floor front bay window being blocked off which is a poor design solution.

The ground floor of the corner property (10A Lord Street) is the owner's accommodation associated with 40 Springfield Road and the upper floors belong to 10 Lord Street. The boundary wall has been removed on the corner to provide two parking spaces. There is a poor quality extension which wraps around the corner and what would have been a first floor stone bay has been replaced by a plastic clad bay.

The property at 10 Lord Street is a non-trading hotel and has not traded since 2010. The property has 12 bedrooms although four bedrooms in the roof space have significant head

height restrictions and are not considered to be particularly useable. Again, the accommodation is very dated and some bedrooms share bathroom facilities. There are three parking spaces to the side with access directly off Lord Street.

The properties are adjoining the Town Centre boundary and are in a Main Holiday Accommodation Area which is shown on the maps to the Holiday Accommodation Supplementary Planning Document.

DETAILS OF PROPOSAL

The proposal involves external alterations, including the removal of non-original extensions, erecting a dwarf boundary wall around the front of the properties, formation of four balconies on the front elevation above re-instated stone bays, landscaping and bin and cycle stores to the rear, accessed off Lord Street. The properties would be converted into 11 self-contained flats, nine of which would have two bedrooms and two of the flats would each have one bedroom.

The application is accompanied by an Economic Viability Impact Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The principle of permanent flat accommodation in a holiday accommodation area
- The quality of the design
- The quality of the accommodation
- The highway implications
- Other issues

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

CONSULTATIONS

Head of Highways and Traffic Management:

The proposal seeks to convert three guest houses into 11 self-contained permanent flats. I have no significant concerns on the basis that the proposal site is located in the Town Centre, or edge of Town Centre where access to other modes of transport is available. On this basis, I am happy to support this proposal.

Cycle parking is proposed which must be retained.

The individual units will require formal postal addresses. The Applicant is advised to contact Head of Traffic and Highways, Blackpool Council, PO BOX 4, Blackpool, FY1 1NA.

Given the location of the units and the constraints with access, I recommend a Construction Management Plan condition be included to ensure the works are managed in the appropriate and correct manner.

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.

PUBLICITY AND REPRESENTATIONS

Press notice published: 29 September 2016

Site notice displayed: 17 October 2016

Neighbours notified: 21 September 2016

Objections have been received from 12, 21 and 27 Lord Street and 10 Ascot Road.

The objections are summarised below:

- The application site is protected holiday accommodation surrounded by hotels, bed and breakfasts, bars and clubs.
- If approved, three profitable hotels will be replaced by flats. Run down hotels that are no longer trading should be used instead.
- Loss of jobs and livelihoods.
- There are lots of empty flats in the area.
- If the flats are rented out this would put a further strain on budgets in regards to housing benefit and council tax support.
- The flats would cause anti-social behaviour and increased noise which will affect other hotels in the area.
- Noise from music will travel when windows are open.
- Not enough parking spaces and the on-street provision is over-subscribed.
- If approved, it would set a precedent for further conversions and a lack of hotels in the heart of Blackpool which would put tourists off visiting the town and would be the beginning of the end for the holiday zone area.
- Noise and loss of privacy during construction.
- Parking of work vehicles to deliver materials on a busy main road and no details of how long the development will take.
- The alley gate is noisy and will cause disturbance if used more frequently.
- The cycle stores will attract crime into the area as they will be attractive to thieves.

A letter of support has been received including a petition in favour of the proposal containing 22 signatures. The comments are summarised below:

- The proposal will significantly enhance and evolve the local area and support the regeneration of the wider area.
- The application would not set a precedent for other flats in the holiday zone.
- Over the years, there has been a decline in the zone which is no longer used solely for holiday purposes.
- A lot of hotels in the zone are up for sale, being used as unregulated HMOs or completely in disrepair and not trading.
- The lack of parking is a good thing as the apartments are within walking distance of all amenities and local transport and may support a greener lifestyle.

- The development will provide work to locals and create an increased customer base to the local businesses.
- The construction works will be temporary and will be worth the outcome.
- Blackpool has an extensive number of successful hotels in the area and improving the locations image can only help to promote them.

NATIONAL PLANNING POLICY FRAMEWORK

General planning principles in paragraphs 2, 7, 8, 14 and 17;

Design issues in paragraphs 9, 17, 56 and 73;

Housing issues in paragraphs 47 and 49;

Highway issues in paragraph 35.

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:

Policy CS1: Strategic Location of Development

Policy CS2: Housing Provision

Policy CS6: Green Infrastructure

Policy CS7: Quality of Design

Policy CS9: Water Management

Policy CS13: Housing Mix, Density and Standards

Policy CS23: Managing Holiday Bed Spaces

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

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 are produced.

The following policies are most relevant to this application:

Policy LQ1: Lifting the Quality of Design

Policy LQ2: Site Context

Policy LQ4: Building Design

Policy LQ6: Landscape Design and Biodiversity

Policy HN4: Windfall Sites

Policy HN5: Conversion and Subdivision

Policy BH3: Residential and Visitor Amenity

Policy AS1: General Development Requirements

OTHER RELEVANT DOCUMENTS

Holiday Accommodation Supplementary Planning Document.
New Homes from Old Places Supplementary Planning Document.
Technical Housing Standards - nationally described space standards.

ASSESSMENT

The Principle of Permanent Flat Accommodation in a Holiday Accommodation Area.

The Holiday Accommodation Supplementary Planning Document (SPD) seeks to support an improvement in quality and the reduction in quantum of holiday accommodation, consolidating provision around the strongest clusters of holiday accommodation. In Main Holiday Accommodation Areas, the SPD states that change from holiday accommodation will only be permitted in exceptional circumstances where properties fundamentally differ in character and it would be without detriment to the character of the holiday accommodation area. Any such application should include an assessment indicating that the building is not viable for future holiday use.

Policy CS23 of the Blackpool Local Plan, Part 1 - Core Strategy confirms that existing holiday accommodation within Main Holiday Accommodation Areas will be safeguarded unless there are exceptional circumstances.

The application site is on the edge of the Lord Street Main Holiday Accommodation Area. The Holiday Accommodation Supplementary Planning Document focuses on Lord Street and Bank Street and no reference is made to Springfield Road, although the defined boundary does include 36, 38 and 40 Springfield Road. This Holiday Accommodation Area is segregated into three parts. The northern part of Lord Street contains approximately 17 buildings, the Banks Street element to the west contains approximately 21 buildings and the southern part of Lord Street (which contains the application site) contains approximately 28 buildings.

The loss of three buildings from the southern part of the Holiday Accommodation Area, especially considering that two of the properties are not facing on to Lord Street, is not considered to be particularly detrimental to the character of the wider Lord Street Main Holiday Accommodation Area. It is unfortunate that the adjoining property at 36 Springfield Road is not included within the application site, as the remaining holiday use would be somewhat divorced from the rest of the Holiday Accommodation Area. However, this part of Springfield Road is mixed in character and there are hotels to the east and west of the site so the remaining holiday accommodation at 36 Springfield Road would not appear out of place.

The property at 38 Springfield Road appears to be a hybrid property with mixed Houses In Multiple Occupation, holiday use and three flats, at least one of which is occupied on a permanent basis. As such, there is no holiday accommodation to protect. The building is in poor repair and has been the centre of anti-social behaviour in the area and has had a higher number of Police visits in the past, although the situation has improved more

recently. The property currently does not have a holiday appearance as there is no signage, canopy etc. which would identify it as being holiday accommodation and so the property does not contribute to the character of the Holiday Accommodation Area.

The property at 40 Springfield Road is a hotel which is trading on a part time basis and without significant investment, is unlikely to remain viable in the medium to long term. The property is in poor repair, particularly the roof which has led to the upper floor rooms being unlettable due to damp ingress. The accommodation on offer is outdated and not of the standard that visitors today would expect. Whilst the property does contribute to the holiday character of the area in terms of having a sun lounge and a canopy on the front, these are not of high quality and their loss would not be detrimental to the area visually.

The property at 10 Lord Street has not traded as a hotel in the last five years and is largely unoccupied other than the ground floor and a couple of bedrooms which are used by the occupants. Again, significant investment would be required to bring the accommodation back into a viable hotel use as a 6/7 bedroom hotel (omitting the rooms in the roof space given the restricted head heights). The property could remain a non-trading hotel for the foreseeable future and thus does not and would not contribute to the holiday character of the wider area.

Whilst ideally these properties, with significant investment, would be brought back into good quality holiday accommodation, the proposal is for permanent flats. An Economic Viability Impact Statement confirms that the properties have failed to generate sufficient income to allow investment to re-introduce holiday accommodation and that, in conjunction with low property values, means the costs of renovating/re-introducing holiday accommodation in this location is not viable.

The application is therefore technically contrary to the Holiday Accommodation Supplementary Planning Document and Policy CS23 of the Core Strategy, unless other material considerations indicate that this application could be considered as an exception to the current Holiday Accommodation policy stance. These considerations are discussed below.

The Quality of the Design

As part of the proposal to provide 11 flats in the three properties, all of the dormers would be removed and the roofs made good. All extensions would be removed and stone bays reinstated where they are missing. A dwarf wall would enclose defensible amenity space (other than to the north which would be used as existing, as three parking spaces), and four balconies introduced on the street fronting elevations, above the bays, to provide amenity space and to help give an active frontage.

All of the existing stonework would be stripped of paint and restored and areas of soft landscaping would be provided around the street frontage (exact details of the hard and soft landscaping would be agreed by condition).

The properties are on the edge of the Central Business District which has recently seen significant regeneration and there are plans in the near future for further regeneration of the Wilkinsons' site, around the corner from the application site. Notwithstanding the tenuous viability of bringing these properties back in to quality visitor accommodation, the external alterations proposed would significantly enhance the properties and the area, and this is a material consideration which weighs heavily in favour of the proposal.

The Quality of the Accommodation

The proposal is for 11 flats, two of which would have one bedroom and nine would have two bedrooms. This would comply with Policy CS13 of the Blackpool Local Plan, Part 1 - Core Strategy.

The layout of the flats comply with the Technical Housing Standards and generally comply with the New Homes from Old Places standards, apart from some main living areas falling slightly short of the total aggregate lounge/kitchen/dining space requirements.

All of the flats would have internal access to secure bin and cycle stores at the rear and four of the flats would have private balconies. All of the flats would have access to soft landscaped areas at the front of the property which would be defensible, if not particularly private. There would be a small area of private amenity space at the rear for the hanging out of laundry etc.

The quality of the accommodation proposed is good, the flats are well stacked and all main living areas would have an outlook over the street.

The quality of the flats and amenities provided is another consideration which weighs in favour of the proposal.

The Highway Implications

The proposal involves the loss of two of five parking spaces by erecting a boundary wall around the Springfield Road/Lord Street boundary. Three off-street spaces would be retained on the Lord Street frontage with direct access from Lord Street.

Given the edge of Town Centre location of the application site, close to rail, bus and tram routes, the site is considered to be highly accessible. Furthermore, there would be a secure cycle store for 11 bicycles at the rear of the properties.

As such, three parking spaces is considered to be more than sufficient to service the proposed flats.

Other Issues

The introduction of landscaping will help with surface water runoff. Currently the site is completely hard surfaced.

Disruption to local residents or businesses during construction work is not a material planning consideration and is dealt with under other legislation.

It is not considered that this scheme would set a precedent for similar conversions in the area, but in any case, each proposal would be judged on its own merits.

CONCLUSION

Although the use of the premises as flats is technically contrary to the Holiday Accommodation Supplementary Planning Document and Policy CS23 of the Blackpool Local Plan, Part 1 - Core Strategy, the properties either front on to Springfield Road or have not traded in the last five years. These properties contribute little to the character of the Lord Street Main Holiday Accommodation Area and it is very unlikely that all three properties would receive the significant levels of investment required for them to be brought into good quality visitor accommodation.

It is considered that the benefits to the character of the area from the external alterations, and the quality of the flats proposed, outweigh the requirement to retain the hotel accommodation in this location.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Blackpool Local Plan, Part 1 - Core Strategy Policy CS14 confirms that development within the defined inner area would not need to provide affordable housing.

Similarly, contributions towards the provision or improvement of Public Open Space are not required for the conversion of hotel accommodation.

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 content of this report has 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) 16/0563 can be accessed via the link below:

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

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 on 31 August 2016 including the following plans:

Location Plan stamped as received by the Council on 31 August 2016.

Drawings numbered B/16/69/03 Rev A, B/16/69/04.

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

3. Prior to the development hereby approved being first brought into use the refuse storage and cycle storage 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 the residential amenity of occupants and neighbours, and to ensure that the development is accessible by a sustainable mode of transport in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The external brickwork and roof tiles to be used in the external alterations hereby approved shall be the same colour, texture and design as those on the existing buildings, unless otherwise agreed in writing by the Council as Local Planning Authority before the development commences.

Reason: In the interests of appearance of the locality, in accordance with policies LQ1 and LQ14 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. 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.

6. The dwarf wall shown on the frontage of the premises shall be constructed in brickwork to match the brickwork of the buildings and shall have a stone coping (or coping with the appearance of stone). The existing stone gate posts, other than one which is to be removed, shall be refurbished and retained. The dwarf wall and gate posts shall thereafter be retained.

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

7. The window reveals on the Lord Street and Springfield Road elevations shall be the same depth as the existing properties unless otherwise agreed in writing with the Local Authority prior to the commencement of development.

Reason: In the interests of the appearance of the property and the character of the surrounding area, in accordance with policies LQ1 and LQ4 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan, Part 1 - Core Strategy 2012 - 2027.

8. a) No development shall take place 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, 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 five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

9. No flat shall be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, 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.

10. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic.

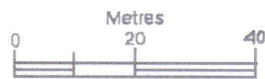
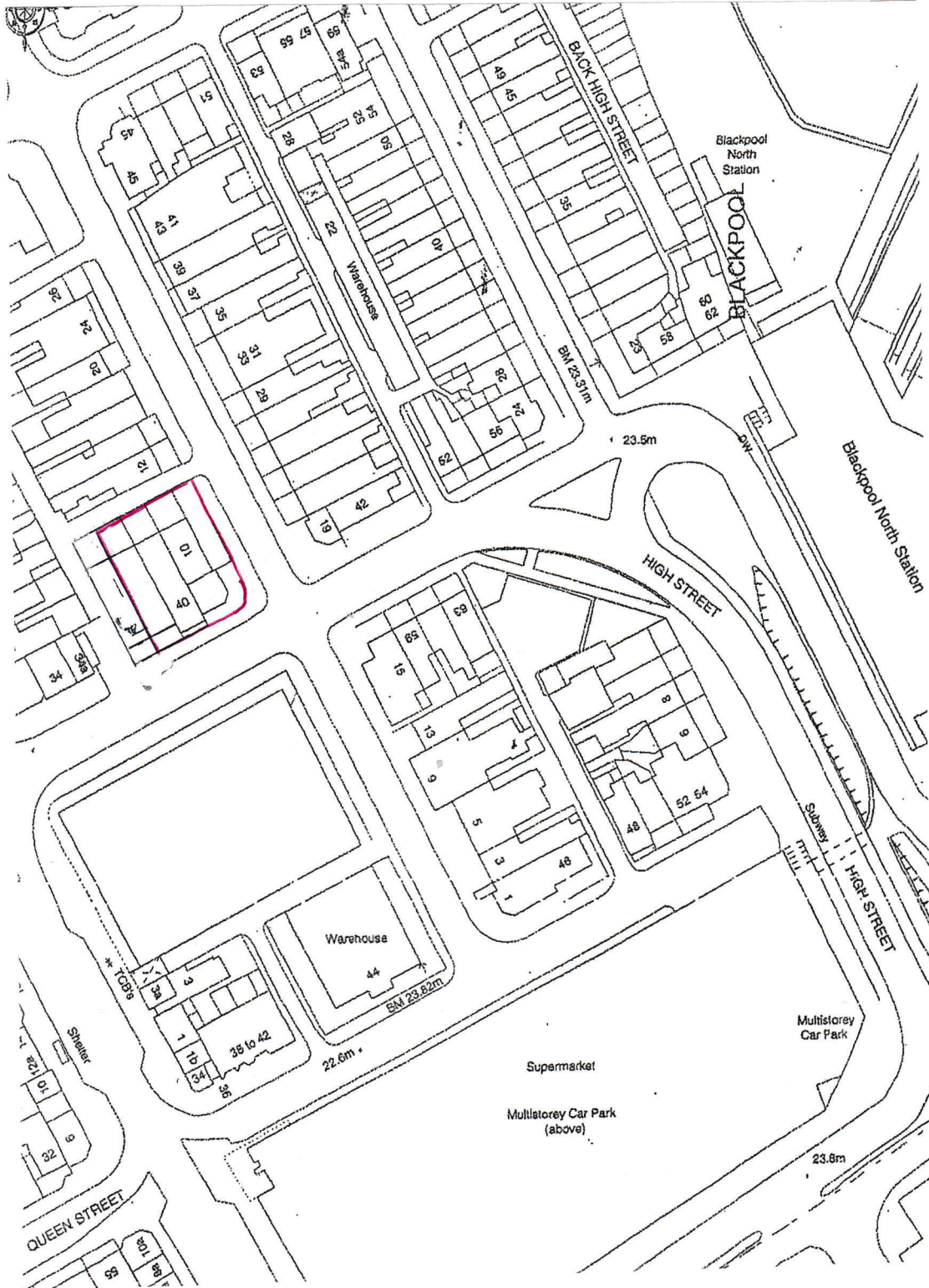
The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1, BH3 and BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 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 need 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.

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COMMITTEE DATE: [20/12/2016](#)

Application Reference: 16/0750

WARD: Stanley
DATE REGISTERED: 07/11/16
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Newfield Construction Ltd

PROPOSAL: Erection of six private dwellinghouses with access from Common Edge Road, with associated car parking and landscaping works.

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

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

SUMMARY OF RECOMMENDATION

Although the proposal is contrary to current Countryside Policy (Policy NE2) and Policy CS26 of the Core Strategy, the National Planning Policy Framework states that planning permission should be granted for residential development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Within this context and taking into account the sustainable location of the site relative to other areas of the Marton Moss, it is not considered that the impact of the proposal on the character of the surrounding Countryside Area would be accepted by an Inspector as being sufficiently harmful to outweigh the beneficial contribution the new homes would make towards meeting Blackpool's future housing requirements. Furthermore, in determining the previous appeal here, the Inspector considered that the only issue which resulted in dismissing the appeal was the impact on the views and setting of the listed cottages. It is considered that this element has been satisfactorily addressed and I consider that the benefits of developing the site in the manner proposed outweigh any disbenefits relating to the setting of the listed cottages beyond.

INTRODUCTION

An outline proposal (13/0397 refers) for a residential development of up to 14 detached and semi-detached houses across the whole of the site, with vehicular access from Common Edge Road raised significant objections from officers with regard to the impact of the

proposal on the setting of the Grade 2 listed cottages on Fishers Lane. As a result the application was withdrawn by the applicant prior to determination. The scheme was revised to a full application for eight houses (14/0302 refers) in an attempt to mitigate the particular impacts; however, the Committee refused the proposal, contrary to officer recommendation. A further full application for eight houses (14/0723) was refused by the Committee for the following reasons:

1. The proposed development would have a detrimental impact on the setting of the Listed Cottages in Fishers Lane as it would create a suburban setting which would be at odds with open the rural/agricultural landscape in which the cottages currently sit. This harm would be emphasised by the proximity of the proposed houses to the cottages and the design/appearance of the proposed houses and the layout of the development. The proposed development would therefore be contrary to paras 129, 131-132 of the National Planning Policy Framework, Policy LQ9 of the Blackpool Local Plan 2001-2016 and the Marton Moss Characterisation Study 2009.
2. The proposed development would have a detrimental impact on the character and appearance of the Marton Moss Countryside Area as it would remove open views into that area from Common Edge Road and would lead to an intensification of built form on the eastern side of Common Edge Road. As such the proposed development would be contrary to Policy NE2 of the Blackpool Local Plan 2001-2016.
3. The application does not contain sufficient information for the Local Planning Authority to be satisfied that the proposed development would not have an adverse effect on the integrity of the Listed Cottages in Fishers Lane. The proposed development would therefore be contrary to paras 129, 131-132 of the National Planning Policy Framework, Policy LQ9 of the Blackpool Local Plan 2001-2016 and the Marton Moss Characterisation Study 2009.
4. The application site is low lying and in an area which is periodically subject to flooding. The loss of this area of natural drainage and its replacement with built form is likely to exacerbate the existing situation in the area and could lead to flooding of adjacent properties and gardens. As such the proposal is contrary to 99-104 of the National Planning Policy Framework and Policy NE10 of the Blackpool Local Plan 2001-2016.

An appeal was lodged against this decision (reference APP/J2373/W/15/3128717) and although this was dismissed in February 2016 the Inspector did not concur with three of the Council's four stated reasons for refusal, i.e. the impact on the character and appearance of the Marton Moss Countryside Area; there being insufficient information to confirm that there would be no adverse effect on the integrity of the Listed Cottages and flood risk. The Inspector's sole reason for dismissing the appeal related to the impact on the views and setting of the Listed Cottages. A partial award of costs was made against the Council (£5,060 +VAT) as the Inspector considered that two of the reasons for refusal were not justified.

The current proposal is for six houses and attempts to address the Inspector's concerns in dismissing the appeal.

SITE DESCRIPTION

This 0.451 ha site is currently open grassland grazed by horses. Records indicate that a few glasshouses previously occupied part of the site in the northwest corner, but other than that the site has always been Greenfield. Common Edge Road (B5261) forms the western boundary along with the rear boundary of 202 Common Edge Road. Fishers Lane is to the north, Ecclesgate Road to the south (with public rights of way footpath for Nos. 2 and 51) and a dwelling with a large garden to the east.

The site has a frontage of approximately 40 metres to Common Edge Road with the remainder of the frontage between Fishers Lane and Ecclesgate Road taken up by 202 Common Edge Road. The site is within Marton Moss Countryside Area (MMCA) and the topography of the land is generally level, although the site overall is approximately at 500mm lower level than Common Edge Road. There are a number of relatively new residential developments in the vicinity across Common Edge Road (formerly nurseries, which are within the urban area); and Bevere Close on the same side of Common Edge Road, which was previously Thompson's Holiday Camp and Ivy Leaf Club. Numbers 1 and 2 Fishers Lane, to the north across Fishers Lane, are Grade 2 Listed Buildings and comprise a pair of semi-detached, thatched, single-storey cottages. There is a dyke along the north boundary and the northern half of the east boundary. A 380mm diameter surface water drain runs along the southern boundary with Ecclesgate Road.

DETAILS OF PROPOSAL

The proposal is a full application for the erection of six detached dwellings sited to the eastern section of the site; the west portion would remain as open land and biodiversity enhancement (however, the pond feature from the previous proposal has been removed from the current scheme). The proposed dwellings are two storey in height and comprise three different house types to provide variety in the street scene. All six properties comprise detached four bedroom dwellings and have in curtilage car parking for three vehicles, including either integral or detached garages. The houses also have private front and rear gardens. The northernmost property which is adjacent to Fishers Lane (plot 6) has a dual aspect so that there is an active frontage facing Fishers Lane.

The open space to the west of the site totals 0.13ha and is to be of a nature which provides biodiversity enhancement rather than more formal open space (reflective of pre-application advice). In this respect the proposals include:

- New native trees, shrubs and hedgerows within the landscape planting to improve habitat connectivity within and around the site and to provide additional habitats for use by nesting and feeding birds. This includes a new hedgerow along the western site boundary.
- An area of wildflower grassland, which would represent a significant ecological enhancement and provide habitat favourable for use by foraging / sheltering invertebrates, birds and bats.

A single vehicular and pedestrian access point is proposed off Common Edge Road in the south west corner, via a priority controlled junction and a dedicated ghost island right turning lane. This would serve an adoptable internal road with turning head, from which there would be private drives serving the individual properties. Other than an alteration to the internal turning head this is the same access arrangement which was proposed previously and was considered acceptable by the Council. There would be no vehicular or pedestrian access from either Fishers Lane or Ecclesgate Road.

The principle differences between the current application and the previous application which was dismissed on appeal are:

- the pair of previously proposed semi-detached houses have been removed and replaced with open space, thereby addressing the previous Inspector's concern that the facing gables of these semi-detached houses were interfering with the open aspect of the Listed Cottages;
- the total number of properties proposed has been reduced from 8 to 6;
- the proposed houses and private drives to the northern section of the site have been moved further towards the eastern boundary, thereby increasing the distance between the listed cottages and the closest of the proposed properties, whilst also creating a larger area of open space to the front of the cottages. This has increased the open setting to the cottages and in a manner which retains the existing views from the south;
- The amount of open space proposed has increased and includes a variety of biodiversity enhancement. This includes the replacement of the previously proposed pond with a larger wildflower grassland area.
- The property adjacent to Fishers Lane (plot 6) has a dual frontage so that there is an active elevation fronting the road.
- The previously proposed conservatories have been removed and the detached house types are different, although they remain detached, four bedroom properties of a similar style.

The application is accompanied by:

- Planning Statement
- Topographical Survey
- Ecology Survey and Assessment
- Drainage Statement
- Preliminary Risk Assessment Report / Gas Risk Assessment
- Heritage Statement
- Transport Statement (re-submission of statement submitted with the previous application)

MAIN PLANNING ISSUES

The key issues in relation to this application are:

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

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

CONSULTATIONS

Built Heritage Manager: The previous application 14/0723 was refused, and dismissed at appeal, due to the potential harm which the development would cause to the setting of the Grade II listed cottages on Fishers Lane. The current application has attempted to address the issue by reducing the number of dwellings and changing the site layout. However, the setting of the cottages is still at risk of being compromised by the development; in particular, setting the three most southerly dwellings forward closes in the views towards the cottages. In addition, the appeal decision points out that part of the cottages' significance is their relationship with this particular remnant of Marton Moss, and therefore their wider historic relationship with Marton Moss itself. Changing the use of this land and introducing a road, driveways etc. onto the proposed remaining open area will change the nature of this relationship and undermine this aspect of the cottages' significance.

Notwithstanding this, if minded to approve the application based on the revised plans, I would ask that changes are made to the most southerly of the dwellings. Currently it is shown as presenting a 'blank' south easterly elevation towards Common Edge Road which further detracts from the setting in which the cottages are viewed and 'experienced'. This elevation should be amended, for example with the addition of windows, polychromatic brickwork and decorative barge boards. Overall, however, I would urge refusal of this application in order to maintain the setting of the listed cottages and the evidential link with the wider setting of Marton Moss.

Blackpool Civic Trust: Blackpool Civic Trust recognises the real effort made by the developers to alleviate the impact of the proposed development upon visual amenity of the listed cottages. We likewise welcome the improvements in the landscaping. We remain concerned about the detrimental effect upon the drainage of the area and the possible effect on the stability of the ground on which the cottages are built. If Council officers are satisfied that these elements are sufficiently secured then we raise no objection.

Service Manager Public Protection and Contaminated Land Officer: No objections. Will need a Construction Management Plan condition if it gets go ahead. The desk study shows

that there to be no significant likelihood of significant harm therefore no further information is required. The Gas monitoring results show that Characteristic Situation 2 precautions are to be implemented into the construction of the dwellings. Confirmation on which measures are to be implemented are required to be submitted.

Lancashire Archaeological Advisory Service (LAAS): The proposed development lies within Marton Moss, a wetland area encompassed in the Lytham Moss complex, a site that was examined by the North West Wetland Survey in 'The Wetlands of North Lancashire' (1995). One of the most significant findings of the survey was in establishing how little of the peat resource still exists in the south west Fylde area. Notably the survey records that a thin area of humified peat survives in a few fields to the west of Midgeland Farm, a site located to the south east of the proposed development area, but concludes that it was not known whether remnant peats survived under the surface. The Trial Pit reports by Thomas Consulting Ltd, records the presence of peat, which suggests that surviving remains of prehistoric date could be encountered by the current proposals. Should the Local Planning Authority be minded to grant planning permission, LAAS would recommend a programme of archaeological work, secured by means of the following condition:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Note: The programme of field investigation should include an initial phase of geophysical surveying and trial trenching, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists. This is in accordance with National Planning Policy Framework paragraph 141: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

Head of Coastal and Environmental Partnership Investment: I would note that there is an area to the east of the site with a moderate risk of surface water flooding which should be considered in the layout of the site.

Police (Designing Out Crime): Crime Risks: In the last 12 month period there have been 55 criminal damage offences, 34 auto-crimes and 19 burglary offences in the area around this site. I can confirm that Lancashire Constabulary do not object to the planning application. However, it is important that crime risks are reduced where possible within the design. Should the Council decide to grant planning permission for this development, I ask that the following conditions are attached to the decision:

Physical Security

1. All external doors, including doors linking garages to dwelling (house types Banbury and Davenham) must be certified to PAS 24:2012 security standard in compliance with Building Regulations Approved Document Q.

Reason: to reduce burglary.

2. All ground floor windows must be certified to PAS 24:2012 security standard in compliance with Building Regulations Approved Document Q and have window restrictors installed as the opening windows are at low level.

Reason: to reduce burglary.

3. Due to the low level opening windows indicated in the design, restrictors should be installed on all ground floor windows.

Reason: to reduce burglary.

Points 1 to 3 are necessary to reduce crime and improve community safety in accordance with:

- Blackpool Local Plan Part 1: Core Strategy (2012-2027) Policy CS7: Quality of Design
- National Planning Policy Framework, Paragraph 58
- Section 17 Crime and Disorder Act 1998

United Utilities: Will have no objection provided that the following conditions are attached to any approval:

- 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. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

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 National Planning Policy Framework and National Planning Practice Guidance.

Environment Agency: No formal consultation needed.

Head of Highways and Traffic Management: 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.

Sustainability 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.

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.

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

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

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

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 14 November 2016

Neighbours notified: 14 November 2016

Objections: 1, 2 Ecclesgate Rd; 1, 5, 6 Fishers Lane; 6 Ecclesgate Road; 179 Common Edge Road.

In summary, the objections relate to:

- overlooking
- it is green belt agricultural land
- our house has no foundations, it's just sat on sand, the weak foundations would not withstand the construction of a new housing estate
- adding another road next to us is going to make it more busy and affect highway safety
- the houses do not fit in with the area, they're too big and close together
- it will add to the traffic congestion on Common Edge Road, which is soon to be made worse by the huge development on Progress Way
- the outlook of the cottages will be impaired

- pile driving would affect the structure of our properties
- flooding around the area is also a problem as the water has nowhere to go.

Refer to the Assessment section for responses.

NATIONAL PLANNING POLICY FRAMEWORK

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development (economic, social and environmental) which should not be taken in isolation, as they are mutually dependent. Paragraph 17 provides a set of 12 principles which should underpin the plan-making and decision-taking processes. The key elements of these which are relevant to this proposal are that “every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.” It is followed by another principle that explains that local authorities should “always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings;” and local authorities should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

In terms of delivering sustainable development, the most relevant parts of the National Planning Policy Framework are:

National Planning Policy Framework Part 4 - Promoting Sustainable Transport.

Identifies that any development that would generate significant amounts of traffic should be supported by a Transport Statement or Transport Assessment and states that decisions should take account of opportunities for sustainable transport modes depending on the nature and location of the site, to reduce the need for major transport infrastructure. Safe and suitable access to the site can be achieved for all people and Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

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

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

National Planning Policy Framework Part 7 - Requiring good design.

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

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

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

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the desirability of new development making a positive contribution to local character and distinctiveness.

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

National Planning Practice Guidance - Conservation and the enhancement of the Historic Environment

The National Planning Policy Framework sets out a clear framework for decision-taking to ensure that heritage assets (which includes listed buildings) are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. The National Planning Practice Guidance further discusses the setting of a heritage asset and how it should be taken in to account in decision making and states: "A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it." Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.

Paragraph 141 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The "setting of a heritage asset" is defined in the Glossary of the National Planning Policy Framework as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral".

Ministerial Statement - On 28 November 2014 Brandon Lewis MP announced that affordable housing and tariff style contributions should not be sought through Section 106 Agreements for housing developments of 10 or less dwellings.

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

CS2: Housing Provision - sets out Blackpool's housing provision with *'sites and opportunities identified to deliver around 4,200 new homes to meet Blackpool's housing need between 2012 and 2027.'*

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

CS9: Water Management - all new developments should ensure buildings are located away from areas of flood risk, incorporate mitigation measures and SUDS where possible, ensure there is no increase in the rate of run-off and reduce the volume of surface water run-off where possible.

CS10: Sustainable Design and Renewable and Low Carbon Energy - all new developments should ensure buildings are located, designed and orientated to maximise passive environmental design for heating, cooling and natural day-lighting.

CS11: Planning Obligations - development will only be permitted where existing infrastructure, services and amenities are already sufficient or where the developer enters into a legal agreement.

CS12: Sustainable Neighbourhoods - seeks to provide a better quality of life for residents, with high quality housing and enhancing the appearance of important existing buildings and their settings.

CS13: Housing Mix, Density and Standards - on sites where flats are permitted no more than 30% of the flats should be less than 2 bedroom flats.

CS14: Affordable Housing - where developments comprise 3-14 dwellings then a financial contribution towards off-site affordable housing is required. The contribution will be set out in a SPD.

CS26 of the Core Strategy sets out the approach to Marton Moss and states:

1. The character of the remaining lands at Marton Moss is integral to the local distinctiveness of Blackpool and as such is valued by the local community. A neighbourhood planning approach will be promoted for this area to develop neighbourhood policy which supports the retention and enhancement of the distinctive character, whilst identifying in what circumstances development including residential may be acceptable.
2. Prior to developing a local policy framework through the neighbourhood planning process development on the remaining lands of the Moss will be limited to:
 - a. Conversion or change of use of existing buildings for agricultural or horticultural purposes
 - b. Outdoor recreational uses appropriate to a rural area
 - c. New dwellings essential in relation to the agricultural or horticultural use of the land
 - d. Extensions or replacements dwellings in keeping with the scale and character of the area and not exceeding 35 per cent of the original ground floor footprint of the existing dwelling.

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
- LQ9 Listed Buildings
- HN4 Windfall sites
- BH3 Residential and Visitor Amenity
- BH10 Open space in new housing developments
- NE2 Marton Moss Countryside Area
- AS1 General Development Requirements
- SPG11 Open Space: New Residential Development and the Funding System

ASSESSMENT

Principle

There are two key policy issues:

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

Both the Core Strategy and the current Local Plan identify the site within Marton Moss Countryside Area. In terms of the principle of residential development in this location, key policies are saved Policy NE2 and Policy CS26. To retain the existing rural character and prevent peripheral urban expansion, Policy NE2 limits new development to conversion/change of use of existing buildings for agricultural or horticultural purposes, outdoor recreational uses appropriate to a rural area, or new dwellings essential in relation to the agricultural or horticultural use of the land. It does not permit infill development. Policy CS26 promotes a neighbourhood planning approach for this area which will support the retention and enhancement of the distinctive Moss character, whilst identifying in what circumstances development including residential may be acceptable. Prior to the neighbourhood planning process, development on the remaining lands of the Moss will be limited in accordance with saved policy NE2.

Whilst the Council has been successful in resisting new residential development in the Countryside Area in the past in accordance with Policy NE2, the way in which the National Planning Policy Framework is being interpreted by Inspectors in recent appeals where Council's do not have a five year housing supply (including the Runnell Farm appeal) makes it increasingly difficult to defend new residential development in sustainable locations; although the impact of the development on the character and appearance of the Countryside Area remains an important consideration. It has been established in current and proposed policy that there is a need to protect and enhance the distinctive Moss character, which is considered integral to the local distinctiveness of Blackpool and is valued by the local community; and development that would be detrimental to the existing rural character of the area should continue be resisted.

In considering the impact of the development on the Moss character, key considerations include the character and appearance of the existing site and immediate surroundings, the scale and function of the proposed development, the location of the site in relation to the existing urban area, accessibility/connectivity to existing road networks, local services and public transport, and any other sustainability issues as appropriate. In the case of this particular application, the site's close proximity to the urban area, existing services and main road network, and the mixed character of Common Edge Road suggest the effects of the development on the character of the area would be acceptable in principle. The closest primary school is less than 400 metres distant and there is a bus stop close to the Shovels Public House (within 200 metres) with a 30 minute frequency of bus service (currently service No 17). Indeed, the Inspector in considering the appeal for 8 houses on the site commented that in the context of the sporadic development nearby, the small housing estates to the north and west, and the general urban feel adjacent to Common Edge Road, some development of the appeal site would not be incongruous.

There are no policy objections to the principle of the development.

Design

The gross residential density would be 13 dwellings per hectare which is low to reflect the densities of the semi-rural area. The current scheme has been designed to respect the open nature of the site and the open aspect across the frontage, which allows views through to

the listed cottages beyond. In terms of biodiversity and habitat, there would be an increased amount of wildflower meadow (compared to the previous scheme) towards the front of the site to protect the perspective across the site, but also to encourage local bird, mammal and plant species to flourish. The amount of tarmac would be kept to a minimum to assist with onsite rainwater drainage.

No new dwellings would directly front Common Edge Road; the properties would be located towards the rear (eastern end) of the site and on-street parking at the properties would also be discouraged through the design of the layout, specifically to protect the open view through to the listed cottages beyond. The site would be less densely developed than the majority of developments in the vicinity to reflect the semi-rural nature of the site. The four bedroomed houses would fit in with the character of the area, as would their layout, appearance and materials.

The appearance of the scheme has been influenced by the consultation process and the previous refusal - to ensure that the dwelling types and styles proposed would be sympathetic to the surrounding area and would be of a size appropriate in the locality. The proposed properties would all be two- storeys high, comprising six detached properties, with the majority having integral garages. Three different house types are proposed to ensure an interesting and varied street scene; with a variety of building styles and materials.

The property on plot 1 would be closer to Ecclesgate Road than most of the existing properties on that road, however this is not seen as an issue due to the unusual character of this single track, cul-de-sac lane. There are existing single-storey buildings on the opposite side of Ecclesgate Road which almost abut the lane. The Built Heritage Manager's design comments have been taken on board regarding this property which has a 'blank' south easterly elevation towards Common Edge Road which further detracts from the setting in which the cottages are viewed and 'experienced' and have requested amendments, for example with the addition of windows, polychromatic brickwork and decorative barge boards. A further report on amendments received will be included in the Update Note.

Amenity

With regard to the impact on the amenities of neighbours, a mobile home on Ecclesgate Road shares a boundary with the application site (a certificate of lawfulness was granted for the mobile home in 2002 – planning application 02/0649 refers). The closest two storey rear elevation to a new dwelling would be 11 metres away from the private rear garden of the mobile home, which is considered sufficient separation to protect privacy. A boundary treatment comprising 1.8 m high close-boarded fence would also help protect the privacy of the neighbour. It is not considered that the noise and disturbance generated by the proposed residents would have a significant impact on the quality of life in the private rear garden of the mobile home. Existing properties on Fishers Lane would be unaffected by privacy issues as the proposed dwellings would look across to the public/street face of the existing dwellings. With regard to 202 Common Edge Road, the closest proposed property would be about 32 metres to the common boundary, which again would be an adequate separation distance in order to protect privacy.

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

Highway Safety

The submitted Transport Assessment shows that the development would take vehicular access directly off Common Edge Road in the south west corner of the site via a priority controlled junction and a dedicated ghost island right turning lane, with the required visibility splays along the existing highway. The lanes to be created in Common Edge Road would be slightly substandard in width, but because there would be relatively few vehicle movements associated with this site, the Head of Highways and Traffic Management has not responded to the consultation as yet, but on the previous scheme, he had no objection to the new access road to Common Edge Road in terms of highway safety. The existing cycle lane would be modified to accommodate the new access road. The access road would be designed to accommodate a refuse wagon and a turning head would be provided within the site to allow a wagon to turn around and leave the site in forward gear.

Parking and Accessibility

Each property would have in-curtilage parking for three vehicles, including either an integral or a detached garage. The Head of Highways and Traffic Management on the previous proposal requested a footpath into the site to make pedestrian access easier. However, as the site would only accommodate six dwellings and the roadway inside the site beyond the rumble strip would be a shared surface, it is considered that to add a footpath would detract from the character of the site and increase the amount of impermeable surface, to the detriment of surface water drainage. The garden to each house would be sufficiently large to accommodate a cycle shed if the garages were not utilised.

The site is in a sustainable location, with a generally flat topography and bus stops in the vicinity. The location scores medium on the accessibility rating. There is a network of public footpaths leading in to Marton Moss proper (Ecclesgate Road becomes Public Right of Way number 2 at its eastern end and joins Public Right of Way number 51 to provide access to St. Nicholas School without walking next to the main road) and Common Edge Road is on a cycle route. It has good transport links by private car and public transport (Common Edge Road is a bus route with a half hour service), the area is well served by primary schools, a secondary school and employment land; and there is a retail park within a 0.8 km walking distance and a local centre (Highfield Road) with a medical centre, dentist, ATM etc. within a 2km walking distance.

Impact on the Listed Cottages and their setting.

In terms of the impact on the Grade 2 listed buildings in the vicinity (1 and 2 Fishers Lane), the Council's Built Heritage Manager considers that although the design has been altered to enable a better view of the listed cottages from Common Edge Road than was the case with the scheme previously refused at appeal, the setting of the cottages is still at risk of being compromised by the development; in particular, setting the three most southerly dwellings forward closes in the views towards the cottages. In addition, the appeal decision points out that part of the cottages' significance is their relationship with this particular remnant of Marton Moss, and therefore their wider historic relationship with Marton Moss itself. Changing the use of this land and introducing a road, driveways etc. onto the

proposed remaining open area will change the nature of this relationship and undermine this aspect of the cottages' significance.

The historic rural setting of the cottages has already been compromised by the housing development to the rear, and this proposal would, in essence, enclose it from the front.

In response, the applicant's Planning Statement shows how they have arrived at the more sympathetic, revised design and are aware of the issues regarding the stability of the listed cottages. It is considered that the scheme has been sensitively designed to protect the view across to the listed cottages, particularly when coming in to town from the south, which is their current main aspect. Built development has been kept away from that aspect and the driveways/parking has been designed so as not to encroach into this open space. The formation of grasslands across the west of the site, and the use of open fencing also assist with preserving the view.

It is evident from paragraph 8 of the appeal decision that the Inspector was of the view that the introduction of new two-storey houses in close proximity to the cottages would harm the significance of the link between buildings and land in a way which would cause harm to the setting of the buildings. However the Inspector nevertheless accepted that "this harm does not reach the level that it can be regarded as substantial". That was because some open land would be retained and some views towards the cottages would still be possible from the south. It is evident from paragraph 9 of the decision that the basis for the Inspector concluding that there was still sufficient harm to justify refusal was down to the proximity of the proposed houses to the listed cottages. The Inspector refers to the interrelationship of the proposed dwellings with the cottages being "too close to be successful". In so doing the Inspector refers specifically to the facing gables of the previously proposed semi-detached houses interfering with the open aspect of the cottages in a way which would reduce the significance of the relationship between the cottages and the Moss.

In dismissing the appeal, the Inspector concluded that in the context of the sporadic development nearby, the small housing estates to the north and west, and the generally urban feel adjacent to Common Edge Road, some development of the appeal site would not be incongruous. The land beyond and further into the Moss would be unaffected and would retain the character of the Moss. Views towards the Moss are already restricted and the development would make little difference in that respect. There would be no more than a slight to moderate impact on the existing character of the area and a similar magnitude of visual impact. He concluded that taken on its own, the proposed development would not be unacceptably harmful to the character and appearance of the area. It would blend with the surrounding development at the same time as retaining some open space.

Contrary to the Built Heritage Manager's assertions, I feel that this is a sustainable development, the developer having incorporated sustainability principles into the design of the houses. With regard to damage to the listed cottages, due to the depths of made ground and soft underlying natural strata, conventional foundations are not considered to be a suitable solution by the developer, and it is likely that the dwellings would require piled foundations. The Applicants have taken advice from a piling contractor and would use piling techniques which would minimise any risk to adjacent or nearby properties. The intention

would be to carry out vibration monitoring as part of the piling works, with the method chosen such that peak velocities would be limited to less than the upper limit for ancient monuments.

Regarding the potential vibrations from groundworks associated with the construction of the dwellings and the structural integrity of the Listed Cottages (raised by their occupants) the Applicants have consulted a Heritage accredited surveyor, who has been involved with the remediation works to the two listed cottages recently. The remediation works followed substantial fire damage and suggested a programme of works for the underpinning of the walls. Of the alternative solutions (including traditional concrete underpinning), the less intrusive pattern of low pressure resin injections was opted for.

Subject to planning permission, and following discussion with the heritage accredited surveyor, their intention is to have their specialist piling and foundation engineers put together a job specific methodology – taking into account both the existing site investigation report and in context of the nearby listed buildings. The applicant's intention is then to have their proposed methodology reviewed by the heritage accredited surveyor mentioned above and submitted to the Council prior to commencement of development. A condition could be attached to any approval to require this.

The Appeal Inspector noted the concerns in relation to the possibility of harm being caused by any vibration or ground disturbance, but was satisfied that the expert reports submitted by the appellant give sufficient comfort to reach a conclusion that this is an unlikely eventuality and so, does not weigh against the proposal.

Other Issues:

With regards to surface water drainage and flooding, there are numerous open watercourse features located within close proximity to the site forming a network of land drains. The nearest drain is on Ecclesgate Road approximately 40 metres from the site. This system of drains flows south towards Marton Moss where the watercourses become designated as "main river". The Environment Agency flood maps do not indicate that the site is at potential risk of flooding from rain or tidal sources; and it has no objection to the proposed development providing that the submitted drainage layout is implemented in full. This can be the subject of a condition. The scheme previously included a pond which would have assisted in providing surface water attenuation on site and a request has been made for its reinstatement and will be reported on further in the Update Note.

The northern boundary ditch is approximately 0.5 metre deep and 0.2 metre wide at its base and supports no aquatic vegetation. The ditch was dry at the time it was surveyed and it is considered reasonably likely (due to the vegetation supported by the ditch and the ditch's small size) that the ditch only infrequently holds water. The Applicant would clear out any debris and incorporate the ditch into the responsibility of the intended management company who would look after the open space areas. In terms of the adjoining ditches, the applicant could not maintain ditches outside their land ownership as they would have no control or rights to the land.

With regard to flooding, the Inspector at appeal paid due respect to the local knowledge of Council Members and local residents, however there were no objections from consultees and as an acceptable drainage scheme was agreed, he was satisfied that it would be possible to avoid any unacceptable flooding issues as a result of the development. There are no trees on site currently protected by a Tree Preservation Order, the land consists of poor, semi-improved grassland with locally common trees, shrubs and bramble scrub at the boundaries. There are no rare or uncommon plant species, no special habitats, nor evidence of any protected species. Whilst the boundary trees and scrub are suitable for nesting birds, the ecological report makes recommendations for protection of the birds during nesting and enhancement of their habitat as part of the development. The report also proposes enhancements in relation to bats. The development would present an opportunity to provide ecological enhancements, in the form of native trees, shrubs and hedgerow planting to improve habitat connectivity within and around the site and includes new hedgerows along the western boundary for nesting and feeding birds. The wildflower meadow would provide habitat favourable for use by foraging/sheltering invertebrates, birds and bats. This approach is consistent with the stated aims of the National Planning Policy Framework.

Policy CS14 (Affordable Housing) of the emerging Core Strategy would require a contribution for off-site affordable housing as this site falls within the 3-14 dwellings category. However, the Ministerial Statement of 28 November 2014 means that this could not now be sought.

CONCLUSION

In conclusion, although the proposal is contrary to current Countryside Policy (Policies NE2 and CS26), the National Planning Policy Framework states that planning permission should be granted for residential development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, where policies relating to the supply of housing cannot be considered up-to-date. The Core Strategy indicates that there is a five year supply. However, taking into account the sustainable location of the site relative to other areas of the Moss, it is not considered that the impact of the proposal on the setting of the listed cottages would be accepted by an Inspector as being sufficiently harmful to outweigh the beneficial contribution that the new homes would make towards meeting Blackpool's future housing requirements. Furthermore, the applicant has amended the scheme to improve the relationship with the listed cottages and safeguard their integrity and I consider that the benefits of developing the site in the manner proposed outweigh any disbenefits relating to the setting of the listed cottages beyond.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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

This scheme would generate a requirement for 576 sq.m of open space. The proposed layout includes open space of approximately 0.13 hectares (1300 sq.m) and provides biodiversity enhancement rather than formal open space. The Applicant has suggested that the wildflower meadow be offset against the open space requirement. The introduction of play equipment would be at odds with the aim of leaving this area free from development in order to protect the views through to the listed cottages. The recommendation is to accept the offset instead of requiring 576 sq.m of formal play area.

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) 16/0750 and appeal decision which can be accessed via the link below:

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

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 on 7th November 2016 including the following drawings numbered: CMNEDGE/APP/2/LOC/01; CMNEDGE/APP/2/SK/001; CMNEDGE/APP/2/MAT/01; HOLA-P-03(2010); DET-SG-PLNG01; BAN-P-04 (2010); SDL 600PR; SDL 900PW; SF 10; CMNEDGE/APP/2/STREET/01.

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

3. The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner). Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

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

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife and Countryside Act 1981 (as amended) and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local

Plan Part 1: Core Strategy 2012-2027.

6. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall have foul wastewater and surface water drained in accordance with the principles outlined in the submitted Drainage Plan P4979/14/100B - prepared by Thomas Consulting dated 26 March 2014. For the avoidance of doubt, foul must drain separate to surface water which must then combine at the last manhole prior to discharging into the public combined sewer located on Ecclesgate Road. Surface water draining from the site must be restricted to a maximum pass forward flow of 5 litres per second. The approved drainage scheme shall be implemented before the development is brought into use and retained as such.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy NE10 of the Blackpool Local Plan 2001 - 2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
- dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period
 - hours and days of construction work for the development
 - contractors' compounds and other storage arrangements
 - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
 - the routeing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 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 1995 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

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

10. 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 dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and the setting of the listed cottages, in accordance with Policies BH3 and LQ9 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts or is side onto a road, other than those detailed on approved site layout drawing no. CMNEDGE/APP/2/SK/001. The boundary to Fishers Lane shall be constructed as a 0.9 m high timber post and three wire fence and thereafter retained.

Reason: The development as a whole is proposed on an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development, would detract from the setting of the listed cottages and would therefore be contrary to Policies LQ2 and LQ9 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

Reason: In order to enhance the biodiversity of the site, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. No development shall take place until the Applicant, or their Agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Note: The programme of field investigation should include an initial phase of geophysical surveying and trial trenching, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with paragraph 141 of the NPPF and Policies CS7 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

Reason: In order to protect the amenities of existing residents and in the interests of biodiversity, in accordance with Policies BH3 and LQ6 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. A piling and foundation methodology specific to this site, and taking into account the listed cottages adjacent, shall be submitted to and agreed in writing by the Council, prior to the commencement of any ground works on the site. The piling and foundations shall thereafter be carried out in accordance with the agreed methodology.

Reason: In the interests of the structural stability of the Listed cottages at 1 and 2 Fishers Lane and in accordance with Policy LQ9 of the Blackpool Local Plan 2001 - 2016 and Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts or is side onto a road.

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

Advice Notes to Developer

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

From: MARSDEN, Gordon MP [<mailto:MARSDENGordonMP@parliament.uk>]

Sent: 06 December 2016 11:38

To: Planning

Subject: Application 16/0750 proposed erection of dwelling houses and impact on Grade II listed cottages 1 and 2 Fishers Lane. URGENT

I am responding to the letter you sent to my office on 304 Highfield Road (which was received by us on November 17, inviting us to comment on the above application.

I have now had the opportunity personally to look through the application and the accompanying documents. I have also read carefully all the responses from the statutory consultees that have been posted on the website.

I am aware that the Appeal which the applicants made over the original proposal for the construction of these proposed six houses was rejected. While I have read the 'heritage statement' submitted by Mr O' Flaherty in connection with the renewed application, it is clear from the consultee responses that there remain grave reservations about this application. These are reservations which I strongly share.

These include the observations of the Built Heritage Manager which underline the continuing concerns that the settings of the cottages remain strongly at risk under this application and that the significant road and driveway changes proposed in the application go against the emphasis in the Appeal judgment that prioritised their historic significance in relation to the layout of Marton Moss. That risks being destroyed under these proposals it would seem to me - and once done that cannot be remedied.

I believe that the LCC County Archaeology Officer was absolutely right to emphasise the potential for Bronze Age and Mesolithic materials of significance potentially in the area of the application and to urge major significant archaeological explanation in the event of any disturbance for development on the area proposed.

As a former editor of the magazine History Today and a Member of Parliament's all-party Archaeology group, I am well aware of the discoveries that have been made in boggy, watery and peaty areas not least in and around the North West. The most spectacular of these has been Lindow Man, the preserved body of a 2,000 year old man believed to have been a ritual sacrifice discovered in a peat bog near Wilmslow in 1984. Since then and indeed since the 1995 survey referred to by the LCC officer, the evidence for substantial ritual deposits, including weaponry and organic remains, in such places has grown further.

In terms of the effect on the area generally, I am acutely aware, given all the controversies in recent years about other building developments on Marton Moss, of the need for such proposals as this application to build six houses to be as watertight (literally) as possible. The Coastal and Environmental Partnership comment drew attention to the unstable nature of the area and the risk of 'surface water flooding' and Blackpool Civic Trust's comments also referred to the knock on effects of drainage.

I and my office are personally aware of some of the negative if unintended consequences there have been in the surrounding areas to this application from pumping and other impacts that have

disturbed the balance of the network of dykes and other natural features - and which have then surfaced in casework issues and concerns raised with us from residents and allotment holders.

For all of these reasons I agree with the observations that the current application should not proceed on its present basis, bearing in mind the detailed judgment of the appeal and the continuing question marks raised in the consultee responses.

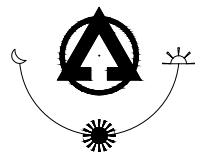
Yours sincerely

Gordon Marsden

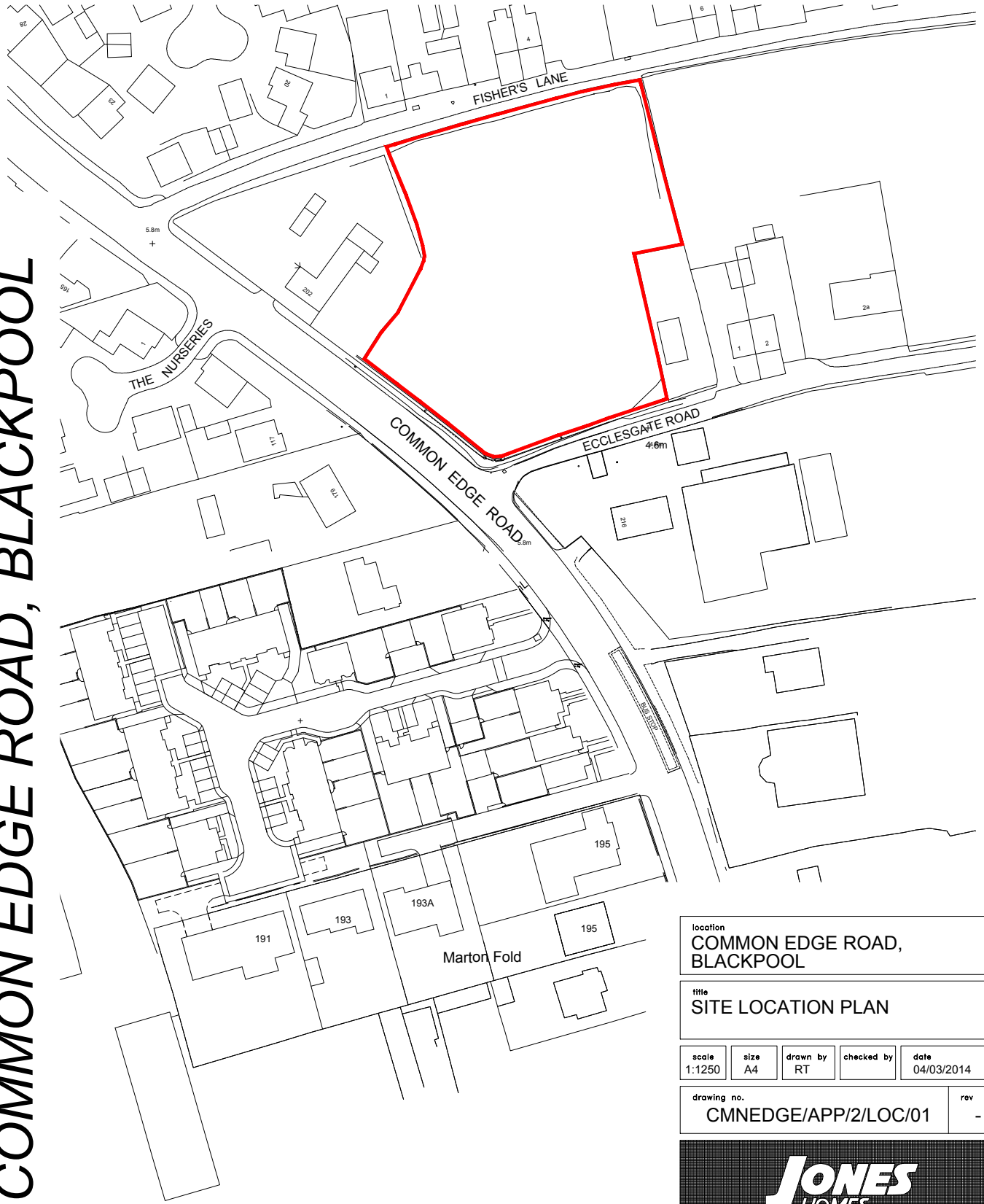
Member of Parliament for Blackpool South

The Contractor is responsible for checking dimensions and any discrepancy to be verified with the Architects before proceeding. Figured dimensions to be worked to only.
DO NOT SCALE

Appendix 6b



COMMON EDGE ROAD, BLACKPOOL



location
**COMMON EDGE ROAD,
BLACKPOOL**

title
SITE LOCATION PLAN

scale 1:1250	size A4	drawn by RT	checked by	date 04/03/2014
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drawing no. CMNEDGE/APP/2/LOC/01	rev -
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COMMITTEE DATE: [20/12/2016](#)

Application Reference: 16/0643

WARD: Clifton
DATE REGISTERED: 19/10/16
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr Kay

PROPOSAL: Erection of 10 dwellinghouses with associated access (following demolition of 15 and 17 Carson Road) within the rear garden of 170 Preston New Road.

LOCATION: 170 PRESTON NEW ROAD, BLACKPOOL, FY4 4HX

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

SUMMARY OF RECOMMENDATION

The principle of developing the site for residential purposes has been established in the past (in 2000, 2003 and again in 2015) and the site is within the main urban area and in a sustainable location. Any adverse impacts arising from the development i.e. on the amenities of the local residents, other than in terms of site layout and access, could be designed out at Reserved Matters stage.

SITE DESCRIPTION

This 0.3 hectare site is currently the rear garden to a bungalow at 170 Preston New Road, a locally listed building. The site is bounded to the north by the bungalow on Preston New Road, to the west by semi-detached houses on Carson Road, to the south by terraced houses on Newhouse Road and to the east by the KFC / Pizza Hut on Cornelian Way. The area is one of fairly dense, residential development. There is a Tree Preservation Order (TPO) on eight trees within the application site, although permission was given last year for the removal of six of these as they were diseased, subject to them being replaced (TPO permission 15/0192 refers).

DETAILS OF PROPOSAL

This application is an outline proposal for a residential development in the rear garden of 170 Preston New Road. Access and layout are currently being applied for. The vehicular /

pedestrian access is proposed from Carson Road (following demolition of 15 and 17 Carson Road) and the layout would be in the form of five pairs of semi-detached houses.

The application is accompanied by a bat survey.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The principle of backland development
- Biodiversity / TPO trees
- Locally Listed Building
- The impact on the amenity of surrounding residents and future occupiers.
- Highway Safety, Parking and Accessibility
- Other Issues

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

CONSULTATIONS

Built Heritage Manager: I have no objection to the proposal.

Blackpool Civic Trust: We note that there is a report from the sustainability officer regarding the possible presence of bats. We feel we cannot comment while the potential problem of bats being present remains. We think this problem needs addressing. In addition, United Utilities has concerns regarding positioning of public sewers which also need to be investigated.

Head of Highways and Traffic Management: 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.

Service Manager Public 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.

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.

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

- 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.

A public sewer crosses this site and we will not grant permission to build over or within 3 metres of the centre line of it. The requirement for our permission is detailed within the guidance that supports Part H4 of the Building Regulations. If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the Applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the Applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example.

Example condition

Prior to occupation 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:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system 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 ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note, United Utilities cannot provide comment on the design, management and maintenance of an asset that is not in our ownership and therefore should the suggested condition be included in the Decision Notice, we will not be involved in discharging this condition.

Head of Parks and Green Environmental Services: Most of the trees identified on site have low amenity value, and proposed works of erection of dwellings gives concerns for remaining trees to have adequate ground conditions for health tree growth.

Recommendations TPO T1 – Turkey Oak – the tree has already had a large amount of pruning works undertaken (not under our supervision), several pegs left and large pruning cuts, however the tree is in fair condition. The view of the tree is restricted only to houses in immediate area. If building work is carried out in immediate vicinity of tree concerns are expressed for potential root damage – it is recommended that site inspection with construction agent is undertaken prior to works commencing.

TPO T2 – Sorbus Aria – information notes that the tree was blown down on 10.11.05, needs removing from TPO register.

TPO T3 – Horse Chestnut – the tree is weighted to one side due to being crowded out by other trees in the vicinity (which have now been removed by persons unknown). There is a large amount of debris piled around the base of the tree, which has caused main trunk to lean. Tree showing signs of Canker as well as die back at the top. Public visibility is limited only to properties on Carson Road.

TPO T4 – Sycamore – tree been felled by persons unknown, needs removing from the TPO register.

TPO T5 – Popular – tree been felled by persons unknown, needs removing from TPO register.

TPO T6 – Sycamore – tree is border line fair condition, it is mainly one-sided due to being crowded out by other trees. Cavity in main trunk evident. There is limited public visibility, only from surrounding properties.

TPO T7 – Mature Popular – tree is very large and over mature for current location, signs of stress and cracks in main trunk, but would need to be climbed to find out the full extent of this. Bark on several unions. Paving flags laid to base of tree, therefore unable to inspect root plate. Evidence of other species of tree growth from base of tree. Evidence of faulted limbs and main trunk has lean towards nearby properties. Main visibility of tree to KFC customers, Cherry Tree Road North.

TPO T8 – Mature Ash – tree is very large and being crowded out by large over mature popular next to it, which has caused the tree to grow up from the ground with the last 12ft at the top to a 30 degree angle towards the KFC building – resulting in all the weight being to one side. Large amounts of building materials around the base, therefore unable to check root plate. Unions showing in bark and on big limb, showing signs of stress cracks. Previous removals of overhanging limbs from near KFC. Main visibility of tree is to KFC customers, Cherry Tree Road North. Recommend inspection of the tree as building work progresses to determine what impact this will have on tree growth.

TPO G1 - Hawthorn Group – one Hawthorne has been reduced to 1m stump by persons unknown. Trees are very poor in shape and form and have various cavity wounds. This group of trees are much smaller than others and have very limited public view.

Sustainability Manager: Notes on Bat Survey by Simply Ecology Ltd October 2016 Paragraph 3.3e.

3.3.1 - States that the surrounding landscape has no connectivity or suitable foraging habitat so only a single activity survey would be sufficient. This is not quite accurate as there is a large area of suitable bat foraging habitat with reasonably good connectivity close by; namely the small tree lined green along Sunningdale Avenue, mature gardens between Sunningdale Avenue and Preston New Road, mature gardens at the rear of the eastern end of Newhouse Road and Cherry Tree Road and the gardens between Levine and Winton Avenue. There are recent (summer 2016) records of Pipistrelle bats from Winton Avenue. Large trees in the existing garden are also to be retained and could continue to offer feeding or commuting opportunities. The housing stock in the area is generally old and there will be many opportunities for bats to roost. However, as the survey discovered openings in the single storey workshop building there is a small possibility bats may roost or hibernate there despite no visual signs being found nor any bats seen to leave the building. Demolition can proceed with care.

Although no bats were seen using the building there is however some small likelihood of bats being present and so the following precautions should be taken during any works.

- If the roof space is separated from the workshop below by a ceiling (not indicated in the survey) the removal of roofing materials should be undertaken by hand with the features being lifted rather than dragged to ensure no hidden bats are killed or injured.

- Workers are to be made aware of the potential for the presence of bats and/or any accumulations of droppings beneath the features they are stripping. Bat droppings are typically dry and crumble to a fine dust when crushed, small shiny fragments of insect wings etc. can be seen.
- If a bat or accumulation of droppings is discovered at any time during demolition all work is to temporarily cease in that area until an experienced, qualified bat ecologist can be consulted. This can be the consultant who undertook the original survey, any other licensed bat worker, or the Bat Conservation Trust (BCT) helpline: 0345 1300 228 or email enquiries@bats.org.uk
- If it is necessary to capture a bat to remove it to safety, this should be undertaken with gloves or a light cloth, gently capturing the bat and containing it whilst the advice of the bat worker is sought. Thereafter, following on-site advice of the bat worker will ensure there is no breach of the legislative protection afforded to roosting bats.

Whilst there is no requirement to provide any replacement or additional bat roosting habitat within the new homes it may be desirable to do so in suitable locations away from the light pollution from the east. As well as with the recognised market leader there is a range of suitable products that are manufactured locally, see <http://greenwoodsecohabitats.co.uk/ecostyrocrete-products/>

PUBLICITY AND REPRESENTATIONS

Press Notice: 03 November 2016
 Site notice displayed: 19 October 2016
 Neighbours notified: 19 October 2016

Objections from 256 Preston New Road, 175 Newhouse Road and 19 Carson Road. Issues raised are:

1. Noise - construction of, and habitation of, the houses will lead to additional excessive and prolonged noise.
2. Traffic - Carson Road/Newhouse Road between Preston New Road and Cherry Tree Road North is already a busy "rat run". This blind access point almost directly opposite Sunningdale Avenue will be an additional hazard for traffic both onto and leaving the site and the regular traffic as outlined above.
3. Privacy - construction of 10 new house overlooking gardens including my garden will impose on my Human Right to Privacy.
4. Natural Environment - there are several substantial trees in that location that will inevitably be damaged by construction, particularly the roots.
5. Bats - despite the submitted report, there are regular sightings of bats in that area throughout the summer months.
6. Lighting - additional street and house lighting will cause further disruption to privacy and security.

7. Drainage - Carson Road is already prone to flooding, this will be made worse by this development. Also in recent years flooding has increased on Carson Road due to heavier rain storms and the drain gullies not being cleared often enough.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework 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 para. 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 paragraphs are:

Part 6. Delivering a wide choice of high quality homes

Para 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.

Para 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

Para 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.

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.

Part 12 - Conserving and enhancing the historic environment.

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

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the desirability of new development making a positive contribution to local character and distinctiveness.

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

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 - to create predominantly residential neighbourhoods on the edge of the Inner Areas. The focus of the Core Strategy is on regeneration of the Town Centre and Resort Core with supporting growth at South

Blackpool. It recognises the important character and appearance of remaining lands at Marton Moss and the priority to retain and enhance its distinctive character.

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

CS6: Green Infrastructure - protect and enhance the quality, accessibility and functionality of green infrastructure.

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

CS8: Heritage - seeks to safeguard listed buildings, conservation areas and locally listed buildings.

CS9: Water Management - all new developments should ensure buildings are located away from areas of flood risk, incorporate mitigation measures and SUDS where possible, ensure there is no increase in the rate of run-off and reduce the volume of surface water run-off where possible.

CS10: Sustainable Design and Renewable and Low Carbon Energy - mitigate the impacts of climate change where possible.

CS11: Planning Obligations - development will only be permitted where existing infrastructure, services and amenities are already sufficient or where the developer enters into a legal agreement.

CS12: Sustainable Neighbourhoods - seeks to provide a better quality of life for residents, with high quality housing and enhancing the appearance of important existing buildings and their settings.

CS13: Housing Mix, Density and Standards - a mix of dwelling sizes is required within the site, or the proposal should contribute towards a balanced mix of provision in the surrounding area.

CS14: Affordable Housing - where developments comprise 3-14 dwellings then a financial contribution towards off-site affordable housing is required. The contribution will be set out in a Supplementary Planning Document.

CS15: Health and Education – contributions will be sought towards provision of school places and healthcare facilities where the development would impact on existing provision.

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan.

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
- LQ6 Landscape Design and Biodiversity
- HN4 Windfall sites
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH10 Open space in new housing developments
- NE6 Protected Species
- NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value
- AS1 General Development Requirements

SPG11 Open Space: New Residential Development and the Funding System

ASSESSMENT

Principle of backland development

Regarding the principle of residential development in this location, outline planning permission was granted in 2000 (planning application 00/0744 refers) for a residential development comprising six, two-bedroomed flats in one two-storey block across the middle of the site. This was renewed in 2003 (reference planning application 03/1038), however the permission lapsed in 2008. A further outline permission (with all matters reserved) was granted in 2015 (15/0747 refers). The principle of residential development on this garden site has therefore been established.

In order to be more in keeping with the character of the area, it is considered that the proposed family houses are preferable to flats. As the site is over 0.2 hectares in area, Policy CS13 requires a mix of house of house types and sizes in order to ensure that a wide variety of housing needs would be accommodated as part of the development. The application proposes solely three bedroomed houses, however this is considered appropriate in this location and is in keeping with the character of the area.

Biodiversity / TPO trees

The Council's Sustainability Manager has commented on the submitted bat survey (above) and considers it inaccurate as there is a large area of suitable bat foraging habitat with reasonably good connectivity close by. As there is a small possibility bats may roost or hibernate in the workshop, he recommends that precautions be taken during demolition work. He also suggests that bat boxes can be incorporated into the design of the proposed

houses, away from the east of the site where there is light pollution. These matters can be the subject of conditions; subject to which, it is not considered that there would be any adverse impact on the local bat population.

The Head of Parks and Green Environmental Services has commented that most of the trees identified on site have low amenity value, and the proposed dwellings gives concerns for the remaining trees to have adequate ground conditions for healthy tree growth. He recommends a site inspection with the construction agent prior to works commencing in order to provide protection measures for the trees TPO1 and TPO8. The remainder of the trees are considered poor. The TPO originally applied to eight individual trees and one group of trees. Of those eight trees, permission was granted last year for six to be removed as they were hazardous and a condition was imposed requiring their replacement in accordance with a scheme to be agreed. The scheme could be designed to take account of any new building proposed, should planning permission be forthcoming on this application.

Locally listed building

In terms of the impact of on 170 Preston New Road, the proposed scheme would not be particularly visible from Preston New Road and there would still be a sizeable garden attached to the bungalow. The proposed layout would not have any significant impact on the setting of the locally listed property.

Amenity

With regard to the impact on the amenities of neighbours, the layout is for consideration at the present time. There is an issue with loss of privacy for the most northerly four properties as they would be only 6m - 8m distant from the shared boundary with 170 Preston New Road. I have written to the developer regarding this and will report back. There would be minimal impact with the southerly six properties as their rear gardens would be in the order of 21 metres long, due to the need to retain trees that are subject to a TPO.

I do not consider that the noise and disturbance generated by the proposed residents would have a significant impact on the quality of life in the existing private rear gardens around the site. The most affected properties would be 13 and 19 Carson Road between which would be the new vehicular access. The access is sufficiently wide to accommodate the carriageway, two footways and a planted border. The provision of suitable boundary screening would overcome any overlooking issues and help to block out any noise.

Highway Safety, Parking and Accessibility

The Head of Highways and Traffic Management has yet to comment on the details of the proposal. In considering a previous scheme here, the Head of Transportation recommended refusal of vehicular access onto Carson Road; however in that instance, the number of residential units was higher (13) and he considered that access for a lesser number of properties would be acceptable. All the car parking requirements generated by the scheme could be contained within the site and would have no impact in terms of congestion or on-street parking in the residential streets in the vicinity. The Head of Waste (residential) has yet to comment on the suitability of the site for refuse wagon access.

Other Issues

With regards to surface water drainage and flooding, the Ordnance Survey map shows a land drain running east-west across the bottom (south) of the site; however the Environment Agency flood maps do not indicate that the site is at potential risk of flooding from rain or tidal sources. United Utilities has suggested a number of conditions regarding foul and surface water discharge from the site. Any new hard surfaces could be the subject of a condition requiring them to be permeable. With regard to noise and cooking smells from the fast-food outlets, if these became a nuisance, they could be controlled through the use of Statutory Nuisance powers by Environmental Protection colleagues.

CONCLUSION

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption of sustainable development, which means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Relevant policies for the supply of housing should not be considered up-to-date where the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, this is not applicable as the 2013 Strategic Housing Land Availability Assessment Update demonstrates that Blackpool has a five-year supply against the proposed housing requirement. Therefore, the Core Strategy policies are a material consideration along with relevant saved policies in the current Blackpool Local Plan.

The proposal is in outline only with all matters except layout and access reserved for future consideration. The site is in a sustainable location and any adverse impacts arising from the development i.e. on the amenities of the local residents in terms of appearance, scale and landscaping, could be designed out at Reserved Matters stage.

The recommendation is subject to satisfactory negotiations regarding privacy (with respect to the four units to the north); and no significant objections from the Head of Highways and Traffic Management and the Head of Waste.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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

Since no open space capable of being utilised as play area has been shown, there would be a requirement for a commuted sum (in lieu of open space provision) at the full amount. This could be secured by means of an appropriately worded condition, if permission was forthcoming. The scheme is currently for 10 x 3 bedroom dwellings: £1034 x 10 = £10,340 total requirement.

In addition, Policy CS14 (Affordable Housing) of the Core Strategy would require a 30% contribution towards off-site affordable housing provision as this site falls within the 3 - 14 dwellings category.

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 16/0643 which can be accessed via the link below:
<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

Recommended Decision: Grant Permission

Conditions and Reasons

1.
 - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
 - Scale
 - Appearance
 - Landscaping
 - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 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 on including the following plans: Location Plan stamped as received by the Council on 19/09/2016; drawing no JBA231-PL-0004; drawing no JBA231-PL-003.

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

3. No works shall take place until a Demolition; Construction Management; and Site Waste Management Plans (including recycling) have been submitted to and approved in writing by the Local Planning Authority. The Plans shall include and specify the provision to be made for the following;
 - vehicle access to, from and between both sites
 - prevention of disturbance to bats
 - measures to protect the TPO trees from damage
 - dust mitigation measures as a result of the works
 - control of noise emanating from the sites as a result of the works
 - hours of construction work for the works
 - the locations of contractors' compounds, site buildings and other storage arrangements
 - enclosure of the development sites
 - provision for all site operatives, visitors and waste loading, off loading, transfer, parking and turning within/between the sites during the construction period
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways, including a hard standing area of 15 m for wheel washing facilities, and
 - the routeing agreement of works traffic

The works shall then proceed in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding residents, to ensure there is no unacceptable risk of pollution to water resources or to human health, to safeguard the character and appearance of the area, to assist in securing safe waste minimisation, re-cycling and energy conservation and in the interests of highway safety in accordance with Policies CS7 and CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, AS1, BH3 and BH4 of the saved Blackpool Local Plan 2001-2016.

4. Provision shall be made for bat roosting opportunities in the dwellings hereby approved and submitted with the Appearance Reserved Matter for approval by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

Reason: To ensure that bat species are protected and their habitat enhanced in, accordance with the Wildlife and Countryside Act 1981, as amended, the Conservation [Natural Habitats and c] Regulations 1994, Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ6 of the Blackpool Local Plan 2001 - 2016.

5. Prior to commencement of any demolition of the two dwellings and workshop, any features which are suitable for roosting bats (e.g. the roof tiles and eaves) must be removed under the supervision of a licensed bat ecologist. If the presence of roosting bats is detected or suspected at any stage before or during the proposed development, then works shall not proceed until it has been established whether or not a Natural England licence is required and a scheme for the relocation of the bats and the method of felling/demolition has been submitted to and approved in writing by the Local Planning Authority. The relocation of the bats and the felling/demolition shall only take place in accordance with the approved scheme.

Reason: To ensure that there are no adverse effects on the favourable conservation status of bats, in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife and Countryside Act 1981 (as amended).

6. Foul and surface water shall be drained on separate systems.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. 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 in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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

NOTE – The development is of a scale to warrant a contribution of £10,340 towards the provision of or improvement to off-site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

9. No development shall take place until a scheme, which details how the 30% affordable housing needs arising from the development proposed would be provided, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.

Reason: In the interests of ensuring adequate affordable housing provision and in accordance with Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. 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.

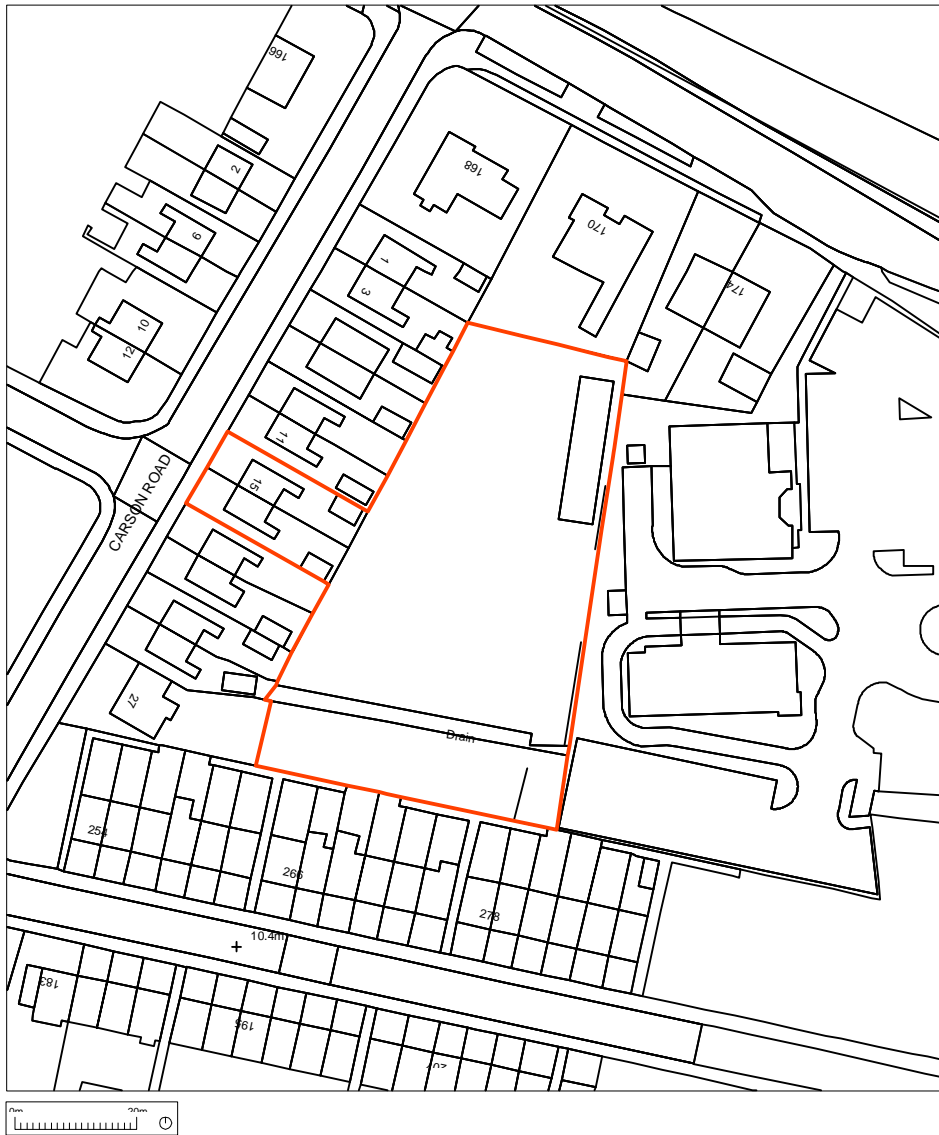
Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced

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.

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Project
**New Residential Development,
 Land to rear of 170 Preston New
 Road,
 Blackpool,
 FY4 4HE.**

Client
Peake Property Services

Drawing Title
Site Location Plan

Status
PLANNING

Scale
1:1250 @ A4

Drawn By
JPB

Date
23/05/2016

Drawing Number
JBA231-PL-001

Revision
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\	- Initial issue.	24/05/16	JPB
Rev.	Amendment	Date	By

Joseph Boniface Architects Ltd
 RIBA Chartered Practice

01253 280 485
 bonifacearchitects.co.uk
 office@bonifacearchitects.co.uk
 62 Counce Street, Blackpool, FY1 3LA.

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