

# Blackpool Council

3 November 2023

To: Councillors Baker, Farrell, Flanagan, Humphreys, Jackson, Roe and Sloman

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 14 November 2023 at 6.00 pm  
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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2023** (Pages 1 - 6)

To agree the minutes of the last meeting held on 5 September 2023 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 7 - 10)

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

**4 PLANNING ENFORCEMENT UPDATE REPORT - AUGUST 2023** (Pages 11 - 14)

The Committee will be asked to note the outcomes of the cases for the report tabled for August 2023 and to support the actions of the Service Manager, Public Protection.

**5 PLANNING ENFORCEMENT UPDATE - SEPTEMBER 2023** (Pages 15 - 18)

The Committee will be asked to note the outcomes of the cases for the report tabled for September 2023 and to support the actions of the Service Manager, Public Protection.

**6 PLANNING ENFORCEMENT UPDATE - OCTOBER 2023** (Pages 19 - 22)

The Committee will be asked to note the outcomes of the cases for the report tabled for October 2023 and to support the actions of the Service Manager, Public Protection.

**7 BLACKPOOL COUNCIL - DEVELOPMENT MANAGEMENT - SCHEME OF DELEGATION**  
(Pages 23 - 30)

The Committee is requested to update the Scheme of Delegation to address an omission.

**8 APPLICATION NUMBER 21/1085 - LAND TO THE REAR OF 65 - 71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF** (Pages 31 - 78)

To consider planning application number 21/1085 for the erection of 52 houses on land to rear of 65-71 Moss House Road, Blackpool, FY4 5JF with associated public open space, landscaping, infrastructure and access from Moss House Road.

**9 APPLICATION NUMBER 22/0670 - FORMER BISPHAM HIGH SCHOOL, BISPHAM, BLACKPOOL, FY2 0NH** (Pages 79 - 124)

To consider planning application number 22/0670 for the erection of 200 residential dwellings with associated landscaping, public open space and parking, with vehicular access from Bispham Road, Regency Gardens and Kylemore Avenue at the site of the former Bispham High School, Bispham, Blackpool, FY2 0NH.

**10 DATE OF NEXT MEETING**

To note the date of the next meeting as 12 December 2023.

**Venue information:**

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

**Other information:**

For queries regarding this agenda please contact Jenni Cook, Democratic Governance Senior Adviser, Tel: (01253) 477212, e-mail [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)

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# Public Document Pack Agenda Item 2

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 SEPTEMBER 2023

### **Present:**

Councillor Roe (in the Chair)

Councillors

Baker	Farrell	Jackson
P Brookes	Flanagan	Walsh

### **In Attendance:**

Jenni Cook, Democratic Governance Senior Adviser  
Ian Curtis, Legal Officer  
Susan Parker, Head of Development Management

### **1 DECLARATIONS OF INTEREST**

Councillor Gerard Walsh declared a personal interest in Item 6 and advised that whilst he did not consider himself to have a close association, he advised that he knew the applicant via charity work.

### **2 MINUTES OF THE MEETING HELD ON 25 JULY 2023**

The Committee considered the minutes of the last meeting held on 25 July 2023.

### **Resolved:**

That the minutes of the meeting held on 25 July 2023 be approved and signed by the Chairman as a correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Planning Committee considered a report on Planning/Enforcement Appeals lodged and determined since the last meeting and was advised that two appeals had been lodged and five had been determined. Of the five appeals determined, two had been allowed and three had been dismissed.

### **Resolved:**

To note the report.

### **4 PLANNING ENFORCEMENT UPDATE REPORT - JULY 2023**

The Committee considered the report which provided a summary of planning enforcement activity within Blackpool between 1 July and 31 July 2023. In total 60 new cases had been registered for investigation, 336 live cases were outstanding, 16 cases had been resolved by negotiation without recourse to formal action and 59 cases had been closed.

**Resolved:**

To note the update.

**5 SCHEME OF DELEGATION**

The Committee considered the report of the Head of Development Management that sought the Committee's approval to update the existing Scheme of Delegation to reflect changes in the Council structure, officer responsibilities and changes to the planning system since the existing Scheme of Delegation had been adopted.

Ms S Parker, Head of Development Management, advised the Committee that the main change was to include major-scale applications proposed for refusal on the list of applications that can be determined under delegated powers, subject to written agreement from the Chair of Committee. This amendment would allow major-scale applications that were missing key information, or that were clearly contrary to planning policy, to be refused by officers within deadline without compromising the Council's statutory planning performance deadlines.

The Committee discussed the report and was advised that the Committee had previously extended delegated powers to Senior Planning Officers and that these powers would only be used in the event of the Head of Development Management and Principal Planner being unavailable and for smaller applications. Ward Councillors would also retain the right to bring items before the Planning Committee.

**Resolved:**

To adopt the proposed amended Scheme of Delegation as outlined in the Committee report and Appendix 5(a).

**6 APPLICATION NUMBER 21/1085 - LAND TO REAR OF 65-71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF**

The Committee considered planning application 21/1085 for the erection of 52 houses with associated public open space, landscaping, infrastructure and access from Moss House Road situated on land to the rear of 65-71 Moss House Road, Blackpool.

Ms S Parker, Head of Development Management, presented the application to the Committee and provided an outline of the planning history of the site. In particular she noted that the site had originally been included within the originally approved Kensington development site but had been excluded from the second reserved matters scheme in 2017 as it was intended for use by United Utilities as part of a drainage framework for the area. Two smaller permissions had been granted on parts of the site which remained extant, along with the wider Kensington permission. In addition an area located in phase 2 of the original permission was also built on by Elan Homes.

The Committee was advised that whilst Kensington could legally continue to implement their original approval on the land, officers had no reason to believe that this was likely. Ms Parker informed the Committee that the application had not been determined before now due to matters of financial viability as the proposal was liable for significant planning

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 SEPTEMBER 2023

obligations along with 30% affordable housing, which the applicant had sought to claim was not financially feasible. The applicant had submitted an appraisal in relation to this which had been reviewed by an independent consultant, which had resulted in a state of disagreement. Ms Parker confirmed that this disagreement had not been entirely resolved, however a level of affordable housing had been offered which had been considered justifiable by planning officers.

In relation to planning policies and procedures, the Committee was advised that the application had been submitted in 2021 prior to the adoption of Part 2 of the Local Plan. However as this had been approved by the Council and was in force at the time of determination of the application, it did constitute part of the Development Plan against which the proposal must be judged. In addition Ms Parker noted that the proposal made a notable contribution to the Borough's housing supply, despite the fact that, given historic planning application in and around the site, the 600 homes allocated in the Core Strategy would not be achieved.

The Committee was advised that although the design of the scheme was considered acceptable and would provide a good standard of amenity for occupants, Ms Parker acknowledged that there were some shortfalls which included a failure to deliver a housing mix to accord with Policy, parking spaces fell short of minimum size standards and the scheme did not deliver street trees as required by the National Planning Policy Framework.

In relation to highways matters, access and egress from the site was originally proposed to be from Midgeland Road to the east, however the junction of Midgeland Road and Progress Way was already operating at capacity and in addition, a long vehicle exiting the site via Moss House Road could constitute a road safety issue. Another option would be for traffic to turn right out of the site along Moss House Road and turn onto Redwood Boulevard then onto Progress Way, however that part of the Road had not yet been adopted and was blocked by bollards. Ms Parker informed the Committee that the Highways and Traffic Development and Control Officer had advised her that access by construction traffic would be likely to be acceptable via Midgeland Road and turn left onto Moss House Road and then egress via Redwood Boulevard, if controlled by an acceptable Construction Management Plan. Works to upgrade Moss House Road would be required to be funded by the applicant at an estimated cost of £30,000. However the Committee was advised that objection to this had been received by Kensington Developments and Elan Homes. Any highways works would be subject to a Section 278 Agreement and a public consultation under separate highways legislation. An addendum to the Transport Statement would also be required.

In respect of ecological matters, Ms Parker advised members that the applicable regulations obliged the local planning authority to require an appropriate assessment of a development proposal unless the authority was satisfied that the proposal would not have a significant effect on a site protected by the regulations. While the council's consultants, the Greater Manchester Ecology Unit (GMEU), had advised that the proposal would not have such an effect, Natural England (NE), in their consultation response, had not accepted that position. The Committee was advised that GMEU had been reconsulted in the light of NE's observations. Their further advice was that NE had based their observations on a misapprehension that the recommendation by GMEU that a condition of any planning permission should require homeowner packs to be provided indicated an

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 SEPTEMBER 2023

apprehension by GMEU of a potential Significant Effect on a protected site. GMEU had confirmed that the recommendation had not been prompted by any apprehension of a Significant Effect and that GMEU were satisfied that there would be no significant effect. Members were therefore advised that they could properly accept the advice of GMEU and not require an appropriate assessment.

Ms Parker addressed the issue of viability and affordable housing and also referred to comments made by the Council's Strategic Housing Manager as detailed in the Update Note. The applicant had moved from a position of offering no affordable housing provision to proposing eight units which represented 15% provision for shared ownership or discounted market sale. The Council's Supplementary Planning Document stated that at least 70% of the provision should be social or affordable rent, which would equate to six units. At present there was no identified need for shared ownership properties, however there was a need for affordable/social rented properties. Therefore this lessened the benefits of the proposed affordable housing provision offered by the Applicant.

In conclusion Ms Parker advised the Committee although there were issues with housing mix, compliance with Part 2 Policies within the Local Plan and a shortfall in planning obligations due to financial viability, the proposal would make efficient use of land and deliver housing on a strategic site allocated for housing delivery. Therefore the Committee was recommended to accept the conclusion of the GMEU that there was no need for an appropriate assessment under the Habitats Regulations and to resolve to support the proposal and delegate the application to the Head of Development Management for the grant of planning permission subject to the requirements as set out in the Update Note. If the three requirements outlined in the Update Note could not be satisfied then the application would be brought back before the Committee for further consideration.

Ms D Smith (Agent) and Mr J Pickthall (Applicant) spoke in favour of the application and advised the Committee of the process and time taken to get the proposal into its final form. The challenging ground conditions were outlined and works would require piled foundations, a pumping station and significant drainage. The Committee was informed that the application had been originally submitted in 2021, prior to adoption of the Local Plan Part 2 and the Greening Blackpool and Affordable Housing Supplementary Planning Documents, which meant that the application had been subject to continually changing guidance.

Ms Smith advised the Committee that the application would make a significant contribution to the Borough's housing provision and clarified that offer of affordable housing as 15%. She noted the Housing Officer's preference for affordable rent rather than shared ownership and advised that if the application was approved then there was the potential to offer affordable rental, however this would reduce the overall affordable housing.

The Committee was advised that this was the first Rowland Homes Scheme to offer any form of affordable housing and that providers on the adjacent site had not offered any. Any highways matters could be addressed by a construction management plan which would ensure that construction vehicles exited the site in a safe manner. Ms Smith asked the Committee to consider the benefits of the application along with the affordable



## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 SEPTEMBER 2023

housing that had been proposed and to support the application.

The Committee asked Ms Smith and Mr Pickthall questions for clarification purposes and was advised that it was proposed that construction traffic would be subject to a one-way system which would be controlled by a construction management plan. Florence Street had been considered, however in the applicant's opinion, this was not considered to be an ideal route. In relation to affordable housing provision, the Committee was advised that provision of affordable rent rather than shared ownership would likely reduce the number of houses that they could provide to 5 dwellings instead of 8. In response to further questions regarding the application's shortfalls in relation to the planning policies, Mr Pickthall advised the Committee that the land had been purchased and the original application submitted prior to adoption of the Local Plan and the associated Supplementary Planning Documents. Mr Pickthall also provided clarification and detail in relation to the financial viability works that had been carried out in relation to affordable housing provision.

The Committee discussed the application at length and noted that although the application had issues in relation to current policies, it did contribute to identified housing needs and supplies. In response to questions from the Committee, Ms Parker advised that the appraisal of the applicant's financial viability submission had been carried out by independent experts and appraised in terms of viability for any developer and not solely the applicant. She also reminded the Committee that there were two extant planning permission currently on the site.

The Committee discussed the application further and expressed concerns regarding the lack of affordable housing and the shortfalls in relation to parking and green spaces and trees. Ms Parker clarified that the site was allocated within the Core Strategy for housing delivery and that the parking spaces had been considered acceptable at the time of application, however the Local Plan Part 2 and Supplementary Planning Documents had been adopted, meaning that the criteria under which the application had been assessed had changed.

The Committee noted in its discussions that developers on nearby sites had not provided any affordable housing and that their planning obligations had also been renegotiated.

Mr I Curtis, Legal Adviser, advised the Committee that the application required careful consideration and the Committee needed to assess and determine whether the contribution to housing supply outweighed the shortfalls in the application. He also noted that the financial viability information provided by the applicant had been robustly challenged by external consultants appointed by the Council. Further clarification was also given in respect of the recommendation to adopt the position on the need for habitat assessment of the Greater Manchester Ecology Unit (GMEU) rather than that of Natural England.

The Committee continued to discuss the application and noted a deferral of the decision could be appropriate in order that further consideration could be given to highways matters, particularly in relation to the suggestion to use Florence Street and consultation with residents on highways matters. Further clarification could also be obtained in relation to the issue of affordable housing and further input from the Strategic Housing Manager in relation to input from housing providers.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 SEPTEMBER 2023

### **Resolved:**

That the application is deferred to a future meeting in order to obtain further information on the following:

- Further information from the Strategic Housing Manager in respect of affordable housing provision and input from housing providers.
- Further information from the Highways Department in relation to information submitted prior to the meeting, consultation on the use of Moss House Road and consideration of the use of Florence Street.

### **7 DATE OF NEXT MEETING**

### **Resolved:**

To note the date of the next meeting as 10 October 2023.

### **Chairman**

(The meeting ended at 7.26 pm)

Any queries regarding these minutes, please contact:  
Jenni Cook Democratic Governance Senior Adviser  
Tel: (01253) 477212  
E-mail: [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	14 November 2023

## PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

### 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.

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

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

### 4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

### 5.0 Council Priority:

5.1 The relevant Council priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

## **6.0 Planning/Enforcement Appeals Lodged**

- 6.1 23/0320 – 8 Gregson Close, Blackpool, FY4 5RB- Erection of conservatory to rear of existing single storey rear extension. (Retrospective application)

An appeal has been lodged by Mr Hooper against the Council's refusal of Planning Permission

- 6.2 20/8098 – Moreton Grange (Land adjacent to Fernbank) Division Lane, Blackpool, FY4 5DZ - Use of land adjacent to Fernbank, Division Lane (known as Moreton Grange) for residential purposes, without planning permission.

An appeal has been lodged by Mr Philip Hough against an Enforcement Notice served by Blackpool Council on 21 July 2023

- 6.3 22/8740 – 7 Webster Avenue, Blackpool, FY4 3LJ - Material change of use of 7 Webster Avenue from a single private dwelling-house, to a self-contained holiday let without planning permission

An appeal has been lodged by Mr Tom Croston against an Enforcement Notice served by Blackpool Council on 25 July 2023

- 6.4 23/0206 – Pavement outside 53 Topping Street, Blackpool, FY1 3AF- Display 1 internally illuminated digital advertisement within telephone kiosk.

An appeal has been lodged by New World Payphones against the Council's refusal of Advertisement Consent

- 6.5 23/0205 – Pavement outside 53 Topping Street, Blackpool, FY1 3AF- Installation of 1 telephone kiosk

An appeal has been lodged by New World Payphones against the Council's refusal of Planning Permission

## **7.0 Planning/Enforcement Appeals Determined**

- 7.1 22/0507 – Mayfield, Kitty Lane, Blackpool, FY4 5EG – Use of premises as a sui generis mixed use consisting of a residential dwelling and self-contained holiday let.

Appeal Allowed

Due to the location and scale of the proposal the Inspector concluded that the development would not be harmful to the character or appearance of the area or

Conservation Area. The proposal would comply with Objective 10 of the Marton Moss Neighbourhood Plan but would not comply with Policy MM2, but this was given limited weight due to the stage of the neighbourhood plan.

The inspector found that it would not comply with Policy CS23 as it would create holiday accommodation outside of the holiday accommodation areas. However, due to the small scale of the accommodation (a one bedroom cottage), distance from the seafront area, and on site amenities it was concluded that the level of harm by way of conflict with the local plan policy relating to the health of the wider resort is not significant. It was noted that whilst Policy CS21 does not support this type of proposal it also does not exclude this type of proposal.

The inspector acknowledged the concerns regarding cumulative holiday development changing the character of the area and affecting the health of the wider resort, but asserted that the decision and reasoning for it does not have any bearing on future applications that may be heard by the Council.

The Inspector imposed conditions to limit the occupation of the cottage to holiday use for three bedspaces and the occupation of the main dwelling to the owner/caretaker of the overall site.

7.2 Does the information submitted include any exempt information? No

**8.0 List of Appendices**

8.1 None

**9.0 Financial considerations**

9.1 None

**10.0 Legal considerations**

10.1 None

**11.0 Risk management considerations**

11.1 None

**12.0 Equalities considerations and the impact of this decision for our children and young people:**

12.1 None

**13.0 Sustainability, climate change and environmental considerations:**

13.1 None

**14.0 Internal/external consultation undertaken:**

14.1 None

**15.0 Background papers:**

15.1 None

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Carl Carrington - Head of Planning (Quality and Control)
<b>Date of Meeting:</b>	14 November 2023

## 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, between 1 August 2023 and 31 August 2023.

### 2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Acting Head of Public Protection and Enforcement 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.

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

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

### 4.0 Other alternative options to be considered:

4.1 Not applicable.

### 5.0 Council priority:

5.1 The relevant Council priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

### 6.0 Background information

6.1 Cases

#### New Cases

In total, 40 new cases were registered for investigation in August 2023.

As at 31 August 2023, there were 326 "live" complaints outstanding.

### Resolved cases

6 cases were resolved by negotiation without recourse to formal action.

### Closed cases

40 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

### Formal enforcement notices / s215 notices

- Three Enforcement Notices were authorised in August 2023;
- No s215 notices were authorised in August 2023;
- No Enforcement Notices were issued in August 2023;
- One s215 notice was issued in August 2023.

### Notices authorised

Ref	Address	Case	Dates
20/8471	8 Gynn Avenue (FY1 2LD)	Unauthorised material change of use from a guest-house to five self-contained permanent flats	Enforcement Notice authorised 31/08/2023
22/8539	69 Ribble Road (FY1 4AA)	Unauthorised material change of use from a single private dwelling-house, to a self-contained holiday let	Enforcement Notice authorised 31/08/2023
23/8147	34 Blairway Avenue (FY3 8LB)	Unauthorised material change of use from a single private dwelling-house (Use Class C3) to a residential care home for one young person aged 11-18 years (Use Class C2).	Enforcement Notice authorised 31/08/2023. Property now empty so EN not issued.

### Notices issued

Ref	Address	Case	Dates
22/8254	4 Rigby Road (FY1 5DE)	Poor condition of property	S215 Notice issued 03/08/2023 – compliance due 07/11/2023

6.2 Does the information submitted include any exempt information?

No



**7.0 List of Appendices:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations and the impact of this decision for our children and young people:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Carl Carrington - Head of Planning (Quality and Control)
<b>Date of Meeting:</b>	14 November 2023

## 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, between 1 September 2023 and 30 September 2023.

### 2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Acting Head of Public Protection and Enforcement 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.

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

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

### 4.0 Other alternative options to be considered:

4.1 Not applicable.

### 5.0 Council priority:

5.1 The relevant Council priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

### 6.0 Background information

6.1 Cases

#### New Cases

In total, 57 new cases were registered for investigation in September 2023.

As at 30 September 2023, there were 330 "live" complaints outstanding.

### Resolved cases

10 cases were resolved by negotiation without recourse to formal action.

### Closed cases

39 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

### Formal enforcement notices / s215 notices

- One Enforcement Notice was authorised in September 2023;
- Three s215 Notices were authorised in September 2023;
- One Enforcement Notice was issued in September 2023;
- Three s215 Notices were issued in September 2023;
- Two Breach of Condition Notices were issued in September 2023.

### Notices authorised

Ref	Address	Case	Dates
23/8055	20 LONGTON ROAD (FY1 4HW)	Unauthorised installation of modern upvc windows in Raikes Hall Conservation Area	Enforcement Notice authorised 26/09/2023.
22/8376	65 SAVILLE ROAD (FY1 6JS)	Poor external condition of property	S215 Notice authorised 19/09/2023.
22/8468	32 HEATHWAY AVENUE (FY3 8HE)	Poor external condition of property	S215 Notice authorised 29/09/2023.
23/8062	339 CENTRAL DRIVE (FY1 5JN)	Poor external condition of property	S215 Notice authorised 19/09/2023.

### Notices issued

Ref	Address	Case	Dates
23/8124	309 ST. ANNES ROAD (FY4 2EE)	Unauthorised material change of use from a single private dwelling-house, to a self-contained holiday let	Enforcement Notice issued 14/09/2023. Appeal lodged at PINS.

22/8150	18 YORK STREET (FY1 5AQ)	Poor external condition of property	s215 notice issued 18/09/2023, due for compliance by 27/01/2024.
22/8157	33 YORK STREET (FY1 5AQ)	Poor external condition of property	s215 notice issued 18/09/2023, due for compliance by 27/01/2024.
21/8264	697 NEW SOUTH PROMENADE (FY4 1SY)	Poor external condition of property	s215 notice issued 19/09/2023, due for compliance by 25/12/2023.
22/8250	126 WATSON ROAD (FY4 2BP)	In breach of conditions 3 and 4 on PP 19/0804 – frontage not in accordance and no dwarf wall	BCN issued 19/09/2023, due for compliance by 20/12/2023.
23/8255	6 QUEEN STREET (FY1 1PE)	Breach of condition 2 on PP 22/0747 - Condition 2 – no Clerestory windows installed and no vinyl application to the shopfront completed	BCN issued 19/09/2023, due for compliance by 20/12/2023.

6.2 Does the information submitted include any exempt information?

No

**7.0 List of Appendices:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations and the impact of this decision for our children and young people:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Carl Carrington - Head of Planning (Quality and Control)
<b>Date of Meeting:</b>	14 November 2023

## 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, between 1 October 2023 and 31 October 2023.

### 2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Acting Head of Public Protection and Enforcement 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.

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

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

### 4.0 Other alternative options to be considered:

4.1 Not applicable.

### 5.0 Council priority:

5.1 The relevant Council priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

### 6.0 Background information

6.1 Cases

#### New Cases

In total, 40 new cases were registered for investigation in October 2023.

As at 31 October 2023, there were 330 "live" complaints outstanding.

### Resolved cases

5 cases were resolved by negotiation without recourse to formal action.

### Closed cases

31 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

### Formal enforcement notices / s215 notices

- Four Enforcement Notices were authorised in October 2023;
- No s215 Notices were authorised in October 2023;
- Three Enforcement Notices were issued in October 2023;
- No s215 Notices were issued in October 2023.

### Notices authorised

Ref	Address	Case	Dates
20/8183	149 Dickson Road (FY1 2EU)	Unauthorised use for residential purposes	Enforcement Notice authorised 26/10/2023
22/8252	51 Bond Street (FY4 1BW)	Unauthorised use as a self-contained holiday let	Enforcement Notice authorised 16/10/2023
22/8253	53 Bond Street (FY4 1BW)	Unauthorised use as a self-contained holiday let	Enforcement Notice authorised 18/10/2023
22/8298	56 Maplewood Drive (FY5 1PW)	Unauthorised erection of a car port and first floor balcony	Enforcement Notice authorised 16/10/2023

### Notices issued

Ref	Address	Case	Dates
20/8471	8 Gynn Avenue (FY1 2LD)	Unauthorised material change of use from a guest-house to five self-contained permanent flats	Enforcement Notice issued 19/10/2023 – compliance due by 29/02/2023 unless an appeal lodged by 30/11/2023



22/8114	132 Hornby Road (FY1 4QS)	Unauthorised creation of a roof-lift at second floor, removal of the front dormer and removal of stonework features and windows to front elevation	Enforcement Notice issued 19/10/2023 – compliance due by 29/02/2023 unless an appeal lodged by 30/11/2023
22/8409	18 Watson Road (FY4 1EG)	Unauthorised material change of use from a single private dwelling-house, to a self-contained holiday let	Enforcement Notice issued 09/10/2023 – compliance due by 17/12/2023 unless an appeal lodged by 17/11/2023

6.2 Does the information submitted include any exempt information?

No

**7.0 List of Appendices:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations and the impact of this decision for our children and young people:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker – Head of Development Management
<b>Date of Meeting:</b>	14 November 2023

## Blackpool Council - Development Management - Scheme of Delegation

### 1.0 Purpose of the report:

1.1 To update the existing scheme of delegation to address an omission.

### 2.0 Recommendation(s):

2.1 To adopt the proposed amended scheme of delegation attached as Appendix 7a.

### 3.0 Reasons for recommendation(s):

3.1 To ensure that the Council’s scheme of delegation for Development Management functions is fit for purpose.

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

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

### 4.0 Other alternative options to be considered:

4.1 Maintain the scheme of delegation as existing or make alternative amendments. It should be noted to maintaining the existing scheme of delegation is not recommended

### 5.0 Council priority:

5.1 Both Council priorities are relevant:

- “The economy: Maximising growth and opportunity across Blackpool”
- “Communities: Creating stronger communities and increasing resilience”

### 6.0 Background information

6.1 The Scheme of Delegation for Development Management was last approved in September 2023. Since then two applications for Permissions in Principle have been submitted to the Council. The Council has only received one other application for Permission in Principle in 2019. Given how very infrequently such applications are

submitted, reference to them was omitted from the Scheme of Delegation brought before Members in September. This was an over-sight which needs to be corrected.

6.2 A decision on Permission in Principle applications needs to be made within 5 weeks of receipt. This effectively precludes such applications from being brought before Planning Committee. As such, the updated Scheme of Delegation includes such applications within the list of application types under para 3.4.2 that will always be determined under delegated authority.

6.3 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

7.1 Appendix 7a – proposed scheme of delegation

**8.0 Financial considerations:**

8.1 No material financial considerations identified, although an up-to-date scheme of delegation may enable more efficient operation of Council functions.

**9.0 Legal considerations:**

9.1 No material legal considerations identified.

**10.0 Risk management considerations:**

10.1 No material risk management considerations identified, although an up-to-date scheme of delegation may help to minimise risk by providing greater certainty for Council functions.

**11.0 Equalities considerations and the impact of this decision for our children and young people:**

11.1 No material equality considerations identified.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 No material sustainability, climate change or environmental considerations identified.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None

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**BLACKPOOL COUNCIL**

**DEVELOPMENT MANAGEMENT – SCHEME OF DELEGATION AND DECISION-MAKING**

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**1.0 Purpose of document**

- 1.1 This document details the working of the scheme of delegation and decision-making relating to all Development Management functions.
- 1.2 In all but the circumstances outlined in paragraph 3.4.1 planning applications will be dealt with under delegated authority conferred on the officers listed in paragraph 3.3.1.
- 1.3 The broad principle remains that the majority of planning applications are dealt with under delegated powers and only those applications with significant policy issues or relevant objections need be considered by the Planning Committee.

**2.0 Operation of the scheme of delegation for Development Management**

- 2.1 Use of the authority conferred by the Constitution must be subject to the judgement of officers, in particular the Head of Development Management, in the interests of probity and good governance.
- 2.2 The following arrangements are therefore to be adhered to in using the authority conferred relating to Development Management.
- 2.3 Officers to use Delegated Authority
- 2.3.1 The only officer roles to determine applications are:
- (i) Head of Development Management
  - (ii) Principal Planner
  - (iii) Senior Planner
- 2.3.2 In the event of the Head of Development Management being absent for a significant period for any reason. A temporary or interim appointment may be made who would be granted full authority to determine applications.
- 2.4 Applications
- 2.4.1 All planning applications may be determined by delegated authority except for the following:

- (a) Major category planning applications recommended for refusal where the Chair or Vice- Chair (in their absence) of Planning Committee has not provided express permission for a delegated decision in writing.
- (b) Planning and Listed Building Consent applications recommended for approval where:
  - (i) a valid planning objection(s) has been received from the owners or occupiers of properties directly affected by the proposal and
  - (ii) the Chair (or Vice-Chair) requests the application to be decided by the Planning Committee due to policy considerations or public interest.
- (c) Planning applications recommended for approval involving either a formal departure from the Development Plan or which would require referral to the Secretary of State.
- (d) Where the Head of Development is of the opinion that there are significant policy or public interest considerations that require a determination by the Planning Committee.
- (e) At the request of one of the relevant Ward Councillors under the terms of the Ward Referral scheme, where that request is made within ten days of the publication of the application on the Council's website.
- (f) Planning applications submitted by or on behalf of:
  - (i) An elected Member of the Council or a company in which they have a controlling interest.
  - (ii) An immediate relative of a Member of the Council (parent, spouse/partner, sibling, child) or a company in which they have a controlling interest.
  - (iii) An employee of the Council
  - (iv) An immediate relative of an employee of the Council (parent, spouse/partner, sibling, child) or a company in which they have a controlling interest.

3.4.2 For the avoidance of doubt, all applications relating to the following will always be determined by delegated authority and will not be considered by the Planning Committee:

- (a) Permission in Principle – Stage 1 (permission in principle consent)
- (b) Permission in Principle – Stage 2 (technical details consent)
- (c) Advertisement Consent
- (d) Tree Preservation Order
- (e) Prior Approvals
- (f) Prior Notifications
- (g) Discharge of Conditions
- (h) Non-Material Amendments
- (i) Certificates of Lawfulness



- (j) Hazardous Substances
- (k) Environmental Impact Assessment Screening Opinion requests
- (l) Environmental Impact Assessment Scoping Opinion request

2.4.3 The Town and Country Planning Act makes provision for the disposal of applications without determination once the statutory determination period and any relevant period for appeal against non-determination has elapsed. This provision is used very rarely, it is typically only pursued in cases where substantive communication and collaboration has ceased and no progress is being made towards a positive determination. Applications may be disposed of by the Head of Development Management. In the case of major applications this would be after consultation with the Chair or Vice-Chair of the Planning Committee.

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**Blackpool Council  
Development Management**

**Officer Report to Committee**

<b>Application ref:</b>	21/1085
<b>Ward:</b>	Stanley
<b>Application type:</b>	Full
<b>Location:</b>	Land to rear of 65-71 Moss House Road, Blackpool
<b>Proposal:</b>	Erection of 52 houses with associated public open space, landscaping, infrastructure and access from Moss House Road.
<b>Recommendation:</b>	Resolve to approve but delegate the decision to the Head of Development Management subject to the completion of a S106 legal agreement to secure planning obligations
<b>Recommendation Summary:</b>	The application fails to meet all relevant policy expectations and standards and does not provide the full range of planning obligations. However, the applicant has sought to demonstrate that full compliance would not be financially viable. As the site is allocated for strategic housing delivery, the provision of 52 new homes is considered to weigh sufficiently in favour of the proposal to justify the grant of planning permission.
<b>Meeting date:</b>	14/11/23
<b>Reason for bringing to Committee:</b>	The application is a major proposal that is of general public interest, particularly given the recommendation to approve in the face of conflicts with adopted policy.
<b>Case officer:</b>	Susan Parker
<b>Case officer contact:</b>	01253 476228

## 1.0 INTRODUCTION

- 1.1 Members will recall that this application was presented at the September 2023 Committee meeting. At that meeting it was deferred to enable consideration to be given to alternative means of access to the site for construction traffic, and for further consideration to be given to potential affordable housing provision.
- 1.2 The applicant has since investigated the potential to use Florence Street. It is understood that the applicant does not consider it to be an acceptable access solution because the haul road across the intended area of open space and the enabling works would add to the construction costs and further compromise the viability of the scheme.
- 1.3 With regard to affordable housing, the applicant has maintained their two offers of:
- Option 1: 8no. discounted market value properties comprising 7 x 2-bed Lowry house types and 1 x 3-bed Gladstone house type
  - Option 2: 2no. discounted market value properties comprising one 2-bed Lowry house type and one 3-bed Gladstone house type; and 3no. affordable rent properties all to be 2-bed Lowry house types

## **2.0 CONSULTATION RESPONSES**

### **2.1 Lead Local Flood Authority**

2.1.1 In response to updated drainage information detailing the impact of filling the existing watercourse and raising land levels, the Council's Drainage Officer has confirmed that the existing section of watercourse is small and appears to already be blocked off by a nearby resident. As such this is not expected to be an issue. It is observed that the raising of land levels may be a source of complaint, but that the submitted information states that drainage would be installed to prevent flooding of existing areas. As such, and as long as surface water run-off is prevented from running onto adjacent land, there should be no unacceptable drainage impact.

### **2.2 Head of Parks and Greens**

2.2.1 None of the issues previously raised with the proposed landscaping scheme have been addressed. There are too many Rowan and rows of single species throughout, and the placement of some trees needs to be reconsidered. The proposed native hedgerow needs an improved species mix as at present it is heavily reliant on the genus in the Rosaceae family. The tree stock proposed borders on monoculture and a more diverse species mix is required. At present 35% are Rowan. This exceeds the best practice principle of 10% of any genus, 20% of any species, and 30% of any family to ensure diversity. It is also noted that species within the Sorbus genera, which have typically done well in the north/west of England, are now showing signs of low vigour around Blackpool, possibly due to climate change. Some 55% of the 56 trees are within the Rosaceae family, almost double the recommended 30% limit in any family. Other non-native and evergreen species could be considered for front gardens to diversify the site and mitigate the challenges of a changing climate, such as: Amelanchier, Cercis, Japanese dogwood, Strawberry tree, Magnolia, Snowbell tree.

2.2.2 With regard to species layout, Species should be alternated throughout the site and offset to give a more natural layout rather than in uniform rows and groups of singular species where potential losses due to pests and disease would greatly impact whole areas within the site. The attenuation basing area contains only Tilia; this central focal area would benefit from winter interest by integrating evergreen species such as Betula, Salix and Alnus. Placing three Pinus trees to the right of plot 32 would reduce light to the property, and a line of these trees, as specified, would plunge the property behind the site into year-round shade; it would be better to alternate with the Quercus. Within the attenuation basin, species-rich wet grassland is specified, but no detail is given of species. If the basin would hold some water during normal operating circumstances, the landscape specification should include species-rich seeding and emergent vegetation planting.

### **2.3 Local Highway Authority**

2.3.1 Whilst Florence Street is slightly wider, there are usually parked vehicles on either side. The street could be an egress point only but this would again raise the concern of its structure and potential dilapidation. It should be noted that use of Florence Street is likely to raise resident opposition because the development in question would feel detached from that road. That said, use of Florence Street would work and it could be a better alternative in some respects. Nevertheless, the conclusion that Moss House Road would be preferable to Florence Street to construction access is accepted. It is likely that the cost of the haul road would exceed those of the necessary works to Moss House Road. The construction depth of both roads is unknown, but it is recognised that Moss House Road has been upgraded in

parts. The greatest risk to road conditions comes from loaded HGVs and the distance travelled by such vehicles down either Florence Street or Moss House Road would be comparable.

- 2.3.2 The preference is for all construction traffic to go east to west, i.e. in from Midgeland Road and out via Redwood Boulevard. This would require dedicated directional signage and the removal of the existing bollards on Moss House Road. It would also require some traffic calming in the form of throttles or speed humps in addition to speed limits. This is assuming that the eastern arm of Redwood Boulevard remains unavailable. In the event that it does become available, this part of the network would become the egress route. Again assuming that the eastern arm of Redwood Boulevard remains unavailable, the existing bollards on Moss House Road would be reinstated following the completion of the development
- 2.3.3 With regard to the internal layout within the site, the footpath should run the full way around the attenuation pond. The outside kerb of the bend in the right hand leg needs to be revised. The bin drag distance for plots 27-30 would appear to be excessive and the parking spaces serving plots 18, 19 and 30 should be pushed up to the fence and the footpath removed.

## 2.4 **Strategic Housing Manager**

- 2.4.1 There is no identified need for discounted market housing or shared ownership housing. As such it would be preferable to maximise the amount of affordable rent housing on site even if this means a reduced number of units overall.

## 3.0 **REPRESENTATIONS**

- 3.1 In addition to the representations already received and detailed in the September 2023 committee report, one additional representation has been received from the following addresses:

22 Kincardine Avenue

- 3.2 This representation raises the following issues:

- Florence Street would be more dangerous than Moss House Road to use as a site access
- Significant footway and carriageway upgrades are required to support access to the site

## 4.0 **RELEVANT PLANNING POLICY AND LEGISLATION**

- 4.1 The National Planning Policy Framework was updated in September 2023. However, none of the changes made are considered to affect the assessment of this application.

## 5.0 **ASSESSMENT**

- 5.1 As requested by Members, the potential to use Florence Street for construction traffic has been investigated. The Council's Highways Team has confirmed that it could work as an option and could offer some benefits to Moss House Road. However, it is equally accepted that some challenges would exist and that the cost of using Florence Street would be more than the proposed temporary mitigation measures that would be required on Moss House Road. This is because use of Florence Street would require provision of a haul road across what would ultimately be public open space. Given that viability is such a key issue on this

site, and that the use of Moss House Road as identified is acceptable in highway terms, this is considered to be the preferable option.

- 5.2 An updated Transport Statement explaining the proposed use of the network for construction traffic was received on 22 September 2023 and site notices were displayed along the route to publicise this on 24 September 2023. Since then only one representation has been received. This has been submitted by a property that would be unaffected by the proposed route and raises issues purely relating to use of Florence Street.
- 5.3 With regard to the affordable housing provision, extensive discussions have taken place with the applicant on both this and another site they are progressing. The Council has also taken further advice from its retained viability advisors. It is understood that the market has deteriorated notably over the lifetime of this application. Whilst there is still a discrepancy in position over what can be delivered on the site, the applicant has made it very clear that they are not prepared to proceed if additional affordable housing provision is required.
- 5.4 Whilst this site is not immediately needed to contribute to the Council's housing land supply, a pragmatic approach does need to be taken. Most pertinently, Members should be aware that the government requirements relating to Biodiversity Net Gain would apply to all new major-scale development proposals from the start of 2024. This requirement would trump all existing planning obligation requirements in terms of priority. If current conditions persist, this may mean that it is even more challenging in future to secure affordable housing provision whilst maintaining the viability of development proposals.
- 5.5 The potential to impose an overage requirement through S106 has been considered. This would require the applicant to present the Council with actual costs and values realised post development. If the scheme costs less or realises more than anticipated, that additional income would be directed to the Council in respect of planning obligations. However, it is recognised that this places a level of uncertainty on development viability that is off-putting to lenders. On appeal it has been accepted that such requirements can further undermine development viability. As such it is accepted that imposition of such would prevent this scheme from being delivered.
- 5.6 It has already been accepted by officers that 20% provision would be the maximum provision practicable rather than the 30% required by policy. This is supported by the viability assessment to Part 2. Applying the Affordable Housing SPD standards to 20% provision would see 7 affordable/social rent (ASR) homes and 3 shared ownership (SO) or discounted market value (DMV) homes.
- 5.7 Both options put forward by the applicant include an element of discounted market value housing. The Council's Strategic Housing Manager has confirmed that there is no need in Blackpool at present for either shared ownership or discounted market value products. The applicant has previously offered 8 DMV homes or a split of 3 ASR and 2 DMV homes.
- 5.8 As no DMV provision is considered appropriate, a further compromise could be to further reduce the amount of affordable housing but have it all as AR provision. The applicant has provided information setting out the values that can be achieved for different house types from affordable housing providers depending upon the basis on which they are offered. In relation to the applicant's option 2, the provision of 4 no. Lowry house types all as AR would result in a less than 5% reduction in value realised. The difference in value between their option 1 and option 2 is around 7.8%. This would increase to 9.8% if the suggestion above were followed.

5.7 This option has been put to the applicant but a response has not yet been received.

## **6.0 CONCLUSION**

6.1 Officers have engaged in very lengthy and involved discussions with the applicant in recent months to try and maximise the quality of the scheme and the level of planning obligations that can be secured.

6.2 The shortfalls of the proposal against Local Plan requirements are detailed in the original officer report that can be viewed at Appendix 8a. The benefits of the scheme are also noted in this report. A pragmatic approach is required.

6.3 The site is allocated in the Local Plan as a strategic housing site. It is accepted that a scheme meeting all Local Plan and NPPF requirements (in particular, tree lined streets) would require a reduction in unit numbers to such a degree that it would not be financially viable. The details of construction access are considered to have been resolved. The remaining issue is therefor that of affordable housing provision.

6.4 Assuming that an agreement can be reached on the provision of four AR affordable houses, the officer recommendation is that Committee delegate the Head of Development Management to grant planning permission subject to the conditions listed at the end of the original report at Appendix 1. It is considered necessary for the decision to be delegated because it is likely that some amendments will be needed to the wording of conditions to accommodate changes to plans to show the affordable housing.

## **7.0 RECOMMENDATION**

11.1 Accept the conclusion of Greater Manchester Ecology Unit that there is no need for an appropriate assessment under the Habitats Regulations.

11.2 Resolve to support the proposal and delegate the application to the Head of Development Management for the grant of planning permission subject to the following:

- Completion of a S106 legal agreement to secure the following contributions:
  - £30,000 towards off-site highway works
  - £40,856 towards local health care provision
  - £42,315 towards local public open space improvement or provision
  - Affordable housing provision
- The conditions listed at the end of Appendix 8a (wording amended as appropriate).

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**Blackpool Council  
Development Management**

**Officer Report to Committee**

<b>Application ref:</b>	21/1085
<b>Ward:</b>	Stanley
<b>Application type:</b>	Full
<b>Location:</b>	
	Land to rear of 65-71 Moss House Road, Blackpool
<b>Proposal:</b>	Erection of 52 houses with associated public open space, landscaping, infrastructure and access from Moss House Road.
<b>Recommendation:</b>	Approve
<b>Recommendation Summary:</b>	The application fails to meet all relevant policy expectations and standards and does not provide the full range of planning obligations. However, the applicant has sought to demonstrate that full compliance would not be financially viable. As the site is allocated for strategic housing delivery, the provision of 52 new homes is considered to weigh sufficiently in favour of the proposal to justify the grant of planning permission.
<b>Meeting date:</b>	
	26 April 2023
<b>Reason for bringing to Committee:</b>	The application is a major proposal that is of general public interest, particularly given the recommendation to approve in the face of conflicts with adopted policy.
<b>Case officer:</b>	Susan Parker
<b>Case officer contact:</b>	01253 476228

**1.0 SITE DESCRIPTION**

- 1.1 The application relates to a 1.6ha site to the north of Moss House Road. It has a frontage of some 40m to Moss House Road before wrapping around the backs of nos. 65 and 71 on either side and stretching back to Florence Street, Harold Avenue and the properties fronting Kincardine Avenue to the rear. To the east the site is bound by properties fronting Midgeland Road. The land to the west forms part of the Redwood Point residential scheme.
- 1.2 The site includes a central area of hard-surfacing with amenity grassland fronting the road. Otherwise it comprises rough grassland with a number of trees along the boundaries, particularly to the north, west and front.
- 1.3 The site is within the allocated South Blackpool Housing Growth Site under the Core Strategy. It falls within the Airport Safeguarding Zone and Flood Zone 1. No other specific designations or constraints have been identified.

**2.0 PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of 52 houses. A single estate road would lead in from Moss House Road and would then split at an area of public open space to create two spur roads. The open space would include an attenuation pond for

drainage alongside a pumping station. A second area of public open space would be provided at the northern end of the site adjacent to Florence Street.

2.2 Of the 52 houses, the housing mix would be as follows:

- Detached: 27 (52%)
- Semi-detached: 18 (35%)
- Terraced: 7 (13%)
  
- 2-bed: 7 (13%)
- 3-bed: 27 (52%)
- 4-bed: 18 (35%)

2.3 The applicant has submitted a viability appraisal seeking to demonstrate that it is not possible for the scheme to meet relevant planning obligations.

2.4 The application has been supported by:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Drainage strategy and information
- Flood Risk Assessment
- Ecological Appraisal
- Tree Survey
- Geo-environmental Report
- Refuse strategy
- Financial viability appraisal and cost plan

### **3.0 RELEVANT PLANNING HISTORY**

3.1 21/0804 – reserved matters approval granted for erection of 14 dwellings on part of the current application site (related to outline approval ref. 18/0410).

3.2 20/0495 – outline permission granted for the erection of 4 dwellings on land fronting Moss House Road.

3.3 18/0410 – outline permission granted for the erection of 14 dwellings on part of the current application site.

3.4 17/0095 – reserved matters approval granted for 422 dwellings on land at Moss House Road including part of the application site (Redwood Point). The remainder of the site at the time of this application was to be used by United Utilities as part of their wider drainage strategy for the area (application ref. 17/0105).

3.5 14/0480 – variation of condition approved to vary condition 15 on permission ref. 09/0740 (Redwood Point).

3.6 14/0052 – removal of condition application approved to remove condition 6 on permission ref. 09/0740 (Redwood Point).

3.7 13/0378 – reserved matters approval granted for 479 dwellings on land at Moss House Road including the application site (Redwood Point).

3.8 09/0740 – outline planning permission granted on appeal for the development of 584 dwellings on land at Moss House Road including the application site (Redwood Point).

#### **4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION**

##### **4.1 National Planning Policy Framework (NPPF)**

4.1.1 The National Planning Policy Framework was adopted in July 2021. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

##### **4.2 National Planning Practice Guidance (NPPG)**

4.2.1 The National Planning Practice Guidance expands upon and offers clarity on the points of policy set out in the NPPF.

##### **4.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Part 1)**

4.3.1 Part 1 was adopted in January 2016. The following policies are most relevant to this application:

- CS2: Housing Provision
- CS5: Connectivity
- CS6: Green Infrastructure
- CS7: Quality of Design
- CS9: Water Management
- CS10: Sustainable Design and Renewable and Low Carbon Energy
- CS11: Planning Obligations
- CS12: Sustainable Neighbourhoods
- CS13: Housing Mix, Density and Standards
- CS14: Affordable Housing
- CS15: Health and Education
- CS25: South Blackpool Housing Growth

##### **4.4 Blackpool Local Plan Part 2: Site Allocations & Development Management Policies (Part 2)**

4.4.1 Part 2 was adopted in February 2023. The following policies are most relevant to this application:

- DM1: Design Requirements for New Build Housing Developments
- DM17: Design Principles

- DM18: High Speed Broadband for New Developments
- DM21: Landscaping
- DM25: Public Art
- DM31: Surface Water Management
- DM35: Biodiversity
- DM36: Controlling Pollution and Contamination
- DM41: Transport Requirements for New Development
- DM42: Aerodrome Safeguarding

#### **4.5 Other Relevant documents, guidance and legislation**

- 4.5.1 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.
- 4.5.2 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high-quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community, and its ability to address the environmental issues affecting climate.
- 4.5.3 Department for Communities and Local Government National Technical Housing Standards – this document was published in March 2015 and sets out the national minimum standards for new homes. This partially supersedes some of the standards in the Council’s New Homes from Old Places Supplementary Planning Document guidance. Whilst new development in Blackpool is not yet required to fully meet these standards, they are nevertheless useful as an indication of quality.
- 4.5.4 Blackpool Council declared a Climate Change Emergency in June 2019 and is committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.
- 4.5.5 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:
- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
  - Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
  - Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
  - Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.
- 4.5.6 Greening Blackpool Supplementary Planning Document (SPD) - this document was adopted in May 2022 and sets out the green infrastructure and tree planting requirements for new development.
- 4.5.7 Affordable Housing Supplementary Planning Document (SPD) – this document was adopted in July 2023 and sets out the Council’s expectations with regard to affordable housing provision.
- 4.5.8 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, not requirement set out in statute, the Government’s clear intention is a material planning consideration. The Council

will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

## **5.0 CONSULTEE RESPONSES**

### **5.1 Natural England:**

5.1.1 Initial comment: a Habitats Regulations Assessment (HRA) screening is required to provide proportionate assessment of potential recreational disturbance impacts. The Council as competent authority must determine any likely significant effects, if none are anticipated there is no requirement for Natural England to be further consulted. If likely significant effects cannot be ruled out, an Appropriate Assessment will be required for which Natural England would be a statutory consultee. Natural England has standing advice with regard to protected species and you may wish to consult your own ecological advisors. Standing advice is also available on ancient woodland and veteran trees. It is for the Local Planning Authority to determine if this proposal is consistent with national and local policies on the natural environment, and use of specialist advisors is recommended.

5.1.2 Further comment: the Habitats Regulations Assessment screening undertaken by Greater Manchester Ecology Unit is not accepted. Whilst the development alone may not have any likely significant effects, it is expected to have in-combination effects. Recreational disturbance to internationally protected coastal sites is an issue across Lancashire, particularly through in-combination effects where additional housing triggers recreational visits and disturbance. The Habitats Regulations Assessment should include an in-combination assessment and if required should be taken to appropriate assessment stage.

5.1.3 Greater Manchester Ecology Unit refers to use of homeowner packs which is welcomed as best practice. Such packs can minimise recreational pressure through education. However, they are a mitigation measure that should be included at appropriate assessment stage and secured through planning condition. This approach has been taken by other Local Planning Authorities in the area and accords with some case law ruling.

### **5.2 Greater Manchester Ecology Unit (GMEU):**

5.2.1 Initial comment: the submitted information is based on reasonable effort and, whilst the survey time was sub-optimal, this is not an undue constraint and does not invalidate its findings. There is a building of negligible ecological value on site and the habitats are of local and limited biodiversity value. There is no reason to contradict the findings of the report and no further work is necessary.

5.2.2 The following conditions would be necessary:

- Tree protection of retained trees, hedgerows and shrubs
- Design of external lighting, particularly along northern and western boundaries
- No clearance of vegetation during nesting season unless nesting birds are demonstrated to be absent
- Provision made for movement of small mammals and amphibians in boundary treatments
- The headwalls and outflows to the attenuation pond should avoid creation of amphibian traps
- Biodiversity enhancement scheme to detail the quantum, specification and location of species specific features such as bat, bird or box boxes and amphibian hibernaculum, and secure provision

- Provision of explanatory homeowners pack to mitigate any potential impact upon the nature conservation values of the Cheshire to Lancashire Special Protection Areas / Ramsar designations.
- 5.2.3 With regard to landscaping, if the attenuation pond is to hold water in normal circumstances, alternative landscaping to that proposed would be appropriate. In addition, privet (*ligustrum vulgare*) is generally over-dominant in urban settings and so should be replaced with less aggressive hedgerow species. The submitted information only makes general recommendations for biodiversity net gain. Were the Council to require a metric calculation, a gain of 10% would be appropriate.
- 5.2.4 The information submitted does not consider the impact on internationally or nationally designated sites. Since leaving the EU, such sites have retained protection under UK law. The site falls within the Natural England Sites of Special Scientific Interest Impact Risk Zones for recreational disturbance to the Cheshire to Lancashire Coastal Special Protection Areas / Ramsar designations. Greater Manchester Ecology Unit is familiar with the conservation values of these designations and uses appropriate information to make assessments. The comments provided represent Greater Manchester Ecology Unit's State 1 Habitats Regulations Assessment (HRA) Screening Opinion to the Council. Whilst it is acknowledged that 25% of households (13 homes in this case) own dogs, there are open spaces on the site and in the locality other than the protected sites that could provide a daily walking option. As such this factor can be considered nugatory, i.e. indistinguishable from background variation. Equally a small number of residents could partake of activities that could cause disturbance. No reliable statistics are available but, given the comparatively small scale of the proposal, the impacts are anticipated to be nugatory, again indistinguishable from background variation. As such, recreational disturbance from the scheme would not represent a Likely Significant Effect. No further assessment under the Habitats Regulations is required. Nevertheless, as best practice, a condition is recommended to require the provision of explanatory homeowner packs.
- 5.2.5 Further consideration under the Habitats Regulations is not required. It can be demonstrated beyond reasonable scientific doubt that there will be no likely significant effect on nearby protected sites based on the objective information and analysis provided. Case law has established that significant effects do not need to be probable, a risk can be sufficient to trigger a requirement for further assessment, but there must be credible evidence that the risk must be real rather than hypothetical. In the case of the current proposal, there is no likely effect that is not nugatory meaning that any risk is therefore hypothetical. As such it is concluded that no further Habitats Regulations Assessment is required. This conclusion should be recorded and agreed by the final decision-maker, and Natural England should be made aware of this decision.
- 5.2.6 Officer comment: Greater Manchester Ecology Unit has been re-consulted based on the comments provided by Natural England who reject their Habitats Regulation Assessment screening. They have advised that ultimately it is for the Council as competent authority to make a final decision with regard to the need for a Habitats Regulation Assessment. Whilst Greater Manchester Ecology Unit has recommended that homeowner packs are secured, this recommendation is not intended as a mitigation measure implying that a likely significant effect has been identified. Instead it is merely recommended as best practice. Natural England has not provided any objective information nor pointed towards any additional data that may demonstrate that a significant effect is likely, they have instead taken the stance that any increase in population may result in a likely significant effect. Greater Manchester Ecology Unit has confirmed that it considers the impact in this case to

be nugatory. As such, no likely significant effect is anticipated.

- 5.3 **National Air Traffic Services:** the proposed development has been assessed and does not conflict with safeguarding criteria and so no objection is raised.
- 5.4 **Blackpool Airport:** no response received to date. Any response that is received in advance of the Committee meeting will be reported through the update note.
- 5.5 **Blackpool Teaching Hospitals NHS Foundation Trust** – with due reference to the relevant legislation, national policy and guidance, and Policy CS15 of the Core Strategy, contributions towards local health care provision from development are considered to be appropriate. The 52 dwellings proposed would support a population increase of 114 new residents based on an average occupancy of 2.2 people per dwelling. All of whom would need access to health services. Additional facilities and services are therefore needed to enable the NHS to accommodate the impact of the development. Until central funding can be obtained in 3 years to reflect population needs, a funding gap will exist. To cover this and mitigate impact, a financial contribution of £142,245 is requested. This should be secured through a S106 legal agreement. Performance and trajectory information has been provided as part of this request.  
Officer comment: given officer concerns with this request (see section 7.2 of this report), the Trust has not been re-consulted following the alteration to unit numbers).
- 5.6 **Blackpool Fylde and Wyre NHS Clinical Commissioning Group:** the development proposed would generate a requirement for 149 patient places. The site falls within the catchment of the Arnold and Abbey Dale Medical Centres. The need generated could only be met through reconfiguration of the existing premises. It would not trigger consideration of potential commissioning of a new general practice. As such, the development would warrant a payment of £40,856 to be paid upon commencement. Failure to secure such contribution would result in an objection to the proposal from the Clinical Commissioning Group.
- 5.7 **Local Education Authority:** no contribution towards local education provision required.
- 5.8 **Local Highways Authority:**
- 5.8.1 No objection is raised in relation to the principle or scale of development subject to appropriate and effective mitigation. It is assumed that internal roads and footways would be offered for adoption. The access would require works to Moss House Road and this would likely be secured through a Section 287 agreement.
- 5.8.2 Development in the area has progressively compromised the capacity of the area in comparison to the previously approved masterplan. The loss of the full approved masterplan road system means that the approved traffic distribution plan is not readily attainable. The approval of residential schemes without access to the road system would load additional traffic onto the eastern end of Moss House Road which is demonstrably unsatisfactory.
- 5.8.3 In this case it would be logical for the development to access Progress Way through the eastern arm of Redwood Boulevard. However, this does not appear to be achievable at present. Consequently traffic would have to use Moss House Road to reach either Midgeland Road or the western arm of Redwood Boulevard.
- 5.8.4 Traffic queues back along Midgeland Road from the Progress Way signals, and so allowing additional traffic, particularly large construction traffic onto Midgeland Road would not be

acceptable. Queued traffic would prevent a right turn onto Midgeland leaving an HGV exposed to conflict with northbound traffic accelerating away from the junction. Given the proximity, a HGV unable to turn would be well within the stopping distance of an oncoming vehicle. This section of Midgeland Road cannot be readily widened at reasonable cost. As such it is not feasible to increase the capacity of the junction and shorten the queue. Use of a 'keep clear' marking may work for an occasional small vehicle, but would not work for an HGV or more than one car. It would also reduce the capacity of the junction resulting in longer queues and more frequent problems.

- 5.8.5 The alternative is to route traffic along Moss House Road to the western arm of Redwood Boulevard, at least until such a time as the eastern arm could be opened. This would require a traffic management scheme that would include preventing development traffic from reaching Midgeland Road and traffic calming measures to limit speeds. This would need to be secured through condition. Upon opening of the eastern leg of Redwood Boulevard it would not be desirable to reopen a route through to Midgeland Road. This option would effectively replace the now defunct masterplan arrangement previously accepted by the Council.
- 5.8.6 Various issues of detailed highways design have been raised along with issues relating to the access in order to achieve adequate visibility splays and carriageway widths. These have since been resolved. A watercourse that formed the southern boundary to the site lies partly within the existing highway. Arrangements are agreed for the connection of this watercourse into appropriate systems and any necessary works can be carried out under Highways Act powers.
- 5.9 **Lead Local Flood Authority:** the proposal is to discharge into the combined sewer at a rate of 7.5l/s which United Utilities have agreed. This is acceptable. The submitted Flood Risk Assessment recommends further investigation to assess if the watercourse can be infilled. Plans are required to demonstrate that water flowing through this would be handled correctly without causing issues upstream. The standard conditions should be imposed with an additional note to advise that specific permission would be required from the Lead Local Flood Authority for the watercourse to be infilled, and details required of how the system would be diverted to improve drainage conditions for the site and areas connected to the watercourse.
- 5.10 **United Utilities:** a condition should be attached to any permission granted to ensure that drainage is carried out in accordance with the information submitted. The Environment Agency or Lead Local Flood Authority should be consulted as appropriate. All wastewater assets proposed for adoption must meet United Utilities standards and early engagement is recommended. A condition should be imposed to secure appropriate drainage maintenance. United Utilities will not permit building over or in close proximity to a water main and potentially not a sewer. It is the developer's responsibility to demonstrate the relationship between the development and any United Utilities assets and again early engagement is recommended.
- 5.11 **Environmental Protection (Environmental Quality):** based on the reports submitted a remediation strategy to deal with land contamination would be required prior to development.



5.12 **Head of Parks and Greens:**

5.12.1 Initial comment: the tree survey submitted covers the requirements. Regarding the landscaping plan, larger specimens such as oak, Scots pine and lime could be accommodated, particularly around the attenuation pond where small trees are currently proposed. Mitigation for any impact on bats and nesting birds should be incorporated into the build.

5.12.2 Further comment: the comments made in respect of ecology are useful and thorough and are entirely agreed. The tree protection specifications would meet the BS5837 requirements and should be conditioned. The revised landscaping plan includes larger specimens and an altered species mix, however, there is an over-reliance on privet within the hedgerow and the apple and blackthorn should also be replaced. Apple does not cope well within a hedgerow and regular pruning can cause cavities affecting growth and leading to gaps. Blackthorn produces suckers which, whilst creating dense growth in a woodland or rural hedgerow, could be problematic on site by invading adjacent gardens. Holly, yew, hawthorn, guelder rose and hornbeam would be a better mix.

5.13 **Marton Moss Neighbourhood Forum:** no response received to date. Any response that is received in advance of the Committee meeting will be reported through the update note.

**6.0 REPRESENTATIONS**

6.1 Press notice published: 8 February 2022

6.2 Site notice published: 26 January 2022

6.3 Neighbours notified: 24 January 2022

6.4 Lancashire Fire and Rescue Service have advised that the development would need to meet relevant building regulation and water pressure standards. These are not planning considerations.

6.5 Fifteen representations have been received from the following properties:

- Kensington Developments Limited
- Florence Avenue; 3
- Dockypool Lane; Tudor Lodge
- Kincardine Avenue; 22
- Moss House Road: 61, 63, 65 (x2), 75
- Redwood Avenue; 1, 2, 10, 12
- Redwood Boulevard: 7

6.6 These representations raise the following issues:

- Loss of light into garden areas (impact on health and well-being)
- Loss of privacy though overlooking
- Noise and disturbance during construction
- Noise and disturbance from the development
- Increased traffic, vehicle movements and congestion
- Increase in traffic using Moss House Road
- The bollards on Moss House Road should not be removed

- Impact on highway safety
- Moss House Road unsuitable for quantum of traffic proposed, the red edge should include Moss House Road up to the junction with the Kensington Development Ltd scheme so that access/egress can be taken from Redwood Boulevard;
- Consideration needs to be given to cumulative impact from development
- Existing traffic levels make it hard for vehicles to access the main highway network
- The bollards opposite no. 51 Moss House Road should be removed
- The bollards approved as part of the Kensington scheme should be relocated so that all development traffic is routed through Redwood Point to Progress Way
- Existing drainage is inadequate
- Impact on drainage (foul and surface water)
- Loss of open space for natural drainage
- Increased flood risk
- Impact on wildlife including otters, bats and nesting birds (buzzards and tawny owls)
- Lack of infrastructure on the Moss to support the new community
- There is a restrictive covenant in place on part of the site
- Notice was not served on Kensington Developments Ltd
- The infilling of dykes has resulted in vermin problems

6.7 These matters will variously been addressed in the assessment section of this report. The existence of legal covenants is not a material planning consideration but a private matter for resolution. Kensington Developments Ltd are aware of the scheme and have made representations that have been considered as part of the assessment process. As such, any failure on the part of the applicant to serve due notice is not considered to have resulted in prejudice. Any historic issues relating to previous development are not a material consideration in the assessment of the planning application.

## 7.0 ASSESSMENT

### 7.1 Principle

#### Allocation and site history

7.1.1 The application site falls within one of two defined South Blackpool Housing Growth areas. Together these areas are identified for the delivery of 750 new homes under Policy CS25 of the Core Strategy. This figure reflected provision of around 600 homes on land at Moss House Road and around 150 on the land at Whyndyke Farm. The figure of 150 remains approved at Whyndyke Farm but the number of houses on the land at Moss House Road (known as the Redwood Point scheme) has reduced markedly from 584 at outline stage to 479 in the first reserved matters application and 422 in the second. Even were this approved provision to be delivered in full across the wider site, it would clearly fall significantly short of the policy target.

7.1.2 Considering the application site in isolation, under the first reserved matters application for the Redwood Point scheme (ref. 13/0378) the area now constituting the application site would have delivered around 75 homes. This reduced to 35 as part of the second reserved matters application (ref. 17/0095) which excluded the areas of the site to the east and north. This is because at that time the land was identified for use by United Utilities as part of their wider drainage strategy for the area. Subsequently, an independent application, separate to the Redwood Point scheme, was submitted on part of the current application site in 2018 (ref. 18/0410) and reduced the number of units further to 14 (reserved matters

approval ref. 21/0804). Outline permission has also been granted for an infill development of just 4 properties on the land fronting Moss House Road (ref. 20/0495).

- 7.1.3 This history reflects the uncertainty relating to the completion of the Redwood Point scheme. Members will be aware that delivery of 86 units the approved Phase 2 has now transferred from Kensington Development Ltd to Elan Homes. Figure 1 below roughly shows how this site relates to the Redwood Point scheme. The orange represents Redwood Point Phase 1 and the blue the part of Phase 2 being delivered by Elan Homes. The green outline is the application site. Whilst the original permission remains extant, at the present time officer expectation is that no further element of the original Kensington scheme between the green and blue outlines will be delivered in accordance with the existing permission.

*Figure 1: Phases 1 (orange) and 2 (blue) of the approved Redwood Point scheme relative to the application site (green)*



#### Piecemeal development

- 7.1.4 As Members will be aware, the original Redwood Point scheme was for a comprehensive residential development across the wider Moss House Road lands to provide a new estate road network, public open space, shop and affordable housing.
- 7.1.5 Since the last major reserved matters approval was granted, a number of smaller schemes have been approved on land within the wider site, including on the application site. This application would also, arguably, represent piecemeal development as it does not form part of a wider, comprehensive scheme. However, Policy CS25 does not require development within the allocation to be delivered in accordance with a masterplan approach, and policies are in place to secure the necessary planning obligations and design features that would be necessary to make a scheme acceptable. When considered against Policy CS25, the current proposal for 52 dwellings represents a more effective use of the site than the approvals granted under refs. 17/0095, 18/0410, 20/0495 and 21/0840. It would contribute significantly to meeting the housing target as far as this is now possible. On this basis,

piecemeal development is considered to be acceptable subject to it not compromising housing delivery on the remaining lands in accordance with the allocation.

- 7.1.6 In this case, whilst the current proposal would prevent delivery of Redwood Point Phase 3 exactly as approved, it would not unduly compromise efficient and effective use of land to the west for residential development. However, highway impacts and meeting planning obligations will be key considerations.

#### Housing Land Supply

- 7.1.7 The latest housing land supply calculation identifies a need for 693 dwellings over the next five years including a 5% buffer. This equates to a provision of 139 dwellings per year. At present a deliverable supply of 1806 dwellings is identified. This would give a housing land supply of 13 years.
- 7.1.8 The total deliverable supply of 1806 dwellings includes an allowance of 146 units on the land at Moss House Road. This figure includes the 86 units being built-out by Elan Homes on Phase 2 of the Redwood Point scheme. It therefore assumes that a further 60 homes will be provided.
- 7.1.9 As above, officers do not anticipate any of the Redwood Point scheme beyond that being built by Elan Homes will be delivered.
- 7.1.10 The current proposal is for 52 dwellings and so, in any event, it would not deliver the 60 units identified in the latest housing land supply calculation. Nevertheless, even if the full 60 were discounted, Blackpool would still benefit from a 12.5 year housing land supply.
- 7.1.11 In light of the above, and notwithstanding the objectives of the Part 1 allocation of the site for housing development, the Council is not dependent upon this scheme in order to identify a five year housing land supply. Nevertheless, sites for residential development of this scale are scarce in Blackpool and so it is important that effective use is made of those that are available.

## **7.2 Planning Obligations**

#### Affordable Housing

- 7.2.1 Policy CS14 of the Core Strategy sets out a requirement for 30% affordable provision on housing developments of 15 dwellings or more. In this case this would equate to a requirement for 15 affordable dwellings. Policy CS14 notes that on-site provision will be secured where possible, with a financial contribution towards off-site provision only acceptable where the site is unsuitable or where this would better achieve Blackpool's regeneration objectives. Given the relative lack of affordable housing provision in this area and the scale of provision that should result from this scale of development, provision on site would be the preference in this instance. The Council's Affordable Housing Supplementary Planning Document expects 70% of all affordable housing provision to be in the form of affordable rent properties. This requirement is based on identified local needs. The development proposes provision of eight affordable housing units on site leaving a shortfall of seven. All would be made available for shared ownership or on an intermediate affordable basis at the applicant's discretion. A financial viability appraisal has been submitted to demonstrate that further provision, or provision of affordable rent properties is not possible. This will be discussed later in this report.

### Education

- 7.2.2 Policy CS15 of the Core Strategy makes provision for financial contributions to be secured towards local health care and education provision where necessary. The Council as Local Education Authority has confirmed that there is sufficient existing capacity in the area to meet the needs that would be generated by the development and so no contribution is sought towards local education provision.

### Healthcare

- 7.2.3 The Blackpool, Fylde and Wyre NHS Clinical Commissioning Group has applied their standard methodology to conclude that the development would generate a requirement for 149 patient places. As these could not be accommodated at existing facilities within a reasonable travel time, a financial contribution to enable two local medical centres, Arnold and Abbey Gate, to be reconfigured and expanded is needed. A contribution of £40,856 has been requested and would be secured through a S106 legal agreement in the event of planning permission being granted. A financial viability appraisal has been submitted to demonstrate that it is not possible for the development to fully meet its planning obligations. This will be discussed later in this report.
- 7.2.4 The Blackpool Teaching Hospitals NHS Foundation Trust has requested a contribution of £145,245. This contribution is required to plug the inevitable funding gap that would arise between the grant of planning permission and the next funding review that would take account of any population increase, which could be up to three years away. However, the figure requested is based on an assumption that all future occupants would represent population increase. Whilst the development may result in population increase on the Moss which could affect local surgeries, there is no evidence to suggest that it would result in population increase across Blackpool as a whole that could affect capacity at Blackpool Victoria Hospital. This is because the Office of National Statistics has predicted that the population of Blackpool will fall by 2.5% between 2016 and 2041. It is therefore very possible that future occupants would be existing Blackpool residents who have chosen to relocate to this area. On this basis, as the Trust has failed to adequately demonstrate that the contribution is necessary in order to make the development acceptable, it will not be sought.

### Public open space and green infrastructure

- 7.2.5 Policy CS6 of Part 1 requires new housing developments to include appropriate provision of green infrastructure. The required provision is calculated based on proposed dwelling sizes and is set out within the Greening Blackpool Supplementary Planning Document that was adopted in May 2022. This document specifies that the development as proposed would generate a requirement of 4,960sqm of public open space or an equivalent financial contribution of £122,164.80 as set out below:
- 2-bed = 72sqm or £1,773.36 = 504sqm or £12,413.52 for the 7 units proposed
  - 3-bed = 92sqm or £2,265.96 = 2,484sqm or £61,180.92 for the 27 units proposed
  - 4-bed+ = 116sqm or £2,857.08 = 2,088sqm or £51,427.44 for the 18 units proposed
  - Total of 5,076sq m or £125,021.88
- 7.2.6 When this application was originally submitted in December 2021, 'Supplementary Planning Guidance Note 11: Open space provision for new residential development and the funding

system' (1999) was in force. For comparison, this document would have required provision of 3,912sqm of public open space or £56,072 for the development proposed.

- 7.2.7 The plans submitted show an attenuation basin at the middle of the site that is intended to serve as both a sustainable drainage feature and a public open space. It is understood that this would largely be a dry basin that would only fill with water during storm events. This means that it could reasonably provide some open space value as long as appropriate measures (such as grilles or covers) were put in place to ensure that the outflow pipes would not pose a risk to public safety. This would have an area of some 880sqm excluding a pumping station that would be fenced-off and therefore inaccessible to members of the public. A second area of public open space of some 390sqm excluding a fenced-off electrical sub-station would be provided at the northern end of the site adjacent to Florence Street. This would offer the additional benefit of pedestrian connectivity through to Midgeland Road. Provision of play equipment on this space was shown on a plan as part of the viability debate but this has since been removed from the proposal on viability grounds.
- 7.2.8 Consequently, the total public open space provision on-site would be 1,270sqm. This would equate to a shortfall of 3,806sqm or an equivalent financial contribution of £93,741.78 (£24.63 per sqm). The Council's preference is for public open space to be provided within a development in order to ensure residents have easy access to green infrastructure and to avoid increased pressure on existing provision. There is relatively little public open space in this area and certainly nothing within easy walking distance for young children. Regardless of any financial contribution, therefore, the lack of public open space provision on site weighs notably against the application.
- 7.2.9 The Greening Blackpool Supplementary Planning Document also requires residential proposals of more than 3 units to provide two trees for each dwelling. For this proposal this would equate to a requirement for 104 trees. Any category A, B or C trees that are removed as a result of development must also be replaced on a 2-for-1 basis. This would generate a requirement for an additional 28 trees as 14 would be removed. This brings the total requirement to 132 trees. At present 46 trees are proposed on site giving a shortfall of 86. Where it is not possible for the full requirement of trees to be provided on-site, the Supplementary Planning Document permits a financial contribution of £1,000 per tree to be paid. This would generate a requirement for £86,000.
- 7.2.10 The public open space and tree planting requirements together require an overall financial contribution towards off-site green infrastructure in lieu of on-site provision of £182,741.78. As noted above, a financial viability appraisal has been submitted to demonstrate that it is not possible for the development to fully meet its planning obligations. This will be discussed later in this report.

### **7.3 Housing Mix**

- 7.3.1 The site is some 1.5 hectares in area. Policy CS13 expects sites of this size to provide a housing mix of at least 20% two-bed, 20% three-bed or larger, and no more than 10% one bed. No one-bed units are proposed. Only 13% of the properties would provide two bedrooms with 87% providing three or more. As such the proposal falls short of the requirements of Policy CS13. Given the general dominance of larger properties in the wider area (71% three-bed or more against national, regional and local averages of 61%, 63% and 59%), this weighs notably against the application.

## 7.4 Amenity Impact

7.4.1 The site falls within an area allocated for housing development and which is developing an increasingly urban, residential character. Although existing residents may be used to a quieter semi-rural environment, there is no reason to suppose that residential development of the type proposed would lead to unreasonable noise nuisance through activity or disturbance.

7.4.2 Were planning permission to be granted, a Construction Management Plan would be required through condition, and this would adequately safeguard against unreasonable impact on residential amenity during the construction phase.

7.4.3 In the context of ensuring an appropriate layout, the site is largely level. Generally speaking, the Council expects the following separation distances to be met in two-storey residential developments to safeguard levels of daylight, sunlight and privacy:

- front/rear-to-front/rear = 21m
- front/rear-to-side = 13m
- side-to-side = 2m

To achieve these separation distances, rear gardens are usually expected to be at least 10.5m in length.

7.4.4 These minimum separation distances are met between the proposed development and the existing properties fronting Midgeland Road and Moss House Road. At the northern end of the site, the properties adjoining those on Kincardine Avenue would all have rear gardens of around 9m-10m. Plots 32 and 33 would sit closest to the boundary but would sit at an oblique angle to the nearest property on Kincardine Avenue. As such and on balance, this relationship is considered acceptable.

7.4.5 Along the western boundary, four gardens would fall short of the minimum length by around 1m, with one falling short by around 1.8m (plot 51). At present the land to the west is undeveloped, but this shortfall against separation standards could impact upon future development and so still weighs against the proposal. Within the site, the separation distances are generally acceptable with shortfalls less than 1m where they exist. The front elevation of plot 25 would be separated from those of plots 38 and 39 by only 18m. This is unfortunate but it is accepted that expectations of privacy are generally reduced at the front of properties. Overall, the proposal is not considered to raise any unacceptable issues of over-looking or over-shadowing.

7.4.6 All properties would have private amenity space to the rear. Where terraces are proposed, the central property would have an access pathway to take bins from the rear garden to the front for presentation for collection. It is likely that the properties on plots 27-31 would present bins along the edge of the public open space which would not be ideal but the visual impact would only be occasional. Properties 34 to 36 would be able to present bins against the landscaped buffers but one of the spaces serving no. 36 would be at risk of being blocked. This is unfortunate but would likely be managed sufficiently by the occupiers. Bin drag distances for plots 34 and 35 would exceed the Building Regulations maximum of 25m. Plots 28-31 would suffer greater drag distances to the intended adopted highway but it is likely that refuse wagons would access the shared driveway.

7.4.7 Policy DM1 of Part 2 requires 20% of new-build properties in a development to meet the nationally described space standards. This standard is met as six house types accounting for 23 properties or 44% of the total meet the minimum requirements. It is noted that not all

house types have dedicated storage provision. However, sufficient properties surpass the minimum standards sufficiently for adequate storage to be available. All habitable rooms would benefit from windows providing appropriate levels of outlook and daylight. As such, the scheme would offer a satisfactory standard of amenity for future residents.

- 7.4.8 Policy DM1 also requires 10% of properties to be designed to be accessible and adaptable or suitable for wheelchair users in accordance with standards M4(2) or M4(3) of the Building Regulations. Clarification has been sought as to whether or not any of the properties meet these standards. If a response is received in advance of the Committee meeting, it will be reported through the update note.
- 7.4.9 Policy DM18 requires all new development proposals to demonstrate how they would provide future occupants with potential for full fibre broadband connectivity. No such information has been submitted. However, it is understood that this is now a requirement of the Building Regulations in respect of residential accommodation, and so this matter is satisfactorily addressed.

## **7.5 Visual Impact**

- 7.5.1 The site is currently undeveloped with trees lining the Moss House Road frontage. As such the scheme would inevitably have a significant visual impact. However, the surrounding area is not considered to be visually sensitive and permission has already been granted for residential development on much of the site, including the frontage. The visual acceptability of the scheme therefore comes down to matters of detailed design.
- 7.5.2 Policy DM1 of Part 2 expects new housing designs to respond well to local character and distinctiveness and integrate well into existing development. Policy DM17 echoes this expectation and sets out further criteria that should be achieved to deliver a high-quality development. These relate to appropriate building lines, scale, materials, landscaping, security, architectural style and rhythm. Particular reference is made to the need to ensure that frontages are not dominated by car parking. The National Planning Policy Framework, National Planning Practice Guidance and national design guides equally stress the importance and characteristic of good design and paragraph 131 of the National Planning Policy Framework emphasizes the importance of trees. This paragraph requires new streets to be tree-lined.
- 7.5.3 Moss House Road and the immediate vicinity does not have a strong prevailing architectural character either in terms of design or materials. A range of house types are evident nearby. More traditional properties bound the site to the east and north-east, with a relatively modern housing estate sitting to the north-west. There are more traditional properties of various styles along Moss House Road, with the very recent house types delivered by Kensington Developments and more recently Elan Homes beyond to the south and west.
- 7.5.4 The properties proposed would all be two storey with dual-pitched roofs incorporating both hips and gable ends. All properties, even the most basic, would incorporate some architectural detailing such as canopies over front doors and stone headers and sills around windows. The larger properties variously include small pikes over first floor windows, bay windows and gable projections. A materials palette has been proposed which comprises slate grey or cottage red roof tiles, and a mix of brick types and render. Contrasting bricks, either buff or smooth red, would be used to pick out detailing. Fenestration framing and trims would be white with garage doors, rainwater goods and boarding in black. Overall these materials would provide appropriate visual interest. They would give the development



an identity without it appearing at odds in the setting. As such they are considered to be acceptable.

- 7.5.5 The submitted surfacing layout plan needs to be updated to tally with the latest site layout plan but nevertheless shows that the main estate carriageway, the footway and the driveways would all be finished in black tarmac or asphalt. The accessway along the eastern side of the site would include red chippings and sit beyond a block paved rumble strip to provide visual contrast. It is assumed but not stated that concrete cast kerbing would be used around the site. Concrete cast pin kerbs could also be used to delineate driveways and parking spaces. The extensive use of tarmac and asphalt offers little visual interest and does not assist in providing an engaging streetscene. However, it is increasingly recognised that use of other materials, such as tarmac incorporating coloured chippings, raises maintenance issues and often results in mismatched patching in the long-term. Private paths would be flagged and front gardens grassed which is acceptable. Rear gardens would be top-soiled ready for future home-owners to landscape. As these areas would not be visible from public vantage points, no unacceptable visual impact would arise. Overall the proposed surfacing materials are considered to be acceptable but further detail would need to be secured through condition were planning permission to be granted.
- 7.5.6 In terms of boundary treatments, street frontages would largely be open plan with few fences or walls evident. Screen walls are proposed around four gardens that would face onto either the main estate road or the public open space. Low knee rails are proposed around the open space areas and 1.8m high close-boarded fencing is proposed along the site boundaries. Between rear gardens, 0.9m post and rail fencing is proposed. This would not offer any privacy to residents and so is not acceptable. However, an alternative solution could be secured by condition.
- 7.5.7 At the front of the site, the properties fronting Moss House Road would largely follow the building line established by the houses to the west. They would sit forward of the house at no. 71 but would roughly align with those further east. No other building lines would be affected.
- 7.5.8 In terms of landscaping, the existing trees along the Moss House Road frontage contribute positively towards the quality and appearance of the immediate streetscene and reference its former semi-rural character. The loss of this green infrastructure would be unfortunate but it must be recognised that these trees would equally be lost through implementation of the extant planning permissions. Whilst a number of trees are proposed around the development, it is not considered that the resulting streets could be described as tree-lined.
- 7.5.9 Along the main estate road, four trees in a narrow strip adjacent to the access, eight across the two areas of open space, and a further five could be subject to estate management. The remaining fourteen trees would be located in private front gardens within small areas of landscaping. The tight arrangement of the site would require these trees to be relatively small, however their proximity to the dwellings may still result in pressure for removal in the future. In-line with the approach taken by most Lancashire Authorities, the Council's standard condition only requires the retention of a tree for 7 years post determination. The Council can only ensure long-term control over tree retention when trees are planted within the bounds of adopted highway. The National Planning Policy Framework requirement merely states that trees should be tree-lined. However, the National Model Design Code is more prescriptive and expects all new streets to include street-trees, implying that the trees should sit within the confines of the street. This is further backed up by recent appeal decisions where Inspectors have not accepted trees within front gardens as amounting to a

truly tree-lined street. Against this context, it is not considered that the scheme meets the National Planning Policy Framework requirement for tree-lined streets. This weighs against the application.

- 7.5.10 Policy DM1 stipulates that no more than 50% of a front garden area should be taken up by car parking. This policy expectation would be breached across the development with only ten of the fifty-two properties being compliant. Whilst some additional trees have been introduced since first submission, the streets of the development could not be considered to be truly tree lined. Furthermore, and as above, the majority of trees would sit in front gardens in reasonably close proximity to the front elevations of properties meaning there may be pressure for removal in the future. A planning permission can only safeguard the retention of a tree on private land for seven years. Whilst it is recognised that the DM1 requirements were introduced after this application had been submitted, they are nevertheless in place at the point of determination and so must be applied. The conflict with this policy and the over-domination of property frontages by hard-surfaced car parking weighs notably against the application.
- 7.5.11 A Management Areas plan has been submitted but no longer tallies with the proposed site layout plan. This shows that the two areas of public open space and the strip of landscaping along the boundary with no. 65 Moss House Road would be subject to estate management. It is also proposed that the main estate roads would be adopted as public highway. This is appropriate and acceptable. However, two shared driveways are marked as being proposed for private residential ownership. This is not considered to be a suitable arrangement. These areas should be included as estate management areas to ensure that they are well-maintained. This could also be resolved through condition.

## **7.6 Access, highway safety, parking and sustainable travel**

- 7.6.1 The development would take vehicular access from Moss House Road. The Head of Highways and Traffic Management Services initially raised some concerns regarding the geometry of the junction between the site and Moss House Road. However, these have since been resolved and an access plan has been provided which is considered to be acceptable.
- 7.6.2 Members may recall that a circular estate road was proposed as part of the wider Redwood Point scheme. This would have taken all vehicular traffic from the development out onto Progress Way, by using bollards on Moss House Road to block egress from the estate road out onto Midgeland Road or Common Edge Road.
- 7.6.3 This estate road has been constructed to the south of Moss House Road but Kensington Developments Ltd have erected bollards across the estate road arm closest to the application site. This stretch of road has not yet been adopted as highway. As such and at present, vehicular egress from the application site out onto the wider road network is currently only possible either by turning left onto Moss House Road and then onto Midgeland Road; or by turning right, travelling along the majority of Moss House Road, and egressing onto Progress Way via the western arm of the estate road.
- 7.6.4 The junction of Midgeland Road and Progress Way already operates at capacity with queues along Midgeland Road. Due consideration has been given to the scale of development, likely trip generation and likely desire routes. It is anticipated that a significant number of vehicular movements from the site would be towards Progress Way. Midgeland Road cannot readily be widened at reasonable cost and so it is not considered feasible to increase the

capacity of the junction and shorten queue length. Once operational, the development would not have a severe impact upon highway function, but motorists may experience lengthy wait times when trying to turn right onto Midgeland Road. Whilst a 'keep clear' box could be provided to enable cars egressing Moss House Road to turn right onto Midgeland Road, this would further reduce capacity at the signal junction and would not address the issue of more than one car waiting to turn. However, and more significantly, it would not be possible to provide a 'keep clear' box of sufficient length to accommodate a turning HGV. Construction traffic is a serious concern. An HGV that was unable to complete a turn out onto Midgeland Road would block the road well within the sight-stopping-distance of oncoming vehicles travelling north from the junction. This is considered to present an unacceptable risk to highway safety.

- 7.6.5 In light of the potential for conflict at the Midgeland Road junction, officer preference is that vehicles egressing the site would turn right and travel along Moss House Road to reach Progress Way via the western arm of the estate road. This would require widening and improvement works to Moss House Road. It is anticipated that these works would cost in the region of £30,000. Were the Council minded to support the scheme, these works would be secured through planning condition. Subject to such a condition, it is anticipated that the development could be delivered without detriment to highway capacity, function or safety.
- 7.6.6 Egress via the estate road arm nearest to the site would only be possible when Kensington Developments Ltd offered the road up for highway adoption. Rather than upgrade Moss House Road to enable traffic to egress via the western arm of the estate road, the applicant may wish to liaise with Kensington Developments Ltd to investigate the potential to have the bollards removed and the eastern arm of the estate road adopted and opened up for use. If any such agreement is reached in advance of the Committee meeting, Members will be informed through the Update Note.
- 7.6.7 Within the site, the Head of Highways and Traffic Management Services has again raised a number of concerns and made recommendations for amendments. Revised plans have been requested and received showing these changes and the Head of Highways and Traffic Management Services is now satisfied with the layout.
- 7.6.8 In terms of car parking, Policy DM41 of Part 2 requires provision in accordance with Appendix D1 of that document. This stipulates that 2-3 bedroom properties should provide 2 parking spaces, and that properties of 4 bedrooms or more should provide 3 parking spaces. Policy DM1 states that a driveway parking space must measure at least 5.5m x 3m, that a garage must have internal dimensions of 6m x 3m, and that car parking spaces should be provided at the side of dwellings if not integral. Where no garage is provided, dedicated secure cycle storage is required.
- 7.6.9 All properties would meet the minimum standards in terms of the number of parking spaces provided. However, a significant number would fall short of the minimum prescribed parking space size standards as set out in Part 2. This weighs against the proposal, especially as the site is not particularly accessible and the estate roads would not support on-street parking.
- 7.6.11 None of the properties without garages are shown as having secure external cycle storage. None of the properties provide appropriate internal cycle storage. However, were the Council minded to grant planning permission for the scheme, it is considered that this could be satisfactorily addressed through condition.

## **7.7 Drainage and Flood Risk**

- 7.7.1 The site falls within flood zone 1 and is over 1ha in area. As such, no demonstration of compliance with the sequential or exception tests is necessary, but a site-specific flood risk assessment is required. Drainage proposals and a drainage maintenance plan has also been submitted. An attenuation basin is proposed in the centre of the site as part of the public open space. The information submitted has been considered by United Utilities and the Council as Lead Local Flood Authority.
- 7.7.2 The application proposes discharge of surface-water from the site into the combined sewer at a rate of 7.5l/s. This has been agreed by United Utilities and is considered to be acceptable. However, there is a watercourse along the southern boundary of the site and the applicant will need to demonstrate that infilling this watercourse would not have a detrimental impact upon site drainage. Furthermore, the submitted sections and ridge heights plans would appear to indicate that land levels would be raised by around 900m. Further information has been requested and subsequently provided on this matter. The Council's Drainage Officer has been reconsulted and any comments received will be reported through the update note. It is anticipated that the additional information provided will address the concerns previously made. However, if this is not the case the officer recommendation may have to be reconsidered.

## **7.8 Biodiversity and green infrastructure**

- 7.8.1 The site is greenfield land containing trees and hedgerows. As such a preliminary ecological appraisal has been submitted and appropriate advice sought. Whilst formal requirements for Biodiversity Net Gain (BNG) are not yet in place, Policy DM35 and the Greening Blackpool SPD expect all developments to follow the mitigation hierarchy. This seeks to avoid impact, mitigate any impact that cannot be avoided, and then compensate for any impact that cannot be mitigated. All development proposals are expected to demonstrate biodiversity net gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 7.8.2 In order to comply with the Habitats Regulations, a screening assessment is required to determine if a full appropriate assessment is necessary. Natural England and Greater Manchester Ecology Unit have both been consulted on the application. Greater Manchester Ecology Unit, on behalf of the Council, has concluded that, whilst the site falls within the identified impact risk zones for recreational disturbance, any such impact from this development would be nugatory, or indistinguishable from background variation. Consequently, no Likely Significant Effects on the conservation values of the nearby protected sites are anticipated and no further assessment is required. However, as best practice, Greater Manchester Ecology Unit has recommended that homeowner education packs are secured through condition should planning permission be granted.
- 7.8.3 Natural England does not accept this conclusion on the basis that in-combination effects have not been properly considered and because the issuing of homeowner education packs is a mitigation measure that indicates a Likely Significant Effect.
- 7.8.4 Greater Manchester Ecology Unit has responded to confirm that the homeowner education packs are recommended as best practice not mitigation. They advise that no credible evidence is available to indicate a Likely Significant Effect and that risk must be real rather than hypothetical to trigger an appropriate assessment. As the effect in this case would be nugatory, any risk must be hypothetical. Greater Manchester Ecology Unit has advised that it

is ultimately for the Council as competent authority to make a final decision with regard to the need for an Habitats Regulations Assessment and that it can be demonstrated beyond reasonable scientific doubt that there will be no Likely Significant Effect on nearby protected sites based on the objective information and analysis provided. On this basis, officers consider that the requirements of the Habitats Regulations have been satisfied.

- 7.8.5 With regard to the biodiversity and green infrastructure of the site itself, Greater Manchester Ecology Unit considers the information submitted to be acceptable. It has concluded that the building on site has negligible ecological value and the habitats are of local and limited biodiversity value. No further work is necessary but various conditions are recommended in the event that a permission is granted in order to protect biodiversity and provide ecological enhancement. Whilst Council policies currently do not stipulate a minimum biodiversity net gain requirement, Greater Manchester Ecology Unit advises that a 10% gain would be appropriate as that is what is expected to be required by the legislation to be introduced in November. However, as this requirement is not yet in place, it is not considered that a refusal on this basis could be easily defended. The provision of an attenuation drainage basin is likely to provide some opportunity for biodiversity net gain given the existing low value of the site. Nevertheless, the lack of green infrastructure and biodiversity net gain weighs somewhat against the proposal, and it would be particularly important to ensure that any approved landscaping scheme would deliver as strong a species mix as possible.

## **7.9 Sustainable design**

- 7.9.1 Policy DM1 requires new housing developments to have explored the potential for renewable low-carbon energy generation, and expects the design and orientation of roofs to assist with the siting and efficient operation of solar technology. Likewise, dwellings should be oriented to minimise energy consumption. To minimise water use, a 200 litre water butt is required for each property.
- 7.9.2 A Sustainability Statement has been submitted. This states that all houses would adhere to the 2021 Building Regulations. Renewable energy options would include photovoltaic panel provision alongside traditional heating, or installation of air source heat pumps. The statement notes that the applicant routinely focuses on sustainable design principles to reduce energy consumption, ensure efficient ventilation and reduce water use. Electric vehicle charging points would be provided.
- 7.9.3 The shape, orientation and access point to the site largely dictate the orientation of the properties. Consequently the majority of properties face towards the east or west. Most property types would have gabled ends, meaning that only around 35% would have a south-facing roof for solar technology. These are also generally the smaller properties. Nevertheless, given the nature of the site, it is not considered that a substantively more energy efficient layout could be achieved.
- 7.9.4 All of the properties would have a rear garden of sufficient size to accommodate a water butt. To minimise water usage, and were planning permission to be granted, water butt provision could be secured through condition.
- 7.9.5 Given the information submitted and mindful of the viability constraints of the site, it is felt that due regard has been given to sustainable design.

## **7.10 Environmental quality**

- 7.10.1 The site is not in a particularly accessible location and so it is likely that most occupants will rely on private car use. However, the area is not a concern with regard to air quality and so no unacceptable impacts are anticipated. It is considered that air quality could be adequately safeguarded during the construction period through the agreement of a Construction Management Plan.
- 7.10.2 There is no reason to suppose that the development if finished would impact upon water quality subject to the agreement and implementation of an appropriate drainage system. Equally, the agreement of a Construction Management Plan would adequately safeguard water quality during the construction period.
- 7.10.3 With regard to land contamination, the information submitted has been considered by the Council's Environmental Protection team. The reports submitted have been agreed and a remediation strategy would be needed to deal with land contamination. This could be secured through condition were planning permission to be granted.

## **7.11 Consideration of development viability**

- 7.11.1 Section 7.2 of this report sets out the planning obligations required in respect of this scheme. The applicant has submitted a financial viability appraisal in support of their application to demonstrate that it would not be financially viable for them to deliver the proposal and provide the full suite of planning obligations. This has been independently assessed on behalf of the Council by Continuum.
- 7.11.2 The applicant's viability appraisal makes allowance for payment of £38,390 towards local healthcare and £44,781 towards public open space provision. This equates to a total of £83,171. This falls short of the requirements set out under section 7.2 by £153,427. It also allows for £20,000 towards off-site highway works against the expected requirement of £30,000.
- 7.11.3 A financial viability assessment essentially considers the costs (including profit margin) of delivering a development against the anticipated value of the development based on returns from sales. This outputs a Residual Land Value which is then compared against a policy compliant Benchmark Land Value (minimum aspirational return to landowner). Costs are split into standard build costs, abnormal costs, finance costs, fees, aspirational profit margin and planning costs. The anticipated values are derived from comparable sales data. A viability appraisal should not be applicant-specific and so the costs applied must reflect what the market would reasonably incur for the scale of development on the site regardless of who would implement it. There is extensive and specific guidance within the National Planning Practice Guidance which explains how viability appraisals should be undertaken and assessed in respect of development proposals for the purposes of planning decision-making. Continuum has also taken account of numerous relevant planning appeal decisions where viability has been a central consideration.
- 7.11.4 Very extensive discussions have taken place between the viability consultants on both sides. The applicant has submitted two detailed Cost Plans produced by cost consultants, and this has equally been considered on behalf of the Council by a cost consultant appointed by Continuum.

- 7.11.5 Based on the applicant's final figures, the scheme would generate a 5% profit margin on Gross Development Value (GDV) for the scheme without any affordable housing. The applicant has argued that they require an 18% profit margin. Generally speaking, the accepted minimum level for developer profit is 15%. As such, a 5% return would call into question the viability of any development on the site. In other words, if the applicant's figures are to be relied upon, it is unclear why they would wish to pursue an application for planning permission.
- 7.11.6 In terms of the end value, sales values were presented in May 2022 and were agreed by Continuum. Since then, the Land Registry House Price Index has risen by around 8%, but the applicant has now argued that lower sales values should now apply compared to their previous May 2022 assessment. However, Continuum have advised that insufficient detailed evidence has been provided to support this assertion. Considering the adjacent development being delivered by Elan Homes, and making adjustments to reflect the different house types proposed, Continuum maintain that the May 2022 values originally agreed between parties, remains valid.
- 7.11.7 With regard to abnormal costs, Continuum and their appointed cost consultants have challenged the figures presented in relation to piling, ground heave allowance, remediation, membrane provision, dealing with surcharge materials and the provision of the roads, driveways and attenuation pond. The potential abnormal cost savings identified amount to £572,762.
- 7.11.8 There has been significant debate over standard build costs. The viability consultant engaged by the applicant originally stipulated a build cost of £115/sqft. The applicant then submitted information from a cost consultant that increased the build cost to £130/sqft. This figure was agreed by the cost consultants appointed by the Council, but Continuum identified flaws with this assessment and therefore consider the original cost of £115/sqft to be the most appropriate. This lower figure is corroborated by the viability assessment underpinning Local Plan Part 2 which was undertaken in July 2020 which when indexed to today's value has a standard build cost of £108.30/sqft.
- 7.11.9 There is also a disagreement over an appropriate Benchmark Land Value for the subject site. The National Planning Practice Guidance on Viability is clear how the Benchmark Land Value should be estimated which is based on Existing Use Value plus a premium to incentivise the landowner to sell their land. The premium should reflect abnormal costs and the cost of policy compliance. The applicant's viability consultant argues that the Benchmark Land Value should be £577,000 (£10,000 per acre Existing Use Value and 15 times multiplier premium). Continuum argue that the Benchmark Land Value should be considerably less at £181,000 based on appeal decisions and the National Planning Practice Guidance (£5,000 per acre Existing Use Value and 10 times premium applied to net acres). Continuum argue that the site has very high abnormal costs and therefore a lower premium is required to reflect this as per the National Planning Practice Guidance.
- 7.11.10 Policy CS13 requires new housing schemes to provide affordable housing equivalent to 30% of the total development. The viability assessment for Local Plan Part 2 (July 2020) concluded that schemes of this scale on suburban greenfield sites such as this should be able to support 20% affordable housing provision along with a small surplus. However, value increases have significantly outstripped cost increases since 2020, and so Continuum maintain that the full affordable housing requirement of 30% could be viably provided even if Part 2 standards were imposed based on the Local Plan viability assessment inputs.

7.11.11 Overall, if the build cost of £115/sqft is applied as Continuum advise, the scheme should be able to provide the full requirement of affordable housing regardless of whether or not the Part 2 policies are adhered to. If a build cost of £130/sqft is applied, which Continuum do not believe is justified, at least 20% affordable housing provision should be possible if Part 2 requirements are not rigorously imposed.

## **7.12 Consideration of the planning balance**

7.12.1 The National Planning Policy Framework is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainability comprises economic, environmental and social components.

7.12.2 Whilst the scheme would deliver a range of benefits, as can be seen from the assessment above, the scheme fails against a number of national and local Part 1 and Part 2 requirements.

7.12.3 Economically the scheme would generate employment during the construction phase and residents would help to support local shops and services during the operational phase. However, this would be true for any residential development of the site and so does not weigh materially in the planning balance.

7.12.4 Environmentally, subject to conditions, it is considered that satisfactory biodiversity net gains could be delivered through the scheme and that no detrimental impact on air, land or water quality would result. It is anticipated that an acceptable drainage solution could be agreed. However, the proposal would not meet the government's expectations for tree-lined streets and would not provide sufficient trees in accordance with the Council's Greening Blackpool Supplementary Planning Document to support the Council's Green Infrastructure Strategy. More than 50% of the majority of front gardens would be hard-surfaced in contravention of Policy DM1. This weighs notably against the proposal.

7.12.5 Socially, the proposal would deliver housing on a strategic housing site in accordance with Policies CS2 and CS25. However, the Council currently has a comfortable housing land supply removing any imperative for this site to be developed in the short term. The housing mix does not accord with Policy CS13. The scheme fails to provide appropriate levels of affordable housing or public open space to meet the needs of future residents. This weighs very significantly against the application. The homes proposed would offer an acceptable level of residential amenity and it is considered that the development could be delivered without detriment to flood risk or highway safety, but these are standard expectations that weigh neutrally in the planning balance. Whilst parking provision would adequate in quantitative terms, it would not meet the qualitative space standards of Part 2. This weighs against the application.

7.12.6 The applicant has submitted financial viability information seeking to demonstrate that is not possible for the development to meet the relevant planning obligations and planning policy requirements. Since first submission of this information, and over a very significant timescale of discussions and negotiations, the applicant managed to move from a position of offering no affordable housing, to offering 15%.

7.12.7 Throughout the viability discussions, officers have been mindful of the need to find a pragmatic solution to enable a planning permission to be granted if possible. Continuum maintain that full 30% affordable housing provision could be delivered if the lower build costs are applied. If the higher build costs are used, 20% affordable housing should be



deliverable. Both options are in addition to the £83k planning obligation contribution and £20k off-site highway works contribution budgeted for by the applicant. Whilst Continuum have understandably focused upon the financial credentials of this site and application in isolation, officers must consider the contribution this scheme could make towards achieving the Council's wider planning strategy. The site is allocated for major housing development, and Blackpool has few large sites available for housing delivery. The proposal would make a more efficient and effective use of land than previous permissions granted since the wider Kensington Developments Ltd scheme was approved.

7.12.8 In light of the above and on balance, the offer of 15% affordable housing provision is considered to be sufficient concession on the part of the applicant and acceptable. Overall, including the provision of 15% affordable housing and £113k towards planning obligations and the necessary off-site highway works, the scheme is considered to offer sufficient benefits to out-weigh the concerns detailed throughout this report in terms of the shortfalls against policy requirements. It is acknowledged, however, that the planning balance in this case has been extremely fine. Nevertheless, officers are prepared to conclude that the scheme represents sustainable development and that planning permission should be granted.

### **7.13 General considerations**

7.13.1 The application 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 (as amended).

7.13.2 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

7.13.3 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

## **8.0 FINANCIAL CONSIDERATIONS**

8.1 The scheme would result in Council Tax revenue for the Council but this is not a material planning consideration and carries no weight in the planning balance.

## **9.0 BLACKPOOL COUNCIL PLAN 2019-2024**

9.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience'.

9.2 The second priority is considered to be most relevant to this application. On balance this proposal sufficiently accords with this priority as detailed above.

## 10.0 CONCLUSION

- 10.1 In light of the above, the proposal is considered to represent sustainable development and no other material planning considerations have been identified that would outweigh this view.

## 11.0 RECOMMENDATION

- 11.1 Accept the conclusion of Greater Manchester Ecology Unit that there is no need for an appropriate assessment under the Habitats Regulations.
- 11.2 Resolve to support the proposal and delegate the application to the Head of Development Management for the grant of planning permission subject to the following:
- Confirmation of no substantive objection from the Council’s Drainage Officer
  - Confirmation of no substantive objection from the Council’s Strategic Housing Manager
  - Completion of a S106 legal agreement to secure the following contributions:
    - £30,000 towards off-site highway works
    - £40,856 towards local health care provision
    - £42,315 towards local public open space improvement or provision
  - The conditions listed below:

### General

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

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

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

TO BE DETAILED THROUGH THE UPDATE NOTE ONCE FINAL APPROVED PLAN REFERENCES ARE ESTABLISHED.

The development shall thereafter be retained and maintained in accordance with these approved details.

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

3. The accommodation shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose.

Reason: In order to safeguard the living conditions of the occupants of nearby residential properties and the character of the area in accordance with Policies CS7, CS12 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

## Design

4. The external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

5. The surfacing materials to be used in the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying down of any final surfacing and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

6. The windows and doors hereby approved shall be recessed behind the front face of the elevation in which they are set by 70mm or one brick width, whichever is the greater.

Reason: In order to secure appropriate visual articulation and interest in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

7. Notwithstanding the information submitted, prior to the commencement of any above ground construction, a scheme for the provision of boundary treatments to include their position, height, materials and design, shall be submitted to and agreed in writing by the Local Planning Authority. These agreed boundary treatments shall then be provided in full and in full accordance with the approved details before the proposal hereby approved is first brought into use.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no walls, fences or gates shall be erected within any part of the curtilage of any dwellinghouse that is forward of the front building line of that dwellinghouse.

Reason: The development has been designed around an open-plan layout and the erection of a variety of different boundary treatments would significantly detract from the quality, character and appearance of the streetscene. This condition is therefore required in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and

Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no hardstanding shall be installed within curtilage of the dwelling-house forward of the front elevation of the dwelling-house.

Reason: In order to maintain soft landscaping in the interests of the appearance of the site and streetscene and in the interests of sustainable surface-water drainage in accordance with the provisions of Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 Policies DM17, DM21 and DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

### **Ecology and green infrastructure**

10. (a) Prior to the commencement of development a plan to identify those areas of the site proposed to form residential curtilage for management and maintenance by home-occupiers, and those areas proposed to be managed and maintained by an estate management entity shall be submitted to and agreed in writing by the Local Planning Authority.
- (b) Prior to any property hereby approved being first occupied, an Estate Management Plan plan for the management and maintenance of any landscaped areas of the site approved management by an estate management entity shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:
- Identify the estate management entity and arrangements for management and maintenance in perpetuity for so long as the properties are occupied (e.g. Site Management Company)
  - Set out a regime/timetable for inspections and regular maintenance works
  - Explain how issues can be reported, assessed and resolved
- (c) The Estate Management Plan hereby approved shall be implemented in full at all times when any part of the area to which it relates is occupied or in use.

Reason: In order to ensure that communal landscaped areas are appropriately managed and maintained in the interests of visual amenity, biodiversity and environmental quality, in accordance with the provisions of Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM1, DM17, DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

11. No trees or hedgerows shall be felled or cleared during the main bird nesting season (March to September inclusive) unless written confirmation of the absence of nesting birds by a suitably qualified and experienced ecologist has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

12. a) Prior to the commencement of any development on site, a tree and hedgerow protection plan shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details.

For the purpose of this condition, this protection plan shall:

- (i) identify the trees and hedgerows to be retained on or adjacent to the site;
- (ii) detail the position, height and format of protective fencing to be erected around the trees/hedgerows to be retained; and
- (iii) confirm that no excavation, materials storage, waste disposal or other activities shall take place within the fenced-off area.

(b) The protective fencing agreed pursuant to part (a) of this condition shall remain in place for the duration of the site preparation and demolition and/or construction period.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees and/or hedgerows growing within or adjacent to the site which are of amenity value to the area, in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

13. (a) Prior to the first occupation or use of the development hereby approved, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities;

(b) The landscaping scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details either prior to occupation or within the first planting season following first occupation; and

(c) Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that 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 in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

14. The development hereby approved shall proceed in full accordance with the recommendations set out in the Envirotech ecological appraisal ref. 7639 dated 10th November 2021.

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

15. The following measures shall be adhered to throughout the demolition/construction period of the development hereby approved:

- all materials will be covered and stored on raised pallets only
  - means of escape for amphibians and small mammals shall be provided from any excavation (i.e. solid plank providing access from the base of the excavation to ground level)
  - construction and storage areas to be inspected at the start of each working day for amphibians and small mammals
  - in the event that a protected species is found on site, works should immediately cease and a suitably qualified and experienced ecologist consulted
  - any non-protected species found on site should be carefully removed and placed under cover on the other side of the site boundary.
- The headwalls and outflows to the attenuation pond should avoid creation of amphibian traps

Reason: In order to safeguard biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

16. Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

Reason: In the interest of the appearance of the site and locality, to safeguard the amenities of residents and to minimise any potential impacts on biodiversity in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17, DM21, DM35 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

17. Notwithstanding the information provided, prior to the commencement of any above ground construction, a scheme of ecological protection and enhancement shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with this approved scheme. For the purpose of this condition, the scheme of ecological protection and enhancement shall include:

- Provision to bolster existing hedgerows with native species
- Provision of bird and bat boxes to include number, specification and location
- Provision of amphibian hibernaculum to include number, specification and location
- Features to facilitate roaming of small mammals and amphibians in boundary treatments
- Provision of explanatory homeowners pack to mitigate any potential impact upon the nature conservation values of the Cheshire to Lancashire SPA/RAMSAR designations
- Measures to
- Details of the headwalls and outflows to the attenuation pond to ensure that their design would avoid creation of amphibian traps

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the

Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

### **Sustainable design**

18. Prior to the first occupation of any dwelling hereby approved, that dwelling shall be provided and fitted with a water butt of not less than 200 litres capacity to collect roof rainwater. This water butt shall be situated to the rear of the property.

Reason: In order to minimise water consumption to improve the sustainability of the development in accordance with the provisions of Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM1 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

### **Amenity and safeguarding**

19. (a) Prior to the commencement of any development on site, a Demolition/Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the Demolition/Construction Management Plan shall specify the provision to be made for the following:
- (i) measures to prevent detrimental impact on air quality including confirmation that no materials would be burned on site and dust mitigation measures to be followed during the demolition/construction period
  - (ii) measures to control noise emanating from the site during the demolition/construction period
  - (iii) hours and days of demolition/construction work for the development. Please note that typically acceptable working hours are 0800-1800 Mondays to Fridays and 0800-1200 on Saturdays with no working on Sundays or Public Holidays
  - (iv) details of contractors' compounds and other storage arrangements, to include position, means of screening, storage heights, details of enclosures, and appearance of any structures or cabins
  - (v) provision for all site operative, visitor and construction loading, off-loading, parking and turning within the site during the demolition/construction period including all requirements for occupation of areas of highway
  - (vi) arrangements for the provision of wheel washing facilities comprising a 10m x 3.5m wheel wash with two 6m long ramps to be operated during the demolition/construction period to minimise the deposit of mud and debris on the adjacent highways
  - (vii) provision of a board at the entrance to the site, to be retained throughout the construction period, to include 24hr contact details for site management; and provision of contact details for the contractor's street sweeping subcontractor with specific authorisation for the Council as Local Highway Authority to call out that contractor as and when required

- (viii) measures to prevent contamination of surface and sub-surface water bodies during the demolition/construction period, and prevent the runoff of surface water to the highway in storm conditions during construction
- (ix) routing of construction traffic. Please note that, for the purpose of this condition, HGVs should not access or egress the site via the junction of Moss House Road and Midgeland Road, and that appropriate signage will need to be displayed on the public highway to direct construction traffic.
- (x) a condition survey of the adopted public highway up to the first junction with the strategic road network along the proposed construction traffic route, or other area as may first be agreed in writing with the Local Highway Authority, along with a construction stage timeline proposal for the provision further condition surveys (either post-completion or to include surveys at appropriate intervals depending upon the duration of the construction period)

(b) The demolition/construction of the development shall thereafter proceed in full accordance with the approved Demolition/Construction Management Plan.

(c) Each condition survey required pursuant to part (a)(x) of this condition shall be accompanied by a scheme and timing schedule of any works as may be appropriate to rectify any dilapidation caused to the adopted public highway as a result of demolition and construction works related to the development hereby approved, to be agreed in writing by the Local Planning Authority. These works shall then be carried out in full in accordance with this agreed scheme and schedule.

Please note, the submission of a standard Health and Safety statement will not be sufficient to discharge this condition. As part of any discharge of condition application you will be expected to highlight the location of each element of information required above within your submission.

Reason: In the interests of the amenities of surrounding residents and to safeguard environmental quality and the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM31 and DN36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This condition is required to be discharged prior to commencement in order to ensure that the development proceeds without causing undue harm to residential amenity, highway safety or the quality of the environment.

20. No bins or refuse shall be stored forward of the front elevation of the building other than on the day of presentation for collection.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

21. Prior to the commencement of development;

(a) a scheme of remediation to address the issues identified in the submitted geo-technical reports shall be submitted to and agreed in writing by the Local Planning Authority; and



(b) the remediation agreed pursuant to part (a) of this condition shall be carried out in full and a validation report confirming the works shall be submitted to and agreed in writing by 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 the provisions of Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information is required to be submitted and agreed prior to commencement in order to ensure that the development hereby approved proceeds safely.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no enlargement of the dwelling/s the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reasons:

(i) In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM20 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027;  
(ii) In order to ensure that appropriate car parking provision is available to meet the needs of the property in the interests of public amenity, highway safety and the appearance of the streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

23. Prior to the commencement of any above ground construction, details of final land and roof ridge levels shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with these agreed details.

Reason: In order to safeguard the amenities of residents and nearby residents and to ensure that surface-water would drain appropriately in accordance with Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM1 and DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

### **Drainage**

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

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

25. (a) 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 and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:
- (i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

- (ii) Surveys and appropriate evidence to establish the position, capacity and interconnection of all watercourses and surface-water sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;
- (iii) A determination of the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- (iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate or a rate to be first agreed in writing by United Utilities.
- (v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- (vi) Flood water exceedance routes, both on and off site;
- (vii) A timetable for implementation, including phasing where applicable
- (viii) Details of water quality controls, where applicable.

(b) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(c) The scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information must be agreed prior to the commencement of development in order to ensure appropriate drainage of the site as the development proceeds.

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

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:

- (i) on-going inspections relating to performance and asset condition assessments
  - (ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information must be agreed prior to the commencement of development in order to ensure appropriate drainage of the site as the development proceeds.

27. Prior to first occupation of any of the dwellings hereby permitted, details of measure to prevent access to the outflow pipe from the attenuation pond shall be submitted to and agreed in writing by the Local Planning Authority, and these measures shall be implemented in full accordance with the agreed details. The measures shall thereafter be retained and maintained as such.

Reason: In order to enable the attenuation area to be used as public open space whilst safeguarding the public against potential risk from the outflow pipe, in accordance with the provisions of CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM31 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

### **Highways and parking**

28. (a) Prior to the commencement of development, an assessment of the existing condition of the highway in the immediate vicinity of the application site shall be submitted to and agreed in writing by the Local Planning Authority;
- (b) Prior to the development hereby approved being first brought into use:
- (i) An assessment of the condition of the highway in the immediate vicinity of the application site upon completion of the development shall be submitted to and agreed in writing by the Local Planning Authority and
  - (ii) A scheme of remediation including a timetable of works to make good any damage caused to the highway in the immediate vicinity of the application site as a result of the development shall be submitted to and agreed in writing by the Local Planning Authority
- (c) The scheme of remediation agreed pursuant to part (b) of this condition shall be implemented in full and in full accordance with the approved timetable.

Reason: In order to ensure that the development does not result in undue damage to the public highway to maintain safe and convenient access in accordance with the provisions of Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

29. Prior to the commencement of development a scheme of off-site highway improvement works shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the development hereby approved is first occupied.

For the purpose of this condition, this scheme shall include:

- Works to implement a prohibition of driving order on a part of the section of Moss House Road between the site access and Redwood Avenue
- Works to construct traffic calming measures along the length of Moss House Road from the site access to the junction of Moss House Road and the western section of Redwood Boulevard
- Traffic Regulation Orders consequent upon the above

Reason: In the interests of highway safety in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

30. Prior to the commencement of any above ground construction, the access detailed on plan ref. J32-4995-PS-001 Rev G and extending 30m into the site shall be provided in full and in full accordance with the approved details.

Reason: In order to ensure safe access to and egress from the site is available in the interests of highway safety in accordance with the provisions of Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

31. (a) Prior to the commencement of development a plan to identify those areas of the site proposed to be adopted by the Local Highway Authority and those areas proposed to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the commencement of development a Highway Management Plan to for those areas of the site to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:

- (i) Identify the third parties responsible for management (e.g. Site Management Company)
- (ii) Set out a regime/timetable for inspections and regular repair or maintenance works
- (iii) Explain how issues can be reported, assessed and resolved

(c) The Highway Management Plan hereby approved shall be implemented in full at all times when any part of the area to which it relates is occupied or in use.

Reason: In order to ensure that safe and convenient access is available to the development by a range of transport modes in accordance with the provisions of Policy CS7 of the

Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

32. Prior to the development hereby approved being first brought into use, the parking provision shown on the approved plan(s) shall be provided and shall thereafter be retained as such.

Reason: In order to ensure that adequate parking provision is available to meet the needs of the development in the interests of the appearance of the area and highway safety in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

33. No dwelling shall be occupied in advance of the installation of a EV charging cable of sufficient capacity to enable a 7kW electric vehicle charging point to be installed.

Reason: To facilitate sustainable transport by ensuring there is adequate infrastructure to enable the charging of plug-in and other ultra-low emission vehicles in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

34. Prior to the occupation of any property hereby approved that does not have a garage;
- (a) details of secure, covered cycle storage provision to include the position, design and materials shall be submitted to and agreed in writing by the Local Planning Authority; and
  - (b) the cycle storage agreed pursuant to part (a) of this permission shall be provided in full accordance with the agreed details.

Reason: In order to facilitate travel by a sustainable transport mode in accordance with Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

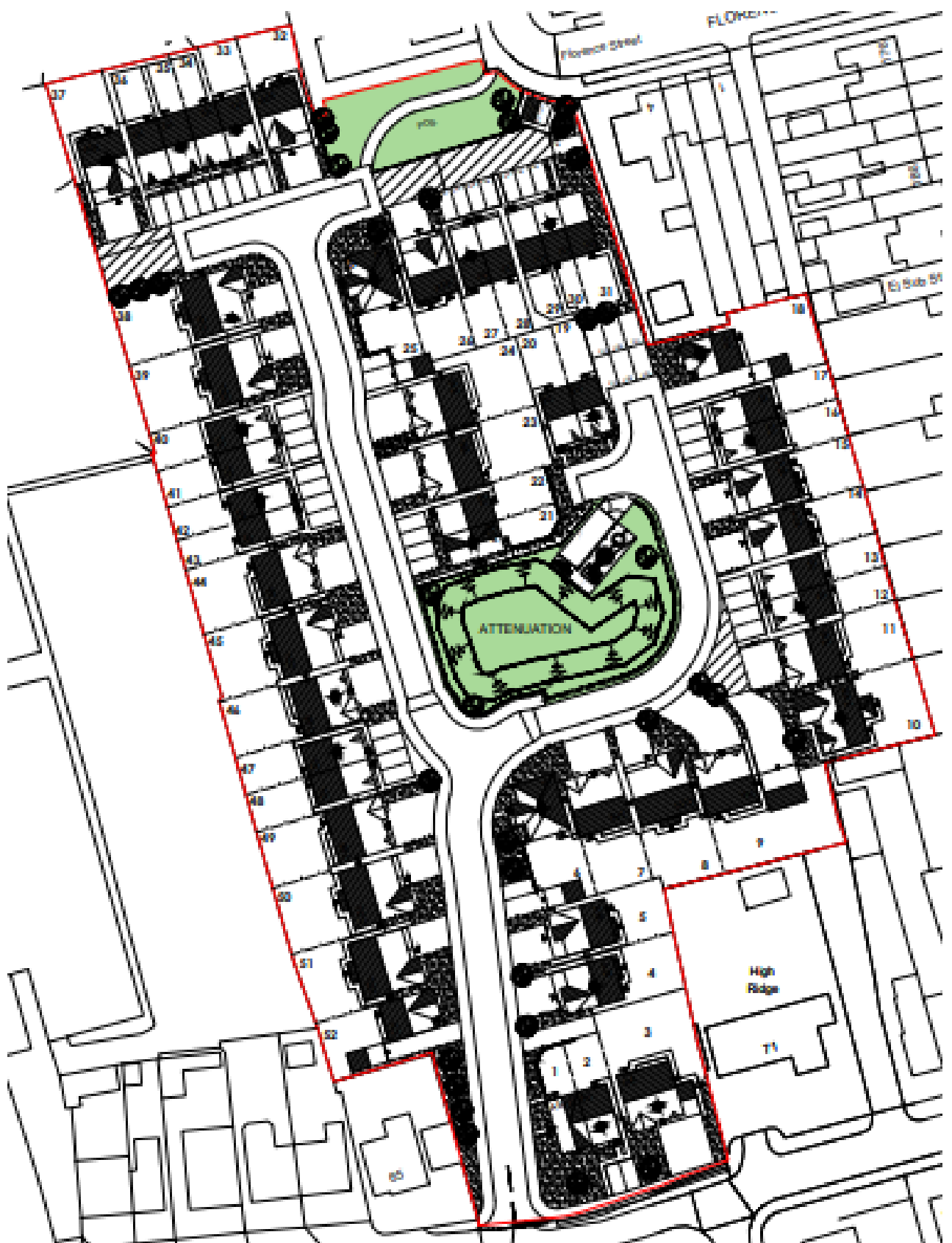
35. Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act 1990 or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the garage(s) hereby approved shall not be used for any purposes that would preclude their use for the parking of a vehicle.

Reason: In order to ensure that appropriate car parking provision is available to meet the needs of the property in the interests of public amenity, highway safety and the appearance of the streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

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Proposed site layout plan:





Appendix 8b. Moss House Road Plans

Proposed landscaping plan:



Appendix 8b. Moss House Road Plans

Indicative streetscenes:



**Blackpool Council  
Development Management**

**Officer Report to Committee**

<b>Application ref:</b>	22/0670
<b>Ward:</b>	Greenlands
<b>Application type:</b>	Full
<b>Location:</b>	Former Bispham High School, Bispham, Blackpool, FY2 0NH
<b>Proposal:</b>	Erection of 200 residential dwellings with associated landscaping, public open space and parking, with vehicular access from Bispham Road, Regency Gardens and Kylemore Avenue.
<b>Recommendation:</b>	Adopt the Habitats Regulations Assessment screening opinion that no likely significant effects would result and resolve to support the proposal and delegate the application to the Head of Development Management for approval subject to the completion of a S106 legal agreement and the conditions listed at the end of this report.
<b>Recommendation Summary:</b>	The site is allocated for housing development. The scheme proposed does not fully accord with planning policy requirements but would provide a good standard of accommodation in an attractive setting. No unacceptable highway or drainage impacts are anticipated and environmental quality would not be unduly affected. The full suite of planning obligations would not be delivered but it is accepted that this would render the scheme unviable. An acceptable package of affordable housing and local playground update is proposed. Overall and on balance, the scheme is considered to deliver enough planning merits to justify the grant of planning permission.
<b>Meeting date:</b>	14/11/23
<b>Reason for bringing to Committee:</b>	Major scale development of public interest
<b>Case officer:</b>	Susan Parker
<b>Case officer contact:</b>	01253 476228

**1.0 SITE DESCRIPTION**

1.1 The application site is 8.87 hectares in area which comprises three distinct areas:

- The site of former Bispham High School which fronted Bispham Road with a secondary access onto Kylemore Avenue. This area of the site was formerly designated under the Blackpool Local Plan as protected Playing Fields and Sports Grounds;
- An area of open land in the north-western corner formerly designated as protected Public Open Space under the Blackpool Local Plan 2001-2016;
- An area of open land in the south-western corner which was undesignated under the Blackpool Local Plan 2001-2016. This third plot adjoins the residential estate

immediately to the south of the site which is accessed from Leys Road and was historically intended as a second phase to the Regency Gardens development.

- 1.2 The site as a whole is now allocated for housing development under Policy HSA1 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. The site reference is HSA1.2.
- 1.3 The areas to the north and east of the application site are mainly residential in character with a number of residential cul-de-sacs abutting the northern boundary. To the north-east of the application site is a local centre designated within the Blackpool Local Plan, which includes the locally listed Squirrel public house. Situated to the south of the application site is the Department for Work and Pensions (DWP) complex with a housing estate including Regency Gardens running up to the southern boundary of the application site. To the west of the application site are the locally listed Rock Gardens which are protected as Green Infrastructure under Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. The application is within Flood Zone 1 and there is a watercourse running along the south eastern boundary of the site and to the rear of houses fronting Bispham Road. There is a significant drop in site levels from the western boundary with the Rock Gardens to the former school playing fields in the centre of the site of over 5 metres. Established hedgerows line much of the site boundary and there is a significant length of hedgerow running west to east across the western part of the site.
- 1.4 This application is a resubmission of application ref. 19/0241. Land fronting Kylemore Road was included in the 2019 application but has been excluded from this submission following the relocation of the Air Cadet Training Corps building to this site under application reference 20/0236. The children's play area in the north-western corner of the site which abuts the Rock Gardens and is accessed from Inver Road has also been excluded from the application boundary.

## **2.0 PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of 200 houses including 40 affordable homes. These would be provided in three distinct areas:
- 56 dwellings to the rear (north) of the existing housing at Regency Gardens. This part of the site would take vehicular access from Regency Gardens. It would be enclosed by the existing hedgerow bisecting the western part of the site to the north, the Rock Gardens to the west, the existing residential estate to the south, and the former DWP site to the east. Pedestrian links would be provided from this area of housing through to the main estate spine road to give access onto Bispham Road and the local centre to the north.
  - 42 dwellings to the south of the existing housing fronting Lorne Road and Headfort Close. These dwellings would be bound by the former area of public open space to the west and the estate spine road to the south. They would have vehicular access from Bispham Road. Part of this access would take up land previously designated as Public Open Space under the Blackpool Local Plan 2001-2016. This section of housing would sit on the western portion of the site and would be separated from that to the east by an area of landscaping.
  - 102 dwellings on the eastern part of the site. These dwellings would take vehicular access from Bispham Road with the exception of 6 that would front Kylemore Avenue and take access from that road. A new priority junction would be created onto Bispham

Road. An area of public open space (POS) including an attenuation basin would be provided immediately to the south of the site access fronting Bispham Road.

2.2 The application has been supported by:

- Planning statement
- Design and access statement
- Heritage statement
- Ecological appraisal
- Landscape and ecological management plan
- Tree survey
- Transport assessment
- Framework travel plan
- Flood risk assessment
- Drainage design statement
- Archaeological evaluation
- Construction method statement
- Financial viability appraisal

### **3.0 RELEVANT PLANNING HISTORY**

3.1 20/0236 - Re-location of existing single-storey Air Cadet Training Centre building from Bispham Road frontage with new vehicle and pedestrian access and parking spaces for 21 vehicles with associated cycle store, refuse store, landscaping and boundary treatment – approved.

3.2 19/0241 – hybrid application for the relocation of the Air Cadet Training Centre (full) and the erection of up to 176 dwellings with associated public open space and infrastructure. This application was presented to Committee in January 2021 and Members resolved to support the scheme and delegate approval to the Head of Development Management subject to the signing of a Memorandum of Understanding (MoU) to secure necessary planning obligations. This MoU has never been completed and so no decision in respect of this application has ever been issued. It is understood that the application will be withdrawn if planning permission is granted in respect of this application.

### **4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION**

#### **4.1 National Planning Policy Framework**

4.1.1 The National Planning Policy Framework was updated in September 2023. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 - Promoting healthy and safe communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 - Achieving well-designed places
- Section 14 – Meeting the Challenge of Climate Change, Flooding, and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 – Conserving and Enhancing the Historic Environment

## **4.2 National Planning Practice Guidance**

4.2.1 The National Planning Practice Guidance expands upon and offers clarity on the points of policy set out in the National Planning Policy Framework.

## **4.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Part 1)**

4.3.1 Part 1 of the Local Plan, also known as the Core Strategy, was adopted in January 2016. The following policies are most relevant to this application:

- CS2 Housing Provision
- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage
- CS9 Water Management
- CS11 Planning Obligations
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Standards, and Density
- CS14 Affordable Housing
- CS15 Health and Education

## **4.4 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 (Part 2)**

4.4.1 Part 2 of the Local Plan was adopted in February 2023. The following policies in Part 2 are most relevant to this application:

- HSA1 Housing Site Allocations
- DM1 Design Requirements for New Build Housing Developments
- DM17 Design Principles
- DM18 High Speed Broadband for New Developments
- DM21 Landscaping
- DM25 Public Art
- DM28 Non-Designated Heritage Assets
- DM30 Archaeology
- DM31 Surface Water Management
- DM35 Biodiversity
- DM36 Controlling Pollution and Contamination
- DM41 Transport Requirements for New Development
- DM42 Aerodrome Safeguarding

## **4.5 Other Relevant documents, guidance and legislation**

4.5.1 Greening Blackpool Supplementary Planning Document (SPD) - this document was adopted in May 2022 and sets out the green infrastructure and tree planting requirements for new development.

- 4.5.2 Blackpool Council declared a Climate Change Emergency in June 2019 and is committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.
- 4.5.3 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:
- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
  - Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
  - Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
  - Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.
- 4.5.4 Blackpool adopted the 2021-2031 Tree Strategy in July 2021. This strategy recognises the importance of trees, the benefits they afford us and the ever-important role they can play in improving our community's mental wellbeing, socio-economic value, providing a home for wildlife and mitigating environmental issues and climate change. Given that Blackpool only has 4.4% tree cover (the lowest in the UK), the Strategy aims to embed trees into decision making processes across the council and ensure the current stock is proactively managed.
- 4.5.5 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, not requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.
- 4.5.6 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.
- 4.5.7 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high-quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community, and its ability to address the environmental issues affecting climate.
- 4.5.8 DCLG National Technical Housing Standards – this document was published in March 2015 and sets out the national minimum standards for new homes. This partially supersedes some of the standards in the Council's New Homes from Old Places Supplementary Planning Document guidance.

## **5.0 CONSULTEE RESPONSES**

### **5.1 Sport England**

- 5.1.1 No evidence has been submitted to demonstrate that the site is surplus to requirement. Whilst it has not been used for more than 5yrs, part of the site constitutes playing field. Lack of use does not necessarily equate to absence of need. The lawful use of the land remains until a new use or development is approved.
- 5.1.2 Sport England objected to the previous application but indicated that this would be removed subject to the signing of a S106 legal agreement securing a contribution to mitigate the loss

of playing field. The agreed contribution was £442,000 for the provision of a new 3G sports pitch at Stanley Park. There is no reference to this agreement in the current submission. Nor has any reference been made to the Council's Playing Pitch Strategy which makes particular reference to this site. In light of this and in the absence of evidence of exceptional circumstances, an objection is raised.

- 5.1.3 This objection could be resolved if the mitigation previously agreed were proposed and secured through a S106 legal agreement. Again this must be subject to a feasibility study to establish cost; identification of other projects to put any surplus funds towards if such would result; a feasibility study in relation to these projects; implementation of the agreed works within 2 years.

## 5.2 **Natural England**

- 5.2.1 A Habitat Regulations Assessment screening is required in respect of the potential for recreational disturbance impact on nearby coastal designated sites. If the Local Planning Authority can be satisfied that no significant likely effects would result then there is no requirement to consult NE further. If significant likely effects cannot be ruled out, an Appropriate Assessment will be required. NE standing advice in relation to protected species and woodland should be taken into account. Specialist ecological advice should be sought as appropriate.

## 5.3 **Greater Manchester Ecology Unit**

- 5.3.1 Initial: the submitted ecological appraisal concludes no significant ecological issues. Potential issues would include proximity to the Liverpool Bay Special Protected Area, impact on nesting birds, mammal welfare, and how biodiversity enhancement could be achieved.
- 5.3.2 The site is around a mile from the Special Protected Area. Potential indirect impacts through increased recreational disturbance are very unlikely both directly to the Special Protected Area or indirectly to functionally linked land. This is because the site has negligible value to birds using the site and because the increase in resident numbers would be de minimis relative to visitor numbers to Blackpool. As such, no significant likely effect on the Special Protected Area is anticipated. The application is therefore screened out from the need to provide an Appropriate Assessment under the Habitat Regulations.
- 5.3.3 The land to the west is reported in the application to be a Local Nature Reserve but there is no record of this. Nevertheless, whilst white-letter hairstreak butterflies feed on the leaves of elm trees in the Rock Gardens and are recorded in the area, the development would not be expected to have a negative impact.
- 5.3.4 The only protected species recorded on site is the common pipistrelle bat. Low numbers use the site for foraging and commuting. No further information or measures are required in respect of bats. The development would result in the loss of trees, scrub and hedge that could support nesting birds. As such clearance during nesting season should be prevented by condition unless the absence of birds is first confirmed.
- 5.3.5 Fox and rabbits are recorded on site and there are habitats suitable for hedgehogs. All are protected under animal welfare law. Reasonable avoidance measures should therefore be applied to ensure species are displaced from site prior to the commencement of any earthworks. This would also protect amphibians. This should be secured through condition.



5.3.6 The development would result in the loss of a significant areas of low and moderate ecological value habitat. The development would, however, include a significant area of semi-natural open space and the gardens of the proposed dwellings. The submitted assessment proposes mitigation and enhancement measures, but more detail should be provided and this could best be achieved through submission of a DEFRA metric. The GMEU is confident that appropriate mitigation could be achieved as follows:

- Nest boxes for birds
- Maintenance of dark corridors for bats
- Maintenance of site permeability for mammals
- Enhancement for roosting bats through provision of bat bricks
- Planting of elm for the benefit of white-letter hairstreak butterflies

5.3.7 Final: the statement submitted in lieu of a DEFRA metric has been considered. GMEU has, however, used a DEFRA metric to determine if net gain is achievable. If the habitat creation proposed achieves at least moderate condition, and if the tree planting within the open spaces (circa 100 trees) achieve medium size after 30 years, then it is considered that net gain would be achieved. The remaining trees within gardens have not been included in this assessment because they are outside of the control of the developer. On this basis, GMEU is satisfied that a robust biodiversity management and enhancement plan can be conditioned to achieve biodiversity net gain.

#### 5.4 **NHS Clinical Commissioning Group**

5.4.1 It is calculated that the development proposed would likely generate 580 new patient registrations. This would not generate a requirement for a new practice but requires consideration of how existing provision could accommodate demand. As such a contribution of £143,655 would be required towards the extension of St. Paul's Surgery and the reconfiguration of Moor Park Health Centre. This should be paid upon commencement.

#### 5.5 **NHS Blackpool Victoria Foundation Trust**

5.5.1 The development of 200 dwellings would support an increase of 440 new residents assuming an average of 2.2 people per dwelling. In due course the Trust will be able to obtain funding to meet the needs of these new patients but not for approximately three years until the next funding review is carried out. No retrospective funding will be provided and so the Trust seeks a payment of £558,634 to cover the interim funding gap.

#### 5.6 **Lancashire County Council Archaeological Service**

5.6.1 The current application is supported by a Written Scheme of Investigation. This is appropriate for the proposal but may be the first of several phases of investigation and excavation needed for the site. The Written Scheme of Investigation is accepted but a condition requiring the implementation of a programme of works should be imposed until the evaluation report has been produced.

#### 5.7 **Police Architectural Liaison Officer**

5.7.1 Boundary treatments of 1.8m height are recommended and horizontal supporting rails should be attached internally so they cannot be used as a climbing aid. Lockable 1.8m high gates should be positioned as close to the front of dwellings as possible and should be fitted at the access to any ginnels. Particular consideration should be given to the provision of landscaping with shrubs kept below 1m and canopies above 2m to maintain visibility and prevent climbing. Lighting should not be obstructed and public spaces should be overlooked.

Properties with side parking should have side windows to enable natural surveillance. The public open space should be well-lit with clearly defined footpaths. Climbing aids should be designed out where possible. All windows and doors should be to appropriate standard and properties should have suitable external lighting and alarms fitted. Utility meters should be externally accessible or as close to the front elevation as possible. The site should be appropriately secured during construction.

## 5.8 **United Utilities**

5.8.1 Initial - a condition to require agreement of a sustainable surface and foul water drainage scheme is requested, as is a condition to require agreement of appropriate drainage management. In further responses United Utilities has noted the need for infiltration to be properly discounted as an option through investigation. The information submitted has been considered by United Utilities but found to be inadequate. In the event of surface water discharge to the public surface water sewer, rate of discharge is to be limited to 43.5l/s. A United Utilities easement crosses the site and United Utilities will not permit building over or in close proximity to it. The developer should contact United Utilities at the earliest opportunity to discuss access and potential impact. A plan over-laying the site layout with the United Utilities infrastructure is requested. It is for the developer to demonstrate the exact relationship between the development and United Utilities infrastructure. Any necessary diversions are at the applicant's expense. The developer should contact United Utilities to discuss water and wastewater service connections. All connections to be to United Utilities standards.

5.8.2 Final – A site layout plan that overlays the proven location of the sewer in relation to any proposed development is requested. Otherwise the submitted Drainage Strategy is accepted and a specific condition to secure compliance with this should be imposed. An appropriate condition to secure effective drainage management and maintenance should be applied. The letter provides further details of the United Utilities easement over the site and confirms that the applicant must contact United Utilities prior to commencement. It advises that United Utilities will not permit building over a sewer or wastewater pipeline. Further information is requested and it is strongly advised that this should be provided prior to determination to avoid later delays and complications. In the event that this is not resolved, a specific condition is requested. Additional general information on United Utilities infrastructure and requirements is provided.

## 5.9 **Lead Local Flood Authority**

5.9.1 No objection raised. The watercourse that would receive surface water connects almost immediately into the United Utilities sewer on Bispham Road but the proposed discharge rate is acceptable.

## 5.10 **Local Highway Authority**

5.10.1 Initial response - The Transport Assessment considers the impact on the junctions of Warbreck Hill Road and Bispham Road. The effect on the rest of the road network is not of concern. The predictions of traffic flows are reasonable and the general layout and scale of development is acceptable. Subject to agreement of proposals for the affected junctions and resolution of other matters, no highway objection is raised.

5.10.2 Foot and cycle pathways through and across the site need to be reconsidered and agreed to ensure that they follow 'desire lines'. Vehicle access would be taken from Bispham Road and

Regency Gardens. The latter was designed to accommodate access and no concern is raised. Peak hour flows of 30 vehicles in one direction and 15 in the other are anticipated. This is acceptable. The developer may wish to consider traffic calming features to reduce vehicle speeds but these could be viewed as an inconvenience by residents. The level of activity on Bispham Road will be lower than would have occurred with the previous school use at key times. The principle requirement is for provision of a suitable junction within a length of road including an unusual existing layout and a number of private access points.

- 5.10.3 It is considered that a priority junction with a ghost island right-turn lane would be more appropriate than the roundabout proposed. The roundabout has the advantage of potentially reducing speeds on Bispham Road, but it complicates the access to the private drives opposite the site. The Transport Assessment indicates that the roundabout could trigger significant delays and queues. A subsequent evaluation using different software found this not to be the case. A priority junction would address some of the concerns about private drive access and would have a smaller footprint enabling landscaping along the Bispham Road frontage. It would also assist with pedestrian movement and limit safety issues for cyclists and powered two-wheelers. The junction has the potential to impact upon nearby bus stops and so the views of the operator should be sought.
- 5.10.4 The internal layout is broadly acceptable. However some clarification is required. Carriageway widths are inconsistent, particularly between cul-de-sacs. Equally there should be consistency as to whether cul-de-sacs have one, two or no footpaths. Use of tandem drives are a concern as they often lead to cars parked on the carriageway and footway. It is acknowledged that wider front drives are contrary to Council policy. If tandem drives are to be provided, it is then necessary to accommodate vehicles on the road. Grass verges should be avoided where they would likely be damaged by parking. Right-angled kerb-lines should be replaced by appropriate radii.
- 5.10.5 Construction traffic should be limited to using the main Bispham Road access wherever practicable. A specific condition to require appropriate wheel washing should be imposed. Works may be required to the main site access in order to accommodate construction traffic.
- 5.10.6 Given the proximity of houses, a significant watercourse and main road, a condition should be imposed to ensure that works prior to the implementation of the agreed full drainage strategy do not result in flows of water onto the highway or to other sensitive receptors.
- 5.10.7 Ownership or management responsibility of the different areas of the site should be clarified. The submitted red edge implies responsibility for the north-western bank of the watercourse on the south-eastern boundary. The status of surface water drainage within the site including in the highway and any highway connections to it should be clarified.
- 5.10.8 Materials must be carefully considered. There is a highway preference for stone mastic asphalt (SMA) over hot-rolled asphalt (HRA) and macadam ramps over pavements. Detail of levels of these and crossing points would be required.
- 5.10.9 The first junctions inside the site are quite close to one another. Road marking and tracking plans are required to enable a proper assessment.
- 5.10.10 The Community Lighting Partnership and Eon must be consulted on any lighting proposals.
- 5.10.11 In due course, greater detail will be required in relation to levels, drainage, vehicle tracking,

waste collection distances (informed by tracking), road markings, connections to existing roads and footways, lighting and a road safety audit.

5.10.12 Follow-up response – proposals for provision of T-junction access from Bispham Road rather than a roundabout have been submitted. These are considered to be acceptable. Submission of an addendum to the TA to investigate potential impact and opportunities for upgrade of the junction of Bispham Road and Warbreck Hill Road should be secured by condition, as should implementation of any necessary works.

*Officer response: this addendum has now been submitted and comments are awaited. If these are received in advance of the Committee meeting they will be reported through the update note.*

#### 5.11 **Local Education Authority**

5.11.1 Primary school pupil numbers in the town are falling and so no contributions are sought towards local primary education provision. In contrast the number of secondary school pupils is rising and the proposed development would yield an additional 50 secondary school pupils. As such, a contribution of £1,419,146 is requested.

#### 5.12 **Environmental Protection (Residential Amenity)**

5.12.1 The submitted Construction Management Plan has been considered with regard to potential disturbance. With regard to noise, no deliveries should take place before 8am in line with the commencement of work. This is because the site entrances are in residential areas and there is potential for nuisance from idling vehicles. Saturday working should be limited to 0900-1300, which is the standard allowance, rather than the 0800-1400 stated. The reference to the carrying out of 'less noisy works' outside of the times stated requires further clarification. The Construction Management Plan states that 'site works would be designed to be undertaken with any directional noise emissions pointing away from the nearest noise-sensitive receptors where practical'. Clarification is needed as to how this could be achieved. With regard to potential vibration, no information has been provided as to how and when monitoring would be undertaken.

#### 5.13 **Environmental Protection (Pollution and Contamination)**

5.13.1 The submitted Construction Management Plan has been considered with regard to dust. It states that road sweeping would depend upon the time of year but sweeping should be part of the daily routine to prevent dust migration. Best practical methods for dust management are repeatedly referenced without any information as to what these are. Clarification is required as to how monitoring would be undertaken and recorded, and how they would know when action such as the dampening of materials and access roads was required.

#### 5.14 **Blackpool Civic Trust**

5.14.1 No comments received in time for inclusion in this report, any comments that are received in advance of the meeting will be reported through the update note.

#### 5.15 **Built Heritage Manager**

5.15.1 The development would fall within the setting of the locally listed Squirrel Hotel and Rock Gardens. As the former is in an urban setting, the development would have minimal impact on its significance. Whilst the development would abut the Rock Gardens, a green buffer is

proposed and the gardens themselves are elevated and screened by a belt of trees. As such, although there would be some visual impact on views east from the gardens, this would be less than substantial. Tree Preservation Order 50 would fall within a private garden with a gap between properties to allow a view from the road. It would be preferable for the tree to be on public land to maximise amenity value and reduce pressure for removal or risk of unauthorised work. Its status must be recognised and protected. A condition has been requested but is considered unnecessary as the Tree Preservation Order status of the tree would be unaffected by the development.

#### **5.16 Residential Waste Management**

5.16.1 No comments received in time for inclusion in this report, any comments that are received in advance of the meeting will be reported through the update note.

#### **5.17 Head of Parks and Greens**

5.17.1 Initial comments (provided informally): noted some concerns with regard to the species mix proposed and indicated that some provision of non-native species should be considered. The reason for this was explained verbally to officers and relates to climate change. Essentially, some trees that are native to the UK at the present time are known to be struggling due to the effects of climate change that are already being seen. It is therefore likely that, if these trees are planted now, they may struggle to reach maturity. Conversely, the UK is likely to become natural habitat for some trees that are currently considered to be European species as our climate changes. These are likely to become the native UK trees of the future, and so there is an increasing acknowledgement that such trees should be included as part of developments now to maximise future resilience of planting schemes.

5.17.2 Final comments: biodiversity net gain is evolving as a concept. It is therefore likely that the system of credits relating to native species will change. The trees proposed on site are all cultivars or species of UK native plant families and so are compatible with UK wildlife. As such the requirement for native planting is sufficiently covered. Introduction of a couple of non-native species, such as the Foxglove (*Paulownia tomentosa*) or Maidenhair (*Ginkgo biloba*), would be a welcome addition. Consideration should also be given to the use of a select form of small-leafed Lime trees (*Tilia cordata* Greenspire) which are broadly upright and ideal for street-planting. In the greenspace areas where trees would have more room, the native form of small-leafed Lime (*Tilia cordata*) or large-leafed Lime (*Tilia platyphyllos*) would be preferential, or Lime (*Tilia tomentosa*) which has proven suitable for future-proof planting. At present over 50% of tree/shrub species proposed are within the family *Betulaceae*. Planting should follow the guide of 30% any one family, 20% any one species and 10% any one genus. Consideration should be given to the planting of conifers. In addition, concern is raised over the planting of single species in lines or collections as, under such an arrangement, the impact of pests or diseases would have a significant visual impact.

#### **5.18 Estate and Asset Management**

5.18.1 No comments received in time for inclusion in this report, any comments that are received in advance of the meeting will be reported through the update note.

#### **5.19 Ramblers Association**

5.19.1 No comments received in time for inclusion in this report, any comments that are received in advance of the meeting will be reported through the update note.

## 5.20 **Strategic Housing Manager**

5.20.1 In an ideal world a mix of affordable housing properties would be provided, including some 4-bed homes. However, it is acknowledged that there is a higher demand for affordable 2-bed properties and so what is shown is acceptable. The properties shown are genuinely dispersed through the site which is appropriate.

## 6.0 **REPRESENTATIONS**

- 6.1 Press notice published: 06/09/22 and again on 21/09/23 to reflect a correction to the description of development.
- 6.2 Site notices displayed: 15/09/22 (general) and again on 17/09/23 (on Bispham Road to reflect amended site access proposals) and 24/09/23 (on Kylemore Road to reflect the amended site layout on that frontage and on Corrib Road to reflect the amended footpath proposals)
- 6.3 Neighbours notified: 01/09/22 and again 17/09/23 (to residents on Bispham Road to reflect amended site access proposals)
- 6.4 As is the case with any proposal of this scale, amendments have been made throughout the assessment period. In accordance with accepted practice, only those amendments that would result in a potentially materially different impact on existing residents have resulted in the application being re-publicised.
- 6.5 Forty-four representations have been received from the following properties:
- Bispham Road: 122, 124, 126, 128, 130 x 3, 181
  - Bluebell Close: 1, 2
  - Bracken Way: 6 x 2
  - Bromley Close: 19
  - Chestnut Close: 1 x 2, 5
  - Hurstwood Drive: 3, 6
  - Leys Road: 32 x 2
  - Lorne Road: 14 x 2
  - Meadow Close: 1, 2, 4, 9, 19 x 2
  - Regency Gardens: 2, 4 x 3, 11, 14, 18, 21, 27, 32
  - Tower View: 6a, 9, 10, 11, 12, 14
  - Warbreck Hill Road; 253

6.6 These representations raise the following issues:

### General

- Over-development of site
- Loss of property value
- Increased burden on tax payers
- Inadequate consultation
- No information provided as to how New Homes Government Bonus would be spent
- Application reflects a conflict of interest
- Works appear to have commenced on site

#### Community impact

- Existing medical services and schools are over-subscribed
- Social impact on employment/increased competition for employment
- Impact on mental health from loss of greenspace
- Impact on general health
- Loss of sports provision, provision at Stanley Park will not benefit this area
- Increase in crime and anti-social behaviour
- Loss of security for existing residents
- Attenuation pond would be dangerous
- Disturbance during construction
- Loss of privacy
- Loss of light
- Loss of outlook
- Potential damage to existing properties

#### Visual impact

- Building positions are inappropriate
- Design is unacceptable

#### Traffic impact

- Access point falls outside of site boundary
- Full details of the access and highway works should be included in the application
- Traffic surveys done at inappropriate time and is out-of-date
- Scheme would be overly dependent upon car use
- Increase in traffic and congestion, particularly at roundabout
- Existing road network cannot cope with additional traffic
- Regency Gardens is inappropriate for construction or operational traffic
- Access split is inappropriate in terms of property numbers, contrary to the housing designation in Local Plan Part 2
- Inadequate visibility for motorists on Bispham Road
- Reduced access and egress for existing property driveways
- A filter lane is required
- The roundabout is inappropriate and satisfactory tracking has not been demonstrated
- The proposed access arrangements would be unsafe
- Impact on highway safety, particularly with regard to children
- The application has not been subject to a road safety audit
- Submitted Transport Assessment is inadequate, the data pre-dates the development of the Aldi and B and M Bargains stores and changes to road markings, and forecasting is inadequate
- Use of average Blackpool car-ownership figures is inappropriate
- Leys Road is used as a rat-run
- Potential damage to public highway
- Inadequate parking provision

#### Environmental impact

- Increase in pollution
- Impact on air quality
- Increase in noise
- Loss of greenspace

- Existing greenspace is well-used and is maintained
- Inadequate open space provision
- Impact on wildlife
- Trees missing from tree survey
- Increased flooding
- Drainage inadequate

6.7 The Committee is respectfully reminded that issues relating to potential impact on property prices are not valid planning considerations. As is noted at the end of this report, the Council would receive a capital receipt for the sale of the land. This is not a planning consideration and should be afforded no weight in the planning balance. The application has been publicised in full accordance with the statutory requirements. No works have commenced on site, any activity noted by neighbours has related to standard site investigation. The information submitted is considered to be sufficient and adequate for a robust assessment and determination of the application to be made.

## **7.0 ASSESSMENT**

### **7.1 Principle of Development**

7.1.1 The Committee has formerly resolved to support a proposal for the development of 176 houses on the site under planning permission ref. 19/0241. Whilst this is a material consideration of some weight, it must be acknowledged that no planning permission has yet been granted as the Committee delegated determination to the Head of Development Management subject to the signing of a Memorandum of Understanding to secure necessary planning obligations. To date this has not been signed and so no permission has been issued. Consequently there is no extant planning permission for residential development on the site.

7.1.2 Nevertheless, the application site is now designated as a whole as a Housing Site under Policy HSA1 of Part 2 of the Local Plan. As such, residential development is acceptable in principle.

#### Effective use of land

7.1.3 The area of the site formerly occupied by the school buildings constitutes brownfield land. As such, efficient re-use of this land to provide residential development to meet an identified need for homes would accord with paragraphs 119 and 120 of the NPPF. This weighs notably in favour of the application.

#### Housing land supply

7.1.4 The scheme would make a substantial quantitative contribution of 200 new dwellings towards Blackpool's housing requirement. Policy CS2 of the Core Strategy identifies a requirement for 4,200 new dwellings over the plan period from 2012-2027.

7.1.5 Section 5 of the National Planning Policy Framework supports the government's objective of significantly boosting the supply of homes. Local Planning Authorities are required to identify a five-year housing land supply. Where such a supply cannot be identified, paragraph 11 of the National Planning Policy Framework makes it clear that planning permission for residential development should be granted unless the National Planning Policy Framework itself provides a clear reason for refusal, or unless the adverse impacts of



doing so would significantly and demonstrably outweigh the benefits. This 'tilted' planning balance reflects the very great weight the government places on the delivery of new homes.

- 7.1.6 In terms of the Council's housing land supply, the Council can currently demonstrate a 14.2 year housing land supply including predicted provision of 120 units on this site within the next five years. Excluding the site would give a 13.2 year housing land supply. As such, a 'tilted' planning balance would not be engaged in respect of this scheme. Nevertheless, the application is a large site which is relatively rare in Blackpool, and it is in a sustainable location for new housing. As such the quantitative contribution the scheme would make towards meeting Blackpool's housing requirements would still weigh significantly in favour of the proposal.

#### Housing mix

- 7.1.7 Policy CS13 of the Core Strategy requires all sites of more than 1 hectare in area to provide a housing mix of no more than 10% one-bed properties, at least 20% two-bed properties, and at least 20% of properties offering three-beds or more.
- 7.1.8 Policy DM1 requires 20% of new homes to meet national floorspace standards. In this case, the Lowry, Hatton, Reynold and Tabley house types would meet the requisite standards, and these account for 34% of the total. Although the other house types fall short in some area, sometimes across all bedrooms, the policy requirement is met and so housing mix must be calculated based on the accommodation shown rather than that which complies with standards.
- 7.1.9 Based on the accommodation shown the housing mix would be as follows;
- 2-bed = 40no. = 20%  
3-bed = 87no. = 44%  
4-bed = 73no. = 37%
- 7.1.10 This would comply with housing mix requirements.

#### Conflict with former Blackpool Local Plan 2001-2016 designations

- 7.1.11 Schedule 1 of the Local Plan Part 2 lists and details the various Housing Site allocations. The overview of this site, HSA1.2, acknowledges the presence of formerly protected Public Open Space and Playing Fields and Sports Grounds on site. It stipulates the way in which these considerations are to be addressed as part of the development of the site. This overview sits within Part 2 of the Local Plan and underpins the designation of the site. As such it carries full weight. The resolution of these conflicts is discussed below.

## **7.2 Planning obligations - requirements**

#### Public open space

- 7.2.1 The overview of Housing Site allocation HSA1.2, for this application site, acknowledges that the land formerly designated as Public Open Space on site was recognised in the 2018 Blackpool Open Space Assessment as being of low quality. This assessment identifies Greenlands ward as exceeding the Blackpool standard in terms of quantitative open space provision. The wider area immediately surrounding the site is certainly well provided for with the Rock Gardens and a children's playground immediately to the west and north, and Moor

Park around 1km away to the north-east. On this basis, development of the open space within the site is considered acceptable subject to the provision of compensatory measures including improvement of the quality of open space to the required standards.

7.2.2 The development as proposed would retain much of the area formerly designated as Public Open Space, although some 402sqm would be used to provide the access road serving plots 57-63.

7.2.3 The proposed housing would generate a requirement for green infrastructure in accordance with Policy CS1 of Part 1. As per the Greening Blackpool SPD, this would be as follows:

40 x 2-bed units = 40 x 72sqm = 2,880sqm  
87 x 3-bed units = 87 x 92sqm = 8,004sqm  
73 x 4-bed units = 73 x 116sqm = 8,468sqm

Total requirement = 19,352sqm

7.2.4 At present four areas of public open space amounting to around 24,000sqm are proposed:

- The first would be at the front of the site adjacent to the main entrance point. This would be roughly triangular in shape and would be dominated by an attenuation basin at the centre with trees surrounding.
- The second section would follow the main estate road through the pinch point between the eastern and western portions of the site. The spaces on either side of the road would be relatively small and would be suitable for passive recreation only.
- The third section would run between the section of housing against the northern boundary and that to be accessed from Regency Gardens. A pedestrian footpath would run through this elongate area and again it would be suitable for passive recreation only.
- The fourth section would be the land formerly designed as Public Open Space under the Blackpool Local Plan 2001-2016.

7.2.5 In accordance with the allocation of the site under Policy HSA1, the use of the land formerly designated as protected Public Open Space as green infrastructure for this development is acceptable in principle, subject to a satisfactory uplift in quality. The submitted plans show that an attenuation basin would be introduced to this area which would offer biodiversity and recreational enrichment. In addition, improved footway connectivity linking the site into the Rock Gardens to the west would be provided. A degree of tree planting and species-rich grassland planting is proposed which would again provide ecological and recreational enrichment. Finally, there is a need for children's play provision. However, as there is an existing play space at the end of Inver Road immediately to the north of the site, a financial contribution towards the upgrade of this provision is considered to be more appropriate than play provision on site.

7.2.6 Blackpool's Open Space Assessment identifies that neighbourhood play facilities should have a walking threshold of up to 500m or ten minutes. The existing play equipment to the north of the site is the only play provision for at least 500m in any direction. As such, and given the quantum of development proposed, it is considered that this should be upgraded to provide neighbourhood play facilities.

7.2.7 However, the applicant has submitted a financial viability appraisal to demonstrate that the scheme cannot afford to meet the obligations set out in the Local Plan. This will be discussed further below.

## Trees

- 7.2.8 For residential developments of three or more units, the Greening Blackpool SPD expects provision of 2 trees for each dwelling. In addition, any category A, B or C trees lost must be replaced at a 2:1 ratio. Where the full requirement cannot be met on site, a commuted sum payment can be made at a rate of £1k per tree. The application proposes the provision of 200 houses and the loss of 22 trees. As such 444 trees are required.
- 7.2.9 Some 227 new trees are shown across the site leaving a shortfall of 217. This would equate to a financial contribution of £217k. This would ordinarily be secured through a S106 legal agreement but, as above, a financial viability appraisal has been submitted to demonstrate that full obligations cannot be met.

## Sports provision

- 7.2.10 As set out above, part of the site was safeguarded as Playing Fields and Sports Grounds under the former Blackpool Local Plan 2001-2016. This protection has fallen away under the newly adopted Part 2 but, as with the requirement to upgrade local public open space, there remains an expectation through the housing designation that provision be made for replacement sports facilities. The designation has been informed by the Blackpool Playing Pitch Strategy which identifies a need for replacement provision and recommends that a 3G pitch be created at Stanley Park to compensate for the loss on this site.
- 7.2.11 When this application was initially submitted, the Playing Fields and Sports Grounds designation was still in place and so Sport England was consulted as a statutory consultee. Sport England raised an objection unless it could be demonstrated that a financial contribution of £442k would be made towards the provision of replacement facilities in accordance with the Playing Pitch Strategy. Following the adoption of Part 2, the Playing Fields and Sports Grounds designation is no longer in place and so, as the pitch has not been used in the last five years, Sport England are no longer a statutory consultee. As such their objection is no longer an obstacle to the grant of planning permission. Nevertheless and as stated, the designation requires mitigation in the form of a financial contribution. As such, a contribution of £442k to provide a replacement 3G pitch at Stanley Park is still considered necessary to make this development acceptable. Again, if this can be secured, it would be done through a S106 legal agreement.

## Affordable housing

- 7.2.12 Policy CS14 of the Core Strategy requires proposals of this scale to provide affordable housing equivalent to 30% of the total development. As this application proposes 200 houses, affordable housing provision equivalent to 60 units is required. In accordance with the policy, this should be provided on site if possible. However, a financial contribution could be accepted where provision on site would be unsuitable or where a contribution would better support regeneration objectives.
- 7.2.13 The application proposes 20% affordable housing which equates to 40 dwellings. These would be well dispersed around the site, but would entirely consist of two-bed Lowry house-types. Whilst a greater mix of properties would be preferable, including some 4-bed houses, it is accepted that the greatest demand is for 2-bed homes. In the viability documentation submitted, the applicant states that all of the properties would be made available for affordable or social rent. The viability appraisal to Local Plan Part 2 acknowledges that provision of affordable housing at 30% in full compliance with Policy CS14 is unlikely to be

financially viable given various economic challenges that have arisen since Part 1 was adopted in 2016.

- 7.2.14 As set out above, the applicant has provided a financial viability appraisal to demonstrate that full obligations cannot be met. This will be considered further below but, as the financial viability appraisal to Local Plan Part 2 would corroborate the applicant's claims with regard to affordable housing, the offer as presented is considered to be acceptable, particularly as the provision would be 100% affordable/social rent in accordance with identified requirements.

#### Education

- 7.2.15 Policy CS15 of the Core Strategy specifies that financial contributions will be sought towards local education provision where this is required to meet the needs generated by the development. In this case the Local Education Authority has requested a total contribution of £1,419,146 towards the provision of 50 local secondary school places. Again, if this can be secured it would be done through a S106 legal agreement. However and as above, the applicant has submitted a financial viability appraisal to demonstrate that the scheme cannot afford to meet all necessary obligations. This will be discussed further below.

#### Health

- 7.2.16 Policy CS15 of the Core Strategy also requires financial contributions towards local healthcare provision where this is required to meet the needs generated by the development. Contributions have been requested by both the local Clinical Commissioning Group, who are responsible for the provision of local doctors' surgeries and health centres, and the Hospital Trust that governs Blackpool Victoria Hospital.
- 7.2.17 The NHS Clinical Commissioning Group has requested £143,665 towards the extension of St. Paul's Surgery and the reconfiguration of Moor Park Health Centre and have requested payment upon commencement. As above, if possible subject to the consideration of viability to be discussed, this would be secured through a S106 legal agreement.
- 7.2.18 The NHS Trust has requested £558,634, but have made it clear that this sum is sought to cover an anticipated funding gap between the grant of planning permission and the next funding review which could be up to 3 years away. This request is not considered to be acceptable because the figure requested is based on an assumption that all future occupants would represent population increase. Whilst the development may result in population increase in this local area which could affect local surgeries, there is no evidence to suggest that it would result in population increase across Blackpool as a whole that could affect capacity at Blackpool Victoria Hospital. This is because the Office of National Statistics has predicted that the population of Blackpool will fall by 2.5% between 2016 and 2041. It is therefore very possible that future occupants would be existing Blackpool residents who have chosen to relocate to this area. On this basis, as the Trust has failed to adequately demonstrate that the contribution is necessary in order to make the development acceptable, it will not be sought.

### **7.3 Amenity**

- 7.3.1 Developments of the scale proposed inevitably require a long construction period which has the potential to cause nuisance to existing residents through generation of noise, dust and general disturbance. The Construction Management Plan submitted is not considered to be acceptable, but it is nevertheless felt that a suitable Construction Management Plan could

be secured through condition and that this would satisfactorily manage any construction impact.

- 7.3.2 Given the largely residential nature of the wider area, there is no reason the development, once completed, would have an unacceptable impact on the amenities of existing residents through noise or disturbance.
- 7.3.3 Policy DM1 of Part 2 expects new residential developments to safeguard privacy, sunlight, daylight, outlook and general amenity. The Council has long applied the following minimum separation distances to achieve this; front/rear-to-front/rear 21m; front/rear-to-side 13m; side-to-side 2m. These minimum interface distances are met between all existing properties and those proposed. Within the site, these separation distances are generally met at the rear and side of properties where greater privacy would be expected. Where shortfalls do exist they are typically less than 1m. At numerous points around the site, the separation distance between front elevations falls short by up to 3m. Whilst this is unfortunate, it is accepted that a lesser degree of privacy is typically expected from front elevations that face onto public areas. In addition, given the constraints presented by the shape of the site, the existing hedgerows and the desire to retain as much public open space as possible, it would be difficult to deliver an efficient layout that met these interface distances. As such, overall and on balance, the layout is considered to be acceptable from an amenity perspective.
- 7.3.4 As set out under paragraph 7.1.8, the majority of house types proposed do not meet the minimum national housing technical standards. This is extremely unfortunate. However, Policy DM1 only requires 20% of units to meet these standards and this is achieved through those house types that are compliant. As such the internal layouts of the properties proposed must be considered to provide adequate amenity for future occupants.
- 7.3.5 The Council does not have any published standards for garden space, but has long expected rear gardens to be at least 10.5m in length to adequately protect privacy and prevent undue-overshadowing. The supporting text to Policy DM1 expects new residential properties to have garden space equivalent to either the floorspace of the house, or the gardens of nearby properties in the area. This expectation is generally met across the site.
- 7.3.6 Consideration has been given to the storage of waste and the presentation of bins for collection. All properties would be able to store refuse at the rear as required by Policy DM1. Those properties lacking a pavement frontage would, where necessary, have access to a refuse presentation area to ensure that, as far as possible, bins do not block access to parking spaces. Terraced properties would have rear pathways to get bins to a pavement frontage. As such, no unacceptable drag distances are proposed.
- 7.3.7 The comments of the Police Architectural Liaison Officer have been noted and highlighted to the applicant. It is considered that the site would benefit from appropriate natural surveillance. A scheme of lighting for the non-adopted areas of the site could be agreed through condition, as could a scheme of landscape maintenance to ensure that good natural surveillance is maintained. Subject to these conditions, no unacceptable security issues are identified.
- 7.3.8 Policy DM18 of Part 2 requires submission of a Broadband Statement and provision for all premises to either have full-fibre broadband or available connection for the future. A Fibre Statement has been submitted with the application confirming that all dwellings would have ultra-fast full-fibre broadband connectivity fitted. It is understood that, since the inclusion of this requirement within the Local Plan, it has become a standard Building Regulations

requirement for residential developments. As such it is considered that this requirement is now adequately addressed by existing, alternative legislation.

#### **7.4 Visual impact and design**

- 7.4.1 In terms of visual impact, the land toward the western end of the site has always been open, and so the development proposed would inevitably have some visual impact for nearby residential receptors. However, the site is not particularly visually sensitive or of notable landscape value. Consequently, given its wider urban context, residential development of the site would not have a detrimental visual impact that would weigh notably against the application.
- 7.4.2 Policy DM1 expects housing designs and layouts to respond to local topography, character and distinctiveness. Overall design should establish a strong sense of place. Policy DM17 specifically sets out the design principles the Council expects new development to adhere to.
- 7.4.3 The site is surrounded by traditional housing to the north, east and south-east, and more modern residential properties to the south. The traditional housing to the north is of fairly standard design, finished in rough red/brown brick with rosemary roof tiles. Aside from the occasional use of render, canopies and angled bays, these properties include few distinguishing architectural features. The properties along Bispham Road, in contrast, are more substantial with decorative bays, gables, stonework and roof features. The properties on Regency Gardens display a different character again, using a range of material finishes, brick and stonework detailing, and bays and canopies. Overall, therefore, there is no easily identifiable architectural vernacular for the development proposed to adhere to.
- 7.4.4 The scheme as proposed would involve 15 different house types, which would help to create visual interest. A number of these include elements of projection along with stone-work detailing, gables, canopies and bays. An appropriate range of materials to include brickwork and render, and grey and rosemary roof tiles could be secured through condition. In order to ensure appropriate visual depth, windows and doors would be conditioned to be recessed behind the elevation in which they sit by at least one brick width. As such, overall and in this context, the properties themselves are considered to be of acceptable design.
- 7.4.5 Paragraph 131 of the National Planning Policy Framework expects new streets to be tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate. Policy DM1 of Part 2 states that no more than 50% of a property frontage should be taken up by car parking. More than half of the properties would have frontages dominated by more than 50% car parking. Whilst a number of trees are proposed in front garden areas no trees are proposed within the confines of the street itself.
- 7.4.6 The main road through the site would feature tree planting in communal public open space areas. This provision would be bolstered by the proposed tree planting in front gardens. On streets that are proposed for adoption, trees planted along the pavement would be in the highway and so would become the responsibility of the Council as Local Highway Authority. The power to retain them long-term would therefore sit with the Council. Trees provided in front gardens can only be reasonably safeguarded for seven years through a grant of planning permission. The approach proposed therefore poses greater risk that trees will be removed in time and that the streets may then lose their tree-lined feel. This weighs notably against the application. However, the only way to address these concerns would be through a notable reduction in unit numbers. The applicant has submitted a viability appraisal to demonstrate that this would not be financially viable.

7.4.7 The Bispham Road frontage would be landscaped to visually soften the appearance of the development from the main road. Moving through the site, the key access roads would have a clear green element through the provision of trees in front-garden, except where this is prevented by the existing easement. Even where trees are not proposed, there will be potential for small grassed or planted areas of low-level shrubs. The section of public open space at the centre of the site would be significantly tree-lined. Relative to the surrounding residential areas, the estate would benefit from notably more green infrastructure. As such, taking the submitted viability appraisal into account, on balance the overall layout is considered to be visually acceptable.

## **7.5 Access, highway safety, parking and sustainable travel**

7.5.1 The application proposes two new points of connection to the existing highway network. The main access point for the development would be from Bispham Road and this would serve 139 dwellings. A further 56 properties would be accessed through Regency Gardens. Five properties would face onto the existing highway of Kylemore Avenue.

7.5.2 It was originally proposed that the access point from Bispham Road would take the form of a roundabout. However, following discussions with officers, this has since been amended to a priority T-junction.

7.5.3 The access from Regency Gardens would not require a new junction, it would simply extend an existing estate road. The Regency Gardens development was originally intended to be delivered in two phases. To date, only phase one has been completed but the estate roads were designed to accommodate both phases one and two up to a maximum of 200 dwellings. The existing Regency Gardens development in combination with the scheme now proposed would fall notably short of this design maximum.

7.5.4 The application has been supported a Transport Assessment. This has been assessed both by officers and also on behalf of the Council by Pell Frischmann. The Transport Assessment is broadly accepted although some additional information is required. Highway officers are satisfied that this information could be secured through condition prior to any commencement of development, with any off-site highway works identified and agreed as being necessary being delivered prior to first occupation.

7.5.5 The two new points of access are both considered to be safe and acceptable. The access from Regency Gardens would simply be a continuation of the existing road network. The proposed new T-junction access from Bispham Road has been developed at the direction of the Council's Highway officers. It would see the existing slip road and islands removed and replaced by a traditional T-junction with landscaped areas on either side. To the south, the landscaped area would incorporate individual footpath crossing points for the existing houses fronting Bispham Road. This access arrangement is considered to be acceptable and the most suitable solution for the site.

7.5.6 In terms of highway safety, the replacement of the roundabout initially proposed with a priority junction is considered to address any road safety concerns. Final details would be resolved through condition and through the highway works approvals process to ensure that the layout and access arrangements are safe. It is proposed that a condition be imposed on any permission granted to require a traffic speed survey to be undertaken on Regency Gardens. If this reveals excessive vehicle speeds, a scheme of traffic calming measures could then be agreed and implementation secured through that condition.

- 7.5.7 With regard to highway capacity and junction, the only junction of concern is that between Warbreck Hill Road and Bispham Road. Officers have requested an addendum to the submitted Transport Assessment to provide further assessment of this junction, but this has not been forthcoming to date. However, it is considered that this necessary information could be secured through condition prior to any commencement of development. Any scheme of highway works agreed as being necessary from this information could equally be secured through the condition. On this basis, and as officers are confident that a solution would be available, it is considered that wider highway function could be suitably safeguarded.
- 7.5.8 Policy DM1 of Part 2 specifies the minimum dimensions required for garages and driveways. Appendix D1 of Part 2 sets out the Council's parking standards. In terms of the number of spaces proposed, the scheme is generally compliant, however, the majority of garage and driveway parking spaces fail to meet the minimum space standards. In addition, some 30% of parking provision is in a tandem arrangement. This enables at least 50% of the space to the front of properties to be soft landscaped in accordance with Policy DM1, but presents a parking challenge as it is an inconvenient arrangement that encourages parking on estate roads that can potentially be inconsiderate or even dangerous.
- 7.5.9 When considering the adequacy of the parking provision, it must be noted that the majority of properties do not meet National Minimum Standards. Furthermore, and overlooking the shortfalls against minimum standards, only three dwellings across the site require their garage to meet their parking requirements. Each one is a Bonnington house type which is marketed as a four bed dwelling (which would require three parking spaces), but does not meet standards. As the fourth bedroom is around 6sqm, it could quite possibly be used as a box room, study or small child's room. The three more useable bedrooms would give a parking requirement of two spaces making the garage surplus to requirements.
- 7.5.10 The only way for the scheme to fully meet parking requirements would be through a reduction in unit numbers or provision of smaller house types, which would have clear viability implications, or through the loss of additional soft landscaping which would not be desirable. Consequently, whilst the failure of the proposed parking provision to meet minimum size standards does weigh against the scheme, as sufficient parking would be provided in quantitative terms, it is not considered to weigh heavily in the planning balance.
- 7.5.11 To meet sustainable travel requirements, the applicant has submitted a Framework Travel Plan. This has been considered by the Council's Transport Policy team and is considered to be broadly acceptable although some amendments and additional information is required. This could be secured through condition. To improve connectivity through the site, pathways for use by pedestrians and cyclists are proposed through the existing area of POS to link into the Rock Gardens and to the play park to the north. However, these pathways are not considered to reflect natural desire lines and this could result in damage to planted or grassed areas. A condition is proposed to agree final pathway lines. On the advice of the Council's Parks Officer, no access points through the existing hedgerow along the western boundary have been proposed because of the ecological value of this feature. Policy DM1 of Part 2 expects all properties without garages to provide secure cycle storage either internally or within the outdoor amenity space. No garden sheds are shown on the submitted plans and the applicant has argued that such a requirement would compromise the viability of the scheme. All gardens are large enough for the provision of a shed which could be provided by the householder if wanted. Whilst the lack of garden sheds weighs against the application, it is not a significant consideration.



## **7.6 Flood risk and drainage**

- 7.6.1 The site falls within flood zone 1 but, because it exceeds 1ha in area, a site-specific flood risk is required and has been submitted. There is no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. As the site falls within flood zone 1 there has been no requirement to consult the Environment Agency.
- 7.6.2 The flood risk assessment and submitted drainage information has been considered by the Council as Lead Local Flood Authority who has judged it to be acceptable. Two attenuation ponds are proposed on the site to hold surface water during more significant storm events to enable overall site discharge rates to be better managed and regulated. It is proposed that surface water from the site drainage system would discharge into the existing surface water sewer that runs along Bispham Road. There is a watercourse along the south-eastern boundary of the site, but this discharges directly into this public sewer. As such, whilst the accepted hierarchy of sustainable drainage options would see surface water from the site discharged into the watercourse, in practice this would deliver no benefit over discharge directly into the sewer. Discharge rates following development would be limited to existing rates pre-development. This has been accepted by the Council as Lead Local Flood Authority.
- 7.6.3 United Utilities has also reviewed the information submitted. They have and continue to raise objection against the lack of detail provided and evidence to demonstrate that surface water drainage by infiltration is not possible. As such, and given the preference to move the application forward, it is considered that the Council's standard drainage conditions should be imposed to enable this issue to be resolved at a later date. It is, however, understood that the applicant is continuing to liaise with UU so it may be possible for a revised condition to be imposed. If this is the case, it will be reported through the update note.
- 7.6.4 In light of the above, and subject to the imposition of appropriate conditions, no detrimental drainage or flood risk impacts are anticipated.

## **7.7 Biodiversity and green infrastructure**

- 7.7.1 Policy DM35 of Part 2 requires new development to safeguard protected species. As the site falls within the potential impact zone of nearby coastal designated sites, namely the Liverpool Bay Special Protected Area (SPA), the relevant legislation requires that a Habitats Regulations Assessment screening is carried out. Greater Manchester Ecology Unit (GMEU) have done this on behalf of the Council. Given the distance to the SPA; the negligible value of the site to birds using the SPA; and the de minimis increase in resident numbers relative to the population of Blackpool, it is judged that potential impacts through increased recreational disturbance are very unlikely either directly to the SPA or indirectly to functionally linked land. As such, no significant likely effects are anticipated and no further work and no Appropriate Assessment is required.
- 7.7.2 The only protected species recorded on site is the common pipistrelle bat which uses the site in low numbers for foraging and commuting. The development proposed would not unduly impact upon the local bat population and so no further information or measures are necessary. All nesting birds are protected and so a condition should be imposed on any permission granted to prevent clearance of vegetation during bird nesting season unless the absence of nesting birds has been appropriately confirmed.

- 7.7.3 A number of species that are not statutorily protected, but are nevertheless protected under animal welfare law, have either been recorded on the site or are likely to use the site, including white-letter hairstreak butterflies, foxes, rabbits, hedgehogs and amphibians. The retention of the existing hedgerow between the site and the Rock Garden would adequately safeguard the butterflies. The implementation of Reasonable Avoidance Measures can be secured through condition and should safeguard other species.
- 7.7.4 Policy DM 35 also expects development proposals to result in no loss or harm to biodiversity, and to provide biodiversity net gains (BNG) through good design, ecological enhancement and habitat creation. The submitted ecological appraisal concludes no significant ecological issues, although the development would result in the loss of significant areas of low and moderate-value ecological habitat.
- 7.7.5 The development would propose significant areas of semi-natural open space as well as the gardens to the private dwellings. In the communal areas, species-rich wildflower grassland planting is proposed alongside species-rich wet grassland planting within and around the two attenuation basins. These basins are designed to be 'wet' meaning that they would hold some water at all times rather than just in storm events. This would introduce a new form of habitat to the site. Existing hedgerows would be bolstered with native planting and new Elm trees would be planted which are particularly important habitat for the rare white-letter hairstreak butterfly found in the Rock Gardens to the west. A scheme of further ecological enhancement to provide bird and bat boxes and site permeability for small mammals and amphibian would be secured through condition.
- 7.7.6 GMEU have requested submission of a BNG metric to establish existing value and what would likely be achieved post development. However, at present there is no statutory requirement for 10% BNG to be secured and so the applicant has declined to provide a metric but has instead produced a general statement relating to biodiversity. This has been sent to GMEU for review but they have instead run a metric on behalf of the applicant. This has revealed that, if the habitat creation proposed achieves moderate condition, and if the trees in communal areas achieve medium size then, subject to a robust condition to secure this, the site as a whole would achieve biodiversity net gain. As such the scheme would comply with the requirements of Policy DM35.
- 7.7.7 There is a tree subject to a Tree Preservation Order (TPO 50) on the site. Under the development proposed, this tree would be contained within the rear garden to plot 151. This is far from ideal but it is unclear how this situation could be avoided without a very significant reconfiguration of the site that would likely result in a notable loss of unit numbers. Part of the value of a TPO tree is its public amenity benefit. The tree would still be visible through the gap between the houses on plots 150 and 151, and those on plots 143 and 144, and so would still contribute to the overall green character of the streetscene. On this basis, the retention of the tree in the manner proposed is considered to be acceptable.
- 7.7.8 The site layout at the western end of the site has been designed to sit within the existing hedgerows that form the western boundary and that bisect the site east-west. This approach is welcomed. The bolstering of these hedgerows with appropriate species could be secured as part of the agreement of landscaping through condition.
- 7.7.9 As set out above, a significant amount of new tree planting is proposed on site along with shrub planting and species rich wet and wildflower grassland. The planting specifications proposed have been considered by the Council's Parks Officer but a number of concerns have been raised. In general, a more diverse planting specification is required. As this could

be achieved and given the desire to move this scheme forward, it is considered that the final details of landscaping could appropriately be agreed through condition.

- 7.7.10 Overall, the proposals would significantly improve the existing greenspace by providing notable enrichment both for ecology and as an area for passive recreation. Appropriate landscaping could be secured. Throughout the rest of the site, and taking into account the proposed planting along the Bispham Road frontage and the tree planting within private gardens, it is considered that the development would deliver an acceptable level of green infrastructure and have a sufficiently 'green' feel.

## **7.8 Sustainable design and Environmental Quality**

- 7.8.1 Policy DM1 of Part 2 expects developments to be designed and oriented so that roofs can contribute to solar energy generation and so that dwellings can minimise energy consumption. The strong east-west axis of the site constraints the extent to which dwellings can be arranged for solar gain. Nevertheless, more than half of the properties proposed would have a south-facing roof plane. Of the 200 houses proposed, 100 would be detached, 62 would be semi-detached and only 38 would be terraced. The majority of terraces are just three properties long with two containing four houses.
- 7.8.2 In response to DM1, the applicant has submitted a Sustainability Statement. Each property would adhere to the 2021 Building Regulations Approved Document L. Renewable energy options would include use of photovoltaic panels or air source heat pumps. The statement notes that Rowland Homes focus on key design principles to achieve better thermal performance, reduced heat loss, efficient ventilation, efficient energy and water use, and reduced carbon emissions. Electric vehicle charging would be provided.
- 7.8.3 Policy DM1 of Part 2 requires all residential properties to have a 200 litre water butt concealed from the highway to collect rainwater. This could be secured through condition.
- 7.8.4 Policy DM1 also requires 10% of properties to be designed to be accessible and adaptable in accordance with the technical standards of the relevant building regulations in order to be suitable for wheelchair users. The Aroncroft and Buckshaw house types are compliant with these standards and these account for just over 10% of the total provision meaning this policy requirement is met.
- 7.8.5 The site has a total area of some 8.87ha and so the scheme of 200 dwellings would give a housing density of 22.5 dwellings per hectare. The national design guidance acknowledges both the importance of new development responding to its context, and the need to make efficient use of land by optimising density. This reflects the objectives of section 11 of the NPPF.
- 7.8.6 The development proposed would be lower density than the traditional housing to the north and east and somewhat lower density than the newer housing to the south. However, housing allocation HSA1.2 of Part 2 only expects 176 homes to be delivered on site so the proposal is more intensive than envisaged in the Plan. It must also be noted that increased housing provision would increase the requirement for public open space. Overall and on balance the density of development is considered to be acceptable.
- 7.8.7 The site does not fall within or close to an Air Quality Management Area and there is no reason to suppose that the development would have an unacceptable impact upon air quality. The creation of dust through construction could be appropriately controlled through

agreement of a Construction Management Plan through condition.

- 7.8.8 Subject to the imposition of appropriate conditions requiring the agreement of a drainage system and Construction Management Plan, there is no reason to suppose that the development would have an unacceptable impact upon water quality.
- 7.8.9 The geo-technical report submitted with previous planning application ref. 19/0241 has been resubmitted as part of this application. The Council's Environmental Protection team previously reviewed this and raised no objection. As such and subject to a condition requiring compliance with the recommendations within the report, the development is not anticipated to be at risk from or contribute to land contamination.

## **7.9 Consideration of development viability**

- 7.9.1 Section 7.2 of this report sets out the planning obligations required in respect of this scheme. The applicant has submitted a financial viability appraisal in support of their application to demonstrate that it would not be financially viable for them to deliver the proposal and provide the full suite of planning obligations. This has been independently assessed on behalf of the Council by Parkinson Real Estate.
- 7.9.2 The applicant's viability appraisal makes an allowance for provision of 20% affordable housing and payment of £442k for off-site sports provision as required as part of the allocation. The appraisal concludes that this would result in an overall loss of nearly £1.5m, a significant sum, but nevertheless considers the viability of the development on this basis to be marginal rather than unviable.
- 7.9.3 A financial viability assessment essentially considers the costs (including profit margin) of delivering a development against the anticipated value of the development based on returns from sales. This outputs a Residual Land Value which is then compared against a policy compliant Benchmark Land Value (minimum aspirational return to landowner). Costs are split into standard build costs, abnormal costs, finance costs, fees, aspirational profit margin and planning costs. The anticipated values are derived from comparable sales data. A viability appraisal should not be applicant-specific and so the costs applied must reflect what the market would reasonably incur for the scale of development on the site regardless of who would implement it. There is extensive and specific guidance within the NPPG which explains how viability appraisals should be undertaken and assessed in respect of development proposals for the purposes of planning decision-making.
- 7.9.4 Extensive discussions have taken place between the viability consultants on both sides. There are disagreements over the likely development period, the gross development value and the total construction costs. The total construction costs include substantial abnormal costs that are disputed.
- 7.9.5 Parkinson Real Estate accepts that the scheme would not be viable if full affordable housing provision at 30% was required alongside the full planning obligations detailed in section 7.2. They consider that the full suite of financial planning obligations could only be delivered if affordable housing were reduced to 5.5% provision.
- 7.9.6 To date the parties have failed to reach agreement over the matters in dispute. It has been suggested that a S106 agreement be entered into which makes what is known as 'overage' provision. Financial viability appraisals are necessarily built on predicted and estimated costs and values. Under an overage arrangement, the applicant would have to provide

information on actual costs and values once the development has been constructed and the units sold. If it transpires that the development costs less to build than is anticipated, and/or that the houses sell for more than expected, this increased income would then have to be paid to the Council in respect of the outstanding planning obligations. Naturally if the development does not generate any more money than expected, no additional payments would have to be made. Whilst this sounds like an ideal solution, it is understood that overage clauses can further compromise viability. This is because they introduce a degree of uncertainty and the potential that Councils and applicants may not agree or accept final development costs. Many lenders consider this to be unacceptable.

7.9.7 This application was submitted in August 2022. The applicant provided their viability appraisal in March 2023. However, they have argued that market conditions have deteriorated since that time. This is accepted to an extent. The applicant has now confirmed that they are able to provide the £522,000 in planning obligations and no more. The application must therefore be determined on this basis.

## **7.10 Allocation of financial contribution**

7.10.1 As set out in section 7.2, the total planning obligations for this scheme amount to some £2.3m. Clearly the offered amount of £522,000 falls very substantially short of this. Consideration must therefore be given to the way in which this money would be used.

7.10.2 To recap, the required obligations are:

1. Off-site sports provision £442k
2. Upgrade of adjacent playground to 'neighbourhood' facility £80k
3. Local health provision £143,665
4. Local education provision £1,419,146
5. Off-site tree planting £217k

7.10.3 The first requirement is a stipulation of the site allocation and should therefore be given highest priority. The applicant has already made allowance for this payment in their costings hence why it is covered in their offered contribution.

7.10.4 Upgrade of the adjacent playground would benefit residents of the site and the wider community. It would help to create a strong and varied recreational hub in this location that would consist of the more formal Rock Gardens, the informal open space on site, and formal play provision. It is therefore considered that this is the most appropriate use of the remaining money and the figure of £80,000 has been purposely offered to cover this obligation.

7.10.5 With regard to both the local health and education contributions, there is an uncertainty as to what extent residents on the estate would comprise new residents to the area rather than relocated residents. In terms of the health obligation, it is predicted that the overall Blackpool population will fall over the next 20 years. In addition, given the compact nature of the borough, it is possible that residents moving to the site from within Blackpool would already be registered at a doctor's surgery and would not intend to move. It is recognised that Blackpool suffers from very significant health deprivation and an aging population, and that local practices are known to be at capacity. However, given the uncertainty and the limited funds on offer, it is considered that the money would best be spent to provide a neighbourhood play facility in full rather than a partial contribution towards healthcare provision.

- 7.10.6 It is equally suggested that no part of the contribution go towards local education provision. Notwithstanding the initial consultation response identifying a need for 50 spaces, considering pupil yield against the most up-to-date housing mix figures would give a total requirement for 38 spaces proportionally reducing the obligation to £1m. It is understood that a single temporary classroom costs in the region of £200k. Following further discussions with the Council's Assistant Director with responsibility for School Improvement and SEND (Special Educational Needs and Disability), it has been suggested that, as an absolute minimum, two temporary classrooms at St. Mary's Catholic Academy and Unity Academy would be required amounting to £400k. As such, the available money would fall significantly short of this and it is unclear what other developments might be able to contribute substantively towards this sum. It is understood that the particular pressure is for secondary school provision within the central area of Blackpool, but that there is some capacity within schools within a reasonable travel distance of the site. On this basis, it is not considered appropriate to use the contribution for education provision.
- 7.10.7 The final obligation would relate to off-site tree planting. It is considered that this requirement would be off-set to some extent by the over-provision of quality public open space on site, and because a significant number of trees are proposed as part of the development. Further tree planting would also be expected to be secured as part of the off-site highway works to create the new junction on Bispham Road. On this basis, the upgrade of the existing play facilities are considered to be of more community value in this case than additional tree planting.

## **7.11 Consideration of the planning balance**

- 7.11.1 The National Planning Policy Framework is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainability comprises economic, environmental and social components.
- 7.11.2 Economically the scheme would generate employment during the construction phase and residents would help to support local shops and services during the operational phase. However, this would be true for any residential development of the site and so does not weigh materially in the planning balance.
- 7.11.3 Environmentally, whilst the scheme, like any development, would have an inevitable visual impact, it is well-designed and would deliver an attractive residential estate. Subject to conditions, it is considered that satisfactory biodiversity net gains could be achieved and that no detrimental impact on air, land or water quality would result. It is anticipated that an acceptable drainage solution could be agreed. However, the proposal would not meet the government's expectations for tree-lined streets and would not provide sufficient trees in accordance with the Council's Greening Blackpool Supplementary Planning Document to support the Council's Green Infrastructure Strategy. More than 50% of the majority of front gardens would be hard-surfaced in contravention of Policy DM1. This weighs notably against the proposal.
- 7.11.4 Socially, the proposal would deliver housing on an allocated housing site in accordance with Policy CS2. This weighs strongly in favour of the proposal. That said the Council currently has a comfortable housing land supply, removing any imperative for this site to be developed in the short term. The housing mix proposed would accord with Policy CS13 and the level of affordable housing provision is considered to be reasonable. The amount of public open space proposed on site would comfortably exceed the Council's standards. This weighs in

favour of the application and could be considered to off-set, at least in part, the shortfall in tree provision. The homes proposed would offer an acceptable level of residential amenity, and it is considered that the development could be delivered without detriment to flood risk or highway safety, but these are standard expectations that weigh neutrally in the planning balance. The heritage value of the neighbouring Rock Gardens would be adequately safeguarded, but again this is a standard expectation of neutral weight. Whilst parking provision would be adequate in quantitative terms, it would not meet the qualitative space standards of Part 2. This weighs against the application.

- 7.11.5 The applicant has submitted financial viability information seeking to demonstrate that it is not possible for the development to meet the relevant planning obligations and planning policy requirements. The upgrade of the existing playground to neighbourhood facility would deliver clear community benefits. The lack of healthcare and education contributions weigh strongly against the application but, as explained above, it is likely that a significant proportion of residents of the estate would be existing Blackpool or Fylde coast residents rather than new people to the area.
- 7.11.6 Throughout the viability discussions, officers have been mindful of the need to find a pragmatic solution to enable a planning permission to be granted if possible. Whilst Parkinson Real Estate has understandably focused upon the financial credentials of this site and application in isolation; officers and Members must consider the contribution this scheme could make towards achieving the Council's wider planning strategy, and the Government's ambition in the face of the national housing shortage to build more homes in sustainable locations where people want to live. It is also pertinent to note that, from January 2024, major development schemes will be liable for the mandatory 10% biodiversity net gain requirement being introduced by government. This requirement will trump all other planning obligation expectations. If this scheme is not supported, and if market conditions worsen, this may mean that a future application would not be able to provide the level of affordable housing and contributions offered here.
- 7.11.7 The site is allocated for major housing development, and Blackpool has few large sites available for housing delivery. The proposal would make an efficient and effective use of land and, despite shortfalls against Local Plan requirements, it would provide a good quality residential estate. The applicant has agreed to cover two of the necessary five planning obligations. As such, overall and on balance, it is considered that planning permission should be granted.

## **7.11 Other Issues**

- 7.11.1 The application 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 (as amended).
- 7.11.2 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.
- 7.11.3 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between

people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

## **8.0 FINANCIAL CONSIDERATIONS**

8.1 The scheme would generate income for the Council through Council Tax payments and a New Homes Bonus receipt. It would also secure the Council a capital receipt as this is Council owned land. However, this is not a material planning consideration and does not carry any weight in the planning balance.

## **9.0 BLACKPOOL COUNCIL PLAN 2019-2024**

9.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.

9.2 On balance, this application would accord with priority two by delivering housing of an acceptable standard on a large site allocated for residential development.

## **10.0 CONCLUSION**

10.1 In light of the above, the proposal is considered to represent sustainable development and no other material planning considerations have been identified that would outweigh this view.

## **11.0 RECOMMENDATION**

11.1 Accept the conclusion of Greater Manchester Ecology Unit that there is no need for an appropriate assessment under the Habitats Regulations.

11.2 Resolve to support the proposal and delegate the application to the Head of Development Management for the grant of planning permission subject to the following:

- Completion of a S106 legal agreement to secure:
  - £442,000 towards the provision of an off-site sports facility
  - £80,000 towards the upgrade of the adjoining playground to 'neighbourhood facility' standard
  - 40no. affordable houses
- The conditions listed below:

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

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

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

*TO BE CONFIRMED FOLLOWING RECEIPT OF FINAL PLANS LIST*



The development shall thereafter be retained and maintained in accordance with these approved details.

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

- 3 The accommodation hereby approved shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose.

Reason: In order to safeguard the Council's resort regeneration strategy, the living conditions of the occupants of nearby residential properties and the character of the area in accordance with Policies CS7, CS12, CS21 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no enlargement of the dwelling/s the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM20 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 5 Notwithstanding the information provided, the external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 6 Notwithstanding the information provided, the surfacing materials to be used in the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying down of any final surfacing and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 7 The windows and doors hereby approved shall be recessed behind the front face of the elevation in which they are set by at least 60mm unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground construction.

Reason: In order to secure appropriate visual articulation and interest in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 8 Notwithstanding the information provided, and prior to the commencement of any above ground construction, a scheme for the provision of boundary treatments to include their position, height, materials and design, shall be submitted to and agreed in writing by the Local Planning Authority. These agreed boundary treatments shall then be provided in full and in full accordance with the approved details before the proposal hereby approved is first brought into use.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no walls, fences or gates shall be erected within any part of the curtilage of any dwellinghouse that is forward of the front building line of that dwellinghouse.

Reason: The development has been designed around an open-plan layout and the erection of a variety of different boundary treatments would significantly detract from the quality, character and appearance of the streetscene. This condition is therefore required in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no hardstanding shall be installed within curtilage of the dwelling-house forward of the front elevation of the dwelling-house.

Reason: In order to maintain soft landscaping in the interests of the appearance of the site and streetscene and in the interests of sustainable surface-water drainage in accordance with the provisions of Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 Policies DM17, DM21 and DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 11 No bins or refuse shall be stored forward of the front elevation of the building other than on the day of presentation for collection.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 12 (a) Prior to the commencement of any development on site, a tree and hedgerow protection plan shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details.

For the purpose of this condition, this protection plan shall:

- (i) identify the trees and hedgerows to be retained on or adjacent to the site;

- (ii) detail the position, height and format of protective fencing to be erected around the trees/hedgerows to be retained; and
- (iii) confirm that no excavation, materials storage, waste disposal or other activities shall take place within the fenced-off area.

(b) The protective fencing agreed pursuant to part (a) of this condition shall remain in place for the duration of the site preparation and demolition and/or construction period.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees and/or hedgerows growing within or adjacent to the site which are of amenity value to the area, in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 13 (a) Notwithstanding the information provided, and prior to the first occupation or use of the development hereby approved, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities;

(b) The landscaping scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details either prior to occupation or within the first planting season following first occupation; and

(c) Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 7 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that 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 in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 14 (a) Notwithstanding the information provided, and prior to the commencement of any above ground construction, a landscaping scheme for the Bispham Road frontage shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities;

(b) No property hereby approved shall first be occupied until the landscaping scheme agreed pursuant to part (a) of this condition has been implemented in full and in full accordance with the approved details.

Reason: In order to soften the appearance of the development when viewed from Bispham Road in the interests of the quality of the streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

15 (a) Prior to the commencement of development a plan to identify those areas of the site proposed to be incorporated into private residential plots and those areas to be managed and maintained by an estate management company shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the commencement of development an Estate Management Plan for those areas of the site to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:

- Identify the third parties responsible for management (e.g. Site Management Company)
- Set out arrangements to secure implementation of the Estate Management Plan in perpetuity
- include the provisions set out in the Landscape and Ecological Management Plan prepared by Richard Eaves ref. RE4191 Issue 3 August 2022

(c) The Estate Management Plan hereby approved shall be implemented in full at all times that any of the homes hereby approved are occupied.

Reason: To ensure that landscaping features are properly protected and managed to secure their longevity and the visual appearance and biodiversity value of the site, in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

16 No trees or hedgerows shall be felled or cleared during the main bird nesting season (March to September inclusive) unless written confirmation of the absence of nesting birds by a suitably qualified and experienced ecologist has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

17 The following measures shall be adhered to throughout the demolition/construction period of the development hereby approved:

- all materials will be covered and stored on raised pallets only
- means of escape for amphibians and small mammals shall be provided from any excavation (i.e. solid plank providing access from the base of the excavation to ground level)
- construction and storage areas to be inspected at the start of each working day for amphibians and small mammals
- in the event that a protected species is found on site, works should immediately cease and a suitably qualified and experienced ecologist consulted
- any non-protected species found on site should be carefully removed and placed under cover on the other side of the site boundary.

Reason: In order to safeguard biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 18 Prior to any vegetation clearance or earthworks a Reasonable Avoidance Measures method statement for mammals such as hedgehog, fox and rabbit and amphibians covering site clearance and construction shall be submitted to and agreed in writing by the Local Planning Authority and works shall thereafter proceed in full accordance with this agreed statement.

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 19 The development hereby approved shall proceed in full accordance with the recommendations set out in the Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment prepared by Cameron S Crook and Associates in March 2022 and the addendum note prepared by them and dated 5th September 2023.

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 20 Notwithstanding the information submitted and prior to the commencement of any above ground construction, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with this approved scheme. For the purpose of this condition, the scheme of ecological enhancement shall include but not be limited to:

- Provision to bolster existing hedgerows with native species
- Species-rich planting to create habitat areas
- Native tree planting
- Provision of bird and bat boxes
- Features to facilitate roaming of small mammals and amphibians
- Features to support insects

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 21 Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill. The lighting shall avoid wherever practicable the illumination of tree-lines and hedgerows.

Reason: In the interest of the appearance of the site and locality, to safeguard the amenities of nearby residents, and to safeguard biodiversity in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM35 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 22 No property hereby approved shall be first occupied until the access arrangements shown on Access Arrangement Bispham Road plan ref. 69644-CUR-XX-00-D-TP-75002 Rev P08 have been provided in full and in full accordance with that approved drawing.

Reason: In order to ensure safe access to and egress from the site is available in the interests of highway safety in accordance with the provisions of Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 23 (a) Prior to the commencement of development, an assessment of the existing condition of the highway in the immediate vicinity of the application site shall be submitted to and agreed in writing by the Local Planning Authority;

(b) Prior to the development hereby approved being first brought into use:

- (i) An assessment of the condition of the highway in the immediate vicinity of the application site upon completion of the development shall be submitted to and agreed in writing by the Local Planning Authority and
- (ii) A scheme of remediation including a timetable of works to make good any damage caused to the highway in the immediate vicinity of the application site as a result of the development shall be submitted to and agreed in writing by the Local Planning Authority

(c) The scheme of remediation agreed pursuant to part (b) of this condition shall be implemented in full and in full accordance with the approved timetable.

Reason: In order to ensure that the development does not result in undue damage to the public highway to maintain safe and convenient access in accordance with the provisions of Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 24 (a) Prior to the commencement of development an addendum to the existing Transport Assessment shall be submitted to and agreed in writing by the Local Planning Authority. This addendum shall investigate potential impact on and opportunities for upgrade of the capacity of the junction of Bispham Road and Warbreck Hill Road.

(b) Before any of the houses hereby approved are first occupied, a scheme of off-site highway improvement works informed by the addendum agreed pursuant to part (a) of this condition shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the development hereby approved is first occupied.

Reason: In the interests of highway safety in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

- 25 (a) Prior to commencement of development, a survey of traffic speeds on the main arms of Regency Gardens along with details of any vehicle speed mitigation measures revealed to be necessary by the survey shall be submitted to and agreed in writing by the Local Planning Authority;

(b) Prior to first occupation of any of the houses to be accessed via Regency Gardens as hereby approved, any vehicle speed mitigation measures identified as being required pursuant to part (a) of this condition shall be implemented in full and in full accordance with the agreed details.

Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

26 (a) Notwithstanding the information provided, and prior to the commencement of development, the following information shall be submitted to and agreed in writing by the Local Planning Authority:

(i) a tracking plan to demonstrate that the internal road layout is adequate to accommodate access by appropriate delivery and refuse collection vehicles;

(ii) a scheme of any amendments to road geometry revealed as being necessary by the tracking plans required by part (a)(i) of this condition.

(b) The development hereby approved shall be carried out in full accordance with any plans agreed pursuant to part (a)(ii) of this condition.

Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

27 (a) Prior to the commencement of development a plan to identify those areas of the site proposed to be adopted by the Local Highway Authority and those areas proposed to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the commencement of development a Highway Management Plan to for those areas of the site to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:

- Identify the third parties responsible for management (e.g. Site Management Company)
- Set out a regime/timetable for inspections and regular repair or maintenance works
- Explain how issues can be reported, assessed and resolved

(c) The Highway Management Plan hereby approved shall be implemented in full at all times when any part of the area to which it relates is occupied or in use.

Reason: In order to ensure that safe and convenient access is available to the development by a range of transport modes in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 28 Prior to each property hereby approved being first brought into use, the parking provision shown on the approved plan(s) as being associated with that property shall be provided and shall thereafter be retained and maintained as such.

Reason: In order to ensure that adequate parking provision is available to meet the needs of the development in the interests of the appearance of the area and highway safety in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 29 No dwelling with its own garage or driveway shall be occupied in advance of the installation of an EV charging cable of sufficient capacity to enable a 7kW electric vehicle charging point to be installed.

Reason: To facilitate sustainable transport by ensuring there is adequate infrastructure to enable the charging of plug-in and other ultra-low emission vehicles in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 30 Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act 1990 or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the garage shall not be used for any purpose that would preclude its use for the parking of a vehicle.

Reason: In order to ensure that appropriate car parking provision is available to meet the needs of the property in the interests of public amenity, highway safety and the appearance of the streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 31 (a) The development hereby approved shall not be occupied until a travel plan has been submitted to and agreed in writing by the Local Planning Authority.

The travel Plan shall include:

- appointment of a travel co-ordinator
- proposals for surveying
- production of travel audits
- establishment of a working group
- an action plan
- timescales for implementation
- targets for implementation

(b) The development hereby approved shall then proceed and be operated in full accordance with the approved Travel Plan.

Reason: In order to encourage travel to and from the site by sustainable transport modes in accordance with Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.



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

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

33 (a) The development hereby approved shall proceed in full accordance with the following drainage information and these approved details shall be implemented in full and in full accordance with the following prior to any part of the development first being brought into use:

Drainage design statement ref. 30484/DS/SRG dated May 2022

Drainage plan - eastern end of the site ref. 30484/100/2 Rev E

Drainage plan - western end of the site ref. 30484/100/1 Rev E

(b) The developer shall provide as built drawings and certification of the completion of the drainage system as approved by a competent person.

Reason: To promote sustainable development, secure proper drainage of sewage and surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

34 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design Drawing 30484/100/2, Rev E - Dated 20/09/23 which was prepared by Ironside Farrar. For the avoidance of doubt surface water must drain at the restricted rate of 43.5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

35 No construction shall commence until details of the means of ensuring the public sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

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

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:

(i) on-going inspections relating to performance and asset condition assessments

(ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

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

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information must be agreed prior to the commencement of development in order to ensure appropriate drainage of the site as the development proceeds.

37 Notwithstanding the information provided and prior to the commencement of development;

(a) a scheme of site remediation shall be submitted to and agreed in writing by the Local Planning Authority; and

(b) the remediation agreed pursuant to part (a) of this condition shall be carried out in full and a validation report confirming the works and CS2 gas protection measures shall be submitted to and agreed in writing by 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 the provisions of Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information is required to be submitted and agreed prior to commencement in order to ensure that the development hereby approved proceeds safely

38 A) Notwithstanding the information provided, no development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

(i) The programme and methodology of site investigation and recording

(ii) The programme for post investigation assessment

(iii) Provision to be made for analysis of the site investigation and recording

(iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation

- (v) Provision to be made for archive deposition of the analysis and records of the site investigation
- (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

This is in accordance with National Planning Policy Framework paragraph 199: "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".

- 39 (a) Notwithstanding the information provided and prior to the commencement of any development on site, a Demolition/Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the Demolition/Construction Management Plan shall specify the provision to be made for the following:
- (i) measures to prevent detrimental impact on air quality including confirmation that no materials would be burned on site and dust mitigation measures to be followed during the demolition/construction period
  - (ii) measures to control noise emanating from the site during the demolition/construction period
  - (iii) hours and days of demolition/construction work for the development. Please note that typically acceptable working hours are 0800-1800 Mondays to Fridays and 0800-1200 on Saturdays with no working on Sundays or Public Holidays
  - (iv) details of contractors' compounds and other storage arrangements, to include position, means of screening, storage heights, details of enclosures, and appearance of any structures or cabins
  - (v) provision for all site operative, visitor and construction loading, off-loading, parking and turning within the site during the demolition/construction period including all requirements for occupation of areas of highway
  - (vi) arrangements for the provision of wheel washing facilities comprising a 10m x 3.5m wheel wash with two 6m long ramps to be operated during the demolition/construction period to minimise the deposit of mud and debris on the adjacent highways

(vii) provision of a board at the entrance to the site, to be retained throughout the construction period, to include 24hr contact details for site management; and provision of contact details for the contractor's street sweeping subcontractor with specific authorisation for the Council as Local Highway Authority to call out that contractor as and when required

(viii) measures to prevent contamination of surface and sub-surface water bodies during the demolition/construction period, and prevent the runoff of surface water to the highway in storm conditions during construction

(ix) routing of construction traffic

(x) a condition survey of the adopted public highway up to the first junction with the strategic road network along the proposed construction traffic route, or other area as may first be agreed in writing with the Local Highway Authority, along with a construction stage timeline proposal for the provision further condition surveys (either post-completion or to include surveys at appropriate intervals depending upon the duration of the construction period)

(b) The demolition/construction of the development shall thereafter proceed in full accordance with the approved Demolition/Construction Management Plan.

(c) Each condition survey required pursuant to part (a)(x) of this condition shall be accompanied by a scheme and timing schedule of any works as may be appropriate to rectify any dilapidation caused to the adopted public highway as a result of demolition and construction works related to the development hereby approved, to be agreed in writing by the Local Planning Authority. These works shall then be carried out in full in accordance with this agreed scheme and schedule.

Please note, **the submission of a standard Health and Safety statement will not be sufficient to discharge this condition.** As part of any discharge of condition application you will be expected to highlight the location of each element of information required above within your submission.

Reason: In the interests of the amenities of surrounding residents and to safeguard environmental quality and the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM31 and DN36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This condition is required to be discharged prior to commencement in order to ensure that the development proceeds without causing undue harm to residential amenity, highway safety or the quality of the environment.

40 The development hereby approved shall at all times accord with the Fibre Statement provided by Rowland and dated 3rd May 2023.

Reason: In order to ensure that the development benefits from appropriate broadband provision in accordance with Policy DM18 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 41 Prior to the first occupation of any dwelling hereby approved, that dwelling shall be provided and fitted with a water butt of not less than 200 litres capacity to collect roof rainwater. This water butt shall be situated to the rear of the property.

Reason: In order to minimise water consumption to improve the sustainability of the development in accordance with the provisions of Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM1 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 42 The development hereby approved shall proceed and at all times operate in accordance with the Sustainability Statement prepared by Energy Compliance Ltd dated May 15 2022.

Reason: In order to ensure that the development contributes to sustainability and supports the Council's wider objectives and commitments relating to environmental quality and climate change in accordance with Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM1 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 43 Prior to the occupation of any property hereby approved that does not have a garage, a garden shed measuring at least 1.2m x 1.8m and incorporating a solid roof and walls shall be provided to the rear of that property.

Reason: In order to facilitate travel by a sustainable transport mode in accordance with Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 44 Notwithstanding the information provided on the approved plans, prior to the commencement of the laying down of roads and pathways within the site, final details of the pathway positions shall be submitted to and agreed in writing by the Local Planning Authority, and the development shall thereafter proceed in full accordance with these approved details.

Reason: the pathways shown on the approved plans do not follow natural desire lines in some areas which is likely to result in damage to vegetation. This condition is therefore required in order to safeguard landscaping in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM21 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

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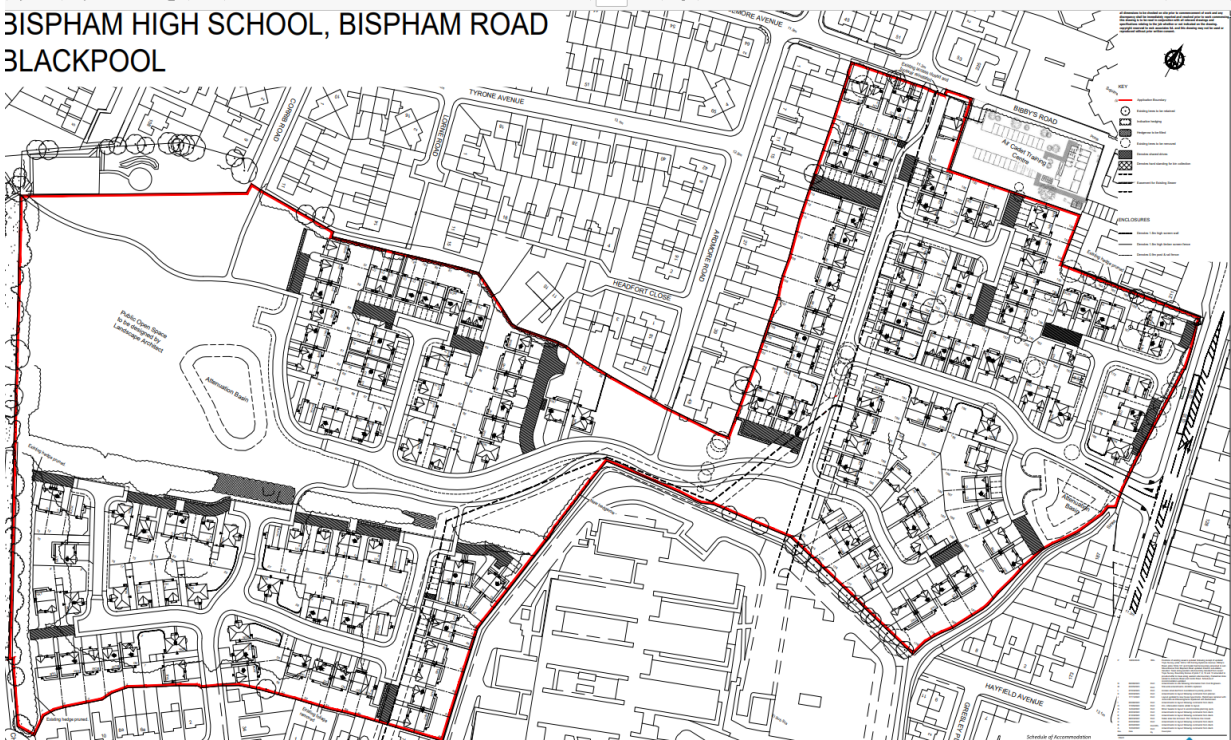
**22-0670 – FORMER BISPHAM HIGH SITE - PLANS**

**Location Plan:**



**Site layout plan:**

**BISPHAM HIGH SCHOOL, BISPHAM ROAD  
BLACKPOOL**



# Appendix 9a. Bispham High Plans

## Landscaping plan:



## Illustration streetscenes:

