

COMMITTEE DATE: 09/02/2016

Application Reference: 15/0747

WARD: Clifton
DATE REGISTERED: 24/11/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr J Kay

PROPOSAL: Erection of residential development in rear garden.

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

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms Pippa Greenway

SUMMARY OF RECOMMENDATION

The principle of developing the site for residential purposes has been established in the past (in 2000 and 2003) and the site is within the main urban area and in sustainable location. Any adverse impacts arising from the development i.e. on the amenities of the local residents in terms of close proximity, overlooking, site layout, parking provision for future occupiers of the development, private amenity space etc. could be designed out at Reserved Matters stage.

INTRODUCTION

This proposal is a resubmission of an outline application which was for the erection of 13 dwellings in the rear garden of 170 Preston New Road, with associated access from Carson Road following demolition of 15 and 17 Carson Road (14/0337 refers). The application was withdrawn prior to Committee as the recommendation was for refusal for the following reasons:

1. No information has been submitted to demonstrate that the development proposed would not have a detrimental impact on bats, birds or other protected species. As such, it has not been demonstrated that the scheme would not cause harm to a protected species.
2. The proposed development would result in an unsatisfactory level of residential amenity for the future occupiers of the proposed houses due to cramped accommodation in terms of internal floorspace standards, unsatisfactory refuse storage facilities and manoeuvring for refuse collection vehicles, inadequate private amenity space, and no on-site public

open space sufficient to serve the residents, and would therefore result in an over-intensive development.

3. The proposed development provides insufficient and unsatisfactory car parking facilities for both proposed residents and visitors and would therefore result in on-street parking and additional congestion in the surrounding area to the detriment of pedestrian and highway safety and the residential amenities of existing and proposed residents.
4. The proposed development would have a significantly detrimental impact on the residential amenities of the surrounding residents on Carson Road and Newhouse Road by virtue of its massing and close proximity to the common boundaries, resulting in loss of privacy and an overbearing impact.
5. The proposal does not demonstrate a sufficiently wide mix of house types and sizes in order to ensure that a variety of housing needs would be accommodated as part of the development.
6. The means of access to the proposed development would be significantly detrimental to highway safety by virtue of the close proximity to the road junction of Carson Road with Sunningdale Avenue, which would be exacerbated by the higher than normal volume of through traffic, which uses Carson Road as a rat-run.

A subsequent outline application (15/0224) deleted all reference to number of units but drawings showed an indicative layout with access from Preston New Road. That was also withdrawn prior to determination rather than attract a refusal on the location of the access.

SITE DESCRIPTION

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

DETAILS OF PROPOSAL

This application is an outline proposal for a residential development in the rear garden of 170 Preston New Road. Whereas on the previous scheme, vehicular access was proposed from Carson Road (following demolition of 15 and 17 Carson Road) the current application is for the principle of residential development and reserves all matters for future consideration (previously layout and access were applied for).

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of the proposal in terms of backland development

- the impact on protected species and TPO trees
- the impact on the locally listed building
- the impact on the amenities of neighbours
- highway safety, parking and accessibility

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

CONSULTATIONS

Built Heritage Manager: I refer to the outline application for the erection of residential development in the rear garden on 170 Preston New Road. I have no objection to the proposal providing it will not involve the demolition of the locally listed 170 Preston New Road, or otherwise cause harm to its character.

Blackpool Civic Trust: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Transportation: I have no objection in principal to this proposal. Any proposed or new access / egress from the site should not be taken from Preston New Road.

Head of Parks and Green Environmental Services: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Waste (Residential): No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Sustainability Manager: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

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

- Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution.
- Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (NPPG) with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the

Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

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

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 27 November 2015

Neighbours notified: 27 November 2015

Objections received from 3, 9, 10, 27 Carson Road and 168 Preston New Road.

Objections relate to:

- this is an enclosed garden, surrounded by buildings so not suitable for development.
- huge impact on the traffic and parking in the surrounding streets. Traffic here is already bad as people use Carson Road as a bypass to avoid the lights at Preston New Road.
- detrimental effect on way of life.
- multiple dwellings at rear of Carson Road properties will generate more noise from cars coming and going in this already busy area.
- no entrance or exit to the garden because it's surrounded on all sides by properties.

See assessment for response.

NATIONAL PLANNING POLICY FRAMEWORK

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

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

Part 6 - Delivering a wide choice of high quality homes.

Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a Local Planning Authority is unable to demonstrate a five year supply of housing land. Local planning authorities should consider the case for setting out

policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Part 7 - Requiring good design.

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

Part 11 Conserving and enhancing the natural environment.

Planning policies and decisions should aim to:

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

Part 12 - Conserving and enhancing the historic environment.

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

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

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

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- LQ2 Site context
- LQ3 Layout of streets and spaces
- LQ6 Landscape Design and Biodiversity
- LQ8 Energy and Resource Conservation
- HN4 Windfall sites
- HN6 Housing Mix
- HN7 Density
- BH1 Balanced and Healthy Community
- BH3 Residential and Visitor Amenity
- BH10 Open space in new housing developments
- NE6 Protected Species

NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value
NE10 Flood Risk
AS1 General Development Requirements

SPG11 Open Space: New Residential Development and the Funding System

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are:

CS1: Strategic Location of Development - to create predominantly residential neighbourhoods on the edge of the Inner Areas. The focus of the Core Strategy is on regeneration of the Town Centre and Resort Core with supporting growth at South Blackpool. It recognises the important character and appearance of remaining lands at Marton Moss and the priority to retain and enhance its distinctive character.

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

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

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

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

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

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

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

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

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

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

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

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

ASSESSMENT

Principle of backland development

Regarding the principle of residential development in this location, outline planning permission was granted in 2000 (00/0744 refers) for a residential development comprising six, two-bedroomed flats in one two-storey block across the middle of the site. This was renewed in 2003 (reference 03/1038), however the permission lapsed in 2008. The principle of residential development on this garden site has therefore been established. A condition of the approval was that there was no vehicular access from Preston New Road.

In order to be more in keeping with the character of the area, I consider that family houses are preferable to flats and as the site is over 0.2 hectares in area, Policy HN6 requires a mix of house types and sizes in order to ensure that a wide variety of housing needs would be accommodated as part of the development. The number and form of development could be addressed at Reserved Matters stage as layout and appearance have not been applied for.

Biodiversity / Tree Preservation Order

A neighbour has commented that there are house sparrows resident in some of the trees; house sparrows are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a house sparrow, or to take, damage or destroy an active nest or its contents. The provision to control house sparrows under a general licence was removed from the Act in early 2005 in England, making the species fully protected in England. Development of the garden site could take place outside the breeding season so that there was no conflict in that respect.

The site currently contains 16 individual trees, two domestic hedges and three groups of trees. A Tree Preservation Order originally applied to eight individual trees and one group of trees. Of those eight trees, permission has recently been granted for six to be removed as they were hazardous and a condition was imposed requiring their replacement in accordance with a scheme to be agreed. The scheme could be designed to take account of any new building proposed, should planning permission be forthcoming on this application.

Locally listed building

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

Amenity

With regard to the impact on the amenities of neighbours, design and layout are not for consideration at the present time and any privacy, outlook or loss of sunlight issues could be designed out at Reserved Matters stage.

It is not considered that the noise and disturbance generated by the proposed residents would have a significant impact on the quality of life in the existing private rear gardens around the site. Issues with overlooking could be overcome by the use of suitable boundary screens and the careful positioning of upper floor windows. Similarly, private amenity space could be addressed at Reserved Matters stage.

Highway Safety, Parking and Accessibility

The Head of Transportation has no objection to the development as long as no access is taken from Preston New Road, as it would lead to conflict with other road users to the detriment of highway safety. A condition could be imposed to that effect and would then require access to be obtained by other means. The applicant owns some properties on Carson Road which could be demolished to provide access. In considering a previous scheme here, the Head of Transportation recommended refusal of the access onto Carson Road; however in that instance, the number of residential units was high (13) and he considered that access for a lesser number of properties would be acceptable. All the car parking requirements generated by the scheme could be contained within the site and would have no impact in terms of congestion or on-street parking in the residential streets in the vicinity.

Other Issues

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

CONCLUSION

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development, which means approving development proposals

that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Relevant policies for the supply of housing should not be considered up-to-date where the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, this is not applicable as the 2013 SHLAA Update demonstrates that Blackpool has a five-year supply against the proposed housing requirement. Therefore, the Core Strategy policies are a material consideration along with relevant saved policies in the current Blackpool Local Plan.

The proposal is in outline only with all matters (scale, siting, layout, access, landscaping) reserved for future consideration. The site is in a sustainable location and any adverse impacts arising from the development i.e. on the amenities of the local residents in terms of close proximity, overlooking, site layout, parking provision for future occupiers of the development, private amenity space etc., could be designed out at a later date.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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

Since no open space capable of being utilised as play area has been shown and there is no indication as to the potential number of future residents, the requirement for open space or a commuted sum in lieu of open space provision, cannot be assessed at this stage. This could be secured by means of an appropriately worded condition, if permission was forthcoming.

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File 15/0747 which can be accessed via the link below:
<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

Recommended Decision: Grant Permission

Conditions and Reasons

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

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).
2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 24 November 2016 including the following plans: Drawing number B14-1438.01 (site location plan).

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.
3. No vehicular or pedestrian access/egress shall be obtained from/to Preston New Road.

Reason: In the interests of highway safety and in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016.
4. The reserved matters application(s) pursuant to this outline planning permission shall include a scheme to secure the provision of on-site open space, or improvements to off-site open space, together with a mechanism for delivery, in

accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policies BH3 and BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

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

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways, including a hard standing area of 15m for wheel washing facilities.
- the routeing of construction traffic.

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

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

6. No site clearance, preparation or development work shall take place until a fully detailed scheme for the identification and protection of wildlife species, hedges and TPO'd trees has been submitted to and agreed in writing by the Local Planning Authority. No clearance shall be carried out between 1st March and 31st October inclusive in any one year unless surveys by a competent ecologist show that nesting birds would not be affected. Development shall be carried out in accordance with the approved scheme.

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

7. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system to surface water. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure proper drainage and to manage the risk of flooding and pollution to water resources and in accordance with Policies BH4 and NE10 of the Blackpool Local Plan 2001-2016.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy NE10 of the Blackpool Local Plan 2001 – 2016 and the NPPF.

Advice Notes to Developer

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