

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

Application Reference: 16/0750

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

APPLICATION TYPE: Full Planning Permission
APPLICANT: Newfield Construction Ltd

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

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

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

SUMMARY OF RECOMMENDATION

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

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

INTRODUCTION

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

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 As a result the application was withdrawn by the applicant prior to determination.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

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

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

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

SITE DESCRIPTION

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

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

DETAILS OF PROPOSAL

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

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

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

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

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

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

The application is accompanied by:

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

MAIN PLANNING ISSUES

The key issues in relation to this application are:

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

Physical Security

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

Reason: to reduce burglary.

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

Reason: to reduce burglary.

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

Reason: to reduce burglary.

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

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

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

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of

policies within the National Planning Policy Framework and National Planning Practice Guidance.

Environment Agency: No formal consultation needed.

Head of Highways and Traffic Management: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

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

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

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

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

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

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 14 November 2016

Neighbours notified: 14 November 2016

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

In summary, the objections relate to:

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

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

Refer to the Assessment section for responses.

NATIONAL PLANNING POLICY FRAMEWORK

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

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

National Planning Policy Framework Part 4 - Promoting Sustainable Transport.

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

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

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

National Planning Policy Framework Part 7 - Requiring good design.

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

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

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

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

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

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

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

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

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

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

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

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

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

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

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

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

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

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

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

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

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

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

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

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

- LQ1 Lifting the quality of design
- LQ2 Site context
- LQ3 Layout of streets and spaces
- LQ4 Building design
- LQ6 Landscape Design and Biodiversity
- LQ9 Listed Buildings
- HN4 Windfall sites
- BH3 Residential and Visitor Amenity
- BH10 Open space in new housing developments
- NE2 Marton Moss Countryside Area
- AS1 General Development Requirements
- SPG11 Open Space: New Residential Development and the Funding System

ASSESSMENT

Principle

There are two key policy issues:

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

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

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

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

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

Design

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

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

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

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

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

Amenity

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

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

Highway Safety

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

Parking and Accessibility

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

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

Impact on the Listed Cottages and their setting.

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

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

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

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

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

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

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

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

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

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

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

Other Issues:

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

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

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

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

CONCLUSION

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

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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

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

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s) 16/0750 and appeal decision which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 7th November 2016 including the following drawings numbered: CMNEDGE/APP/2/LOC/01; CMNEDGE/APP/2/SK/001; CMNEDGE/APP/2/MAT/01; HOLA-P-03(2010); DET-SG-PLNG01; BAN-P-04 (2010); SDL 600PR; SDL 900PW; SF 10; CMNEDGE/APP/2/STREET/01.

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

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

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

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

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

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

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

Plan Part 1: Core Strategy 2012-2027.

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

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

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

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

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

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

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Advice Notes to Developer

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