

COMMITTEE DATE: 09/05/2017

Application Reference: 17/0128

WARD: Highfield

DATE REGISTERED: 27/02/17

LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr Holloway

PROPOSAL: Erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and car parking.

LOCATION: LAND AT TAYBANK AVENUE AND LIVET AVENUE, BLACKPOOL

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool **and Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

SUMMARY OF RECOMMENDATION

The site is appropriate for residential development. There is sufficient off-street parking for each dwelling and there are no significant amenity or privacy issues. The density and form of the development is acceptable in this location. The recommendation is therefore for approval.

INTRODUCTION

Variations of this proposal have been submitted a number of times and have either been refused, or been withdrawn, each time since it was originally granted approval for three detached bungalows in 2013:

13/0037 - Erection of three detached bungalows with private garages and associated access works. **Granted Permission.**

14/0842 - Erection of three pairs of semi-detached dwellinghouses fronting Taybank Avenue with associated car parking, landscaping and boundary treatment. The properties would be two bed roomed. **Withdrawn.**

15/0107 Erection of three pairs of semi-detached dwellinghouses fronting Taybank Avenue with associated car parking, landscaping and boundary treatment. **Refused.**

15/0658 Erection of four, two-storey detached dwellinghouses fronting Taybank Avenue, with associated car parking. **Refused.**

15/0609 Erection of four detached dwellinghouses fronting Taybank Avenue with associated car parking, landscaping and boundary treatment. **Withdrawn.**

The most recent refusal being:

16/0231 Erection of four, two-storey detached dwellinghouses fronting Taybank Avenue with associated car parking. **Refused** for the following reasons:

1 The proposed development would be overintensive and out of keeping with the streetscene/character of the area due to the high density of the proposed development, its scale, its massing and the design of the properties. As such it would be contrary to Policies HN7, LQ1, LQ2, LQ4 and BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission and paragraph 17 of the National Planning Policy Framework.

2 The proposed development would have a significantly detrimental impact on the residential amenities of the surrounding occupants by virtue of the massing, design and close proximity to the common boundaries resulting in an overbearing impact, overlooking and loss of outlook and would therefore be contrary to Policies LQ4 and BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission and paragraph 17 of the National Planning Policy Framework.

3 The proposed development would have a significantly detrimental impact on the residential amenities of potential future occupiers by virtue of overlooking by the occupants of surrounding properties and would therefore be contrary to Policy BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission and paragraph 17 of the National Planning Policy Framework.

The current proposal attempts to overcome the objections to the previous schemes by reducing the number of dwellings from four to three.

SITE DESCRIPTION

The area is residential in character. Pedders Lane comprises mainly terraced, two-storey dwellings, but the area behind and surrounding the rest of the application site comprises true and dormer bungalows. This 0.95 ha plot of land was previously used as a market garden but is now unused and just kept mown. A vehicular access runs behind the Pedders Lane houses and gives access to a garage in the ownership of 47 Pedders Lane and a workshop/shed.

DETAILS OF PROPOSAL

The proposal is for the erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and driveway car parking.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of residential development
- design
- residential amenity
- highway safety

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

CONSULTATIONS

Head of Highways and Traffic Management: I have no objection to this proposal. Off-street parking is provided to each property. The current on-street parking is both unrestricted and under-subscribed. The applicant should contact Highways and Transportation for the provision of the vehicle crossings. An existing Lighting Column may be in conflict with one of the proposed vehicle accesses. If this is to be moved, the applicant should contact Eon via Highways and Transportation.

United Utilities: No objection on drainage grounds, therefore no drainage conditions are necessary. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. A public sewer runs close to this site and we may not permit building over it. A modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. Each unit will require a separate metered water supply. The level of cover to the water mains and sewers must not be compromised either during or after construction. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records. If a sewer is discovered during construction, the developer should contact a Building Control Body to discuss further.

Electricity North West Ltd: The proposal could have an impact on our infrastructure (there is a low voltage service to a street lamp which may be affected by the proposed access to the properties and may require diverting. Additionally there is a substation to the rear of the development which might be affected).

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. The applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting

Electricity North West. Great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

Waste Services Manager: No response has been received to date. Any comments received prior to the meeting will be reported in the Update Note.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 2nd March 2017

Neighbours notified: 2nd March 2017

Objections from: 5, 7 Livet Avenue; 55, 57 and 66 Pedders Lane; 6 Taybank Avenue. They consider the scheme to be:

- over intensive
- out of keeping with the character of the area due to high density, scale, massing and design
- should be true bungalows with detached garages rather than houses with integral garages
- loss of privacy/overlooking
- overshadowing/loss of light
- will add to parking congestion and be detrimental to highway safety

In response, there would be three properties on the site, with similar plot widths to other properties in the area. There would be no clear glazed windows on the first floor rear elevations which would cause overlooking and the height of the development would be similar to the terrace of properties on Pedders Lane. There would be three on-site parking spaces per property and the Head of Highways and Traffic Management has confirmed that he has no objections on highway safety grounds.

NATIONAL PLANNING POLICY FRAMEWORK

There is a presumption in favour of sustainable development; which has three strands - economic, social and environmental, which are mutually dependent. Paragraph 6 of the National Planning Policy Framework (NPPF) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the NPPF there is a presumption in favour of sustainable development, which is the 'golden thread' running through both plan-making and decision-taking. This means:

- (i) local planning authorities (LPAs) should positively seek opportunities to meet the development needs of their area;
- (ii) Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change;

- (iii) approving development proposals that accord with the development plan without delay; and
- (iv) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 17 of the NPPF sets out 12 core planning principles, stating that amongst other things planning should:

- proactively drive and support sustainable 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 design and a good standard of amenity for all existing and future occupants of land and buildings;
- encourage the effective use of land by reusing land that has been previously developed; and
- 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.

Paragraph 49 of the NPPF makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development, however paragraph 48 states that windfall sites.....should not include residential gardens. Paragraph 50 goes on to state that LPAs should deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities. Paragraph 53 states that the local planning authority should set out policies to resist inappropriate development of residential gardens, e.g. where it would cause harm to the local area. The NPPF also aims to ensure that development responds to local character and history (paragraph 58) and seeks to achieve good design which promotes local distinctiveness (paragraph 60). Decisions should address the connections between people and places and the integrationinto the natural, built and historic environment.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

CS1: Strategic Location of Development - to deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.

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.

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

CS13: Housing Mix, Density and Standards – point 3....optimum density appropriate to the characteristics of the site and its surrounding area.

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

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
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- AS1 General Development Requirements
- BH3 Residential and Visitor Amenity
- BH10 Open Space
- HN4 Windfall sites

ASSESSMENT

Principle

The proposal accords with Policies CS1 and CS2 and residential development is an appropriate use for this windfall site.

Design

The house form is appropriate as there is no prevalent style and character in this area. There are houses on Pedders Lane itself and dormer bungalows and true bungalows on the side roads. The elevation to Livet Avenue of the corner property has been improved from previous submissions and now has some interest, with windows etc. The elevations result in house-sized properties rather than bungalows and this is the reason for only proposing three units on the land. The driveways could accommodate two cars and as a result the front gardens would have a small area of greenery. The design is unusual and seems slightly top heavy, but this has been discussed with the agent and he is of the opinion that it is satisfactory and does not want to change it and the officers' view is that it is acceptable in this location. The proposal is therefore mainly in keeping with the character of the area.

Amenity

The application site is approximately 1167 sq. m. in area, with three properties proposed on it; the four detached bungalows at 11-19 Taybank Avenue occupy 1145 sq. m. of land i.e.

the proposal is slightly less dense than existing development in the area; but it would be in keeping with the character of the area. The density is 26 dwellings per hectare and Policy CS13 seeks to optimise density and make efficient use of land. Officers have suggested that there might have been an opportunity to increase the density to four smaller units i.e. true bungalows on the land, but the agent has not pursued that option. The three properties would be on similar plots to other properties in the area and are therefore considered acceptable.

The properties meet the National Technical Space Standards in terms of gross internal floor area (GIFA) and bedroom sizes. These three bedroom, four person, dwellings require a minimum of 84 sq. metres. gross internal floor area; 85 sq. metres. is provided. The garages are 5.9 metres deep, with room to store bicycles. There are no windows facing the houses on Pedders Lane and only one first floor rear bathroom window in each of the properties would face the bungalow at 5 Livet Avenue at 9.3 metres. distant, so would not affect their privacy (subject to an obscure glazing condition). Also, there is a private workshop to the rear which would be unlikely to result in noise issues. The most southerly of the properties would not over-dominate 55 and 57 Pedders Lane, as even though it is almost on the boundary with the back street, the first floor is a hipped roof, sloping away from the Pedders Lane properties.

There would be the loss of three trees around the front boundary, which could not be offset by new landscaping/ planting within front gardens as the gardens would not be that deep and any trees would be too close to the dwellings in terms of roots. The trees shown as retained on the Livet Avenue frontage of the site have little chance of survival; however they are not subject to a Tree Preservation Order (TPO) and are in a relatively poor condition.

Highway Safety

The access through Taybank Avenue ends in a number of cul-de sacs i.e. all vehicular traffic has to exit via Taybank Avenue and onto the main highway network at Pedders Lane. All properties have resident/visitor parking within curtilage and space for bicycles within the garage - the Head of Highways and Traffic Management has no objection to this.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Policy BH10 - since the proposal is for residential development of three houses, a commuted sum is required to offset the Public Open Space requirement as none is provided on site. Calculated in accordance with Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development", the amount is £3,096, to be secured by condition.

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 Files 16/0231; 15/0658; 15/0107; 13/0037 which can be accessed via the link:

<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 including the following plans: Location Plan stamped as received by the Council on 27/02/2017; Drawing No.s A939/4, A939/3, A939/2.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the integral garages shall not be used for any purpose which would preclude their use for the parking of motor cars.

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.

4. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no 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, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. All glazing to the first floor of the west (rear) elevation of each property shall be at all times obscure glazed and fixed permanently closed.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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

8. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off-site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and

Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

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

NOTE – The development is of a scale to warrant a contribution of £3,096 towards the provision of or improvement to off-site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

9. No property shall be occupied until such time as the appropriate dropped kerb has been provided between the footway and the carriageway.

Reason: In the interests of 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.

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.
2. Policy BH10 of the Blackpool Local Plan states that new residential developments will need to provide sufficient open space to meet the needs of its residents in accordance with the Council's approved standards. The policy goes on to say that where it is not possible to provide the full requirement of public open space on site, developers may pay a commuted sum to cover the provision or improvement of public open space off site. Details of the Council's standards and calculated commuted sum rates are set out in Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development". In accordance with this document, and given that no public open space can be provided on site, the commuted sum required in respect of this development would be £1,032 x 3 = £3,096.

3. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Built Environment Department in the first instance to ascertain the details of such an agreement and the information provided. An existing Lighting Column and electricity cable may be in conflict with the proposed vehicle access. If this is to be moved, the applicant should contact Eon via the Head of Highways and Transportation, and Electricity North West.

4. A public sewer runs close this site and United Utilities may not permit building over it; therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.