

**COMMITTEE DATE:** 22/01/2020

**Application Reference:** 19/0588

WARD: Marton  
DATE REGISTERED: 08/10/19

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr Beardmore

**PROPOSAL:** Erection of three detached bungalows with associated access road.

**LOCATION:** LAND TO REAR OF 1-7 BROAD OAK LANE, BLACKPOOL, FY3 0BZ

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**Summary of Recommendation:** Refuse

#### **CASE OFFICER**

Miss. P. Greenway

#### **BLACKPOOL COUNCIL PLAN 2015 -2020**

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

This application accords with priority one of the Plan - The economy: maximising growth and opportunity across Blackpool to some extent as it would provide new houses. However, it would be contrary to priority two as it would be contrary to the Council's wider strategy to direct new residential development to the more central areas of the town where it is more sustainable and can support Inner Area regeneration.

#### **SUMMARY OF RECOMMENDATION**

The proposal would provide three bungalows in a reasonably accessible location and there would be no adverse impact on local ecology or protected species (subject to appropriate conditions). However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within the Blackpool Borough and in addition the scheme does not adequately address the flood risk issue. Although the layout has changed compared to the refused and subsequently dismissed scheme for seven bungalows (13/0604 and 16/0443 refers) the proposal is still seeking to secure permission for residential development and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside

Area. As such the proposal would not represent sustainable development. This adverse impact would not be outweighed by the relatively limited benefits of the scheme. Therefore, for the reasons given and having had regard to all other matters raised, the application is recommended for refusal.

## **INTRODUCTION**

This application is before Members because it constitutes a departure from the development plan and there have been a lot of representations against the proposal.

## **SITE DESCRIPTION**

The application site is a field on the edge of Staining village that has an area of approximately 0.37ha. The site is bounded to the north by open countryside with the village of Staining to the east. A small number of dwellings lie to the west of the site along Broad Oak Lane which has a very rural character, being narrow (approximately 3 metres in width) with no footpaths. An isolated triangle of densely vegetated land lies to the south of the site across Broad Oak Lane with the south-westerly extent of Staining village beyond. The site itself is roughly vegetated with grass with some trees and hedges evident around the perimeter. There are no ponds on the site. The site is elevated by approximately 1.8 metres above the level of Broad Oak Lane. Staining village has seen a significant amount of residential development in recent years within the jurisdiction of Fylde Borough Council. The boundary between Blackpool and Fylde runs along the eastern boundary of the site.

The site is located within a Countryside Area in the Local Plan and within Flood Zone 1.

## **DETAILS OF PROPOSAL**

The current application seeks full planning permission for the erection of three detached bungalows with associated parking and an access road from Broad Oak Lane. The plans submitted with the application show the bungalows restricted to the southern portion of the field, with an area of meadow across the northern part of site. The proposed properties back on to the rear gardens of properties on Maclaren Close, with the internal access road running closer to the western boundary with Broad Oak Lane. A landscaped zone is proposed along the western boundary of the site. The individual plots are also shown as having a landscaped zone to the rear. It is proposed that both foul and surface water would be discharged into the existing sewerage pipes that run eastwards along The Nook to the south-east of the site. No sustainable drainage features are proposed within the site.

The application has been supported by:

- Planning Statement
- Ecological Appraisal
- Contaminated Land Assessment
- Drainage Proposals

## **RELEVANT PLANNING HISTORY**

89/0820 - Erection of residential development - Refused  
90/0288 - Erection of residential development - Refused  
95/0760 - Erection of residential development - Undetermined  
96/0292 - Erection of residential development - Refused  
96/0454 - Erection of residential development of 15 dwellings - Refused  
96/0952 - Erection of residential development - Refused  
98/0159 - Erection of residential development - Refused  
09/1234 - Erection of residential development of 19 dwellings - Refused  
10/1484 - Erection of residential development of 7 bungalows - Withdrawn  
11/0853 - Erection of residential development of 7 bungalows - Refused  
12/0655 - Erection of residential development of 7 bungalows - Refused  
13/0604 - Erection of residential development of 7 bungalows - Refused - APPEAL DISMISSED

The Inspector's main issues and conclusions were:

i) the effect of the proposed development on the character and appearance of the area. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the emerging Core Strategy.

ii) whether the appeal site could be adequately drained without adverse flooding impact on neighbours. He was not persuaded on the evidence before him, that it has been adequately demonstrated that the site would be drained satisfactorily, so as not to exacerbate flooding problems.

iii) the effect on local ecology. From the evidence before him, he was satisfied that the proposal would not adversely affect Great Crested Newts or any other protected species or the local ecology, subject to conditions to secure biological enhancement measures (if the appeal were to succeed).

iv) the effect of other considerations including the supply of housing land in the Blackpool Borough, and sustainability, on the planning balance.

Policy NE2, which primarily relates to the protection of the character of the countryside, and in that respect is consistent with one of the core planning principles of the Framework, is not out of date and carries weight in the decision. Staining village has a reasonable range of facilities including, a small supermarket, school, surgery and access to public transport. The site is, therefore, in a sustainable location. However, due to the identified harm to the designated countryside area, the development would not satisfy the environmental dimension of sustainable development that the Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore, the proposal would not represent sustainable development and the presumption in favour of such development set out in the Framework, would not apply.

The Inspector concluded that the proposal would provide seven bungalows in a reasonably sustainable location and in an area acknowledged as having a population with a high percentage of retired people who may have preferences for bungalows. He was satisfied that there would be no adverse impact on local ecology or protected species. However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within the Blackpool Borough. As such the proposal would not represent sustainable development. It had not been adequately demonstrated that the surface water run-off from the site, which the Flood Risk Assessment (FRA) confirms would be increased by the development, would be discharged satisfactorily without exacerbating the existing flooding issues in the area, particularly in Broad Oak Lane and the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme.

Therefore, for the reasons given and having had regard to all other matters raised, he dismissed the appeal. Two s106 Unilateral Undertakings, designed to mitigate the impact of the proposal, were submitted by the appellants during the appeal process. In view of his overall conclusion, he commented that there was no need for him to consider the contents of these Undertakings further.

16/0443 - Erection of residential development of 7 bungalows - Refused

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the principle of residential development in this location
- the highway implications of the scheme
- the potential impact on residential amenity
- the acceptability of the layout
- the adequacy of the design
- the adequacy of the proposed drainage scheme
- the potential ecological impact

### **CONSULTATIONS**

**Natural England:** Habitat Regulations Assessment (HRA) Screening required: For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'). Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. Where the HRA Screening cannot rule out a likely significant effect on the coastal designated

sites then an Appropriate Assessment is required, of which Natural England is a statutory consultee, please consult us again at this stage.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of further comment from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**Ramblers Association:** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

**Lancashire County Council (LCC) (Flood Risk):** Lancashire County Council Lead Local Flood Authority would like to add the following comments to the above planning application site regarding drainage issues. The proposed development site is within Blackpool Council's boundary but is immediately adjacent to the boundary of Lancashire County Council and its village of Staining. The proposed development site has a watercourse (drainage ditch) within it that captures surface water flow from the site and from the uphill/surrounding area. It is well documented that in recent years this watercourse has been non-operational due to it being filled in/levelled thus causing the surface water that it should be draining to flow downhill to the surrounding residential areas, namely Eddleston Close, Maclaren Close and Broad Oak Lane. The surface water drainage systems in the named residential locations struggle to cope during storm events as it is, with many flooding incidents listed. The extra surface water flow, from the non-operation watercourse, has only added to and increased the chance of flooding to the residential locations. It is understood that due to legal action by Blackpool Council the watercourse has been reopened in recent days/weeks. Therefore with all the above in mind it is of high importance that this watercourse remains operational, be that as a Greenfield site or a developed site. All surface water from this site must be drained to its existing outlet. If planning permission is ever granted for this site the developer must not be allowed to drain surface water to any watercourse other than to its existing outlet.

**Lancashire County Council (Archaeology):** I have checked our records and the proposed development site is considered to have negligible archaeological potential. I advise that archaeology does not need to be considered further for this application.

**United Utilities:** Following our review of the Proposed Drainage Plan (Ref: KB/04639/005, Rev: 0, Dated: 30.05.2019, by CFM Consultants) we can confirm the proposals are unacceptable in principle to United Utilities.

**Fylde Borough Council:** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

**Head of Environmental Protection (Contaminated Land):** There is a historic landfill located approximately 170m from the site and adjacent to the site is a former farm. As a result a Phase 1 desk study is required, if this shows that there is a significant likelihood of significant harm then this is to be followed by a Phase 2. The findings of these reports will identify if remediation is required. All reports are to be submitted to the Local Authority prior to development occurring. I agree with the conditions regarding land contamination. Gas monitoring will need to be carried out as recommended by the report over a six month period.

**Local Highways Authority:** It is noted that the proposed road is not intended for adoption. However, it would be logical for it to be put forward for adoption and, subject to geometry and specification, it could be made acceptable. If it is not to be adopted the drainage in the site might not be accepted for adoption. Given the concerns over surface water drainage it would be logical to pursue adoption of the road and drainage in order to secure certainty of future maintenance and, therefore, control of run-off. The access is too close to the existing junction at a point where there is no footway and the alignment involves a very tight bend. It is not acceptable as drawn and should be positioned further west and the alignment simplified. Visibility would need to be established in both directions. I would expect a greater width of carriageway on Broad Oak Lane itself to some point west of the access. This would push the access north, as it were, making the pronounced bend even less acceptable. It is appreciated that these comments would make this part of Broad Oak Lane less rural in appearance but I believe that it could be done sympathetically. In the event that the access is eventually built and is sited further west than the application shows it is most likely that it would not be possible to drain it through the site, as is noted above. It would then have to drain, in accordance with the hierarchy outlined above, via Broad Oak Lane to the continuation of the restored watercourse.

**Local Drainage Authority:** The supporting documentation indicates that any past drainage issues are resolved. This is not the case, except that a filled watercourse has been restored. Subject to the agreement of United Utilities it seems likely that the proposed foul drainage arrangement could be acceptable – with the caveat that if the site road is not to be adopted then the drainage in the site would not normally be accepted for adoption.

The surface water drainage is another matter. Both United Utilities and Lancashire County Council have indicated that the connection of surface water sewerage eastward into the surface water sewer network in Staining is unacceptable. It is understood that the network already surcharges in storms of relatively short return periods and so further flow would

exacerbate the situation. The National Planning Policy Framework is clear that a drainage proposal that would exacerbate flooding elsewhere is unacceptable. The proposal is, therefore, unacceptable as presented. I have not made further reference to what is proposed but have addressed the more general surface water drainage issues.

The site slopes generally to the southwest. The northern boundary, identified by the restored watercourse, is the highest part of the site together with the eastern edge of the site. The eastern boundary may have been a watercourse at some point in the past but is now partly obstructed by garden walls and is overgrown. The restoration of the watercourse on the northern boundary has taken the flow of water away from the eastern boundary and further work will be done to consolidate this.

Surface water is required to be attenuated appropriately, then discharged into the ground if feasible. Whilst it has not been addressed in the application this is unlikely to be a solution, except perhaps in part. If discharge into the ground is not possible the next alternative is to discharge to a surface water body – that is a body of water or a watercourse. Since the site can be drained to the recently restored watercourse in the northwest corner of the site we need not consider the other options in the hierarchy which are to discharge to a surface water sewer or local highway drain or, in the last resort to a combined sewer.

The situation is that watercourses flowing toward the site from the north will drain away westward and the site falls that way. Given that the site can be drained to a watercourse in that direction there need be no surface water flow other than westward. Since the site itself falls to the southwest it is likely that an effective drainage scheme would involve cutting off flow in that direction from the site.

In conclusion: neither the highways nor the drainage aspects of the proposal are acceptable.

**Greater Manchester Ecology Unit (GMEU):** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

## **PUBLICITY AND REPRESENTATIONS**

Press notice published: 17/10/2019 (Departure)

Site notice published: 11/10/19

Neighbours notified: 08/10/2019

The following comments have been received from **Councillor John Singleton, Fylde Borough Council**

As the local Elected Member for Fylde Council, Staining and Weeton Ward, I strongly object to any developments on this land. This land is open countryside and should remain open countryside. More importantly it separates the authorities of Blackpool and Fylde of which Staining is a Village in the Borough of Fylde. Over the last few years the cottages down Broad

Oak lane have been flooded several times, the last time being three weeks ago during heavy rains. Staining Village, in particular, Eddleston Close which runs alongside this land has been flooded several times. The last time being three weeks ago which resulted in water entering residents garages? I advised residents to call 999 for assistance. This has always been noted as a flood area. I am Chairman of the Staining Flood Action Group which has links to Lancashire County Council Flood Management Department and its Manager Rachel Crompton. Eddleston Close and this parcel of land in question has always been the subject of discussion on the Staining Flood Action Group Agenda. This was compounded when the ditch surrounding the field was filled in. The residents of the cottages on Broad Oak Lane are one of the oldest cottages in Blackpool and suffer the most appalling conditions I have witnessed due to drainage. I do not represent these residents but being close to Staining I am aware of their problems. I will be attending the Planning meeting with some residents from Blackpool and Staining with recent images of the flooding. We plan to voice our objections to this 15<sup>th</sup> application at the meeting. I will advise Democratic Services of our intention to speak. I will also supply them with the names of the speakers.

The following comments have been received from **Staining Parish Council:**  
**David Kirkham (Clerk) and Councillor David Angel:**

On behalf of Staining Parish Council, I am submitting this document with regards to the above planning application. Although the Parish Council has not been requested to comment officially, it feels the necessity to raise concerns regarding the application. Should the application be successful, it would certainly have an effect on Staining Village. The increase in traffic will have a detrimental effect throughout the village which will naturally be utilised as a thoroughfare and Staining Village will receive no benefit whatsoever. With this in mind, the Parish Council would strongly support refusal of the application.

16 additional representations have been received from the following properties:

- Broad Oak Lane: 1, 4 and 5
- The Nook: Cherry Trees, 22 and 24
- Eddleston Close: 19 & 26
- Maclaren Close: 1, 2 and 3
- Windmill Close: 12
- Staining Road: Staining Villa and 210
- Staining Rise: 2
- Whitehead Close: 12

These representations raise the following issues:

- impact on rural character of the designated countryside, Staining village and Broad Oak Lane. Some of the cottages are amongst some of Blackpool's oldest dwellings so would compromise the look and feel of the area.
- if approved it would give the green light for more properties on this site.
- there are enough properties in the village (Parish Plan).

- the application states 'three bungalows specifically for occupation by over 55's. There are several bungalows for sale in Staining which would provide housing for the over 55's and or disabled persons which will have no detrimental impact on the village as existing purpose built properties.
- there are several bungalows for sale and some been empty for a period in Staining so there is already provision for such properties.
- conflict with National Planning Policy Framework.
- drainage issues: the Nook floods every year and which has increased dramatically since new properties were built behind the Nook and Elizabeth Close; residential properties (No 1 and No.3 Broad Oak Lane) have been subjected to internal flooding on many occasions; flooding already causes severe problems for the residents and damage to property; septic tanks overflow during flooding incidents a building development will only increase the surface water run-off and compound the problem; lack of capacity in local sewer system.
- highways issues: increase in traffic on an already busy road will cause more hazards for walkers, cyclists and horse; inadequate access and visibility at access; dangerous access road; impact on condition of local roads.
- The driveway directly faces my property, in darkness hours headlights from vehicles exiting will shine directly into my house causing disturbance.
- sustainable urban drainage systems impractical in this area.
- inadequate infrastructure/facilities in village to support the housing. there is one 'shop' in Staining only and no easy access to Poulton-le-Fylde as only one bus and one route which by passes Blackpool first. School is stretched to the limit in the village, our local doctors has just closed.
- loss of habitat for wildlife - there are newts, frogs and toads using this field, also there is a bunch of wintering Barnacle Geese regularly using the field as a grazing and roosting site, these birds are on the endangered species list. There is an SSSI within 500 metres and there are Biological Heritage Sites in the area which will be affected.
- potential loss of hedgerows.
- as my property is adjacent to the land I am concerned with the loss of both light and privacy.
- increase in crime.
- village would become less desirable.
- impact on property prices.
- disturbance during construction.
- rates would be paid to Blackpool Council whilst the impact would be in Fylde.

The Committee are respectfully reminded that issues relating to loss of view, potential impact on property prices or preference for an alternative scheme are not valid planning considerations. The payment of Council Tax is also not a valid planning consideration.

## **RELEVANT PLANNING POLICY**

### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (NPPF) retains the key objective of achieving sustainable development and hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The parts most relevant to this application are -

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

### **NATIONAL PLANNING PRACTICE GUIDANCE**

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

### **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 -

- CS2 Housing Provision
- CS7 Quality of Design
- CS9 Water Management
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Density and Standards

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- BH3 Residential Amenity
- BH10 Open Space in New Housing Developments
- HN4 Windfall Sites (for housing development)
- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces

- LQ6 Landscape Design and Biodiversity
- NE2 Countryside Areas
- NE5 Other Sites of Nature Conservation Value
- NE6 Protected Species
- AS1 Access and Parking

## **BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM2: Housing for Older People
- Policy DM5: Design Requirements for New Build Housing Development
- Policy DM32: Development in the Countryside
- Policy DM33: Biodiversity
- Policy DM39: Transport Requirements for New Development

## **ASSESSMENT**

### **Principle**

In this instance, the key issues to consider are Blackpool's current housing requirement and five-year supply position; the extent to which the proposal would contribute towards Blackpool's housing supply; the impact of the proposal on the character and function of the designated Countryside Area; and the extent to which the proposal would constitute sustainable development.

### **Housing Requirement**

The National Planning Policy Framework expects Local Planning Authorities to be able to demonstrate a five year supply of housing land. Where this cannot be achieved, the National Planning Policy Framework makes it clear that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This has been tested during the examination of the Core Strategy and more recently at the Warren Drive housing appeal. The Council can demonstrate a five-year supply of housing land, the tilted planning balance in favour of housing does not therefore come into play.

**Countryside Area Designation.** The application site falls within the designated Newton Hall/Preston New Road Countryside Area that forms a buffer between Staining village and the main urban area of Blackpool as defined in the adopted Blackpool Local Plan. This is the only remaining countryside area in the Borough and is predominantly in agricultural use adjoining

extensive areas of open countryside in neighbouring Fylde Borough. It has an open character comprising fields and Biological Heritage Sites. This designation merges with a wider area of Countryside extending around Staining village and beyond in the adjoining borough of Fylde. Saved Policy NE2 of the Local Plan relates to this area and is designed to preserve its open and rural character and function, and prevent the expansion of the built up area into the open countryside. The policy prohibits the development of new dwelling units within the Countryside Area unless essential to support agricultural or horticultural uses. This principle is longstanding in local planning policy as a similarly worded policy featured in the 1996 Local Plan. Policy CS1 of the Core Strategy seeks to focus growth, development and investment in Blackpool Town Centre, the Resort Core and inner area Neighbourhoods to support the regeneration of the town. The Countryside Areas are considered to be integral to the local distinctiveness of Blackpool and are valued by the local community. Proposals that would be detrimental to the existing open and rural character, landscape quality and nature conservation value of these areas should continue to be resisted.

The application site is accessed via The Nook which is a relatively narrow and unadopted rural road. Approximately 200m from its junction with Chain Lane the road splits with The Nook continuing to the south-west and Broad Oak Lane branching off to the north-west. The application site sits at this divergence on the edge of the built up part of Staining village. Broad Oak Lane is relatively narrow, has no footways and is edged by trees and high hedges giving it a very rural character. The application field is elevated above the lane by about 1.8 metres. Although the proposal is for bungalows with a ridge height of about 4.7m, the elevated dwellings would dominate the rural character of Broad Oak Lane and appear incongruous in relation to nearby properties, particularly the older small cottages to the west which are at road level. The proposal would therefore have a detrimental impact on the open and rural character of this section of the defined Countryside Area.

In dismissing the latest appeal on this site (13/0604), the Inspector found that given the sporadic and isolated nature of the properties to the west of the appeal site, and the dense area of trees and shrubs to the south, he was not persuaded by the appellant's argument that the seven bungalows would be infill development. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the Core Strategy, and as such, would not be sustainable development.

Although the layout has changed compared to the dismissed scheme:

- principally in the reduction in number of bungalows from seven to three
- location of the access road which was along the eastern boundary, but is now proposed closer to the western boundary;
- the relocation of the bungalows further eastwards on the site; and,
- the reduced height of the development (the dismissed appeal required the bungalows to be raised by additional mounding of up to 2m high on the site, to overcome drainage issues)

The proposal is still seeking to secure permission for three bungalows and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside Area.

Sustainability. The site only has medium accessibility but accessibility is only one indicator of sustainability which incorporates a range of economic, social and environmental considerations. The site is surrounded by existing residential properties, including some recent developments, suggesting that the area is a desirable place to live. Chain Lane gives access to the southern area of Blackpool and the M55 motorway via a two-lane rural road. It also gives access to Poulton-le-Fylde town centre but via a narrow single track rural lane with passing places. Staining village contains a primary school, a public house, a convenience store and a couple of other local businesses. The village is poorly served by public transport, there is one bus route which runs to and from Poulton-le-Fylde via Blackpool, but this is only one bus per hour. Also, the village has suffered the loss of its doctor's practice since the last application and the site is therefore less sustainable than it was.

The applicant has said that the bungalows would cater for the over 55's. The emerging Supported Accommodation and Housing for Older People policy requires specialist housing for older people to have a good level of accessibility to public transport, shops, services and community facilities. National Planning Practice Guidance Paragraph 018 relates to housing for older people and confirms that issues to be considered include the proximity and links to public transport and local amenities. There is only one convenience store in the village which is over 560m away from Broad Oak Lane. I consider that this is too far to regularly walk for people with lower levels of mobility and I note that the proposed bungalows do not include mobility scooter stores or charging points. The bus service (one per hour) stops approximately 170m away from Broad Oak Lane and there are no facilities such as a doctor's surgery in Staining. I do not consider Broad Oak Lane to have a good level of accessibility for purpose built housing for older people and is therefore not a sustainable location as such.

Housing Mix. In accordance with Policy CS13 of the Core Strategy, the proposed development would either have to provide a mix of housing types on the site, or the housing would have to contribute towards a balanced mix of housing in the wider area. The scheme proposed would provide three, detached, two-bedroom bungalows. This would not provide a mix of house types on the site, but there is no evidence to suggest that this would compromise the housing mix of the wider area. Many of the properties surrounding the application site are two-storey, terraced or semi-detached houses. On this basis, and given the limited number of properties being provided, the lack of mix proposed is not considered to justify refusal of the application.

Due to the identified harm to the designated countryside area, the development would not satisfy the environmental dimension of sustainable development that the National Planning Policy Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore the proposal would not represent sustainable development and the presumption in favour of such development, as set out in the National Planning Policy Framework, would not apply.

## **Amenity**

The application site is elevated by approximately 1.8 metres from the surrounding properties. Additionally the houses fronting Broad Oak Lane backing onto the site have extremely small back gardens with Nos. 5 and 7 Broad Oak Lane separated from the boundary by only around 2 metres at the closest point. To overcome these issues, the applicant is proposing a low-density scheme of bungalows rather than houses. The separation distances between the properties proposed and those existing on Maclaren Close and Eddleston Close to the east and Broad Oak Lane to the west meet the Council's minimum acceptable standards of 21m rear-to-rear and 12m side-to-side. As such, no unacceptable impacts arising from over-looking or over-shadowing would be anticipated. Each bungalow would be provided with a reasonable level of private outdoor amenity space which would be sufficient for the storage of refuse and cycles. As each property would be detached, refuse would be easy to present for collection.

The application seeks to provide 3 two-bedroom bungalows within an area of the application site measuring roughly 0.37ha. As Staining is a reasonably large and built-up village, it is not considered that this level of development would generate sufficient noise and disturbance from activity so as to have a detrimental impact on the residential amenities of nearby neighbours. A Construction Management Plan would be secured through condition were the Council minded to support the proposal. On this basis, the development is not considered likely to have a detrimental impact on residential amenity.

The access would face onto the side elevation of a property fronting Lodge Court. There is only one, obscure-glazed, first floor window in this elevation and so glare from the headlights of cars leaving the site would not impact upon the residential amenities of occupants.

## **Visual Impact**

The layout of the site would have an impact upon the appearance of the streetscene. The bungalows proposed would be aligned north to south and so the level of development immediately visible from Broad Oak Lane would be limited. The development would be further screened to the south-west by an area of mature vegetation to the front of the site which is not in the applicant's ownership and which does not form part of the application site. The property closest to Broad Oak Lane has the principal elevation facing the internal access road (westwards) and a side elevation facing towards the access point. A small bathroom projection including a window that would be expected to be obscure-glazed is proposed on the side elevation. Whilst this would provide some visual interest, it would be a relatively small and secondary feature that would not adequately address its position within the streetscene. As such, the design weighs against the proposal. This issue could be easily addressed by the applicant but, given the objection to the scheme in principle, it is felt that it would be unreasonable to request abortive work to be carried out to vary the design.

It has been suggested that the scheme would have a detrimental impact on the setting of the historic cottages on Broad Oak Lane. However, these cottages are not listed and would be

separated from the new properties by 20m of rear garden, vegetation and access road. It is not considered that any impact on their setting could be supported as a reason for refusal.

### **Highway Impacts**

As indicated by the Council's Highways officer, the proposed access is too close to the existing junction at a point where there is no footway and the alignment involves a very tight bend and is not considered acceptable as drawn. He considers that it should be positioned further west and the alignment simplified and would increase the carriageway width on Broad Oak Lane itself. The land to the west is not within the applicant's control and it is not clear whether or not it is highway land. In any event, the suggested amendments would make this part of Broad Oak Lane less rural in appearance; and even if carried out "sympathetically" it would suburbanise this part of the countryside area and contribute to the recommended reason for refusal relating to the impact on the character of the Countryside Area. As submitted, the shortcomings of the proposed access arrangements are considered to be unacceptable and constitute another reason for refusal. Adequate parking provision would be provided within the site to meet the needs of the development. The gardens would be large enough to accommodate cycle storage if desired.

### **Drainage and Flood Risk**

Subject to the agreement of United Utilities it seems likely that the proposed foul drainage arrangement could be acceptable – with the caveat that if the site road is not to be adopted then the drainage in the site would not normally be accepted for adoption.

With regard to surface water drainage, it is recognised that flooding is a serious issue in Staining and the adequacy of drainage provision in the area is a key concern. United Utilities has objected to the submitted drainage proposal, as has Lancashire County Council and Blackpool Council's own drainage officer. Some practical measures could be incorporated into the scheme to reduce the run off (such as the use of permeable materials for driveways and parking areas, and increased numbers of trees to dry out the site, harvesting of grey water), however both United Utilities and Lancashire County Council have indicated that the connection of surface water sewer eastward into the surface water sewer network in Staining is unacceptable. It is understood that the network already surcharges in storms of relatively short return periods and so further flow would exacerbate the situation. The National Planning Policy Framework is clear that a drainage proposal that would exacerbate flooding elsewhere is unacceptable. The proposal is, therefore, unacceptable as presented.

### **Ecological Impacts**

An Ecological appraisal has been submitted which includes: a Phase 1 Habitat Survey (including the preparation of a vegetation and habitat map of the site and the immediate surrounding area); a survey and assessment of all habitats for statutorily protected species; an evaluation of the ecological significance of the site; the identification of any potential development constraints and the specification of the scope of mitigation and enhancement required in accordance with wildlife legislation, planning policy and other relevant guidance;

and, the identification of any further surveys or precautionary assessments that may be required prior to the commencement of any development activities.

The report concludes that some of the ponds in the vicinity of the site were deemed to be suitable for breeding Great Crested Newts. The application site provides suitable habitat for hibernation, refuge and foraging. This distance from the nearest breeding pond and size of the development is however such that negative impacts on Great Crested Newt are unlikely. Bats, Brown Hare, Water Vole and nesting birds are known to occur in the local area. There was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.

The report considers that the protection of trees and hedgerows on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.

The report advises that contractors will be observant for protected species and all nesting birds. Should any species be found during construction, all site works should cease and further ecological advice should be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

Natural England has commented on the proposal and identified a need for a Habitats Regulation Assessment screening. No such has been submitted. Whilst in 2013 Natural England did not identify a likely impact on Great Crested Newts, this assessment is now out-of-date and Natural England makes it clear in its latest response that it does not consider impact on protected species. Although the contents of the submitted ecological appraisal are noted, officers are aware that local residents and the Parish Council have referred to the variety of wildlife in the area including Great Crested Newts. Consequently Greater Manchester Ecology Unit (GMEU) has been consulted but no response has been received in time for inclusion in this report. If GMEU concur that a Habitats Regulations Assessment screening is required, then the absence of one will have to constitute a further reason for refusal. This will be communicated through the update note.

### **Other Issues**

In terms of contaminated land, if the Committee was minded to support the scheme, appropriate conditions would be required to secure gas recording and mitigation measures as necessary. The scheme would not be expected to impact upon air quality and water quality could be safeguarded through the agreement of a Construction Management Plan and drainage strategy for the site.

Although not part of the adopted Development Plan, it should be noted that the proposal would be directly contrary to the stated aspirations and objectives of the Staining Parish Plan which states that 99% of residents responding to a questionnaire did not want to see the settlement grow any larger.

The closest school that would be affected by the development would be Staining Primary School. This school falls within the jurisdiction of Lancashire County Council who does not seek financial contributions toward education provision from developments of less than 10 units. On this basis, whilst the scheme may place further pressure on existing capacity at the school, it is not considered to be defensible as a reason for refusal.

It has been suggested that the existing facilities and infrastructure within Staining are insufficient to support additional housing. Given the accessibility score of the site this is not considered to be a reasonable reason for refusal for standard housing (as opposed to specialist or housing for the elderly). Furthermore, it is possible that the provision of additional housing would make existing facilities more sustainable and would support their expansion and/or improvement.

There is no reason to suppose that the scheme would result in an increase in crime.

### **Sustainability and planning balance appraisal**

Sustainability comprises economic, environmental and social components.

Economically the scheme would have a very limited impact but the creation of new residential units would help to support local shops and services and some employment would be generated during construction.

Environmentally, although environmental quality and biodiversity would not be materially affected, there would be a significant detrimental impact on drainage and on the character and function of the Countryside Area.

Socially, the scheme would provide good quality accommodation that would make a contribution towards the housing stock in the local area. The scheme would contribute towards the Borough's housing provision albeit to a negligible extent. However, there would be adverse impacts for the village with regard to flood risk and highway safety.

In terms of planning balance, the development proposed is considered not to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

### **CONCLUSION**

As set out above, the scheme not judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment.

On this basis, planning permission should be refused.

### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

Not Applicable

## **FINANCIAL BENEFITS**

The development would deliver some financial benefit in terms of Council Tax receipts but this consideration carries no weight in the planning balance.

## **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) 19/0588 which can be accessed via the link below:  
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Refuse

## **Conditions and Reasons**

1. The application site falls within the designated Newton Hall Countryside Area and separates Broad Oak Lane, which is a narrow rural road, from the main body of Staining. By virtue of the size of the site, the proposal is not considered to constitute infill development. Given the elevated level of the site; the sporadic and isolated nature of the properties to the west; and the dense area of trees and shrubs to the south; the development proposed would appear incongruous, particularly in relation to the properties to the west, and would dominate and compromise the open and rural character and function of this part of the Countryside Area. The proposal would constitute an urban extension of the settlement into a designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Blackpool Local Plan 2001 - 2016, Policy CS1 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 117 and 127 of the NPPF.

2. The proposed access to the site would be too close to the existing junction at a point where there is no footway. The proposed alignment of the internal road would be unacceptable by virtue of the tight bend close to the access point which would compromise visibility. The necessary visibility splays at the point of site egress cannot be achieved within the confines of the application site, and the applicant has not demonstrated that they could be achieved without reliance upon third party land without either exacerbating the unacceptability of the geometry of the proposed access arrangement or increasing the visual impact upon the character of the area. As such, the proposed access arrangements would have an unacceptable impact on highway and pedestrian safety contrary to the provisions of Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016, and paragraphs 108, 109 and 110 of the NPPF.
3. It is proposed that the site would drain into the existing surface-water drainage network serving Staining village and running from the site to the south-east. This network operates at or above capacity and is known to surcharge during storm events of relatively short return periods. As such, the drainage proposals would result in an unacceptable increase in flood-risk off site which would be contrary to the provisions of Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraph 163 of the NPPF.
4. The design of the southern-most bungalow is considered to be unacceptable by virtue of the lack of detailing on the southern side elevation. This lack of detailing prevents the property from adequately addressing the site access point and making a positive contribution to the quality of the appearance of the site and streetscene. As such it is contrary to the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016, and paragraphs 127 and 130 of the NPPF.
5. The applicant has not submitted an appropriate Habitat Regulations Assessment screening assessment of likely significant effects on affected designated sites and landscapes that may be affected. In the absence of such information the Council as a Responsible Authority cannot be assured that the proposal would not have an unacceptable impact upon ecology, biodiversity or protected species. As such, the proposal is contrary to the provisions of paragraphs 170, 175 and 177 of the NPPF.
6. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 38)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

## **Advice Notes to Developer**

1. The fourth reason for refusal could be addressed through the submission of amended plans. However, given the officer recommendation for refusal, it has not been considered reasonable to request potentially abortive work to address this concern.
2. Reason for refusal 5 could be addressed through the submission of an appropriate assessment. However, given the officer recommendation for refusal it was not considered reasonable to request potentially abortive work to address this concern.