

**Officer Report to Committee**

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<b>Application ref:</b>	22/0054
<b>Ward:</b>	STANLEY
<b>Application type:</b>	FULL
<b>Location:</b>	FORMER BAGULEYS GARDEN CENTRE, MIDGELAND ROAD, BLACKPOOL
<b>Proposal:</b>	Erection of 5 detached bungalows for people of the age of 55, with associated garages, landscaping and utilising existing access from Midgeland Road (via Birchwood Gardens)
<b>Recommendation:</b>	Refuse
<b>Case officer:</b>	Bethany Thornton
<b>Case officer contact:</b>	01253 476312
<b>Meeting date:</b>	14 June 2022

**1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application would accord with priority one as it would allow for the development of unused land for housing, however it would also conflict with the priority two as the land to be developed falls within the Marton Moss Strategic Site for which a comprehensive neighbourhood plan has yet to be adopted. Policy CS26 restricts the development of this land prior to the adoption of a neighbourhood plan to provide the community with the opportunity to directly determine the future for their area.

**2.0 SUMMARY OF RECOMMENDATION**

- 2.1 The proposals are contrary to Policy CS26 of the Local Plan as they propose development on the Moss which does not accord with the provisions of Policy CS26 and in advance of the adoption of a neighbourhood plan there are no current policies or plans which would justify the development and outweigh the conflict with CS26. On this basis, Members are respectfully recommended to refuse the application.

### **3.0 INTRODUCTION**

- 3.1 This application is before Members because it would constitute a departure from the Development Plan and is of general public interest. It has been included on this agenda at the express request of the applicant.
- 3.2 The application concerns the land to the rear of the former Baguley's Garden Centre site. Planning permission was previously granted for the erection of 22 dwellings on the wider site in 2016, however due to failure to discharge the attached condition and commence development, this permission lapsed in September 2018. Prior to this permission lapsing there were two applications for the erection of just four dwellings on the site, however these applications were refused on highways grounds. In April 2019 planning permission was granted for the erection of 12 dwellings on the former garden centre site. Whilst it was acknowledged that this conflicted with policy CS26, it was determined that on balance the benefits of the scheme which would include the redevelopment of unsightly brownfield land and the provision of housing to meet a specialist need outweighed this conflict.
- 3.3 An application was submitted in September 2021 for the erection of 7 more dwellings on the undeveloped land to the rear, however this application was withdrawn. The current application represents a resubmission of that application and proposes the erection of 5 additional dwellings on the undeveloped land.
- 3.4 As will be set out in the remainder of this report, the proposal is contrary to Policy CS26 of the Core Strategy in advance of the adoption of a Neighbourhood Plan. Prior to submission of this application, officers advised the applicant of the status of the Neighbourhood Plan and recommended that submission be deferred until the Plan were adopted. Officers have tracked the progress of the Neighbourhood Plan since submission and have advised that determination of the application be held in abeyance until the Neighbourhood Plan is further progressed such that greater weight can be attached to it. The applicant has declined this approach and has now requested immediate determination.

### **4.0 SITE DESCRIPTION**

- 4.1 The application relates to a parcel of land to the rear of the former Baguleys Garden Centre site. The former garden centre site has recently been developed and now comprises 12 bungalows with access from a new road (Birchwood Gardens) off Midgeland Road. This application concerns the undeveloped land between the new dwellings and Stockydale Road, a narrow country lane. The dwellings on Birchwood Gardens are to the west of the site and the southern boundary of the site is shared with the rear of detached dwellings facing onto Stockydale Road. To the east across Stockydale Road is a dwelling and cattery set within a large plot and to the north the boundary is shared with a detached residential dwelling.
- 4.2 The site falls within the Marton Moss Strategic Site and the landfill gas consultation area.

### **5.0 DETAILS OF PROPOSAL**

- 5.1 The application proposes the erection of five bungalows accessed from Birchwood Gardens. The dwellings would be sited in a line along the eastern boundary of the site, facing west towards the existing recently developed bungalows. The bungalows would be detached and would each have a garage to the rear accessed down the side of the property. The existing

public open space provided for the already developed bungalows would be reconfigured, forming two islands of open space in the centre of the site.

5.2 The application has been supported by:

- Design and Access Statement
- Accessibility Questionnaire
- Ecological Appraisal
- Topographical Survey
- Drainage Strategy
- Construction Management Plan

## **6.0 RELEVANT PLANNING HISTORY**

6.1 **21/0850** – Erection of 7 detached bungalows for people over the age of 55, with associated garages, landscaping and utilising existing access from Midgeland Road (via Birchwood Gardens) – Withdrawn.

6.2 **20/0527** – Non-material amendment to allow increase in ridge height to house types 1, 2, and 5 attached to planning application 18/0642 – Granted.

6.3 **20/0446** – Discharge of conditions 12 (Access) 13 (Highways) 14 (Highways) 19 (Site Contamination) attached to planning permission 18/0642 – Granted.

6.4 **18/0642** – Erection of 12 detached bungalows with access from Midgeland Road and associated public open space and private garages – Granted.

6.5 **18/0077** – Erection of 4 detached dwelling houses, 2 with integral garages and 2 with detached garages, with associated landscaping and access from Stockydale Road – Refused.

6.6 **17/0301** – Erection of 4 detached dwelling houses, 2 with integral garages and 2 with detached garages, with associated landscaping and access from Stockydale Road – Refused.

6.7 **16/0196** – Reserved Matters - Erection of 22 dwellings comprising 20 no. two storey detached dwelling houses and a pair of two-storey semi-detached dwelling houses with associated vehicular access from Midgeland Road – Granted.

6.8 **12/0894** – Outline- Erection of up to 36 dwellings comprising 6 no. two-storey detached dwelling houses, 3 no. detached bungalows, 16 no. two-storey semi-detached dwelling houses and 11 no. two-storey terraced dwelling houses with associated vehicular access from Midgeland Road – Granted.

6.9 **10/0220** – Outline - Erection of residential development – Refused.

6.10 **08/1181** – Outline - Erection of residential development – Refused.

6.11 **78/0166** – Erection of residential development – Refused.

## **7.0 MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- the principle of residential development on the site

- impact on residential amenity
- the acceptability of the design of the scheme and the impacts on visual amenity
- highway access, safety, and parking
- flood risk and drainage
- ecological impacts
- environmental impacts
- sustainability and planning balance

## **8.0 CONSULTATION RESPONSES**

- 8.1 **Greater Manchester Ecology Unit** – the logic presented is not entirely agreed but it is accepted that a great crested newt survey is not required. Standard advice regarding protective species and habitats applies.
- 8.2 **United Utilities** – The proposals are acceptable in principle and so a condition requiring the development to be carried out in accordance with the approved drainage details should be implemented. A condition requiring the submission of a sustainable drainage management and maintenance plan prior to the occupation of the development should also be implemented.
- 8.3 **Council Drainage Officer** – The drainage strategy is acceptable. The surface water is being discharged to the surface water system on Midgeland Road through agreement with United Utilities.
- 8.4 **Head of Highways and Traffic Management** – No objections in principle. The access to the site was agreed as part of the previous planning application for 12 dwellings. Access through the hedge from Stockydale Road is proposed to be prevented, and this should be secured via condition due to lack of visibility. The proposed 8m wide road could be reduced to 6m and the public open space radii to 6m. Further reductions in paved areas are feasible but would need to accommodate a fire service appliance and refuse freighter. Such reductions would improve the appearance of the development and increase the public open space provision whilst reducing the developers' costs. A condition requiring carriageways to be constructed to accommodate a 12.5 tonne vehicle should be applied, as required by the fire service standard response. The construction management plan is acceptable.
- 8.5 **Environmental Protection (Amenity)** – 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.
- 8.6 **Environmental Protection (Contaminated Land)** – 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.
- 8.7 **Parks Development Manager** – A landscaping plan is required which should include the species of trees and hedges and size of trees at heavy standard 12-14cm. Some trees (5) should also be included on the public open space section in the middle of the site.
- 8.9 **Marton Moss Neighbourhood Forum** – support the application as it conforms to the proposed neighbourhood plan which is shortly due for public consultation.
- 8.10 **Head of Strategic Asset and Estate** – 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.

- 8.11 **Residential Waste Services** – 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.
- 8.12 **Blackpool International Airport** – 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.
- 8.13 **Housing Strategy and Development Manager** – There is an existing need for two-bedroom accessible and adaptable housing.
- 8.14 Correspondence has been received from Lancashire Fire and Rescue Service advising that the development would need to comply with Building Regulations Approved Document B, Part B5.

## 9.0 **REPRESENTATIONS**

9.1 Site notice published: 17/02/2022.

9.2 Neighbours notified: 17/02/2022.

9.3 Nine representations have been received from the following properties in support of the application

- 16 Wicklow Avenue.
- 160 Preston New Road.
- 139 Midgeland Road.
- 2 New Hall Avenue.
- 2 Birchwood Gardens.
- 5 Birchwood Gardens.
- 10 Birchwood Gardens.
- 11 Birchwood Gardens.
- 15 Stockydale Road.

9.4 These representations raise the following points:

- The development would make use of unused land which would improve the appearance of the site and prevent fly tipping.
- The recently erected dwellings on the rest of the site are a positive development and the proposed dwellings would finish off the development.
- The design of the bungalows have been well thought out and meet the needs of an aging population.
- The landscaped recreation area gives an openness to the development and makes it a pleasant place to live.
- If the land is developed it would feel safer for residents.

9.5 A representation has been received from 21 Stockydale Road which raises the following issues:

- Since the building work has been ongoing the garden at 21 Stockydale Road has been constantly flooded.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework**

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

- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 - Promoting healthy and safe communities
- Section 11 – Making Effective Use of Land
- Section 12 - Achieving well-designed places
- Section 13 – Protecting Green Belt Land
- Section 14 – Meeting the Challenge of Climate Change, Flooding, and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

### **10.2 National Planning Practice Guidance**

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

### **10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027**

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS2 Housing Provision
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS9 Water Management
- CS11 Planning Obligations
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Standards, and Density
- CS14 Affordable Housing
- CS15 Health and Education
- CS26 Marton Moss

### **10.4 Blackpool Local Plan 2011-2016 (saved policies)**

10.4.1 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:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout and Streets and Spaces
- LQ4 Building Design

- LQ5 Public Realm Design
- LQ6 Landscape Design and Biodiversity
- HN4 Windfall Sites
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH10 Open Space in New Housing Developments
- NE6 Protected Species
- NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value
- AS1 General Development Requirements (Access and Transport)

## **10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.5.1 The Blackpool Local Plan Part 2 (Part 2) went through Examination in Public in December 2022 and the Inspector has issued their comments. As such, weight can be attached to the emerging policies in accordance with the provisions of paragraph 48 of the National Planning Policy Framework. The following emerging policies in Part 2 are most relevant to this application:

- DM1 Design requirements for new build housing developments
- DM3 Supported accommodation and housing for older people
- DM17 Design principles
- DM21 Landscaping
- DM31 Surface water management
- DM35 Biodiversity
- DM36 Controlling pollution and contamination
- DM41 Transport requirements for new development

## **10.6 Other Relevant Policy Guidance**

10.6.1 The Marton Moss Neighbourhood Area and Marton Moss Neighbourhood Forum were designated by the Council in March 2019. The Forum is in the process of preparing a Neighbourhood Plan, however no plan has been formally adopted at this time. Pre-submission publicity and consultation has recently concluded on 19 April 2022, which is step 3 of 7 as set out by the National Planning Practice Guidance. The public responses to this consultation have been published. The comments are generally positive with the exception of residents wishing for additional sites to be allocated for development and uncertainty regarding the Housing Site Viability Study. Comments can be viewed on the Marton Moss Forum website. The Council has also offered comments at this stage advising on changes to be made to specific policies and wording. The next stage of the process will be submission of the plan to the Local Authority, which will be followed by independent examination and finally referendum and bringing the neighbourhood plan into force.

10.6.2 Housing Plan for the Ageing Population 2017-2020: This document acknowledged that the town has a large and growing older person population that needs appropriate housing. Objective 6 refers to the need for specialist housing that meets the needs of older people.

10.6.3 Supplementary Planning Guidance Note 11: Open space: provision for new residential development and the funding system – this document was adopted October 1999 and sets

out that amount of open space required per person and per property depending upon size. It also sets out the equivalent financial contributions that can be made in lieu of on-site provision.

10.6.4 Blackpool Council declared a Climate Change Emergency in June 2019 and are committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.

10.6.5 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The Green and Blue Infrastructure Strategy sets out six objectives for Blackpool in terms of green infrastructure:

- Protect and Enhance Green and Blue Infrastructure i.e. protecting the best and enhancing the rest.
- Create and Restore Green and Blue Infrastructure i.e. greening the grey and creating new Green and Blue Infrastructure in areas where it is most needed.
- Connect and Link Green and Blue Infrastructure i.e. making the links, improving connectivity and accessibility of Green and Blue Infrastructure.
- Promote Green and Blue Infrastructure i.e. changing behaviour, promoting the benefits of Green and Blue Infrastructure and encouraging greater uptake of outdoor activity and volunteering.

10.6.6 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.

10.6.7 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community and its ability to address the environmental issues affecting climate.

10.6.8 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, no requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

## **11.0 ASSESSMENT**

### **11.1 Principle**

11.1.1 The application site falls within the Marton Moss Strategic Site. Policy CS26 of the Core Strategy concerns Marton Moss and sets out that in advance of the adoption of a Neighbourhood Plan, development on the Moss will be limited to conversion or change of use of buildings for agricultural or horticultural purposes, outdoor recreational uses appropriate to the rural area, new homes that meet the requirements of National Planning Policy Framework paragraph 55, and limited residential extensions or replacement dwellings. For clarity, the policy was drafted when National Planning Policy Framework 1 (2012-2018) was in force and so refers to paragraph 55 of that version of the National Planning Policy Framework which relates to housing required to enhance or maintain the viability of rural communities such as housing to support service delivery, agricultural workers dwellings, properties of innovative and exceptional design, or conversion of heritage assets or discussed building where the works would enhance the setting. Policy

CS26 will be applicable to Marton Moss until a formal Neighbourhood Plan is adopted for the area.

- 11.1.2 The National Planning Practice Guidance and National Planning Policy Framework set out that weight can be given to emerging Neighbourhood Plans based on the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. The Marton Moss Neighbourhood Forum is progressing with the development of a Neighbourhood Plan for the area, however it is still in the relatively early stages of preparation. A draft plan was published for public consultation on 7 March 2022 for a six-week period until 19 April 2022, which is step 3 in the 7 step process outlined in the National Planning Practice Guidance. The plan has not yet been submitted to the Council. The Council must formally assess the draft Neighbourhood Plan and determine whether or not it is in accordance with the adopted Development Plan. If it is not, it cannot be found sound. Should the Council determine that the Neighbourhood Plan can proceed, it will then move forward to independent Examination in Public following further statutory consultation, including with statutory consultees. As such, it is considered that at this time the draft Neighbourhood Plan can be afforded limited weight and would not outweigh the specific provisions of adopted policies. The Development Plan, including adopted Policy CS26 therefore remains the primary planning consideration.
- 11.1.3 The housing proposed would not re-use any existing buildings and would not be of exceptional design. There is no justification for the housing to accommodate rural workers. Whilst Marton Moss is rural in character, it sits on the edge of the urban area of Blackpool. The existing pattern of development in the wider area is well established. Notwithstanding the issues of connectivity and accessibility, the wider area is reasonably well served in terms of education, employment, services and public transport. As such, the development is not required in order to sustain population numbers to safeguard the provision of community facilities. On this basis, as the scheme is not for a use appropriate to the rural area, it is contrary to the provisions of Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy. The fundamental objective of this policy is to safeguard the existing character of the Moss, which is unique in the Blackpool context, until a Neighbourhood Plan is adopted. The key consideration, therefore, is the impact of the proposal on the existing character of this area of the Moss.
- 11.1.4 Outline planning permission was granted in 2012 for residential development of the former garden centre and the application site as a whole, prior to the adoption of the Core Strategy in 2016, and reserved matters was granted in 2016. It is acknowledged that further applications for alternative housing developments at the site were submitted in 2017 and 2018 and were refused on highway grounds only – this is because there was an existing extant permission for housing development on the site. However, this permission was never implemented and lapsed in September 2018. At this time, there are no extant planning permissions which permit the development of housing on the application site.
- 11.1.5 Previously, an application for 12 detached bungalows part of the former garden centre site to the west of the application site was approved despite conflict with Policy CS26. This was, in short, due to the brownfield nature of that part of the site which was hard-surfaced and fenced and detracted from the appearance of the street scene and quality and rural character of the area. The redevelopment of brownfield land weighed in favour of this development. The application site is greenfield land and has not been previously developed. In the assessment of application ref. 18/0642 the section of the site the subject of this application was identified as green field. Marton Moss is characterised by an irregularly spaced built form that is interspersed with areas of green; this pattern of development in

combination with hedgerow boundaries and trees is an inherent aspect of its urban-fringe character. At present, the site is entirely vegetated and so contributes positively to this character. Redevelopment of the site with housing would erode this character and have a significant impact on the street scene of Stockydale Road and its semi-rural character. As such, it would compromise the fundamental objectives of Policy CS26. It is noted that comments have been made in support of the development as it would mean the land would be properly maintained, however the application site is not in a state which is significantly detrimental to the street scene and as mentioned previously, the green and well-vegetated nature of the site is a character of the countryside. Construction fencing has been erected around the site and at the time of the site visit debris and construction materials were stored behind the fence, however this could easily be remedied by the owner of the site without developing the site for housing.

11.1.6 The scheme would deliver five homes aimed at older persons. Quantitatively this would have a negligible impact upon the boroughs housing provision and, as the Council can currently comfortably demonstrate a 5-year affordable land supply, this carries very little weight in the planning balance. There is an identified need for older persons housing and this carries some weight in the planning balance.

11.1.8 In terms of housing mix, the proposed scheme would offer five dwellings each with two bedrooms. Policy CS13 of the Core Strategy expects housing development to contribute towards a balanced housing mix in the wider area. The bungalows which have already been developed on the western part of the site are mostly also two-bedroom dwellings. However, it is acknowledged the wider area of the Moss is dominated by larger properties and that other new-build states in particular are made up mostly of homes offering three bedrooms or more. As such, the format of the accommodation is considered to be acceptable.

## **11.2 Planning Obligations**

11.2.1 Policy CS14 of the Core Strategy requires housing schemes of between 3 and 14 units to make a financial contribution towards affordable housing provision. This requirement is to be detailed in a Supplementary Planning Document. However, as there is currently no Supplementary Planning Document in place, the Council is unable to calculate and require contributions at the present time. The development is not a sufficient size to generate a requirement for a contribution towards local health or education provision. In any case, the development proposed is for occupation by people over the age of 55 which could be secured via condition, therefore no contribution towards local education provision would be expected.

11.2.2 In accordance with Policy BH10 of the Local Plan and the associated Public Open Space Supplementary Planning Guidance (SPG) the development proposed would require public open space provision of 240 square metres. The proposed development would be the second phase of a housing development on the wider site. The first element for 12 bungalows under application ref. 18/0642 generated a requirement for 600 square metres which was provided on the greenfield land to the rear which now forms the current application site. The combined public open space requirement for both elements would be 840 square metres. The current application proposes a public open space area of 1,289 square metres which comfortably exceeds the minimum public open space requirement and would be sufficient to meet the need generated by the development as a whole. Were the Council minded to support the application, a condition requiring the details for the landscaping and maintenance of the public open space would be required.

### **11.3 Amenity Impact**

- 11.3.1 The site is in a primarily residential area where the neighbouring properties are residential dwellings and a residential development has recently been carried out adjacent to the application site. It is not considered that the use of the land for residential dwellings would have any unacceptable impact on the intended occupants or existing residents of the area.
- 11.3.2 The Council expects residential developments to meet the minimum separation distances of 21 meters between front to front / rear to rear and 13 metres front or rear to side. Rear gardens are generally expected to be approximately 10.5 metres in length. The proposed dwellings would be sited along the eastern boundary of the site, backing onto Stockydale Road and facing towards the public open space to be provided as part of the development. The rear gardens would be approximately 12-13 metres long and the rear elevations of the dwellings would be approximately 26 metres from the dwellings on the opposite side of Stockydale Road. The front of the dwellings would overlook the public open space and face towards the side elevations of the dwellings already erected on the site, with the nearest dwelling being over 35 metres away. The side elevation of the southernmost dwelling would face towards the rear elevations of dwellings on Stockydale Road, however a separation distance of approximately 23 metres would be maintained. As such, the proposed dwellings would comply with the expected separation standards.
- 11.3.3 Both bedrooms in each dwelling would be served by windows with outlook onto the street and public open space and the living spaces to the rear of the dwellings would be served by windows and patio doors into the back garden. The dwellings would have windows in the side elevations, however these windows would be serving bathrooms and could be conditioned to be obscure glazed and non-opening above a certain height.
- 11.3.4 Due to the separation distances and the fact that the proposed dwellings are bungalows, no unacceptable overshadowing or overbearing impacts on existing residential dwellings are anticipated. The proposed dwellings would be sited in line with one another, would have no rear projections, and the detached garages proposed would be sited adjacent to one another against the boundary. As such, no unacceptable overshadowing or overbearing impacts between the proposed properties are anticipated.
- 11.3.5 Emerging Policy DM1 requires a minimum of 20% of all dwellings in new housing developments to meet the Nationally Described Space Standard. The internal layouts of the properties would all meet the minimum space standards and would offer a reasonable standard of accommodation for future occupants. Policy DM1 also sets out that new build properties should provide adequate external amenity space which should be at a least the equivalent size of the footprint of the house or reflect garden sizes in the area. Saved Policy BH3 states that residential units will need to provide an area of outdoor amenity space of sufficient size to meet the needs of their occupiers. The proposed dwellings would have reasonably sized private rear gardens between 12-13 metres in length. Some of the rear garden space would be occupied by private garages, however the remaining garden space is still considered acceptable for the occupancy of the dwellings proposed, particularly as a large amount of public open space will be provided on site.
- 11.3.6 As the site is in close proximity to residential dwellings a construction management plan would be required which safeguards the amenity of nearby residents. A construction management plan which was submitted for the previously approved development of the 12 existing bungalows has been resubmitted. If the Council was minded to support the

proposal, an updated construction management plan with reference to the proposed development and the existing situation at the site would be conditioned.

#### **11.4 Visual Impact**

- 11.4.1 Though the site falls within the Marton Moss Strategic Site it is outside of and a reasonable distance away from the Marton Moss Conservation Area and as such it is not considered to affect the setting of a heritage asset.
- 11.4.2 The Moss contains a wide range of property sizes, styles, and designs within the nearby area, however the proposed dwellings have been designed to reflect the bungalows recently approved and erected on the adjacent section of the site. The approved bungalows have slightly varying designs, but the proposed dwellings would be the same as the approved house types 3 and 4 in the development approved under application 18/0642. The design is traditional and two house types are used to facilitate the front projection being on different sides depending on the siting of the dwelling. A condition could be attached which requires the fenestration to be set back by at least a bricks width to provide appropriate visual depth and ensure consistency with the existing dwellings on the site.
- 11.4.3 The proposed plans include a materials plan which sets out that all of the dwellings would have Marley Modern Anthracite roof tiles and the dwellings on plots 12, 14, and 16 would have Hanson Rannock Red Multi facing brick walls and the dwellings on plots 24 and 15 would have K-Rend Champagne walls. Whilst no samples of these materials have been provided, they are the same materials previously proposed and approved for the existing dwellings on the site. The materials are traditional in colour and would be appropriate for the setting, and the use of both rendered and brick properties help to introduce variety and visual interest into the street scene. Overall, the use of the same materials as those approved for the existing dwellings on the site is considered acceptable.
- 11.4.4 The proposals include conjoined single garages to the rear of each dwelling which would be accessed down the side of the houses. They would be set well back from the building line of the front of the dwellings and would reflect the siting of the garages at other dwellings already approved on the site. However, they would be in relatively close proximity to the rear boundary with Stockydale Road and would be set at a higher level, and so would have a detrimental impact and appear overly prominent within that street scene. As such, it has been requested that the height of the garages be reduced as much as possible, and that the garages be relocated further forward alongside the dwellings to move them further away from Stockydale Road. Any amendments to the siting of the garages will be reported in an update note. To ensure that the dwellings remain an acceptable distance away from Stockydale Road and do not protrude beyond the building line of the neighbouring properties on Stockydale Road, if the Council were minded to approve the development a condition could be attached which removes permitted development rights for extensions.
- 11.4.5 The submitted plans do not include the details for the surfacing of the sites. There are also no specific details regarding the boundary treatments or landscaping of the site. As existing, there is a hedgerow along the eastern boundary of the site which separates the site from Stockydale Road whilst maintaining and rural character consistent with the area. The proposed site plans indicate the retention of the hedgerow as well as additional hedges along the southern boundary. If the Council was supportive of the scheme, details regarding the surfacing, landscaping, and boundary treatments, as well as details of the public open space such as street furniture, boundary treatments, seating, landscaping, or signage would need to be secured through condition.

11.4.6 All of the dwellings have driveways and footpaths down the side of the houses where refuse can be stored behind the building line to mitigate visual impacts on the street scene and public open space area.

## **11.5 Highway Safety, Access and Parking**

11.5.1 The scheme has been considered by the Council's Head of Highways and Traffic Management and no objections have been raised in principle. The access to the site and additional highway improvement works were agreed as part of the previous planning application 18/0642 and are acceptable. Though the plans do not indicate any sort of access onto Stockydale Road to the east, a condition could be attached to ensure this is the case as there would be limited visible for emerging pedestrians or vehicles. The width of the road around the public open space has been slightly amended following comments from the Head of Highways and Traffic Management and is considered acceptable. A condition would be required were the Council minded to support the scheme to require the carriageways to be constructed to accommodate a 12.5m tonne vehicle as required by the fire service standard response.

11.5.2 Each dwelling would have two bedrooms and therefore in line with the Council's parking standard should provide two off-street parking spaces. Each of the dwellings would have a single detached garage, though as the details of the garages have not been submitted it is not clear whether this would accommodate a vehicle. Nonetheless, each dwelling would have a driveway down the side of the house which would provide parking for two vehicles parked in tandem. No on-street parking would be available within the site but the off-street provision would meet the needs of the development and so is considered to be acceptable. The rear amenity spaces and garages are accessible externally and could accommodate the storage of bicycles if required.

11.5.3 A construction management plan has been submitted which reflects the plan that was approved for the previous application on the site under 18/0642 and covers site access, delivery arrangements, parking, storage and loading of materials and waste, and wheel washing facilities etc. along with a site compound plan which includes the location of site office, toilets, and material secure storage. The construction management plan would need to be updated for the current scheme as it still refers to the previous application for 12 bungalows on the adjacent site.

## **11.6 Drainage and Flood Risk**

11.6.1 The site falls within Flood Zone 1 and therefore no Flood Risk Assessment or demonstration of compliance with the sequential and exception tests are required. A proposed drainage strategy has been submitted and deemed acceptable by United Utilities and the Council's Drainage Officer. Were approval recommended, a condition requiring the submission of a sustainable drainage management and maintenance plan prior to the occupation of the development would be proposed.

## **11.7 Ecological and Arboricultural Impact**

11.7.1 An ecological appraisal has been submitted with the application which sets out that the site offers a low potential for Great Crested Newts accessing the site despite the location of small ponds nearby due to the surrounding highway infrastructure. However, it sets out that any pre-construction ground works should be undertaken via best practice and be

conducted under the watch of a suitably qualified and experienced Environmental Clerk of Works under the Precautionary Principle in Environmental Law. A condition should be imposed that requires the work to be carried out in accordance with these recommendations.

- 11.7.2. The site has been cleared and whilst there is some shrubbery on the site and hedgerow along the eastern border there are no structures or trees on the site that would suggest the potential for roosting birds or bats.
- 11.7.3 No landscaping or planting details have been provided, however the proposed site plan indicates that the hedge along the eastern boundary of the site would be retained with additional hedgerow along the southern boundary of the site. Were the Council supportive, conditions requiring a hedgerow protection plan and a landscaping scheme would be required. Such a scheme would need to include bolstering hedgerows and new tree planting within the public open space with heavy standard 12-14cm trees.
- 11.7.4 Finally, in accordance with the Council's aims to enhance biodiversity and the recommendations of the ecological appraisal, a scheme for ecological enhancement including the planting of native species and the provision of bat and bird boxes would be required.

## **11.8 Environmental Impact**

- 11.8.1 Given the scale of development, no unacceptable impacts on air quality are anticipated. As the site is adjacent to previously developed land a condition should be attached to any permission granted to require the agreement of a scheme of site investigation in respect of potential land contamination and any remediation measures found to be necessary. Water quality would be safeguarded through the agreement of a Construction Management Plan and through the agreement of a drainage scheme for the site.

## **11.9 Other Considerations**

- 11.9.1 The application has been considered in the context of the Council's general duty in all its functions to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998 (as amended).
- 11.9.2 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. This application does not raise any specific human rights issues.
- 11.9.3 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

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

- 11.10.1 Sustainability comprises economic, environmental and social components.

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

11.10.3 Environmentally, the design of the scheme is considered to be acceptable. The drainage details are considered acceptable, and a drainage management and maintenance plan could be secured via condition if the Council was minded to support the proposal. The scheme would result in the loss of some greenfield land, however no unacceptable biodiversity impacts are anticipated as the scheme includes soft landscaping and an appropriate planting plan and scheme for ecological enhancement could equally be secured via condition. Similarly, air, land, and water quality could be protected and the potential for contamination safeguarded against.

11.10.4 Socially, the scheme would provide good quality accommodation that would meet a specialised need, though to a limited extent. The scheme would contribute towards the borough's housing provision albeit to a negligible extent. However, the scheme would not accord with the Council's aims for the area and would conflict with the Development Plan as it would not represent the type of development permitted within the Marton Moss Strategic Site in advance of the adoption of a neighbourhood plan, and would have a significant and unacceptable impact upon the existing character of this area of the Moss. No unacceptable amenity impacts are anticipated and no undue impacts on flood risk or highway safety are anticipated.

11.10.4 In terms of planning balance, the development proposed is not considered to constitute sustainable development as it would conflict with the development plan and no other material planning considerations have been identified that would outweigh this view.

## **12.0 FINANCIAL CONSIDERATIONS**

12.1 The development would create five new dwelling and so would generate some Council Tax income for the Council. However, this is not a material planning consideration and has no weight in the planning balance.

## **13.0 CONCLUSION**

13.1 The proposals are contrary to Policy CS26 of the Local Plan as they propose development on the Moss which does not accord with the provisions of Policy CS26 and in advance of the adoption of a neighbourhood plan there are no current policies or plans which would justify the development and outweigh the conflict with CS26. On this basis, Members are respectfully recommended to refuse the application.

## **14.0 RECOMMENDATION**

14.1 Refuse for the following reasons:

- The proposals would occupy greenfield land and would not meet any of the specified circumstances in which new residential development would be acceptable within the Marton Moss Strategic Site in advance of the adoption of a Neighbourhood Plan for the area. As proposed, the development would have a significant and unacceptable impact upon the green, open and semi-rural character of this area of the Moss. No material planning considerations have been identified which would outweigh this conflict with policy. Whilst

all applications must be determined on their own merits, an approval in this instance would make it harder for the Council to resist similar proposals in similar circumstances which would lead to a greater cumulative impact. As such, the scheme would have an unacceptable impact on the character of the Marton Moss Strategic Site and would be contrary to Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- Notwithstanding the first reason for refusal, the development, by virtue of the height, position and level of the garages relative to Stockydale Road, would have an over-bearing impact on the appearance of that streetscene. As such it would be contrary to the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ2 and LQ4 of the Blackpool Local Plan 2001-2016.

Note: this reason for refusal could be addressed through amendments to the scheme.