
Officer Report to Committee

Application ref:	22/0042
Ward:	Clifton
Application type:	Full
Location:	
	Land bounded by Cherry Tree Road, Cherry Tree Road North and Newhouse Road, Blackpool, FY4 4PF
Proposal:	Erection of 11 single private dwelling houses with associated parking and landscaping and access from Cherry Tree Road following demolition of 74 Cherry Tree Road.
Recommendation:	Approve subject to conditions and a s106 agreement
Recommendation Summary:	The scheme is considered to represent sustainable development and the housing proposed would make a contribution towards meeting the borough's housing needs. The recommendation is therefore that the Committee resolves to support the application and grant planning permission subject to the signing of a Section 106 legal agreement relating to a financial contribution towards off site public open space and towards an extension at The Harris Medical Centre.
Meeting date:	
	24 January 2023
Reason for bringing to Committee:	The application is being brought to the committee due to the amount of public interest in the application and because it was deferred from the meeting held on 13 December 2022 in order to allow the Head of Development Management to clarify matters with the applicant.
Case officer:	Caron Taylor
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1.0 SITE DESCRIPTION

- 1.1 The application site is a greenfield site surrounded on all sides by the rear of the residential properties on Cherry Tree Road, Cherry Tree Road North, Newhouse Road, Coral Close and Kinross Crescent. Access to the site is currently from a gate adjacent to number. 48 Cherry Tree Road North.
- 1.2 The site is not subject to any constraints.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for the erection of 11 dwellings. Access to the site would be from Cherry Tree Road following the demolition of number 74 and they would be general market homes. All the properties would have three bedrooms, arranged as one pair of semi-detached bungalows and three terraces of three properties. Each property

would have an enclosed rear garden and parking would be provided in parking courts to the front of the properties with the equivalent of two spaces per property.

2.2 The front and rear elevations of all the properties would be orientated east-west and accessed via a turning head from a new access road created between numbers 72 and 76 Cherry Tree Road following the demolition of number 74. A pedestrian footway would run the full length of the access drive into the development on its east side.

2.3 An area of the site to the west was originally shown to be public open space, accessed via a narrow pathway between the side of proposed Plot 3 and the rear boundary of 82 and 84 Cherry Tree Road. This area has now been removed from the application boundary.

2.2 The application has been supported by:

- Drainage Strategy
- Planning Statement
- Ecological Appraisal
- Arboricultural Report
- Ground Investigation Report
- Walkover Survey and Desk Study
- Site sections and levels

3.0 RELEVANT PLANNING HISTORY

3.1 01/0764 - Erection of residential development with associated access. Refused, Appeal Dismissed. This application proposed to access the land by demolishing number 213 Newhouse Road. The appeal was dismissed on the grounds that the access would be narrow and cramped and out of character with the area and also the impact the access would have on the living conditions of the properties on Newhouse Road and the narrowness of the access resulting in reversing manoeuvres out into Newhouse Road by future occupiers being a hazard and inconvenient. Also the inability of service vehicles to gain access.

3.2 08/0284 - Erection of two three-storey blocks comprising 20 self-contained permanent flats with associated access and car parking. (Outline Application). Application withdrawn.

3.3 08/1325 – Erection of three storey block of 12 permanent flats and a part two / part three storey block of 3 terraced houses with associated car parking facilities and access between 72 and 76 Cherry Tree Road. Granted.

4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION

4.1 National Planning Policy Framework

4.1.1 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 6 – Building a Strong, Competitive Economy
- Section 8 - Promoting healthy and safe communities
- Section 9 – Promoting Sustainable Transport
- 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

4.2 National Planning Practice Guidance

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

4.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Core Strategy)

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

- CS2 Housing Provision
- 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

4.4 Blackpool Local Plan 2001-2016 (Local Plan)

- 4.4.1 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 adopted. 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
- BH10 Open Space in New Housing Developments
- NE6 Protected Species
- AS1 General Development Requirements (Access and Transport)
- AS5 Traffic Management
- AS7 Aerodrome Safeguarding

4.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (Part 2)

- 4.5.1 The Blackpool Local Plan Part 2 (Part 2) was the subject of independent Examination in Public in December 2021. The Inspector issued his comments in March and the Council has recently consulted on minor modifications and published the results. It is anticipated that Part 2 will be adopted in spring 2023. As such, significant weight can be attached to the emerging policies in accordance with the provisions of paragraph 48 of the National Planning

Policy Framework. However, it is acknowledged that this application was submitted in January 2022 at a time when more limited weight could be accorded to the emerging policies. Nevertheless, the following emerging policies in Part 2 are most relevant to this application:

- DM1 Design Requirements for New Build Housing Developments
- DM17 Design Principles
- DM31 Surface Water Management
- DM35 Biodiversity
- DM41 Transport Requirements for New Development
- DM42 Aerodrome Safeguarding

4.6 Other Relevant documents, guidance and legislation

- 4.6.1 New Homes from Old Places Supplementary Planning Document – this document was adopted in March 2011 and sets out the Council’s minimum design and amenity standards for new homes created through conversion.
- 4.6.2 Department for Community and Local Government National Technical Housing Standards – this document was published in March 2015 and sets out the national minimum standards for new homes. This partially supersedes some of the standards in the Council’s New Homes from Old Places Supplementary Planning Document guidance.
- 4.6.3 Blackpool Council declared a Climate Change Emergency in June 2019 and is committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.
- 4.6.4 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:
- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
 - Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
 - Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
 - Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.
- 4.6.5 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.
- 4.6.6 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.
- 4.6.7 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, not 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.

5.0 CONSULTEE RESPONSES

- 5.1 **United Utilities** - States that following their review of the submitted Drainage Strategy and the subsequent assessment of the dyke, it can confirm the proposals are acceptable in principle to them and therefore should planning permission be granted it requests a condition that the drainage for the development shall be carried out in accordance with principles set out in the submitted Site Drainage drawing in the Drainage strategy report and that surface water must drain at the restricted rate of 5 litres per second.
- 5.2 **NHS** - Request a contribution of £5,706 towards an extension at Harris medical Centre for additional clinical capacity.
- 5.3 **Greater Manchester Ecology Unit (GMEU)**
- 5.3.1 The ecology report makes reference to Natural England's Sites of Special Scientific Interest Impact Risk Zones but does not identify that any are present. This may be due to the fact that in 2019 none were in operation at this site's location. However, the application site does now fall within Natural England's Site of Special Scientific Interest Impact Risk Zones. However, given the nature of the site the Council's ecological advisor states the proposal is likely to have no significant impact/effect on them.
- 5.3.2 In relation to bats however, the 2019 report included an assessment of the property to be demolished and concluded that whilst the structure supported potential roost features the building was, in 2019, of negligible value to bats. Our ecologist states that the condition of buildings can change over time. The previous survey identified potential roost features in the property and therefore there is a likelihood that the usage of the building by bats may have changed since 2019. Therefore an updated bat survey is required prior to determination of the application.
- 5.3.3 The updated report has been received and is discussed in the relevant section of the report below.
- 5.4 **Environmental Protection** - A phase 1 report has been submitted as part of the application which shows there to be no significant likelihood of significant harm from the development. Therefore no further information is required with regards to the ground conditions.
- 5.5 **Local Highway Authority** - Has reviewed the latest amended plans and states they are acceptable. The details at the front and the adoptable areas will be the subject of formal agreements so they do not need any more detail at this stage. They request a condition for a scheme of off-site highway works to cover the area from the existing front gardens to Cherry Tree Road. They advise that swept path analysis might slightly reduce the turning head area at the final detail stage but not a great deal. The "T" is acceptable as it is at the width shown.
- 5.6 **Parks Development Manager** - The ecology report highlights the need for retaining some of the trees for nesting purposes, which is not shown on the plans unless this is what was originally proposed as a public open space (in line with the Natural Environment and Rural Communities Act). The removal of vegetation has not been mitigated and therefore, they would expect to see some tree planting within the new layout with a minimum size of heavy standard trees throughout. The ecology report also found Japanese Knotweed and therefore, a management plan is needed (Wildlife and Countryside Act) to highlight its removal and how it will be managed.

5.7 **Local Education Authority** - Based on the forecast availability of school places across Blackpool in the coming years, no developer contribution towards school places is requested for this scheme

5.8 **Lead Local Flood Authority** - In terms of the watercourse (dyke), it is privately owned and is not proposed to be used by the developer, the pictures in the ecology report show that this watercourse has not been maintained by any of the adjacent land owners and has likely not been functional for some time. The developer is proposing to provide a storage tank (crates) below the road surface and discharge into the combined sewer at 5 litres per second and be maintained by a management company. They have no objections to the drainage strategy.

6.0 **REPRESENTATIONS**

6.1 Press notice published: 01/03/2022.

6.2 Site notice published: 11/02/2022.

6.3 Neighbours notified: 03/02/2022 and of amended plans 13/10/2022.

6.4 Councillor Paula Burdess has objected to the application on the following grounds:

- 1) Increased risk of flooding and negative impact on water table and levels of damp and/or subsidence to neighbouring properties.
- 2) Density of dwellings at the rear of the properties and increased traffic volumes and significant increase in demands on parking availability.
- 3) Significant encroachment on privacy - one of the residents is bed-bound with osteoarthritis and lives downstairs, the new development would reduce her privacy significantly and she is also partially sighted so the loss of light would cause significant detriment.

Myself and Councillor Adrian Hutton cannot see how this proposed development could be good for the area when there is an unresolved drainage/flooding issue with the dyke and there are already significant traffic volume problems around Newhouse Road leading to Preston Old Road which are likely to become worse unless the road layout and traffic control is completely redesigned and the signalling reprogrammed.

6.5 12 objections have been received from the following properties:

- 6 Ribchester Ave (owner of 76 Cherry Tree Road)
- 83, 197, 207, 209, 211, 213 Newhouse Road
- 44, 54, 82, 94 Cherry Tree Road
- 10 Coral Place

6.6 These objections raise the following issues:

Principle:

- It has always been understood by residents that this land should not and would not be built upon.

Amenity:

- Where will bins be stored.
- There would be noise, disturbance and safety issues during construction.
- Noise and disturbance from vehicles coming and going from the development once completed.
- It will reduce privacy to surrounding properties.
- Loss of sunlight to the rear gardens on Newhouse Road.
- Concern about overlooking to Newhouse Road.
- Concern about lighting to the properties impacting on them. Surrounding properties would be more at risk to people accessing them from the back.

Highways:

- the layout means the in order to exit from number 76 it would necessitate reversing out into oncoming traffic coming into the new development, then having to turn around within the new development to exit Cherry Tree Road in a forward gear which is not very safe or satisfactory.
- There would need to be some kind of kerb design or division to the access road from the driveway with number 76 to provide a degree of safety to all parties.
- Large vehicles would be needed to demolish number 74, there is not space to park them on Cherry Tree Road.
- The traffic on Cherry Tree Road is dreadful.
- Cherry Tree Road is one of the busiest in Blackpool and a new entrance for vehicles via the slip road (lay-by) is dangerous for residents. The slip road is already difficult to exit as it gets blocked regularly from traffic waiting to turn at the traffic lights, especially at peak times.
- The access into the development does not look wide enough.
- Concern about the safe entry and exit of contractors' vehicles back on to Cherry Tree Road, particularly at peak times.
- Concern about the close proximity of two bus stops and traffic lights to the site exit.
- Increase in the number of vehicles exiting onto Cherry Tree Road with the volume of traffic, bus stops and traffic lights nearby.
- The proposal will result in a decrease in parking spaces in the lay-by.
- How will emergency services and large refuse wagons drive in and out safely?

Drainage:

- There is a dyke on the land which is there for a purpose, though their garden and access flood now and the development will make it worse.
- Concern about the capacity of the dyke to contain surface water drainage.
- The land and dyke are higher than Coral Place so any overspill has the potential to flood rear gardens and houses of Coral Place.
- The back gardens of Newhouse Road and the pathway for taking bins out flood badly and the land is currently like a mud bath and will undoubtedly be far worse with so many homes built on it, with possible future ingress of water to houses bounding the site.

Environment:

- Wildlife will disappear.
- There would be environmental damage. Large vehicles for a long period of time could affect their back garden and cause more flooding.
- Who will upkeep the proposed public open space.
- Since the area has been cleared rubbish is being dumped there, the area has also

flooded more frequently and Japanese Knot Weed has started to grow.

- The vehicles accessing the properties will omit pollution to the detriment of nearby residents.
- The area had trees, ditches and greenery to absorb to waters and it kept everyone private. It has all been cut down.

Other:

- Two thirds of the passageway belongs to number 76 Cherry Tree Road.
- It would be difficult to erect scaffolding without encroaching on the boundary on number 76 to demolish number 74.
- Will the properties be privately owner or rented? Rented properties attract a high turnover of residents and do not look after them as well.
- The site has been cleared.
- Is the land suitable to build on or could there be 'movement' of the properties;
- Who will be responsible for the upkeep of the area?
- The revised plans do no overcome the original issues.

6.7 One letter of no objection has been received from 235 Newhouse Road making the following comments:

- At the moment the ground that will house the new properties is an absolute disgrace. It's just been a dumping ground for unused material. It is a real eyesore for all residents on Newhouse Road and front of Cherry Tree Road.

6.8 The Committee is respectfully reminded that issues relating to loss of view and potential impact on property prices are not valid planning considerations. In addition, the proposed tenure of market properties is not a material planning consideration.

7.0 ASSESSMENT

7.1 Principle

7.1.1 Outline planning permission was granted on the site in 2009 (reference 08/1325) for the erection of a three storey block of 12 permanent flats and a part two/part three storey block of 3 terraced houses with associated car parking facilities and access between 72 and 76 Cherry Tree Road following the demolition of no. 74.

7.1.2 The principle of dwellings on the site has therefore been accepted in the past, however this application needs to be assessed against the current Development Plan policies.

7.1.3 The site is not allocated for housing in the Development Plan and therefore falls to be a windfall site. The National Planning Policy Framework defines windfall sites as 'sites not specifically identified in the development plan'.

7.1.4 Policy CS2 of the Core Strategy states that provision will be made for the delivery of 4200 (net) new homes in Blackpool between 2012 and 2027. It sets out where these new homes will be located and this includes on windfall sites. The proposal is therefore acceptable under this policy.

7.1.5 Under the current saved policies of the Blackpool Local Plan 2001-2016 windfall sites are covered by Policy HN4. This states that housing development will be permitted on derelict, vacant, underused and previously developed land within the urban area, providing:

- (a) the land is not needed to maintain amenity or correct deficiencies in the character or amenities of an identified priority neighbourhood; and
- (b) the land is not identified as being safeguarded for another use in the Local Plan and the need for that safeguarding still exists.

- 7.1.6 Neither of these criteria apply to the site. Developing the site for housing is therefore in accordance with policies of the Development Plan and is acceptable in principle.
- 7.1.7 The scheme would make a modest quantitative contribution towards the borough's housing supply but, as the Council can currently identify a five-year housing land supply, this carries limited weight in the planning balance.
- 7.1.8 The proposal would make effective use of a site which, whilst not brownfield, would represent infill development within the urban area. As such it would accord with the objectives of section 11 of the National Planning Policy Framework.
- 7.1.9 In terms of planning obligations, the scheme is required to make a contribution towards public open space of £11,352 and a contribution of £5,706 towards extension of Harris medical Centre for additional clinical capacity. A S106 agreement will be need to secure these. No contribution is required towards the provision of local education. Policy CS14 stipulates that affordable housing contributions for schemes of 3-14 dwellings will be calculated in accordance with an Affordable Housing Supplementary Planning Document. As no such Supplementary Planning Document is currently in place, no affordable housing contributions are sought.

7.2 Impact on residential amenity

- 7.2.1 The scheme is for 11 dwellings either in the form of dormer bungalows or one and a half-storey properties with front and rear gables set within the eaves. Each of the properties would have one double bedroom and two single bedrooms. The ground floors of the properties would meet the Council's standards and the National Technical Housing Standards in terms of the floor areas and room sizes. Upstairs the main bedroom would slightly exceed the standards. The third single bedroom would fall short of the space standards and the second single bedroom would be slightly narrow but at 9m² would be larger than the 7.5m² standard for a single bedroom. It must be acknowledged that the Council does not currently have adopted standards for new-build properties. The emerging policy, which carried limited weight at the time this application was submitted, requires 20% of properties to meet national standards. Overall it is considered that the properties would provide an acceptable level of accommodation for future occupiers
- 7.2.2 The application site is a back land site and therefore surrounded by the existing properties on Cherry Tree Road, Cherry Tree Road North and Newhouse Road. The front and rear elevations of the properties would be orientated east-west, so there would be no windows to habitable rooms facing towards the back of properties to the north or south, other than plot 6 that has its main elevation facing south down the access road, but this elevation has a good offset with the rear of properties on Cherry Tree Road.
- 7.2.3 The rear elevations of the properties to the east on Cherry Tree Road North would back onto the site and face the rear elevations of Plots 7 -11. Of these plots 8-11 would have at least 10.5 metres between their first floor windows and their rear boundaries with the properties on Cherry Tree Road North which demonstrates an acceptable level of separation between proposed windows and gardens. While Plot 7 would fall slightly short, having a distance of

approximately 9.4 metres, the properties with which it would share a rear boundary have garages on the other side of the boundary, so this relationship is considered acceptable. In terms of facing rear windows at first floor all the windows across the site would meet the requirement of 21 metres to neighbouring properties.

- 7.2.4 The properties on Newhouse Road would back onto the side of plots 1, 4 and 7 and are due north of them. These plots have all been designed to be dormer bungalows with roofs hipped away from the existing neighbouring properties to the north and as a result the relationship between them is considered acceptable.
- 7.2.5 Plots 1 and 2 would back on to land that would remain open. There would be 10.5 metres from the rear windows of these properties to the boundary with the land to the west, thereby avoiding sterilisation of any future development that may occur on that land.
- 7.2.6 Plot 3 would have a small garden to the rear and would have views over the end of the garden of number 84 Cherry Tree Road. However, the garden of this property is particularly long, being approximately 30 metres in length at its shortest point and 42 metres at its longest point. The end of the garden is not the most private area close to the house where it would be expected to enjoy a reasonable level of privacy and this relationship is therefore considered acceptable.
- 7.2.7 The properties on Cherry Tree Road backing on to the site have reasonably generous gardens. Other than Plot 1 the proposed properties would be separated from these properties by the internal turning head. Plot 1 would be closest to numbers 60 and 62 but there is a good separation of over 14 metres between the rear windows of these properties and the side elevation of the property on Plot 1 and, in addition, plot 1 is due north of these properties.
- 7.2.8 Internally the layout meets the Council's separation standards between facing windows and from windows to boundaries with neighbouring gardens, so will provide an acceptable level of amenity for future occupiers.
- 7.2.9 Subject to a condition securing acceptable boundary treatments the proposal is considered acceptable in relation to neighbour amenity. Given the back land nature of the site surrounded by existing properties and that the proposed properties have been designed to minimise their impact on existing residents (e.g. with lowered eaves, bungalows on plots close to boundaries etc.) a condition is also proposed removing the Permitted Development Rights of the proposed properties. This will mean that future extensions to the properties will need planning permission, so that their impact on surrounding properties can be assessed.
- 7.2.10 Whilst the adopted elements of the highway would be lit to standard specifications, the site layout plan shows the internal access roads to be lit by illuminated bollards and bulkhead lighting. The Council would need to be satisfied that lighting of the site would be sufficient for residents without causing undue nuisance to surrounding properties, particularly as so many existing properties back on to the site. Therefore a condition is proposed requiring lighting details outside of what would be adopted highway to be submitted prior to installation.
- 7.2.11 Although some noise and disturbance is inevitable to nearby properties when new dwellings are built close by, a Demolition/Construction Management Plan condition would be agreed through condition to minimise this.

7.3 Visual impact

- 7.3.1 When the application was initially submitted the house types were all identical bungalows with large flat roof dormers on both the front and rear, dominating the roof slopes. Amended plans have been submitted which introduce three different house types to provide more variety of design across the site. With each group of properties having a mixture of these properties in.
- 7.3.2 One of the house types remains a bungalow with pitched roof dormers, while the others are houses but with lowered eaves to reduce their overall height and therefore impact, with small front and rear gables set within the eaves. Small pitched roof canopies have been added over the front doors to add visual interest to the front elevations and the properties on plots 4-6 have been repositioned so that the property on Plot 6 would now be almost straight ahead at the head of the vista as the site is entered. Plot 6 has also been amended so that the front elevation is now on what was the side elevation to create visual interest and avoid a blank elevation at the head of the access road. As such, it would present a more engaging prospect to those entering the site compared with a view of rear gardens and the back of houses as originally proposed.
- 7.3.3 Each property would have access to the rear for bin storage meaning that refuse would not be stored at the front of properties.
- 7.3.4 Paragraph 131 of the National Planning Policy Framework stresses the importance of trees to the character and quality of the urban environment, and expects new streets to be tree-lined. In this case, the development would form more of a driveway than a street. Nevertheless, through the formation of parking courts, the frontages of the properties would be dominated by car parking with no landscaping other than on either side of the entrance driveway to the south of the turning head. Here, four trees are proposed. Trees are also proposed in the rear gardens of plots 4-6 which would soften the streetscene for the occupants of numbers 7-11. On balance, whilst the development is intensive, the driveway-like nature of the layout and the back-land position of the site prevents the lack of trees and dominance of car parking from having an unacceptable impact upon the character or quality of the area.
- 7.3.5 Being a back land site the development will not be highly visible in the wider streetscene. With the amendments made to the design and layout of the scheme, on balance the proposal is considered acceptable.

7.4 Access, highway safety and parking

- 7.4.1 The access road into the site would be created by demolishing number 74 Cherry Tree Road north, the end property of a row of four two-storey houses. The Council's Highway Engineer considers the scheme as amended to be acceptable. The highway works to Cherry Tree Road and any areas to be adopted within the site would need to be the subject of formal highway agreements but the details provided to date are sufficient. A condition should, however, be imposed requiring a scheme of off-site highway works to be agreed.
- 7.4.2 Each of the properties would have three bedrooms and would benefit from two parking spaces which are arranged in courts across the frontage of the properties. This accords with the Council's parking standards. The rear gardens would be large enough to accommodate the storage of cycles if desired by residents.

7.5 Drainage and flood risk

- 7.5.1 The site lies within Flood Zone 1 and under 1ha in size and therefore a site specific Flood Risk Assessment is not required. The existing site is a Greenfield site with 100% permeability and the proposal will greatly reduce this. A Drainage Strategy has been submitted with the application.
- 7.5.2 The National Planning Practice Guidance states the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 7.5.3 Initially United Utilities objected to the scheme because it had not seen robust evidence that the drainage hierarchy had been thoroughly investigated and the proposals were not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. United Utilities advised that the HR Wallingford run-off tool assumes a soil type 1 which would allow for infiltration, but noted that the subsoil is described as stiff clay and there is high water table. United Utilities therefore requested a ground investigation report to confirm this. However a drillers log had been submitted with the application demonstrating the ground conditions that United Utilities had missed. On reviewing the log United Utilities agree that the use of infiltration on the site is ruled out due to ground conditions.
- 7.5.4 United Utilities has also noted the ditch on the southern boundary of the site and asked for confirmation that it has no flow and cannot convey water through a site investigation before the second level of the drainage hierarchy can be ruled out.
- 7.5.5 Following this an investigation of the ditch has been undertaken to establish if it could be utilised for drainage of the site. This reports, along with photographs, that the ditch has an inconsistent profile varying in depth from ground level to approximately 600 millimetres at its western end. It was not possible to determine where the ditch outfalls beyond the western boundary, but it is understood that flooding occurs in winter indicating it has no outfall. In addition the depth of the ditch, even at its deepest point is insufficient to provide any meaningful outfall for the site drainage which would have an invert length at approximately 1.5 metres below ground level. It concludes that the ditch is not a drainage asset and at best is considered to be a land drain that which has fallen into disrepair and been blocked up lower downstream.
- 7.5.6 All drainage in the immediate local area is via combined sewers therefore it is not possible to use the third point on the drainage hierarchy and surface water must drain to the combined sewer. However, the Drainage Strategy submitted shows run-off will be restricted to the existing greenfield run-off rate and storage will be provided up to and including the 1 in 100yr storm event plus an allowance of 30% increase for climate change. Flows would be restricted limiting discharge to 5 litres per second, the current greenfield rate. The drainage is therefore considered to be in accordance with policy.
- 7.5.7 United Utilities has reviewed the assessment of the dyke and along with the Drainage Strategy confirms the proposals are now acceptable. United Utilities requests a condition is imposed on any permission that the development is undertaken in accordance with the

submitted information and that surface water must drain at the restricted rate of 5 litres per second.

7.5.8 Foul drainage will be drain to the main combined sewer, the only option in the area.

7.6 Biodiversity impact

7.6.1 The proposal involves the demolition of number 74 Cherry Tree Road. The initially submitted ecology report was dated 2019 and the Council's ecology adviser requested an updated report due to its age, as the report makes reference to Natural England's Sites of Special Scientific Interest Impact Risk Zones but did not identify that any are present, as in 2019 none were in operation at this site's location. However, the application site does now fall within Natural England's Sites of Special Scientific Interest Impact Risk Zones. However, given the nature of the site the Council's ecological advisor states the proposal is likely to have no significant impact/effect on them.

7.6.2 In relation to bats, the 2019 report included an assessment of the property to be demolished and concluded that whilst the structure supported potential roost features the building was, in 2019, of negligible value to bats. However the Council's ecologist advised that the condition of buildings can change over time and as the previous survey identified potential roost features in the property there is a likelihood that the usage of the building by bats may have changed since 2019. Therefore they stated an updated bat survey is required prior to determination of the application.

7.6.3 An Ecological Appraisal Update Report has been submitted. This now correctly identifies the site is in the Sites of Special Scientific Interest Impact Risk Zone but concludes that the development does not fall within any of the potential risk categories and therefore does not require further consideration. This is consistent with the Council's own advice and the development is therefore considered acceptable in relation to this aspect.

7.6.4 An updated bat survey was also included in the Ecology Update Report. This concluded that there was a negligible risk of bats being present as there are limited areas which could provide potential roost features and no physical evidence of bat activity was found combined with the highly urbanised location.

7.6.5 It is therefore considered, in terms of bats the development is acceptable and no Natural England Licence will be necessary.

7.6.6 Trees and bushes have been removed and the site cleared as noted by the Parks Development Manager (this would not have needed any consent as they were not subject to a Tree Preservation Order nor is the site in a Conservation Area). However, national and local policy requires development to secure net gains in biodiversity therefore it is considered necessary to impose a landscaping condition as well as a condition securing biodiversity enhancement measures such as bird boxes as are requested by the Parks Development Manager. The application was submitted before the adoption of the Greening Blackpool Supplementary Planning Document so it is not considered appropriate to impose the requirements of that document.

7.6.7 Although the site has been cleared, any planning permission granted remains extant for three years from issuing, so if the site is not developed immediately there is the possibility of the site being recolonised by shrubs etc. In addition number 74 Cherry Tree Road is proposed to be demolished. Therefore a precautionary condition regarding demolition and

site clearance work being carried out outside the bird breeding season (March to August inclusive) is proposed, unless the absence of nesting birds has been confirmed by a suitably qualified ecologist.

- 7.6.8 Japanese Knotweed, an invasive species, is present on the site. It is an offence to plant or allow it to spread into the wild. A condition is proposed to ensure the containment and management of Japanese Knotweed.

7.7 Environmental impact

- 7.7.1 A Ground Investigation Report has been submitted as part of the application. The assessment based on soil samples tests indicates there are no contaminants requiring remediation and/or precautions to be taken for the proposed development. The Council's Environmental Protection Officer agrees it shows there to be no significant likelihood of significant harm and no further information is required with regards to the ground conditions. Therefore the proposal is considered acceptable in this respect and no conditions are required in relation to this matter.

- 7.7.2 There is no reason to suppose that the development would impact unduly upon air quality and water quality could be adequately protected through the proposed drainage and Construction Management Plan conditions.

7.8 Other Issues

- 7.8.1 When the application was initially submitted, included in the red edge of the area covered by the planning application was an area to the west of the site labelled on the site layout plan as 'public open space'. This was to be accessed via a path between the rear boundaries of the properties on Cherry Tree Road and the side boundary of Plot 3.
- 7.8.2 This was considered completely unacceptable as it would have resulted in an area of public open space surrounded by the backs of existing and proposed properties. It would have little functional use and would not be visible from outside the site or immediately visible from the proposed houses it was supposed to serve. Being completely isolated it would likely become a dumping ground and possibly an area where anti-social behaviour could take place. It would also have provided access to the rear of both existing and proposed dwellings from an area that is not readily overlooked, and as an area of proposed open space people would not have felt safe either using it or accessing down a narrow path with high boundary fences on both sides for well over 10m adjacent to proposed Plot 3. It would not have served to visually enhance the proposed development in anyway.
- 7.8.3 As a result this area has been removed from the proposal and no longer forms part of the application. It will remain as vacant back land as the current site is. The site layout maintains a pedestrian gated path to it down the side of Plot 3 for access, but it no longer forms part of this scheme.
- 7.8.4 Not all the application site is owned by the applicant but the relevant notices have been served on the owners as is required.
- 7.8.5 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).

- 7.8.6 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.
- 7.8.7 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.

7.9 Sustainability and planning balance appraisal

- 7.9.1 Sustainability comprises economic, environmental and social components.
- 7.9.2 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.
- 7.9.3 Environmentally, environmental quality, biodiversity, flooding and drainage would not be unacceptably affected subject to planning conditions. The scheme would be visually acceptable.
- 7.9.4 Socially, the scheme would provide 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 limited extent. No undue amenity impacts or impacts on flood risk or highway safety are anticipated.
- 7.9.5 In terms of planning balance, the development proposed is considered 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.

8.0 FINANCIAL CONSIDERATIONS

- 8.1 The development would generate Council Tax revenue. This is not a material consideration in the planning balance.

9.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 9.1 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.
- 9.2 This application accords with the priorities by creating new homes of a good standard on vacant land.

10.0 CONCLUSION

- 10.1 In light of the above and on balance, the development proposed is considered to constitute sustainable development and no other material planning considerations have been identified that would outweigh this view.

11.0 RECOMMENDATION

- 11.1 Approve subject a Section 106 agreement and the following conditions:

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

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

- 2 The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

Location plan recorded as received by the Council on 24th November 2022

Site layout/GA plan ref: A018/069/P/300 Rev D

House Type 01 A018/069/P/301 Rev B

House Type 02 A018/069/P/301a Rev B

House Type 03 A018/069/P/301b Rev C

Hard Landscaping plan ref: A018/069/P/304 Rev C

Soft Landscaping plan ref: A018/069/P/303 Rev C

Site Drainage plan ref: A018/069/P/308 Rev A

The development shall thereafter be retained and maintained in accordance with these approved details.

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

- 3 The external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

- 4 The surfacing materials to be used in the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying down of any final surfacing and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ1 of the Blackpool Local Plan 2001-2016.

- 5 Prior to the commencement of any above ground construction, a scheme for the provision of boundary treatments to include their position, height, materials and design, shall be submitted to and agreed in writing by the Local Planning Authority. These agreed boundary treatments shall then be provided in full and in full accordance with the approved details before the proposal hereby approved is first brought into use.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ1 of the Blackpool Local Plan 2001-2016

- 6 The accommodation shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose.

Reason: In order to safeguard the living conditions of the occupants of nearby residential properties and the character of the area in accordance with Policies CS7, CS12 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 of the Blackpool Local Plan 2001-2016.

- 7 No bins or refuse shall be stored forward of the front elevation of the building other than on the day of presentation for collection.

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

- 8 Prior to the installation of any external lighting that will not be within the adopted highway, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

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

- 9 Prior to the first occupation or use of the development hereby approved:

(a) a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities;

(b) the landscaping scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details; and

(c) Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 7 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ6 of the Blackpool Local Plan 2001-2016.

- 10 No demolition shall take place and no trees or hedgerows shall be felled or cleared during the main bird nesting season (March to September inclusive) unless written confirmation of the absence of nesting birds by a suitably qualified and experienced ecologist has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ6 of the Blackpool Local Plan 2001-2016 and in accordance with the ecology report submitted with the application.

- 11 Prior to the development hereby approved being first brought into use, the parking provision shown on the approved plan(s) shall be provided and shall thereafter be retained as such.

Reason: In order to ensure that adequate parking provision is available to meet the needs of the development in the interests of the appearance of the area and highway safety in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

- 12 Notwithstanding the information shown on the approved plan and prior to any of the houses hereby approved being first occupied;

- (a) full technical details of the access into the site shall be submitted to and agreed in writing by the Local Planning Authority; and
- (b) this agreed access shall be provided in full and in full accordance with the approved details.

Reason: In order to ensure safe access to and egress from the site is available in the interests of highway safety in accordance with the provisions of Policies CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

- 13 Prior to the commencement of development a scheme of off-site highway improvement works shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the development hereby approved is first occupied.

For the purpose of this condition, this scheme shall include:

- provision of street-lighting
- extension of the existing footpath to connect into the site

Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

14 (a) Prior to the commencement of development a plan to identify those areas of the site proposed to be adopted by the Local Highway Authority and those areas proposed to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the commencement of development a Highway Management Plan to for those areas of the site to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:

- Identify the third parties responsible for management (e.g. Site Management Company)
- Set out a regime/timetable for inspections and regular repair or maintenance works
- Explain how issues can be reported, assessed and resolved

(c) The Highway Management Plan hereby approved shall be implemented in full at all times when any part of the area to which it relates is occupied or in use.

Reason: In order to ensure that safe and convenient access is available to the development by a range of transport modes in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policy AS1 of the Blackpool Local Plan 2001-2016.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

16 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Site Drainage drawing, Drawing No. A018/069/P/308, dated 12/10/18, prepared by Keystone Design Associates Ltd, which is in appendix C of the Drainage strategy report. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

The developer shall provide as built drawings and certification of the completion of the drainage system as approved by a competent person prior to occupation of the development.

Reason: To promote sustainable development, secure proper drainage of sewage and surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

17 Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

- b) Evidence of arrangements to transfer responsibility to other parties in the event of the demise of any management company, for example by means of covenants;
- c) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:
 - (i) on-going inspections relating to performance and asset condition assessments
 - (ii) operational costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- d) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. The developer shall provide to the Planning Authority, if requested, certification of the condition of the drainage system by a competent person.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

- dust mitigation measures during the demolition/construction period
- control of noise emanating from the site during the demolition/construction period
- hours and days of demolition/construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition/construction period
- arrangements during the demolition/construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- measures to prevent contamination of surface and sub-surface water bodies during the demolition/construction period
- routing of construction traffic

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

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

- 19 A Japanese knotweed containment/management plan shall be agreed in writing to the Local Planning Authority prior to commencement on site. The development shall then be carried out in accordance with the agreed plan.

Reason: To ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended) or the Environmental Protection Act 1990.

- 20 Prior to commencement of the development a scheme detailing how the side gable of no. 72 Cherry Tree Road will be made good and finished following the demolition of no. 74 Cherry Tree Road shall be submitted to and agreed in writing by the Local Planning Authority. The works as agreed shall be undertaken within three months of the demolition of no. 74.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

21. Prior to the commencement of any above ground construction, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with this approved scheme. For the purpose of this condition, the scheme of ecological enhancement shall include:

- Use native species appropriate to the local area for boundary planting
- Native tree planting
- Provision of bird and bat boxes
- Features to facilitate roaming of small mammals
- Enhancement of connective habitats through planting of new hedgerow and/ or treelines along the site boundary and residential curtilages

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ6 of the Blackpool Local Plan 2001-2016.

22. The windows and doors hereby approved shall be recessed behind the front face of the elevation in which they are set by at least the width of half a brick.

Reason: In order to secure appropriate visual articulation and interest in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ14 of the Blackpool Local Plan 2001-2016.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no enlargement of the dwelling/s the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.

ADVICE NOTES TO DEVELOPERS

1. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Highways and Traffic team via email to highwaysandtraffic@blackpool.gov.uk or by

telephone on 01253 477477 in the first instance to ascertain the details of such an agreement and the information provided.

2. Please note that any address changes or new addresses needed as a result of this development must be agreed by the Council. Please contact the Council on 01253 477477 for further information.
3. Blackpool Council operates a refuse collection and recycling service through the use of wheeled bins. Developers of new residential properties, including conversions, will be required to provide these bins. Contact should be made with the Council's Waste Services team via email to waste@blackpool.gov.uk or by telephone to 01253 477477 for further advice and to purchase the bins required.