

Officer Report to Committee

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<b>Application ref:</b>	24/0029
<b>Ward:</b>	Marton
<b>Application type:</b>	Householder
<b>Location:</b> 24 Stanley Park Close	
<b>Proposal:</b>	Creation of 2.9m wide vehicle access and installation of gates to East Park Drive elevation.
<b>Recommendation:</b>	Approve subject to conditions
<b>Recommendation Summary:</b>	The alterations to create the private access are considered acceptable and would have no impact on residential amenity. The scheme would be in keeping and have no detrimental impact on the character of the Conservation Area.
<b>Meeting date:</b> 9 April 2024	
<b>Reason for bringing to Committee:</b>	Following consultation with the Chair of the Planning Committee it is considered that the application is of significant public interest.
<b>Case officer:</b>	Wendy Hoggarth
<b>Case officer contact:</b>	01253 476226

## 1.0 SITE DESCRIPTION

- 1.1 Two storey detached dwelling within a private access road in front of 22 Stanley Park Close which is accessed off Goldsboro Road. The property has a driveway to the front and a double garage. In front of the property is a small wall with hedge and the other side of the wall/hedge is the pavement area of East Park Drive close to the mini roundabout at West Park Drive junction. There is a lamp post and large tree within the grass verge area. The road is a busy A road and has double yellow lines.
- 1.2 The site is not subject to any specific designations and falls within the landfill gas consultation area and the Stanley Park Conservation Area.

## 2.0 PROPOSAL

- 2.1 Removal of 3m section of wall/ hedge directly in front of garage and create vehicle access point directly onto East Park Drive. The area would be in-between the lamp post and tree within the grass verge. New wooden gates would be installed across the entrance and brick piers re built to match the existing materials.

2.2 The application has been supported by:

- A Heritage Statement

### **3.0 RELEVANT PLANNING HISTORY**

3.1 90/1864 construction of access onto East Park Drive- Refused 12/02/1991

### **4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION**

#### **4.1 National Planning Policy Framework (NPPF)**

4.1.1 The NPPF was adopted in December 2023. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 12 Achieving well-designed places
- Section 16 Conserving and Enhancing the Historic Environment

#### **4.2 National Planning Practice Guidance (NPPG)**

4.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

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

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

- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage

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

4.5.1 The Blackpool Local Plan Part 2 was adopted in February 2023. The following emerging policies in Part 2 are most relevant to this application:

- DM17 Design Principles
- DM20 Extensions and Alterations
- DM21 Landscaping
- DM27 Conservation Areas
- DM35 Biodiversity
- DM41 Transport Requirements for New Development
- DM42 Aerodrome Safeguarding

#### **4.6 Other Relevant documents, guidance and legislation**

4.6.1 Extending Your Home Supplementary Planning Document (SPD) – this document was adopted in 2007 and sets out the Council’s standards with regards to domestic extensions.

- 4.6.2 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.
- 4.6.3 Greening Blackpool Supplementary Planning Document – this document was adopted in May 2022 and sets out the Council standards with regards to Green infrastructure.
- 4.6.4 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.
- 4.6.5 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.
- 4.6.6 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst this does not apply to householder development, the Council will seek to secure biodiversity gains where practicable in accordance with Section 15 of the NPPF and Policy DM35.
- 4.6.7 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area when exercising planning functions.

## **5.0 CONSULTEE RESPONSES**

- 5.1 Head of Transportation – No objections. The property has sufficient space for a car to be turned within the curtilage and to exit in forward gear so complying with Highways polices. This length of East Park Drive is straight with a wide verge and is covered by parking restrictions. Visibility easily exceeds minimum standards. Pedestrian movements across the road on this section are generally nearer to Halifax Street or Weymouth Road. There is no record of injury accidents in the vicinity of the proposed access. A right turning vehicle would largely be protected by the central hatched area. I do not consider the effect of this proposal on the highway to be in any way severe and there is no reason why the access should have a material detrimental effect on highway safety.
- 5.2 Built Heritage Manager - Although the proposal will create an almost 3 metre gap in the wall, the wall is relatively modern and runs along the length of the rear of the estate. I wouldn't have supported this unless there appeared to be sufficient justification. The gap relative to the length of the wall would cause less than substantial harm to the wall and the character of the Conservation Area. Therefore no objection.
- 5.3 Contaminated Land Officer – No response.
- 5.4 Blackpool Civic Trust – No response.

## **6.0 REPRESENTATIONS**

- 6.1 Press notice published: 06/02/2024
- 6.2 Site notice published: 01/02/2024

6.3 Neighbours notified: 26/01/2024

6.4 2 representations have been received from the following properties:

- 22 Stanley Park Close
- 53 Halifax Street

6.5 These representations raise the following issues:

6.5.1 53 Halifax Street supports the proposal and has no objections

6.5.2 22 Stanley Park Close states no objection to the proposal and does not envisage the design of the proposed wooden gates causing any offence as it simply replaces part of his hedge with gates. The representation then refers to private matters with her neighbour. She also enquires about compensation for any damage to her property and who the works would be undertaken by and how long they would take. The representation also enquires whether there is sufficient space for 2 vehicles and is worried about damage to road users and the public.

6.6 The Committee is respectfully reminded that issues relating to any private issues, damage to property and who would undertake any works and for how long are not valid planning considerations.

## **7.0 ASSESSMENT**

### **7.1 Principle**

7.1.1 There are no planning policies that would preclude the alterations to the property in principle.

7.1.2 The applicant had pre application discussions with both the Councils Heritage Officer and Head of Highways prior to submitting the application to ensure he had their support before submitting his application.

### **7.2 Impact on residential amenity**

7.2.1 The removal of the section of wall/hedge and the formation of the new access/gates would not have any unacceptable impacts on the neighbours' residential amenity and it would reduce the number of vehicles going past the front of the neighbours' property.

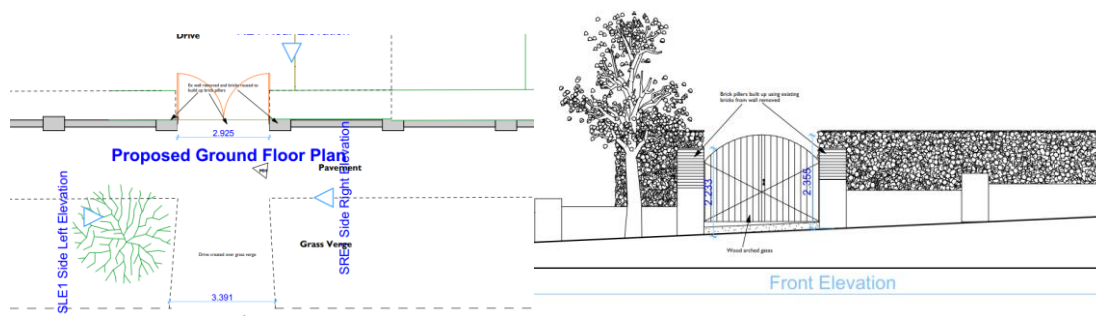
### **7.3 Design and visual impact**

7.3.1 Policy DM27 states that proposals should preserve or enhance those elements that make a positive contribution to their special character or appearance including its setting. Proposals should not have an unacceptable impact on historic street patterns and should retain individual features of interest.

7.3.2 The Stanley Park Conservation Area Management Plan (October 2017) states that all projects will be required to build on the quality inherent in traditional buildings and ensure that new works pay the same attention to the quality of design and materials. Projects within the Stanley Park Conservation Area will be required to have regard to the Council's

Conservation Area Guidance document in order to ensure that the highest standards are achieved.

- 7.3.3 The alterations would be directly in front of the existing double garage. The 3m section of wall/hedge would be removed and the brick piers built up re-using the bricks from the existing wall to enable them to match the existing as best as possible. The new gates would be timber and would open inwards and would have an acceptable appearance.



- 7.3.4 The NPPF explains how proposals affecting heritage assets must be considered. Paragraph 199 is clear that, when considering the impact of development, great weight should be given to the heritage asset's conservation. Paragraphs 200, 201 and 202 then go on to explain how development proposals should be handled where they would result in substantial, significant or less than significant harm respectfully. In this case, the proposal is not expected to result in any harm to the character of significance of the Conservation Area. Subject to a condition which precludes the use of the access as a car parking space, the works are considered to be acceptable.

- 7.3.5 No parking would be lost as a result of the proposal and the turning space would be retained. The Head of Transportation has no objections to the new crossing and as such, no highway issues are anticipated.

- 7.3.6 The development proposed would not result in a substantive increase in hard-surfacing and some soft-landscaping would be retained. A 'no dig' specification for the driveway would protect the adjacent tree. The alterations proposed would fall within flood zone 1 and so there is no requirement for a flood-risk assessment. On this basis, no unacceptable drainage or flood risk issues are anticipated.

- 7.3.7 The proposal would not have any impact on air, land or water quality and there is no reason to suppose that the development would be at undue risk from contamination.

- 7.3.8 In the interests of biodiversity net gain the removed hedge is to be replaced in the rear garden and a new tree is proposed in the rear garden area too. A condition requiring the submission of the details of a no dig driveway specification is necessary in order to safeguard the roots of the adjacent tree.

## 7.4 Other Issues

- 7.4.1 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).

- 7.4.2 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.
- 7.4.3 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.

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

- 7.5.1 Sustainability comprises economic, environmental and social components.
- 7.5.2 Economically there would be negligible impact and some employment would be generated during construction.
- 7.5.3 Environmentally, environmental quality and biodiversity would not be materially affected.
- 7.5.4 Socially, the scheme would have negligible impact. It would not have any unacceptable impacts on residential amenity and would provide a private access within the site and there would be no adverse impacts with regard to flood risk and highway safety.
- 7.5.5 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 N/A

## **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 is a householder application has negligible impact on the policies and the Council Plan.

## **10.0 CONCLUSION**

- 10.1 In light of the above, Members are respectfully recommended to approve planning permission, subject to the following conditions

## **11.0 RECOMMENDATION**

- 11.1 Approve subject to 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 received by the Council on 26/01/2024

Proposed plans referenced 1281.01.24 PL B.5

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 Prior to the commencement of development a scheme of off-site highway 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:

- the surfacing materials
- details and sections of a 'no-dig' driveway specification

The development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene and to ensure the resulting access is permeable and does not cause damage to nearby trees which have high amenity and biodiversity value in accordance with Policies CS6, CS7, CS8 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17, DM20, DM21, DM27 and DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

4 The access hereby approved shall be used to provide access to 24 Stanley Park Close only and shall not be used as a car parking space.

Reason: In the interests of the appearance of the site and Stanley Park Conservation Area in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17, DM20 and DM27 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

- 5 The external materials to be used on the development hereby approved shall be as specified on 1281.01.24 PL B.5 unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17, DM20 and DM27 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

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

(a) the landscaping scheme as specified on email dated 15/02/2024 and photos received on 15/02/2024 shall be implemented in full and in full accordance with the approved details; and

(b) 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 Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21, DM27 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

- 7 The following measures shall be adhered to throughout the demolition/construction period of the development hereby approved:

- all materials will be covered and stored on raised pallets only
- means of escape for amphibians and small mammals shall be provided from any excavation (i.e. solid plank providing access from the base of the excavation to ground level)
- construction and storage areas to be inspected at the start of each working day for amphibians and small mammals
- in the event that a protected species is found on site, works should immediately cease and a suitably qualified and experienced ecologist consulted
- any non-protected species found on site should be carefully removed and placed under cover on the other side of the site boundary.

Reason: In order to safeguard biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.