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Blackpool Council

4 January 2016

To: Councillors I Coleman, Critchley, Elmes, Hutton, Maycock, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 12 January 2016 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 1 DECEMBER 2015 (Pages 1 - 14)

To agree the minutes of the last meeting held on 1 December 2015 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 15 - 20)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 21 - 24)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager – Public Protection.

5 PLANNING APPLICATION 15/0227 - 4 ST STEPHENS AVENUE (Pages 25 - 38)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

6 PLANNING APPLICATION 15/0228 - 6-8 CARLIN GATE (Pages 39 - 52)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

7 PLANNING APPLICATION 15/0229 - REAR GARDEN AREA TO 6-8 CARLIN GATE (Pages 53 - 66)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman
Critchley

Hutton
Maycock

Stansfield

In Attendance:

Mrs Bernadette Jarvis, Senior Democratic Services Adviser

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Group Engineer, Traffic Management

Mr Mark Shaw, Principal Planning Officer

Mrs Carmel White, Chief Corporate Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2015

Resolved: That the minutes of the meeting held on 3 November 2015 be signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee considered a report outlining details of planning appeals lodged since the last meeting.

Resolved: To note the planning appeals lodged.

Background paper: (1) Letters from the planning inspectorate dated 27th October 2015.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report summarising planning enforcement activity within Blackpool during October 2015.

Resolved: To note the outcomes of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department in authorising the notices.

5 PLANNING APPLICATION 15/0223 - FYLDE COAST ICE ARENA, BRISTOL AVENUE

The Committee considered application 15/0223 to seek changes to four of the conditions imposed on planning permission 12/0485 as follows:

1. Variation of condition 01 attached to planning permission 12/0485 to allow a

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- longer period of time (12 months from the date of this application) for the marking out of the car, motorcycle, coach and cycle parking;
2. variation of condition 04 to allow the ice rink to open between the hours of 06.00 to 0.00 seven days a week;
 3. variation of condition 08 to allow a longer period of time (12 months from the date of this application) for the submission and implementation of a scheme for the external treatment of the exposed sections of the building;
 4. removal of condition 07 to remove the requirement for a surface water drainage scheme.

Mr Shaw, Principal Planning Officer reminded the Committee that at its meeting on 8th September 2014 planning permission had been granted for planning application 12/0485 subject to a number of conditions. He explained that the application before the Committee today was to seek changes to four of those conditions as outlined above.

Mr Shaw presented the Committee with a brief overview of the application and the site layout plans.

In relation of the request to vary condition 04 to extend the opening hours of the ice rink, Mr Shaw advised Members of two recent planning applications that had been received for housing developments on the land immediately to the west of the ice rink, one of which had been refused and the other subsequently withdrawn. He suggested that due to the uncertainty regarding the future of the adjoining land, a temporary extension of hours for a period of three years would be more appropriate and would be in accordance with the National Planning Policy Framework and relevant local policies.

The Committee was also advised that the removal of the surface water drainage scheme requirement could not be undertaken until the marking out of the car, motorcycle, coach and cycle parking had been completed.

Mr Shaw reported that no objections to the application had been received from the nearest residential properties. However representation had been received from Walsingham Planning on behalf of the Property Alliance Group, details of which were contained within the report.

Responding to questions from a Member of the Committee regarding the extension of the opening hours, Mr Shaw reported that the applicant had requested this variation for the benefit of serious skaters rather than the general public.

Resolved: That the application be approved, subject to the conditions, and for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

6 PLANNING APPLICATION 15/0394 - 138 STONY HILL AVENUE

Mr Johnston, Head of Development Management presented the Committee with a brief overview of planning application 15/0394 for the erection of 10 x two and two and a half storey semi-detached dwelling houses with associated access road, car parking, landscaping and boundary treatment, following demolition of existing building.

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Mr Johnston reported that a previous outline application, reference 14/0036, for the re-development of the site for three pairs of semi-detached houses had been submitted by the Council and planning permission had been subsequently granted. At the time, this application had not raised serious concerns by local residents, with only one representation received thereby suggesting that the residents broadly accepted that the re-development as outlined in the application had been reasonable.

The Committee was presented with the site layout plans for the proposed development and was advised that the main planning issues were the intensity of the development and the impact on residential amenity and highway safety. Mr Johnston reported that a number of representations from local residents had been received and were outlined within the report. He also referred to the additional representation from Gordon Marsden MP as detailed in the Update Note.

Prior to consideration of the application by the Committee, Mr Johnston circulated to Members comments on the application that had been received from the Head of Transportation. Mr Hadwin, agent, acting on behalf of the applicant raised concerns that he had not had sufficient time to consider and respond to this representation. Members expressed serious concerns that the information should have been made available to all parties prior to the meeting to enable sufficient consideration to be given to it. The Committee was of the view that to ensure full and proper consideration of the application including all relevant representations it was appropriate to defer it to the next meeting.

Resolved: That consideration of the application be deferred to the next meeting of the Committee to enable full and proper consideration of the application including all relevant representations.

Background papers: Applications, plans and replies to consultations upon the applications.

7 PLANNING APPLICATION - 15/0425 - LAYTON MEDICAL CENTRE, 200 KINGSCOTE DRIVE

The Committee considered application 15/0425 for the erection of two storey rear extension to existing medical centre with amended layout to car park and erection of two metre high paladin fencing to part of site boundaries.

Mr Shaw, Principal Planning Officer presented the Committee with a brief overview of the application and the site layout plans. He highlighted the location of the neighbouring houses in relation to the application site.

Members were advised of two previous extensions that had been built following prior permissions which had resulted in a reduction in the number of car parking spaces from 19 to 16. Mr Shaw referred Members to the concerns raised by the Head of Transportation relating to the potential increase in on street parking and detrimental impact on highway safety. He also made reference to the letters of support for the development that had been received, including the statements from the ward Councillors in support of the proposed extension. Mr Shaw explained the rationale for the recommendation to grant, notwithstanding the Head of Transportation's concerns, which

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included the increase in patient numbers in the area and the long term viability of the medical centre.

Dr Clark, applicant, spoke in support of the application.

The Committee carefully considered the merits of the application and the concerns that had been raised by the Head of Transportation. Members considered that on balance the need for the extension and the health benefits to be gained from the development outweighed the car parking and highway concerns raised by the Head of Transportation.

Resolved: That the application be approved, subject to the conditions, and for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

8 PLANNING APPLICATION 15/0457 - CO-OPERATIVE SPORTS AND SOCIAL CLUB, PRESTON NEW ROAD

The Committee considered application 15/0457 outline approval of the erection of a residential development comprising up to 54 dwelling houses, utilising existing access and including car parking and associated works, following demolition of existing buildings.

Mr Johnston, Head of Development Management presented the Committee with a brief overview of the application and the site layout plans for the proposed development. He advised Members that the application was for outline planning permission with all matters reserved with the exception of access.

Members were advised that the application site comprised of a former social club with parking at the front and disused sports pitches to the rear and a sports pavilion. The social club had closed in 2013 and the sports pitches had not been used for several years prior to that. Mr Johnston reported that following consultation undertaken with the Head of Leisure and Catering Services, the loss of sports facilities at the site was not considered a significant consideration as there were adequate sport facilities at other locations in the Town. He also referred Members to the strong objections made by Sport England in relation to the loss of the sports facility although it had acknowledged the benefits of the financial contributions in improving sports facilities at Common Edge Road. Mr Johnston also highlighted the financial contribution to affordable housing within the application which met the legislative tests.

Mr Johnston reported on the Head of Transportation's comments in the Update Note regarding access points for the proposed development and the applicant's Transport Statement where an assessment of accident records had not identified any safety issues in the vicinity of the existing site access and Ribchester Avenue. He confirmed that the issues regarding the road layout within the development could be addressed at the Reserved Matters stage.

In conclusion, Mr Johnston advised the Committee that the material consideration of the loss of a playing field and the strong objection from Sport England was mitigated by the lack of need for the playing field at the site and the financial contributions to improving

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sports facilities at Common Edge Road which met the legislative tests. He considered that this, together with the financial contribution to affordable housing, outweighed the objections and hence the recommendation was to agree to the application in principle, subject to a Section 106 agreement.

Mr Stone, applicant spoke in support of the application.

During consideration of the application, the Committee acknowledged the poor condition of the site, the lack of use of the sports facilities in recent years and the need for affordable housing within the town. They commented favourably on the proposed plans for the development. However, Members did consider that the financial contribution could be better utilised for sports facilities within the Clifton ward area due to the need for upgrading the sports facilities in the nearby area. The Committee requested that, should approval be given for the development, the Head of Development Management discuss with the Head of Leisure and Catering Services the option of directing the financial contribution towards sports facilities within Clifton ward rather than at Common Edge Road playing field for the above reason as it was considered that this was a preferred option which would also satisfy the legislative tests. Members also asked that the relevant ward Councillors be invited to take part in the discussions.

Resolved: To agree in principle the granting of the application, subject to conditions, and to delegate the issuing of the decision notice to the Head of Development Management subject to a Section 106 Agreement to his satisfaction relating to the payment of sums of money towards replacement sports pitch provision and towards off site provision of affordable housing.

Background papers: Applications, plans and replies to consultations upon the applications.

9 PLANNING APPLICATION 15/0625 - UNIT A, PRESTIGE HOUSE, CORNFORD ROAD

The Committee considered application 15/0625 for the use of premises as an indoor trampoline centre within Use Class D2.

Mr Johnston, Head of Development Management presented the Committee with a brief overview of the application and the site layout plans. He reported that the application had been recommended for refusal due to the lack of a sequential test and the loss of employment land to a D2 use which was contrary to the National Planning Policy Framework, DE1 of the Blackpool Local Plan and CS3 of the emerging Core Strategy. Mr Johnston reported that two sequentially preferable sites within the Town Centre had been identified, namely the former Apollo site and the former Syndicate site but these had been dismissed by the applicant due to their size.

Mr Johnston referred Members to the representations made by the Head of Transportation in the Update Note relating to an inadequate number of parking spaces for the proposed leisure use which in his view would exacerbate the problems with the already oversubscribed on street parking. He also referred Members to the applicant's response to the officer's report and the Head of Transportation's representations that had been circulated to Members under separate cover on 1st December 2015, which had included a letter from the site owners of the proposed development.

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Mr Johnston concluded by acknowledging the applicant's claims that other planning authorities had supported similar applications but reminded Members that each application had to be determined on its merits taking local needs into consideration. Whilst Mr Johnston acknowledged the employment opportunities that the proposed development offered, he considered that the loss of employment land was a material consideration, particularly in light of a shortage of available employment land in Blackpool, as demonstrated by approaches having been made to Fylde Borough Council to secure extra employment land to meet Blackpool's future needs as defined in the emerging Core Strategy.

Mr Bowness, applicant spoke in support of the application.

Councillor Luke Taylor, Ward Councillor, also spoke in support of the application.

During consideration of the application, the Committee noted that the site had been vacant for 19 months and there was no imminent alternative proposal for development despite it being marketed for a significant period of time. Members also commented favourably on the financial long term investment and employment opportunities that the development offered as well as the health benefits for residents in both the local area and the wider locality.

Members discussed at length the merits of continuing to protect employment land, particularly in instances where the land had been vacant for a number of years with little prospect of an alternative development proposal being submitted in the near future. The Committee also considered that the type of use that was being proposed, whilst accepting that it was a loss of employment land to a D2 use, would nevertheless create jobs in an area which was in need of employment opportunities.

The Committee acknowledged that the proposal was contrary to the National Planning Policy Framework, Policies DE1 and BH12 of the Blackpool Local Plan and Policies CS3 and CS4 of the emerging Core Strategy but considered that there were a number of factors that outweighed the conflict with these policies. Those factors included that there was no suitable premises within the Town Centre or edge of Town with sufficient floorspace for the intended use and the employment opportunities that the proposed development would bring. The Committee also considered that the benefits to the community locally and within the Town as a whole that the proposed development would offer both in terms of health and leisure activities was a contributory factor that weighed significantly in favour of the proposed development.

At the request of the Committee, Mr Johnston outlined the range of conditions that would be considered necessary and reasonable for the proposed development.

Resolved: That the application be approved subject to conditions and the Head of Development Management be authorised to finalise these conditions and issue the decision notice.

Background papers: Applications, plans and replies to consultations upon the applications.

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Chairman

(The meeting ended 7.15 pm)

Any queries regarding these minutes, please contact:
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Application Number: 15/0223 – Fylde Coast Ice Arena

- Variation of condition 01 attached to planning permission 12/0485 to allow a longer period of time (12 months from the date of this application) for the marking out of the car, motorcycle, coach and cycle parking;
- variation of condition 04 to allow the ice rink to open between the hours of 06.00 to 00.00 seven days a week;
- variation of condition 08 to allow a longer period of time (12 months from the date of this application) for the submission and implementation of a scheme for the external treatment of the exposed sections of the building;
- removal of condition 07 to remove the requirement for a surface water drainage scheme.

Decision: Grant Permission

Conditions:

1. On or before 15 June 2016 the car parking (including mobility parking), motorcycle parking, cycle parking, coach parking and drop off/pick up provision shown on the approved plans on planning permission 12/0485 shall be marked out and provided and shall thereafter be retained. If the parking is not provided by this date the use shall cease until such a time as the parking and drop off/pick up is provided.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

2. Within three months of the date of this approval a travel plan shall be submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element. If the Travel Plan is not submitted within three months of the date of this approval the use shall cease until such a time as the Travel Plan is provided and approved.

Reason: The Approved Travel Plan shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

3. The premises shall be used as an ice rink with ancillary facilities only and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended).

Reason: To enable the Local Planning Authority to maintain control over other D2 uses, to enable an assessment of the car parking requirements of other D2 uses and to ensure the use(s) do not detract from the resort core/ town centre in accordance with Policies RR1 and BH12 of the Blackpool Local Plan 2001-2016.

4. For a period of three years from the date of this permission the application premises is permitted to open to members of the public between the hours of 6am to midnight. Following the expiration of three years, unless otherwise agreed in writing with the Local Planning Authority, the premises shall only be open to members of the public between the hours of 10am to 10pm on Mondays to Fridays and between the hours of 9am to 10pm on Saturdays, Sundays and Bank Holidays.

Reason: To enable to the Local Planning Authority to re-assess the situation at a later date due to the uncertainty over the future of land immediately to the west of the application premises and to safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016.

5. The floorspace devoted to cafe (Class A3) shall be as shown on approved plan and at all times shall be ancillary to the main use of the building as an ice rink.

Reason; The cafe use is shown as ancillary to the main use of the building and any increase in floor area of these uses would be contrary to Policies BH12, BH16 and BH17 of the Blackpool Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the café shown on the plan shall not be used for a Class A1 or A2 use without the prior written permission of the Local Planning Authority.

Reason: The establishment of an out of centre retail/office use in this location could affect the vitality and viability of the Town Centre and other centres and would be contrary to Policies BH12 and BH16 of the Blackpool Local Plan 2001-2016.

7. By 15 September 2016, unless otherwise agreed in writing with the Local Planning Authority, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details within three months of the date of their approval and retained thereafter. If the surface water drainage scheme is not provided within three months of the date of their approval the use shall cease until such a time as the surface water drainage scheme is provided in accordance with approved plans.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

8. On or before 15 June 2016 a scheme for the external treatment for the exposed sections of the buildings which are the subject of the approved use(s) shall be submitted to and approved in writing and shall subsequently be implemented in accordance with the approval details. If the external treatment scheme is not provided the use shall cease until such a time as the external treatment scheme is provided and approved.

Reason: In the interests of the appearance of the locality in accordance with Policies LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001-2016.

Application Number: 15/0425 Layton Medical Centre - Erection of two storey rear extension to existing medical centre with amended layout to car park and erection of two metre high palladin fencing to part of site boundaries.

Decision: Grant Permission

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

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016.

3. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

4. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is within an area where there may be important features of archaeological interests and so appropriate investigation and safeguarding is necessary in accordance with the National Planning Policy Framework.

(To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site. This recommendation is in accordance with National Planning Policy Framework, paragraph 141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.)

5. Development on the approved extension shall not be commenced occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the extension shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 – 2016.

Application Number: 15/0457 Co-operative Sports and Social Club - Erection of a residential development comprising up to 54 dwelling houses, utilising existing access and including car parking and associated works, following demolition of existing buildings (outline proposal).

Decision: Agree in principle and delegate approval to the Head of Development Management

Conditions:

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
 - Layout
 - Scale
 - Appearance
 - Landscaping
- ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. No development shall be commenced until detailed site investigation has been carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016.

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction

Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of 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 construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways, including a hard standing area of 15m for wheel washing facilities.
- the routing of construction traffic.

The construction of the development shall then proceed in accordance with the approved 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.

4. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016.

5. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016.

6. Prior to commencement of development, a scheme for the provision of open space in the form of a 100 square metres Local Area of Play (LEP), shall be agreed in writing by the Local Planning Authority. Prior to the occupation of the first house on site, the LEP shall be constructed in the form agreed and shall thereafter be maintained and retained.

Reason: In the interest of residential amenity and in accordance with Policies BH3 and BH10 of the Blackpool Local Plan 2001 - 2016.

7. Unless the absence of nesting birds has been confirmed by further surveys or inspections, any removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive]. Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife & Countryside Act 1981 (as amended).

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	12 th January 2016

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 352 Lytham Road, Blackpool, FY4 1DW Ref: 15/0235

Appeal by Mr. C Hardy against the Council's refusal of planning permission for the

use of land formerly used as NHS car parking, for a private car parking area for 50 cars. **Appeal allowed.**

- 5.2.1 The Inspector considered the main issues to be:
- The effect of the development proposed on the character and appearance of the area; and
 - The effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to noise, disturbance and light.

5.2.2 Character and appearance

The Inspector considered that the character of the area is that of a busy shopping street, with a mix of residential and commercial development. The appeal scheme originally sought the retention of a 2.4m high timber fence along the north and south boundaries and a 2.4m high mesh fence along the boundary with Lytham Road. As erected, the Inspector considered that these fences gave the appeal site an industrial, compound feel that significantly detracts from the character and appearance of the area. The fencing dominates the street scene to the detriment of the visual amenity of neighbouring residents and visitors to the area.

- 5.2.3 Amendments to the scheme included a reduction in height of the timber fencing along the northern and southern perimeters to 1.5m and to 1m forward of the two buildings either side of the site which would reflect the height of the existing boundary treatments. On the Lytham Road frontage, amendments included the replacement of the 2.4m high mesh fence by a 400mm high wooden kick rail fence, removal of the concrete bollards and the installation of public seating. The landscaping was also revised to include several trees with a prepared root system and ground cover planting.

- 5.2.4 On the basis of the amended plans, the Inspector considered that the appeal scheme would have a more open appearance, allowing for natural surveillance of the site to occur and the reduced height of the fencing would also reduce the harm to the character and appearance of the area. This amended scheme would also better reflect the context of the area and the landscaping would assist in integrating it with the street scene.

- 5.2.5 He considered that the use of the appeal site as a car park would be acceptable on a temporary basis, to allow some economic benefit and to prevent the site from becoming derelict in appearance which, in itself, would be harmful to the character and appearance of the area. Accordingly, he concluded that the development would not be harmful to the character and appearance of the area.

5.2.6 Living conditions

The Inspector noted that there were several dwellings close to the appeal site. The

appeal site was previously a car park associated with an NHS Health Centre, used between 8.00 and 18.30, Mondays to Fridays. He considered it likely that visits to the Health Centre would have been for short periods, with a relatively high turnover of cars, which would have resulted in a degree of noise and disturbance to neighbouring residents.

- 5.2.7 The hours of use of the car park associated with this appeal scheme would see an increase in use, as it would operate between 8.00 and 20.00, seven days a week. However, as the intended users would be mainly commuters, the Inspector considered the number of vehicle movements would be less when compared with the previous use. Also, the use would not continue late into the evening and the noise of cars coming and going would be indistinguishable from that of the passing traffic along Lytham Road. He therefore considered the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupants, with particular regard to noise and disturbance.
- 5.2.8 In terms of lighting, the Inspector noted that three 10m high columns are proposed. Two would be 5m from the back edge of the Lytham Road pavement and the third would be at the rear of the site, centrally located along the rear boundary which would increase the separation distance between the column and neighbouring dwellings. He considered that the LED light fittings would help to minimise light spillage as it would direct the majority of the beam downwards towards the car park. Therefore, whilst the lighting columns may be noticeable as an additional lighting source, he felt they would not be significantly harmful to the living conditions of neighbouring occupants and would be less noticeable than existing street lights.
- 5.2.9 The Inspector acknowledged the concerns of local residents regarding the installation of CCTV; however he felt that its use at the site would not be significantly detrimental to privacy. The reduction in the height of the side boundary fence would make the side passageway less unattractive and retain a relatively open aspect. He concluded that the proposal would not be harmful to the living conditions of neighbouring occupants, with particular regard to noise, disturbance and light.
- 5.2.10 For the reasons detailed above, the Inspector **allowed** the appeal, subject to conditions:
- 1) Notwithstanding the details shown on the approved plans, within three months from the date of this permission, the concrete bollards at the front and sides of the site shall be removed and the surface made good.
 - 2) The use hereby permitted shall be discontinued and the associated structures removed on or before 7 July 2020 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

3) The use of the land as a car park shall not take place other than between the hours of: 08:00 and 20:00 hours on any day.

5.3 Planning/Enforcement Appeals Lodged

5.3.1 5 Penhill Close, Blackpool, FY2 0XP (15/0022)

5.3.2 An appeal has been submitted by Mr G Cowling against the Council's refusal of planning permission for external alterations and erection of single storey side and front extension to existing garage and use as altered as a single private dwelling-house with associated car parking.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Report to:	Planning Committee
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting	12 th January 2016

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during November 2015.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 Not applicable

5.0 **Background Information**

5.1 **Cases**

5.2 **New cases**

In total, 53 new cases were registered for investigation, compared to 68 received in November 2014.

5.3 **Resolved cases**

In November 2015, 14 cases were resolved by negotiation without recourse to formal action, compared to 14 in November 2014.

5.4 **Closed cases**

In total, 33 cases were closed during the month (53 in November 2014). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

5.5 **Formal enforcement notices / s215 notices / BCNs**

- Two enforcement notices authorised in November 2015 (one in November 2014);
- No s215 notices authorised in November 2015 (one in November 2014);
- No Breach of Condition notices authorised November 2015 (none in November 2014);
- One Community Protection Notice authorised in November 2015.

relating to those cases set out in the table below

- No enforcement notices served in November 2015 (none in November 2014);
- Two s215 notices served in November 2015 (one in November 2014);
- No Breach of Condition notices served in November 2015 (none in November 2014)
- One Community Protection Notice served in November 2015.

5.6

Enforcement notices / S215 notices authorised in November 2015

Reference	Address	Case	Dates
15/8398	50 Lyndhurst Avenue	Without planning permission, the extension of the pre-existing curtilage to incorporate a pedestrian passageway, and the siting of a static caravan for use for residential purposes independent from the main dwelling	Enforcement Notice authorised 23/11/2015
14/8310	40 Kenilworth Gardens	Without planning permission the erection of a rear dormer in conjunction with an approved two storey rear extension	Enforcement Notice authorised 26/11/2015
15/8409	175 Promenade	Owner has allowed signage under their control to remain of an unsightly appearance, namely advertising 'Dereks Tattoos' to the first floor on the south west corner of 175 Promenade	Community Protection Notice authorised 13/11/2015

Enforcement notices / S215 notices issued in November 2015

Reference	Address	Case	Dates
15/8071	42 Exchange Street	Poor condition of property	S215 notice issued 10/11/2015. Compliance due 23/03/2016 unless an appeal is made to the Magistrates by 23/12/2015
15/8301	6 Central Drive	Poor condition of property	S215 notice issued 16/11/2015. Compliance due 01/03/2016 unless an appeal is made to the Magistrates by 31/12/2015
15/8409	175 Promenade	Owner has allowed signage under their control to remain of an unsightly appearance, namely advertising 'Derek's Tattoos' to the first floor on the south west corner of 175 Promenade	Community Protection Notice issued 13/11/2015

Does the information submitted include any exempt information? No

5.7 List of Appendices:

5.8 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

COMMITTEE DATE: [12/01/2016](#)

Application Reference: 15/0227

WARD: Warbreck
DATE REGISTERED: 31/07/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Belsfield Care

PROPOSAL: Erection of roof lift to existing rear extension to provide five additional bedrooms and lounge and provision of three additional car parking spaces to rear following removal of existing storage building.

LOCATION: 4 ST STEPHENS AVENUE, BLACKPOOL, FY2 9RG

Summary of Recommendation: Refuse

CASE OFFICER

Mr Gary Johnston

SUMMARY OF RECOMMENDATION

The proposal represents a further intensification of development on this plot within an increase in the height of built form, windows overlooking neighbouring properties, numbers of residents and lack of amenity space. Whilst there is a need for additional dementia bedspaces there are currently 97 bedspaces in three properties very close together - 3 St Stephens Avenue, 4 St Stephens Avenue and 4 Carlin Gate. There is no requirement to provide additional bed spaces in this location; indeed the addition of five bedrooms would add to the disproportionate level of provision in this local area. It is acknowledged that in its broadest sense there would be economic and social benefits to the proposal (extra jobs and bedspaces) but these would be outweighed by the environmental impacts. The new bedrooms would not be exceptional quality and would result in the bulk of the building being increased and additional windows overlooking neighbouring properties. There is little in the way of amenity space for the existing residents of the home and this proposal would not alter that situation (increase in number of bedrooms from 31 to 36). As such the proposal is considered contrary to paragraph 17 of the National Planning Policy Framework, Policies LQ1, LQ2, LQ14, BH3 and BH24 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan: Part 1 - Core Strategy.

INTRODUCTION

Some Members will recall that applications relating to 6-8 Carlin Gate, 4 Carlin Gate and 4 St Stephens Avenue have been before the Committee before (details are listed below). This application is one of three applications for the properties which are owned by the applicants. The three applications are -

1. 15/0227 -Erection of roof lift to existing rear extension to provide five additional bedrooms and lounge and provision of three additional car parking spaces to rear following demolition of existing lounge. (**4 St Stephens Avenue**).

2. 15/0228 -Use of premises as 4 self contained permanent flats with associated landscaping and works following demolition of existing rear extensions and alteration to existing garage. **(6-8 Carlin Gate)**.
3. 15/0229 - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate. **(6-8 Carlin Gate and 4 Carlin Gate/4 St Stephens Avenue)**.

These applications follow on from previous applications which sought to link 4 St Stephens Avenue to 4 Carlin Gate and redevelop 6-8 Carlin Gate. Outline planning applications with references 12/0700 and 13/0754 were withdrawn. Outline Planning Application reference 13/0301 for the erection of a two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 12 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with integral garages, with associated access, parking and landscaping to the rear for use by the extended rest homes following demolition of 6-8 Carlin Gate, was refused by the Planning Committee at its meeting on 22 July 2013 (a subsequent application 14/0150 - *Erection of two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 10 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with associated vehicle access, parking and landscaping to rear for use by rest homes following demolition of 6-8 Carlin Gate was withdrawn*).

The reasons for refusal for 13/0301 are listed below:

1. The proposed extensions and alterations, linking 4 Carlin Gate and 4 St. Stephens Avenue and extending into residential gardens at the rear of 6-8 Carlin Gate would constitute an over-development of the plots and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the boundaries and fenestration resulting in, overlooking, visual intrusion and a development which is overly intensive and out of character within a residential setting. The proposed link extension would also be detrimental to future occupants by virtue of the proximity of windows to boundary walls resulting in lack of natural light and lack of outlook. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.
2. The proposal would create an inadequate vehicle access off Carlin Gate to substandard parking facilities to the rear of 6-8 Carlin Gate which would result in vehicle conflict, leading to vehicles having to reverse out of Carlin Gate and around tight corners with poor visibility. This would be contrary to highway safety and the free flow of traffic within the site. Furthermore the under-provision of useable parking spaces would lead to additional on street parking within the vicinity of the site which would lead to congestion and impede the free flow of traffic and would be detrimental to residential and visual amenity. The proposal would therefore be contrary to Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.
3. It has not been demonstrated that 6-8 Carlin Gate could not be brought back into viable use and the demolition of 6-8 Carlin Gate is therefore unsustainable. Furthermore, the two-storey domestic scale of the replacement dwellings proposed at 6-8 Carlin Gate would be out of character with the neighbouring properties at 4 Carlin Gate and 10-12 Carlin Gate and would therefore be an incongruous feature in the streetscene. The proposal would therefore be contrary to Policies LQ1, LQ4 and LQ8 of the Blackpool Local Plan 2001-2016.

There have been numerous applications for the use/new build and extensions to 4 St Stephens Avenue, 4 Carlin Gate and 6 Carlin Gate in recent years and they are listed below:

4 St Stephens Avenue:

86/0420 – Use of premises as a rest home. Granted 22 April 1986.

86/0916 - Erection of two-storey side extension and extension to rear dormer and erection of external staircase. Granted 06 August 1986.

88/1571 - Erection of part two-storey and part single-storey rear extensions. Granted 29 November 1998.

92/0667 - Erection of first floor rear extension to rest home. Granted 20 October 1992.

93/0810 - Erection of first floor rear extension to rest home. Granted 19 October 1993.

95/0574 - Use of premises as a rest home and nursing home. Granted 11 October 1995.

98/0019 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities. Refused 06 April 1998 for the following reasons:

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to increased on street parking to the detriment of highway safety and residential amenity.

98/0319 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities and creation of vehicular access and car parking space to front. Refused 22 June 1998 but granted on appeal.

10/1309 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations would form 32 en-suite bedrooms at existing care home. Granted 14 January 2011.

11/0510 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations would form 38 en-suite bedrooms at existing care home. Refused 08 September 2011 for the following reason:

- The proposed extensions and alterations would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook, loss of car parking facilities and a lack of useable amenity space for the residents of the home. In addition it is considered that the proposals would lead to additional on street parking within the vicinity of the site which would lead to congestion and would be detrimental to residential and visual amenity. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3, BH24 and AS1 of the Blackpool Local Plan 2001-2016.

11/1000 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 36 en-suite bedrooms at existing care home. Refused 19 January 2012 for the following reason:

- The proposed rear extension, when added to other constructed and approved extensions, would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants by virtue of its size, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook and a lack of useable amenity space for the residents of the home. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.

4 Carlin Gate:

06/0203 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/ care home with provision of eight car parking spaces. Refused 12 June 2006 for the following reason:

- The proposal would be contrary to policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 by reason of the intensity of development within the application site, the resultant number of properties in such use in the locality and impact on amenity of nearby residents.

06/0524 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/care home with provision of car parking spaces at the front and rear. (Re-submission of application 06/0203). Granted 04 September 2006.

07/0998 - Erection of three-storey detached building with basement and two storey section at the rear, both incorporating accommodation within the roofspace, to form 40 bedroom nursing/care home with provision of six car parking spaces at the front and rear. (Amendment to planning permission 06/0524). Granted 28 April 2008.

08/1198 - Elevational alterations to three storey detached care/nursing home (amendments to planning permission 07/0998). Granted 12 January 2009.

6-8 Carlin Gate:

04/0523 - Use of premises as single private dwellinghouse and conversion of rear extension to form additional living accommodation to provide guest facilities for private use. Granted 13 July 2004.

07/0593 - Use of premises as a single private dwellinghouse by no more than six residents living together as a single household (including a household where care may be provided for residents) (Certificate of Lawfulness for Proposed Use). Refused 18 October 2007 for the following reason:

- The applicant has failed to provide sufficient information, with particular reference to the intended future residents and the nature and extent of any care to be provided for those residents, to enable the Local Planning Authority to properly assess the application submission and to be in a satisfactory position to confirm whether the proposed use falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site has no allocation in the Blackpool Local Plan 2001-2016.

SITE DESCRIPTION

4 St Stephens Avenue is a detached, three-storey care home which has been significantly extended to the sides and rear to provide 31 bedrooms, currently catering for people suffering from dementia. Across the road from 4 St Stephens Avenue at number 3 St Stephens Avenue is another large, detached care home for dementia patients operated by the applicants with 26 bedrooms. To the east of the site there are two-storey, semi-detached houses fronting onto St Stephens Avenue. A large single storey extension at the rear of 4 St Stephens Avenue almost abuts the rear boundary with 4 Carlin Gate, which contains a three storey detached care home with 40 bedrooms, also operated by the applicants.

DETAILS OF PROPOSAL

The proposal is to extend above the existing single storey rear extension at the home. The part to be increased in height projects 17 metres beyond the two storey wing at the rear of the home and is currently 3.6 metres high. It is set between 1 metre and 5.5 metres from the boundary with 6 St Stephens Avenue and is 1 metre from the boundary with 4 Carlin Gate (also in the applicants' ownership). The single storey rear extension has a false pitch roof and because of the height of the roof there are no windows in the roof. It is proposed to increase the height of the roof to an overall height of 5.1 metres (i.e. increase it by 1.5 metres) and undertake internal changes which would mean that the number of beds in the home would increase from 31 to 36. Two of the new bedrooms would have windows facing the rear gardens of houses fronting St Stephens Avenue and these would be set 3.8 metres above ground level. One window would be approximately 4.5 metres from the boundary and one approximately 6.5 metres from the boundary. In addition there would be a lounge window which would face the rear of the home but it would be approximately 3 metres from the boundary with 6 St Stephens Avenue. In effect the design of the current extension would be altered such that the roof would no longer appear subordinate to the single storey extension. On the western side of the single storey rear extension it is proposed to remove a freestanding storage building and a section of the boundary wall and gates to provide three car parking spaces. Two car parking spaces are also proposed on the St Stephens Avenue frontage of the property.

The application is accompanied by -

- demonstration of need statement

- management plan
- design and access statement
- planning statement

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of the development
- impact on residential amenity
- design and standard of development
- impact on highway safety

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

CONSULTATIONS

Head of Transportation: Three additional off street spaces are provided. Five additional staff are proposed, what parking or travel arrangements are envisaged for these staff?

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 6 August 2015

Neighbours notified: 6 August 2015 and 7 December 2015

Mrs Susan Giacomini, 3 CARLIN GATE - I object to this as it constitutes overdevelopment of the plot. This was refused last year. Nothing has changed to alter that decision. No extra beds are needed especially now the new large mental health unit has been opened on Preston New Road. In response to the re-notification in December I re-iterate my objection as stated in my previous letter.

Mr D Jolly, 34 ST STEPHENS AVENUE - My concern with the new applications is the lack of management direction given to the staff and lack of forethought to our neighbourhood. It is clear there is a lack of training to the management team, they do not consider the neighbourhood they are working and operating in as their responsibility. When you trade in an area, you should look after the area. Increasing capacity of the homes will only create more work and staffing opportunities. This will then lead to additional waste, more cigarette butts and a general degradation of the area.

FC Cove, 10 CARLIN GATE - Considers the proposal to be overintensive given the extent of development on the site and questions the need for additional beds.

Mr B and Miss G Walsh and Laird, 10 ST STEPHENS AVENUE - is concerned that the proposal would cause overlooking of gardens and a loss of privacy. Is concerned that the proposal would create additional on street parking and extra noise and disturbance.

Mr M Farrell, 8 ST STEPHENS AVENUE - We object to this planning application. Although the plan is a reduction of the number of bedrooms to last year's application which was refused, there would still be an overdevelopment of the plot. There would be a detrimental effect on the neighbouring residences. The extension would have a visual impact on our and neighbouring properties in terms of overlooking and dominance. A large mental health unit has been built at the end of the M55 and therefore would

think there would be enough capacity so as there not to be a need for extra bedrooms at 4 St Stephens. The provision for car parking spaces is irrelevant as most staff and visitors park on the road. Indeed a previous application was recommended to be refused by Traffic and Transport management due to traffic increase. For the last few years plans have been submitted by Belsfield care and every time ourselves and neighbours have objected. This has become a form of harassment. This property has been developed enough. Last year Members of the Planning Committee visited our garden to view the then proposed planning application. The application was refused as it constituted overdevelopment. This application would again mean overdevelopment. When will Belsfield finally accept the care home has been developed to its limit. Enough is enough and no should mean NO!

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 establishes a presumption in favour of sustainable development

Paragraph 17 sets out the core principles of which a good standard of design and amenity is one
Paragraphs 56 – 65 deal with design

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy LQ1	Lifting the Quality of Design
Policy LQ2	Site Context
Policy LQ4	Building Design
Policy LQ6	Landscape Design and Biodiversity
Policy LQ8	Energy Resource and Conservation
Policy LQ14	Extensions and Alterations
Policy BH3	Residential and Visitor Amenity
Policy BH4	Public Health and Safety
Policy BH24	Residential Institutions and Community Care Residential Use
Policy AS1	General Development Requirements

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was submitted to the Planning Inspectorate in December 2014 and an Inspector conducted an examination of the Core Strategy in May 2015. Consultation has taken place on modifications to the Core Strategy arising from the examination and the results of this consultation have been forwarded to the Inspector and he has considered them. He has now published his final report on the Core Strategy and the document will be adopted early in 2016.

Paragraph 216 of the National Planning Policy Framework (NPPF) allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for

example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

- CS1 Strategic Location of Development
- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

- **Principle of the development**

Members will see from the planning history listed in the introduction to the report that this property has been subject to numerous planning applications to extend the size of the home. The applicants are arguing that there is a need for the additional bedrooms on the basis of a borough wide need for additional beds and cite the fact that there were only 14 vacant bedspaces across the borough in 2013 and on the basis that the northern part of the borough is relatively under provided in comparison to the central and southern areas of the borough. Whilst it is recognised that there are economies of scale in terms of providing bed spaces, need is only one aspect of Policy BH24 of the Local Plan and the existence of need does not mean it has to be provided in one location. Indeed an Inspector in dealing with an appeal for an additional two bedrooms at 3 St Stephens Avenue commented - *'There is no dispute between the parties that there is a general shortage of bedspaces for people suffering from dementia. However, from the evidence before me there is nothing to suggest that there is a specific local need for additional bedspaces within the local area. There are already about 100 bedspaces for people suffering from dementia within 100 metres of the appeal property and whilst I appreciate that the appeal proposal would only provide a further two bedspaces, it would nevertheless increase that number further. Accordingly, I cannot be satisfied that the appeal proposal would not result in the local area making a disproportionate level of provision of such accommodation, contrary to the aims and provisions of Policy BH24 of the Local Plan'*. So whilst there may be a lesser number of bedspaces in the northern part of the borough this statement would apply to the current proposal which is an increase of five bedspaces. In any event it is considered that another aspect of Policy BH24 carries more weight in this case and that is 'the intensity of the use and its effect on adjacent properties'. This property has been extended significantly in the past to the extent that around 80% of the site area is covered by built form. There is in reality no more site area to cover and hence the only way to achieve additional bedrooms is by increasing the height of existing parts of the built form.

The home currently has 31 beds and the proposal would increase this to 36 beds. It also has to be borne in mind that the applicants have homes at 3 St Stephens – opposite the application site and at 4 Carlin Gate - to the south of the application site. Cumulatively these homes currently provide 97 beds. There is therefore the issue of the principle of the individual proposal and the cumulative impact of the proposal. Whilst there may be a generic need for additional beds, it is not considered that this need is appropriately satisfied in this location and the reasons are set out below in terms of the impact of how that need will be provided on the application site. Whilst it is also recognised that the location of the site is sustainable and that there is a presumption in favour of sustainable development in the

National Planning Policy Framework (paragraph 14) and that there are economic and social benefits with the proposal (jobs and extra bedspaces), these benefits are outweighed by the environmental impacts of the proposal in terms of its bulk and impact on the amenities of local residents, which will be explained in more detail below.

- **Impact on residential amenity**

The proposal would increase the height of the existing single storey rear wing from 3.6 metres to 5.1 metres. This would be over a length of some 17 metres and this would be between 1 metre and 5.5 metres from the boundary with 6 St Stephens Avenue to the east. In addition, it would involve two additional bedroom windows facing this and other rear gardens on the southern side of St Stephens Avenue. These windows would be approx. 4.5 metres and 6.5 metres from the boundary (the normal distance required would be 10.5 metres). The increased height of the extension and the windows when coupled with the existing built form at 4 St Stephens Avenue (between 3.6 metres and 9 metres high) and 4 Carlin Gate (between 8 metres and 11 metres high) would have an overbearing impact on the residents of 6 and 8 St Stephens Avenue. In addition, there would be the potential for overlooking of these gardens. It is not felt that this impact could be diminished by the imposition of conditions (the use of obscure glazing in the windows would diminish the amenity of the occupiers of the rooms). It is considered that the proposal individually and when added to the existing home and the home at 4 Carlin Gate, cumulatively would have an adverse impact on the amenity of local residents. Paragraph 17 of the National Planning Policy Framework (NPPF) has as one of its core principles the need to secure high quality design and a good standard of amenity, Policy BH3 of the Blackpool Local Plan seeks to ensure that the amenity of local residents is not adversely affected by the scale, design and siting of proposals and their impact on privacy, outlook and levels of sunlight/daylight. Policy BH24 is supportive of care homes if (amongst other things) the intensity of the use does not adversely affect adjacent properties. Policy CS7 of the emerging Core Strategy similarly seeks to ensure that the amenities of local residents are not adversely affected. For the reasons set out above the proposal is considered to be contrary to paragraph 17 of the NPPF and the policies quoted and those adverse impacts of the proposal significantly and demonstrably outweigh the benefits so as to justify the refusal of the application.

- **Design and standard of development**

The home does not currently have any external amenity space. There is a small conservatory on the eastern side of the building (3.5 metres by 4 metres) and in isolation this proposal would further reduce the space around the building through the provision of five car parking spaces. The addition of five extra residents would do nothing to improve the situation. In this context the proposal is contrary to Policy LQ14 of the Blackpool Local Plan which prohibits roof extensions where they would result in an overintensive development with inadequate levels of private amenity space and parts (c) and (d) of Policy BH24 - the intensity of the use and suitability of the premises . It is acknowledged that the applicants are seeking to address this issue through application reference 15/0229 but that is a standalone proposal. The accommodation to be provided is single bedrooms each with a small toilet and no en-suite facilities so the accommodation cannot be described as exceptional quality and the occupiers of some of the rooms would rely on overlooking the gardens of neighbouring residents which would compromise their privacy. The proposal would conflict with a core principle of paragraph 17 of the NPPF regarding a good standard of amenity for all existing and future occupants of land and buildings as well as conflicting with Policies LQ1, LQ2, LQ14 and BH24 of the Blackpool Local Plan and Policy CS7 of the emerging Core Strategy.

- **Impact on highway safety**

The proposal would provide five car parking spaces – two on the St Stephens Avenue frontage and three off the alley linking Carlin Gate with St Stephens Avenue. The requirement is for one space for every five residents and hence the requirement is for seven spaces for 36 bedrooms. However, given this is a reasonably accessible location with bus services and the tram services on Queens Promenade, it is not considered that five car parking spaces would be inappropriate.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File(s): 15/0227 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

Recommended Decision: Refuse

Reasons for Refusal

1. The proposed rooflift to the existing rear extension would have an adverse impact on the amenities of neighbouring residents by reason of its bulk, its proximity to the boundary, the inclusion of windows which would overlook neighbouring gardens and its cumulative impact with the existing built form on the application site and at 4 Carlin Gate . As such the proposal would be contrary to a core principle of paragraph 17 of the National Planning Policy Framework regarding a good standard of amenity for all existing and future occupants of land and buildings, Policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan - Part 1: Core Strategy
2. The proposal would conflict with a core principle of paragraph 17 of the National Planning Policy Framework regarding a good standard of amenity for all existing and future occupants of land and buildings as well as conflicting with Policies LQ1, LQ2, LQ14 and BH24 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan - Part 1: Core Strategy in that it would further intensify development on the application site

which would be out of context with the neighbouring residential properties and would not alleviate the existing lack of amenity space for the residents of the home and would in fact exacerbate the situation.

3. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

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

Advice Notes to Developer

Not applicable

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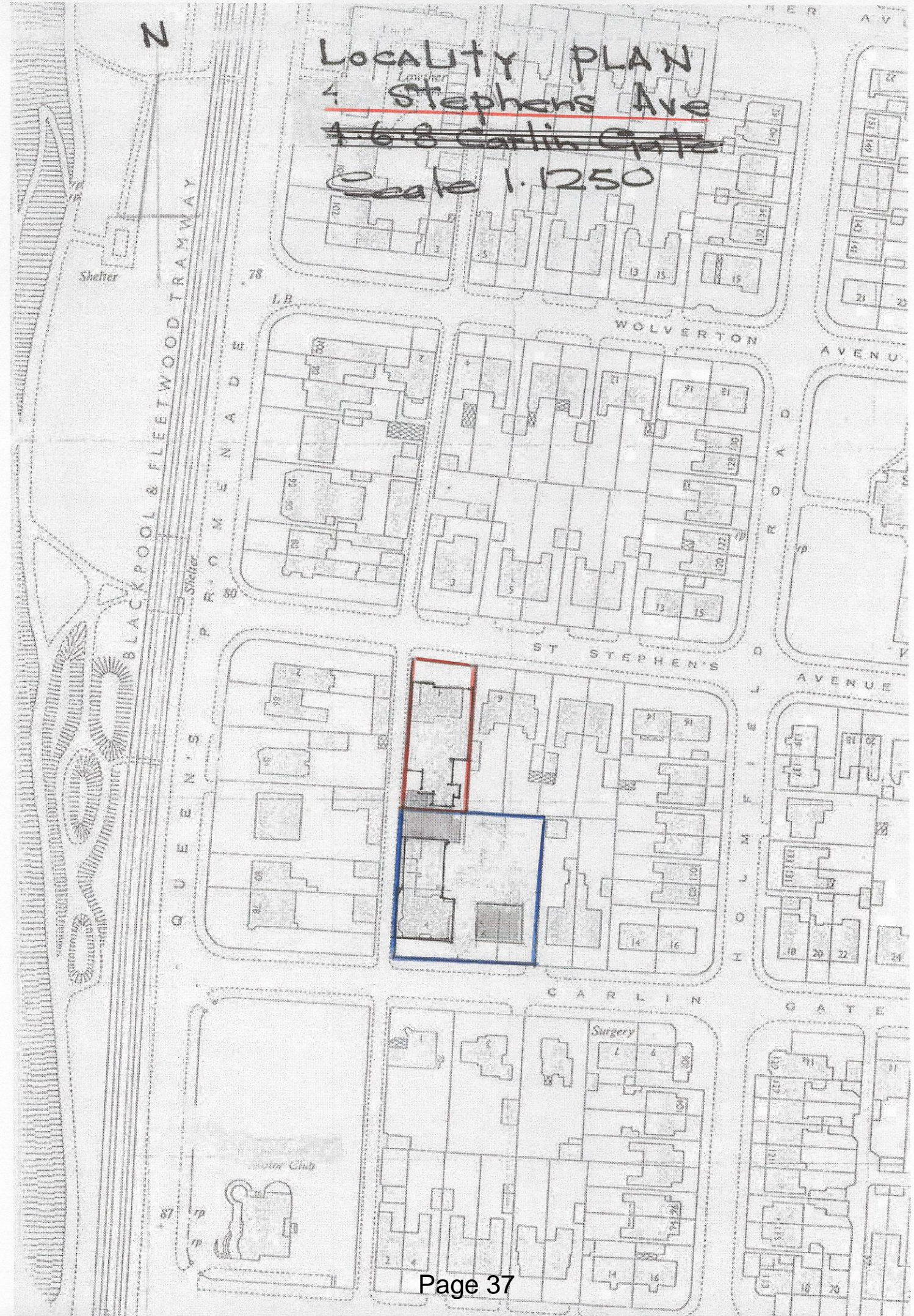
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LOCALITY PLAN

4 Stephens Ave

~~4.6.8 Carlin Gate~~

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COMMITTEE DATE: [12/01/2016](#)

Application Reference: 15/0228

WARD: Warbreck
DATE REGISTERED: 31/07/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Belsfield Care

PROPOSAL: Use of premises as four self contained permanent flats with associated landscaping/car parking and works following demolition of existing rear extensions and alteration to existing garage.

LOCATION: 6-8 CARLIN GATE, BLACKPOOL, FY2 9QX

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Gary Johnston

SUMMARY OF RECOMMENDATION

The proposal would involve the re-use of existing properties as flats and hence it would be consistent with paragraph 51 of the National Planning Policy Framework (NPPF), Policy HN5 of the Blackpool Local Plan and Policy CS12 of the emerging Core Strategy. The flats would meet the minimum requirements of the New Homes from Old Places Supplementary Planning Document (SPD) in terms of overall sizes and room sizes and would have storage space, an amenity area and off street car parking (plus two would have secure covered cycle storage) and hence the flats are considered acceptable in terms of paragraph 17 of the NPPF, Policies HN5 and HN6 of the Local Plan and Policies CS7 and CS13 of the emerging Core Strategy. It is not considered that the flats would have a significantly detrimental impact on the amenity of neighbours nor on highway safety and hence there is not considered to be any conflict with Policies BH3 and AS1 of the Local Plan or with Policy CS7 of the emerging Core Strategy.

INTRODUCTION

Some Members will recall that applications relating to 6-8 Carlin Gate, 4 Carlin Gate and 4 St Stephens Avenue have been before the Committee before (details are listed below). This application is one of three applications for the properties which are owned by the applicants. The three applications are -

15/0227 -Erection of roof lift to existing rear extension to provide five additional bedrooms and lounge and provision of three additional car parking spaces to rear following demolition of existing lounge. (**4 St Stephens Avenue**).

15/0228 -Use of premises as four self contained permanent flats with associated landscaping and works following demolition of existing rear extensions and alteration to existing garage. **(6-8 Carlin Gate)**.

15/0229 - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate. **(6-8 Carlin Gate and 4 Carlin Gate/4 St Stephens Avenue)**.

These applications follow on from previous applications which sought to link 4 St Stephens Avenue to 4 Carlin Gate and redevelop 6-8 Carlin Gate. Outline planning applications with references 12/0700 and 13/0754 were withdrawn. Outline Planning Application reference 13/0301 for the erection of a two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 12 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with integral garages, with associated access, parking and landscaping to the rear for use by the extended rest homes following demolition of 6-8 Carlin Gate, was refused by the Planning Committee at its meeting on 22 July 2013 (a subsequent application 14/0150 - *Erection of two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 10 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with associated vehicle access, parking and landscaping to rear for use by rest homes following demolition of 6-8 Carlin Gate was withdrawn.*

The reasons for refusal for 13/0301 are listed below:

1. The proposed extensions and alterations, linking 4 Carlin Gate and 4 St. Stephens Avenue and extending into residential gardens at the rear of 6-8 Carlin Gate would constitute an over-development of the plots and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the boundaries and fenestration resulting in overlooking, visual intrusion and a development which is overly intensive and out of character within a residential setting. The proposed link extension would also be detrimental to future occupants by virtue of the proximity of windows to boundary walls resulting in lack of natural light and lack of outlook. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.
2. The proposal would create an inadequate vehicle access off Carlin Gate to substandard parking facilities to the rear of 6-8 Carlin Gate which would result in vehicle conflict, leading to vehicles having to reverse out of Carlin Gate and around tight corners with poor visibility. This would be contrary to highway safety and the free flow of traffic within the site. Furthermore the under-provision of useable parking spaces would lead to additional on street parking within the vicinity of the site which would lead to congestion and impede the free flow of traffic and would be detrimental to residential and visual amenity. The proposal would therefore be contrary to Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.
3. It has not been demonstrated that 6-8 Carlin Gate could not be brought back into viable use and the demolition of 6-8 Carlin Gate is therefore unsustainable. Furthermore, the two-storey domestic scale of the replacement dwellings proposed at 6-8 Carlin Gate would be out of character with the neighbouring properties at 4 Carlin Gate and 10-12 Carlin Gate and would therefore be an incongruous feature in the streetscene. The proposal would therefore be contrary to Policies LQ1, LQ4 and LQ8 of the Blackpool Local Plan 2001-2016.

There have been numerous applications for the use/new build and extensions to 4 St Stephens Avenue, 4 Carlin Gate and 6 Carlin Gate in recent years and they are listed below:

4 St Stephens Avenue:

86/0420 – Use of premises as a rest home. Granted 22 April 1986.

86/0916 - Erection of two-storey side extension and extension to rear dormer and erection of external staircase. Granted 06 August 1986.

88/1571 - Erection of part two-storey and part single-storey rear extensions. Granted 29 November 1998.

92/0667 - Erection of first floor rear extension to rest home. Granted 20 October 1992.

93/0810 - Erection of first floor rear extension to rest home. Granted 19 October 1993.

95/0574 - Use of premises as a rest home and nursing home. Granted 11 October 1995.

98/0019 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities. Refused 06 April 1998 for the following reasons:

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to increased on street parking to the detriment of highway safety and residential amenity.

98/0319 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities and creation of vehicular access and car parking space to front. Refused 22 June 1998 but granted on appeal.

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available

parking spaces at the premises, would lead to increased on street parking to the detriment of highway safety and residential amenity.

98/0319 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities and creation of vehicular access and car parking space to front. Refused 22 June 1998 but granted on appeal.

10/1309 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 32 en-suite bedrooms at existing care home. Granted 14 January 2011.

11/0510 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 38 en-suite bedrooms at existing care home. Refused 08 September 2011 for the following reason:

- The proposed extensions and alterations would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook, loss of car parking facilities and a lack of useable amenity space for the residents of the home. In addition it is considered that the proposals would lead to additional on street parking within the vicinity of the site which would lead to congestion and would be detrimental to residential and visual amenity. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3, BH24 and AS1 of the Blackpool Local Plan 2001-2016.

11/1000 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 36 en-suite bedrooms at existing care home. Refused 19 January 2012 for the following reason:

- The proposed rear extension, when added to other constructed and approved extensions, would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants by virtue of its size, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook and a lack of useable amenity space for the residents of the home. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.

4 Carlin Gate:

06/0203 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/ care home with provision of eight car parking spaces. Refused 12 June 2006 for the following reason:

- The proposal would be contrary to policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 by reason of the intensity of development within the application site, the resultant number of properties in such use in the locality and impact on amenity of nearby residents.

06/0524 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/care home with provision of car parking spaces at the front and rear. (Re-submission of application 06/0203). Granted 04 September 2006.

07/0998 - Erection of three-storey detached building with basement and two-storey section at the rear, both incorporating accommodation within the roofspace, to form 40 bedroom nursing/care home with provision of six car parking spaces at the front and rear. (Amendment to planning permission 06/0524). Granted 28 April 2008.

08/1198 - Elevational alterations to three storey detached care/nursing home (amendments to planning permission 07/0998). Granted 12/01/2009.

6-8 Carlin Gate:

04/0523 - Use of premises as single private dwellinghouse and conversion of rear extension to form additional living accommodation to provide guest facilities for private use. Granted 13 July 2004.

07/0593 - Use of premises as a single private dwellinghouse by no more than six residents living together as a single household (including a household where care may be provided for residents) (Certificate of Lawfulness for Proposed Use). Refused 18 October 2007 for the following reason:

- The applicant has failed to provide sufficient information, with particular reference to the intended future residents and the nature and extent of any care to be provided for those residents, to enable the Local Planning Authority to properly assess the application submission and to be in a satisfactory position to confirm whether the proposed use falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site has no allocation in the Blackpool Local Plan 2001-2016.

SITE DESCRIPTION

This application relates to a pair of semi detached properties on the northern side of Carlin Gate approximately 100m to the east of the junction with Queens Promenade. There are further semi detached properties to the east and to the rear fronting St Stephens Avenue. On the southern side of Carlin Gate are three detached houses and the Casino which extends between Carlin Gate and Knowle Avenue. The application properties are substantial two storey properties with accommodation in the roof space. To the rear of the properties are ancillary outbuildings and the garden area is overgrown. Currently the rear garden extends some 24 metres from the bay on the rear elevation of the properties. There is a substantial conifer tree on the boundary between the two properties. To the west of the properties, set at a slightly higher level is a relatively new care home that is owned by the applicants.

DETAILS OF PROPOSAL

This application is for the conversion of the two properties into four flats – two on the ground floor, each with two bedrooms, and two on the first and second floors, each with three bedrooms. The existing side entrances to 6 and 8 Carlin Gate would be used to access the flats. One of the existing garages would be retained (at 6 Carlin Gate) and it would be subdivided to provide storage/cycle

storage for two of the flats. It is intended to demolish the other garage and ancillary buildings in the rear garden and provide four car parking spaces and a rear garden area for the flats of some 5.5 metres in depth by 10 metres in length (the remainder of the garden area would be attached to 4 Carlin Gate/ 4 St Stephens Avenue – see application 15/0229). Bin storage would be provided for the flats in 6 Carline Gate at the side of the property and in the rear garden for the flats in 8 Carlin Gate.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of the development
- standard of the development
- impact on residential amenity
- impact on highway safety

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

CONSULTATIONS

Head of Transportation: I have no objection to this proposal. Off street parking is provided as part of the development. On Street parking is currently unrestricted and undersubscribed.

PUBLICITY AND REPRESENTATIONS

Site notice displayed : 6 August 2015

Neighbours notified : 6 August 2015 and 7 December 2015

Mrs Susan Giacomini, 3 CARLIN GATE - I agree to the improvements of 6 and 8 Carlin Gate as both these properties are in poor condition after being deliberately neglected by the owner hoping to have them demolished (application refused in July 2014) but I strongly object to the loss of the rear gardens of both properties by joining them to 4 Carlin Gate. This would impact on the local residents through loss of privacy, increased noise and unacceptable disturbance. It would also make the Care Home exceed the 10% limit. I also object to the associated plans for the rear extension and increased bedrooms of 4 St. Stephens as over intensification of the site and the joining of the two care homes. The original granting of the Care Home at 4 Carlin Gate was with the proviso that it should not and never should be joined to 4 St. Stephens Avenue. In response to the re-notification in December, I re-iterate my objection as stated in my previous letter. I totally oppose the loss of the rear gardens of 6 and 8 Carlin Gate and joining them to No. 4. This would contravene planning laws.

FC Cove, 10 CARLIN GATE - comments on original plans - no objections in principle to the conversion subject to the whole of the rear garden being retained.

Comments on revised plans - concerned about disturbance which would result from cars using the drive at the side of 8 Carlin Gate and the noise and disturbance which would be associated with this activity.

Mr M Farrell, 8 ST STEPHENS AVENUE -We agree that the improvements are needed to 6-8 Carlin Gate. Last year Belsfield wanted to demolish these buildings and it is to be welcomed that this was refused and that they should be redeveloped to viable use. This has not happened yet. When Belsfield bought these properties, 8 Carlin Gate was already used as flats but No. 6 was a single residence so would therefore be a change of use. We object to the plans for the garden area as use for the residents of 4 Carlin Gate and 4 St Stephens. This would increase the footprints of these care homes and would cross three existing boundaries as registered at the Land Registry. It would therefore increase the area of the care homes to over 10%. If this application was granted who is to say that Belsfield would try to increase development of the two care homes on this land.

Mr B and Miss G Walsh and Laird, 10 ST STEPHENS AVENUE - objects to the proposal on the basis that the proposed garden area would be too small, on the basis of the loss of part of the rear garden area and on the basis that there are already too many flats and family houses are needed

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 establishes a presumption in favour of sustainable development

Paragraph 17 sets out the core principles of which a good standard of design and amenity is one

Paragraphs 48 – 55 deal with housing and paragraph 51 seeks to ensure unused or underused buildings are brought back into beneficial residential use

Paragraphs 56 – 65 deal with design

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy HN4 – windfall sites for housing

Policy HN5 – conversion of properties to residential

Policy HN6 – housing mix

Policy BH3 – amenity

Policy BH10 - open space

Policy AS1 – general traffic/ highway considerations

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was submitted to the Planning Inspectorate in December 2014 and an Inspector conducted an examination of the Core Strategy in May 2015. Consultation has taken place on modifications to the Core Strategy arising from the examination and the results of this consultation have been forwarded to the Inspector and he has considered them. He has now published his final report on the Core Strategy and the document will be adopted early in 2016

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the

issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

Policy CS1 - Strategic Location of Development
Policy CS2 - Housing Provision
Policy CS7 - Quality of Design
Policy CS12 - Sustainable Neighbourhoods
Policy CS13 - Housing Mix, Density and Standards

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

New Homes From Old Places Supplementary Planning Document (SPD)
Housing Technical Standards 2015
SPG11 - Open space in new residential developments

ASSESSMENT

- **Principle of the development**

The principle of using the property as flats would be consistent with paragraph 51 of the National Planning Policy Framework (NPPF) and Policy HN5 of the Blackpool Local Plan. In addition the proposal would be consistent with Policy CS12 of the emerging Core Strategy. The property is outside the defined inner area and hence there is not the same concern about conversion to flats as there would be if the property was within the defined inner area. The key issues are therefore the size of the flats, the amenity space associated with the flats and bin storage/parking.

- **Standard of the development**

The proposal is to create two x two bedroom flats and two x three bedroom flats. This would be consistent with Policy HN6 of the Blackpool Local Plan. Each flat would have one off street parking space. The ground floor flats would have a floor area of 62 sq m and the first floor flats would have a floor area of 72 sq m. These sizes would accord with the national technical standards which have now been incorporated in the New Homes from Old Places SPD. The individual room sizes would meet the standards and the ceiling height would be acceptable for the ground floor flats. The first floor flats would have some accommodation in the roofspace and the reduced head height has been accounted for in the overall floorspace calculation. The flats in 6 Carlin Gate would have storage space in the existing garage which would be split in two. A shared garden area of some 55 sq metres would be provided. It is considered that the proposed development would provide a good standard of amenity for the occupiers of the flats and hence would be consistent with paragraph 17 of the NPPF, Policies HN5 and HN6 of the Blackpool Local Plan, Policies CS7 and CS13 of the emerging Core Strategy and the New Homes from Old Places SPD.

- **Impact on residential amenity**

It is not felt that the use of the property as flats would have a significantly detrimental effect on the amenities of local residents. The key issue is the proposed location of the car parking area and the potential impact that this would have on the amenities of the occupiers of neighbouring residential

properties. In terms of numbers 6, 8 and 10 St Stephens Avenue to the north it is felt that the separation of some 13 metres to their rear gardens is considered acceptable. In terms of 10 Carlin Gate the parking would be adjacent the garage in the rear garden of number 10 and hence this would act as a buffer. There are windows on the side of 10 Carlin Gate and a 1.3 metres (approximately) high wall divides the two properties. It is not felt that the vehicle movements associated four flats would be so significant so as to have a significantly detrimental impact on the amenities of the occupiers of no 10 Carlin Gate. In terms of paragraph 17 of the NPPF, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the emerging Core Strategy it is considered that the proposal would not adversely affect the amenities of neighbouring residents.

- **Impact on highway safety**

The proposal would provide for one parking space per flat which is considered acceptable given the proximity of the site to Queens Promenade and bus/tram services. In addition the two flats in 6 Carlin Gate would have secure covered cycle storage which could reduce reliance on the private motor car. It is not felt that the proposal would conflict with Policy AS1 of the Blackpool Local Plan.

- **Other matters**

The bin storage for the flats in 6 Carlin Gate would be reasonably accessible to the flats as it would be sited in the side drive and it would not be too far from Carlin Gate in terms of bin carry distance. The bin storage for the flats in 8 Carlin Gate would be less conveniently located as it would be sited in the rear garden and would involve a lengthy bin carry distance. On its own this is not considered that this deficiency is enough to warrant refusal of the application. As the proposal involves the conversion of the property from one form of residential development to another no open space contribution is required.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998.

BACKGROUND PAPERS

Planning Application File(s) 15/0228, which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 31 July 2015 including the following plans:

Location Plan stamped as received by the Council on 31 July 2015
Drawing numbered 2200.12 stamped as received by the Council on 03 December 2015.

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

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure 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 with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of

occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

5. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

6. Prior to the development hereby approved being first brought into use the secure cycle storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

7. No flat shall be occupied until all of the external alterations (including car parking, cycle storage, bin storage, landscaping) and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

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

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

9. A dwarf wall or other means of enclosure shall be retained or erected along the frontage of the premises and details of materials and design of such means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details prior to the development hereby permitted being first brought into use. Such means of enclosure shall thereafter be retained.

Reason: In the interests of appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

10. Before the flats are first occupied a wall or fence of a type to be agreed in writing by the Local Planning Authority shall be erected on the northern boundary of the application site and shall thereafter be retained.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1

of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

N

LOCALITY PLAN

Lower

~~Stephens Ave~~

#.6.8 Carlin Gate

Scale 1:1250

Shelter

BLACKPOOL & FLEETWOOD TRAMWAY

Shelter

QUEEN'S
P R O M E N A D E

78

LB

WOLVERTON

AVENUE

ST STEPHEN'S

AVENUE

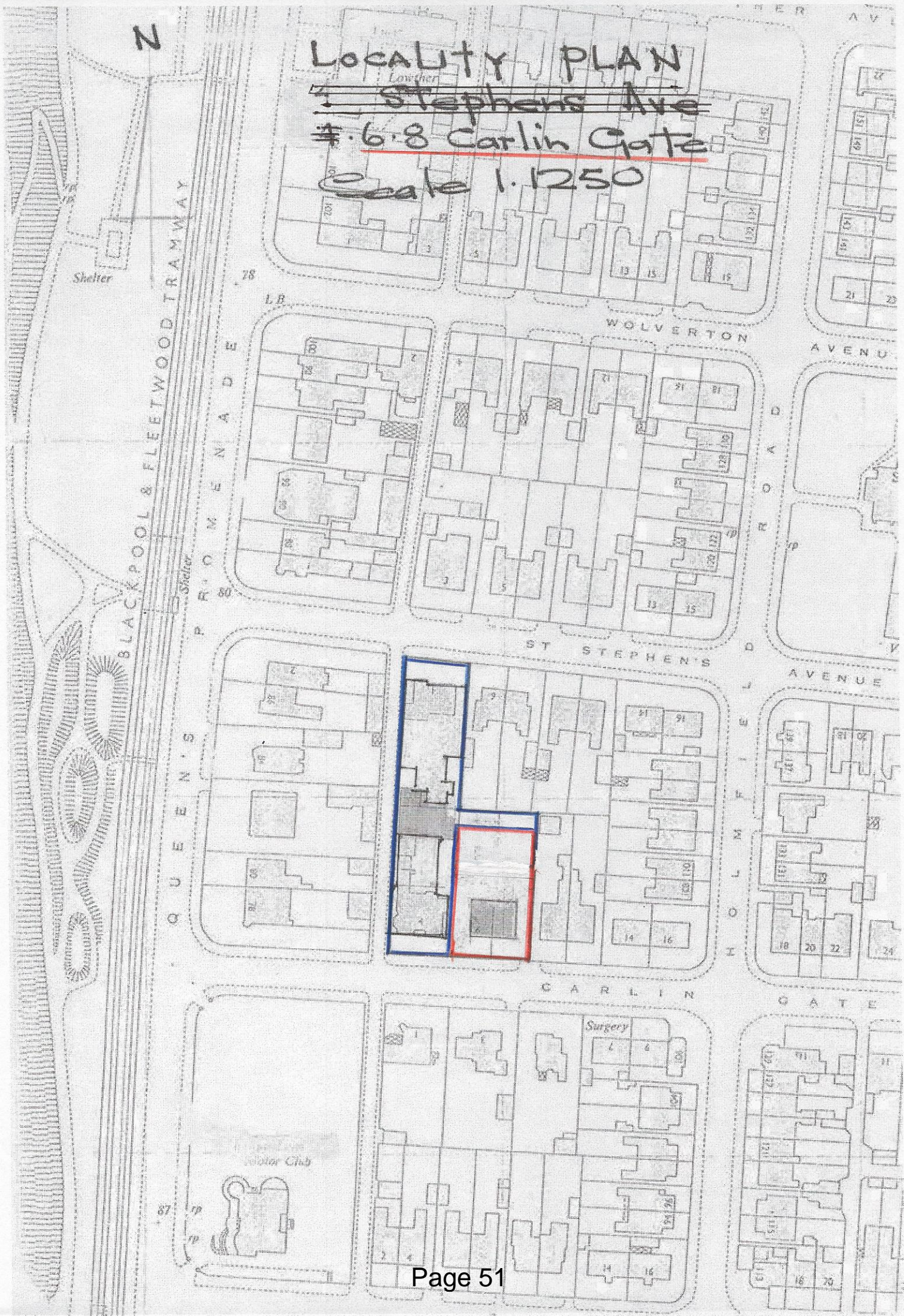
CARLIN

GATE

Surgery

Wolver Club

87



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COMMITTEE DATE: [12/01/2016](#)

Application Reference: 15/0229

WARD: Warbreck
DATE REGISTERED: 31/07/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Belsfield Care

PROPOSAL: Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

LOCATION: REAR GARDEN AREA TO 6-8 CARLIN GATE, BLACKPOOL, FY2 9QX

Summary of Recommendation: Grant Permission

CASE OFFICER

Gary Johnston

SUMMARY OF RECOMMENDATION

Whilst there are concerns that the use of this land in association with the existing care homes at 4 Carlin Gate and 4 St Stephens Avenue may lead to other things in the future this application has to be considered on its merits and on balance it is considered that it would not conflict with the intent of Policy BH24 of the Blackpool Local Plan in that residential frontages would remain to Carlin Gate and St Stephens Avenue to the east of the existing care homes and that the proposal would not significantly affect the amenities of local residents so as to be contrary to para 17 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the emerging Core Strategy. Approval is therefore recommended

INTRODUCTION

Some members will recall that applications relating to 6-8 Carlin Gate, 4 Carlin Gate and 4 St Stephens Avenue have been before the Committee before (details are listed below). This application is one of three applications for the properties which are owned by the applicants. The three applications are -

15/0227 -Erection of roof lift to existing rear extension to provide 5 additional bedrooms and lounge and provision of 3 additional car parking spaces to rear following demolition of existing lounge. (**4 St Stephens Avenue**)

15/0228 -Use of premises as 4 self contained permanent flats with associated landscaping and works following demolition of existing rear extensions and alteration to existing garage. (**6-8 Carlin Gate**)

15/0229 - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate. (**6-8 Carlin Gate and 4 Carlin Gate/4 St Stephens Avenue**)

These applications follow on from previous applications which sought to link 4 St Stephens Avenue to 4 Carlin Gate and redevelop nos 6-8 Carlin Gate. Outline planning applications with references 12/0700 and 13/0754 were withdrawn. Outline Planning Application reference 13/0301 for the erection of a two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 12 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with integral garages, with associated access, parking and landscaping to the rear for use by the extended rest homes following demolition of 6-8 Carlin Gate, was refused by the Planning Committee at its meeting on 22 July 2013 (a subsequent application 14/0150 - *Erection of two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 10 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with associated vehicle access, parking and landscaping to rear for use by rest homes following demolition of 6-8 Carlin Gate was withdrawn*)

The reasons for refusal for 13/0301 are listed below:

1. The proposed extensions and alterations, linking 4 Carlin Gate and 4 St. Stephens Avenue and extending into residential gardens at the rear of 6-8 Carlin Gate would constitute an over-development of the plots and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the boundaries and fenestration resulting in, overlooking, visual intrusion and a development which is overly intensive and out of character within a residential setting. The proposed link extension would also be detrimental to future occupants by virtue of the proximity of windows to boundary walls resulting in lack of natural light and lack of outlook. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.
2. The proposal would create an inadequate vehicle access off Carlin Gate to substandard parking facilities to the rear of 6-8 Carlin Gate which would result in vehicle conflict, leading to vehicles having to reverse out of Carlin Gate and around tight corners with poor visibility. This would be contrary to highway safety and the free flow of traffic within the site. Furthermore the under-provision of useable parking spaces would lead to additional on street parking within the vicinity of the site which would lead to congestion and impede the free flow of traffic and would be detrimental to residential and visual amenity. The proposal would therefore be contrary to Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.
3. It has not been demonstrated that 6-8 Carlin Gate could not be brought back into viable use and the demolition of 6-8 Carlin Gate is therefore unsustainable. Furthermore, the two-storey domestic scale of the replacement dwellings proposed at 6-8 Carlin Gate would be out of character with the neighbouring properties at 4 Carlin Gate and 10-12 Carlin Gate and would therefore be an incongruous feature in the streetscene. The proposal would therefore be contrary to Policies LQ1, LQ4 and LQ8 of the Blackpool Local Plan 2001-2016.

There have been numerous applications for the use/new build and extensions to 4 St Stephens Avenue, 4 Carlin Gate and 6 Carlin Gate in recent years and they are listed below:

4 St Stephens Avenue:

86/0420 – Use of premises as a rest home. Granted 22 April 1986

86/0916 - Erection of two-storey side extension and extension to rear dormer and erection of external staircase. Granted 06 August 1986

88/1571 - Erection of part two-storey and part single-storey rear extensions. Granted 29 November 1998

92/0667 - Erection of first floor rear extension to rest home. Granted 20 October 1992

93/0810 - Erection of first floor rear extension to rest home. Granted 19 October 1993

95/0574 - Use of premises as a rest home and nursing home. Granted 11 October 1995

98/0019 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities. Refused 06 April 1998 for the following reasons:

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to increased on-street parking to the detriment of highway safety and residential amenity.

98/0319 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities and creation of vehicular access and car parking space to front. Refused 22 June 1998 but granted on appeal.

10/1309 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 32 en-suite bedrooms at existing care home. Granted 14 January 2011

11/0510 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 38 en-suite bedrooms at existing care home. Refused 08 September 2011 for the following reason:

- The proposed extensions and alterations would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook, loss of car parking facilities and a lack of useable amenity space for the residents of the home. In addition it is considered that the

proposals would lead to additional on street parking within the vicinity of the site which would lead to congestion and would be detrimental to residential and visual amenity. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3, BH24 and AS1 of the Blackpool Local Plan 2001-2016.

11/1000 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 36 en-suite bedrooms at existing care home. Refused 19 January 2012 for the following reason:

- The proposed rear extension, when added to other constructed and approved extensions, would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants by virtue of its size, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook and a lack of useable amenity space for the residents of the home. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.

4 Carlin Gate:

06/0203 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/ care home with provision of 8 car parking spaces. Refused 12 June 2006 for the following reason:

- The proposal would be contrary to policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 by reason of the intensity of development within the application site, the resultant number of properties in such use in the locality and impact on amenity of nearby residents.

06/0524 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/care home with provision of car parking spaces at the front and rear. (Resubmission of application 06/0203). Granted 04 September 2006

07/0998 - Erection of three-storey detached building with basement and two storey section at the rear, both incorporating accommodation within the roofspace, to form 40 bedroom nursing/ care home with provision of 6 car parking spaces at the front and rear. (Amendment to planning permission 06/0524). Granted 28 April 2008

08/1198 - Elevational alterations to three storey detached care/nursing home (amendments to planning permission 07/0998). Granted 12 January 2009

6-8 Carlin Gate:

04/0523 - Use of premises as single private dwellinghouse and conversion of rear extension to form additional living accommodation to provide guest facilities for private use. Granted 13 July 2004

07/0593 - Use of premises as a single private dwellinghouse by no more than six residents living together as a single household (including a household where care may be provided for residents) (Certificate of Lawfulness for Proposed Use). Refused 18 October 2007 for the following reason:

- The applicant has failed to provide sufficient information, with particular reference to the intended future residents and the nature and extent of any care to be provided for those residents, to enable the Local Planning Authority to properly assess the application submission and to be in a satisfactory position to confirm whether the proposed use falls within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

The site has no allocation in the Blackpool Local Plan 2001-2016.

SITE DESCRIPTION

This application relates to part of the rear garden of nos 6-8 Carlin Gate. The area currently contains outbuildings and a tree. The area measures approx. 22metres by 15 metres. It is bounded by the rear gardens of houses fronting St Stephens Avenue to the north, the rear garden of 10 Carlin Gate to the east and care homes owned by the applicants at 4 Carlin Gate and 4 St Stephens Avenue to the west.

DETAILS OF PROPOSAL

The proposal is to segregate part of the rear garden of no 6-8 Carlin Gate and use it as an amenity/garden area for the homes at 4 Carlin Gate and 4 St Stephens Avenue. The application site would have a 15 metres boundary to 4 Carlin Gate. Access to it from 4 St Stephens Avenue would be via the rear area of 4 Carlin Gate. The outbuildings would be demolished and the area would be laid out as pathways, seating area and landscaped areas with the existing tree being retained

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The principle of the development
- The impact on residential amenity

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

CONSULTATIONS

None

PUBLICITY AND REPRESENTATIONS

Site notice displayed : 6 August 2015

Neighbours notified : 6 August 2015 and 7 December 2015

Mrs M Singleton 12 CARLIN GATE - objects very strongly to this application. By garden grabbing from 6-8 Carlin Gate this increases the footprint of the nursing home and we have no doubt that further plans will be submitted in the future for further extensions and redevelopment. Another major concern is the noise. We already suffer greatly from the noise from the residents. Due to the very nature of their conditions there is constant screaming and shouting for help and telling people to get off them/stay away from them. This is very upsetting in particular to my young children when they are playing outside. Ours is a family home and we should be able to use our garden in peace without having to come in to escape the noise. It is not fair to my children. To allow the gardens to creep even nearer to our property will make an already difficult situation unbearable. If outside space is an issue

then this should have been thought about in the original plans. We strongly object to this application. In response to the re notification the following comments have been made -We still strongly object to the garden grabbing of 6-8 Carlin Gate for the use of communal gardens. Our original objections still stand. The nature of the patients who constantly shout, scream and cry would render our garden unusable. My children already find the constant shouts and screams very upsetting, to move the noises nearer would be unbearable.

Mrs Susan Giacomini 3 CARLIN GATE - objects strongly to this planning application. By taking the garden areas from 6 & 8 Carlin Gate to increase the land area of no. 4 is against the 10% limit for the Care Home. 3 Boundaries are being contravened. The impact on the surrounding residents and their properties would be horrendous. Already the shouting and screaming from the residents of No. 4 Carlin Gate and 4 St. Stephens Avenue is unbearable when the weather is good and the windows are open. Bringing this level of disturbance closer to private gardens is immoral and unacceptable. Last year the applicant was refused planning application for the back gardens of No. 6 & 8 Carlin Gate to be united with the Care Home at No. 4. Nothing has changed to alter this decision. NO should mean NO!!!!!!

I re-iterate my objection as stated in my previous letter. I totally oppose the loss of the rear gardens of 6 & 8 Carlin Gate and joining them to No. 4. This would be in contravention of many planning laws.

FC Cove 10 CARLIN GATE - objects to increased land area associated with the homes. The use of this land in association with the existing homes would bring noise and disturbance closer to neighbouring residents

Mr B & Miss G Walsh and Laird 10 ST STEPHENS AVENUE - objects to increasing the site area of the existing homes and is concerned that it would bring noise and disturbance closer to existing neighbouring residents. Concerned that it represents creeping development and could result in further expansion of the homes

Mr M Farrell 8 ST STEPHENS AVENUE - objects to this application as it would change the boundaries of 3 properties as registered with the Land Registry and would increase the footprint of the care homes at 4 St Stephens Avenue and 4 Carlin Gate. There are a number of dementia patients who shout loudly during the day, especially in the summer months when the windows are open. This noise is disturbing and upsetting and would increase. As far as improving the daily life of residents this should have been considered before the care homes were extended onto what were previously gardens of these two properties.

NATIONAL PLANNING POLICY FRAMEWORK

Para 14 establishes a presumption in favour of sustainable development

Para 17 sets out the core principles of which a good standard of design and amenity is one

Paras 56 – 65 deal with design

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy LQ1 - Lifting the quality of design

Policy LQ2 - Site Context

Policy LQ6 - Landscape design and biodiversity

Policy BH3 - Residential and Visitor amenity
Policy BH24 - Residential Homes

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was submitted to the Planning Inspectorate in December 2014 and an Inspector conducted an examination of the Core Strategy in May 2015. Consultation has taken place on modifications to the Core Strategy arising from the examination and the results of this consultation have been forwarded to the Inspector and he has considered them. He has now published his final report on the Core Strategy and the document will be adopted early in 2016

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

CS7 Quality of Design
CS12 Sustainable Neighbourhoods
CS15 Health and Education

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

- **The principle of the development**

The proposal would extend the care home usage further east along St Stephens Avenue/Carlin Gate. Currently that usage extends north - south through 3 St Stephens Avenue, 4 St Stephens Avenue and 4 Carlin Gate albeit that there is limited amenity space on any of the plots because of the site coverage of the built form. Policy BH24 of the Local Plan seeks to restrict care homes to represent no more than 10% of properties in any one block. It could be argued that the existence of 3 homes meets this requirement in terms of the respective blocks in which they are situated. The issue in this case is that the frontages to both Carlin Gate and St Stephens Avenue would remain unaltered by the current proposal ie they would remain residential. There are concerns that if this application is approved it could weaken the case for further extensions to the homes at 4 Carlin Gate and 4 St Stephens Avenue and weaken the case for further encroachment eastwards onto the remaining site of 6-8 Carlin Gate. It also seems a little perverse given the extensive planning history for the properties at 4 St Stephens

Avenue and 4 Carlin Gate that there is suddenly a concern regarding the lack of amenity space for the homes.

Notwithstanding these concerns the application has to be considered on its merits and some of the issues identified may well result in applications in the future which will have to be judged on their own merits. The area is of a reasonable size but given it is set at right angles to the two homes it would have limited visual benefit for the occupants of the homes (6 of the bedrooms at 4 Carlin Gate would overlook the area whilst none at 4 St Stephens Avenue would directly do so because the home at 4 St Stephens is offset relative to the application site) although it would offer a seating/walking area in the summer months. On balance it is felt that this proposal would not conflict with the intent of Policy BH24 of the Local Plan

- **The impact on residential amenity**

The land is currently overgrown and in part occupied by buildings. It is obvious that it has not been used as a conventional garden area for some time. This is not in itself a reason to support the application as anyone could leave land or property to deteriorate in the hope of getting planning permission for an alternative proposal. Having said that the proposal would involve an enhancement of the land and an existing tree would be retained. The key issue is whether the usage of this area by the residents of the two homes would adversely affect the amenities of the occupiers of the houses which abut the application site. The two homes currently accommodate 71 residents, but not all of the residents would use the area at the same time. There is a clear intention that there would be a seating area and a circular walkway, although this would be set away from the boundaries with neighbouring properties. There is a perception amongst local residents that given the nature of the occupants of the homes there will be significant noise and disturbance through the use of this area. Given the use of the area would have to be managed by staff at the homes it is not felt that this would be such a significant issue so as to warrant refusal of the application. On balance therefore it is felt that the proposal would not conflict with para 17 of the National Planning Policy Framework , Policy BH3 of the Local Plan and Policy CS7 of the emerging Core Strategy.

CONCLUSION

Whilst there are concerns that this may lead to other things in the future this application has to be considered on its merits and on balance it is considered that it would not conflict with the intent of Policy BH24 in that residential frontages would remain to Carlin Gate and St Stephens Avenue to the east of the existing care homes and that the proposal would not significantly affect the amenities of local residents so as to be contrary to para 17 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the emerging Core Strategy. Approval is therefore recommended

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and

the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File(s) 15/0229 which can be assessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 31 July 2015 including the following plans:

Location Plan stamped as received by the Council on 31 July 2015

Drawing numbered 2200.12 stamped as received by the Council on 3 December 2015

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

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, above ground structures, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning

Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure 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 with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. (a) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the existing tree on the application site has been submitted to and approved in writing by the Local Planning Authority.

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme are in place.

(d) The fencing or other works which are part of the approved protection scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior written agreement of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, having regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would

render the development as unauthorised and liable to legal proceedings.

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LOCALITY PLAN

~~Stephens Ave~~

R/O 6-8 Carlin Gate

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Shelter

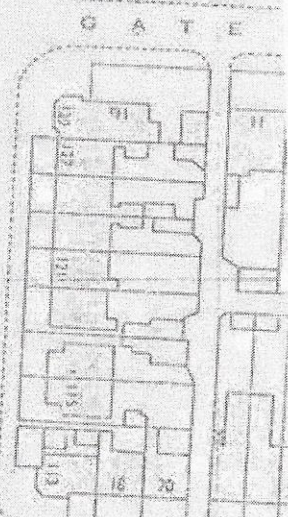
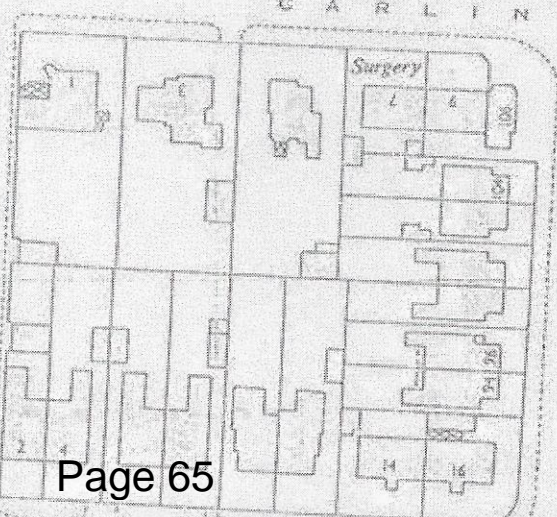
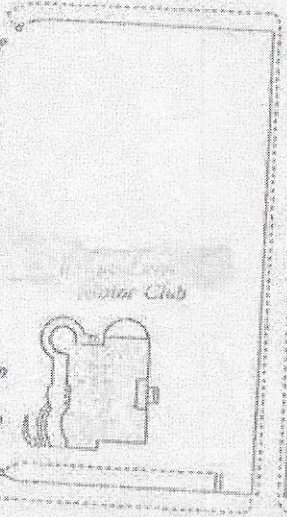
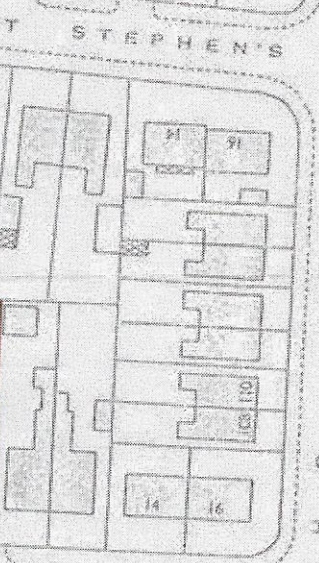
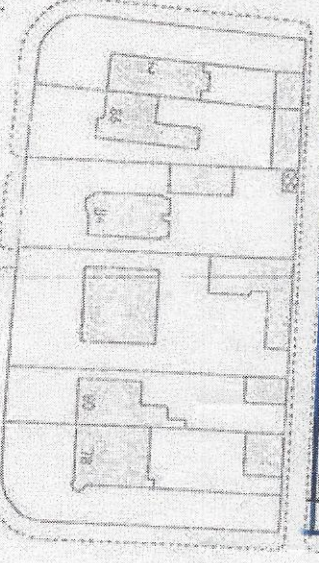
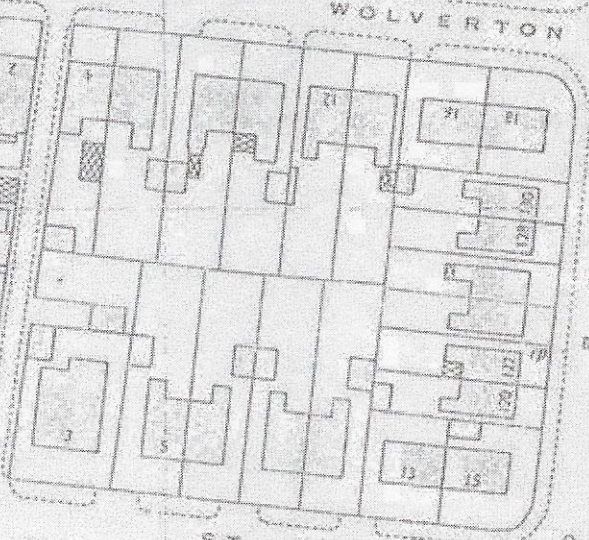
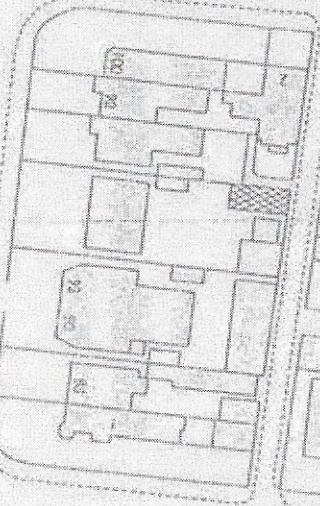
BLACKPOOL & FLEETWOOD TRAMWAY

QUEEN'S PROMENADE

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Surgery

Water Club

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