

# Blackpool Council

3 March 2017

To: Councillors Humphreys, Hutton, Matthews, Maycock, O'Hara, Stansfield and L Williams

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 14 March 2017 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 22 FEBRUARY 2017** (Pages 1 - 22)

To agree the minutes of the last meeting held on 22 February 2017 as a true and correct record.

### **3 PLANNING ENFORCEMENT UPDATE REPORT** (Pages 23 - 26)

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

### **4 PLANNING APPLICATION 16/0443 - LAND TO REAR OF 1-7 BROAD OAK LANE, BLACKPOOL** (Pages 27 - 50)

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

**5 PLANNING APPLICATION 16 0686 - 262 QUEENS PROMENADE, BLACKPOOL** (Pages 51 - 62)

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

**6 PLANNING APPLICATION 16/0810 - 256-258 CHURCH STREET, BLACKPOOL** (Pages 63 - 72)

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

**7 PLANNING APPLICATION 16/0845 - 429-437 PROMENADE, BLACKPOOL** (Pages 73 - 104)

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

**8 PLANNING APPLICATION 17 0095 - LAND AT MOSS HOUSE ROAD, MARTON MOSS, BLACKPOOL** (Pages 105 - 130)

The Committee is 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 Governance Adviser, Tel: (01253) 477212, e-mail [bernadette.jarvis@blackpool.gov.uk](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor L Williams (in the Chair for Agenda Items 1 - 6)

Councillors

|           |         |            |
|-----------|---------|------------|
| Elmes     | Maycock | Stansfield |
| Humphreys | O'Hara  |            |

### **In Attendance:**

Mr Ian Curtis, Legal Adviser

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Group Engineer, Traffic Management

Mr Mark Shaw, Principal Planning Officer

Mrs Bernadette Jarvis, Senior Democratic Services Adviser

### **1 DECLARATIONS OF INTEREST**

Councillor L Williams declared a prejudicial interest in Agenda Items 7 and 8 relating to planning applications 16/0809 and 16/0815, Winter Gardens, 97 Church Street. The nature of the interest being that she was a Council appointed Board member of Blackpool Entertainments Company, the proposed operator of the conference centre.

### **2 MINUTES OF THE MEETING HELD ON 17 JANUARY 2017**

The Committee considered the minutes of the Planning Committee held on 17 January 2017.

### **Resolved:**

That the minutes of the meeting held on 17 January 2017 be approved and signed by the Chairman as a correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Committee noted the Planning Inspectorate's decisions to dismiss appeals against the service of an Enforcement Notice in respect of the following premises:

1. 151 Reads Avenue - relating to an unauthorised material change of use of the ground floor to 2 no. flats (front/rear divide).
2. Carandaw Farm, School Road - relating to the unauthorised use of the land for the siting of a mobile home/static caravan for residential purposes.
3. 50 Lyndhurst Avenue - relating to the unauthorised change of use of the pedestrian passageway to form part of residential curtilage and the unauthorised

## MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 22 FEBRUARY 2017

siting of a static caravan within the pre-existing and extended curtilage and use of the said static caravan for residential purposes independent from the main dwelling.

4. 7 Cookson Street - relating to the unauthorised installation of externally mounted roller shutters, housing boxes and associated guides mounted to the Cookson Street and Charles Street elevations.

It also noted the Planning Inspectorate's decision to dismiss an appeal against the decision of the Council to refuse planning permission for the formation of a vehicle crossing at 56 Springfield Road.

A further two appeals had been lodged against the issue of Enforcement Notices which were also noted by the Committee as follows:

1. 21 Cranleigh Avenue – regarding the erection of a rear dormer hung in brown uPVC and the erection of a side dormer in brown uPVC and with an opening window, without planning permission.
2. 212 Dickson Road - regarding the erection of decking, a fence and a shed at first floor level on the flat roof of the outrigger without planning permission.

**Resolved:** To note the planning appeals lodged and determined.

### 4 PLANNING ENFORCEMENT UPDATE REPORT

The Planning Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during January 2017.

The report stated that 89 new cases had been registered for investigation, 10 cases had been resolved by negotiation without recourse to formal action and 52 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action. Two enforcement notices had also been served during the same period.

The report also provided comparative information for the same period last year.

Following concerns raised by a Committee Member, Mr Johnston, Head of Development Management, agreed to ask the Council's Planning Enforcement Officer to investigate the number of caravans currently sited at land adjacent to 39 School Road. He also agreed to confirm the current position in relation to the owner's compliance with required works under the planning permission for the site.

**Resolved:** To note the outcome 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 16/0643 - 170 PRESTON NEW ROAD, BLACKPOOL**

The Committee considered planning application 16/0643 for outline planning permission for the erection of six dwellinghouses and two bungalows with associated access (following demolition of 15 and 17 Carson Road) within the rear garden of 170 Preston New Road.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and the proposed site layout and location plans. He reminded Members that the principle for developing the site for residential purposes had previously been established. Mr Johnston reported on the separation distances between the existing and proposed properties which, as they exceeded normal distances, would not in his view impact on the amenity of the residents of neighbouring properties. Mr Johnston also referred members to the amendments in the Update Note.

The Committee was advised that the Head of Highways and Traffic Management was satisfied with the revised proposal following its reduction from the original application from five pairs of semi-detached houses to three pairs of semi detached houses and two bungalows, however, he had recommended a table top junction be installed on Carson Road for traffic calming purposes.

Mr Boniface, Agent, spoke on behalf of the applicant in support of the application. He reported the amendments made to the original application following discussions with planning officers. He advised of the intended aim of the development to preserve trees at the site and reported on public consultation that had taken place with local residents.

Responding to questions from the Committee regarding the location of trees within the proposed development, Mr Johnston reported on the current situation regarding trees that were subject to a Tree Preservation Order. He confirmed that, should permission be granted for the development, a requirement already existed for the replacement of three trees and that the size of the site afforded the opportunity to plant additional trees without impacting on any of the properties.

In response to a further question from the Committee, Mr Johnston referred Members to proposed condition 12 that required planning permission for any proposed dormer to the rear roofs of the dormer bungalows would need to be subject to a further planning application. Members were also referred to proposed condition 9 that required traffic management measures to be put in place and the section in the planning officer's report that described the proposed highway, parking and accessibility measures that would form part of the proposed development.

**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 on the application.

**6 PLANNING APPLICATION 16/0812 - 8-20 QUEEN STREET, BLACKPOOL**

The Committee was informed that planning application 16/0812 for the use of the upper floors as short stay holiday accommodation (Use Class C1) with associated reception and bar at ground floor at 8-20 Queen Street had been withdrawn by the Applicant.

**Resolved:** To note that planning application 16/0812 had been withdrawn.

Background papers: Applications, plans and replies to consultations on the application.

**7 PLANNING APPLICATION 16/0809 - WINTER GARDENS, CHURCH STREET, BLACKPOOL**

The Committee considered planning application 16/0809 that sought full planning permission for the erection of a three storey extension with part basement to the existing Winter Gardens complex to form Conference and Exhibition Centre (Class D1) fronting Leopold Grove, erection of link extension to Empress Ballroom with associated demolition works, escape staircase, public realm, landscaping, servicing area/ access arrangements and rooftop plant.

Mr Shaw, Principal Planning Officer, gave a brief overview of the planning application and the site layout and location plans. He also presented visual images of the proposed development, highlighting the comparable scale of the proposed development to the Winter Gardens complex. The Winter Gardens complex was a Grade II\* Listed Building which reflected its national architectural and historical importance and the application sought to provide a flexible conference and exhibition centre attached to the Winter Gardens complex. Mr Shaw reminded Members that the principle and scale of the development had been established following approval of outline planning permission in September 2015.

Mr Shaw referred Members to the comments made by the Head of Highways and Traffic Management in the Update Note and confirmed that the requirements suggested were already included in the proposed conditions to be attached to the planning permission, if granted. With regards to a car parking strategy, Mr Shaw reported that the Head of Highways and Traffic Management was satisfied that the existing town centre car parking provision was sufficient to meet the demands of the proposed development and that the Event Management would be dealt with by the Winter Gardens Management team.

Mr Beadnell, Architect, spoke in support of the application and reported on the benefits for the Winter Gardens from the proposed development in terms of the additional facilities resulting from the exhibition and conference centre, assistance in undertaking essential repairs to the Winter Gardens complex and improved connections between the ballroom and the opera house.

Mr White, public supporter, spoke in support of the application both for himself as a nearby hotelier and on behalf of the Central Blackpool Business Forum, a community group representing a large number of businesses in the central holiday area. He expressed positive comments on the proposed development and its benefits for the area.

## MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 22 FEBRUARY 2017

**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 on the application.

**NOTE:** Councillor L Williams, having declared a prejudicial interest, left the room and took no part in the discussion or voting in respect of this application.

**ADDITIONAL NOTE:** Councillor Humphreys took the chair during consideration of Agenda Items 7 and 8.

### **8 PLANNING APPLICATION 16/0815 - WINTER GARDENS, CHURCH STREET, BLACKPOOL**

Mr Shaw explained that this application was identical to the application at Agenda Item 7 with the exception that it was requesting Listed Building Consent for the development and that this was covered by separate legislation.

**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 on the application.

**NOTE:** Councillor L Williams, having declared a prejudicial interest, left the room and took no part in the discussion or voting in respect of this application.

**ADDITIONAL NOTE:** Councillor Humphreys took the chair during consideration of Agenda Items 7 and 8.

### **Chairman**

(The meeting ended 6.33pm)

Any queries regarding these minutes, please contact:  
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**Application Number 16/0643 – 170 Preston New Road, Blackpool, FY4 4HX**– Erection of six dwellinghouses and two bungalows with associated access (following demolition of 15 and 17 Carson Road) within the rear garden of 170 Preston New Road.

**Decision:** Grant Permission

**Conditions and Reasons**

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
  - 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. 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 including the following plans:

Location Plan stamped as received by the Council on 19/09/2016;  
dwg no JBA231-PL-003 Rev A (Proposed Site Plan);  
dwg no JBA231-PL-0004 (Proposed Indicative House Plans and Carson Road elevations);  
dwg no JBA231-PL-006 (Proposed Site Plan with Refuse Vehicle Tracking).

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

3. No works shall take place until a Construction Management and Site Waste Management Plan (including recycling) have been submitted to and approved in writing by the Local Planning Authority. The Plans shall include and specify the provision to be made for the following;
  - a joint dilapidation survey in relation to the adjoining highway
  - vehicle access to and from the site
  - prevention of disturbance to bats

- measures to protect the Tree Preservation Order trees from damage
- dust mitigation measures as a result of the works
- control of noise emanating from the sites as a result of the works
- hours of construction work for the works
- the locations of contractors' compounds, site buildings and other storage arrangements
- provision for all site operatives, visitors and waste loading, off loading, transfer, 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, and
- the routeing agreement of works traffic.

The works shall then proceed in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding residents, to ensure there is no unacceptable risk of pollution to water resources or to human health, to safeguard the character and appearance of the area, to assist in securing safe waste minimisation, recycling and energy conservation and in the interests of highway safety in accordance with Policies CS7 and CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, AS1, BH3 and BH4 of the saved Blackpool Local Plan 2001-2016.

4. Provision shall be made for bat roosting opportunities in the dwellings hereby approved and submitted with the Appearance Reserved Matter for approval by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

Reason: To ensure that bat species are protected and their habitat enhanced in, accordance with the Wildlife and Countryside Act 1981, as amended, the Conservation [Natural Habitats &c] Regulations 1994, Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ6 of the Blackpool Local Plan 2001 - 2016.

5. Prior to commencement of any demolition of the existing workshop on the site, any features which are suitable for roosting bats (e.g. the roof tiles and eaves) must be removed under the supervision of a licensed bat ecologist. If the presence of roosting bats is detected or suspected at any stage before or during the proposed development, then works shall not proceed until it has been established whether or not a Natural England licence is required and a scheme for the relocation of the bats and the method of felling/demolition has been submitted to and approved in writing by the Local Planning Authority. The relocation of the bats and the felling/demolition shall only take place in accordance with the approved scheme.

Reason: To ensure that there are no adverse effects on the favourable conservation

status of bats, in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife and Countryside Act 1981 (as amended).

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards 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 in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £8,256 towards the provision of, or improvement to, off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

9. The first dwelling shall not be occupied until road works and traffic management measures have been provided within the public highway in the vicinity of the

development (advice note 3 specifies the type of works to be provided).

Reason: To ensure the provision of safe access into the site, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. 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 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the driveways shown on the approved plan shall not be used for any purpose which would preclude the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the rear roofs of the two bungalows the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.



**Application Number 16/0809 – Winter Gardens, Church Street, Blackpool, FY1 1HW –**  
Erection of a three storey extension with part basement to existing Winter Gardens complex to form conference and exhibition centre (Class D1) fronting Leopold Grove, erection of link extension to Empress Ballroom with associated demolition works, escape staircase, public realm, landscaping, servicing area/ access arrangements and rooftop plant.

**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 including the following plans:

Location Plan stamped as received by the Council on 28th November 2016

Drawings numbered;

BP003-BA-Z0-00-PL-A-1203-Proposed Level 00 Plan-S2-P1.3  
BP003-BA-Z0-01-PL-A-1204-Proposed Level 01 Plan-S2-P1.3  
BP003-BA-Z0-02-PL-A-1205-Proposed Level 02 Plan-S2-P1.3  
BP003-BA-Z0-04-PL-A-1207-Proposed Level 04 Plan-S2-P1.3  
BP003-BA-Z0-10-PL-A-1213-Proposed Level 10 Plan-S2-P1.3  
BP003-BA-Z0-B1-PL-A-1202-Proposed Level B1 Plan-S2-P1.3  
BP003-BA-Z0-ZZ-SE-A-3203-Proposed Sections E-E and F-F-S2-P1.4  
BP003-BA-Z0-ZZ-SE-A-3205-Proposed Sections 8 and L-L-S2-P1.4

BP003-BA-Z1-01-DR-A-4001-Front Abutment-S2-P1.2  
BP003-BA-Z1-01-DR-A-4002-Wall Section Detail-S2-P1.2  
BP003-BA-Z1-01-DR-A-4003-Detail Section Terrace-S2-P1.2  
BP003-BA-Z1-01-DR-A-4004-PR Doors to Terrace-S2-P1.2  
BP003-BA-Z1-01-DR-A-5001-Mezzanine GF Ramp-S2-P1.2  
BP003-BA-Z1-01-DR-A-5002-PR Secondary Glazing-S2-P1.2  
BP003-BA-Z1-01-DR-A-5005-PR Doors to Balroom-S2-P1.2  
BP003-BA-Z1-01-DR-A-5010- Internal Balustrade-S2-P1.2  
BP003-BA-Z1-ZZ-DR-A-4005-Proposed Cladding Detail-S2-P1.2  
BP003-BA-Z2-04-DR-A-5004-Supply Diffuser Detail-S2-P1.2

BP003-BA-Z0-00-PL-A-1303-Proposed FF Level 00-S2-P1.2  
BP003-BA-Z0-01-PL-A-1304-Proposed FF Level 01-S2-P1.2  
BP003-BA-Z0-02-PL-A-1305-Proposed FF Level 02-S2-P1.2  
BP003-BA-Z0-04-PL-A-1307-Proposed FF Level 04-S2-P1.2

BP003-BA-Z0-10-PL-A-1313-Proposed FF Level 10-S2-P1.2  
BP003-BA-Z0-B1-PL-A-1302-Proposed FF Level B1-S2-P1.2

BP003-BA-OO-XX-SC-A-7008-Schedule of Proposed Works-S2-P1.2

BP003-BA-Z0-00-PL-A-1103-Demolition Existing Level 00 Plan-S2-P1.3  
BP003-BA-Z0-01-PL-A-1104-Demolition Existing Level 01 Plan-S2-P1.3  
BP003-BA-Z0-02-PL-A-1105-Demolition Existing Level 02 Plan-S2-P1.3  
BP003-BA-Z0-03-PL-A-1106-Demolition Existing Level 03 Plan-S2-P1.3  
BP003-BA-Z0-04-PL-A-1107-Demolition Existing Level 04 Plan-S2-P1.3  
BP003-BA-Z0-05-PL-A-1108-Demolition Existing Level 05 Plan-S2-P1.3  
BP003-BA-Z0-06-PL-A-1109-Demolition Existing Level 06 Plan-S2-P1.3  
BP003-BA-Z0-07-PL-A-1110-Demolition Existing Level 07 Plan-S2-P1.3  
BP003-BA-Z0-08-PL-A-1111-Demolition Existing Level 08 Plan-S2-P1.3  
BP003-BA-Z0-09-PL-A-1112-Demolition Existing Level 09 Plan-S2-P1.3  
BP003-BA-Z0-10-PL-A-1113-Demolition Existing Level 10 Plan-S2-P1.3  
BP003-BA-Z0-B1-PL-A-1102-Demolition Existing Level B1 Plan-S2-P1.3  
BP003-BA-Z0-B2-PL-A-1101-Demolition Existing Level B2 Plan-S2-P1.3  
BP003-BA-Z0-EL-A-2101-Demolition Elevations 1 and 2-S2-P1.2  
BP003-BA-Z0-EL-A-2102-Demolition Elevations 3 and 4-S2-P1.2  
BP003-BA-Z0-EL-A-2103-Demolition Elevations 5,6 and 7-S2-P1.2  
BP003-BA-Z0-EL-A-2104-Demolition Elevations 8 and 9-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3101-Demolition Sections A-A and B-B-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3102-Demolition Sections C-C and D-D-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3103-Demolition Sections E-E and F-F-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3104-Demolition Sections G-G and H-H-S2-P1.2

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

3. The building/use hereby approved shall not be occupied/first commenced until the servicing arrangements, including manoeuvring areas and delivery times, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority; the servicing shall thereafter carried out in accordance with the approved details and such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Prior to the development hereby approved being first brought into use the secure cycle storage and refuse storage provision shall be provided in accordance with details to be submitted and approved in writing with the Local Planning Authority and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode and to ensure safe and adequate refuse storage provision, in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Notwithstanding the submitted plans details of external materials to be used, including brick, tiles, mortar, glazing and window/ door frames, metalwork and rain water pipes, on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works above ground level.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The development shall not be 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 development 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 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Notwithstanding the submitted plans details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ3, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. Notwithstanding the submitted plans, details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby premises, in accordance with Policies BH3, BH4 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. 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
- the routeing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

11. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not 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 secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

12. Details of an external lighting scheme to the building to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works above ground level and such scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Prior to the development hereby approved being first occupied a scheme of off site highway works shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and free flow of traffic in accordance with Policies AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. Detailed treatment of the exposed Empress Ballroom elevation to Leopold Grove and the link of the approved building into the Empress Ballroom shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: In the interests of the appearance of the Empress Ballroom, Winter Gardens and wider locality, in accordance with Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. 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 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

**Application Number 16/0815 – Winter Gardens, Church Street, Blackpool, FY1 1HW –**  
Erection of a three storey extension with part basement to existing Winter Gardens complex to form conference and exhibition centre (Class D1) fronting Leopold Grove, erection of link extension to Empress Ballroom with associated demolition works, escape staircase, public realm, landscaping, servicing area/ access arrangements and rooftop plant.

**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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Location Plan stamped as received by the Council on 28th November 2016

Drawings numbered;

BP003-BA-Z0-00-PL-A-1203-Proposed Level 00 Plan-S2-P1.3

BP003-BA-Z0-01-PL-A-1204-Proposed Level 01 Plan-S2-P1.3

BP003-BA-Z0-02-PL-A-1205-Proposed Level 02 Plan-S2-P1.3

BP003-BA-Z0-04-PL-A-1207-Proposed Level 04 Plan-S2-P1.3

BP003-BA-Z0-10-PL-A-1213-Proposed Level 10 Plan-S2-P1.3

BP003-BA-Z0-B1-PL-A-1202-Proposed Level B1 Plan-S2-P1.3

BP003-BA-Z0-ZZ-SE-A-3203-Proposed Sections E-E and F-F-S2-P1.4

BP003-BA-Z0-ZZ-SE-A-3205-Proposed Sections 8 and L-L-S2-P1.4

BP003-BA-Z1-01-DR-A-4001-Front Abutment-S2-P1.2

BP003-BA-Z1-01-DR-A-4002-Wall Section Detail-S2-P1.2

BP003-BA-Z1-01-DR-A-4003-Detail Section Terrace-S2-P1.2

BP003-BA-Z1-01-DR-A-4004-PR Doors to Terrace-S2-P1.2

BP003-BA-Z1-01-DR-A-5001-Mezzanine GF Ramp-S2-P1.2

BP003-BA-Z1-01-DR-A-5002-PR Secondary Glazing-S2-P1.2

BP003-BA-Z1-01-DR-A-5005-PR Doors to Balroom-S2-P1.2

BP003-BA-Z1-01-DR-A-5010- Internal Balustrade-S2-P1.2  
BP003-BA-Z1-ZZ-DR-A-4005-Proposed Cladding Detail-S2-P1.2  
BP003-BA-Z2-04-DR-A-5004-Supply Diffuser Detail-S2-P1.2

BP003-BA-Z0-00-PL-A-1303-Proposed FF Level 00-S2-P1.2  
BP003-BA-Z0-01-PL-A-1304-Proposed FF Level 01-S2-P1.2  
BP003-BA-Z0-02-PL-A-1305-Proposed FF Level 02-S2-P1.2  
BP003-BA-Z0-04-PL-A-1307-Proposed FF Level 04-S2-P1.2  
BP003-BA-Z0-10-PL-A-1313-Proposed FF Level 10-S2-P1.2  
BP003-BA-Z0-B1-PL-A-1302-Proposed FF Level B1-S2-P1.2

BP003-BA-OO-XX-SC-A-7008-Schedule of Proposed Works-S2-P1.2

BP003-BA-Z0-00-PL-A-1103-Demolition Existing Level 00 Plan-S2-P1.3  
BP003-BA-Z0-01-PL-A-1104-Demolition Existing Level 01 Plan-S2-P1.3  
BP003-BA-Z0-02-PL-A-1105-Demolition Existing Level 02 Plan-S2-P1.3  
BP003-BA-Z0-03-PL-A-1106-Demolition Existing Level 03 Plan-S2-P1.3  
BP003-BA-Z0-04-PL-A-1107-Demolition Existing Level 04 Plan-S2-P1.3  
BP003-BA-Z0-05-PL-A-1108-Demolition Existing Level 05 Plan-S2-P1.3  
BP003-BA-Z0-06-PL-A-1109-Demolition Existing Level 06 Plan-S2-P1.3  
BP003-BA-Z0-07-PL-A-1110-Demolition Existing Level 07 Plan-S2-P1.3  
BP003-BA-Z0-08-PL-A-1111-Demolition Existing Level 08 Plan-S2-P1.3  
BP003-BA-Z0-09-PL-A-1112-Demolition Existing Level 09 Plan-S2-P1.3  
BP003-BA-Z0-10-PL-A-1113-Demolition Existing Level 10 Plan-S2-P1.3  
BP003-BA-Z0-B1-PL-A-1102-Demolition Existing Level B1 Plan-S2-P1.3  
BP003-BA-Z0-B2-PL-A-1101-Demolition Existing Level B2 Plan-S2-P1.3  
BP003-BA-Z0-EL-A-2101-Demolition Elevations 1 and 2-S2-P1.2  
BP003-BA-Z0-EL-A-2102-Demolition Elevations 3 and 4-S2-P1.2  
BP003-BA-Z0-EL-A-2103-Demolition Elevations 5,6 and 7-S2-P1.2  
BP003-BA-Z0-EL-A-2104-Demolition Elevations 8 and 9-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3101-Demolition Sections A-A and B-B-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3102-Demolition Sections C-C and D-D-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3103-Demolition Sections E-E and F-F-S2-P1.2  
BP003-BA-Z0-ZZ-SE-A-3104-Demolition Sections G-G and H-H-S2-P1.2

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

3. The building/use hereby approved shall not be occupied/first commenced until the servicing arrangements, including manoeuvring areas and delivery times, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority; the servicing shall thereafter carried out in accordance with the approved details and such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Prior to the development hereby approved being first brought into use the secure cycle storage and refuse storage provision shall be provided in accordance with details to be submitted and approved in writing with the Local Planning Authority and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode and to ensure safe and adequate refuse storage provision, in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Notwithstanding the submitted plans details of external materials to be used, including brick, tiles, mortar, glazing and window/ door frames, metalwork and rain water pipes, on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works above ground level.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The development shall not be 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 development 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 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Notwithstanding the submitted plans details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the works above ground level.



Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ3, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. Notwithstanding the submitted plans details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby premises, in accordance with Policies BH3, BH4 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. 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
- the routeing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

11. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not 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 secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

12. Details of an external lighting scheme to the building to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works above ground level and such scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Prior to the development hereby approved being first occupied a scheme of off site highway works shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and free flow of traffic in accordance with Policies AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. Detailed treatment of the exposed Empress Ballroom elevation to Leopold Grove and the link of the approved building into the Empress Ballroom shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development works above ground level.

Reason: In the interests of the appearance of the Empress Ballroom, Winter Gardens and wider locality, in accordance with Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. a) No development shall take place above ground level 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 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 and Policies CS7, CS8 and CS18 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

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|--------------------------|---|
| <b>Report to:</b>        | <b>PLANNING COMMITTEE</b>                       |
| <b>Relevant Officer:</b> | Tim Coglan (Service Manager, Public Protection) |
| <b>Date of Meeting:</b>  | 14 March 2017                                   |

## 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 February 2017.

### 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 its 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 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool.'

## 5.0 Background Information

### 5.1 Cases

#### 5.1.1 New cases

In total, 66 new cases were registered for investigation, compared to 41 received in February 2016.

#### 5.1.2 Resolved cases

In February 2017, seven cases were resolved by negotiation without recourse to formal action, compared with 10 in February 2016.

#### 5.1.3 Closed cases

In total, 57 cases were closed during the month (33 in February 2016). 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.

#### 5.1.4 Formal enforcement notices / s215 notices / BCNs / Community Protection Notices

- No enforcement notices authorised in February 2017 (none in February 2016);
- No s215 notice authorised in February 2017 (one in February 2016);
- No Breach of Condition notices authorised in February 2017 (none in February 2016).
  
- No enforcement notices served in February 2017 (none in February 2016);
- No s215 notices served in February 2017 (three in February 2016);
- No Breach of Condition notices served in February 2017 (none in February 2016);
- No Community Protection Notices served in February 2017 (two in February 2016).

5.2 Does the information submitted include any exempt information? No

### 5.3 List of Appendices:

5.3.1 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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COMMITTEE DATE: 14/03/2017

**Application Reference:** 16/0443

WARD: Marton  
DATE REGISTERED: 05/09/16  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr Beardmore

**PROPOSAL:** Erection of seven detached bungalows with associated access road and car parking.

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

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**Summary of Recommendation:** Refuse

## **CASE OFFICER**

Ms P Greenway

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

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

## **SUMMARY OF RECOMMENDATION**

The proposal would provide seven bungalows in a reasonably sustainable location and there would be no adverse impact on local ecology, protected species or flood risk (subject to appropriate conditions). However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within the Blackpool Borough. Although the layout has changed compared to the dismissed scheme (13/0604 refers), the proposal is still seeking to secure permission for seven bungalows and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside Area. As such the proposal would not represent sustainable development. This adverse impact would not be outweighed by the relatively limited benefits of the scheme. Therefore, for the reasons given and having had regard to all other matters raised, the application is recommended for refusal.

## **INTRODUCTION**

At the Planning Committee meeting on 18 November 2013, Members voted to refuse the previous application for residential development on this site (13/0604 refers) and cited

three reasons for doing so - impact on the character and appearance of the area, drainage and ecology. The subsequent appeal was dismissed. The Inspector found that there would be no adverse impact on the local ecology. However, he found that the development would extend the urban settlement into designated countryside and would harm its character and appearance and as such, would not be sustainable development. He also felt that the appellant had not adequately demonstrated that the surface water run-off from the site would be discharged satisfactorily without exacerbating the existing flooding issues in the area, particularly in Broad Oak Lane and in terms of the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme. The decision was issued on 26th June 2015 and the present application attempts to overcome the issues raised previously.

### **SITE DESCRIPTION**

The application site covers an area of approximately 0.7 hectares on the edge of Staining village. The site is bounded to the north by open countryside with the village of Staining to the east. A small number of dwellings lie to the west of the site along Broad Oak Lane which has a very rural character, being narrow (approximately 3 metres in width) with no footpaths. An isolated triangle of densely vegetated land lies to the south of the site across Broad Oak Lane with the south-westerly extent of Staining village beyond. The site itself is roughly vegetated with grass with some trees and hedges evident around the perimeter. There are no ponds on the site. The site is elevated by approximately 1.8 metres above the level of Broad Oak Lane. Staining village has seen a significant amount of residential development in recent years within the jurisdiction of Fylde Borough Council. The boundary between Blackpool and Fylde runs along the eastern boundary of the site.

### **SITE HISTORY**

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

The last application was refused against officer recommendation for the following reasons:

- it would compromise the open and rural character of the Countryside Area and be detrimental to the built heritage of this part of Staining.
- it cannot be demonstrated that surface water run-off would be adequately drained from the site without over-loading the existing surface water drainage network and

exacerbating existing localised flooding events which are frequent and well recorded within this area of Staining.

- it had not been adequately demonstrated by the applicant that the development proposed would not have a detrimental impact on ecology on and in the vicinity of the application site.

The subsequent appeal was dismissed and the application for costs dismissed. The Inspector's main issues and conclusions were:

- i) the effect of the proposed development on the character and appearance of the area. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the emerging Core Strategy.
- ii) whether the appeal site could be adequately drained without adverse flooding impact on neighbours. He was not persuaded on the evidence before him, that it has been adequately demonstrated that the site would be drained satisfactorily, so as not to exacerbate flooding problems.
- iii) the effect on local ecology. From the evidence before him, he was satisfied that the proposal would not adversely affect Great Crested Newts or any other protected species or the local ecology, subject to conditions to secure biological enhancement measures (if the appeal were to succeed).
- iv) The effect of other considerations including the supply of housing land in Blackpool, and sustainability, on the planning balance. Policy NE2, which primarily relates to the protection of the character of the countryside, and in that respect is consistent with one of the core planning principles of the Framework, is not out of date and carries weight in the decision. Staining village has a reasonable range of facilities including, a supermarket, school, surgery and access to public transport. The site is, therefore, in a sustainable location. However, due to the identified harm to the designated countryside area, the development would not satisfy the environmental dimension of sustainable development that the Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore, the proposal would not represent sustainable development and the presumption in favour of such development set out in the Framework, would not apply.

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

and the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme.

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

### **DETAILS OF PROPOSAL**

The current application seeks outline planning permission for the erection of seven detached bungalows with associated parking and an access road from Broad Oak Lane. The application seeks to agree the issues of access, layout and scale, with landscaping and appearance as reserved matters. The plan submitted with the application shows an area of meadow in the north-west corner of site that would be intended to act as a soakaway for surface water run-off. As originally submitted, the proposed properties backed on to those fronting Maclaren Close and Eddleston Close, with the internal access road running along the western boundary. The plan has since been amended to pull the road further away from the western boundary with Broad Oak Lane. Although the details of the landscaping proposed are not a matter for consideration at this stage, a significant number of trees are indicated on the submitted layout plan along the western boundary of the site and around the meadow area proposed. The individual plots are also shown as being well landscaped. The applicant has stated that surface water run-off would be attenuated to a discharge rate of 5 litres per second which is the accepted greenfield run-off rate.

The following information has been submitted in support of the application:

- Planning Statement
- Revised Ecological Assessments relating to general habitats, bats, great crested newts (February 17), European protected species and mammals
- Flood Risk Assessment
- Basic outline drainage proposal
- A completed Residential Accessibility Questionnaire which suggests that the site as being of medium accessibility.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

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

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

## **CONSULTATIONS**

**Staining Parish Council:** Staining Parish Council has once again considered an application to build on the land to the rear of Broad Oak Lane. This application constitutes the fourth application this decade and the thirteenth in all. Although there have been changes to the outline plan in that the design has been flipped east to west and drainage plans have been revised, the reasons for objection to development of the land remain largely unchanged from those stated by the Chief Inspector of Planning in his decision statement of 26/06/2015. The land in question is in a designated countryside area and CS1 of the emerging Blackpool Local Plan states that development should be focussed on the town centre. Blackpool Council can now demonstrate a five year housing land supply.

The character and charm of Broad Oak Lane, which contains some of the oldest houses in the Fylde, would be irreparably changed. Although the development is of single storey dwellings the ridge height of plot 2 is only fractionally lower than the neighbouring two storey property and in the case of plot 5 is 20cm higher than the neighbouring bungalow. The 1.8m high fence proposed on the western boundary will tower above the properties on Broad Oak Lane, robbing them of light and plunging their gardens into almost 24 hour shade. Staining Parish Council is of the opinion that any development on this site would have a catastrophic impact on the character of Broad Oak Lane.

The area to the west of the site is low lying and is prone to surface water flooding. The properties rely on a septic tank for foul waste and when flooded this system is severely compromised leading to foul flooding of the older properties with devastating consequences for the householders. The planned drainage system, although catering for the run-off from the access road to the already overloaded surface water system, still relies on permeation for the hardstanding areas. As the previous surveys have shown there is approximately 600mm of top soil above impermeable mudstone, forcing penetrated water to drain towards Broad Oak Lane surfacing in the rear gardens of No's 1-5. This led us to consider the excavations which will be required for the installation of SUDS under the access roadway. These excavations will be at the first floor level of the cottages on Broad Oak Lane on land considerably higher than the ground level to the west. It remains to be seen whether this is structurally possible. This surface water drainage is then scheduled to connect to the surface water drains on The Nook, perhaps at the inspection chamber outside No.24. We refer you now to the flood risk assessment submitted with application 13/0604, paragraph 4.4, flooding from highway sewers or highway drains. The conclusion of which is as follows:

The information provided by United Utilities would suggest that the site is at potential risk of flooding associated with existing sewers / highway drains. The level of risk at present is determined to be 'High'.

Staining Parish Council, Residents, Borough and County Council are currently holding an investigation into the causes of surface water flooding of roads and gardens in the area of

Eddleston Close, Maclaren Close and The Nook. Until these investigations are complete and the problem rectified we are of the opinion that no further building should be considered. Ecological surveys have been performed on a number of occasions and no ecology has been highlighted which would prevent development. However; many residents have reported several amber list species frequenting the site which is only 500m from a Site of Special Scientific Interest. The land is a vital part of the green corridor which extends across the Fylde.

Conclusion of Staining Parish Council: The Council objects strongly to this application and would recommend permission be refused.

**Head of Environmental Protection (Contaminated Land Officer):** no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

**Sustainability Manager:** no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

**Natural England:** Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**United Utilities:** has no objection subject to the following conditions:

**Condition 1** Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

**Condition 2** Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards 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 in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Regardless of the stage in the planning process, we recommend the Local Planning Authority includes a condition in their decision notice regarding a management and maintenance regime for Sustainable Drainage Systems. We suggest the following condition should be appropriate for most instances:

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

- the arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

**Environment Agency:** The Environment Agency has no comment to make on the above application for the following reason: - It is not listed in the 'When to Consult the Environment Agency' document or in the Development Management Procedure Order 2015 / General Permitted Development Order 2015.

**Head of Coastal and Environmental Partnership Investments:** In light of the additional information submitted recently, I would like to remove my objection to the application which will be acceptable subject to the following conditions:

**Condition 1** No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see Environmental Agency advice flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving

- groundwater and/or surface waters, including watercourses, and details of floor levels in Above Ordnance Datum;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) Flood water exceedance routes, both on and off site;
  - e) A timetable for implementation, including phasing as applicable;
  - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained; and, to ensure that there is no flood risk on or off the site resulting from the proposed development.

**Condition 2** No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the drainage for the proposed development can be adequately maintained; and, to ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

**Condition 3** No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company.
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.



The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

In addition it is worth noting that the proposals indicate that they intend to discharge to the ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the applicant will be expected to:

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal; and,
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

**Head of Traffic and Highways:** Blackpool Council as Highway Authority will not consider the road for formal adoption, a note on the drawing does make reference to this.

1. As the new road will not be subject to a S38 agreement, a Management Company to be created to deal with maintenance matters in connections with drainage, lighting, surfacing to name a few. If this is not done, future owner/occupiers could be inconvenienced.
2. A lighting scheme to be requested.
3. This area is already prone to surface water flooding due to the existing highway draining into the water course that appears to be unable to cope with the flow. Additional run-off could compound the flooding of the road. How will the site be drained is a significant problem which must be addressed with agreement from relevant utility providers and others.
4. Direct access to the site will be via Broad Oak Lane. This is an inadequate means of access and will require major highway improvements to cater for increased vehicular and pedestrian movements.
5. Car parking provision is considered acceptable.
6. Refuse collection and access should be discussed and agreed with the Waste Collection Authority.

7. The units will require formal postal addresses. Applicant to contact Highways and Traffic Division, Blackpool Council, PO Box 4, Blackpool, FY1 1NA, 01253 477477.
8. A Construction Management Plan to be conditioned.

The internal road layout proposed would not be of sufficient width for it to be adopted by the Council. As such it would have to be maintained as a private road. A maintenance agreement should be put in place to avoid any detrimental impacts upon surrounding highway and to ensure pedestrian and highway safety. This agreement should detail the maintenance of adequate lighting, drainage and surfacing. The parking provision and pedestrian footway proposed are considered to be acceptable. The site benefits from a medium level of accessibility. The existing access from Broad Oak Lane would be inadequate and major highway works would be required to cater for increased vehicular and pedestrian movements. No details of any off-site highway works have been provided. The impacts of this proposal on the highway network could be mitigated. Nevertheless, no permission should be granted unless a scheme of off-site highway works has been agreed.

**Ramblers Association:** no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

**Wyre Borough Council:** does not wish to comment.

**Fylde Borough Council:** no response received in time for inclusion in this report. Any comments that are received will be reported through the update note.

### **PUBLICITY AND REPRESENTATIONS**

Press notice published: Not applicable for this type of application

Site notice displayed: 07 September 2016

Neighbours notified: 05 September 2016

Objections received from Cllr J Singleton (2 Staining Rise) and Cllr D Angel (20 Staining Road); Mayo House, Cherry Trees and 22 The Nook; 1, 2 and 3 Broad Oak Lane; 15, 17, 23 and 26 Eddleston Close; 1, 3 Maclaren Close.

In summary, the objections relate to:

- impact on character of countryside
- impact on character of Staining village
- impact on character of properties on Broad Oak Lane
- no need for additional houses
- the houses that have been built recently are struggling to sell
- development should be on brownfield land
- increased flooding
- inadequate drainage
- lack of capacity in local sewer system
- sustainable urban drainage systems impractical in this area
- conflict with National Planning Policy Framework

- inadequate access and visibility at access
- increase in traffic
- impact on highway, cyclist and pedestrian safety
- impact on condition of local roads
- lack of capacity at local school
- inadequate infrastructure/facilities in village to support the housing
- impact on wildlife
- potential loss of hedgerows
- loss of privacy
- increase in crime
- cumulative impact with other developments around Staining
- repeat application wasting time and money and causing distress
- village would become less desirable
- the boundary between Blackpool and Fylde would become indistinguishable
- impact on property prices
- disturbance during construction
- site should be turned into a village green
- rates would be paid to Blackpool Council whilst the impact would be felt in Fylde Borough Council
- any financial contributions should be paid to Fylde Borough Council
- contrary to Staining Parish Plan

The impact of a development on property prices and the perceived desirability of a location are not valid planning considerations. Preference for another form of development equally cannot be taken into consideration and design is not a matter for consideration at this stage. A Construction Management Plan would be required by condition. The remaining issues will be discussed in the assessment section of this report.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development, namely economic, social and environmental, which are mutually dependent. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 6 of the National Planning Policy Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which is the 'golden thread' running

through both plan-making and decision-taking and paragraph 17 of the National Planning Policy Framework sets out 12 core planning principles.

Of the 12 core planning principles, those that are relevant to this proposal are:

- Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and building.
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective use of land by reusing land that has previously been developed (brownfield land).
- 

Other relevant paras are:

### **Part 6. Delivering a wide choice of high quality homes**

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

### **Part 7. Requiring good design**

Paragraph 56 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or reinforce local distinctiveness.

**Part 11. Conserving and enhancing the natural environment.**

The planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

**BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are -

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

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy, others are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- BH3 Residential Amenity
- BH10 Open Space in New Housing Developments
- HN4 Windfall Sites (for housing development)
- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces
- LQ6 Landscape Design and Biodiversity
- NE2 Countryside Areas
- NE5 Other Sites of Nature Conservation Value
- NE6 Protected Species
- AS1 Access and Parking

SPG 11 - Open space: provision for new residential development and the funding system.

## **ASSESSMENT**

### **Principle**

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

### **Housing Requirement**

The National Planning Policy Framework expects local planning authorities to be able to demonstrate a five year supply of housing land. Where this cannot be achieved, the National Planning Policy Framework makes it clear that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This has been tested during the examination of the Core Strategy and the Council can demonstrate a five-year supply of housing land.

### **Countryside Area Designation**

The application site falls within the designated Newton Hall/Preston New Road Countryside Area that separates Staining village from the main urban area of Blackpool as defined in the adopted Blackpool Local Plan. This designation merges with a wider area of Countryside extending around Staining village and beyond in the adjoining borough of Fylde. Saved Policy NE2 of the Local Plan relates to this area and is designed to preserve its open and

rural character and function, and prevent the expansion of the built up area into the open countryside. The policy prohibits the development of new dwelling units within the Countryside Area unless essential to support agricultural or horticultural uses. This principle is longstanding in local planning policy as a similarly worded policy featured in the 1996 Local Plan. Policy CS1 of the Core Strategy seeks to focus growth, development and investment in Blackpool Town Centre, the Resort Core and inner area Neighbourhoods to support the regeneration of the town. The Countryside Areas are considered to be integral to the local distinctiveness of Blackpool and are valued by the local community. Proposals that would be detrimental to the existing open and rural character, landscape quality and nature conservation value of these areas should continue to be resisted.

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

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

Although the layout has changed compared to the dismissed scheme:

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

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

### Sustainability

The applicant has submitted a Residential Accessibility Questionnaire which records the site as being of medium accessibility with a score of 24. This has been checked and agreed. Accessibility is only one indicator of sustainability which incorporates a range of economic,

social and environmental considerations. The site is surrounded by existing residential properties suggesting that the area is a desirable place to live. Chain Lane gives access to the southern area of Blackpool and the M55 motorway via a two-lane rural road. It also gives access to Poulton-le-Fylde town centre but via a narrow single track rural lane with passing places. Staining village contains a primary school, a doctors' surgery, a public house, a convenience store and a couple of other local businesses. The village is served by the No.2 Blackpool Transport bus route which runs to and from Poulton-le-Fylde. The site is not in an unsustainable location in this respect.

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

#### Housing Mix

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

#### Public Open Space

Policy BH10 of the Local Plan seeks to secure on site provision of open space to meet the needs of residents of a development. Seven two-bedroom dwellings would generate a public open space requirement of 336 sq m. If this could not be provided on site, a commuted sum contribution of £4,816 would be needed. Although an open area of meadow is shown on the layout plan, this would form part of the drainage scheme. As such, the scheme as proposed is not considered to include any Public Open Space provision. However, the applicant has agreed to a condition being attached to any permission granted to require a scheme for such provision to be agreed in order to pay for the provision of new or the improvement of existing facilities off site.

#### **Highway Impact**

The road in the site would not be adopted and so a management company would need to be set up to ensure that the road and any associated lighting is maintained to a sufficient standard. This would be secured through a condition attached to any permission granted. The Head of Traffic and Highways has not objected to the application. The surface of the road at the junction of The Nook and Broad Oak Lane is relatively poor. Although this application is only for seven bungalows, which would not significantly exacerbate the situation, the cumulative impacts of any future developments in the area would have a more substantial impact. However, because this land does not fall under the control of



Blackpool Council as Local Highway Authority, any condition requiring works to be done would make the applicant reliant upon the co-operation of third party land-owners in order for the scheme to proceed. All conditions must be reasonable, planning related, proportionate to the development proposed and necessary in order to make it acceptable. Whilst an improvement to the existing road surface would be desirable, the existing road is considered to be sufficient to accommodate the vehicle movements associated with an additional seven properties. The access to the development would fall within the red edge of the application site and so it would be possible for the Council to control the surface treatment of this section of the road. On this basis, there are not considered to be any highway safety concerns which weigh sufficiently against the proposal to justify refusal.

### **Amenity**

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

The application seeks to provide seven two-bedroom bungalows on a site measuring roughly 0.7ha. This equates to a housing density of 10 dwellings per hectare. As Staining is a reasonably large and built-up village, it is not considered that this level of development would generate sufficient noise and disturbance from activity so as to have a detrimental impact on the residential amenities of nearby neighbours. On this basis, the development is not considered likely to have a detrimental impact on residential amenity.

### **Layout**

The details of the design of the bungalows proposed is not a matter for consideration at this stage, however, the layout of the site would have an impact upon the appearance of the streetscene. The bungalows proposed would be aligned north to south and so the level of development immediately visible from Broad Oak Lane would be limited. The development would be further screened by an area of mature vegetation to the front of the site which is not in the applicant's ownership and which does not form part of the application site. The property closest to Broad Oak Lane could be designed to have two principal elevations to reflect the fact that it would front both Broad Oak Lane and the access road. As such, no issues related to the site layout are identified at this stage. It has been suggested that the scheme would have a detrimental impact on the setting of the historic cottages on Broad Oak Lane. However, these cottages are not listed and would be separated from the new properties by 20m of rear garden and vegetation. It is not considered that any impact on their setting could be supported as a reason for refusal.

## **Drainage**

It is recognised that flooding is a serious issue in Staining and the adequacy of drainage provision in the area is a key concern. United Utilities have stated that it has no objection, subject to the imposition of appropriate conditions. The applicant is proposing to use permeable materials for driveways and parking areas and is proposing significant areas of soft landscaping in the form of private garden areas, screening and a meadow area in the north-west corner of the site. The applicant will be further expected to use permeable asphalt for the main estate road and employ water butts to harvest grey-water from the roofs of the bungalows. A significant number of trees are indicated on the layout plan which would take up water and support the drainage scheme.

The Council's drainage officer has no objection to the scheme, which has been revised during the course of the application, subject to a number of conditions requiring the design of an appropriate surface water sustainable drainage scheme, based on sustainable drainage principles to be implemented. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield run-off rate; and without causing flooding or pollution external to the site. The management and maintenance of the sustainable drainage scheme should be carried out by a Residents' Management Company for the lifetime of the development in accordance with an agreed plan.

The proposals indicate that the site is intended to discharge to the ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010), consent is needed from the Lead Local Flood Authority (Blackpool Council) if any culvert, structure, or works within the banks of any ordinary watercourse which may alter or impede the flow of water are proposed. The Council can refuse to grant drainage consent if it deems it appropriate. On this basis, it is not considered that the proposal could be reasonably refused on drainage grounds.

## **Ecology**

The application has been accompanied by a number of ecological impact assessments focusing on bats, European protected species, great crested newts and terrestrial mammals.

The site comprises an area of rank grassland dominated by coarse tussock grasses with occasional clumps of soft rush and scattered hawthorn bushes. The site is riddled with field vole runs and burrows. Two small, hawthorn hedges bound the site. The site is considered to be of limited botanical value, however, its dense tussocky structure is relatively uncommon and provides good habitat for field voles which could in turn provide a useful food source for barn owls and kestrels.

The bat scoping assessment was initially carried out in November 2010, updated in October 2013 and again in 2016. The survey notes the position of the site relative to the nearby Marton Mere Local Nature Reserve and Site of Special Scientific Interest, and nearby Staining Nook Marsh wetland biological heritage site. There are no structures on the site and none of the trees were considered to be suitable as bat roosts. The site is considered to be suitable for bat foraging with the northern hedgerow potentially used as a geographical locator by transiting bats. The loss of the site for bat foraging would be considered to have a

negligible impact but it is recommended that the northern hedgerow be retained or replaced with a similar feature.

The great crested newt study (updated in 2017) considered all ponds and waterbodies within 500m of the site which were not separated from the site by insuperable barriers such as busy roads, fast flowing water, urban development or arable cultivation. There are 11 ponds and 1 ditch within the 500m zone. A Habitat Suitability Index was applied. Ponds 1, 1a and 2 were judged to be below average with ponds 3, 4 and 5 and the assessed marsh area being average. Ponds 6, 7, 8, 9, 10 and 11 and ditch 12 were considered to provide excellent habitats for newts. In the subsequent surveys, three great crested newts were found in pond 7 along with toad and frog tadpoles and fish across the other ponds. No newt eggs were found. Pond 7 lies some 420m from the application site. Based on these results, the development proposed would have a negligible impact and no licence from Natural England would be required. Instead, Reasonable Avoidance Measures would be sufficient and should be agreed with the Local Planning Authority prior to commencement. Such measures may include keeping the development as far from pond 7 as possible, restricting works to the winter period, backfill excavations or provide a newt escape ramp, and raising stored materials above ground to prevent them being used as resting places.

A European Protected Species survey has been submitted. This report advises that a reptile survey is not required based on the comparative scarcity and lack of records of reptiles in the local area. None of the habitats close to the site are considered suitable for white clawed crayfish and the development proposed would have a negligible impact in any event. However, it is recommended that care be taken to prevent a threat to vulnerable aquatic species with strict measures put in place to prevent discharge, run-off, rubble detritus or other materials from entering the nearby Marsh. The site is not considered to be suitable for barn owl nesting but foraging could be possible. No evidence of barn owl presence was identified. As extensive areas of field vole habitat exists immediately to the north and west, the loss of the application site as foraging habitat would not have a significant negative impact.

A number of birds were identified on the site including the wren, whitethroat and lesser whitethroat which nest on the ground in tall vegetation. To mitigate any impact, it is recommended that suitable artificial nest boxes be incorporated into the development, should it be approved. To mitigate any impact on dunnocks and swifts, the provision of six British Trust for Ornithology approved bird nest boxes is suggested. It is also recommended that swift bricks be built into the eaves of at least two of the proposed bungalows with consideration given to the provision of house martin bricks and house sparrow terraces. Prior to any vegetation clearance between March and August, trees and dense brush should be carefully inspected for active nests. The area should be left undisturbed until nesting activity has finished. It is recommended that these surveys be carried out by a suitably qualified person to ensure an offence is not committed. Any trees to be retained that overhang the site should have their root systems protected. Poplar and apple trees on site should be checked for bats prior to any felling.

The final ecological assessment relates to terrestrial mammals. The site was surveyed for water voles and badgers. There is extensive evidence on site for the presence of field voles.

No evidence of water voles was found on site and whilst such creatures may inhabit the nearby marsh, the proposed development would have no impact on these animals. No evidence of badgers was found on the site.

In dismissing the appeal in 2013, the Inspector noted that Natural England raised no objections to the proposal and he was satisfied that the development would not damage or destroy the interest features of the Site of Special Scientific Interest. With regard to great crested newts, Natural England considered that the proposal would have a negligible impact on this protected species. Local residents and the Parish Council referred to the variety of wildlife in the area and the presence of great crested newts in local gardens and anecdotal evidence of the species being found on another building site nearby despite previous surveys to the contrary. However, he was persuaded by the evidence of the appellant's expert witness that, although great crested newts may roam away from the ponds, the development would not impact on these important potential breeding areas. From the evidence before him, he was also satisfied that the proposal would not adversely affect any other protected species or the local ecology, subject to conditions to secure biological enhancement measures if the appeal were to succeed.

#### **Other Issues**

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

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

It has been suggested that the existing facilities and infrastructure within Staining are insufficient to support additional housing. Given the accessibility score of the site this is not considered to be a reasonable reason for refusal. Furthermore, it is possible that the provision of additional housing would make existing facilities more sustainable and would support their expansion and/or improvement. It has also been suggested that any monies secured from the development should be transferred to Fylde Borough Council. The only monies likely to arise from the scheme would be for drainage improvements in the local area and the provision or improvement of public open space. As residents of Staining are likely to make use of public open space provision within the boundary of Blackpool, such as Stanley Park or Marton Mere Nature Reserve, this is considered to be reasonable.

The Council cannot refuse to consider an application where either the scheme has changed, or additional information has been provided, or the policy or legislative context has changed significantly.

## **CONCLUSION**

The proposal would provide seven bungalows in a reasonably sustainable location and in an area acknowledged as having a population with a high percentage of retired people who may have preferences for bungalows. There would be no adverse impact on local ecology, protected species or flood risk (subject to appropriate conditions). However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within Blackpool. Although the layout has changed compared to the dismissed scheme (13/0604 refers) the proposal is still seeking to secure permission for seven bungalows and hence it does not address the fundamental concern about the impact on the character and appearance of the Countryside Area. As such the proposal would not represent sustainable development. This adverse impact would not be outweighed by the relatively limited benefits of the scheme. Therefore, for the reasons given and having had regard to all other matters raised, the application should be refused.

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

It is recommended that conditions be attached to any permission granted to require the applicant to submit the following:

- a scheme for the provision or improvement of public open space;
- a scheme for upgrade works to the local watercourse into which surface water run-off would be directed; and
- a scheme for the long-term maintenance of the drainage system on the site and the watercourse it would drain into.

It is understood at this stage that the applicant's preferred approach to discharging these conditions would be to enter into legal agreements with the Council to secure the payment of commuted sums.

## **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 16/0443 and previous files (as detailed under site history), which can be accessed via this link: <http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Refuse

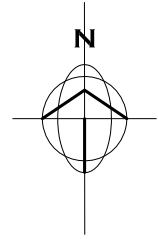
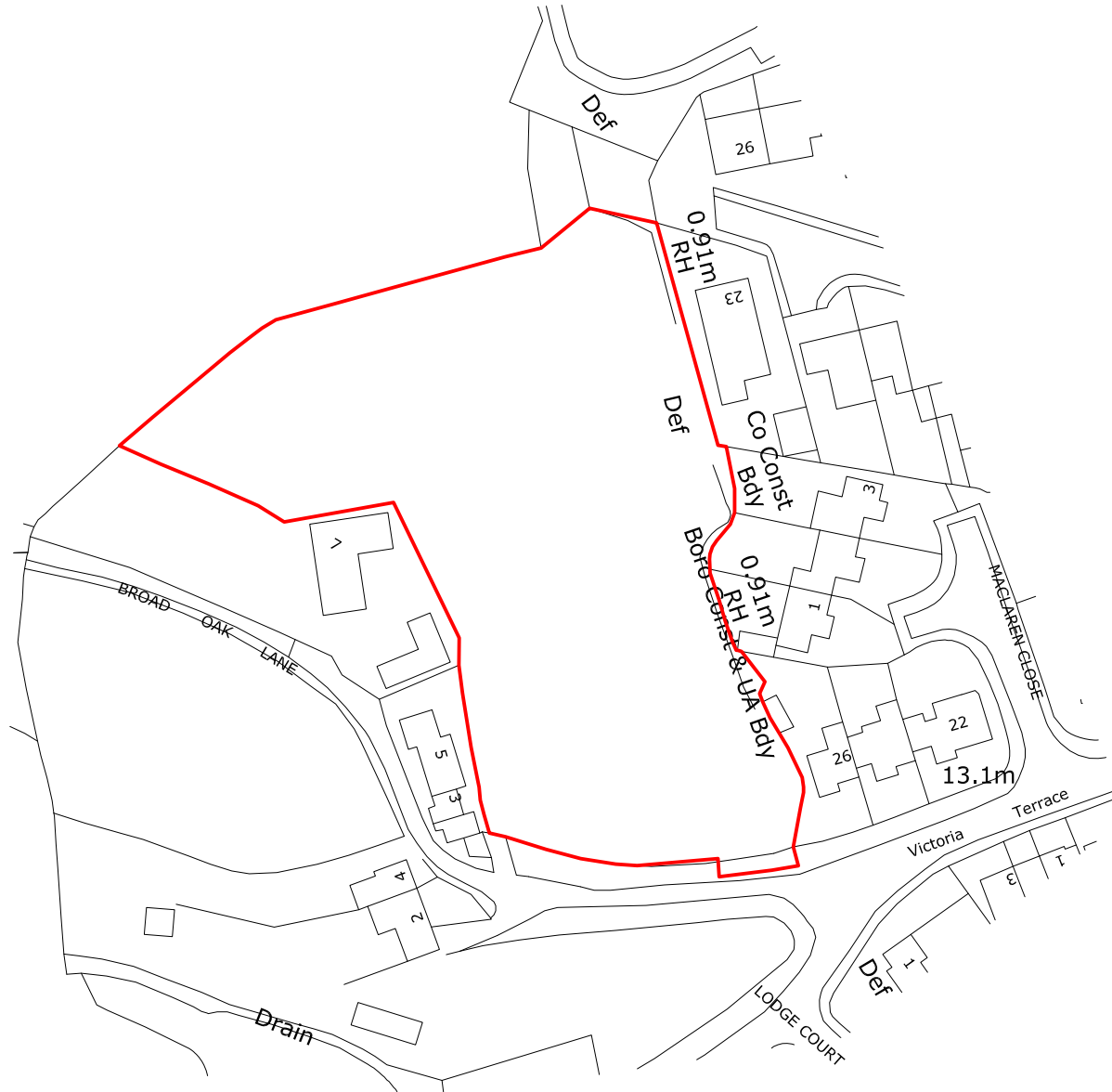
### **Conditions and Reasons**

1. The application site falls within the designated Newton Hall Countryside Area and separates Broad Oak Lane, which is a narrow rural road, from the main body of Staining. Given the elevated site, the sporadic and isolated nature of the properties to the west, and the dense area of trees and shrubs to the south, the development proposed would appear incongruous, particularly in relation to the properties to the west; and would dominate and compromise the open and rural character of this part of the Countryside Area. The proposal would be an urban extension of the settlement into a designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Blackpool Local Plan 2001 - 2016 and Policy CS1 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. As such the proposal would not represent sustainable development in the terms of the National Planning Policy Framework.
2. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 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 the impact on the character and function of the designated Newton Hall Countryside Area and Staining village, weigh sufficiently against the proposal so as to conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

### **Advice Notes to Developer**

Not applicable



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**Land at Broad Oak Lane, Staining**

**Drawing** : Location Plan

**Scale** : 1:1250 @ A4

**Drawing No.** : GA/04096/001

**Date** : 02/11/10

All dimensions are to be checked on site prior to commencing any work. Any discrepancies are to be notified immediately to the surveyor.

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# LOCATION PLAN

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COMMITTEE DATE: [14/03/2017](#)

**Application Reference:** 16/0686

WARD: Bispham  
DATE REGISTERED: 14/11/16  
LOCAL PLAN ALLOCATION: Main Holiday Accommodation Promenade Frontage  
Bispham (SPD)  
APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mrs H Kaur

**PROPOSAL:** Use of premises as a 21 bedroomed Care home.

**LOCATION:** 262 QUEENS PROMENADE, BLACKPOOL, FY2 9HB

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr G Johnston

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

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool and **Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

## **SUMMARY OF RECOMMENDATION**

Whilst the proposal would involve the loss of holiday bed spaces given the location of the hotel, the character of the area and the evidence regarding marketing it is not felt that the proposal would be contrary to Policy CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. In terms of Policy BH24 of the Blackpool Local Plan 2001-2016 it is considered that the use of this property as a care home would fulfil the requirements of the policy and that because of its scale it would not be contrary to Policy BH3 of the Blackpool Local Plan 2001-2016. As the site would accommodate off street car parking and is conveniently located for bus and tram services the proposal would be consistent with Policy AS1 of the Blackpool Local Plan 2001-2016.

## **INTRODUCTION**

The application was subject to pre-application discussion and the applicant was advised of the following policy background and key issues in a meeting.

### **Main Holiday Accommodation Promenade Frontage (Holiday Accommodation Supplementary Planning Document)**

- 4.6 To promote and support a new or improved accommodation offer that contributes to resort regeneration elsewhere along the main holiday accommodation promenade frontage.
- 4.7 This approach seeks to retain the existing (floorspace) quantum of accommodation, but at the same time permit redevelopment and improvement proposals which provide a new high quality mixed use seafront holiday accommodation and residential offer.

### **Policy CS23: Managing Holiday Bed Spaces**

To achieve an economically viable level of quality holiday accommodation, the following approach will be adopted to manage a reduction in the oversupply of poor quality holiday bed-spaces:

1. Within the main holiday accommodation areas defined in the Supplementary Planning Document (SPD):
  - a. Existing holiday accommodation use will be safeguarded and new or refurbished holiday accommodation will be supported.
  2. b. Change of use from holiday accommodation, or the loss of sites used, or last used, as holiday accommodation, will be resisted unless:
    3. i. exceptional circumstances are demonstrated in accordance with the SPD, or
    4. ii. in relation to a promenade frontage, the proposal would provide high quality holiday accommodation alongside a supporting new residential offer. Such proposals would need to comply with the requirements of the SPD.

### **BH24 Residential Institutions and Community Care Residential Use**

The development of old peoples' homes/residential institutions (Class C2 uses), community care residential developments and other similar uses will be permitted in appropriate premises and locations subject to:

- (a) the type of use applied for
- (b) a demonstration of local need
- (c) the intensity of use and its effect on adjacent properties
- (d) the suitability of the premises and the location
- (e) a management plan for the operation of the premises

Such uses will not be permitted in those parts of the resort neighbourhoods where the majority of the premises are in holiday accommodation use and where changes to residential use will not be permitted in accordance with the Plan. Old peoples' homes and nursing homes will be permitted in appropriate former holiday premises in those parts of the resort neighbourhoods where there is a mix of uses and residential use otherwise accords with the Plan.

### **SITE DESCRIPTION**

This application relates to a substantial former hotel on the corner of Queens Promenade and Arundel Avenue. The building is part render/part brick with red tiled hipped roof. Sun

lounges have been added at side and front - in the form of single storey extensions which are predominantly glazed. There are tarmaced forecourts to Queens Promenade and Arundel Avenue with low brick boundary wall.

There are hotels to the south on Queens Promenade. Ryecourt Care Home is on the opposite corner of Arundel Avenue. There is housing on both sides of Arundel Avenue. The property is at northern end of the Norbreck Castle and Bispham Main Holiday Accommodation Promenade Frontage (Bispham part) in the Holiday Accommodation SPD. When the hotel operated it had 22 en suite bedrooms.

### **DETAILS OF PROPOSAL**

This application is to use a former hotel as a 21 bed care home. There would be a manager, two nursing staff and three assistants. Five staff car parking spaces would be provided along with two visitor parking spaces and an ambulance drop off point. Cycle parking would be provided in one of the outbuildings and the garage would be used for storage purposes. The application is accompanied by a Business Plan, a statement of marketing for the hotel and evidence of need for additional care home accommodation.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- loss of holiday accommodation
- need for additional care beds
- suitability of the premises
- impact on residential amenity
- impact on highway safety

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** No comments received at the time of writing this report any comments received will be reported in the update note.

**Service Manager Public Protection:** No comments received at the time of writing this report any comments received will be reported in the update note.

### **PUBLICITY AND REPRESENTATIONS**

Neighbours notified - 21 November 2016  
Site Notice Posted - 23 November 2016

One letter of representation received from **260 Queens Promenade**

It is the main existing entrance to which I have objections, most of my elevations to my rooms face onto the main existing entrance, which will be used as a main thoroughfare for staff/doctors/paramedics, visitors and sometimes undertakers to the home, as this would

be a 24/7 establishment. Moving the entrance would be more suitable. Realistically the entrance should be moved so it would be accessible from Arundel Avenue which would be more feasible as this would cause less disruption to myself and any visitors which I may have in the future.

Where the existing entrance is, because of the nature of how the properties are situated the slightest amount of noise is significantly echoed along the side of the buildings. I feel that if the existing entrance stayed where it was that guests and visitors would be subjected to the 24/7 disruptions.

This is my only objection to the application and remembering that my hotel is still classed as being in the holiday catchment area. For your records my neighbour at the Queens Plaza Hotel, 256-258 Queens Promenade is away on vacation so I do not know what his concerns are with the above application. He may not even know that an application has gone in (*In response a site notice was posted on 23 November 2016*)

### **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

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY 2012-2027**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are -

- CS1 Strategic Location of Development
- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education
- CS23 Managing Bed Spaces

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

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                            |

## **HOLIDAY ACCOMMODATION SPD 2011**

### **ASSESSMENT**

#### **Loss of holiday accommodation**

The former hotel is located at the northern end of the Norbreck Castle and Bispham Holiday Accommodation Area where Queens Promenade meets Arundel Avenue. Policy CS23 of the Blackpool Local Plan Part 1 : Core Strategy relates to the Promenade and main holiday holiday accommodation areas and is designed to manage the number of holiday bedspaces over the plan period (2012-2027). The hotel has been on the market since 2008 and was sold in 2016. Since the new owner acquired the property in 2016, he has been attempting to lease it and there have been six viewings but no one has made an offer to lease the property and run it as a hotel. As the property is at the northern end of a block, is detached and is a corner property, its loss as holiday accommodation would not adversely affect the holiday character of this section of Queens Promenade. The lack of interest in running it as a hotel is a contributory factor to suggesting the change of use to a rest home is an appropriate use. Policy BH24 of the Blackpool Local Plan contains a number of criteria regarding the provision of new care homes and suitability of the premises and location is one. Large detached former hotels on Queens Promenade are likely to be suitable premises because of their size and location, subject to the other criteria being met.

#### **Need for additional care beds/suitability of the premises**

As mentioned above, Policy BH24 of the Blackpool Local Plan contains a number of criteria to assess whether a property is suitable for conversion to a care home.

The first is type of use - this would be a 21 bed home for elderly people; the second is a demonstration of local need - in this case the submitted information indicates that there has been some closure of homes over the last few years resulting in most remaining homes having high levels of occupancy and hence the need for additional capacity in the future, particularly in the area of respite care - it is considered that there is a need for the home; the third is the intensity of the use and its impact on the occupiers of adjacent properties - being a corner property with a care home on the opposite corner of Arundel Avenue the principle impact would be on the holiday premises to the south and the properties to the rear in Arundel Avenue.

At 21 beds the home would be of a medium size. It is not envisaged that at this scale it would have an adverse effect on the amenities of the occupiers of adjacent properties; the fourth is the suitability of the premises and the location - the property is detached with

areas of car parking and views over the Irish Sea. It is close to the Bispham District Centre and opposite tram services running to Blackpool to the south and Cleveleys/Fleetwood to the north; the last is a management plan in place - this is contained in the Business Plan. The parking standards would require one space for every five residents which would equate to five spaces in this case. The submitted plan shows the potential for seven off- street car parking spaces to be provided within the site including one mobility space and an ambulance drop off point. In addition, the premises has the advantage of having bus and tram services close by.

### **Impact on residential amenity**

The concerns of the neighbour to the south have been raised with the agent but it is not feasible to move the main entrance to the home. An ambulance drop off point has been shown on the plan with access off Arundel Avenue. Given the size of the home and the vehicular accesses being off Arundel Avenue it is not considered that the application would have a significant effect on the amenity of neighbouring occupiers.

### **Impact on highway safety**

The provision of off-street parking spaces in this area would be beneficial especially in terms of the period when the illuminations take place.

### **CONCLUSION**

Whilst the proposal would involve the loss of holiday bed spaces given the location of the hotel, the character of the area and the evidence regarding marketing it is not felt that the proposal would be contrary to Policy CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. In terms of Policy BH24 of the Blackpool Local Plan 2001-2016 it is considered that the use of this property as a care home would fulfil the requirements of the policy and that because of its scale it would not be contrary to Policy BH3 of the Blackpool Local Plan 2001-2016. As the site would accommodate off-street car parking and is conveniently located for bus and tram services the proposal would be consistent with Policy AS1 of the Blackpool Local Plan 2001-2016.

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

None relevant.

### **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) 16/0686 which can be accessed via the link below:

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

**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 including the following plans:

Location Plan stamped as received by the Council on 14 November 2016  
Drawing numbered B/16/88/02 Rev A

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

3. Prior to the 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. 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 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The premises shall be used as a care home for the elderly/dementia care and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended)

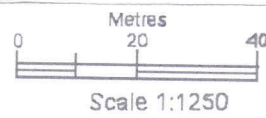
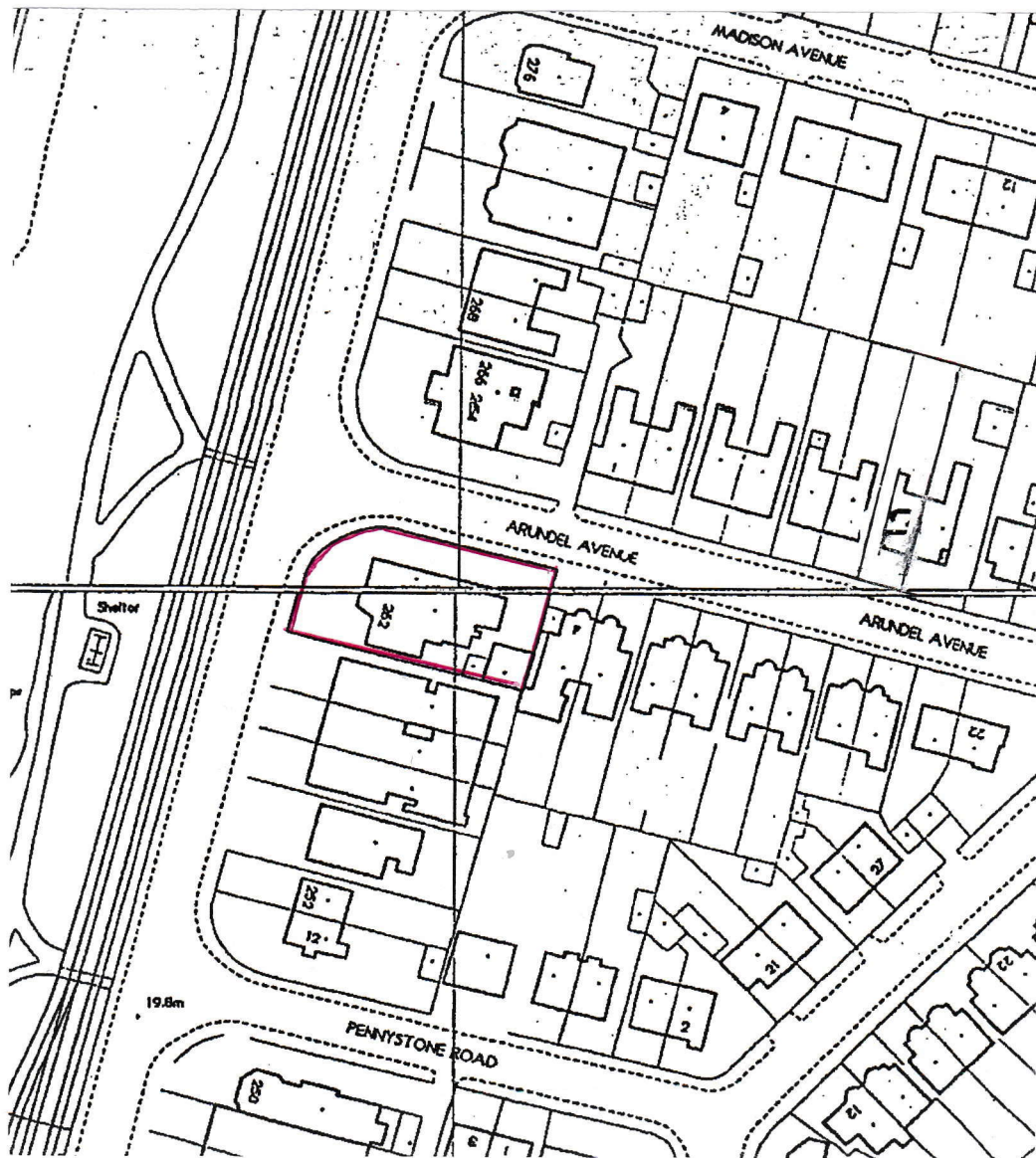
Reason: To enable the Local Planning Authority to have control over the use of the premises in accordance with Policy BH24 of the Blackpool Local Plan 2001-2016.



### **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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**COMMITTEE DATE:** [14/03/2017](#)

**Application Reference:** 16/0810

**WARD:** Talbot  
**DATE REGISTERED:** 16/01/17  
**LOCAL PLAN ALLOCATION:** Neighbourhood action plans  
Defined Inner Area

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** Go Developments Ltd

**PROPOSAL:** Use of premises as a non-residential drug and alcohol advice and support centre within Use Class D1.

**LOCATION:** 256-258 CHURCH STREET, BLACKPOOL, FY1 3PX

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr M Shaw

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

This application accords with Priority two of the Plan - Communities: Creating stronger communities and increasing resilience.

## **INTRODUCTION**

Refurbishment works have been on-going at the premises for several weeks which the architect has been informed by both planning and enforcement officers is entirely at their own risk and will itself be subject to planning permission. A recent planning application reference: 16/0470 involving external alterations including timber cladding, formation of glazed seating area to Church Street elevation and alterations to glazing on Buchanan Street elevation, parking on Buchanan Street forecourt and use of premises as altered as a restaurant/cafe within Use Class A3 was withdrawn on 9 January 2017 prior to the submission of this application on 17 January 2017. The long established use of the ground floor of the application property was as a car showroom (the former Belle Vue Garage) with residential accommodation to the rear above the showroom.

## **SITE DESCRIPTION**

The double fronted, three storey application premises occupy a prominent corner position at the junction of Church Street and Buchanan Street close to the town centre and adjacent one of the main routes into the town centre. Church Street has a primarily commercial

character within the vicinity of the application site although Buchanan Street and other adjacent side roads are primarily residential. The Raikes Hall Conservation Area is located across Church Street and includes the Grade II Listed former Blackpool Grammar School now partly occupied by the Salvation Army.

### **DETAILS OF PROPOSAL**

The proposal involves the conversion and use of the vacant ground floor to a non-residential drug and alcohol advice and support centre employing five people. There is private forecourt onto Buchanan Street at the side of the premises which has previously been used for car parking/display of vehicles. The proposed hours of opening are given as Mondays to Fridays 9am to 5pm with occasional weekend and evening opening for meetings. The proposed occupants of the premises are Delphi Medical Consultants who are currently registered within offices at Blackpool Football Club, Bloomfield Road. The proposal will provide a health and wellbeing centre for individuals who have completed their treatment journey and will be abstinent from substances. It will provide an environment to keep individuals motivated to remain abstinent and will also deliver health promotion, delivery of stop smoking clinics, offering vaccination and screening to people who are in recovery. The premises will also be used as an office base for health professionals working in the local community.

The application is accompanied by a planning statement.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of the Proposed Use
- Health and Community Benefits
- Impact on Residential Amenity and Character of the Area
- Highway Safety, Parking and Servicing Arrangements

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Service Manager Public Protection:** No objections

**Police Architectural Liaison Officer-** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Waste Services Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

## **PUBLICITY AND REPRESENTATIONS**

2 site notices displayed: 19 January 2017

33 neighbours notified: 17 January 2017

## **NATIONAL PLANNING POLICY FRAMEWORK**

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions

Paragraph 12 states that the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise.

Paragraph 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include promoting healthy communities.

Paragraph 32 states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Paragraph 69 states the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY 2012-2027**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are -

CS7 Design and Amenity

CS12 Sustainable Neighbourhoods

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- LQ1 – Lifting the Quality of Design
- LQ10- Conservation Areas
- BH2- Talbot & Brunswick Priority Neighbourhood
- BH3 - Residential and Visitor Amenity
- AS1 - General Principles (Access and Parking)

**ASSESSMENT**

**Principle of the Proposed Use-** the application premises have a long established business use as a car showroom adjacent a busy junction on the edge of the town centre within an area which has a strongly commercial character on Church Street, although the surrounding side streets are primarily residential. The area is shown as unallocated land within the adopted Blackpool Local Plan, that is, the area has no specific land use designation. In terms of assessing the land use merits of the application there are no objections in principle to the location of a community health use in this location, subject to the details being considered acceptable and the application will be assessed against the issues discussed below.

**Health and Community Benefits-** the proposal involves the relocation of a health business and service which is already located and working in Blackpool in conjunction with, and on behalf of, the Council. The service assists individuals who are abstinent and recovering from substance abuse but also provides wider benefits helping people stop smoking, providing vaccinations and screening for people in recovery, and will also be a base from which health professionals can serve the local community. The premises will have accommodation for one to one meetings and group sessions providing professional help and motivation in order for the service users to remain abstinent. It is considered therefore that the proposal will provide a valuable health and community service by professionals working on behalf of and in conjunction with the Council and therefore should be supported. Both local and national planning policy namely the Core Strategy and the National Planning Policy Framework encourage healthy and active lifestyles, healthy and inclusive communities and accessible healthcare. The proposal is therefore considered to be in accordance with these relevant policies.

**Impact on Residential Amenity and Character of the Area-** the application has long established business premises within a commercial area on the edge of the town centre. The proposed use will operate on behalf of the Blackpool community providing professional



and specialised health services. There is nothing to suggest that the use, or its users, who will be abstinent and in recovery, will cause any problems for nearby residents given that the premises will be adequately and professionally managed. It is also intended that an hours of use condition and a condition restricting the use to that applied for will be imposed to control other potential future Class D1 uses which may have amenity implications.

Three objections have been received to the application, two from nearby residents and one from a local business objecting to the proposed use, its intended clientele, impact and the existing location of nearby facilities including services provided by the Salvation Army which is located some 70 metres away providing food and shelter for rough sleepers and the cumulative impact these may have on the area within a fairly small area. Whilst residents and business concerns and fears are understood, the proposal is a professional service working with the Council providing a wide range of health and community services. It has been confirmed that no drugs or medications will be kept on site and the users of the premises will be abstinent and in recovery. For the above reasons there is nothing to suggest that the addition of this facility will add to, or create, amenity or anti-social behaviour issues for nearby residents. This is a busy edge of town centre location where comings and goings during the course of the day should be relatively unnoticeable. The proposal is therefore considered acceptable on this issue.

**Highway Safety, Parking and Servicing Arrangements-** the premises are well located on a main route into the town centre in a busy commercial area on the edge of the town centre. Off street parking is available for approximately seven vehicles on the private forecourt at the side of the premises and accessed from Buchanan Street. Given the edge of town centre location of the premises, public transport is also readily accessible to and from the site for staff and users of the services provided. Servicing requirements and traffic movements in and around the premises for the proposed use would be expected to be favourable compared to the previous car sales showroom which would have included manoeuvring cars in and out of the showroom on a daily basis onto the forecourt during business hours. Therefore in terms of highway safety, parking and servicing of the building, the proposal should be an improvement on the previous situation. Any comments from the Head of Highways and Traffic Management will be reported via the update note.

## **CONCLUSION**

It is understandable that health, welfare and support facilities for vulnerable members of society can often cause concerns, particularly where located relatively close to residential properties. However, this is an established local professional facility which is endorsed and supported by health colleagues within the Council. The premises will provide a well-managed base for health professionals working in the community and will assist people who are recovery and in need of support. There will be no drugs or medications kept at the premises. On the basis of the information presented in this report it is considered that a recommendation for approval of the planning application is appropriate.

## **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) 16/0810 which can be accessed via the link below:

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

**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 including the following plans:

Location Plan stamped as received by the Council on 9th January 2017  
Drawings showing floor layouts stamped as received by the Council on 9 January 2017.

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

3. The use of the premises shall not operate outside the hours of 09-00 to 17-00 Mondays to Saturdays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The premises shall be used as a non-residential drug and alcohol advice and support centre as set out in the application submission and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended.

Reason: In order for the Council to retain long-term control over the use of the building in order to ensure that its use meets identified local needs as appropriate and in the interests of the character and function of the area and the residential amenities of nearby neighbours in accordance with Policies BH2, BH3 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Prior to the development hereby approved being first brought into use off-street car parking provision shall be provided in accordance with details to be submitted and agreed in writing with the Local Planning Authority 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

### **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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site plan



location plan

Drawing Title  
Existing site & location plan

Project  
Change of use from Car Sales to D1  
258 Church St, Blackpool

Client  
Mr G O'Mahoney

Status  
Planning Submission

|                       |          |         |
|-----------------------|----------|---------|
| Scale                 | Drawn by | Date    |
| 1:200, 1:1250<br>@ A1 | bmj      | Nov '16 |

|            |                |          |
|------------|----------------|----------|
| Job number | Drawing number | Revision |
| 201605     | COU            | -        |

All dimensions are in millimetres. Do not scale from this drawing. This drawing is to be read in conjunction with all other related drawings and documents such as the relevant specification, Structural Engineers' and Services Engineers' drawings. The user should consult the drawing issue register for details. The contractor is to check and verify all dimensions on site prior to commencement of construction works. The designer should be contacted immediately if the assumptions used in the design and drawing preparation differ to that found on site. Planning & building regulations advice drawings. This drawing is issued for local authority submission purposes only and is not intended as a working drawing. As such, the designer will not consider any claims arising from this drawing, whether directly or indirectly. All work must be to the highest standard, comply to the documents of the Town & Country Planning Act 1990, Building Regulations, relevant British Approved standards in particular BS 8000. The Practitioner must be to the satisfaction of the designer and local authority. All finishes and decorations are to be specified / confirmed by the client.



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COMMITTEE DATE: 14/03/2017

**Application Reference:** 16/0845

WARD: Bloomfield  
DATE REGISTERED: 21/12/16  
LOCAL PLAN ALLOCATION: Resort Core  
Central Promenade and Seafront  
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: DY Property Services

**PROPOSAL:** Erection of five-storey building comprising two no. bar/restaurants at ground floor level (Class A3 and A4 uses) and 15 no. self-contained flats on the upper floors, with associated vehicular accesses from Bolton Street to car parking facilities for 16 vehicles, with refuse storage and cycle parking to the rear.

**LOCATION:** 429-437 PROMENADE, BLACKPOOL, FY1 6BQ

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**Summary of Recommendation:** Grant Permission

## CASE OFFICER

Ms P Greenway

## BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

## SUMMARY OF RECOMMENDATION

The proposal seeks planning permission to erect a five storey building comprising two restaurant units at ground floor level and 15 self-contained flats intended for permanent occupation above. Whilst this is, on the face of it, contrary to paragraph 4.7 of the Holiday Accommodation Supplementary Planning Document (SPD) and part b (i) and (ii) of Policy CS23, the applicant has indicated that whilst it is financially viable to include residential flats into the development, he has indicated that provision can be made for serviced apartments if this is the more viable option when the scheme commences. Previously he has demonstrated that it would not be financially viable to incorporate holiday accommodation into the development.

The site currently has a derelict, overgrown appearance which is detrimental to the quality of the streetscene. The permanent residential accommodation proposed would be of a good

standard and would contribute towards meeting Blackpool's housing requirements. The commercial units at ground floor level are considered to be acceptable and the provision of landscaping and a boundary wall at the front of the site would further improve its appearance within the streetscene. The improvement of the site would support the on-going environmental improvements on the Promenade and may encourage further investment in the area. As such, on balance and in this instance, the proposal is considered to be acceptable and, the Committee is recommended to approve the application.

## **INTRODUCTION**

The Committee will be aware that outline planning permission was granted in 2013 (13/0497 refers) for the demolition of the existing premises and the erection of a five-storey building comprising two no. bar/restaurants at ground floor level (Class A3 and A4 uses) and 15 no. self-contained permanent flats on the upper floors, with associated vehicular accesses from Promenade and Bolton Street to car parking facilities, with refuse storage and cycle parking to the rear.

Other schemes have either been granted planning permission, or approved in principle, which include the provision of residential accommodation on the Promenade. Of particular note are the developments proposed at 273-275 Promenade and 397-399 Promenade. The planning permission granted at 273-275 Promenade was for the erection of a six storey building with retail units at ground/first floor with fourteen self-contained permanent flats over and parking at basement level. The outline proposals at 397-399 Promenade were for the erection of five-storey building comprising a restaurant (Use class A3) at ground floor and seven self-contained, permanent flats on the upper floors, with associated car parking, bin and cycle stores. The scheme at 397-399 Promenade is a closer comparison to this proposal and is extant.

## **SITE DESCRIPTION**

The application site is a 0.13 hectare plot on the Promenade approximately 70m to the north of its junction with Waterloo Road and between Britannia Place to the north and Commercial Street to the south. The buildings on the site have been demolished and the site cleared. Previously the site was occupied by a mix of hot-food take-away and restaurant on the ground floor, with the upper floors consisting of a mixture of twelve self-contained and non-self-contained flats and a 50 bedroom hotel. The existing forecourts were open-plan with some signage and outdoor seating.

Overall the site is considered to be detrimental to the quality of the streetscene in its current state. The remaining properties in the block comprise the Texas Steak House with Windmill Hotel above to the south, and a fish and chip hot food take-away to the north with the Santa Rose and Golden Sands holiday flats (which can be used as either holiday flats or permanent flats), Inglewood Hotel and Rock City superstore beyond.



## **DETAILS OF PROPOSAL**

The application seeks outline planning permission for the erection of a five storey building with two bar/restaurant units at ground floor level and fifteen self-contained flats intended for permanent or serviced holiday occupation above. The application seeks to agree the matters of access, layout, scale and landscaping, with the details of appearance reserved for later consideration.

As proposed, the building would have a central front access to an office/reception for the upper floor flats. It is anticipated that the reception would be manned 24 hours a day as required in order to receive/check out guests staying at the apartments and to act as concierge. The applicant intends that market forces at the time of commencement of the work will determine the type of accommodation (ie. residential apartments/serviced apartments). There would be two restaurants at ground floor level (one either side of the central access) each with its own independent access. The open forecourt would be reconfigured and used for restaurant outdoor seating. There would be no parking at the front, 16 car parking spaces, a cycle store and refuse store would be provided to the rear. Access to this parking area would be via the existing rear alleyway off Bolton Street. No soft landscaping is indicated.

The 15 flats at upper floor level would each offer two bedrooms (one en-suite) and combined lounge-kitchen rooms. It is suggested that each flat would have a balcony looking west across the sea. The building proposed would not exceed 17.3 m in height (the 2013 scheme was a maximum of 14.7m in height). The ground and first floors would align with the front elevation of Nos. 421-423 which is considered to be the original building line of the block. The second and third floors would be staggered back from this and the top floor recessed further back. The rear would comprise a four storey rear wall, with a fifth storey set slightly in from that.

The application is accompanied by:

- a site layout plan
- a basic streetscene plan to show the scale of the building
- a cross section through the building
- proposed floor layouts
- an external landscaping plan and bin/cycle storage details
- a viability assessment

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- The principle of the loss of holiday accommodation and the provision of residential accommodation in this location;
- The extent to which the scheme would contribute towards wider regeneration;
- The acceptability of restaurant uses in this location;
- The effect of the building on the quality of the streetscene;

- The acceptability of the proposed site layout; and
- The adequacy of the proposed access and parking arrangements and the potential impact on highway safety.

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

## **CONSULTATIONS**

**Head of Highways and Traffic Management:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Comments on planning application 13/0497: No objection, however the front forecourt should be kept open as existing without a boundary wall and dedicated in and out points. This would reduce the number of spaces that could be provided from 11 to 10 but this would be considered acceptable. Access to the rear car park is via a narrow, unadopted road. This should not cause a problem for residential traffic but would be inaccessible for a refuse wagon. The bin drag distance must be less than 25m. Parked vehicles in spaces 3, 4, 9 and 10 may hinder access to the bin stores. The parking spaces to the rear of the site should be reserved for staff and resident use only. The applicant should consider re-surfacing the access and rear parking area although this may require the agreement of local neighbours. The area to the rear of Nos. 59-61 Bolton Street should be hatched to create a turning area. To promote sustainable travel, the two nearest bus stops on the Promenade should be upgraded to Blackpool Council specification including the provision of shelters. Information is required on how the site would be serviced. The scheme would require a formal postal address. Demolition and construction management plans should be conditioned.

**Service Manager Public Protection:** The site does not have a historical industrial use and therefore no further information is requested regarding contaminated land. A construction management plan will be required for the construction phase. With regard to environmental noise that may affect the residential development, a scheme of noise insulation between the commercial and residential premises shall be agreed and implemented prior to occupation. Demonstration of compliance with this condition shall be via a noise assessment. This assessment shall demonstrate that the following standards are met at and within the proposed development.

LAeq 50-55 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

LAeq 30 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB( 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)\*

Please note that any assessment shall be carried out for the most sensitive hours.

\* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour. With regard to industrial type noise issues associated with the proposal, such as air extraction and cooling equipment, a noise impact assessment

shall be carried out to assess the impact of the proposed noise sources on nearby noise sensitive premises. The noise impact assessment shall be carried out in accordance with the main procedural requirements of British Standard 4142: 2014 Rating Industrial Noise Affecting Mixed Residential and Industrial Area. An assessment of the background (LA90,T) and residual (LAeq,T) noise shall be required to quantify the nature and levels of background noise at the nearest noise sensitive premises. In addition to the above, the assessment shall include the highest evening and night-time L<sub>Amax</sub> of the proposed noise sources at the nearest noise-sensitive premises. Please note that any assessment shall be carried out for the most sensitive hours within the time period applied for.

In terms of odour, I am unable to assess the suitability of this development without further information to clarify the potential for odour nuisance that may arise. To this end, details of kitchen extraction system and an odour assessment are required. Further information is available in Government publication - 'Guidance from the Department for Environment, Food and Rural Affairs (Defra) on the control of odour and noise from commercial kitchen exhaust systems, February 2005(available online). Annex B gives details of the usual information that is required. Annex C gives information about odour assessments.

It is suggested that servicing and delivery times be set between the hours of 7.30am – 7.00pm, Monday – Friday and 9.00am -7.00pm on Saturdays.

Prior to the installation of any external flood lighting, a scheme detailing the location and specification of any luminaires shall be submitted. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication “Guidance Notes for the Reduction of Obtrusive Light”.

Noise from outdoor smoking shelters is a common cause of complaints to this department. The location of any smoking shelters therefore must be carefully considered and positioned where they cause the least disturbance to nearby residents.

**United Utilities (Water):** No objection subject to the following conditions:

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

2. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of

policies within the National Planning Policy Framework and National Planning Practice Guidance.

**Blackpool International Airport:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**NATS:** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

**Waste Services Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Police (Secured by Design):** The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

There have been 264 reported assaults, 31 incidents of public disorder, 63 burglaries and 138 criminal damage offences in the area around this site. Alcohol has been a factor in a significant number of these crimes. Due to crime figures reported in the area around this site it is advised that the development is built to the principles of Secured by Design in order to reduce crime and anti-social behaviour risks in and around the proposed development.

I can confirm that Lancashire Constabulary do not object to the planning application, although there are some considerations which must be addressed with regard to reducing crime risks. Should Blackpool Council decide to grant planning permission for this application, I ask that the following conditions are attached to the decision:

1. The site must be secured throughout the construction phase as part of the construction management plan. There have been a large number of reported thefts and burglaries at construction sites across Lancashire targeting high value plant and machinery and white goods and boilers as the dwellings are nearing completion. This is placing additional demand on local policing resources. Construction sites are easy targets for opportunist thieves when there is no security present. The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored CCTV accredited with either National Security inspectorate (NSI) or Security Systems and Alarm inspection Board (SSAIB).

Reason: In the interests of Crime Prevention and Community Safety in accordance with Policy CS7 of the Blackpool Local Plan 2012-2027.

2. The commercial units at ground floor level premises shall be used either as a cafe or restaurant or as a mixed restaurant/bar use (within Classes A3 and A3/A4) and for no other purpose (including any other purpose within Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)). For the avoidance of doubt, neither unit shall be used solely as a bar or other drinking establishment within Class A4 of the above Order.

Reason: In the interests of safeguarding the character and function of this section of the Promenade and to safeguard the residential amenities of future occupants of the site and nearby neighbours due to concerns over alcohol related crime in accordance with Policy CS7 of the Blackpool Local Plan 2012-2027.

Section 17 Crime and Disorder Act 1998 (1) without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Further crime reduction and community safety measures will be requested at reserved matters should this application progress.

#### **PUBLICITY AND REPRESENTATIONS**

Press notice published: 05 January 2017  
Site notice displayed: 04 January 2017  
Neighbours notified: 23 December 2016

Objection received from flat 4, 55-59 Bolton Street:

The Tudor Rose Hotel was often a bone of contention in terms of food waste and noise though the demolition of the building was noisy, dusty, dirty, prolonged and during season. The car park idea was fairly reasonable though disturbing; the fairground was understandable but an abomination. As a local resident living behind it, the lights and noise prevented normal life including sleep. Currently it is waste ground with some trash, no doubt carried by the wind, affording a sea view. A park would be a better idea. There are thousands of disused buildings in Blackpool. There is no need for more hotels, flats or restaurants as the resort is full of them. What I would like to see is more investment in our own building which is in a poor state (damp, cold and broken). Saying that, without the protection of a building at the front, our three storey residence is being battered by the bad weather. Would not a five storey building add to our electric bills due to constant shadow?! Please do not let this application go ahead.

An objection has also been received from solicitors acting for the Dutton Arms and Yates Pubs, which are approximately 30 metres and 40 metres distant from the site. Their letter is appended to the report, however in summary their objections relate to:

- future occupiers of the flats could complain about noise generated from the existing, long standing, authorised late night pub uses and lead to possible restrictions on their opening hours. This in turn would reduce the profitability and viability of the public houses. This could result if ineffective or insufficient noise insulation measures are employed within any new development, which would otherwise shield the new residents from existing late night noise sources.
- The proposed development would introduce a tall, five storey structure due west of residential dwellings on Bolton Street, consequently resulting in a significant reduction of their afternoon/evening sunlight when compared to the previous three storey structure that existed prior to demolition.
- This site is not located within an existing shopping frontage and falls outside of any defined District or Local Centre. Therefore, it is considered that the inclusion of two proposed ground floor restaurant/A4 units cause this development to fail the requirements of Policy BH17.
- The creation of two A3/A4 units with large external seating areas will be a source of considerable noise and generate daily deliveries of fresh food and drink to each operator. Access from the rear is via a single width road, which is unsuitable for trucks and would therefore necessitate delivery trucks to park on the western highway, obstructing motorists and pedestrian users alike.
- In light of there being existing vacant units located within the nearest Local Centre running along Waterloo Road, it is considered that there can be no justification for the inclusion of two A3/A4 units within this development which is considered an 'out of centre' development which is contrary to Policy CS4.
- Policy CS17 relates solely to Blackpool Town Centre however, it encourages the introduction of quality cafes and restaurants within this area. This 'centre' first approach is supported by the sequential requirements of Policy CS4 which requests that out of centre development be judged upon whether there are more suitable and desirable locations such as the Town Centre.
- The indicative plans do not reveal any areas for the provision of green infrastructure, contrary to Policy CS6 which requires all new development to incorporate new or enhance existing green infrastructure of an appropriate size, type and standard.
- The parking provision is inadequate for 15 flats and two restaurants.

### **NATIONAL PLANNING POLICY FRAMEWORK**

Paragraph 10 of the National Planning Policy Framework (NPPF) requires that plans and decisions need to take local circumstances into account.

Paragraph 17 states that one of the core planning principles that should underpin both plan making and decision making is that a good standard of amenity for all existing and future occupants of land and buildings should be secured.

Paragraph 58 aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 123 of the Framework requires planning decisions to recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

CS4: Retail and other Town Centre Uses  
CS6: Green Infrastructure  
CS7: Quality of Design  
CS13: Housing Mix, Density and Standards  
CS14: Affordable Housing  
CS17: Blackpool Town Centre  
CS21: Leisure and Business Tourism  
CS23: Managing Holiday Bed Spaces

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

LQ1 - Lifting the Quality of Design  
LQ2 - Site Context  
LQ4 - Building Design  
HN4 - Windfall Sites (housing development)  
BH3 - Residential Amenity  
BH16 - Shopping Development Outside Existing Frontages  
BH17 - Restaurants, Cafes, Public Houses and Hot-Food Take-Aways  
AS1 - General Development Requirements (Access and Parking)

### **Supplementary Planning Documents (SPDs)**

#### **Holiday Accommodation**

This document was adopted in March 2011 and sets out the Council's approach to dealing with change of use proposals as they relate to holiday accommodation premises. Within the Main Holiday Accommodation Promenade Frontages, the aim is to promote and support a new or improved holiday accommodation offer that contributes to resort regeneration elsewhere along the main frontages. This approach seeks to retain the existing quantum of accommodation but is permissive of mixed use redevelopment proposals that would provide a new seafront holiday and residential offer.

### SPG11 Open Space

This document was adopted in October 1999 and sets out the Council's requirements in terms of public open space provision as part of new residential development schemes. It identifies the level of open space that must be provided within new developments based on the sizes of the homes proposed, and the financial contribution that would be required in lieu of such provision towards the creation or improvement of public open space off site.

### **ASSESSMENT**

A previous permission for a similar scheme exists under reference 13/0497 which has now expired. While it is considered that previous permissions provide a starting point for an application, it by no means implies that another permission will automatically follow. Each application must be determined on its own merits and consideration must be given to the fact that a new Core Strategy 2012-2027 was adopted in January 2016.

#### **Principle**

The application site falls within a Main Holiday Accommodation Promenade Frontage in terms of Policy CS23. Within the Main Holiday Accommodation Promenade Frontages the focus is to support new or refurbished holiday accommodation. The Policy also allows appropriate mixed use developments providing high quality holiday accommodation/residential uses which deliver clear regeneration benefits. It presents an opportunity for high quality residential accommodation on the seafront, which will help to support/complement investment in quality holiday accommodation, enhance the appearance of the Promenade and improve Blackpool's housing offer. The applicant has indicated that the flats would either be for permanent residential use, or serviced holiday apartments.

The Holiday Accommodation SPD expresses an intention to retain the existing quantum of holiday floorspace, but at the same time permit redevelopment and improvement proposals which provide a new high quality mixed use seafront holiday accommodation and residential offer.

The National Planning Policy Framework places a heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth. There is a presumption in favour of development where there are no over-riding material considerations. Developments must be of high quality design and offer a good standard of amenity. The National Planning Policy Framework states that planning should be genuinely plan-led to reflect local need and circumstance. The National Planning Policy Framework makes it clear that Local Planning Authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. The protection and enhancement of Blackpool's main holiday areas is central to the Council's vision for regenerating the resort, driving economic growth and ultimately creating more balanced and healthy, sustainable communities.



#### Retention of a holiday accommodation use on the site

This is academic as the properties have already been demolished. However, the property immediately to the south of the site is in use as a restaurant with hotel accommodation at upper floor level. The property immediately to the north is in use as a hot-food take-away. There is a potential for 421-423 and 425 Promenade to the north to be used as permanent flats as there is no control over the holiday flats and there were permanent flats within the application site, prior to demolition. The block between Commercial Street and Britannia Place was not predominantly holiday accommodation and had a mixed character. The key considerations are therefore whether the quantum of holiday accommodation can be retained, the financial viability of any redevelopment scheme and the extent to which it would contribute towards wider regeneration.

A viability study was carried out on the 2013 proposal and it was accepted in this case that the hotel on site could not viably be brought back into use and hence that the quantum of holiday accommodation could not be retained. In addition, the viability of a mixed use scheme was considered and it concluded that the provision of any holiday accommodation on the site did not appear to be financially viable. A more recent viability study submitted with the current application shows that a mixture of commercial units and permanent flats would be viable, giving the developer a healthy return. The applicant would not be adverse to serviced apartments if the market was right when development commenced.

#### Contribution to wider regeneration

The site is in a prime position on the Promenade within the Resort Core and a Main Holiday Accommodation Frontage (albeit that this frontage only contains two trading hotels). The wider Promenade area has been significantly regenerated in recent years through the sea wall upgrade works and the environmental improvements to the public realm. The redevelopment of the application site would see the construction of a single new building, rather than the unattractive mix that was there previously. Although design is not a matter for consideration at this stage, the applicant is aware that the Council would expect a high quality design solution. The accommodation proposed would be of a good standard. Consequently, the redevelopment proposed would complement the wider regeneration achieved to date and may stimulate further investment in the area.

#### Loss of poor quality accommodation

A consideration is that part of the site had lawfully been used for permanent accommodation (a mixture of twelve self-contained and non-self-contained flats). The units were significantly substandard and contributed to the existing over-supply of small and poor quality permanent residential accommodation in the area. As such, the replacement of this accommodation by larger, good quality flats would contribute towards on-going efforts to re-balance the housing stock in the area and create more balanced and healthy communities.

#### Restaurant development

Policies BH16-BH17 of the Local Plan seek to direct restaurant uses to the defined Town Centre and to the District and Local Centres as appropriate to their scale and catchment. Ordinarily such uses are resisted on the Promenade in line with these policies and to ensure that appropriate holiday accommodation character is maintained at ground floor level.

Under the current proposal the ground floor would be used almost entirely for restaurant/bar uses with only a small area giving access to the upper floors. The individual unit would not be large and would contribute to the viability of the scheme. The units would be within a new building, would have to be of a high standard of design, and any signage and illumination would be carefully considered to ensure that the appearance of the site as a whole was coherent and of high quality. On this basis, the provision of two new units for use as restaurants is considered to be acceptable.

The Police Architectural Liaison Officer has requested that the units be conditioned such that they cannot be used solely as drinking establishments. This is to try and reduce any incidences of anti-social behaviour and protect the residential amenities of nearby neighbours. The applicant has agreed to this request and an appropriate condition has been recommended for attachment to any permission granted.

### **Scale**

The proposed 17.2 m high building would replace the recently demolished 8.3 m to 12.2 m high buildings which were previously on site. The remaining properties on the block vary from 7.2 m to 11 m in height. Although this would be significantly higher than those surrounding, the site is positioned towards the centre of the block and the development proposed would be a single building much wider than any of the individual existing buildings. Because of this greater width, the increased height would look appropriate and well proportioned. Policy LQ4 of the Local Plan requires all new buildings on the Promenade to be at least four storeys in height to reflect the prominence of their position. On the understanding that the building would be of high-quality design that would attract attention and have a positive impact on the streetscene, the increased height is considered to be acceptable and consistent with Policy LQ4.

Whilst the height of the buildings on site would increase, the built footprint would decrease substantially with the new building sitting further away from the properties at the rear fronting Bolton Street. The separation distance varies between 21 m and 24 m between the rear elevation of the new building and the properties on Bolton Street. On this basis, and given the current density of development on the site and in the immediate vicinity, it is not considered that the building proposed would lead to a significant increase in over-looking or over-shadowing sufficient to warrant refusal.

### **Layout**

The layout plan submitted shows the building proposed as having a significantly reduced footprint from what was originally on site. The ground and first floors would align with the front elevation of Nos. 421-423 which is considered to be the original building line of the block. The second and third floors would be staggered back from this and the top penthouse floor recessed further back. The existing properties on either side of the site both have non-original front extensions. The layout of the forecourt would provide seating accommodation for the restaurants and areas of soft landscaping are proposed, to comply with Policy CS6.

At the back of the site, 16 parking spaces would be provided along with refuse and bicycle stores. The refuse store proposed would comply with maximum drag distance standards. Pockets of soft landscaping would be provided to soften the appearance of what would

otherwise be a fairly functional area. The provision of this parking would improve outlook and levels of daylight and privacy for nearby neighbours compared to the situation prior to demolition.

The flats proposed at upper floor level would all comply with the minimum space standards set out in the Council's New Homes from Old Places Supplementary Planning Document. Although this document is intended to guide conversion projects, it nevertheless is a useful guide in assessing the standard of new build schemes. The flats would be accessed from a central lobby at the front of the site and would have direct access to the rear parking area where the cycle and refuse stores would be located. Each flat would be served by a balcony of between 6.75 and 24sq m. These would be the only areas of outdoor amenity space to serve the flats and would not be private. However, there would be no opportunity to create private outdoor amenity space at the rear of the site and, given the exposed position of the site, a communal roof garden would be unlikely to be well used for much of the year. Notwithstanding the limited outdoor space that would be available, given the constraints of the site and the benefits the scheme would otherwise deliver, the accommodation proposed is considered to be acceptable.

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

The Head of Highways and Traffic Management has not responded yet, however his comments on the previous scheme have been taken into account below.

As previously stated, at the rear of the site, 16 parking spaces would be marked out to provide a parking space for each flat (15 flats) and a covered, secure bicycle store would be provided with sufficient space for 16 cycles. Given the highly accessible location of the site in close proximity to the South Shore District Centre and public transport links, this level of provision is considered to be acceptable. It is anticipated that the two commercial units would be serviced from the Promenade with refuse collected from Bolton Street at the rear. The Head of Highways and Traffic Management indicated on the previous proposal that this arrangement would be acceptable. It is acknowledged that the access to the rear car parking area is narrow and that two cars would not be able to pass one another. However, given the physical constraints of the site, this situation is unavoidable. On the basis that the spaces at the rear are used by residents and staff only who would be familiar with the site, it is not considered that the narrow access would have a detrimental impact on highway safety.

Previously, the Head of Highways and Traffic Management has suggested that the two nearest bus stops on the Promenade be upgraded as part of the redevelopment. However, the scheme includes adequate car parking provision and the site is in a highly accessible location. It is not considered that the provision of 15 flats and two restaurant uses would generate an increase in public transport use over and above the uses currently on site. On this basis, and given the viability assessment of the project provided by the applicant, it is not considered that the works to upgrade the bus stops are justified by the proposal.

#### **Other**

In terms of the impact of existing noise sources on occupants of the flats, this would not be an issue if these were holiday flats, let for a few weeks at a time. However, because the viability assessment is based on permanent apartments, the recommendations of the

Service Manager Public Protection should be included as conditions to protect future occupiers from the potential impact of late night noise over and above that experienced on the Promenade.

## **CONCLUSION**

The proposal seeks planning permission to erect a five storey building comprising two restaurant units at ground floor level and 15 self-contained flats intended for permanent occupation above. Whilst this is, on the face of it, contrary to paragraph 4.7 of the Holiday Accommodation SPD and part b (i) and (ii) of Policy CS23, the applicant has indicated that whilst it is financially viable to include residential flats into the development, he has indicated that provision can be made for serviced apartments if this is the more viable option when the scheme commences. Previously he has demonstrated that it would not be financially viable to incorporate holiday accommodation into the development.

The flats proposed would be of a high standard and would be served by outdoor space in the form of balconies. Refuse storage provision, covered secure cycle storage and car parking would be provided to the rear of the site. The commercial units at ground floor level would have no off-street parking for customers to the front, but parking requirements are a maximum rather than minimum for this type of use as opposed to residential use. Cycle and refuse storage would be to the rear. The quantum of restaurant floorspace on the site would be reduced by over a third compared to previously, and whilst this would not strictly accord with the Council's planning policies which seek to direct such uses to the existing centres of the established retail hierarchy, in this case the units are required to contribute to the overall viability of the scheme and would facilitate the redevelopment of the site.

The design of the building is not a matter for detailed consideration at this stage and it has been stressed to the applicant that any design solution must be of a high standard. The site currently has a derelict, overgrown appearance which is detrimental to the quality of the streetscene. The permanent residential accommodation proposed would be of a good standard and would contribute towards meeting Blackpool's housing requirements. The commercial units at ground floor level are considered to be acceptable and the provision of landscaping and a boundary wall at the front of the site would further improve its appearance within the streetscene. Whilst it is acknowledged that the loss of holiday accommodation would be contrary to policy, the applicant has demonstrated that the inclusion of holiday accommodation within the scheme would not be financially viable at this time, although it might be by the time building commences. Although the scheme cannot be considered to be part of a cohesive regeneration scheme, the improvement of the site would support the on-going environmental improvements on the Promenade and may encourage further investment in the area.

As such, on balance and in this instance, the proposal is considered to be acceptable. On this basis, the Committee is recommended to approve the application.

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

The provision of 15 flats as proposed is above the threshold for the provision of affordable housing as set out under Policy CS14 of the Core Strategy. However, the site is located within the Inner Area where no element of affordable housing provision is required as it would render the development unviable.

A condition is recommended to be attached to any permission granted to require the applicant to submit a scheme for the provision or improvement of off-site public open space sufficient to meet the needs of the development, under Policy BH10. The scheme currently includes 15 x 2 bedroom dwellings: £688 x 15 = **£10,320** total requirement.

## **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 Files 16/0845 and 13/0497 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

## **Conditions and Reasons**

1.
  - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
    - Appearance
  - 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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: Location Plan stamped as received by the Council on 15th December 2016.

Drawings numbered:

JBA195-PL-002 Rev C (Ground Floor Plan)

JBA195-PL-003 Rev C (Proposed Plans)

JBA195-PL-006 Rev B (Proposed Promenade and Rear Courtyard Elevations)

JBA195-PL-008 Rev C (Proposed External Landscaping Plan and Bin/Cycle Storage Detail)

JBA195-PL-009 Rev D (Proposed Streetside Elevation)

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

3. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off-site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

NOTE – The development is of a scale to warrant a contribution of **£10,320** towards the provision of, or improvement to, off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

4. Notwithstanding the information shown on the submitted plans, details of the refuse storage provision shall be submitted to the Local Planning Authority and agreed as part of any future reserved matters application. This agreed refuse storage shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained. No refuse shall be stored forward of the front building line of the building.

Reason: In the interests of the appearance of the locality and the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The cycle storage and bin storage shown on the approved plan shall then be provided before the development hereby approved is first brought into use 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. No works shall take place until a Construction Management and Site Waste Management Plan (including recycling) have been submitted to and approved in writing by the Local Planning Authority. The Plans shall include and specify the provision to be made for the following;
  - a joint dilapidation survey in relation to the adjoining highway
  - vehicle access to and from the site
  - dust mitigation measures as a result of the works
  - control of noise emanating from the sites as a result of the works
  - hours of construction work for the works
  - the locations of contractors' compounds, site buildings and other storage arrangements
  - provision for all site operatives, visitors and waste loading, off loading, transfer, 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 15 m for wheel washing facilities, and
  - the routing agreement of works traffic
  - The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored CCTV accredited with either National Security Inspectorate (NSI) or Security Systems and Alarm Inspection Board (SSAIB).

The works shall then proceed in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of Crime Prevention and Community Safety, the amenities of surrounding residents, to ensure there is no unacceptable risk of pollution to water resources or to human health, to safeguard the character and appearance of the area, to assist in securing safe waste minimisation, recycling and energy conservation and in the interests of highway safety in accordance with Policies CS7 and CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, AS1, BH3 and BH4 of the saved Blackpool Local Plan 2001-2016.

7. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plan 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. No flat shall be occupied until its internal layout 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 Guidance and to safeguard the living conditions of the occupiers of the flats, in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. A scheme of noise insulation between the commercial and residential premises shall be agreed and implemented prior to occupation. Demonstration of compliance with this condition shall be via a noise assessment. This assessment shall demonstrate that the following standards are met at and within the proposed development.

LAeq 50-55 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

LAeq 30 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB( 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)\*

Please note that any assessment shall be carried out for the most sensitive hours.

\* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour. With regard to industrial type noise issues associated with the proposal, such as air extraction and cooling equipment, a noise impact assessment shall be carried out to assess the impact of the proposed noise sources on nearby noise sensitive premises. The noise impact assessment shall be carried out in accordance with the main procedural requirements of British Standard 4142: 2014 Rating Industrial Noise Affecting Mixed Residential and Industrial Area. An assessment of the background (LA90,T) and residual (LAeq,T) noise shall be required to quantify the nature and levels of background noise at the nearest noise sensitive premises. In addition to the above, the assessment shall include the highest evening and night-time LAm<sub>ax</sub> of the proposed noise sources at the nearest noise-sensitive premises. Please note that any assessment shall be carried out for the most sensitive hours within the



time period applied for.

Reason: In the interests of the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of the proposed flats and nearby residential premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Servicing and delivery times for the restaurant units and any serviced apartments shall not operate outside the hours of 7.30am – 7.00pm, Mondays to Fridays and 9.00am – 7.00pm on Saturdays and not at all on Sundays.

Reason: To safeguard the living conditions of the occupants of the proposed flats and nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to and agreed in writing by the local planning authority and shall thereafter be implemented in accordance with the agreed details. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

Reason: In the interests of the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015(or any subsequent Order amending it) the commercial units at ground floor level of the premises shall be used as restaurants

with ancillary bars only (within Class A3) and for no other purpose, including any other purpose within Classes A1, A2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). For the avoidance of doubt, neither unit shall be used solely as a bar or other drinking establishment within Class A4 of the above Order.

Reason: In the interests of safeguarding the character and function of this section of the Promenade and to safeguard the residential amenities of future occupants of the site and nearby neighbours due to concerns over alcohol related crime in accordance with Policies BH3, BH11 and BH17 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan 2012-2027.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

## 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.
2. This permission does not grant consent for any external smoking shelters. Noise from outdoor smoking shelters is a common cause of complaints and the location of any smoking shelters therefore must be carefully considered and positioned where they cause the least disturbance to nearby residents.
3. At least 30 days before commencement of the development, the developer must contact the Safeguarding Team, Squires Gate Airport Operations Ltd, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472527) or by email to [safeguarding@blackpoolairport.com](mailto:safeguarding@blackpoolairport.com) if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. cranes, piling rigs). Notification of the equipment shall be made in writing and include:
  - its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
  - height above ordnance datum;
  - anticipated dates on site;
  - emergency contact numbers for the crane operator and site manager.

The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 'Cranes and Other Construction Issues'.

4. Policy BH10 of the Blackpool Local Plan states that new residential developments will need to provide sufficient open space to meet the needs of its residents in accordance with the Council's approved standards. The policy goes on to say that where it is not possible to provide the full requirement of public open space on site, developers may pay a commuted sum to cover the provision or improvement of public open space off site. Details of the Council's standards and calculated commuted sum rates are set out in Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development". In accordance with this document, and given that no public open space can be provided on site, the commuted sum required in respect of this development would be 15 x 2 bedroom dwellings: £688 x 15 = **£10,320** total requirement.

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Your ref: 16/0845  
Our ref: 38222  
DD: [REDACTED]  
E: [REDACTED]  
Date: 09/01/17

Development Control  
Blackpool Council  
Municipal Buildings  
Corporation Street  
Blackpool  
FY1 1NF

Dear Miss P Greenway

**Erection of five-storey building comprising 2 no. bar/restaurants at ground floor level (Class A3 & A4 uses) and 15 no. self-contained flats on the upper floors, with associated vehicular accesses from Bolton Street to car parking facilities for 16 vehicles, with refuse storage and cycle parking to the rear (Outline Application) at 429-437 Promenade, Blackpool, FY1 6BQ (Council ref: 16/0845).**

On behalf of our client, Stonegate Pub Company, who have two public houses in the vicinity. We are instructed to make representations against the above application for the reasons set out below.

## **1.0 The Dutton Arms**

1.1 The Dutton Arms at 441 South Promenade, Blackpool operates as a very successful, large capacity public house providing leisure and entertainment to local residents over many years. It opens until midnight on Fridays and Saturdays and until 23:00 on all other days of the week.

## **2.0 Yates Pub**

2.1 The Yates Pub at 407-411 The Promenade, South Shore operates as a very successful, large capacity leisure and entertainment venue which has been established for many years. It opens until 02:00 in the morning on Saturdays and 01:00 in the morning on Fridays and until 23:00 on all other days of the week. The pub hosts numerous live DJ events, promotional evenings and 'Hen & Stag' parties throughout each week. There are several other very successful and well established leisure and entertainment venues in the immediate vicinity.

## **3.0 Local Considerations**

3.1 The accompanying Planning Statement and Design and Access Statement for this application state that a previous permission for a similar scheme exists under reference 13/0497 which has now expired. While it is considered that previous permissions provide a starting point for an application it by no means implies

another permission will automatically follow. Each application must be determined on its own merits and consideration must be given to the fact that a new Core Strategy 2012-2027 was adopted in January 2016.

- 3.2 The application site; No.429-437 Promenade is located roughly equidistance between both of the above premises, namely 30 metres north of The Dutton Arms and 40 metres south of the Yates Pub. The application site sits outside any defined District or Local Centre but does reside within the Resort Core.

#### **4.0 Planning Policy Considerations and Issues Arising**

##### **Residential Accommodation**

- 4.1 Due consideration has to be given to existing uses and businesses on adjacent sites. Indeed, the National Planning Policy Framework (NPPF) requires that plans and decisions need to take local circumstances into account (paragraph 10). One of the core planning principles that should underpin both plan making and decision making is that a good standard of amenity for all existing and future occupants of land and buildings should be secured. This relates well with saved Policy BH3 of the Blackpool Local Plan 2001/2016 which seeks to safeguard residential and visitor amenity from adverse impacts of new development.

- 4.2 In addition to the above, Para 123 of the Framework requires planning decisions to recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Part of our client's concern is that future occupiers of the flats will complain about noise generated from an existing, long standing, authorised late night use and lead to possible restrictions on their opening hours. This in turn would reduce the profitability and viability of the public houses.

- 4.3 This might result in the event that ineffective or insufficient noise insulation measures are employed within any new development, which would otherwise shield the new residents from existing late night noise sources. This position is supported at paragraph 6 of the Planning Practice Guidance (PPG) on noise highlights that proposals for conflicting uses which need to exist cheek by jowl on the same street will require appropriate consideration;

“The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business, even if intermittent (for example, a live music venue), may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope.”

- 5.0 Paragraph 7 of the PPG continues on the same theme of recognising that noise may already exist in the area and therefore that noise will contribute to the established character of the locality:

“When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the ‘character of the locality’. The factors influencing the ‘character of the locality’ may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues or public houses.”

- 6.0 There have been two high profile cases in City of Westminster in recent years, where long established licensed premises have been forced to close due to complaints from new residents to established and long-standing lawful activities and noise generation at the premises (Limelight Club in Shaftesbury Avenue and Endurance PH in Berwick Street). There has also been the recent high profile case relating to Ministry of Sound in London Borough of Southwark, where the owners and operators of the world renowned venue raised fundamental concerns about the development of residential units on adjacent land.
- 7.0 In the latter case, the developers of the residential units were required to enter into a S106 Legal Agreement to prevent any changes to noise attenuation works following occupation of the building. In addition, a Deed of Easement was granted to Ministry of Sound to allow existing noise from the venue to pass over the residential development site, thus protecting the long established use and its associated activities.
- 8.0 Both a S106 Legal Agreement and a Deed of Easement, in similar terms to those related to Ministry of Sound, are essential in this case to enable the current application to be determined appropriately.
- 9.0 These changes reflect the increasing concern that some areas of our towns and cities are being sanitised through increasing residential development. As flats and houses are built or converted in urban centres existing businesses are being driven away leading to more vacant properties which in turn are then converted into residential use.

### **Class A3/A4 Units**

- 9.1 The previous application for this site under reference 13/0497 sought to provide two units of A3/A4 and a specific condition was applied to the permission relating to these types of uses seeking to prevent any change of use. The quoted policies which provide reasoning for the inclusion of that condition were RR7, BH3, BH11 and BH17 of Local Plan 2001/2016.
- 9.2 Policy BH3 stipulates that new development will not be permitted where its scale and siting adversely impact upon the privacy, outlook or levels of sunlight of neighbouring residential occupiers. The proposed development would introduce a tall, five storey structure due west of residential dwellings on Bolton Street, consequently resulting in a significant reduction of their afternoon/evening sunlight when compared to the previous three storey structure that existed prior to demolition.
- 9.3 Saved Policy BH17 of the Local Plan 2001/2016 governs Restaurants, Cafes, Public Houses and Hot Food Take-Aways. This policy directs development falling within the associated Use Classes to existing

shopping frontages and will not be permitted where they would have adverse effects on the amenities of neighbouring premises or residents in the surrounding vicinity. This site is not located within an existing shopping frontage and falls outside of any defined District or Local Centre. Therefore, it is considered that the inclusion of two proposed ground floor restaurant/A4 units cause this development to fail the requirements of this policy. Supporting paragraph 6.77 of the Local Plan 2001/2016 details that consideration will be given to the impact of noise, smell, activity and traffic upon neighbour premises and the surrounding vicinity. The creation of two A3/A4 units with large external seating areas will be a source of considerable noise and generate daily deliveries of fresh food and drink to each operator. Access from the rear is via a single width road (seen in Appendix 1.0), which is unsuitable for trucks and would therefore necessitate delivery trucks to park on the western highway, obstructing motorists and pedestrian users alike.

- 9.4 Policy BH11 of Local Plan 2001/2016 has now been replaced by Policy CS4 from the new Core Strategy 2012-2027. Policy CS4, para 3, states that out of centre development such as this will only be permitted where it can be demonstrated that it is a tourism attraction in accordance with Policy CS21. This application does not promote a tourism attraction. Policy CS4 further details that development will not be permitted unless there are no more centrally located/sequentially preferable and appropriate sites available for the development. In light of there being existing vacant units located within the nearest Local Centre running along Waterloo Road, it is considered that there can be no justification for the inclusion of two A3/A4 units within this development which is considered an 'out of centre' development which is contrary to newly adopted policy.
- 9.5 Policy RR7 of Local Plan 2001/2016 has been replaced by Policies CS17, CS21 and CS23 of Core Strategy 2012-2027.
- 9.6 Policy CS17 relates solely to Blackpool Town Centre however, it encourages the introduction of quality cafes and restaurants within this area. This 'centre' first approach is supported by the sequential requirements of Policy CS4 which requests that out of centre development be judged upon whether there are more suitable and desirable locations such as the Town Centre.
- 9.7 Policy CS21 relates to leisure and business tourism development. It is considered that whilst the proposal seeks to provide two A3/A4 units which might be considered contributory to the tourism industry, they are not high quality tourist attractions in their own right and therefore the application of this policy is considered to be small.
- 9.8 Policy CS23 governs the managing of holiday bed spaces. Given that this application does not propose specific holiday bed accommodation, it is considered prudent to offer no comment on this policy.



## **Green Infrastructure**

- 9.9 Policy CS6 of the Core Strategy requires all new development to incorporate new or enhance existing green infrastructure of an appropriate size, type and standard. It is noted that this application is outline, with all matters reserved except for Access, Landscaping, Layout and Scale however the indicative plans accompanying this application do not reveal any areas for the provision of green infrastructure. The site has limited potential to provide new green infrastructure therefore, in the instance where it is considered inappropriate to provide onsite green infrastructure, financial contributions should be sought to make provision elsewhere in the Borough.

## **Parking Provision**

- 9.10 Appendix B of the 2001/2012 Local Plan details parking standards for various types of development within the Borough. It states that for C3 dwellings with No.2 bedrooms, there should be two spaces provided per unit which would equate to 30 spaces having to be provided for this development. A reduced allowance for highly sustainable locations with access to excellent transportation services which reduces the requirement to 1.5 spaces per unit. Under this scenario a requirement of 22.5 spaces would be required for the provision of 15 x 2No.Bed residential units.
- 9.11 Appendix B of the 2001/2012 Local Plan also details parking standards for the provision of Class A3 units. Taking the scenario that this site is highly sustainable, benefiting from excellent public transportation services leads to the ratio of 1 parking space for every 12m<sup>2</sup> of new A3 floor area being provided. A total of 365m<sup>2</sup> shall be provided by this application subsequently requiring 30 new parking spaces to be created.
- 9.12 When combining the required parking spaces for the Class C3 and Class A3 uses in the scenario that this is a highly sustainable location, results in a total requirement of 52.5 parking spaces. Given the nature of this site and the constraints of the existing built environment, it would be considered perhaps unreasonable to provide 52.5 spaces however, this is what adopted policy requires in this situation. A total of 16 spaces are being offered in this application which equates to just 30% of the required parking provision for a development of this type in a highly sustainable location.

## 10.0 Conclusions

- 10.1 This development is contrary to Policy BH17 of the 2001/2017 Local Plan by virtue of the it being located outside of any designated 'centre' and away from any formal shopping frontage while providing Class A3 units. The purpose of this policy is to ensure the continuation and enhancement of existing shopping and leisure areas and prevent the random distribution of new food and drink establishments throughout the Borough. Therefore, with the provision of Class A3/A4 uses, this application is contrary to policy. This could be rectified by the omission of these two ground units in favour of another Use which accords with policy.
- 10.2 The parking onsite equates to just 30% of what is required by the adopted policy found in the 2001/2012 Local Plan. It can therefore be assumed that this development will contribute to considerable additional pressures for on-street parking spaces within the local vicinity, resulting in a detrimental and adverse impact to neighbouring users.

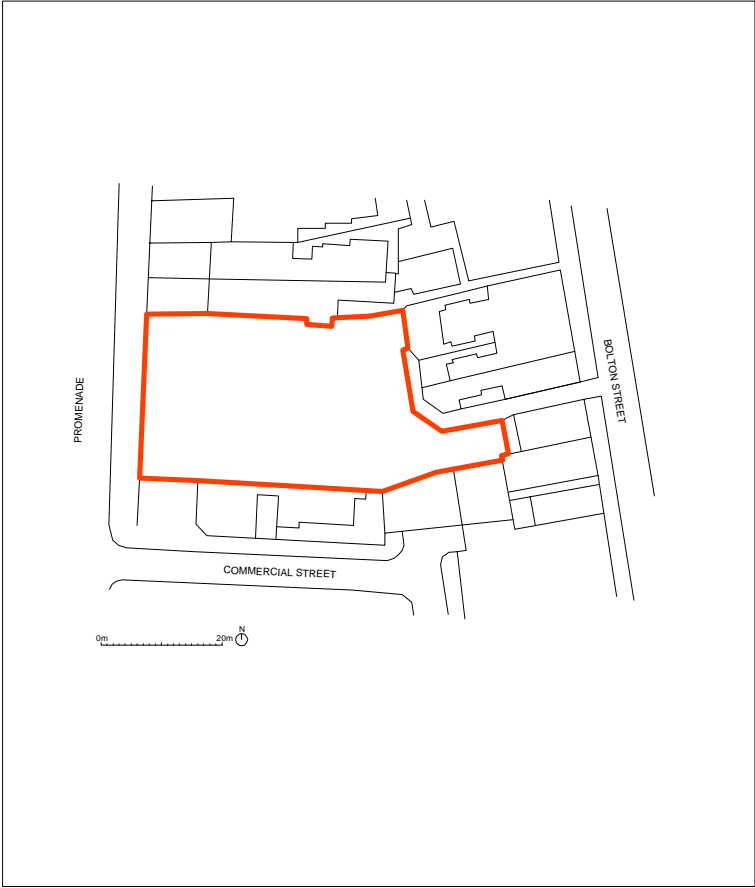
Yours Faithfully

***Bidwells LLP***

Bidwells LLP



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| A    | - Title amended. | 24/11/16 | JB |
| \    | - Initial issue. | 15/11/16 | JB |
| Rev. | Amendment        | Date     | By |

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|--|--------------------|
| Project<br>New Serviced Apartment and Commercial Scheme,<br>429 The Promenade,<br>Blackpool,<br>FY1 6BQ. |                    |
| Client<br>Mr. D. Yates   |                    |
| Drawing Title<br>Site Location Plan  |                    |
| Status<br><b>PLANNING</b>  |                    |
| Scale<br>1:1250 @ A4   |                    |
| Drawn By<br>JB   | Date<br>14/11/2016 |
| Drawing Number<br>JBA195-PL-001  | Revision<br>A      |

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**COMMITTEE DATE:** [14/03/2017](#)

**Application Reference:** 17/0095

WARD: Stanley  
DATE REGISTERED: 10/02/17  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Reserved Matters  
APPLICANT: KENSINGTON DEVELOPMENTS LTD

**PROPOSAL:** Erection of residential development comprising 422 dwellings (two and three storey apartments and houses), with associated parking, village green/play area, water features and shop and formation of vehicular access to Progress Way (Reserved matters application)

**LOCATION:** LAND AT MOSS HOUSE ROAD, MARTON MOSS, BLACKPOOL

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**Summary of Recommendation:** Agree in principle and delegate approval to the Head of Development Management.

## **CASE OFFICER**

Mr G Johnston

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

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool **and Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

## **SUMMARY OF RECOMMENDATION**

The applicant is seeking to secure an approval of reserved matters before the end of March 2017 and hence the application is being brought to Committee to seek authority for delegation to the Head of Development Management to achieve this timescale. The Committee has previously approved 579 dwellings on a 16.4 hectares site (35 dwellings per hectare). This proposal provides for 422 dwellings on a 15.4 hectares site (28 dwellings per hectare) which is better from a residential amenity point of view, drainage point of view, traffic generation point of view and would balance making best use of the land with the character and appearance of the area.

The applicant has sought to create a distinctive housing estate characterised by a sustainable urban drainage system and associated landscape features. The properties would vary in design and materials to create discernible neighbourhood areas. The proposal includes areas of public open space and a carefully considered planting and biodiversity

enhancement plan. It is acknowledged that the success of the scheme would depend on diligent and robust management and it is proposed that a management company would be set up for that purpose. It is not anticipated that the development would lead to any detrimental impacts on road safety or local flood risk.

The reduced number of dwellings would not compromise the requirements of Policies CS13 and CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 in terms of number and mix of dwellings and the proposed layout would be better in terms of the amenities of neighbouring residents - more spacious feel to the development, less properties accessed off Moss House Road.

As the period for neighbour comment has not expired the Committee is requested to delegate the issuing of the decision to the Head of Development Management subject to no new significant issues being raised and on the basis that the Head of Development Management will discuss any further comments received with the Chair of Planning Committee prior to issuing the decision. Members should be aware that issues of principle have already been covered through the approval of the outline application and hence cannot be considered as an objection to this approval of reserved matters application.

Given the following, it is suggested that the Planning Committee resolve to grant the approval of reserved matters for 422 dwellings:

- the number is acceptable
- the layout is acceptable
- the housing mix is acceptable
- the design of the properties is acceptable
- the drainage solution has more on site storage for 157 fewer properties
- the amenities of local residents would be the same and in a number of cases would be better than the 579 dwelling scheme
- the parking is acceptable
- the landscaping is acceptable
- the road layout is acceptable
- the applicant has responded to concerns raised by local residents

## **INTRODUCTION**

Outline planning permission was granted for a 16.4 hectares site to the north and south of Moss House Road in 2010 for up to 584 dwellings in July 2010 (09/0740 refers). This was followed by an approval of reserved matters application in 2013 for 579 dwellings which was approved in January 2014 (13/0378 refers). The outline application was subject to a Section 106 agreement in respect of the payment of sums of money towards affordable housing, education, public open space and highways. An amount of £500,000 has been paid to the Council for the construction of the site access and highway works to Progress Way. As such the development has commenced.

This revised approval of reserved matters application has arisen as a result of a re-evaluation of the dwellings proposed for the site having regard to current market conditions



and as a result of part of the original application site being acquired by United Utilities for works in association with its Blackpool South Surface Water scheme. The overall site area has therefore been reduced from 16.4 hectares to 15.4 hectares and as such land in the north east corner of the original application site is now excluded i.e. to the rear of properties fronting Florence Street and Midgeland Road (an application has been lodged by United Utilities for its site - 17/0105 refers).

The applicant's planning consultant has sought the Council's view as to whether a revised Environmental Statement is required for the reduced site area and reduced number of dwellings (422 compared to 584) and the Council has indicated that one is not required.

The key changes to the previously approved approval of reserved matters application are:

- a reduced site area from 16.4 hectares to 15.4 hectares
- a reduced number of dwellings from 579 to 422
- a change in the mix of those dwellings (previous figures in brackets):
  - 2 five bed detached (4)
  - 85 four bed detached (68)
  - 60 3 bed detached (2)
  - 41 four bed mews (105)
  - 130 three bed mews (248)
  - 37 two bed mews (72)
  - 66 apartments (80)

This is manifested in a reduced density in terms of development south of Moss House Road and in particular in the south eastern of the corner of the site. In addition there is a reduced density in the north western corner of the site.

- three additional ponds - one in the south eastern corner of the site, one in the north western corner of the site and one opposite the central area of open space (additional 1624 sq metres of water storage capacity)
- additional watercourse provision
- Play area incorporated in the main area of open space
- Better road layout incorporating more pavements

### **SITE DESCRIPTION**

This application relates to 15.4 hectares of land at the southern end of the Borough. The site is part of the Marton Moss Countryside Area as shown on the Proposals Map to the Blackpool Local Plan 2001-2016 and defined in saved Policy NE2 of the Plan. It is also now covered by Policy CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

In essence, the site is bounded by Progress Way (A5230) to the south; properties fronting Sovereign Gate and Common Edge Road (B5261) to the west; land acquired by United Utilities to the rear of properties fronting Midgeland Road and Florence Street to the east; and properties fronting Kincardine Avenue, Kildonan Avenue and Bennetts Lane to the

north. However, within this broad area a number of properties on Moss House Road, Laundry Road and Dockypool Lane are excluded, as is an area of woodland to the north of Moss House Road.

The site is roughly level and formerly contained the following uses (the areas quoted are approximations):

- Existing houses and their gardens - 2.1 hectares
- Mown grassland - 1.5 hectares
- Disused horticultural land - 5 hectares
- Productive horticultural land - 0.2 hectares
- Grazing land - 4.5 hectares
- Stables and sand paddocks - 0.45 hectares
- Small copses of trees - 2.3 hectares

The site is dissected by a number of watercourses and hedgerows which comprise a further 1.0 hectare of the site. The Environment Agency maps indicate the site to be at low risk of flooding.

There are a number of community facilities in the nearby area. The Our Lady of the Assumption Primary School and associated church are situated on the western side of Common Edge Road opposite the junction with Moss House Road. Further along Common Edge Road to the north approximately 1.6km from the site is a designated Local Centre offering a range of shops and services. There is a doctor's surgery on Common Edge Road which is currently being extended approximately 1km away. Highfield Humanities College, again situated on Highfield Road, is approximately 2km away. The Squires Gate Lane business complex comprising the Sycamore Trading Estate, Squires Gate Industrial Estate, Blackpool Business Park and Blackpool Retail Park is some 1.3km to the west with Blackpool Airport beyond.

The application site is approximately 5km to the south-east of Blackpool Town Centre. At present two bus services operate in the immediate area. The No.17 line runs along Common Edge Road from Blackpool Town Centre to St. Annes with a half hourly frequency. The No.10 line operates an hourly loop service from Blackpool Town Centre which takes in Midgeland Road, School Road and Common Edge Road.

### **DETAILS OF PROPOSAL**

This revised approval of reserved matters application has arisen as a result of a re-evaluation of the dwellings proposed for the site, having regard to current market conditions and as a result of part of the original application site being acquired by United Utilities for works in association with its Blackpool South Surface Water scheme. The overall site area has therefore been reduced from 16.4 hectares to 15.4 hectares and as such land in the north east corner of the original application site is now excluded i.e. to the rear of properties fronting Florence Street and Midgeland Road (an application has been lodged by United Utilities for its site - 17/0105 refers)

The key changes to the previously approved approval of reserved matters application are:

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  - a reduced number of dwellings from 579 to 422
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This is manifested in a reduced density in terms of development south of Moss House Road and in particular in the south eastern of the corner of the site. In addition there is a reduced density in the north western corner of the site.

- three additional ponds - one in the south eastern corner of the site, one in the north western corner of the site and one opposite the central area of open space ( additional 1624 sq metres of water storage capacity)
- play area incorporated in the main area of open space
- additional watercourse provision
- better road layout incorporating more pavements

The principle access to the estate is from Progress Way to the south. This access would lead onto the main estate road which would form a roughly rectangular ring road bisected by Moss House Road. Secondary estate roads would lead off this main road. Moss House Road would be blocked on either side of the main ring road to prevent it from being used as a cut-through or rat-run. 19 properties would be accessed from Midgeland Road (previously 46 under 13/0378).

Linear ponds and areas of public open space would run along the Progress Way frontage of the site on either side of the site access. These would form part of the overall site drainage scheme but would also create an attractive point of arrival for the development. Three additional areas of public open space would be provided within the development. The largest of these would form a village green including a pond, play area and landscaping and would sit between Moss House Road and the northern stretch of the ring road. The other two would contain ponds.

The drainage strategy proposed for the site would form a key part of the site layout and would be central to the appearance and character of the estate. Watercourses would run along many of the main roads with hedgerows separating them from the housing. These would drain into the ponds on either side of the access road. As such, surface water run-off from the site would be attenuated at a discharge rate of 5 litres per second per hectare. This flow would be released into an existing watercourse draining into the combined sewer

system. Trees are proposed throughout the estate in addition to the hedgerows and areas of open space in order to create a rural feel.

The following information has been submitted in support of the application:

Revised Design and Access Statement, Revised Drainage Statement and Revised Layout, Landscape, Drainage and House Type Drawings.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the adequacy of the layout in terms of residential amenity
- the impact of the proposed building levels on residential amenity
- the quality of the house designs and streetscenes
- the standard of accommodation proposed
- the extent to which the design and materials palette would create satisfactory character within the development
- the adequacy of the drainage scheme
- the suitability of the internal road network in terms of highway safety, parking provision, accessibility and refuse collection
- the adequacy of the landscaping strategy
- the extent to which the proposal would enhance biodiversity on the site
- the standard and suitability of the public open space proposed

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

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Service Manager Public Protection:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**United Utilities:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Blackpool International Airport:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Electricity North West Ltd:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Waste Services Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

### **PUBLICITY AND REPRESENTATIONS**

Press notice published: 2 March 2017  
Site notice displayed: 21 February 2017  
Neighbours notified: 20 February 2017

To date the following comments have been received:

#### **Ms S Lewis-Unsworth, 8 Marshdale Road, Blackpool, FY4 5PF (Objects)**

In reference to the above application I am contacting you with some concerns regarding the 422 new dwellings.

I live on Marshdale Road and commute via the M55 as many do and am concerned regarding the extra cars this would potentially bring to the roads and junctions.

I have noticed an increase in stationary traffic from the recent developments in the area and feel an extra 422 is excessive and frankly is a huge concern.

***Comment - this objection is to the principle of the development which has been established through the outline planning permission. The outline allowed up to 584 dwellings and this proposal is for 422 dwellings - 162 less than the original permission and hence the traffic generation would be less with this proposal***

#### **Ms S Da Silva Teixeira, 33 Moss House Road, Blackpool, FY4 5JF (Objects)**

I am very distressed to learn another application has been submitted to build on Moss House Road, Blackpool.

Everywhere you look new houses are being built in Blackpool and Fylde areas!

We need to protect England's beautiful countryside. Marton Moss has always been semi-rural and is home to trees and wildlife. Since Kensington Developments has moved in I have seen little foxes running across Progress Way. Where is all the wildlife supposed to go?

Since the New Home Owners moved into Magnolia Point there has been a huge increase on traffic on Midgeland Road. Apparently there are plans for a traffic circle at Highfield/ Midgeland Road. This should have been considered when the plans were first put in. In the meantime we have to put up with the traffic.

Blackpool Council has an obligation to its residents to protect our Green Land.

Blackpool is a poor area. The inner town is in desperate need of a face-lift. Blackpool Council should be coming up with some ideas/incentives to get these developers to build in the inner town. Fox Hall Square is a good example.

I am pleading with Blackpool Council to protect the England's countryside.

***Comment - this objection is to the principle of the development which has been established through the outline planning permission. The outline allowed up to 584 dwellings and this proposal is for 422 dwellings - 162 less than the original permission and hence the traffic generation would be less with this proposal. Additional areas of water storage are proposed as part of this application to assist with drainage and biodiversity***

**Mr H Sykes, 10 Kincardine Avenue, Blackpool, FY4 5NN (Objects)**

The proposed development backs on to our property and for several months of the year our gardens are very wet and can get flooded during the rainy periods, personally our garden only fully dries out for a few weeks in the middle of the summer. The building of so many properties and the associated hard standings and roads will just make the problem worse. The local roads are also full to saturation point during the busy periods and the junction of Midgeland Road and Highfield Road can have vehicles backed nearly to the traffic lights at Haweside Lane / Common Edge Road.

Both of these problems will be made worse with the addition of so many new properties.

***Comment - this objection is to the principle of the development which has been established through the outline planning permission. The outline allowed up to 584 dwellings and this proposal is for 422 dwellings - 162 less than the original permission and hence traffic generation would be less with this proposal. Additional areas of water storage are proposed as part of this application to assist with drainage and biodiversity***

**Mrs D Moden, 52 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JE (Supports)**

We support the alterations proposed in this application.

Any further comments received before the meeting will be reported in the update note.

### **NATIONAL PLANNING POLICY FRAMEWORK**

In March 2012, the National Planning Policy Framework (NPPF) was published. This document sets out the Government's approach and expectations with regard to planning and development. It places heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth and delivering the homes, jobs and infrastructure that the country needs. There is a presumption in favour of development where there are no over-riding material considerations. The Framework requires high quality design in new developments and a good standard of amenity for all

existing and future occupants of land and buildings. It is considered that developments should establish a strong sense of place, respond to local character and be visually attractive. The National Planning Policy Framework makes it clear that new development should not increase the risk of flooding elsewhere, and that any flood risk should be safely managed. Biodiversity must be maintained and, where possible, enhanced with appropriate mitigation measures put in place to avoid harm to the natural environment. With regard to the reserved matters that are the subject of this application, no significant conflict has been identified between the provisions of the National Planning Policy Framework and the policies of the Local Plan.

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

- Policy CS1: Strategic Location of Development
- Policy CS2: Housing provision
- Policy CS6: Green Infrastructure
- Policy CS7: Quality of Design
- Policy CS9: Water Management Policy
- Policy CS12: Sustainable Neighbourhoods
- Policy CS13: Housing Mix, Density and Standards
- Policy CS25: South Blackpool Housing Growth

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- LQ8 Energy and Resource Conservation
- BH3 Residential and Visitor Amenity
- BH10 Open Space in New Housing Developments
- NE2 Countryside Areas
- NE6 Protected Species
- NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value
- NE10 Flood Risk
- AS1 General Development Requirements

## **SUPPLEMENTARY PLANNING GUIDANCE**

SPG 11 - Open space: provision for new residential development and the funding system.

### **ASSESSMENT**

#### **Layout, Scale and Impact on Amenity**

In order to safeguard residential amenity, the Council usually seeks to ensure that front and rear elevations be separated from one another by 21metres, with front or rear and side elevations being separated by 12metres. These distances are considered to be sufficient to ensure that adequate levels of privacy and daylight are maintained. These minimum distances have largely been achieved between the proposed new homes and the existing properties surrounding the site. Within the site, although there are some instances where the property spacing falls slightly short at 19metres rear-to-rear and 11metres front/rear-to-side, the proposed layout generally conforms to these minimum standards. As such, it is not anticipated that the proposed layout on the site would have a detrimental impact on residential amenity by virtue of loss of privacy or daylight sufficient to warrant refusal. Overall, the layout of the estate has been well considered with properties grouped along sections of road or around cul-de-sacs to create a neighbourhood feel.

It is acknowledged that existing vegetation has been removed as part of the redevelopment of the site, and that this would reduce the level of screening that existing properties did benefit from. New stretches of hedgerow would be provided, notably along the boundary with Bennetts Lane, with new trees proposed in many of the rear gardens of the new properties. On this basis, given the separation distances proposed and the amount of soft-landscaping that has been shown on the submitted drawings, it is not considered that the removal of the existing planting would render the scheme unacceptable by virtue of an associated loss in privacy. The provision of additional planting following completion of the scheme would, of course, be at the home-owners discretion.

The applicant has provided a layout drawing showing the approximate heights of the existing properties surrounding the site against those proposed in terms of the number of storeys in each building. This drawing shows that the taller, three-storey properties and apartment blocks proposed have been positioned centrally within the site in order to prevent over-looking of existing properties. More modest and traditionally sized two-storey houses abut the boundaries of the site with existing homes to again minimise any overlooking. There is some potential for conflict between the two-storey properties proposed on site and the single storey properties fronting Kincardine Avenue where the separation distances are close to the minimum standards. To this end, it is recommended that a condition be attached to any permission granted to require sectional and streetscene details to be submitted to, and agreed by, the Council before works commence on this section of the site.



The application has been accompanied by a Schedule of Levels. This document notes that the slab levels of all properties would be set above Ordnance Survey Datum Level by between 4.75m and 5.25m with the exception of one at 5.5m. It is understood that this height is required to mitigate against the risk of flooding. To illustrate the relationships between the properties proposed on site and the existing properties on the boundary, the applicant has submitted a number of streetscene drawings. Although these drawings show the differences in heights between the different properties, none of the relationships shown would appear awkward or incongruous within the streetscenes.

All of the properties proposed, with the exception of the apartments which share communal space, would have garden areas of sufficient size for the storage of refuse and cycles and the drying of clothes. The larger properties, particularly those to the south of Moss House Road and along the boundary with Common Edge Road, would benefit from sizeable gardens that would offer meaningful outdoor amenity space. In contrast, the smaller properties would have much less private outdoor space, with some rear gardens as small as 12sq m. However, as the Council has no minimum standards relating to the provision of private outdoor amenity space, this is not considered sufficient to constitute a reason for refusal.

It is not accepted that the development would lead to a reduction in safety or security. Appropriate boundary treatments are proposed between properties and the introduction of new residents to the area would increase levels of natural surveillance.

The revised layout would involve a lower density of development but this would be consistent with the aims of Policies CS13 and CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

### **Housing Mix**

Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 requires a mix of house types and sizes. In terms of house sizes, this development would provide 2 five bed/126 four bed/190 three bed/104 two bed properties. This would comply with the mix requirements in the Policy. In terms of house types, there would be 148 detached/52 semi-detached/156 terraced and 66 apartments. This house type mix would also comply with the Policy. All of the apartments would be two bed which would exceed the 70% two bed requirement in the policy. In addition, the type and mix of properties would complement rather than compete with housing in the inner area of the town (Policy CS25).

### **Housing Numbers**

In Policy CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 reference is made to the site delivering in the region of 600 properties whereas the outline planning permission fixes the number at no more than 584 dwellings. Clearly 422 properties is less than this 'around' 600 figure (178 less). However, as the Policy refers to 'South Blackpool Housing Growth' account also has to be taken of other sites in this area with planning permission - namely, Runnell Farm (83 being built), Baguleys Garden Centre (22 proposed), Midgeland Road (4 being built) and Common Edge Road (6 proposed). These other sites

would reduce the shortfall from the Moss House Road site to 63. In addition, outline planning permission has recently been granted for the Booths site in Highfield Road which would further reduce the shortfall by some 25 to 38. This level of shortfall is considered acceptable and would not affect the Council's five year land supply position

## **Design**

The applicant has sought to create distinct character areas within the scheme through the use of different house types, designs and materials. The masterplan clearly shows that larger properties have been located along the site frontage to Progress Way and around the main estate ring-road. The most intensive areas of development are to the north of the estate ring-road.

The majority of properties would have grey tile roofs to reflect the existing properties surrounding the site. Where existing properties have rosemary tiles or slates, or in some prominent positions, the properties proposed would have rosemary tiles to create visual interest. Across the character areas, the proportion of properties with rosemary tiles would vary between around 5% and 50%. Similarly, five different types of brick are proposed and, in addition, properties could either be fully, half or partly rendered. The incidences of the different render options range between zero and 32% across the areas with the different brick options ranging between zero and 50%. On this basis, it is considered that a good level of visual interest and diversity would be provided across the estate.

The National Planning Policy Framework requires new developments to establish a strong sense of place and be attractive and comfortable. New buildings should respond to local character and history and reflect the identity of local surroundings and materials. However, this approach should not prevent or discourage appropriate innovation. The design of the properties proposed has been the subject of significant discussion since the submission of the application. The Committee will note that many of the house types have American names and it is understood that this naming strategy has proven successful in the marketplace. All of the house types proposed have been used in recent years in residential developments on the Fylde Coast, particularly in Lytham St. Annes to the south.

The properties surrounding the site front onto different roads and are of different heights, sizes, styles and materials. There is no single, discernible design vernacular. The properties vary in age from relatively new properties on Sovereign Gate to much older and traditional properties on Moss House Road. Where possible, the houses proposed would make reference to traditional features in the area through the use of bay windows and simple entrance porches and canopies. The use of render and brick also references local building materials. In the absence of an established and distinct local design code, the Framework warns against the imposition of a particular architectural style. The property designs proposed are of a good standard and have been used successfully elsewhere. Whilst some house types appear quite different from established housing in the area, this is not considered to warrant refusal given the existing local diversity. On this basis, the building designs proposed are considered to be acceptable.

## **Drainage**

It is proposed that both foul and surface water run-off would drain into the existing combined sewer system. This has been agreed with United Utilities. Whilst foul water would drain directly into the sewer system, surface water run-off would first be collected and its discharge rate attenuated by a range of sustainable urban drainage solutions. 1332 metres of watercourse would be removed, 1310 metres of watercourse would be retained and 2535 metres of watercourse would be provided. In addition, the ponds would provide 3549 square metres of storage capacity. These watercourses would line the principal site roads and would drain into the ponds proposed on site. Permeable paving is also proposed around the estate to assist with surface water drainage. Together these sustainable urban drainage systems would attenuate the discharge of surface water run-off to 5 litres per second per hectare. This is equivalent to greenfield run-off rate and has been accepted by United Utilities.

Although it would have been preferable for surface water run-off to be directed to watercourses to the south-east to enable ultimate discharge into the River Ribble, it is understood that this is not possible due to the topography and levels of the land. The Environment Agency has previously agreed that the solution proposed represents the best alternative. It is considered that the drainage system proposed would meet the needs of the development and would improve the existing situation in the area. As such, it is considered to be acceptable.

Given the adequacy of the drainage system proposed, it is not considered that the development would increase the likelihood of flooding in the area. The applicant has also agreed to provide a 200 litre water butt for each house to assist with surface water storage.

United Utilities supports the scheme proposed and have responsibility for the sewer network. Any improvements or extensions to the existing network required by the development would have to be provided at the applicant's expense and in consultation with United Utilities. The maintenance of adequate water supply pressure is the responsibility of United Utilities.

It is understood that a management company would be set up to maintain the appearance and function of the watercourses, ponds and any associated pumping equipment. A condition was attached to outline planning permission ref. 09/0740 requiring a management plan for the proposed drainage system to be agreed with the Council and this has been complied with

## **Highways**

The layout of the estate is considered to be broadly acceptable with carriageway and footway widths meeting the minimum standards. The Head of Traffic and Highway Management and the Council's Waste Management team queried the refuse vehicle tracking plans initially submitted because they did not provide sufficient detail. This matter was raised with the Applicant and amended, more detailed tracking plans were provided. The road layout now proposed is better in having better cul-de-sacs and loop roads. The

Committee is respectfully reminded that the means of access to the site and issues relating to traffic generation and the impact on the surrounding highway network were matters considered as part of the outline planning application, although clearly the 422 dwellings proposed would have less impact than 584 originally envisaged.

With regard to parking provision, the application must be assessed against the Council's published standards which are maximum standards. These state that two to three bedroom properties should have no more than two parking spaces, with larger properties having no more than three. These maximum standards should be reduced in areas of higher accessibility. In developments of more than 30 dwellings, an average of 1.5 parking spaces per unit should be achieved. In calculating the overall parking provision, driveway parking provision has been included. It is acknowledged that the use of driveways, particularly where they are provided in front of garages, can lead to cars blocking one another in and can make on-street parking preferable in order to avoid that inconvenience. Equally, however, many households do share driveway space and, where such provision has been shown as being available, it has been counted. The reduced number of dwellings and the revised mix has meant that more properties have dedicated off-street car parking and a large number have parking provision which would exceed the standards. This would reduce the potential for on street parking which can affect highway safety and lead to estate roads appearing cluttered.

In order to prevent Moss House Road becoming a 'rat run' between Midgeland Road and Common Edge Road, it is proposed that bollards be provided on either side of the internal estate ring-road. Since first submission, a number of house types have also been substituted in response to local resident concerns to ensure that no indirect means of access are created between the estate ring-road and Moss House Road. At present officers are unaware of any proposals to introduce a bus route through the estate.

It is proposed that different surfacing materials would be used to indicate the road hierarchy and to reduce vehicle speeds through the creation of more shared surfaces. This would also introduce visual interest and prevent the estate from appearing overly road-dominated.

A condition was attached to the outline planning permission requiring a Construction Management Plan be submitted to and agreed by the Council. This has been submitted. The off-site highway works associated with the development were agreed as part of the outline planning permission and have been constructed in part.

The Head of Traffic and Highway Management has not in the past raised any concerns relating to access to the site by emergency services vehicles.

## **Ecology**

In support of the application, a Biodiversity Enhancement Statement has been submitted. The document describes the proposals to maintain and enhance biodiversity on the site which include the provision of ponds to create aquatic habitats; the provision of new hedgerows; an increase in watercourse length; design features to facilitate connectivity for

small mammals and amphibians across the site; and the creation of a species-rich wild-flower grassland.

Effective long-term management is considered essential in order for the ecological benefits of the proposal to be realised. A condition was attached to outline planning permission reference 09/0740 to require that a management plan for all landscaped areas be submitted to, and agreed by, the Council. It is recommended that a condition be attached to any permission granted to require a strategy to prevent the spread, and reduce the amount of, Japanese knotweed on the site to be agreed. The protection of existing trees and hedgerows would also be required through condition. These conditions have been complied with.

The species of plants to be used as part of the development have been scrutinised to ensure that the native hedgerows proposed would be appropriate in composition and thereby offer the greatest biodiversity benefits. Similarly, amenity planting has been selected based on its ability to attract wildlife. Overall the landscaping scheme proposed is considered to be acceptable. A scheme for the provision of bat roosts and bird boxes throughout the site has been conditioned.

A condition would be attached to any permission granted to require a lighting scheme to be agreed. This would enable the Council to ensure that habitat areas would not be significantly affected by light pollution.

### **Public Open Space**

The application proposes 422 houses of which 104 would be two-bedroom, 190 would be three-bedroom, 126 would be four-bedroom, and 2 would be five-bedroom. The contribution already agreed with Kensington Developments through the Section 106 legal agreement signed in 2010 (£236,000) exceeds the requirement. As such, the level of public open space proposed is considered to be acceptable.

The public open space proposed would principally comprise four areas; a village green including a pond, play area and some peripheral wild-flower planting to the north of Moss House Road; two ponds; and a linear area of public open space comprising three ponds and areas of wildflower meadow to the north of Progress Way. The latter area would be a largely informal space for residents to observe the landscaping and habitats created. The village green would include a large area of open, grassed space suitable for ball-games, picnics and general play. The children's play area would be aimed at young children and would offer formal pieces of play equipment. Throughout the site, the watercourses and swales would also contribute towards the overall levels of public space and would provide green linkages across the site. These features were included in the calculation of public open space provision at outline stage.

Overall, it is considered that the amount and range of public open space provision would meet the needs of residents on the estate whilst contributing towards its appearance and biodiversity value. As such, no issues are identified.

## **Other Issues**

It is acknowledged that the site at present consists largely of open greenspace. As such, any development would have a material impact upon the character of the area. However, Members will be aware that outline planning permission has been granted for the erection of up to 584 new dwellings on the site. This application seeks to agree the details of that approved proposal but with a reduced overall number and a more spacious feel.

Representations have been made alleging that the scheme proposed would constitute overly intensive development of the site. The proposed housing density would be 28 dwellings per hectare which is in-line with Policy CS13 of the Blackpool Local Plan Part1: Core Strategy which seeks to optimise density whilst reflecting the location of the site and the character of the surrounding area.

Issues relating to the stability of the land and the potential for subsidence are not planning considerations. These matters would be dealt with through the application of Building Regulations.

It is proposed that the development would be delivered in three phases. The land to the south of Moss House Road would be developed first followed by the land to the north-west and then the remaining land to the north-east. It is anticipated that more detailed phasing plans would be developed for these areas and these would be subject to a condition.

It is proposed that the young children's play area would be fenced to prevent children from running out into the road. This fencing would also separate young children from the watercourse proposed in that area. It is not intended that the other watercourses and waterbodies proposed on the estate would be fenced. A large waterbody has been created within the central village green area of the Cypress Point residential development in Lytham St. Annes and no incidents have occurred. A condition was previously attached to a permission to ensure that the watercourses, ponds and landscaped areas in general would be well maintained and this has been submitted and it is expected that children resident on the estate would learn how to live safely with these features as they have on existing roads around Marton Moss such as Midgeland Road and Division Lane.

## **CONCLUSION**

The applicant is seeking to secure an approval of reserved matters before the end of March 2017 and hence the application is being brought to Committee to seek authority for delegation to the Head of Development Management to achieve this timescale. The Committee has previously approved 579 dwellings on a 16.4 hectares site (35 Dwellings per hectare). This proposal provides for 422 dwellings on a 15.4 hectares site (28 Dwellings per hectare) which is better from a residential amenity point of view, drainage point of view, traffic generation point of view and would balance making best use of the land with the character and appearance of the area.

The applicant has sought to create a distinctive housing estate characterised by a sustainable urban drainage system and associated landscape features. The properties would

vary in design and materials to create discernible neighbourhood areas. The proposal includes areas of public open space and a carefully considered planting and biodiversity enhancement plan. It is acknowledged that the success of the scheme would depend on diligent and robust management and it is proposed that a management company would be set up for that purpose. It is not anticipated that the development would lead to any detrimental impacts on road safety or local flood risk.

The reduced number of dwellings would not compromise the requirements of Policies CS13 and CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 in terms of number and mix of dwellings and the proposed layout would be better in terms of the amenities of neighbouring residents - more spacious feel to the development, less properties accessed off Moss House Road.

As the period for neighbour comment has not expired the Committee is requested to delegate the issuing of the decision to the Head of Development Management subject to no new significant issues being raised and on the basis that the Head of Development Management will discuss any further comments received with the Chair of Planning Committee prior to issuing the decision. Members should be aware that issues of principle have already been covered through the approval of the outline application and hence cannot be considered as an objection to this approval of reserved matters application.

Given the following it is suggested that the Planning Committee resolve to grant the approval of reserved matters for 422 dwellings:

- the number is acceptable
- the layout is acceptable
- the housing mix is acceptable
- the design of the properties is acceptable
- the drainage solution has more on site storage for 157 fewer properties
- the amenities of local residents would be no worse and in a number of cases would be better than the 579 dwelling scheme
- the parking is acceptable
- the landscaping is acceptable
- the road layout is acceptable
- the applicant has responded to concerns raised by local residents

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

A Section 106 Legal Agreement to cover the provision of affordable housing, off-site highway works, education contributions and public open space provision was agreed at outline stage under application reference 09/0740. This is not a matter for consideration as part of the assessment of this approval of reserved matters application although the applicant has agreed to pay the sums for education (£2.43m), highways ( £1.4m) and public open space ( £236,000) agreed at outline stage and the revised affordable housing figure agreed by an Inspector in April 2014 (£5.07m).

## **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. This application is not considered to raise 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) 09/0740 and reserved matters 13/0378 and 17/0095 which can be accessed via the link below:

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

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

## **Conditions and Reasons**

1. The development shall be carried out, except where modified by the conditions attached to this approval, in accordance with the approval of reserved matters application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 13 February 2017

Drawings numbered:

KD48/301, KD48/302, KD48/303, KD48/304, KD48/305, KD48/307, KD48/308, KD48/309, KD48/310, KD48/311, KD48/312, KD48/313, KD48/314, KD48/315, KD48/3016, KD48/317, KD48/318, KD48/319, KD48/320, KD48/321, KD48/322, KD48/323, KD48/324, KD48/325, KD48/326  
LANDSCAPING -RE4108-01 Rev A to RE4108-06 Rev A (inclusive)

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



2. The materials to be used on the external elevations of the houses, apartments and shop/flat shall be as detailed on the submitted drawing/schedule.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. The surfacing materials to be used as part of the development shall be as detailed on the submitted drawing/schedule.

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

4. a) The landscaping shall be provided as detailed on drawing numbers RE4108-01 Rev A to RE4108-06 Rev A (inclusive)

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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Before the dwellings are first occupied walls and fences detailed on the submitted plans shall be provided 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

6. Prior to the occupation of any phase of the development, a lighting strategy to include details of the appearance of any fixtures, illuminance levels and light spillage shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting strategy for each phase of the development shall be implemented in full before any property of that phase is first occupied.

Reason: In the interests of the appearance of the locality, the safety and security of local residents, the biodiversity of the site and highway safety in accordance with Policies LQ1, LQ3, LQ6, BH3 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. The car parking provision including garages and driveways shown on drawing no.s KDL 48/301 and KD 48/302 to 305 (inclusive) shall be provided as part of the development 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. The secure cycle storage provision shown on drawing KD 48/322 shall be provided as part of the development 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 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. The refuse storage provision shown on drawing KD 48/323 shall be provided as part of the development 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. No refuse shall be stored forward of the front building line of any property other than on the day of presentation for collection.

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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Each house shall be provided with a 200 litre water butt which shall collect surface water from the main roof.

Reason: In order to minimise flood risk from surface water run off both on and off site in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

12. The children's play area and perimeter fencing shown on drawing no.s KDL 48/301, KD 48/324 and KD 48/326 shall be provided as part of the development and shall thereafter be retained.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no walls or fences shall be erected, no areas of hard-standing shall be created, and no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: The erection of walls or fences without adequate mitigation features would compromise the biodiversity value of the site and reduce habitat connectivity; the provision of excessive or non-permeable areas of hard-standing would compromise the drainage strategy for the site; the installation of dormers would compromise the privacy of nearby neighbours; and the enlargement of dwellings would similarly have the potential to compromise privacy as well as increasing the developed area of the site to the detriment of the drainage system. This condition is therefore necessary in accordance with Policies LQ6, NE10 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. 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 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the garages on the development shall not be used for any purpose which would preclude their use for the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

16. No deliveries shall be made to the shop unit hereby approved outside of the hours of 07:00 to 19:00 Mondays to Fridays and 09:00 to 19:00 on Saturdays, Sundays and Bank Holidays.

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

17. Before first occupation of any dwelling a scheme for the improvement of Moss House Road and Docky Pool Lane to include resurfacing, traffic calming, localised narrowing and access upgrades shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure safe and convenient access to and around the development for residents and visitors in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

18. Prior to occupation of any dwelling on any phase of the development, and notwithstanding the information provided, details of the communal refuse presentation points shall be submitted to and agreed in writing by the Local Planning Authority. These agreed communal refuse presentation points shall then be provided as part of each phase of the development before any property of that phase is first brought into use and shall thereafter be retained.

Reason: In the interests of the amenity of nearby neighbours and the appearance of the locality, in accordance with Policies BH3 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

19. The drainage scheme to serve the development as detailed on drawing no.s LE13235-103-B, 104B, 105A and 106A and KD 48 /307 shall be provided as part of the development and shall thereafter be maintained and retained.

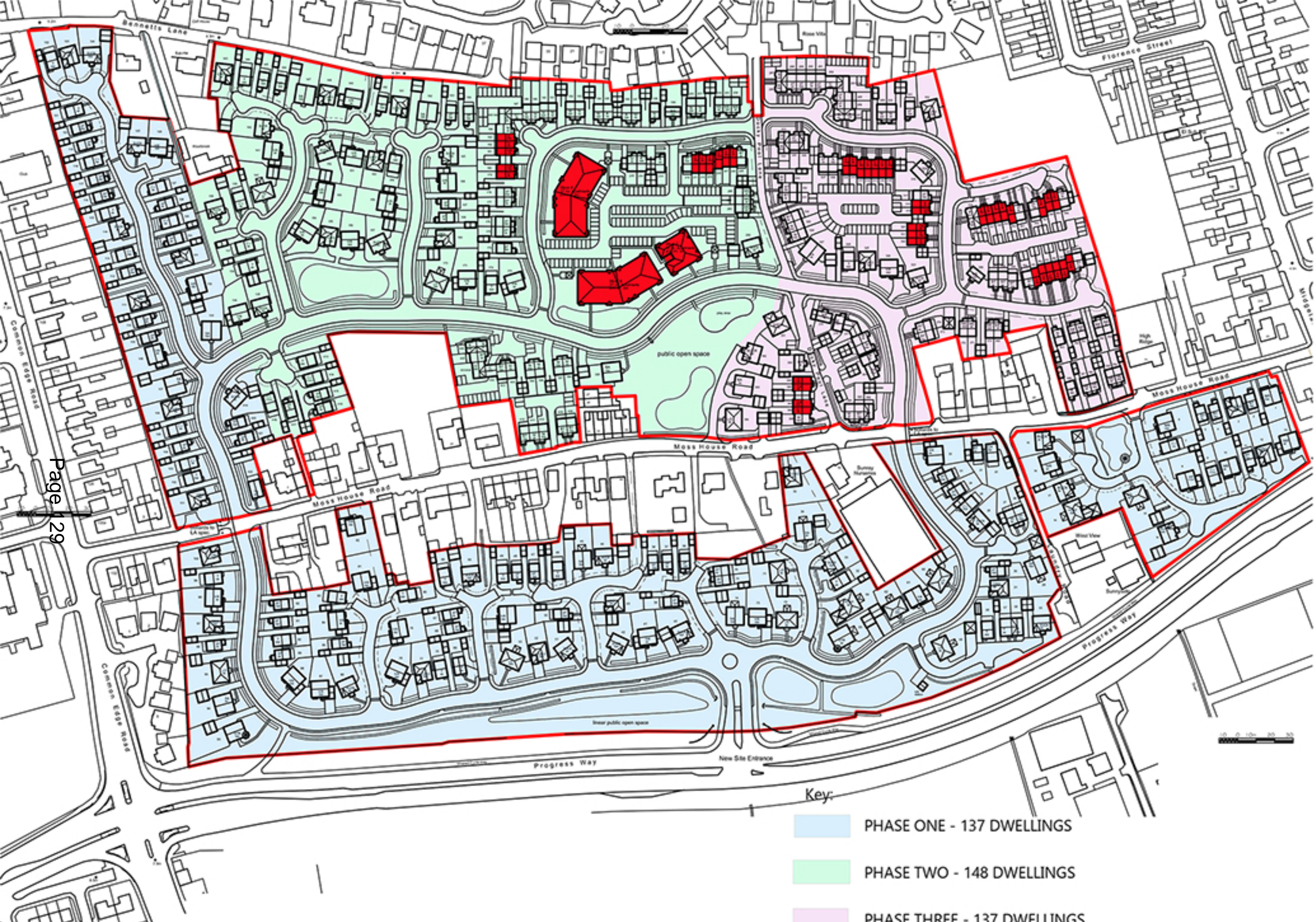
Reason: In order to minimise flood risk from surface water run off both on and off site in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

#### **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.

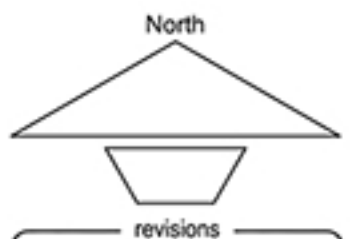
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- Key:
- PHASE ONE - 137 DWELLINGS
  - PHASE TWO - 148 DWELLINGS
  - PHASE THREE - 137 DWELLINGS
  - LOCATION OF 3 STOREY DWELLINGS



| revisions |
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|           |

title  
**MOSS HOUSE ROAD  
 MARTON, BLACKPOOL**

**PHASING PLAN**

Scale 1 : 500  
 Date FEBRUARY 2017  
 Drawn KDL  
 Drawing No. KD 48 / 308  
 Checked

**KENSINGTON**  
 DEVELOPMENTS

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