

Blackpool Council

20 July 2017

To: Councillors Humphreys, Hutton, Jackson, Maycock, O'Hara, D Scott and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 1 August 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 4 JULY 2017 (Pages 1 - 18)

To agree the minutes of the last meeting held on 4 July 2017 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 19 - 32)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 33 - 36)

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

5 PLANNING APPLICATION AND APPEALS PERFORMANCE REPORT (Pages 37 - 40)

To update Members of the Planning Committee of the Council's performance in relation to Government targets

6 PLANNING APPLICATION 17/0188 - 65 HARROWSIDE, BLACKPOOL (Pages 41 - 50)

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

7 PLANNING APPLICATION 17/0360 - RUSKIN HOTEL, 55-61 ALBERT ROAD, 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.

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

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

Present:

Councillor L Williams (in the Chair)

Councillors

Humphreys

Jackson

O'Hara

Hutton

Maycock

Stansfield

In Attendance:

Mr Ian Curtis, Legal Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Group Engineer, Traffic Management

Mr Mark Shaw, Principal Planning Officer

1 DECLARATIONS OF INTEREST

Councillor Jackson declared a prejudicial interest in Agenda Item 8, Planning Application 17/0276 – Site of Wilkinson's Store bounded by Queen Street, High Street, Talbot Road and Dickson Road, Blackpool. The nature of the interest being that he was a member of the Tramway Extension Project Board.

2 MINUTES OF THE MEETING HELD ON 13 JUNE 2017

The Committee considered the minutes of the Planning Committee held on 13 June 2017.

Resolved: That the minutes of the meeting held on 13 June 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 decision to dismiss an appeal against the Council's refusal to issue a Certificate of Lawfulness for a Proposed Use of nine existing holiday flats and owners accommodation for permanent occupation and refusal to remove conditions 3 and 5 from Planning Application 80/0013, which restricted out of season occupation and required one of the flats to be occupied by a resident manager/caretaker.

Resolved: To note the planning appeals lodged and determined.

Background papers: None

4 PLANNING ENFORCEMENT UPDATE REPORT

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

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The report stated that 39 new cases had been registered for investigation, 15 cases had been resolved by negotiation without recourse to formal action and 28 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. One Breach of Condition notice had been authorised during the same period.

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

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.

Background papers: None

5 PLANNING APPLICATION AND APPEALS PERFORMANCE REPORT

The Committee considered an update report on the Council's performance in relation to Government targets.

Mr Johnston, Head of Development Management, updated the Committee on performance for June and the quarter April 2017-June 2017. The speed of major development decisions for June was 100% and for minor development was 88%, with other applications at 100%. For the quarter period from April 2017-June 2017, the speed of major development decisions was 83%, minor developments was 93% and other applications was 100%.

Resolved: To note the report on planning applications and appeals performance.

6 PLANNING APPLICATION 16/0490 - MARTON MERE HOLIDAY VILLAGE, MYTHOP ROAD, BLACKPOOL

The Committee considered planning application 16/0490 for the creation of 31 additional static caravan pitches with associated access roads and parking areas, landscaping and footpath improvement.

Mr Johnston presented the Committee with an overview of the application and the proposed site layout, location plans and aerial views of the site. He advised the Committee that the application was part of a wider area of land that had been designated as open land meeting community and recreational needs in the Blackpool Local Plan 2001-2016 and was covered by Policy BH8 which sought to prevent development of the land unless the proposed development only covered a small part of the land and enhanced the land's community or recreational use. Mr Johnston reported that the application site would involve the loss of approximately 25% of the designated open land. Footpath enhancements that would make the footpaths available for all year round use were also included as part of the proposed development.

Mr Johnston referred to the amendments to the original application made principally in response to concerns raised by local residents. The amendments included a reduction in the number of proposed caravans from 55 to 31 and areas at the northern end of the site

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being omitted from the revised proposal. Mr Johnston referred the Committee to the significant reduction in the number of objections to the revised proposal. He referred Members to the additional proposed conditions and the letters from the Applicant's Agent that had been included in the Update Note.

Mr Thompson, Applicant's Agent, spoke in support of the application. He advised the Committee of the Applicant's intention to continue to invest in its holiday parks, the amendments to the application that had been made in response to local residents' concerns and the measures taken to minimise the impact on the park's neighbouring residents. He also reported his view on the wider social and economic benefits of the development.

In response to questions from the Committee regarding wider consultation with the general public, Mr Thompson confirmed that consultation had been undertaken with residents of properties adjacent to the park. Mr Johnston added that all local residents and objectors to the original application had been notified of the consultation event.

A Member of the Committee questioned the issue of drainage and potential for flooding at the site and Mr Thompson referred to the statutory consultees that had raised no concerns with regard to drainage and flooding. The Chairman also referred the Committee to the proposed conditions covering drainage and flooding that would be attached to the planning permission, if granted. Mr Johnston added that the site was not located in a flood risk zone and referred the Committee to the Applicant's Agent's letter that detailed the proposal for dealing with surface water by sustainable dispersal methods.

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.

7 PLANNING APPLICATION 17 0247 - 26 DALE STREET, BLACKPOOL

The Committee considered planning application 17/0247 for the external alterations and use of ground floor as altered as one self-contained permanent flat at the property at 26 Dale Street.

Mr Shaw, Principal Planning Officer, presented the Committee with an overview of the application and the proposed site layout, location plans and aerial views of the site. He reported that the site of the proposed development was within the Foxhall Main Holiday Accommodation Area and Foxhall Conservation Area. He advised the Committee that the property frontage was on Dale Street which was mainly residential in character. The proposal related to the conversion of a former shop on the ground floor of the premises into a two bedroomed self-contained flat. He reported on amendments made to the internal plans since the application had been submitted to address concerns relating to privacy. Mr Shaw reported his view that one of the benefits of the proposal would be the improvement to the visual appearance of the area by bringing a property back into use.

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The proposed alterations were designed to be sympathetic to the character of the period property.

In response to a question from a Member of the Committee, Mr Shaw confirmed that the internal floor area of the proposed flat met the minimum requirement in the Government's Housing Technical Standards. In response to a further question from the Committee, Mr Shaw reported that the ground floor had never been in holiday use and it was not now considered viable for use as a shop.

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.

8 PLANNING APPLICATION 17/0276 - SITE OF WILKINSON'S STORE, BOUNDED BY QUEEN STREET, HIGH STREET, TALBOT ROAD AND DICKSON ROAD, BLACKPOOL

The Committee considered planning application 17/0276 for the erection of a six storey building to form a new 142 bedroom Class C1 hotel incorporating restaurant, bar and conference accommodation, together with Class A1 retail uses at the lower ground floor, rooftop plant with associated external works, including hardsurfacing, temporary public car parking with vehicle access from Queen Street, a widened pedestrian underpass to Blackpool North Railway Station and replacement pedestrian steps and ramp between the Station and High Street following demolition of existing buildings and subway.

Mr Shaw provided the Committee with an overview of the application and the proposed site layout and location plans and aerial views of the site. Artistic impressions of the proposed development were shown which included images of the overall proposed development of the area following completion of future phases. He advised the Committee that the application was seeking approval of a six storey 'L' shaped hotel with restaurant, bar and conference accommodation with retail units and a temporary car park. It was intended that a tram station would be located on the lower ground floor, although it was noted that the tram station was not part of the application. The proposal also included alterations to the existing underpass under High Street to the railway station.

Mr Shaw referred the Committee to the Update Note which listed a range of issues raised by the Head of Highways and Traffic Management and a number of proposed conditions to address those concerns, including the agreement of a Travel Plan, off-site highways works, car park layout and reference to demolition works to be included in the Construction Management Plan. It also proposed an amendment to proposed Condition 5 to reflect the temporary nature of the proposed car park. He confirmed that the additional conditions and amendment to Condition 5 would be included into the conditions attached to the planning permission, if granted.

The Committee was advised that the proposed development was in accordance with the Central Business District Policy within the Core Strategy and sought to maximise the relationship with Blackpool North Railway Station. Mr Shaw reported that this was Phase

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1 of several phases in the development of the site and was also the commencement of Phase 2 of the Central Business District development.

During consideration of the application, the Committee commented favourably on the benefits of the proposed development for the town.

NOTE: Prior to consideration of this item, Councillor Jackson, having declared a prejudicial interest left the room and took no part in the consideration or the decision on this item.

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.

Chairman

(The meeting ended 6.45 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Governance Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

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Application Number 16/0490 – Marton Mere Holiday Village, Mythop Road, Blackpool

Creation of 31 additional static caravan pitches with associated works including access roads and parking areas, landscaping and footpath improvement.

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 - 954/32/4 Rev B
- Drawings numbered 954/32/1 Rev F, 954/32/1A Rev C, 954/32/2 Rev C, 954/32/2A Rev B, 1002 Rev C, SK02 Rev F, FP01 Rev B, SE01 Rev B

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

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

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

4. 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 and Policy CS9 of the Blackpool Local Plan Part 1:

Core Strategy 2012-2027

5. Prior to occupation 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: arrangements for management and maintenance by the owners of the Holiday Village; and arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system 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 ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 954/32, dated September 2016) and subject to the following requirements:
 1. The caravan pitches approved by this permission shall not be used for permanent residential occupation
 2. All of the static caravans should stand clear of the ground with an elevated internal floor level which is approximately 700mm above existing and proposed ground level (as stated in Section 5.12)
 3. The ground levels which are existing in the area in point 2 (above) is not intended to be altered in any way (as stated in Section 5.10)

The mitigation measures detailed in the FRA shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the occupants of the site are not at an unacceptable risk of flooding in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH4 of the Blackpool Local Plan 2001-2016.

8. Prior to the commencement of any development a lighting strategy for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall then be implemented as part of the development and retained as such.

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 CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. 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.

10. a) The landscaping works shown on the approved drawings 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.)

- b) 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.

- 11. Before any caravans are placed on the application site the footpath upgrades detailed on the approved plans shall be implemented and retained.

Reason: To allow for year round public access to the land and Marton Mere/the footpaths around Heron's Reach golf course in accordance with Policy BH8 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- 12. Before any caravans are placed on the application site a management plan for the proposed landscaping and footpath upgrades shown on the approved plans shall be submitted to and approved by the Local Planning Authority. The management plan shall be implemented in accordance with the approved details.

Reason: To allow for year round public access to the land and Marton Mere/the footpaths around Heron's Reach golf course and in the interests of residential amenity in accordance with Policies BH3 and BH8 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- 13. The caravans shall not be occupied between 17 January and 28 February in any calendar year.

Reason: To prevent permanent occupation of the caravans in accordance with Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Application Number 17/0247 – 26 Dale Street, Blackpool

External alterations and use of ground floor as altered as 1 self-contained permanent flat.

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 05/04/2017.
- Drawings numbered DDDS 102A (23/02/2017), DDDS 103 (29/05/2017).

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

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

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 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 refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

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

5. Before the premises are first occupied, sound and vibration proofing shall be carried out and thereafter be retained in accordance with BS 8233:2014.

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.

6. No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenities of nearby properties and the wider locality 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.

7. The flat shall not be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Application Number 17/0276 – Site of Wilkinson’s Store, Bounded by Queen Street, High Street, Talbot Road and Dickson Road, Blackpool

Erection of a six storey building to form a new 142 bedroom Class C1 hotel incorporating restaurant, bar and conference accommodation, together with Class A1 retail uses at the lower ground floor, rooftop plant with associated external works, including hardsurfacing, temporary public car parking with vehicle access from Queen Street, a widened pedestrian underpass to Blackpool North Railway Station and replacement pedestrian steps and ramp between the Station and High Street following demolition of existing buildings and subway.

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 20/04/2017.

Drawings numbered:-

7543 L(00)77 B - Location Plan
7543 L(00)88 - Demolition Plan
7543 L(00)70 C - Phase 1 Site Plan – Lower Ground
7543 L(00)56 D - Phase 1 Site Plan – Ground Floor
7543 L(00)82 B - Phase 2 Site Plan – Lower Ground
7543 L(00)55 D - Phase 2 Site Plan – Ground Floor
7543 L(00)33 Q - Lower Ground Floor Plan
7543 L(00)34 L - Ground Floor Plan
7543 L(00)80 C - 1st Floor Plan
7543 L(00)35 K - 2nd 3rd and 4th Floor Plan
7543 L(00)71 F - Roof Plan
7543 L(00)11 F - Colour Lower Ground Floor Plan
7543 L(00)12 F - Colour Ground Floor Plan
7543 L(00)13 F - Colour Typical Floor Plan
7543 L(00)14 C - Colour Roof Plan
7543 L(00)104 - Lower Ground External Works Plan (Landscape)
7543 L(00)105 - Ground Floor External Works Plan (Landscape)
7543 L(00)44 E - Proposed South Elevation (Talbot Road)
7543 L(00)45 E - Proposed East Elevation (High Street)

7543 L(00)46 E - Proposed North Elevations (Queen Street)
7543 L(00)47 E - Proposed West Elevations (New Square)
7543 L(00)83 B - Proposed Colour South Elevation (Talbot Road)
7543 L(00)84 B - Proposed Colour East Elevation (High Street)
7543 L(00)85 B - Proposed Colour North Elevations (Queen Street)
7543 L(00)86 B - Proposed Colour West Elevations (New Square)
7543 L(00)05 E - Section A-A
7543 L(00)36 D - Section B-B
7543 L(00)102 A - Section C-C
7543 L(00)21 C - Colour Section A-A
7543 L(00)59 C - Colour Section B-B
7543 L(00)103 A - Colour Section C-C
7543 L(00)38 C -Sketch View 1
7543 L(00)39 D -Sketch View 2
7543 L(00)40 C -Sketch View 3
7543 L(00)41 D -Sketch View 4
7543 L(00)42 D -Sketch View 5
7543 L(00)60 B -CGI View from Train Station
7543 L(00)61 B -CGI View from Bickerstaffe Square
7543 L(00)62 B -CGI View from Tram Terminus
7543 L(00)30 C -CGI View from Talbot Road

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

3. Notwithstanding the submitted plans details of external materials to be used, including brick, tiles, glazing and window/ door frames and metalwork 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 CS19 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. No development shall take place until a Construction Management Plan, including specific reference to demolition works of the existing building, 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 routing of construction traffic.

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

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

5. Notwithstanding the submitted plans, prior to the development hereby approved being first brought into use the car parking provision shall be provided in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of lighting, drainage, boundary treatment, landscaping, signage and pay machines.

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.

6. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. The building/use(s) hereby approved shall not be occupied/first brought into use until the servicing arrangements, including 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 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. A window display shall be maintained at all times in the ground floor front windows to High Street and Talbot Road unless otherwise agreed in writing with the Local Planning Authority.

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.

13. Prior to the development/ use(s) hereby approved being first brought into use the rooftop ventilation system and ducting detailed, submitted and approved as part of the application shall be provided and shall thereafter be retained.

Reason: In order to safeguard the residential amenity of the occupants of neighbouring premises and in the interests of 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.

14. Details of the appearance, technical specification and siting of any external ventilation ducting and plant from the kitchen areas shall be submitted to and agreed in writing by the Local Planning Authority substantial completion of the development. 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 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.

15. 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.

16. 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.

The works shall include the creation of the loading bay on Queen Street, the creation and revocation of taxi ranks on Queen Street, the opening-up of Queen Street to

traffic where it meets High Street, the creation of the pick-up/drop-off on High Street, works to create new footway areas on High Street and at the High Street/Talbot Road junction. The footway paving to extend further along Dickson Road (between the zebra crossing and Queen Street) and the formation of the new vehicle access into the car park from Queen Street.

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

Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	1 August 2017

PLANNING/ENFORCEMENT APPEALS DETERMINED/LODGED

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 212 DICKSON ROAD, BLACKPOOL, FY1 2JS (15/8186)

5.2.1 An appeal by Mr Stephen Snelson against the service of an Enforcement Notice relating to the unauthorised erection of decking, a fence and a shed at first floor level on the flat roof of the outrigger.

- 5.2.2 The appeal was dismissed.
- 5.2.3 The Inspector stated that the main issues were the effects of the development on:
- the character and appearance of the area; and
 - the living conditions of occupiers of neighbouring properties with reference to any loss of outlook or loss of privacy.
- 5.2.4 The Inspector stated that the scale, massing and height of the development is appropriate to neighbouring buildings and to its use, considering the width and importance of the street in which it is located. In this respect it complies with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2016 (CS) and Policy LQ4 of the Blackpool Local Plan 2006 (LP). Its design including use of materials is of an acceptably high quality in accordance with the requirements of Policy LQ1 and s7 of the National Planning Policy Framework. However, the development provides a poor outlook to neighbouring properties and has a detrimental effect on the privacy enjoyed by their occupants. The harm caused is substantial and contrary to Policy BH3 which states that development will not be permitted which would, among other matters adversely affect those occupying residential and visitor accommodation by its effect on privacy or outlook or activity associated with its use. It would also be contrary to CS Policy CS7 which would not permit development that causes unacceptable effects by reason of visual intrusion or overlooking.
- 5.2.5 In conclusion on ground (a), the Inspector stated that the development fails in a fundamental respect to comply with key development plan policies that seek to ensure that development safeguards the living conditions of occupiers of property surrounding it. The harm caused by the overlooking and loss of privacy to nearby neighbours is significant and not overcome by other considerations. So the appeal fails on ground (a) and planning permission was refused on the deemed application.
- 5.2.6 In relation to the ground (f) appeal (whether steps required exceed what is necessary to remedy injury to amenity caused by the development), the Inspector stated that the Enforcement Notice indicates that its purpose is to remedy the breach of planning control in accordance with s173(4)(a) of the Act by requiring the complete removal of the unauthorised development. No specific alternative lesser steps are put forward that would provide a satisfactory remedy to the breach of planning control. In the circumstances it is necessary and not excessive to require the removal of the decking, fencing and shed, and consequently the appeal on ground (f) did not succeed.
- 5.2.7 In relation to the ground (g) appeal (time given to comply with the notice is too short) the Inspector noted that the appellant asked for 12 months (the Enforcement Notice stated 3 months). However, as there would not be any complex building operations required to dismantle the development, he considered that three months to comply is adequate within which to arrange for the removal of the decking, fencing and shed.

5.2.8 The Enforcement Notice was upheld, and is due for compliance by 11 October 2017.

5.2.9 A copy of the Inspector's decision dated 11 July 2017 is attached as Appendix 3a.

5.3 21 CRANLEIGH AVENUE, BLACKPOOL, FY2 9LG (16/8054)

5.3.1 An appeal by Ms Elaine Rowland against the service of an Enforcement Notice relating to the unauthorised erection of a rear dormer hung in brown uPVC and the erection of a side dormer hung in uPVC and with an opening window.

5.3.2 The appeal was allowed.

5.3.3 In relation to the ground (c) appeal (matters alleged do not constitute a breach of planning control), the Inspector commented that the Town and Country Planning (General Permitted Development)(England) Order 2015, Schedule 2, Part 1, Class B permits the enlargement of a dwelling-house consisting of additions or alterations to its roof subject to certain conditions. One of those conditions is that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling-house. Another is that any window on a wall or roof slope forming a side elevation must be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

5.3.4 In this case, both dormers are clad in brown uPVC, therefore the materials used to clad the dormers are not similar in appearance to those used in the existing dwelling-house. Furthermore, the window in the side dormer opens and the opening part is not more than 1.7 metres above the floor level and so does not comply with the aforementioned condition. Consequently, for the reasons given, the development was in breach of planning control when the enforcement notice was issued and it remains in breach. Ground (c) therefore fails.

5.3.5 In relation to the ground (a) appeal (planning permission sought for the development as built) the Inspector considered the main issues to be the effect of the development on:

- the character and appearance of the area; and
- the living conditions of neighbouring occupiers in terms of outlook, and the privacy of the occupiers of no. 23 Countess Crescent.

5.3.6 The Inspector pointed out that the surrounding area is residential consisting of a mixture of house types and styles, with the immediate vicinity containing mainly bungalows similar in appearance to the appeal property. There are a number of dormers nearby, clad in a variety of materials including white uPVC and other coloured uPVC. She stated that the rear and side dormer development is proportionate in size to the existing dwelling and its cladding and colouring is not out of keeping with other development in the area. Whilst the side dormer has a partial mono-pitch roof, its design and limited scale do not render this inappropriate. The

rear dormer is barely visible from public vantage points and the modestly sized side dormer is unobtrusive and merges into its surroundings. Consequently, no harm is caused to the character and appearance of the area.

Furthermore, regardless of the property's position at the top of a slight gradient, there is sufficient distance between the development and other dwellings so as not to adversely impact on neighbours' outlook. The small bathroom window to the side dormer opens, and when standing immediately next to this open window there are oblique views downwards towards a habitable room window in the adjacent dwelling at 23 Countess Crescent. However, the extent to which this outlook impacts on the neighbour's privacy is minimal, particularly as the purpose of the window is simply to ventilate the on-suite bathroom which it serves.

The Inspector therefore concluded that the side dormer causes no significant harm to the privacy of the occupiers of 23 Countess Crescent.

5.3.7 Consequently, the appeal succeeds on ground (a), and the Enforcement Notice quashed.

5.3.8 A copy of the Inspector's decision dated 26 June 2017 is attached as Appendix 3b.

5.4 Planning/Enforcement Appeals Lodged

5.4.1 None

5.5 List of Appendices:

5.5.1 Appendix 3a - A copy of the Inspector's decision dated 11 July 2017
Appendix 3b- A copy of the Inspector's decision dated 26 June 2017

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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Appeal Decision

Site visit made on 26 June 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2017

Appeal Ref: APP/J2373/C/16/3160153

Land at 212 Dickson Road, Blackpool FY1 2JS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Stephen Snelson against an enforcement notice issued by Blackpool Borough Council.
 - The notice was issued on 24 August 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of decking, a fence and a shed at first floor level on the flat roof of the outrigger.
 - The requirements of the notice are:
 - Remove all decking from the roof of the outrigger;
 - Remove all fencing from the roof of the outrigger;
 - Remove the shed from the roof of the outrigger.
 - The period for compliance with the requirements is three months after this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

2. The appellant questions the expediency of taking enforcement action, alleging that he was not informed of what was wrong with the development in planning terms before the notice was issued or what was required to put it right. However the reasons why the Council considered it expedient to issue the notice are clearly given in the notice itself, as required by Regulation 4(a) of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002. Whether it was in fact expedient is a matter for the Council and not something I can consider in relation to this appeal.¹

The appeal on ground (a) and the deemed planning application

Main issues and reasons

3. The main issues are the effects of the development on: firstly, the character and appearance of the area; and secondly, on living conditions of occupiers of neighbouring properties with reference to any loss of outlook or loss of privacy.

¹ Planning Practice Guidance: 008 Reference ID: 13-008-20140306 advises that if a person is unhappy with the local planning authority's approach to an existing development, they may consider going through the Council's complaints procedure. If the issue is unresolved, complaint may be made to the Local Government Ombudsman.

Character and appearance

4. The appeal property is a mid-terraced single family dwelling with a cream coloured render on front and rear elevations, including the rear outrigger. Properties in the surrounding area are mainly in commercial use on the ground floors with residential use on the upper floors.
5. The roof of the rear outrigger is about 2.79m high. It has been adapted as a roof terrace, having an unstained wooden decking area of some 53m², and fencing about 1.33m high, around the perimeter. There is a 2m tall timber shed, stained blue, on the decking, with glazed openings to the front and sides.
6. The shed, fence and decking are seen within the relatively wide service road between the rear elevations of Dickson Road and Gynn Avenue, which latter street contains several guest houses. On both sides of the service road back additions have been erected that vary in their design, materials and render used, and number of storeys. Generally, there is a lack of uniformity in their appearance, especially at the edge of the road where there are disparate forms of one or two-storey extensions, including garages with timber constructed double doors and parking areas. Some of the blockwork and rendered elevations at this location are of poor environmental quality.
7. The shed is on decking at first floor level among a group of two-storey back projections of Dickson Road properties that, in views from the north at least, have a degree of uniformity. However the shed is located towards the rear of the boundary and its modest size, massing and unobtrusive roof form make it a fairly unremarkable feature in this scene. It is not as prominent as several of the built additions in the vicinity. The blue stain used on the timber of the shed has a muted tone and in my view complements the cream render of its host.
8. During my visit I saw a small white-rendered timber-built, first floor rear extension, further along the service road on the Gynn Avenue side, with a door opening onto a flat roof. Although this was an isolated example of the use of timber at first floor level, it illustrates the variety of styles and built forms that exist within this backland location.
9. I have not been made aware of any specific policy or guidance that precludes the use of timber at upper floor levels and given the particular design and siting of the shed I do not find its use inappropriate. The materials used in the development are of sound quality and give it a contemporary appearance. In my view they make a modest contribution towards lifting the appearance of the street scene. Overall the development does not unacceptably disrupt the character or appearance of the host building or the wider area.
10. I note that the appellant enjoys a front garden larger than those nearby which tend to belong to commercial units on the ground floor, although it is not private. It does not give a compelling reason to refuse permission for other amenity related development where that would be otherwise acceptable.
11. I conclude on this issue that the scale, massing and height of the development is appropriate to neighbouring buildings and to its use, considering the width and importance of the street in which it is located. In this respect it complies with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2016 (CS) and LP Policy LQ4 of the Blackpool Local Plan 2006 (LP). Its design including use of materials is of an acceptably high quality in accordance with the

requirements of LP Policy LQ1 and section 7 of the National Planning Policy Framework.

Living Conditions

12. The decking extends to an area above the return space at the rear of the property between the outrigger and the boundary of 210 Dickson Road. Use of this area is likely to give rise to complaints of overlooking the rear yard area of No 210 and is too close to the first floor windows of that property to avoid a significant degree of loss of privacy to its occupiers. A condition could require that the area is gated to limit access, save for planting and maintenance. However its retention would still give rise to an unacceptable sense of overlooking and loss of privacy. In addition the 1.33m high fence close to the boundary would adversely affect the outlook from these upper floor windows.
13. Since the notice was issued all the perimeter fencing has been increased in height by adding artificial foliage, fixed to timber and wire supports. Whilst this may mitigate the loss of privacy, the extra height has caused an unacceptable loss of outlook from the first floor windows at No 210. The height of the foliage causes similar adverse impacts at the first floor rear window of the property on the other side, No 214-216. In addition the position of the shed, fairly close to the boundary, further detracts from the outlook from that particular window.
14. Furthermore the extent of the decking area is likely to result in a number of persons congregating on it at times that would be impracticable to control by condition. This raises the strong possibility of increased noise and disturbance being caused to surrounding occupiers and adds to my concerns.
15. The owners of the hotel on Gynn Avenue that backs onto No 212 raise no objection; however I must consider the interests of future and present occupiers of all properties near the appeal site who may be adversely affected.
16. I therefore find on this issue that the development provides a poor outlook to neighbouring properties and has a detrimental effect on the privacy enjoyed by their occupants. The harm caused is substantial and contrary to LP Policy BH3 which states that development will not be permitted which would, among other matters adversely affect those occupying residential and visitor accommodation by its effect on privacy or outlook or activity associated with its use. It would also be contrary to CS Policy CS7 which would not permit development that causes unacceptable effects by reason of visual intrusion or overlooking.

Conclusion on ground (a)

17. The development fails in a fundamental respect to comply with key development plan policies that seek to ensure that development safeguards the living conditions of occupiers of property surrounding it. The harm caused by the overlooking and loss of privacy to nearby neighbours is significant and not overcome by other considerations.
18. For these reasons and considering all other matters raised, the appeal fails on ground (a) and planning permission will be refused on the deemed application.

Ground (f)

19. The issue under this ground is whether the steps required by the notice exceed what is necessary to remedy the breach of planning control, or, as the case

may be, to remedy any injury to amenity caused by the development. The notice indicates that its purpose is to remedy the breach of planning control in accordance with s173(4)(a) of the Act by requiring the complete removal of the unauthorised development.

20. The appellant suggests that a lesser requirement to erect perimeter screening to the roof terrace, such as obscure glazing or landscaping, would overcome the need for the complete removal of the development. He also suggests that access to part of the decking area could be restricted but this is a matter that I have dealt with in ground (a) and there is no alternative step proposed for its removal. Also under ground (a) I have referred to the adverse impacts of any increase in height of the fencing so as to provide screening.
21. Under ground (f) the appellant also emphasises that the notice does not restrict the use of the roof itself or require the removal of the opening in the rear elevation that provides access to it. However the scope of the notice is confined to operational development on the roof itself, and does not extend to the use to which the roof may or may not be put. There is no evidence before me to conclude as to the lawfulness of the use or the opening. That being so, neither the existing use of the roof nor the existence of the access to it, can be a factor to weigh positively for or against retention of the development.
22. No specific alternative lesser steps are put forward that would provide a satisfactory remedy to the breach of planning control. In the circumstances it is necessary and not excessive to require the removal of the decking, fencing and shed.
23. Consequently the appeal on ground (f) does not succeed.

Ground (g) - that the time given to comply with the notice is too short

24. The appellant requests the period for compliance is extended to 12 months. There would not be any complex building operations required to dismantle the development. I therefore consider that the three month compliance period is adequate within which to arrange for the removal of the decking, fencing and shed.
25. The appeal on ground (g) therefore fails.

Overall Conclusion

26. For the reasons given above I conclude that the appeal does not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

27. The appeal is dismissed and the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

Grahame Kean

INSPECTOR

Appeal Decision

Site visit made on 20 June 2017

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2017

Appeal Ref: APP/J2373/C/16/3162375

21 Cranleigh Avenue, Bispham, Blackpool, FY2 9LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Elaine Rowland against an enforcement notice issued by Blackpool Borough Council.
 - The enforcement notice, referenced 16/8054/OPS, was issued on 28 September 2016.
 - The breach of planning control as alleged in the notice is the erection of a rear dormer hung in brown uPVC and the erection of a side dormer hung in uPVC and with an opening window.
 - The requirements of the notice are: 1. Remove the rear dormer in its entirety or clad the rear dormer in a similar material to the original roof; and 2. Remove the side dormer in its entirety or clad the side dormer in a similar material to the original roof and seal the opening window.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a rear dormer hung in brown uPVC and the erection of a side dormer hung in uPVC and with an opening window on land at 21 Cranleigh Avenue, Bispham, Blackpool, FY2 9LG referred to in the notice.

Reasons

Ground (c)

2. Under this ground the Appellant must show why the matters alleged do not constitute a breach of planning control.
3. The Town and Country Planning (General Permitted Development)(England) Order 2015, Schedule 2, Part 1, Class B permits the enlargement of a dwellinghouse consisting of additions or alterations to its roof subject to certain conditions. One of those conditions is that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Another is that any window on a wall or roof slope forming a side elevation must be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

4. The existing dwellinghouse is constructed of red brick walls, with white uPVC fascia boarding to part of the front, and a tiled roof. Both dormers are clad in brown uPVC. This was also the situation at the time the enforcement notice was issued and is not contested. Therefore, the materials used to clad the dormers are not similar in appearance to those used in the existing dwellinghouse.
5. Furthermore, the window in the side dormer opens and the opening part is not more than 1.7 metres above the floor level and so does not comply with the aforementioned condition.
6. Consequently, for the reasons given, the development was in breach of planning control when the enforcement notice was issued and it remains in breach. Ground (c) therefore fails.

Ground (a)

7. Under this ground, planning permission is sought for the development as built. I consider the main issues to be the effect of the development on 1) the character and appearance of the area and 2) the living conditions of neighbouring occupiers in terms of outlook, and the privacy of the occupiers of no. 23 Countess Crescent.
8. The surrounding area is residential consisting of a mixture of house types and styles, with the immediate vicinity containing mainly bungalows similar in appearance to that of the Appellant. There are a number of dormers nearby, clad in a variety of materials including white uPVC and other coloured uPVC. Other features such as front uPVC porches and a uPVC side conservatory are apparent in the street scene.
9. The rear and side dormer development is proportionate in size to the existing dwelling and its cladding and colouring is not out of keeping with other development in the area. Whilst the side dormer has a partial mono-pitch roof, its design and limited scale do not render this inappropriate. The rear dormer is barely visible from public vantage points and the modestly sized side dormer is unobtrusive and merges into its surroundings. Consequently, no harm is caused to the character and appearance of the area.
10. Regardless of the property's position at the top of a slight gradient, there is sufficient distance between the development and other dwellings so as not to adversely impact on neighbours' outlook.
11. The small bathroom window to the side dormer opens, and when standing immediately next to this open window there are oblique views downwards towards a habitable room window in the adjacent dwelling at 23 Countess Crescent. However, the extent to which this outlook impacts on the neighbour's privacy is minimal, particularly as the purpose of the window is simply to ventilate the on-suite bathroom which it serves. I therefore conclude that the side dormer causes no significant harm to the privacy of the occupiers of 23 Countess Crescent.
12. The development may not strictly comply with all elements of the Council's Design Guidance *Extending Your House Supplementary Planning Document*, which indicates that the design features of the extension should reflect the original, and side windows should be non-opening. However, this is only

guidance and in this particular case the development is justified as it does not result in any undue harm.

13. The development complies with Policy CS7 of the Blackpool Local Plan Part 1 Core Strategy 2012-2027, adopted in January 2016, and saved policies LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001-2016, adopted in June 2006, which together seek to ensure high quality design to enhance the character and appearance of the area and to prevent unacceptable effects on outlook and privacy, amongst other things. Nor is there any breach of the design policies within the National Planning Policy Framework.
14. Consequently, the appeal succeeds on ground (a).

Ground (f)

15. It is unnecessary for me to consider whether the appeal on ground (f) should succeed as the enforcement notice will be quashed in consequence of my decision to allow the appeal on ground (a). Therefore, no further consideration of ground (f) is required.

Elizabeth C. Ord

Inspector

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	1 August 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 June 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, 96 new cases were registered for investigation, compared to 63 received in June 2016.

5.1.2 Resolved cases

In June 2017, five cases were resolved by negotiation without recourse to formal action, compared with 32 in June 2016.

5.1.3 Closed cases

In total, 42 cases were closed during the month (30 in June 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

- No enforcement notices authorised in June 2017 (one in June 2016);
- No s215 notices authorised in June 2017 (one in June 2016);
- No Breach of Condition notices authorised in June 2017 (none in June 2016).

- No enforcement notices served in June 2017 (none in June 2016);
- No s215 notices served in June 2017 (three in June 2016);
- No Breach of Condition notices served in June 2017 (none in June 2016)
- 1 Community Protection Notice (CPN) served in June 2017.

relating to those cases set out in the table below.

Community Protection Notice served in June 2017

Reference	Address	Case	Dates
17/8176	Land at Clifton Road / Langdale Road / Newby Place	CPN issued 02/06/2017: <ul style="list-style-type: none"> • Do not allow, cause or permit work to be carried out on the land outside permitted hours of Monday - Friday 08.00-18.00 and Saturday 08.00-13.00 • Do not allow, cause or permit works to be carried out on Sundays or Bank Holidays 	Compliance was due immediately

Does the information submitted include any exempt information?

No

5.2 List of Appendices:

5.2.1 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

Report to:	PLANNING COMMITTEE
Relevant Officer :	Gary Johnston - Head of Development Management
Date of Meeting:	1 August 2017

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

1.1 To update members of the Planning Committee of the Council's performance in relation to Government targets.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of current performance.

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:

None the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is both

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 Members of the Planning Committee will be aware that the Government has set targets for the determination of major and minor category planning applications and major and minor category appeals. These are speed and quality of decision targets and are currently:

Speed of major development decisions – 60% within 13 weeks or an agreed Extension of Time – for the period October 2015 to September 2017.

Speed of minor development decisions – 70% within 8 weeks or an agreed Extension of Time – for the period October 2015 to September 2017.

Quality of major development decisions – Loss of more than 10% of appeals – for the period April 2015 – March 2017.

Quality of non-major development decisions – Loss of more than 10% of appeals – for the period April 2015 – March 2017.

5.2 Figures are submitted quarterly to the Department of Communities and Local Government.

5.3 Performance is shown for June 2017 and for the second quarter of 2017 and will in the future be reported monthly to the Committee.

	Government Target	Performance June 2017	Performance April - June 2017
Major development decisions	>60%	100%	83%
Minor development decisions	>70%	88%	93%
Quality of major development decisions	>10%	n/a	n/a
Quality of Non-major development decisions	> 10%	No appeals allowed	No appeals allowed

Does the information submitted include any exempt information? No

5.4 List of Appendices

5.4.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 Performance is influenced by staffing numbers, sickness and leave.

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.

10.0 Risk management considerations:

10.1 Under resourcing the service could lead to inability to respond to peaks in workload.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Not applicable

13.0 Background Papers

13.1 None

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COMMITTEE DATE: [01/08/2017](#)

Application Reference: 17/0188

WARD: Squires Gate

DATE REGISTERED: 05/04/17

LOCAL PLAN ALLOCATION: Main Local Centre
Local centre

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr Ambrosini

PROPOSAL: External alterations including installation of bi-fold doors to front elevation and new door and extraction flue to rear elevation, and use of premises as altered as a restaurant (Use Class A3).

LOCATION: 65 HARROWSIDE, BLACKPOOL, FY4 1QH

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Mark Shaw

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 proposed restaurant would be located within a designated Local Centre and is considered to be an appropriate use subject to appropriate conditions to minimise the impact on nearby residential property.

SITE DESCRIPTION

The application relates to a vacant ground floor shop premises with residential accommodation above located within a designated Local Centre. The application property is positioned mid terrace within a parade of approximately 15 units which includes two hot food take away shops and a restaurant. The restaurant and one of the takeaways are located either side of the application premises. There is a bus stop outside the adjoining premises, on street parking is available on Harrowside and this parade of shops have substantial forecourts and many have residential accommodation above the ground floor. On the opposite side of Harrowside there are two and three storey residential properties.

DETAILS OF PROPOSAL

External alterations including installation of bi-fold doors to the front elevation and new door to the rear elevation, and use of premises as altered as a restaurant (Use Class A3). The application also proposes the installation of an extraction flue on the rear elevation.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Use
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

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

CONSULTATIONS

Blackpool Services Directorate: I am unable to assess the suitability of this proposed development without further information to clarify the potential for noise and odour nuisance that may arise. Regard must also be had to the 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. Details of odour arrestment measures need to be submitted. Details of the noise output of any noise making equipment need to be submitted such as kitchen extraction plant, refrigeration plant and its location. Consideration must also be given to sources of structure borne noise and vibration, for example from siting of extraction systems, fans and air conditioning units.

Further details and specifications have been submitted and the up-dated comments are as follows:-

With the cooking and food service currently ceasing at a reasonable time (9pm) I am fairly happy that the fan will not be a nuisance. Noise from the kitchen cleaning and packing up for the night could be an issue if they work too late – they are proposing hours of business are until 10pm – not sure whether this means they possibly will be cooking until then. Can we condition a set closing time of 10pm so all is done and quiet by 11pm?

Agents' response That is fine, closing time at 10.00pm will work for my client.

Head of Highways and Traffic Management: No objections

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

Site notice displayed: 18 April 2017

Neighbours notified: 7 April 2017.

Five letters of objection have been received on the following grounds:-

57a Harrowside, Blackpool- My major concerns are noise levels after 10pm. This is predominately a residential area although a number of properties are retail most have residents living above. There is no access for parking at the front of the property and my concerns are their customers parking in front of other properties. Most restaurants on Highfield Road which is mainly retail with very few properties residential close at 10pm.

14, Dunes Ave, Blackpool- Impact of proposal on a quiet residential area, noise from outside eating area/music and increased traffic noise into late evening. Outside eating area will require some sort of permanent screening owing to exposed site. This will have a visual impact on an open aspect. Presume food waste will be gathered in the rear access road which will encourage vermin to an area popular with fly tipping despite alley gates. Similar problems with food waste have occurred in the Starr Gate and Lytham Road restaurants. There are more than enough bars and late night eating venues in the area.

38 Harrowside, Blackpool- The area is predominantly residential in nature and relatively peaceful during the evening. Both the proposed bi-fold doors and outside seating would inevitably cause noise nuisance to numerous residents particularly during warmer weather when they would have their windows open or sit on their balconies. The serving of alcohol would no doubt add to the disturbance as it is well known that people who have been drinking make extra noise. Residents, which include many elderly and disabled, are surely entitled to the continued quiet enjoyment of their properties. We are also concerned about additional traffic and parking issues in an area which already has problems with motorists frequently driving across and along the pavement, causing danger to pedestrians and damage to paving.

71/73 Harrowside, Blackpool- I am concerned that a licenSed restaurant staying open until 23.00 with bi-fold doors will cause excess noise and disturbance to numerous residents in the vicinity. It would also be likely that there would be more noise at the rear of the property at a late hour causing more disturbance.

67 Harrowside, Blackpool- cites 7 concerns-

1. A major concern over noise levels after 10.00pm as our bedrooms are at the front of the property, next to 65 Harrowside door. If there is an outside seating / drinking area this is right under my windows.
2. Looking at the plans it shows the bar area to be adjacent to my stair area which leads to my living quarters, will the walls be sound proofed?
3. Concerns about parking as Harrowside is both commercial and residential and we already have issues of people driving over pavements to park on forecourts.

4. If planning is to go ahead my concern is from the dust and debris and noise from the front of the shop as being a food shop hygiene is very important to us and having our doors open from 11.45 to 8.00 could cause an issue to ourselves and our customers.
5. The shop opening times say 7 days a week 5.00-11.00pm is this correct?
6. Plans for the front seating area are not specific is this an eating area?
7. Will walls be built to separate the shops?

As both residential and business area we have to be mindful of residents and their wellbeing as the majority are elderly and are not used to noise or disturbance at night. Most of the businesses close by 10.00pm. I am in no way opposed to having a restaurant open next door and I am sure it will be an asset to the area which as a business owner I approve of. Harrowside has lots of successful businesses on it and we strive to improve the area with close contacts with the Council and residents.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 7: There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 17: Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

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 –

- CS3- Economic Development and Employment
- CS4- Retail and Other Town Centre Uses
- CS7- Quality of Design

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
- LQ14 Extensions and Alterations
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH17 Restaurants, Cafes, Public Houses, Hot Food Take Aways
- AS1 General Development Requirements

ASSESSMENT

Principle of Use- the application premises are within a designated Local Centre comprising approximately 15 single and double fronted ground floor premises on the south side of Harrowside bounded by the Blackpool south rail line to the west and Harrington Avenue to the east. The Local Centre also includes Chards Gold Bullion business across Harrowside although the remainder of Harrowside is primarily residential. There are also a number of residential properties above the shops in the Local Centre. In terms of assessing the land use merits of the application there are no objections in principle to the location of a restaurant in a designated Local Centre which accords with Policy BH17 of the Local Plan, subject to the details being considered acceptable and the application will be assessed against the issues discussed below.

Impact on Residential Amenity- There are two and three storey flats across Harrowside from the application site and also flats above a number of the adjoining shops within this Local Centre. A sizeable designated Local Centre is where one would expect a suburban restaurant to locate precisely because it would limit the impact on residential amenity. The main impact on residential amenity relates to residential accommodation above adjoining shops. Subject to the imposition of appropriate conditions limiting closing hours to 10pm, the agreement of a sound insulation scheme and subject to the satisfactory operation of the extraction system, the proposal is considered acceptable and in accordance with Policies

BH3 and BH4 of the Local Plan. The restaurant and one of the takeaways abut either side of the application premises.

The use of the forecourt is clearly subject to appropriate weather conditions and given this fact, the location within a busy Local Centre which already contains two hot food takeaways, a restaurant and a Co-op supermarket which opens until 10pm and the intended limit upon opening hours of the proposed restaurant until 10pm, it is considered that the ancillary use of the forecourt is acceptable in terms of residential amenity. The use of the forecourt area would also be controlled via Licensing which would deal with any amenity or management issues over and above the planning conditions.

Impact on Highway Safety - the application is within a designated Local Centre with bus stops close by on Harrowside and on-street parking available within the vicinity of the site. A number of adjoining units also use the forecourt to provide off-street parking. It is not considered that the proposed restaurant will create any significant traffic issues given its commercial location and with Harrowside being a busy local road.

CONCLUSION

The proposal is considered to be an appropriate re-use of vacant premises and will result in the property being brought back into beneficial use adding to the vitality and viability of this busy Local Centre. A number of conditions will be imposed aimed at limiting the impact upon residential amenity and, subject to these conditions, the proposal is considered to be acceptable and in accordance with the relevant local and national planning policies.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

FINANCIAL BENEFITS

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 17/0188 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

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

- Location Plan stamped as received by the Council on 15 March 2017
- Drawings numbered HP/2366 V2 PL/17/05.1, HP/2366 V2 PL/17/05.2

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 use hereby approved being first brought into use the ventilation system and ducting detailed on the approved plan shall be provided and shall thereafter be retained.

Reason: In order to safeguard the residential amenity of the occupants of neighbouring premises and in the interests of 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.

4. The use of the premises shall not operate outside the hours of 17-00 to 22-00 on any day.

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.

5. Before the premises are first occupied, sound and vibration proofing shall be carried out and thereafter be retained in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

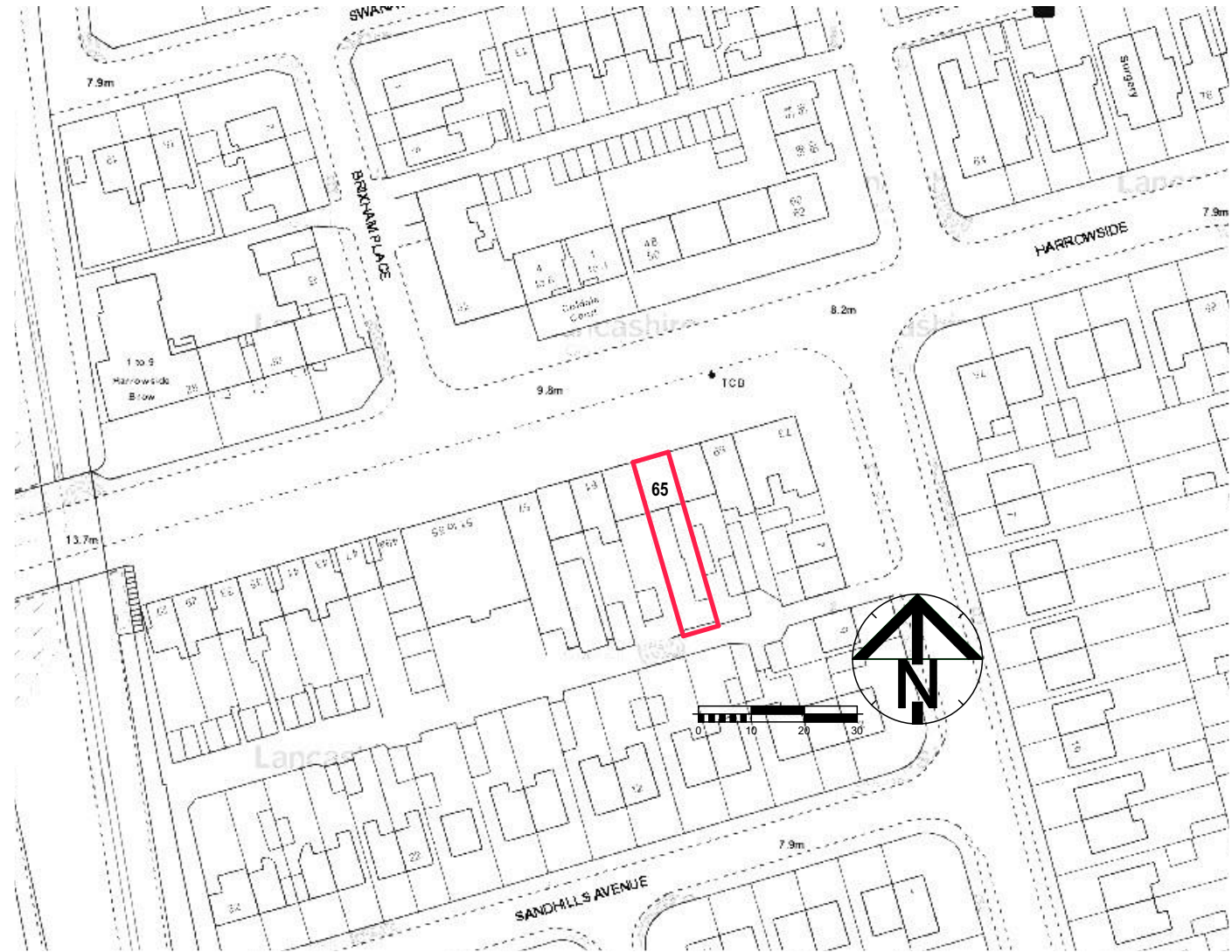
Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. No permanent structures shall be constructed on the forecourt without the prior written approval of the Local Planning Authority.

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.

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.



Homeplan Designs

(incorporating Express Plans)

49 East Beach, Lytham, Lancs FY8 5EY

Architectural, Planning, Interior Design, CAD Consultants

A4

Tel: (01253) 737724

Fax: (01253) 732347

Mobile: 07971 293 182

Email: Chris@homeplan-designs.com

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COMMITTEE DATE: [01/08/2017](#)

Application Reference: 17/0360

WARD: Talbot
DATE REGISTERED: 02/06/17
LOCAL PLAN ALLOCATION: Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: BLACKPOOL PROMOTIONS LTD

PROPOSAL: Erection of bridge at first floor level connecting rear elevation of hotel with existing rear garage/accommodation block, external alterations, erection of glazed balustrade and parapet wall to roof of garage/accommodation block, and use of garage/accommodation block as altered as a leisure complex with roof terrace ancillary to main hotel.

LOCATION: RUSKIN HOTEL, 55-61 ALBERT ROAD, BLACKPOOL, FY1 4PW

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Mike Davies

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 represents a significant investment in the leisure and tourism sector of Blackpool's economy. Having regard to the amenity and highways issues presented by the proposal it is considered that these can be mitigated by the imposition of appropriate conditions to minimise the impact on the occupiers of neighbouring properties. The nature of the proposed use along with these mitigation measures should result in an underused building being brought back into active use which would make a positive contribution to the resort offer in addition to improving the appearance of the existing building.

INTRODUCTION

The applicants have recently purchased the hotel and are looking to upgrade it and improve the offer available to guests. Planning permission has recently been granted under 17/0320 for a smoking shelter at the side of the main hotel. Other site history includes the installation of a disabled access ramp to the front of the hotel under planning permission

01/0996 and a third floor extension at the rear of the hotel under planning permission 88/0928 for additional bedrooms. There is no specific site history relating to the garage and staff accommodation block which is the subject of this application.

SITE DESCRIPTION

The site is located within the Defined Inner Area Boundary as defined on the Blackpool Local Plan proposals map. The property is also situated within a defined Holiday Accommodation Area.

The Ruskin Hotel fronts onto Albert Road and has an alleyway which runs down the western elevation of the property and a service road to the rear elevation (south). The accommodation/ garage block which forms part of this application is situated on the opposite side of the service road and backs onto holiday accommodation that fronts onto Charnley Road.

DETAILS OF PROPOSAL

The erection of a bridge at first floor level connecting the rear elevation of hotel with existing rear garage/ staff accommodation block, erection of glazed balustrade and parapet wall to the roof of the existing staff accommodation and garage block, and the use of staff accommodation and garage block as altered as a leisure complex with roof terrace ancillary to main hotel.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Design
- Amenity
- Highways Safety
- Parking and Servicing
- Other Issues

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

CONSULTATIONS

Head of Highways and Traffic Management: No objections subject to the conditions in relation to the bridge element of the scheme and no encroachment onto the highway.

Service Manager Public Protection: No objections subject to the imposition of appropriate conditions to control the hours of use of the outdoor roof terrace and soundproof plant and machinery to be installed within the spa use to minimise disturbance to the occupiers of neighbouring properties.

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.

Head of Visitor Economy: 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

Site notice displayed: 13 June 2017

Neighbours notified: 12 June 2017

Neighbours - One letter of objection has been received and raises the following concerns:

- Increased height of building will result in loss of light
- The bridge will also result in a loss of light
- Increased height will add to sense of enclosure and the feeling of being closed in
- Loss of parking will further exacerbate existing parking problems in the area caused by staff and visitor parking
- Deliveries already regularly block the road and flout parking restrictions and increased on-street parking will make this worse
- Existing pay and display parking bays on Albert Road are always full, where will staff, visitors and spa guests park?
- Why is the proposal removing car parking spaces but not making re-provision elsewhere?
- Concern at potential for noise nuisance from the patio area at roof level
- Parking restrictions need to be changed on the service road at the rear to prevent parking and deliveries which frequently obstruct the road.
- Concern that road surface of the service road cannot accommodate additional traffic.
- Construction process will make access for residents extremely difficult if not impossible.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 17 states that there are 12 core principles and one in particular is relevant here - to seek high quality design and a good standard of amenity.

Core Principle 1 "Building a Strong, Competitive Economy" paragraphs 18- 21 and Core Principle 7 "Good Design" paragraphs 56 - 66 are relevant considerations in terms of the application.

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 -

- CS1 – Strategic Location of Development
- CS3 – Economic Development and Employment
- CS7 – Quality of Design
- CS21 – Business and Leisure Tourism

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
- LQ8 – Energy and Resource Conservation
- LQ14 – Extensions and Alterations
- BH3 – Residential and Visitor Amenity
- AS1 – General Development Requirements

ASSESSMENT

Principle - Investment in tourism is a prime objective of the Council's planning policies. The proposal represents a significant investment on the part of the applicants in a main holiday accommodation area. It will bring an existing run down building back into full use which will see its complete renovation and refurbishment and will ultimately improve the visual appearance of the block thus having a positive impact in the locality and creating confidence in the business sector. The proposal is therefore considered to be consistent with the aims of Policy CS21 of the Core Strategy.

Design - The proposal involves the refurbishment and bringing back into active use the existing staff accommodation and garage block. The block is situated at the rear of holiday accommodation fronting onto Charnley Road and currently presents a less than attractive outlook to these properties and to those overlooking from Albert Road. The refurbishment will significantly enhance the visual appearance of this block and add additional vitality to the area.

Amenity - The proposal involves the conversion of an existing structure including the insertion of opaque glazing at ground floor level facing onto the service road and the creation of a roof terrace. There are no windows proposed in the rear elevation of the block,

so the main issue in terms of amenity is the impact of the roof top terrace. The proposal envisages the spa facility in the building operating between the hours of 0700 and 2200 hours daily. The roof top terrace will have a parapet wall with obscure glazing panels mounted on this to provide privacy to users of the facility. In turn this will also protect the amenities of the occupiers of surrounding properties from the gaze of the terrace users. It is also intended to restrict the hours of use of the outdoor terrace via condition to between 0800 and 2100 hours as well as preventing amplified sound outside to protect the amenities of the occupiers of neighbouring properties.

It is not considered that the use of the terrace in relation to the main spa use will present any issues in terms of impact on resident and visitor amenities provided it is used for this purpose only and the facility operates within the suggested hours.

Highway Safety - Subject to the agreement of detailed design issues there are no highway safety concerns arising from the proposal. Conditions will be imposed to ensure that appropriate clearance between the highway and bridge are maintained to facilitate the servicing of the area by refuse lorries and other delivery vehicles.

Parking and Servicing Arrangements - The development will result in the loss of garage accommodation resulting in the loss of approximately nine off-street staff car parking spaces. However, in reality the vast majority of the garage area has been used for storage in connection with the main hotel use rather than providing staff parking. Whilst hotel managers have used the garage for parking vehicles, it is only a couple at a time due to the restrictions imposed by the amount of floorspace in the garage taken up by storage. It is therefore not considered that any significant impact will occur on the local highway network as a result of these vehicles being displaced by the proposal. Given the hotel is close to the Town Centre alternative means of travel are available for staff members.

Other Issues - The proposal represents a considerable investment in the holiday accommodation offer which is welcomed. The diversification of the hotel offer into spa breaks should assist in attracting year round visitors which can only be a positive development for the wider economy.

CONCLUSION

The conversion of the existing garage/staff accommodation block to a spa facility will considerably enhance the appearance of this rather tired looking building. The new use will also add an extra dimension to the hotel's offer and attract new visitors looking for a different experience. Whilst, some concerns have been expressed about the impact of the proposal on adjoining holiday accommodation, it is considered that this can be mitigated via the imposition of appropriate conditions that allow the new facility to function but not to the detriment of the amenities currently enjoyed by neighbours and their visitors.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Not Applicable.

FINANCIAL BENEFITS

There are no direct financial benefits.

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 17/0360 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

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

- Location Plan stamped as received by the Council on 2nd June 2017
- Drawings numbered B/17/54/02, B/17/54/03, B/17/54/05

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

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

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

4. The roof terrace on the building shall not be open for use outside the hours of 0800 to 2100 on any day.

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.

5. No live music or entertainment shall take place in the spa facility at any time either inside the building or within its external curtilage including the roof terrace. Amplified sound shall only be used within the spa facility building and shall not be audible externally.

Reason: To prevent noise and disturbance to adjoining residents and visitors in accordance with Policy BH3 of the Blackpool Local plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2016-2027.

6. Prior to occupation of the building, details of any external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.

Reason: To safeguard the amenities of nearby properties and the wider 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.

7. 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 plant shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby hotel and 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.

8. Before the premises are first occupied, sound and vibration proofing shall be carried out and thereafter be retained in accordance with a scheme to be submitted to and agreed in writing by 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.

9. All glazing to the spa building shall be at all times obscure glazed and fixed permanently closed.

Reason: To safeguard the living conditions of the occupants of the neighbouring 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.

10. Full structural and construction details will be provided to the Local Planning Authority and agreed in writing prior to any work commencing on site.

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.

11. 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 routing of construction traffic.

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

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

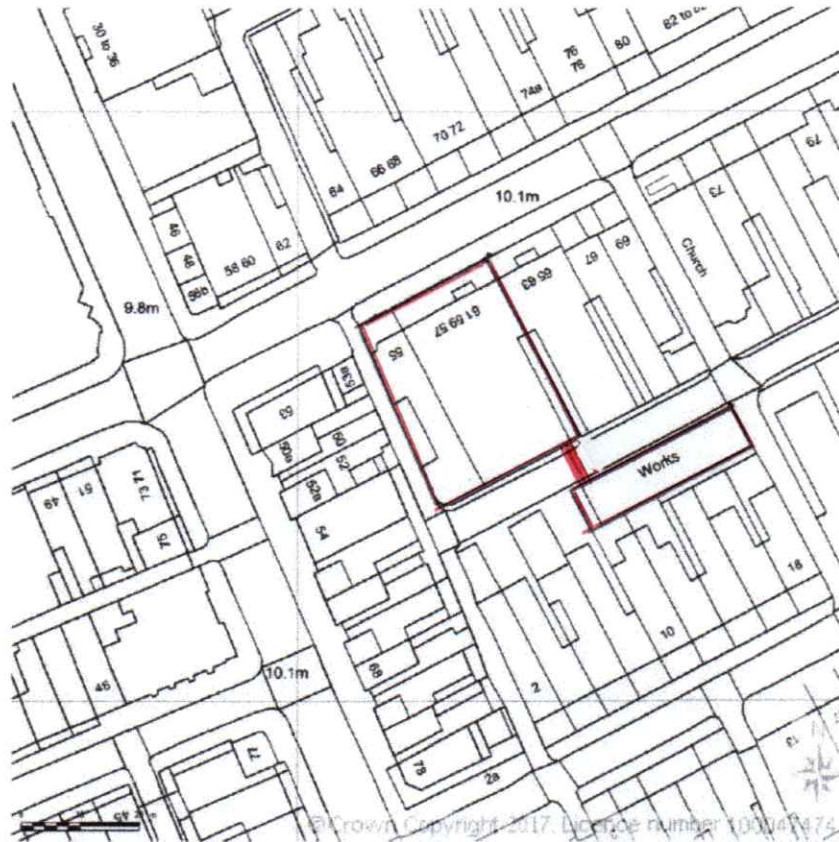
Advice Notes to Developer

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.
2. Advice about the Building Regulations can be obtained from the Planning Department's Building Control Division, either by writing to the address shown above or by telephoning (01253) 476219.
3. A license to build over the highway may be required. The developer is advised to make early contact with the Traffic Section of the Council's Built Environment Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477).

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**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 330922, 435947**



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