

# Blackpool Council

8 December 2017

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

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 19 December 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 either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2017** (Pages 1 - 22)

To agree the minutes of the last meeting held on 21 November 2017 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 23 - 26)

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

**4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 27 - 30)**

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

**5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE (Pages 31 - 34)**

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

**6 PLANNING APPLICATION 17/0466 - LAND AT WARREN DRIVE, BLACKPOOL (Pages 35 - 70)**

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

**7 PLANNING APPLICATION 17/0626 - 420 WATERLOO ROAD, BLACKPOOL (Pages 71 - 80)**

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

**8 PLANNING APPLICATION 17/0640 - 44-46 QUEENS PROMENADE, BLACKPOOL (Pages 81 - 94)**

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

**9 PLANNING APPLICATION 17/0699 - 42 ABINGDON STREET, BLACKPOOL (Pages 95 - 110)**

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

**Venue information:**

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

**Other information:**

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor L Williams (in the Chair)

Councillors

Humphreys	Hutton	D Scott
Hunter	O'Hara	T Williams

### **In Attendance:**

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser  
Mr Gary Johnston, Head of Development Management  
Mrs Clare Lord, Legal Officer  
Ms Susan Parker, Senior Planner  
Mr Latif Patel, Network Planning and Projects Manager  
Mr Mark Shaw, Principal Planning Officer

### **1 DECLARATIONS OF INTEREST**

Councillor Hutton declared a prejudicial interest in Agenda Item 9 relating to planning application 17/0652 – Unity Academy, Warbreck Hill Road, Blackpool. The nature of the interest being that Unity Academy was part of the Fylde Coast Academy Trust and he was a Governor of Mereside Primary School which was also part of the same Academy Trust.

Councillor L Williams declared a prejudicial interest in Agenda Item 10 relating to planning application 17/0702 – Former K Boocock and Company Ltd, Coleridge Road, Blackpool. The nature of the interest being that the application site was within her ward and she had previously been involved in discussions with constituents regarding traffic issues in the area which was one of the main material considerations within the application.

### **2 MINUTES OF THE MEETING HELD ON 24 OCTOBER 2017**

The Committee considered the minutes of the meeting held on 24 October 2017.

**Resolved:** That the minutes of the meeting held on 24 October 2017 be approved and signed by the Chairman as a correct record.

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

The Committee noted the decisions of the Planning Inspectorate to dismiss two appeals submitted against the Council's refusal to grant planning permission for a change of use of part warehouse from Class B2 general industry to class A1 retail at Unit 1, 71 Moor Park Avenue, Blackpool and the erection of four new bungalows at Land to the rear of 17-23 Carleton Avenue, Blackpool.

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

Background papers: None

#### **4 PLANNING ENFORCEMENT UPDATE REPORT**

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

The report stated that 53 new cases had been registered for investigation, 29 cases had been resolved by negotiation without recourse to formal action and 40 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.

There had also been one Enforcement Notice and one s215 Notice served during the 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 APPLICATIONS AND APPEALS PERFORMANCE**

Mr Johnston, Head of Development Management, reported on the Council's performance in relation to the determination of planning applications and planning appeals for October 2017 and the quarter period from July to September 2017.

He advised Members that the Council's performance in relation to the determination of planning applications was assessed on a two year rolling basis and that the last assessment was for the period 1 October 2015 to 30 September 2017. Within that period the performance for the determination of major applications was 76% within a 13 week period against a target of 60% and minor applications was 72% within an eight week period against a target of 70%. He highlighted that performance for both categories exceeded the Government threshold for the two year period.

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

Background papers: None

#### **6 PLANNING APPLICATION 17/0406 - 502 DEVONSHIRE ROAD, BLACKPOOL**

The Committee considered planning application 17/0406, 502 Devonshire Road, Blackpool that sought planning permission for the erection of single storey rear extensions to form orangery and six bedrooms and internal alterations to increase overall number of bedrooms from 17 to 25.

Mr Johnston, Head of Development Management, presented the Committee with an overview of the application and the current and proposed site layout plans, elevational and roof plan, location plan, current and proposed car parking provision and aerial views

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 21 NOVEMBER 2017

of the site. He advised the Committee that the application sought to create 25 single en-suite bedrooms, an increase in the current provision of 14 single and 3 double bedrooms which would increase the number of residents that could be accommodated from 20 to 25.

Members were shown the proposed plans in the context of the development's proximity to neighbouring properties. Mr Johnston advised on amendments to the application since it was originally submitted to reduce an element to single storey and to reduce the height and design of the other single storey element. He referred to the additional representations reported in the Update Note in support of the application. He reported on the parking provision and indicated that the development satisfied the parking requirements set out in the parking standards. In response to a question from the Committee, Mr Patel, Network Planning and Projects Manager, confirmed that the Head of Highways and Traffic Services had withdrawn his objection to the proposal following receipt of further information regarding an increase in parking provision and the allocation of specified spaces for staff and visitors.

Mr McGauley, Public Objector, spoke in objection to the proposal confirming that whilst he was not against an extension to the property in principle, he had concerns about the impact of the current proposal on his amenities due to the size and bulk of the proposed development. He asked the Committee to consider deferring the application to provide an opportunity for an alternative proposal to be investigated.

Mr Workman, Applicant's Agent, spoke in support of the application and reported on his view of the benefits of the proposed development, which included the enhancement of a community asset and the increase in the number of residents that could be accommodated. In his opinion, the proposed development met the requirements of relevant policies within the Council's Core Strategy and Local Plan. Mr McLoughley, Applicant, also spoke in support of the application and reported his opinion on the benefits of the scheme, the amendments made to the original proposal to reduce the impact on neighbouring properties and his view that there would be sufficient car parking provision.

The Committee considered the application and raised concerns relating to the impact of the proposed development on the amenities of the occupiers of 504 Devonshire due to its positioning, the length of the proposed extension and its proximity to the neighbouring property. Members considered that a deferral of the application to a future meeting would be appropriate to give the applicant the opportunity to consider the Committee's concerns regarding the proposed development's impact on the amenities of the neighbouring property.

**Resolved:** That the application be deferred to a future meeting to allow the applicant the opportunity to consider the Committee's concerns in relation to the proposed development's impact on the amenities of the neighbouring property.

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

**7 PLANNING APPLICATION 17/0503 - 26-30 ABINGDON STREET, BLACKPOOL**

The Committee considered planning application 17/0503 that sought permission for

internal and external alterations including erection of a "plaza" to first floor level within existing service yard area, installation of replacement windows to Edward Street, re-modelling of former post office counter and use/ conversion of buildings to provide leisure uses, retail uses, offices, restaurants and cafes within Use Classes A1, A2, A3, D2 with associated administrative offices, car parking, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works at 26-30 Abingdon Street, Blackpool.

Mr Shaw, Principal Planning Officer, presented the Committee with an overview of the application and the proposed site layout, elevational plan, location plan, aerial views of the site and an artistic impression of the proposed internal café area. Mr Shaw advised Members that the application represented a revision of a previously approved scheme and that the main changes from the originally approved scheme included the deletion of a hotel and proposed new windows and alterations to the former Post Office counter. Ongoing negotiations regarding the removal of the metal railings on Edward Street had been undertaken and agreement reached on the retention of a section of the railings.

Mr Shaw referred to the comments from the Head of Highways and Traffic Services that had led to a number of further proposed conditions. Those conditions related to the requirement for a service management plan to be submitted and approved by the Local Planning Authority, an amendment to proposed Condition 4 to make reference to the allocation of designated parking spaces within the central courtyard area. In addition he referred to a Section 278 Agreement informative note relating to the proposed loading bay on Edward Street. He also referred Members to the Update Note which proposed a further additional condition requiring the details of all materials to be used on the external elevations, including replacement windows, doors, roller shutter and roof top cladding to be submitted and agreed in writing by the Local Planning Authority. A further additional condition was proposed requiring the agreement of the exact specification for the end of the retained metal railings on Edward Street.

A Member of the Committee referred to the concerns raised regarding the impact of the development on the objector's property and it was noted that this had been considered in the granting of the original planning permission and there were no alterations from the previously approved scheme in terms of the relationship.

The Committee questioned the reason and extent of the removal of part of the metal railings on Edward Street and Mr Shaw showed on the plans the portion of railings that would be removed to allow access for Electricity North West to/from the proposed substation.

**Resolved:** That the application be approved, subject to the conditions, including additional conditions relating to the requirement of the submission and approval of a service management plan, the agreement of materials to be used on external elevations, a further condition requiring the exact specification for the end of the metal railings, the

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amendment of Condition 4 to make reference to the allocation of designated parking spaces within the central courtyard area and an informative note for a Section 278 Agreement relating to the proposed loading bay on Edward Street, 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 17/0504 - 26-30 ABINGDON STREET, BLACKPOOL**

The Committee noted that that this application was similar to the application at Agenda Item 7 with the exception that it was requesting Listed Building Consent which was covered by separate legislation.

**Resolved:** That the application be approved, subject to the conditions, including additional conditions relating to the requirement of the submission and approval of a service management plan, the agreement of materials to be used on external elevations, a further condition requiring the exact specification for the end of the metal railings, the amendment of Condition 4 to make reference to the allocation of designated parking spaces within the central courtyard area and an informative note for a Section 278 Agreement relating to the proposed loading bay on Edward Street, and for the reasons set out in the appendix to the minutes.

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

### **9 PLANNING APPLICATION 17/0652 - UNITY ACADEMY, WARBRECK HILL ROAD, BLACKPOOL**

The Committee considered planning application 17/0652 that sought permission for the formation of a Multi Use Games Area (MUGA) on existing playing field, enclosed by 4.5 metre high mesh fencing, erection of equipment store and six 15 metre high floodlights, with associated hardstanding and landscaping including grass bund at Unity Academy, Warbreck Hill Road, Blackpool.

Mr Johnston, Head of Development Management, presented the Committee with an overview of the application and the proposed site layout, elevational plan, location plan and aerial views of the site, including a visual image of the proposed pitch area. He reported on an amendment to the original scheme to remove access from Cotswold Road and the applicant's agreement to a reduction in the hours of use of the pitch to end at 9.30pm on Mondays to Fridays. Therefore the proposed hours of use would be 9.00am to 9.30pm Mondays to Fridays and 9.00am to 6.00pm Saturdays, Sundays and Bank Holidays. Mr Johnston reported on the measures taken to address the concerns raised by officers from Environmental Protection which included the reduction in hours of use, the continuous bund down the full length of the pitch and the provision of acoustic fencing. He also reported on the light spill which would be confined to the perimeter of the pitch and not extend to the houses on adjacent roads.

Mr Winter, Public Objector, spoke in objection to the application and raised concerns relating to the impact of the proposal on residents of neighbouring properties,

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particularly in relation to health, from the proposed use up to 9.30pm. Further concerns related to an increase in traffic, a lack of evidence that the proposed bund would be an effective noise reduction measure, and light spillage.

Mr Brennand, Applicant, spoke in support of the application, particularly in terms of its benefit for both the school and the local community. He reported on the consultation undertaken with planning officers and the amendments made in response to concerns raised. These included a reduction in the hours of use which he considered represented a balance between meeting the financial sustainability of the scheme and providing a facility for young people and satisfying the local community.

Responding to questions from the Committee, Mr Johnston reported on the distances between the fence surrounding the pitch and properties on adjacent roads. It was also confirmed that the facility would be vacated by the closing time of 9.30pm on Mondays to Fridays.

The Committee acknowledged the concerns raised relating to noise and discussed the effectiveness of the acoustic fencing in reducing the noise impact on the residents of neighbouring properties. Mr Johnston confirmed that a condition could be imposed on the planning permission, if granted, requiring the submission of a scheme relating to the acoustic fencing being approved by the Local Planning Authority. The Committee considered it would be appropriate to require such a condition to mitigate the impact of noise on the amenities of the residents of neighbouring properties.

**Resolved:** That the application be approved subject to the conditions, with an additional condition requiring the applicant to submit for approval by the Local Planning Authority a scheme relating to the provision of acoustic fencing, and for the reasons set out in the appendix to the minutes.

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

**NOTE:** Councillor Hutton, having declared a prejudicial interest, left the room during consideration of this item and took no part in the discussion or voting on the application.

### **10 PLANNING APPLICATION 17/0702 - FORMER K BOOCOCK AND CO LTD, COLERIDGE ROAD, BLACKPOOL**

The Committee considered planning application 17/0702 that sought permission for the use of premises at the former K Boocock and Co Ltd, Coleridge Road, Blackpool as an indoor cycling/ fitness centre (Class D2 use).

Ms Parker, Senior Planner, presented the Committee with an overview of the application and the proposed site layout, location and elevational plans. She advised Members that the application sought approval for the use of the ground floor as a gymnasium or fitness centre with the first and second floors used for offices and storage. She emphasised that although the applicant's intended use of the premises was as a specialised indoor cycling fitness centre, it was not possible to restrict its use to this extent. She drew the



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Committee's attention to the Update Note which proposed two additional conditions following the receipt of a consultee response from the Council's Environmental Protection team.

She reported on the benefits of the proposal in terms of bringing disused premises back into use and promoting a healthy lifestyle. In relation to the concerns raised regarding parking provision, she accepted that the proposal could lead to increased pressure on parking in the area. However, in her opinion and on balance, the benefits of the scheme outweighed the shortfall in parking provision, particularly in view of the accessibility of the location, the availability of the adjacent forecourt in the evenings and the availability of on street parking in the area.

Mr Leadbetter, on behalf of the Applicant, spoke in support of the application and presented the Committee with information on the facilities that would be available within the premises. He reported his view on the need for the facility in the area, the benefits of the proposal in terms of improving the health and lifestyle of residents in the local and surrounding areas and employment opportunities it would offer.

The Committee considered the accessibility of the facility for disabled users and Mr Johnston reported on the siting of the facilities on the ground floor and the lack of a barrier preventing disabled users from accessing the facilities. Ms Parker reported on the suitability of the building and the layout of the premises in terms of its accessibility for disabled users. The applicant expanded on the facilities that would be available to disabled users within the facility.

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

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

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

**ADDITIONAL NOTE:** In the absence of the Chairman, the Vice-Chairman Councillor Humphreys took the chair during consideration of this item.

### Chairman

(The meeting ended 7.40pm)

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

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**Application Number 17/0503 - 26-30 Abingdon Street, Blackpool, FY1 1AA**

Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area, installation of replacement windows to Edward Street, re-modelling of former post office counter and use/ conversion of buildings to provide leisure uses, retail uses, offices, restaurants and cafes within Use Classes A1, A2, A3, D2 with associated administrative offices, car parking, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works.

**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:

16049-P100B  
16049-P101  
16049-P102  
16049-P103  
16049-P104  
16049-P105  
16049-P110B  
16049-P111  
16049-P112  
16049-P113  
16049-P114  
16049-P120  
16049-P121  
16049-P130  
16049-P131  
16049-S100  
16049-S101

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

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
- dust mitigation measures during the construction period
  - control of noise emanating from the site during the construction period
  - hours and days of construction work for the development
  - contractors' compounds and other storage arrangements
  - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
  - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
  - 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.

4. 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.

5. 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 any Class A3 development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and wider amenity, 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.

6. The building/uses hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas, have been provided in accordance with the approved details; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

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

7. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and such spaces shall be marked out and allocated in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The car parking provision shall thereafter be retained.

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

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

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. 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.

10. Prior to the commencement of development a programme of building recording and analysis shall be undertaken. This must be carried out in accordance with a timetable and written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Notwithstanding the submitted plans detailed treatment of the former counter hall and associated rooms on the Abingdon Street frontage, including the removal of non original partitions, re-exposure of wood panelling and mosaic floor and creation of new openings on the rear of the former counter hall shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: In the interests of retaining and re-exposing original features of the listed building, in accordance with Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. All new windows and doors on the development hereby approved shall be recessed 50mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

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

13. Notwithstanding the submitted plans and accompanying documents details of all materials to be used on the external elevations, including replacement windows, doors, roller shutter and roof top cladding, shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

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

14. Notwithstanding the submitted plans alterations to the railings on Edward Street shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

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

15. The building/use(s) hereby approved shall not be occupied/first commenced until the servicing arrangements on Edward Street, 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.

**Application Number - 17/0504 - 26-30 Abingdon Street, Blackpool, FY1 1AA**

Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area, installation of replacement windows to Edward Street, re-modelling of former post office counter and use/ conversion of buildings to provide leisure uses, retail uses, offices, restaurants and cafes within Use Classes A1, A2, A3, D2 with associated administrative offices, car parking, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works.

**Decision:** Grant Permission

**Conditions and Reasons:**

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

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

16049-P100B  
16049-P101  
16049-P102  
16049-P103  
16049-P104  
16049-P105  
16049-P110B  
16049-P111  
16049-P112  
16049-P113  
16049-P114  
16049-P120  
16049-P121  
16049-P130  
16049-P131  
16049-S100  
16049-S101

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

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
- dust mitigation measures during the construction period
  - control of noise emanating from the site during the construction period
  - hours and days of construction work for the development
  - contractors' compounds and other storage arrangements
  - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
  - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
  - 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.

4. 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.

5. 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 any Class A3 development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and wider amenity, 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.



6. The building/use hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas, have been provided in accordance with the approved details; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

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

7. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and such spaces shall be marked out and allocated in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The car parking provision shall thereafter be retained.

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

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

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. 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.

10. Prior to the commencement of development a programme of building recording and analysis shall be undertaken. This must be carried out in accordance with a timetable and written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason- To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Notwithstanding the submitted plans detailed treatment of the former counter hall and associated rooms on the Abingdon Street frontage, including the removal of non original partitions, re-exposure of wood panelling and mosaic floor and creation of new openings on the rear of the former counter hall shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: In the interests of retaining and re-exposing original features of the listed building, in accordance with Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. All new windows and doors on the development hereby approved shall be recessed 50mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

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

13. Notwithstanding the submitted plans and accompanying documents details of all materials to be used on the external elevations, including replacement windows, doors, roller shutter and roof top cladding, shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

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

14. Notwithstanding the submitted plans alterations to the railings on Edward Street shall be carried out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

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

15. The building/use(s) hereby approved shall not be occupied/first commenced until the servicing arrangements on Edward Street, 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.

**Application Number 17/0652 – Unity Academy, Warbreck Hill Road, Blackpool, FY2 OTS**

Formation of multi use games area (MUGA) on existing playing field, enclosed by 4.5 metre high mesh fencing, erection of equipment store and six 15 metre high floodlights, with associated hardstanding and landscaping including grass bund.

**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 22nd September 2017

Drawings numbered 02 Rev 01, 03 Rev 02, 04 Rev 02, 05 Rev 02, 06 Rev 01, 07 Rev 02, 08 Rev 01 and lighting details submitted

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

3. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the use of the pitch(es) and include details of pricing policy, hours of use, access by non-educational establishment/community/sports club users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with paragraph 73 of the National Planning Policy Framework and Policy CS15 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The use and floodlighting of the pitch(es) shall be restricted to the hours of 9am to 9.30pm Mondays to Fridays and 9am to 6pm on Saturdays, Sundays and Bank Holidays.

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. 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.

6. The access to the playing fields from Cotswold Road shall only be used for construction purposes and for the maintenance of the playing fields, pitch, fencing and lighting and for no other purpose.

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.

7. Development shall not begin until a detailed sustainable surface water drainage scheme for the site (including details of its future maintenance) has been submitted to and has been approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not cause flooding to surrounding properties in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. Before the development is commenced details of the fencing to the perimeter of the artificial grass pitch and any necessary sound attenuation measures for the fence, and details of the type, height and location of an acoustic fence outside the perimeter fence to the artificial grass pitch shall be submitted to and approved by the Local Planning Authority.

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.

**Application Number 17/0702 – Former K Boocock and Co. Ltd, Coleridge Road, Blackpool, FY1 3RP**

Use of premises as an indoor cycling/ fitness centre (Class D2 use).

**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:

Existing site and location plan ref. 051017005

Proposed floor plans ref. 051017004

Proposed elevation plans ref. 051017002

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

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

3. (a) The ground floor of the premises shall be used as a gymnasium or fitness centre and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).  
  
(b) The first and second floors of the premises shall be used as office space, storage and staff welfare facilities in association with and ancillary to the use of the ground floor of the premises as a gymnasium or fitness centre and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason: In order for the Local Planning Authority to retain long-term control of the use of the building in the interests of safeguarding the residential amenities of nearby neighbours and to ensure that adequate parking provision exists to meet the needs of the use in accordance with the provisions of paragraph 17 of the National Planning Policy Framework and saved Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

4. No external door shall be held or fixed in a permanently open position at any time when the use hereby approved is in operation.

Reason: In order to safeguard the residential amenities of nearby neighbours from potential noise nuisance in accordance with the provisions of paragraph 17 of the National Planning Policy Framework and saved Policy BH3 of the Blackpool Local Plan 2001-2016.

5. No recorded or amplified music or sounds shall be played outside of the building at any time.

Reason: In order to safeguard the residential amenities of nearby neighbours from potential noise nuisance in accordance with the provisions of paragraph 17 of the National Planning Policy Framework and saved Policy BH3 of the Blackpool Local Plan 2001-2016.

6. The use hereby approved shall not commence until details of refuse storage and collection have been submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with these agreed details.

Reason: In order to ensure that refuse is appropriately stored and managed in the interests of the appearance of the locality and the residential amenities of nearby neighbours in accordance with the provisions of paragraph 17 of the National Planning Policy Framework, saved Policies LQ1, BH2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Notwithstanding the information shown on the approved plans, the use hereby approved shall not commence until a scheme for the replacement of the existing vehicular door and the provision of a new internal door to create a double door arrangement between the gym area and the forecourt has been submitted to and agreed in writing by the Local Planning Authority. This agreed scheme shall then be implemented in full and in full accordance with the agreed details before the use hereby approved is commenced.

Reason: In the interests of the appearance of the premises and locality and in order to safeguard the residential amenities of nearby neighbours from potential noise nuisance in accordance with the provisions of paragraph 17 of the National Planning Policy Framework, saved Policies LQ1, BH2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. No external plant or machinery shall be installed at the premises unless the details of the location, appearance and technical specification (including noise level) of the equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant or machinery shall then be installed in full accordance with the agreed details and thereafter maintained as such.

Reason: In order to safeguard the residential amenities or the occupants of nearby sensitive premises from potential noise nuisance in accordance with the provisions of paragraphs 17 and 123 of the National Planning Policy Framework, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policy BH3 of the Blackpool Local Plan 2001-2016.

9. The following standards are to be met at the nearest noise sensitive premises in line with current World Health Organisation guidelines at all times when the use hereby approved is in operation:

LAeq 50dB 16hrs – façade level, day time – 0700-2300

LAeq 45db 8hrs – façade level, night time – 2300-0700

LAfmax 60db 8hrs – façade level, night time – 2300-0700

LAfmax 60db 4hrs – façade level, evening – 1900-2300

Reason: In order to safeguard the residential amenities or the occupants of nearby sensitive premises from potential noise nuisance in accordance with the provisions of paragraphs 17 and 123 of the National Planning Policy Framework, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policy BH3 of the Blackpool Local Plan 2001-2016.

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting</b>	19 December 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 Lodged**

**5.2 30 DOUGLAS AVENUE, BLACKPOOL, (17/0444)**

5.2.1 An appeal has been lodged by Mr A Gill against the refusal of a householder prior approval for the erection of a single story rear extension.

**5.3 4 BLOOMFIELD ROAD, BLACKPOOL (17/0216)**

5.3.1 An appeal has been lodged by Dar-Pol against the refusal of planning permission for the erection of rooflift to form second floor, and use of second floor of premises as altered as a self-contained permanent flat with integral roof garden and balcony to front elevation.

**5.4 Planning/Enforcement Appeals Determined**

5.4.1 None

5.5 Does the information submitted include any exempt information? No

**5.6 List of Appendices:**

5.6.1 None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager, Public Protection
<b>Date of Meeting</b>	19 December 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 November 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, 34 new cases were registered for investigation, compared to 72 received in November 2016.

#### **5.1.2 Resolved cases**

In November 2017, 21 cases were resolved by negotiation without recourse to formal action, compared to eight in November 2016.

#### **5.1.3 Closed cases**

In total, 39 cases were closed during the month (54 in November 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 notices**

- One enforcement notice authorised in November 2017 (none in November 2016);
- No s215 notices authorised in November 2017 (none in November 2016);
- No Breach of Condition notices authorised November 2017 (none in November 2016);
  
- No enforcement notices served in November 2017 (two in November 2016);
- Three s215 notices served in November 2017 (none in November 2016);
- No Breach of Condition notices served in November 2017 (none in November 2016);
- Two Community Protection Notices (CPN) served in November 2017 (none in November 2016).

relating to those cases set out in the table below

**Formal notices authorised in November 2017**

Reference	Address	Case	Dates
17/8192	22-28 Clifton Street	Unauthorised erection of two canopies used as smoking shelters on the front elevation	Enforcement notice authorised 22/11/2017

**Formal notices issued in November 2017**

Reference	Address	Case	Dates
16/8602	114 Caunce Street	Poor condition of property	S215 notice issued 08/11/2017. Compliance due by 13/04/2018 unless an appeal is made to the Magistrates by 13/12/2017
16/8603	125 Caunce Street	Poor condition of property	S215 notice issued 08/11/2017. Compliance due by 13/06/2018 unless an appeal is made to the Magistrates by 13/12/2017
17/8227	21 Montrose Avenue	Poor condition of property	CPN issued 08/11/2017. Compliance due by 31/12/2017 unless an appeal is made to the Magistrates by 29/11/2017
16/8604	140 Caunce Street	Poor condition of property	S215 notice issued 21/11/2017. Compliance due by 02/07/2018 unless an appeal is made to the Magistrates by 02/01/2018
16/8243	71 Bond Street	Poor condition of property	CPN issued 21/11/2017. Compliance due by 31/12/2017 unless an appeal is made to the Magistrates by 12/12/2017

Does the information submitted include any exempt information? No

**List of Appendices:**

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



<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer :</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting:</b>	19 December 2017

## PLANNING APPLICATIONS AND APPEALS PERFORMANCE

### 1.0 Purpose of the report:

1.1 To update members of 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 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.

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

Performance is shown in this case for November 2017 and the 2nd quarter of the financial year (July-September 2017).

	<b>Government Target</b>	<b>Performance November 2017</b>	<b>Performance July -Sept 2017</b>
<b>Major development decisions</b>	>60%	100%	100%
<b>Minor development decisions</b>	>70%	100%	95%
<b>Quality of major development decisions</b>	>10%	n/a	n/a
<b>Quality of non major development decisions</b>	> 10%	n/a	One appeal allowed

Does the information submitted include any exempt information? No

**List of Appendices**

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:** 19/12/2017

**Application Reference:** 17/0466

**WARD:** Norbreck  
**DATE REGISTERED:** 14/07/17  
**LOCAL PLAN ALLOCATION:** Industrial / Business Development Land  
Urban Green Space

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** Lovell Partnerships Limited

**PROPOSAL:** Erection of 86 dwellings with associated open space and landscaping and formation of new access to Warren Drive.

**LOCATION:** LAND AT WARREN DRIVE, BLACKPOOL, FY5 3TG

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr G Johnston

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

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

## **SUMMARY OF RECOMMENDATION**

Whilst it is recognised that the site is allocated as Urban Greenspace in the 2001-2016 Local Plan it is clear from the justification to Policy NE8 that this was in part because the site was not needed to meet the development needs of the town up to 2016. In addition it needs to be borne in mind that the site has an extant permission for office development.

The housing requirement for the town for the 2001-2016 plan period was 3,230 dwellings. For the 2012-2027 plan period the requirement is 4,200 dwellings. Whilst it is acknowledged that there is some overlap in the plan periods and that there is a drive to meet the supply through the re-use of brownfield sites and the conversion of redundant hotels and guesthouses there is still a need to identify sites for development.

This site has been part of the Council's Strategic Housing Land Availability Assessment (SHLAA) since 2011 and hence has formed part of the evidence base to the Blackpool Local Plan Part 1: Core Strategy 2012-2027 which was adopted in January 2016. The SHLAA is important in demonstrating that the Council has a five year supply of housing land to meet

the town's needs and also the Government's objective of delivering more housing. If a five year supply of housing land cannot be demonstrated the Council leaves itself vulnerable to development in less sustainable locations and on sites not identified in the SHLAA. By including the site in the SHLAA officers have recognised that this is a sustainable location for development consistent with Policy CS2 of the Core Strategy.

Paragraph 14 of the National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development unless the adverse effects would significantly and demonstrably outweigh the disbenefits. Sustainable development has three dimensions and the benefits of the development are as follows:

***Economic***

- construction jobs
- increased local spending power

***Social***

- new houses at the northern end of town
- range of house sizes/types
- some affordable housing
- contributing to the Council's five year housing land supply
- on site open space and access to wider area of open space
- access to local facilities

***Environmental***

- the development would not involve the loss of environmentally sensitive land
- houses would not be at risk of flooding and would not cause flooding elsewhere
- each house would have an electrical vehicle charging point
- an existing area of scrub vegetation and a hedgerow would be retained
- bat and bird boxes would be provided as part of the development
- additional tree planting would be provided as part of the development
- bus stop upgrades would be provided as part of the development
- the development would not cause severe off site highway issues

The disbenefits of the development are as follows:

***Economic***

- None

***Social***

- the development would not provide 30% affordable housing although this is justified in the viability assessment which accompanies the application
- the development cannot fund school improvements or health improvements (explained by the viability assessment)

### ***Environmental***

- loss of open land (although there is nothing to stop the previously approved office development from being developed)

Given the consistency with the NPPF, policies in the Blackpool Local Plan and Blackpool Local Plan Part1: Core Strategy the development is recommended for approval subject to conditions.

### **INTRODUCTION**

The Blackpool Local Plan 2001-2016 has the site identified as Urban Greenspace (Policy NE8) as it abuts other open space to the south which extends to Fleetwood Road in the west and All Saints Road in the south. The designation reflected the fact that during the plan period there was no requirement to develop the land because the town's needs could be satisfied through the development of other sites.

The application has followed on from pre-application advice regarding residential development on the site. Notwithstanding the designation under Policy NE8, the site has planning permission for offices and a start was made on that development effectively keeping the planning permission alive. As a result of the existence of the planning permission, but recognising that the development may not now proceed, the site has been included in the Council's Strategic Housing Land Availability Assessment (SHLAA) since 2011 on the basis that it would contribute to the Council's five year housing land supply.

### **SITE DESCRIPTION**

The application relates to a 3.12 hectares site on the southern side of Warren Drive. The site has a frontage of some 220 metres and a depth of some 140 metres and is roughly rectangular in shape. It is bounded to the west by houses fronting Warren Drive and Wingate Avenue (they back onto the site), open land to the south, a hedgerow and open land to the east with properties fronting Deehurst Road beyond and to the north on the opposite side of Warren Drive is the Golden Eagle Public House, Warren Grove (a small residential development) and a Church with Warren Manor beyond. Extending eastwards along Warren Drive are two elongated grassed areas separated by Ashfield Road. The site has the appearance of a small dome with a small rise in Warren Drive from its junction with North Drive to approximately the middle of the site frontage and then a drop to the east. The land is currently overgrown and there are informal paths across the land to the areas of open space to the south and south west of the site.

### **DETAILS OF PROPOSAL**

This is a full application for residential development on the site. The application proposes 86 houses (12 two bed houses, 41 three bed houses and 33 four bed houses). The scheme would comprise 77 market houses and 9 affordable houses (2 and 3 bed).

There would be a central area of open space and a wedge shaped open corridor on the western side of the site to allow for public access to the open space to the south which extends to Fleetwood Road in the west and All Saints Road in the south. The hedgerow on the eastern boundary of the site would be retained. There would be one point of vehicular access to the site and this would be close to the eastern boundary of the site, midway between the accesses to the Church and Warren Manor on the northern side of Warren Drive. This would involve the construction of a new mini roundabout in Warren Drive and the provision of a pedestrian refuge in Warren Drive to the west of the site access. The layout has been designed to have houses facing Warren Drive, Deerhurst Road, the rear gardens of houses on Wingate Avenue and the open space to the south. The houses fronting Warren Drive would be set behind a grass verge and service road with no direct vehicular access to Warren Drive.

Because the perimeter of the site is within a flood zone the intention is to create a plateau on which the houses would be erected. The site would as a result sit higher than surrounding land. In response to concerns regarding the harshness of this transition, parts of the difference in land level would be graded to the eastern and southern boundaries of the site and part would be retained by a feature retaining wall which would be partly clad in timber and part planted as a 'green wall'. The scheme would incorporate nine affordable houses - approximately 10% of the total number. The viability assessment which accompanies the application demonstrates that in addition to the affordable housing provision the scheme would support a financial contribution of £70,000.

The application is accompanied by:

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Flood Risk Assessment
- Sequential Test Assessment
- Ecological Study Report
- Tree Study Report
- Viability Report
- Geotechnical Study Report

The application site is within Norbreck ward but the application involves a mini roundabout in Warren Drive which would be partially within Norbreck ward and partially within Anchorsholme ward.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of development
- Design
- Amenity
- Highway Safety



- Parking and Servicing Arrangements
- Other Issues - Drainage, Levels

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

## **CONSULTATIONS**

**Environment Agency** - No objections in principle. Wish to see the development proceed in accordance with the submitted Flood Risk Assessment and providing it does this would mean that the development would not be at risk of flooding or cause flooding elsewhere. Suggest a condition to cover this. Refers to the requirement for a sequential test to be carried out - this has been done. Refers to flood proofing measures which could be incorporated in the development e.g. location of plug sockets. Suggests that the site may be within 250 metres of a former landfill site and hence recommends suitable precautionary measures e.g. landfill gas membrane to the foundations of the properties.

**United Utilities** - No objections in principle to the development. It is proposed to split the surface water from the development to discharge by gravity to Warren Drive and to a watercourse at the rear of the site. On site surface water attenuation is proposed. Foul drainage will go to the sewer in Warren Drive. Recommends a condition to cover the means of disposal of surface water.

**Head of Highways and Traffic Management** - Access is proposed from Warren Drive, a B class road (B5268) which is subject to a 30mph speed limit. Warren Drive is a key link to the wider Wyre area, located to the east and north of the application site and given its good connectivity with the A585 Amounderness Way, the road carries a significant amount of traffic throughout the day.

Highways' officers at Blackpool are aware that existing traffic conditions, in peak periods, on the surrounding highway network have deteriorated in recent years. It is Blackpool Borough Council Highways' view that changes that have occurred on the local network, along with increase in traffic levels and potential of additional traffic increase from developments, currently being considered (Norcross site) means that the cumulative impact of this and committed development in this area, and on this part of the network, needs to be fully understood and assessed.

The scenario where a new access is proposed on an often heavily congested road with all movements is not considered suitable due to the fact that no off-site highway improvements are proposed. Provision of a new junction on Warren Drive would result in greater potential conflict, resulting in safety concerns due to the increased number of opposing vehicular movements (linked with the new junction provision) and in close proximity of the two roundabouts either side. Conflict and safety concerns for non-car modes would also be increased.

Independent temporary traffic counts undertaken by the Council at two locations within the area, one on Warren Drive and the other on North Drive during the period between the 4th

October 2017 and 8th October 2017 has identified the use of the road by a substantial number of vehicles e.g. Warren Drive had 878 private vehicles recorded during 16.30 hours and 17.30 hours and North Drive had 1061 private vehicles recorded. So clearly the roundabout is congested and the highway network is at or close to saturation point, and when the highway network reaches this point, every additional vehicle will add to delay at the junction.

Blackpool Borough Council consider that delivery of a safe form of access from this proposed site for all modes, private car, pedestrians and cyclists has not been demonstrated or assessed adequately within the Transport Assessment.

Assumptions within the Applicant's Transport Assessment are considered flawed, a lack of capacity on the road network to accommodate this development and the limited access to public transport meaning that the proposal does not amount to sustainable development. Due to this, the reliance on the private car will be greater resulting in existing issues on the highway network being exacerbated with little or no improvements.

On this basis I would like to object and recommend refusal.

### **Comments on Transport Assessment**

1. Paragraph 5.4 – The accessibility of the site is classed as low and as such the need to improve access to public transport is a must.
2. Paragraph 5.6.1 – States “The site is accessible on foot and these provisions will be improved as part of the works on the development site” - It is not clear how these improvements will be achieved.
3. Paragraph 6.1.1 – An independent accessibility questionnaire has been completed and the site is given a low accessibility score. This is not in agreement with paragraph 6.1.1.
4. Paragraph 6.3 – Traffic surveys have been carried out at the junction of Warren Drive/North Drive. I would also have expected surveys to have been carried out at the junction of Warren Drive/Fleetwood Road. The scope of the Transport Assessment has not been agreed.
5. Paragraph 6.3 – Traffic surveys have been carried out on a Thursday – why? I would have expected surveys to have been carried out on a Friday and Saturday – Cleveleys attracts a lot of car borne visitors over the weekend.
6. Paragraph 7.2.1 – A check of accidents in the last five years shows eight accidents (two serious). These were generally caused by vehicles pulling onto Warren Drive and not seeing/judging speed correctly. The new development will add another entry onto Warren Drive, leading to further conflict between different users.
7. Paragraph 8.1.3 suggests the provision of a pedestrian refuge but again this is not clearly shown on the plans.
8. Paragraph 8.1.5 – The conclusion discusses an arrangement that caters for right turning traffic, however this is not shown on any of the plans. This needs clarifying.

## **Layout**

9. Access radius appears to be less than 10m.
10. Clarification required for the area fronting plots 78-79, 57-58, 38-40. Odd layout proposed and further details required how this area will operate/be managed and how different road users will interact.
11. How will the turning head between plots 62 and 77 be segregated from the edge of the existing public highway?
12. Tracking plans provided with Traffic Assessment which are not very clear. Extracts of the tracking plans have been provided separately but do not detail how the complete site can be accessed by large vehicles.
13. A medium size vehicle has been used for tracking. Waste collection operators in Blackpool operate 11m x 3m vehicle – what discussions have taken place with Waste Operators?
14. Clarification required on how the turning heads will be segregated from existing highway areas.
15. Traffic calming measures proposed within the development – why is none proposed adjacent to the public open space on the main road?

## **Mitigating measures should the scheme be supported**

16. The limits of adoption, construction (possibly due to poor ground conditions) and palette of materials for new highway areas to be agreed with Head of Highways and Traffic Management, all contained within a S38 Agreement.
17. A Street Lighting scheme to be conditioned for the new development, the developer to contact the Councils PFI contractor via the Head of Coastal and Environmental Partnership Investments. The developer to be made aware that as well as the cost for the lighting infrastructure, this scheme must also pay for ongoing maintenance for the remainder of the PFI contract, circa 18 years.
18. A condition required to ensure garages are used for their purpose.
19. The installation of electric charge points to be conditioned for each unit.
20. The refuse collection and strategy to be discussed with the Head of Waste Services, Layton Depot, Depot Road, Blackpool FY3 7HW. Telephone Number: 01253 477477
21. A Construction Management Plan to be conditioned.
22. A separate condition to be included for wheel washing measures during construction, ensuring 15m of sterile hardstanding area (tarmac) is provided for wheel washing purpose.
23. A joint dilapidation survey to be carried out with Blackpool Council prior to commencement of the any works connected with this development.
24. The development will require formal postal addresses, applicant to contact the Head of Highways and Traffic Management, Blackpool Council, Bickerstaff House, Talbot Road, Blackpool, FY1 3AH Telephone Number: 01253 477477
25. A residential Travel Plan to be conditioned.
26. A scheme for off-site highways to be undertaken via a S278 Agreement. This to include:

- Changes to the existing highway to create the new access point into the site, with the installation of a new mini-roundabout. Egressing the site will be problematic due to the existing use of Warren Drive (likely to be intensified as a result of this development).
- Improvements to the existing roundabouts on Warren Drive to include the provision of additional capacity.
- The creation of right-turn pocket into the site from Warren Drive (with carriageway widening).
- The provision of a pedestrian crossing on Warren Drive.
- Street lighting review on Warren Drive.

***A meeting has been held with the applicants and their highway consultants and a number of issues have been resolved:***

- the site access is now shown with 10 metre radii curves to ease access into/egress from the site and a mini roundabout is proposed on Warren Drive.
- a pedestrian refuge is proposed on Warren Drive as part of the mini roundabout provision.
- the central square within the proposed development is considered appropriate in highway design terms.
- 1.5 metres separates the turning head from Warren Drive.
- traffic calming within the development is considered acceptable.
- electrical charging points are proposed in all of the properties on the development.
- there is a commitment to produce a residential travel plan for the development.
- a joint dilapidation survey will be undertaken prior to the commencement of development.
- the existing pavement on the southern side of Warren Drive has been confirmed at 1.5 metres wide - there is some evidence of encroachment of vegetation from the site and hence the actual width is more likely to be 2 metres wide.
- 2 bus stops on Fleetwood Road would be improved.
- a Construction Management Plan would be produced.
- a review of street lighting in the vicinity of the site access would be undertaken.

The applicant's transport consultant has looked at the capacity of the Warren Drive and North Drive junction and has provided information which demonstrates that the development would not severely compromise the capacity and operation of the junction.

The revised details have been forwarded to the Head of Highways and Traffic Management and any further comments will be presented in the update note.

**Service Manager Public Protection:** No comments

**Electricity North West Ltd:** We have considered the above planning application and find it could have an impact on our infrastructure. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development

does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

There are HV and LV cables in the footway and road on Warren Drive. Depending on the works required these cables may have to be diverted or placed at an increased depth. The proposed development is in close proximity to Wingate Avenue secondary substation. Consideration should be given to noise from this substation. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

**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.

**County Archaeologist:** Acknowledges that the site has been disturbed by works undertaken as part of the approved office development but suggests a condition to cover the other areas of the site.

**Lancashire Wildlife Trust:** 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.

**Sustainability Manager:** The detailed Ecological Appraisal by Ecus Ltd gives useful recommendations although it should be noted that the reduction in 'wild spaces' is a main driver of the decline of many common species both locally and nationally.

**Paragraph 5.3.2 Grassland** - Low growing wildflowers and fine grass mixes should be chosen to provide opportunities for pollinators and reduced maintenance requirements for areas away from e.g. heavy use play areas.

**Paragraph 5.3.3 Scrub** - Loss of scrub should be compensated for by patches of shrubs, of native and suitable ornamental species, around the development. Tree planting around and within the estate should include suitable species with attractive flowers and/or fruits to attract birds, pollinators, bats etc.

**Paragraph 5.3.4 Hedgerow** - This should be retained and gaps replanted. It should also be extended to increase its connectivity with other habitats outside the site boundary. There is no landscaping planting schedule at the current time but suitable native species should be

chosen and for the hedgerow and any shrub areas Alder Buckthorn (*Frangula alnus*) should be included.

**Paragraph 5.4.1 Amphibians** - Does the pond have to be lost? Can it be retained/enlarged as part of the water storage infra-structure for the site and its connectivity with new SuDS swales and the habitats to the south maintained or enhanced. Given that it has a good HIS score for Great Crested Newts, even though these are not present, the absence of fish and other factors indicate it is probably important for a wide range of aquatic invertebrates as well as the amphibians. However if it can be kept as part of a revised drainage scheme then it should be securely fenced to ensure its biodiversity and water quality is protected from deterioration (by e.g. dogs being encouraged to swim making the water very turbid) as has happened to many quality ponds locally in recent years which seriously reduces its attractiveness to amphibians and other aquatic wildlife.

**Paragraph 5.4.12 Bats** - Artificial roosting structures (e.g. Shwegler 1FR bat tubes) are recommended but the developer should also note that similar products are manufactured by a local supplier. <http://www.greenwoodsecohabitats.co.uk/ecostyrocrete-products>

**Paragraph 5.4.17 Birds** - Although not recorded on the day of the survey, swifts do use the airspace locally and are also likely to nest nearby. The provision of suitable nest boxes and/or integral building cavities should include Swift boxes. Again in addition to the better known products these are manufactured locally

<http://www.greenwoodsecohabitats.co.uk/ecostyrocrete-products/>

Bird and bat boxes should be sited away from doors and windows and any other area where they could cause a nuisance.

**Paragraph 6.1.4 Hedgehogs** - As well as providing 75mm x 75mm gaps in any fence bases habitat improvements and connectivity into and out of the development should also be considered particularly along the southern and western boundaries. Hedgehogs make more use of boundary features than open spaces so those areas likely to be used should not include anything that could pose a hazard to the movement of hedgehogs around the area.

**Flood Risk** - The ground is low-lying and frequently waterlogged but the risk of flooding into the new dwellings is low and has been mitigated against. However with the poor drainage locally and the increased area of impermeability there must be no risk of increased water flow into existing nearby properties curtilage. It would be preferable to retain the existing pond and increase the area of SuDS swales than to have an underground storage facility for excess water if practicable. The use of porous surfacing would not be beneficial as the ground has little facility to absorb excess water.

**Renewable Energy** - The dwelling plans show no commitment to the provision of renewable energy either to individual homes or the estate as a whole. The developer should be offering the option of renewable technologies as part of sale package. The facility to charge one or more electric cars should also be included as a standard feature (NPPF paragraph 35). There is a presumption for developments to include renewable energy technologies (Core Strategy Goal 1; Objective 6)

**Traffic** - 86 new homes probably means a minimum of 120 more cars joining/leaving Warren Drive most during peak times even though the Traffic Survey suggests there will not be that many vehicle movements. From personal experience at peak times the roads around the nearby mini-roundabout and junction with Fleetwood Road are already heavily congested.

**Head of Coastal and Environmental Partnership Investment:** I do not have any comments on the sequential test as I think this is a planning matter. It seems that the only potential alternative site would be Regency Gardens so I would say it is up to you whether they have satisfied you that this is not actually comparable. In terms of the exception test I would question whether the layout could be altered with the open space being situated more within the flood risk area and less properties in the flood risk area. However they are in an area benefiting from defences so this is a residual risk. I would also say that the mitigation measures seem sensible.

**Blackpool Services Contaminated Land:** The land has remained undeveloped, there is a former landfill within 100m of the proposed site, however the likelihood of leachate is reduced as it is further downhill. Therefore no further investigation is required. If however during construction any contamination is identified then work is to cease and investigations carried out.

**Police:** Recommends that the development is built to Secured by Design standards.

## **PUBLICITY AND REPRESENTATIONS**

Press notice published: 27 July 2017

Site notice displayed: 20 July 2017

Neighbours notified: 18 July 2017

### **Mr Ian Pigott, 56 Deerhurst Road, Blackpool, FY5 3HG (Objects)**

We object to the principle of developing this land.

1. We remind the Council of its motto "Blackpool a town where everyone matters" or similar. A great many residents have moved to this area for the green and open living and clean air it offered only to see it continually taken away by development, along with increased pollution levels. Cleveleys is becoming over populated and the road infrastructure is inadequate for the increasing demands more development produces. This makes life stressful and miserable for all when going about normal daily tasks and using the dwindling services we all take for granted.

2. Hedge retention and enhanced planting to hedges must be a robust condition applied by the Council. The current hedge to the east boundary of Deerhurst Road, loses all foliage between November to May and provides little screening between those months. This aspect although mentioned, is not as yet detailed. It should be noted that intensive planting is not always carried out by the developer at build stage and Fulwood, near Preston developments

would provide a good example of how the blend of housing and the green environment could be done.

3. Maintaining an open green lung across the site has been a requirement of the local plan and sited in past applications. It would be reasonable to restrict the height of all dwellings to two storey as this is the case for existing residential property to the North and West of the proposed development. The East boundary has single storey bungalows making up the property mix. The applicant will then construct a less oppressive living environment both within the development and to the surrounding residents who will overlook it. This should be achieved cost neutral and return the best open aspect.

4. A lot of concern has been expressed regarding the potential for flooding and as a previous application for an office block was passed without a drainage plan in place I trust a strict condition will be applied to this application.

5. A prime example of development not being completed is Warbreck Gardens off Coopers way Blackpool. It would make sense to put in safeguards that a part complete development cannot be left to suffer the anti-social behaviour, vandalism and graffiti that this development has suffered since 2008!

#### **Mr Roy Kennaugh 22 Warren Grove, Blackpool, FY5 3TX (Objects)**

The part of Warren Drive that I live on, that is to say between Fleetwood Road and the mini roundabout at the Golden Eagle, is already very congested by traffic at peak times. If these houses are built then the congestion will greatly increase. Assuming more than one car per house planned that would be hundreds more cars using Warren Drive. The risk of flooding will greatly increase. I know measures have been taken over recent years to improve sea defences but I believe that a combination of high tides, wind and constant heavy rain will be a serious risk to flooding. Building so many new houses together will greatly increase flooding risks.

Why build on green land? There is very little green land left in this part of Blackpool. Why not build on brown land? There seems to be plenty of space on brown land in Blackpool. One proposal is apparently to ask Asda, who own most of the land where this development is planned, to "give" this land to the local people as a goodwill gesture by a supermarket. This would be a good gesture by Asda and would benefit the local area.

Traffic fumes are a major cause for concern at the moment, diesel fumes and people's health. The increase in traffic that I have already mentioned will greatly increase this pollution. From my house I see traffic backed up at peak times at present. These fumes are no doubt affecting myself and other nearby residents.

Also children from Norbreck Academy School and Montgomery High School walk past in quite large numbers on their way to and from school. Surely the health of our country's children is very important. Building these houses will add to this pollution. There is also all the disruption occurring during the building of these houses.



**Mrs M Allsopp, 6 Wingate Avenue, Blackpool, FY5 3HE (Objects)**

Objects on the following grounds:

- there is no need for more houses
- there is a need for more open space
- the impact of additional traffic would be unacceptable
- there are other brownfield sites available
- concerned about the impact on flooding to surrounding properties
- concerned about the impact on wildlife

**Mr Malcolm Reece, 54 Deerhurst Road, Blackpool, FY5 3HG (Objects)**

I wish to register my objection to the above mentioned planning application on the following grounds:-

*Flooding* -The land in question is not only situated in flood zones but also has a history of standing water during times of heavy rainfall. I am led to believe that Deerhurst Road has had serious drainage problems in the past leading to remedial civil engineering works being necessary. The analysis contained within the application, in so far as a layman can interpret, seems to acknowledge this. All the measures planned to deal with possible flooding such as raising the floor slabs 600mm above estimated flood levels are designed to protect the proposed houses. My concern is that the new hard surfacing within the new estate will result in surface water run off causing flooding to existing properties. Consideration could be given to constructing driveways etc. of porous materials.

*Building Heights* -The houses on Deerhurst Road are single storey bungalows and other surrounding residential properties are no taller than 2 storey. The proposals to raise the floor slabs and have 2 1/2 story properties will mean that they are visually intrusive and out of character with the area.

*Area Plan* -I understand that at least part of the development land is designated as public green space forming a green long between Bispham and Cleveleys. The erosion of this green belt is of serious concern and in particular once the principle has been set other open green land may be eyed up for development.

*Traffic* -The traffic survey conclusion that the new estate will have minimal effect surprised me to be honest. The mini roundabout on the Warren Drive/North Drive junction is already problematic causing delays and confusion. An additional vehicle load of 100 plus vehicles discharging from the estate at this point will cause problems which will be added to when the retail areas proposed off Norcross Lane are operational.

*Grassed are to East of Site* -Although not strictly an objection I would wish to raise concern over the hedgerow and triangular grassed area to the east of the site. Although the site plans

show this remaining I would ask if ownership has been passed to the developer. If this is the case I would hope that clauses would have been added to ensure the ongoing maintenance of this land.

Finally if the Committee decides to grant this application then I would respectfully suggest that conditions are attached to minimise nuisance to existing residents during the construction phase. These to include restricting the hours of noisy operations such as piling, precautions to minimise dust and controlled delivery times.

**Mr and Mrs Leary, 163 Warren Drive, Blackpool, FY5 3TG (Objects)**

Objects on the following grounds

- risk of flooding to surrounding properties
- loss of open aspect
- impact of additional traffic

**Mrs D Sellers, 4 Warren Drive, Blackpool, FY5 3HB (Objects)**

The proposed building of 86 houses will cause a greater volume of traffic. You cannot cross the road as it is. This has increased greatly in the 16 years I have lived there. If each house has one car that is 86 cars going down Warren Dr and we know there will be more than that. We also have drainage problems. My garden regularly floods when we have heavy rain. As you can see myself and my husband object to the building of these houses. Needs to stay a green area.

**The Owner, 119 Lockerbie Avenue (Objects)**

Objects on the following grounds

- risk of flooding to surrounding properties

**Councillors Peter and Maxine Callow JP (Objects)**

As the two Councillors of Norbreck Ward, we formally object to the planning application submitted to erect 86 houses on the Warren Drive land. Our reasons are:

- This will cause extra traffic flow on an already busy road exacerbated by a huge retail park planned for the former civil service site at Norcross.
- The land in question on Warren Drive is already subjected to flooding and additional buildings can only make matters worse for existing residents.
- We understand that the schools in the area are already full to capacity as are the medical practices.

· There are very little open spaces left in the Borough.

### **Councillor Tony Williams (Objects)**

1. I believe that this number of proposed homes is an 'overdevelopment' for this particular piece of land. The stated inclusion of 10 Affordable Homes falls extremely short of the Government's recommended percentage of 30%. For a development of this size an approximate number of affordable homes should be circa 25.
2. The stated build cost by the developer per square foot is 15% less than the local average suggesting materials etc. might be of a lesser quality than other developed estates.
3. If 85 homes are allowed to be developed it could introduce an additional 250 individuals into an already densely populated area putting pressure on local schools and medical services which are all at maximum currently, together with emergency services etc.
4. With this number of residents, we could expect that approximately 150 additional vehicles will also need to be accommodated with access from Warren Drive which is already heavily used. The current traffic numbers will also be greatly increased when the new approved retail site is developed and opened on the former Norcross site. Access to this retail site from the west and south side of Norcross Lane will mainly be along Warren Drive. This will also include frequent delivery and service vehicles. A drive through restaurant is part of the current plan for this site.

On the corner of Warren Drive and North Drive there is a popular pub and eating venue which has a high level of trade at lunch and early evening with associated vehicles using the car park with the larger area accessed from Warren Drive. There is also a large day centre on the North side of Warren Drive and a Church of Latter Day Saints both with transport access needs.

5. There is no zebra or pelican crossing on Warren drive despite the houses and flats to the North side consisting mainly of sheltered housing.
6. The bus service on Warren Drive is not operated by Blackpool Transport Services and has an infrequent service so direct transport links to the proposed development are poor.
7. The land is known to have a very high-water table and the surface ground is often too saturated to walk on.

There are concerns in regard to potential flooding not only on the site itself but to houses that are on a lower platform and adjacent to this site. The area has been known locally for some years as 'Boggy Fields'. When Fielding's builders originally built the existing houses some years ago they left this patch of land as it was unsuitable through flooding. Similarly, the original plan to have North Drive be continuous from Bispham into Cleveleys was also abandoned for the same reason. We now have a situation where North Drive is in two parts separated by this piece of water logged land. An extensive and high level of additional new

drainage system will need to be instigated in cooperation with United Utilities and with a full guarantee of adequate existing and new water waste.

8. This land was also deemed as 'Green Space' by Blackpool Council in a previous Core Strategy and is now home to several species of wild life. Barn owls, foxes, rabbits and field mice have been spotted in the area along with several types of butterflies. Arguments say that when new developments occur wildlife will migrate to other areas, however we are dangerously close to running out of 'other areas' and the loss of natural habitat for our local wild life.

9. ASDA is the owner of the land and as far as I can ascertain it has not been in dialogue with the developer in regard to them purchasing the site. I have written to the Chief Executive of ASDA requesting that they gift the land to the local community and help develop it into a natural wild life park with walks and observation areas which would not only benefit the community but provide an exciting and educational open-air class room for all local schools.

10. Blackpool Council's Core Strategy includes this site in its potential list of land that could support new homes, however it may be the only green space site within that list and they currently have a public call out for more potential sites which I am sure will prove successful. I would therefore respectfully request that this site be left as green space and that further pressure is placed upon the owners, ASDA, to finally do something with this land that would benefit the community, after they have neglected it since its acquisition.

### **Councillor Paul Galley (Objects)**

As an Anchorsholme Ward Councillor whose ward is directly across the road from this development I wish to strongly object to the scheme for the following reasons (in no order of importance):

1) The land is far too waterlogged for any development and whilst the developer has included an impact study of flooding this has a strong focus on the impact of flooding from the sea rather than rain water and poor drainage from the site itself, especially what water impact it will have on existing housing in the area. Any planning permission granted should include conditions that ensure surrounding houses will not be negatively impacted by enforcing increased investment in local drainage for existing houses by the developer.

2) The green corridor provided in the design along Warren Drive is not sufficient in size and should be far wider from the edge of Warren Drive so as to minimise the impact of the development on the existing green corridor.

3) As many houses in the area increasingly have more than two cars, not enough car parking is provided for the houses in the development so a planning condition must be set that ensures more parking spaces made available on the site itself and a double yellow line is placed alongside the development along Warren Drive as Warren Drive is a very busy road and will not be able to cope with a build-up of parked cars alongside it.

4) Nearly all the facilities any residents would access by foot are on the Anchorsholme side of Warren Drive, including the two parks, shops and churches and local pub, a planning condition should include a zebra crossing so as to ensure the safe movement of all residents from this proposed site.

5) There are not enough affordable homes in the plan, currently only a small number of the houses in the development are affordable homes, this number should be closer to 30 and any permission granted by the Committee should ensure that the number of affordable homes is dramatically increased to that number.

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

### **NATIONAL PLANNING POLICY FRAMEWORK**

In March 2012, the National Planning Policy Framework (NPPF) was published. This document sets out the Government's approach and expectations with regard to planning and development. It places heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth and delivering the homes, jobs and infrastructure that the country needs.

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

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

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

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or
  - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable development and secure a high standard of design and a good standard of amenity.

Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Paragraphs 47-52 deal with the supply of housing. There is a need to identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against our housing requirement.

Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 61 states that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Paragraphs 100-104 seek to ensure that development is not at risk of flooding and will not cause flooding elsewhere. Reference is made to the sequential test and exception test.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

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

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

There is a presumption in favour of development where there are no over-riding material considerations. The Framework requires high quality design in new developments and a good standard of amenity for all existing and future occupants of land and buildings. It is considered that developments should establish a strong sense of place, respond to local

character and be visually attractive. The NPPF makes it clear that new development should not be at risk of flooding or increase the risk of flooding elsewhere, and that any flood risk should be safely managed. Biodiversity must be maintained and, where possible, enhanced with appropriate mitigation measures put in place to avoid harm to the natural environment.

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

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

**Policy CS1: Strategic Location of Development**

**Policy CS2: Housing provision**

**Policy CS6: Green Infrastructure**

**Policy CS7: Quality of Design**

**Policy CS9: Water Management Policy**

**Policy CS12: Sustainable Neighbourhoods**

**Policy CS13: Housing Mix, Density and Standards**

**Policy CS14: Affordable Housing**

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

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

The following policies are most relevant to this application:

**LQ1 Lifting the Quality of Design**

**LQ2 Site Context**

**LQ3 Layout of Streets and Spaces**

**LQ4 Building Design**

**LQ6 Landscape Design and Biodiversity**

**LQ8 Energy and Resource Conservation**

**HN4 Windfall sites**

**BH3 Residential and Visitor Amenity**

**BH10 Open Space in New Housing Developments**

**NE6 Protected Species**

**NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value**

**NE8 Urban Greenspace**

**AS1 General Development Requirements**

**Supplementary Planning Guidance Note 11 (SPG11):** Open Space: provision for new residential development and the funding system.

### **ASSESSMENT**

**Principle** – This site is allocated as Urban Greenspace on the Proposals Map to the Blackpool Local Plan 2001-2016 (Policy NE8) but also has an extant permission for an office development which it is clear will not now proceed. In paragraph 8.41 of the justification to Policy NE8 reference is made to the application site not being needed to meet the development needs of the town up to 2016. However the position has changed in terms of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Council's five year housing land supply.

Whilst members will be aware that a proportion of the housing the town requires comes from conversions of existing hotels/ guesthouses and other buildings and the redevelopment of brownfield sites there is a need to meet demand through new build developments and also add to the mix of housing in terms of the town's housing stock. This proposal would meet both objectives of contributing to the five year housing supply and providing a mix of housing on the site.

Over the first five years of the Core Strategy there has been a need to provide 250 dwellings per annum (2012-2017). The actual provision over this period has fluctuated in part through demolitions at Queens Park, where there has been a net loss of dwellings through the demolition of the tower blocks and their replacement with family housing. In addition other sites seen as contributing to supply may not now come forward. In contrast this site is available and there is a willing developer. Whilst the position in terms of five year supply is not quite as bad as the applicant's agent is portraying this site would clearly contribute to ensuring that the Council does have a five year housing supply which is important in warding off speculative housing proposals in less desirable locations. It is therefore considered that the principle of the development is acceptable and is in accordance with paragraphs 14, 17 and 47-50 of the NPPF and Policies CS1 and CS2 of the Blackpool Local Plan Part 1: Core Strategy and these policies being more up to date outweigh Policy NE8.

**Design** -The layout has been designed to retain a strip of land along the western side of the site as means of retaining a public access route to the open space to the rear of the site. In addition it has been designed to have properties outward looking to all sides to avoid back garden fences forming substantial lengths of the boundaries of the site. It has also been designed to retain the hedgerow on the eastern side of the site. Housing fronting Warren Drive would not have individual access points, instead they would be served by private drives which would be a feature of the development because of the need to have outward facing houses.

A mixture of detached, semi-detached and terraced housing would be provided. There would be a central area of open space and central square and a number of dual aspect properties. Each property would have a minimum of two off-street car parking spaces. Although the levels would be altered around the perimeter of the site to ensure that the properties would not be at risk of flooding the design solution of grading land to the site boundaries or feature retaining walls is considered acceptable.

It is felt that the design principles of the development are consistent with paragraphs 17 and 56-65 of the NPPF, the LQ policies of the Local Plan and Policy CS7 of the Blackpool Local Plan



Part 1: Core Strategy. Given that there is a mix of detached, semi-detached and terraced housing proposed and a mix of house sizes it is considered that the development would be consistent with paragraphs 17 and 56-65 of the NPPF and Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy. The site area is 3.12 hectares and the number of dwellings is 86. This equates to a density of around 28 dwellings per hectare which is not excessive for the site or in terms of the character of the surrounding area and hence it is my view that the proposal would be consistent with Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy. (If the 'developable area' is considered rather than the overall site area the density would be 30 dwellings per hectare, which is also not considered excessive for this area).

The starting point in terms of affordable housing is 30% of the total number of dwellings i.e. 30% of 86 = 26 in this case. However Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy acknowledges that this is the starting point and that if this level of provision would render the development unviable then an alternative level of provision may be considered. In this case a viability assessment has been submitted which demonstrates that the proposal could only support the provision of nine dwellings- circa 10%. The viability assessment has been scrutinised by an officer of the Council with expertise in these matters and he concurs with its findings.

**Amenity** - The layout has been designed to ensure that the privacy and outlook of the occupants of the development would be protected and separation distances meet the minimum requirements and are generally in excess of the normal minimum standards.

In terms of house sizes, the National Technical Housing Standards are not applicable at this time as Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy states that this issue will be addressed in Part 2 of the Local Plan. There is a central area of open space which will provide a focal point in the development as well as meeting part of the open space requirements for the development. This central area of open space would be overlooked by a number of properties to ensure good levels of surveillance. An additional area of open space will be maintained along the western side of the site. Pedestrian links to Warren Drive will be provided on the western side of the site, in the middle of the Warren Drive frontage of the site and at the site access where an additional pedestrian refuge would be provided in Warren Drive. A footpath link to the open space to the south of the site would be provided along the western side of the site and this would join up with routes from the centre of the site. These would be lit with low level lighting as would the private drives within the development.

Although it is recognised that the houses would sit higher than surrounding houses and bungalows because of the need to reduce the risk of flooding to the properties on the site, the separation distance to the rear gardens of houses to the west would be between 16 and 36 metres and hence it is not considered that this would adversely affect the amenities of these residents. In terms of the houses and bungalows to the east the distances to the front gardens would be between 40 and 46 metres and hence this relationship is considered acceptable.

The layout has been designed to have outward looking properties which would afford residents views over open land and would mean that the development would appear appropriate in the local context. The existing hedgerow on the eastern side of the site would be retained as would vegetation on the western side of the site. Additional tree and shrub planting would be provided. It is considered that the development would be consistent with paragraphs 17 and 56-65 of the NPPF and Policies BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy.

**Highway Safety-** In order to ensure safe means of access to/egress from the application site a new mini roundabout is proposed on Warren Drive. This would have the added benefit of reducing vehicle speeds on Warren Drive, which is a straight wide road. As part of the alterations to Warren Drive a new pedestrian refuge would be provided on the western arm of the new mini roundabout. The mini roundabout at the junction of Warren Drive and North Drive has pedestrian refuges to the three arms of the mini roundabout so there would in effect be three crossing points on Warren Drive for residents of the development. The applicant's transport consultant has provided information to suggest that the development would not adversely affect the capacity and operation of the mini roundabout at the junction of Warren Drive and North Drive. The test in terms of the National Planning Policy Framework is whether the residual cumulative impacts of the development are severe enough to warrant refusal of the application. In this case the evidence suggests that the traffic generated from the development would not have a severe impact.

The internal road layout to the development would provide a safe layout and three pedestrian links to Warren Drive - at the western end of the site, in the middle of the site frontage and at the eastern end would offer safe routes to Warren Drive. As part of the development two bus stops would be upgraded to make them Disability Discrimination Act (DDA) compliant. A residential travel plan would be produced with the aim of encouraging the use of other modes of travel in preference to the private car. In order to encourage the use of electric cars each house would be fitted with an electrical charging point. A Construction Management Plan would be produced and a review of street lighting in the vicinity of the site access would be undertaken and improvements made if needed. As such the development is considered to be consistent with paragraphs 17 and 32 of the NPPF and Policies AS1 and AS2 of the Blackpool Local Plan and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy.

**Parking and Servicing** - Each property would have two off street car parking spaces and in a number of cases there would be three off street car parking spaces. Garages would be conditioned to remain garages and avoid them being used for storage or as an ancillary room. The turning heads within the development have been designed to cater for Blackpool bin lorries. As the layout involves a number of private drives refuse collection points are proposed within the development to meet bin carry distances.

#### **Other Issues -**

##### **Drainage**

The perimeter of the application site falls within Flood Zone 3 (high probability of flooding) with the domed area of the site outside Flood Zone 3. In response to this situation it is

proposed to raise the level of the land around the perimeter of the site to create a plateau on which to erect the houses. This would mean that the finished floor levels of the houses would put them outside the risk of flooding. The change in levels would mean grading parts of the site down to existing land levels and the erection of decorative retaining walls. Members will note that the Environment Agency and United Utilities have no objections to this approach. There are several dimensions to the drainage issue -

- will the site be at risk of flooding
- will the site cause flooding elsewhere
- as the site is partially within Flood Zone 3 are there sequentially more preferential sites (not at risk of flooding)
- as the site is partially within Flood Zone 3 the exception test is met

The Flood Risk Assessment and drainage strategy submitted with the application demonstrates that the site would not be at risk of flooding and would not cause flooding elsewhere. In terms of the sequential test sites of between 2.5 and 3.5 hectares have been considered and six have been identified of which only one - remaining land at Regency Gardens (near the Water Tower) is considered available. Given the scarcity of land in the town this is not unusual and given the site is identified in the SHLAA as contributing to the Council's five year housing supply this adds weight to the suitability of the application site. This case is also slightly unusual in that part of the site is not at risk of flooding - in effect an island within Flood Zone 3. Given that there is not an extensive range of alternative sites available the sequential test is considered to be met.

In terms of the exception test the benefits of the proposal include the following-

- it would provide construction jobs
- it would provide increased spending power in the area
- it would not adversely affect the local highway network
- it is close to local facilities
- it would contribute to the Council's housing requirement for 2012-2027
- it would provide a mix of house types and sizes together with some affordable housing
- it would provide for access to the wider open space and include areas of open space
- it would provide electric charging points for all properties
- the layout has been designed to be outward looking improving its appearance in the streetscene

In terms of flood resilience the properties would have raised plug sockets etc., they would be two storey and residents would have a warning pack. It is considered that the exception test is met.

Overall it is felt that the proposal is consistent with paragraphs 17 and 101-102 of the NPPF and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy.

## **Ecology**

There is nothing of significant merit on the application site. The application proposes areas of formal and informal planting and could include Alder Buckthorn as recommended by the Sustainability Manager. The scrub along the western boundary of the site would be retained as would the hedgerow on the eastern boundary. Bat and bird boxes are proposed as part of the development. There is not a pond on the site, it is a depression which fills with water in periods of heavy rainfall and dries out. It is felt that with the retention of the shrub on the western side of the site and the hedgerow on the eastern side, together with the additional planting, that the proposal is acceptable.

### **Open Space**

The proposal would generate a requirement for 6696 square metres of open space and 2276 square metres is proposed in the form of a formal area of open space in the centre of the development including children's play area and an informal corridor of open space along the western boundary of the site which would benefit the residents of the development and residents in the area in providing a link from Warren Drive to the open space to the south of the development. It is normal practice to secure on site provision of young children's open space on site and secure a commuted sum for youth/ adult provision off site. In this case the deficiency would be 4420 square metres which equates to a commuted sum of £25,919 which would be secured by condition. Whilst the level of on-site provision may seem low at approximately one third of the overall total requirement the site does benefit from access to wider areas of open space to the south of the development and a link would be provide from the centre of the southern boundary of the site. The open space, footpaths and retaining walls would be maintained by a Management Company.

### **Affordable Housing**

Policy CS14 requires 30% of the total number of dwellings to be affordable i.e. 30% of 86 = 26 in this case. However Policy CS14 acknowledges that this is the starting point and that if this level of provision would render the development unviable then an alternative level of provision may be considered. In this case a viability assessment has been submitted which demonstrates that the proposal could only support the provision of nine dwellings- circa 10%. The viability assessment has been scrutinised by an officer of the Council with expertise in these matters and he concurs with its findings.

### **Viability**

The viability assessment, which has been vetted to check its accuracy and validity, demonstrates that after taking account of the normal considerations and the abnormal costs involved with the development there would be a surplus of £70,000. This money would go towards the open space commuted sum of £25,919 which could be secured by condition and the provision of the mini roundabout, pedestrian refuge and bus stop upgrades which would be covered by a Section 278 Agreement. The development cannot fund improvements to local schools and medical facilities.

### **Pollution**

It is acknowledged that the development could have a minimum of 172 cars on the site and that there could be additional vehicle emissions in and around the application site. However to mitigate against this each property would have an electrical charging point as an incentive

for the use of electric cars and the commitment to produce a residential travel plan would seek to reduce reliance on the private motor car.

## **CONCLUSION**

Whilst it is recognised that the site is allocated as Urban Greenspace in the 2001-2016 Local Plan, it is clear from the justification to Policy NE8 that this was in part because the site was not needed to meet the development needs of the town up to 2016. In addition it needs to be borne in mind that the site has an extant permission for office development.

The housing requirement for the town for the 2001-2016 plan period was 3230 dwellings. For the 2012-2027 plan period the requirement is 4200 dwellings. Whilst it is acknowledged that there is some overlap in the plan periods and that there is a drive to meet the supply through the re-use of brownfield sites and the conversion of redundant hotels and guesthouses there is still a need to identify sites for development. This site has been part of the Council's Strategic Housing Land Availability Assessment (SHLAA) since 2011 and hence has formed part of the evidence base to the Blackpool Local Plan Part 1: Core Strategy 2012-2027 which was adopted in January 2016. The SHLAA is important in demonstrating that the Council has a five year supply of housing land to meet the town's needs and also the Government's objective of delivering more housing. If we cannot demonstrate a five year supply of housing land we leave ourselves vulnerable to development in less sustainable locations and on sites not identified in the SHLAA. By including the site in the SHLAA officers have recognised that this is a sustainable location for development consistent with Policy CS2 of the Core Strategy.

Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development unless the adverse effects would significantly and demonstrably outweigh the disbenefits. Sustainable development has three dimensions and the benefits of the development are as follows -

### ***Economic***

- construction jobs
- increased local spending power

### ***Social***

- new houses at the northern end of town
- range of house sizes/types
- some affordable housing
- contributing to the Council's 5 year housing land supply
- on site open space and access to wider area of open space
- access to local facilities

### ***Environmental***

- the development would not involve the loss of environmentally sensitive land

- houses would not be at risk of flooding and would not cause flooding elsewhere
- each house would have an electrical vehicle charging point
- an existing area of scrub vegetation and a hedgerow would be retained
- bat and bird boxes would be provided as part of the development
- additional tree planting would be provided as part of the development
- bus stop upgrades would be provided as part of the development
- the development would not cause severe off site highway issues

The disbenefits of the development are as follows:

***Economic***

- None

***Social***

- the development would not provide 30% affordable housing although this is justified in the viability assessment which accompanies the application
- the development cannot fund school improvements or health improvements (explained by the viability assessment)

***Environmental***

- loss of open land (although there is nothing to stop the previously approved office development from being developed)

Given the consistency with the NPPF, policies in the Blackpool Local Plan and Blackpool Local Plan Part1: Core Strategy the development is recommended for approval subject to conditions.

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

In accordance with Policy BH10 of the Local Plan and SPG 11 a commuted sum of £25,919 would be required for off-site open space and the balance of the £70,000 overall contribution would be used for the mini roundabout, pedestrian refuge and bus stop upgrades which would be covered by a Section 278 Agreement.

**HUMAN RIGHTS ACT**

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

**CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application File(s) 17/0466 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

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

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

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

***Plan numbers to be confirmed in the update note.***

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 any above ground structures being erected.

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

4. Details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to any above ground structures being erected.

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.

5.
  - a) Prior to any above ground structures being erected full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.
  - b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)
  - c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

6.
  - (a) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority.
  - (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.



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

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

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, having regards to Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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

NOTE – The development is of a scale to warrant a contribution of £25,919 towards the provision of or improvement to off-site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

8. Prior to the development hereby approved being first brought into use the refuse collection areas 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.

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

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

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

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

11. 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts or is side onto a road.

Reason: The development as a whole is proposed on an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development and would be contrary to Policy LQ2 of the Blackpool Local Plan 2001-2016.

13. No development shall be commenced until a detailed scheme for the provision of the site access, mini roundabout and pedestrian refuge in Warren Drive has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policies AS1 and AS2 of the Blackpool Local Plan 2001-2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. No dwelling on the development shall be occupied until the site access, mini roundabout and pedestrian refuge in Warren Drive have been provided in accordance with the details required by condition 13 of this permission.

Reason: In the interests of highway and pedestrian safety in accordance with Policies AS1 and AS2 of the Blackpool Local Plan 2001-2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. None of the dwellings hereby approved shall be first occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall then be implemented in accordance with the approved details and shall then be retained thereafter.

Reason; In the interests of promoting sustainable travel 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. No refuse shall be stored forward of the front building line of any property other than on the day of presentation for collection.

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

17. The children's play area and perimeter fencing shown on drawing no. PL-01 Rev L shall be provided as part of the development and shall thereafter be retained.

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

18. Prior to any above ground structures being erected a lighting strategy for the development (to include roads, private drives and footpaths) 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

19. No dwelling on the development shall be occupied until the bat and bird boxes detailed on drawing no.PL-01 Rev L have been provided.

Reason: In the interests of amenity and biodiversity in accordance with Policies LQ6 and NE5 of the Blackpool Local Plan 2001-2016 and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

20. No dwelling on the development shall be occupied until the electrical charging points referred to on drawing no. PL-01 Rev L have been provided. Once provided they shall thereafter be maintained.

Reason: In the interests of amenity and air quality and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

21. No dwelling on the development shall be occupied until the retaining walls detailed on drawing no. GW-01 have been provided and once provided they shall thereafter be retained.

Reason: In the interests of amenity and biodiversity in accordance with Policies LQ6 and NE5 of the Blackpool Local Plan 2001-2016 and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

22. The surface water drainage for the development hereby approved, shall be carried out in accordance with principles set out the submitted Flood Risk Assessment. The final details of the scheme agreed with United Utilities shall be submitted to the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policy CS9 of the Blackpool Local Plan: Part 1 - Core Strategy 2012-2027.

23. No dwelling on the development shall be occupied until a management plan for the open space, lighting, footpaths and retaining walls within the development has been submitted to and been approved in writing by the Local Planning Authority. The open space, lighting, footpaths and retaining walls shall then be maintained in accordance with the approved management plan.

Reason: In the interests of the appearance of the locality, 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.

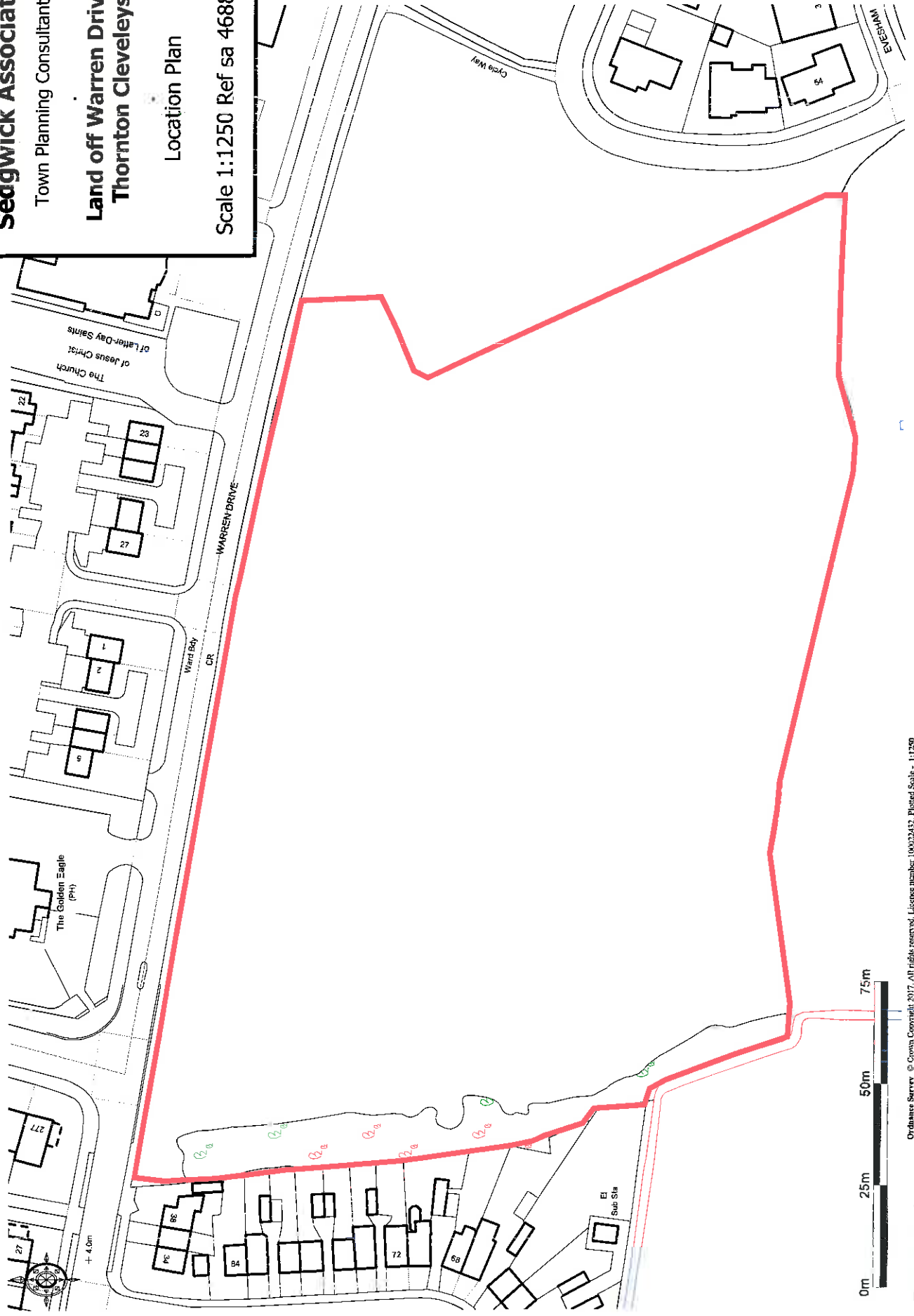
### **Advice Notes to Developer**

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 need 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. The developer is recommended to install suitable approved design measures to prevent landfill gas ingress.
3. The granting of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Built Environment Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
4. The developer is required to note that, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016, prior to the granting of planning approval of Reserved Matters for the development, the Local Planning Authority may require the provision of open space, or commuted sum payment in lieu, calculated under the terms of the Council's approved Supplementary Planning Guidance Note 11.
5. Please note that any address changes or new addresses needed as a result of this development must be agreed by the Council. Please contact Council's Streetscene and Property Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477).

**Sedgwick Associates**  
 Town Planning Consultants  
**Land off Warren Drive,  
 Thornton Cleveleys**  
 Location Plan  
 Scale 1:1250 Ref sa 4688 01



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COMMITTEE DATE: [19/12/2017](#)

**Application Reference:** 17/0626

WARD: Tyldesley  
DATE REGISTERED: 19/09/17  
LOCAL PLAN ALLOCATION: Main local centre  
Local centre

APPLICATION TYPE: Full Planning Permission  
APPLICANT: BLACKPOOL MUSIC ACADEMY

**PROPOSAL:** Erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin to front hardstanding area for a period of 12 months.

**LOCATION:** 420 WATERLOO ROAD, BLACKPOOL, FY4 4BL

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Ms P Greenway

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

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

## **SUMMARY OF RECOMMENDATION**

The proposed extension is the same size and in the same location as approved in 2010 (reference 10/0030). There have been no changes in material considerations since then which would merit refusal of the proposal. A sound attenuation condition which was imposed then has not been complied with yet, but that condition can be re-imposed and passed to enforcement to seek compliance. The portacabin is for a temporary period of 12 months (during construction works) and a condition can be imposed to prevent it being retained any longer. In the circumstances, approval with appropriate conditions imposed is recommended.

## **INTRODUCTION**

Blackpool Music School was originally granted planning permission (reference 10/0030) on this site for the "Erection of single storey rear extension, new side entrance with access ramp, two parking spaces to side and use of premises as altered as a shop, cafe and music school." A subsequent application made earlier this year (reference. 17/0270) "Erection of a

two storey rear extension following demolition of existing extension" was refused for the following reasons:

1. The proposed side/rear extension would have a significantly detrimental impact on the residential amenities of the adjoining occupants at 422, 424 Waterloo Road and 2 Kirkstall Avenue by virtue of its proposed height, massing and close proximity to the common boundary resulting in an overbearing impact, loss of natural light and loss of outlook. As such it would be contrary to paragraph 17 of the National Planning Policy Framework, Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
2. The proposed extension would be overly dominant and out of character within the Kirkstall Avenue streetscene due to its proposed massing and the proposed location of the extension at the back edge of the rear alley. As such it would be contrary to paragraphs 17 and 56-64 of the National Planning Policy Framework, Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

The current proposal has been submitted following pre-application advice, in an attempt to overcome the reasons for refusal.

### **SITE DESCRIPTION**

The property is two storey end of terrace building, with a third floor in the front and rear dormers/wing, it is traditional in design and constructed with traditional materials with a rendered finish. It is located at the junction of Waterloo Road (a classified road and bus route) with Kirkstall Avenue and there is no vehicular access between the two roads. There are two parking spaces to the Waterloo Road frontage of the premises and two off-road disability parking spaces on the Kirkstall Avenue frontage. The property is in use as Blackpool Music Academy, with a recording studio at the rear and a café on the side. The block is primarily commercial in nature, although the attached property is a house. A discount carpet warehouse and Oxford Square Aldi are visible at the end of the rear alley, which is also a cul-de-sac.

### **DETAILS OF PROPOSAL**

The proposal is for the erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin on the front hardstanding area for a period of 12 months. The application is accompanied by a Design and Access Statement which states that the extension is to increase the floor area for the Academy. Access to the extension will be via a new entrance at the rear of the building. Rubbish would be taken to the existing refuse storage area which is situated in the stairwell at ground floor level.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the impact on the amenity of neighbours in terms of the impact of the extension on overlooking/privacy.
- the use of that extension with regard to noise/disturbance on neighbours.
- car parking and the highways impact of the increased number of students.
- the short term impact of the siting of the portacabin.

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

## **CONSULTATIONS**

**Head of Highways and Traffic Management:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note. Verbally, he agrees to the retention of parking on the Waterloo Road frontage, subject to the formation of a dropped kerb across the full width of the road frontage.

**Service Manager Public Protection:** Agrees with the sound attenuation condition. With regard to the portacabin, he requests a condition that the windows are kept closed and a 10pm finish. If noise does become an issue, Environmental Protection legislation could require further noise reduction/earlier finish.

## **PUBLICITY AND REPRESENTATIONS**

Neighbours notified: 21 September 2017

Objections: 2 Kirkstall Avenue, 418, 422, 430-432 Waterloo Road:

- High volume of cars from Blackpool Music School using Kirkstall Avenue, a cul-de-sac. The road is used by Blackpool Music School, Aldi staff, Ivory Dental care and St John Vianney school; more people parking on Kirkstall is going to upset everyone. Does not help families on Kirkstall.
- Kirkstall Avenue is a residential road and all the people using Blackpool Music School think that it is ok to park wait and are very noisy as night slamming doors and disturbing others. My daughter lives at the end of the alley and the amount of times her baby has been woken up by the cars coming and going at the radio station is a joke.
- Some of the staff at the music school are very rude and have upset many people in the area.
- Why should I look out over a portacabin for a year, not happy about this.
- Half the time cars are dumped in my building's private car park causing issues.
- The cabin has arrived, windows are open during lessons, with disturbing noise.
- People block the alley [with vehicles] where the music school backs on to.

## **NATIONAL PLANNING POLICY FRAMEWORK**

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

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

Paragraph 14 makes clear that at the heart of the NPPF there is a presumption in favour of sustainable development, which is the 'golden thread' running through both plan-making and decision-taking and paragraph 17 of the NPPF sets out 12 core planning principles.

## **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:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods

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

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (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 Alteration
- BH3 Residential and Visitor Amenity
- LQ1 General Development Requirements

## **ASSESSMENT**

### **Principle**

An extension to an existing business is appropriate in principle within this Local Centre.

## **Design**

The 2010 approval had access into the proposed extension from the rear alley; the current application only has access from the side. Other than that, the extension is basically as approved in terms of footprint, height and design. On this basis it is considered acceptable and consistent with Policies LQ1, LQ14 and CS7

## **Amenity**

The extension has been scaled back from that which was refused and now matches in detail the scheme approved in 2010. There is no first floor access into the extension. With regards to noise/disturbance, a sound attenuation condition was imposed on the 2010 approval and investigated by enforcement in 2012 – this is still outstanding. There was no restriction imposed on the hours of operation of the school. If planning permission is forthcoming, I would recommend enforcement of the sound attenuation scheme and reinforce it with a condition on the current proposal.

## **Highway Safety/Parking**

It is proposed to formalise the parking on the Waterloo Road forecourt as part of this proposal. The extension does not encroach on existing parking and does not result in an increase in student numbers. In the long term, the extension would have no impact over and above the existing approval.

The portacabin is located towards the front of the site, beside the side glazed window of the former shop. The 2010 approval showed the front area as landscape/planted and a condition was imposed for a dwarf wall to be erected prior to commencement. This has not been done and the forecourt to Waterloo Road has been retained as parking across the full width. The current proposal includes the retention/provision of the three parking spaces on that frontage and a full width dropped kerb onto the classified road. This would help to alleviate pressure on the two dedicated spaces within the site accessed from Kirkstall Avenue and on the on-street parking available there.

No comments have been received from the Head of Highways and Traffic Management.

## **Other Issues**

The local residents complain about the appearance and noise associated with the portacabin. The appearance is appropriate to a portacabin, but as it is only temporary and a condition can be imposed requiring its removal on or before the 12 months period has expired, I do not consider that this is a reason for refusal. A further condition can require the windows to be closed during lessons.

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

Not Applicable

## **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful

enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

### **CRIME AND DISORDER ACT 1998**

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

### **BACKGROUND PAPERS**

Planning Application Files 10/0030 and 17/0270 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: Location Plan stamped as received by the Council on 5th September 2017; drawing no A938/2A Rev C.

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

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

4. The use of the extension shall not commence until a dropped crossing, the full width of the parking to Waterloo Road, has been implemented.

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.

5. Before the premises are first brought into use, evidence shall be submitted to the Local Planning Authority to demonstrate that the sound attenuation measures undertaken at the application property are sufficient to ensure that noise generated at the premises is inaudible in the adjoining property.

Reason: To safeguard the living conditions of the occupants of neighbouring residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2006.

6. The windows to the portacabin shall be closed at all times that lessons or practice are being undertaken inside it; the portacabin shall not be used between 22:00 hrs on any day and normal opening time on the following day; and it shall be removed on or before 19 December 2018 and the land reinstated to its former condition.

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.

#### **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 need to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

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COMMITTEE DATE: [19/12/17](#)

**Application Reference:** 17/0640

WARD: Warbreck  
DATE REGISTERED: 09/10/17  
LOCAL PLAN ALLOCATION: Defined Inner Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Ma Kelly's

**PROPOSAL:** Erection of single storey side extension to form sports bar.

**LOCATION:** 44-46 QUEENS PROMENADE, BLACKPOOL, FY2 9RW

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr M 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 application is recommended for a conditional approval. The insulation of the proposed extension to prevent internal noise from affecting adjoining occupiers and restricting the use of the front entrance into the extension until 9pm can be controlled via any planning permission granted. Other matters, including alleged anti-social behaviour associated with the public house are matters to be dealt with via the Council's licensing of the premises.

## **SITE DESCRIPTION**

The application relates to the former Uncle Tom's Cabin public house which has recently undergone an extensive refurbishment and re-opened as Ma Kelly's cabaret bar providing live entertainment and is open until 3am. The detached building is situated at the junction with Knowle Avenue and has front and rear entrances. To the rear of the building is an extensive car parking area. The Queens Promenade frontage consists primarily of hotels and Knowle Avenue has a more residential character.

## **DETAILS OF PROPOSAL**

Erection of a single storey side extension adjacent the shared boundary with the Elgin Hotel to extend the existing sports bar located to the rear of the building. The proposed extension is shown to have its own entrance on the front elevation and the extension will connect into the sports bar at the rear of the building. The proposal would add 100 sqm of floorspace to the existing 750 sqm. The bulk of the extension would be flat roofed but the entrance is designed to replicate one of the existing front entrances into the building.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Impact on Visitor/ Residential Amenity
- Design
- Other Issues

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

## **CONSULTATIONS**

**Blackpool Services Directorate** - With regards to the noise issues associated with the proposal, a noise impact assessment shall be carried out to assess the impact of any proposed noise sources.

The noise impact assessment shall demonstrate that the following standards are met at nearby noise-sensitive premises:

L<sub>Aeq</sub> 50 dB 16 hours - façade level daytime

L<sub>Aeq</sub> 45 dB 8 hours - façade level night-time (23.00 -07.00)

L<sub>AFmax</sub> 60 dB 8 hours -façade level night-time (23.00 -07.00)

L<sub>AFmax</sub> 60 dB 4 hours - façade level evening (19.00-23.00)\*

Please note that any assessment shall be carried out for the most sensitive hours within the time period applied for. It is recommended that the methodology for any assessment be submitted in writing prior to any assessment taking place.

\* The evening standard L<sub>AF</sub> max will only apply where the proposed evening L<sub>AF</sub> max significantly exceeds the L<sub>A</sub> eq and the maximum levels reached are regular in occurrence, for example several times per hour.

Means of ventilation for the extension are not shown on the plans - details of such are required, including the specification of any air conditioning fans, if applicable. Will there be any additional external cellar plant? If so, location and specification is required. The existing W.Cs currently have a window to external air. Once erected, the extension will take this natural ventilation away. What are the new arrangements for ventilation of the WCs?

During the construction phase I recommend that hours of work are Monday-Friday 8am-6pm, Saturday 8-1pm and no work on Sundays or bank holidays.

Noise from outdoor smoking shelters is a common cause of complaints to this department. The location of any new smoking shelters to be agreed prior to their creation in order to minimise disturbance to nearby property.

**Police** - No representations 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: 16 October 2017

Neighbours notified: 16 October 2017

A letter of objection has been received from the **Elgin Hotel** on the following grounds:- We most strongly object to the planning permission application for the new location of the Sport's Bar at Ma Kelly's, 44-46 Queens Promenade. This is on the basis of persistent noise and disturbance to our guests here at the hotel.

To give you some of the history disturbance so far this year, on the weekend of the opening on 11th, 12th and 13th August, there were Police in the vicinity sorting out rowdy customers/ anti-social behaviour. On Friday on Northumberland Avenue (it was unclear as to whether the woman arrested had been drinking in the Cabin), and Saturday night /Sunday morning (3am) Police had to be called to an incident at the front of the Pub. We had complaints from our guests about men 'staggering out of mobile toilets/ portacabin on the forecourt having urinated all down their trousers'. I spoke to both the owner and Operations Manager the following Friday (18th August) in this regard. They were apologetic and said they would keep a close eye on things. As this was their opening weekend we felt it only fair to see how things progressed.

On the weekend 25th-27th August, we had complaints from several guests about noise coming from the Sports Bar in the early hours of the morning, meaning that they could not get to sleep. It appears that the fire door at the back of the Sports Bar had been left open. I reported this to the Operations Manager on Friday 1st September he said he would make sure that the door was kept shut in the future.

On Saturday 9th September/early hours of Sunday morning (1.30am) there was a fight outside the hotel front between two women who had been excluded from the Pub. Several men (who appeared to know the women) were trying to separate them resulting in an incredible amount of noise'. At 2am bottle skips were being emptied waking even more guests up at the rear of the hotel. On Saturday 16th September I spoke to the Operations Manager about this and he said they had tried to sort the trouble out as quickly as possible. This may have been the case, but, the issue was just passed onto the pavement outside the Elgin. He did explain that the bottle skips should not have been emptied after 9pm and said he would sort it out.

Saturday 23rd/Sunday 24th September - On Sunday morning we had several complaints at Reception about the noise from Ma Kelly's from 2am-4am. There were between 30 and 40 people on the artificial grass outside Ma Kelly's shouting and rowing. Two men appeared to be having a very loud altercation. The noise did not stop until 4am. One of our hotel guests said to us, and I quote, 'We have stayed here many times and have always enjoyed it, but this weekend, due to the noise on Saturday night/Sunday morning, it is the worst stay we have ever had.'

With all of the incidents that have taken place so far since the opening of Ma Kelly's and the fact that the Operations Manager has already received a suggestion from Licensing that pub and cabaret customers should be dispersed from the far end of the building on Knowle Avenue, I cannot support an application moving an entrance/exit even closer to our business.

The idea that the Sports Bar (which I understand has a licence until 3am) should have its entrance/exit within four metres of our boundary wall quite frankly fills me with horror. Even if they were smoking outside (which inevitably they would do), this would cause considerable disturbance to our guests. The proximity to our boundary wall would also be an issue, as there are 20 bedrooms on that particular side that would be directly affected. Certainly, even with the Sports Bar in its current position, we hear a lot of noise when there is a big match on (be that boxing or football).

We appreciate the investment that the applicant has put in to the 'Cabin' and how it has tidied up what was a very ugly property. However, we too have spent a huge amount of money over the years, (this year alone over £1million), improving our properties (Elgin and Hotel Sheraton) and bringing many guests into Blackpool. Indeed we have a very high rate of return guests. If the applicant wants to change the location of the Sports Bar it needs to be in a position that does not impact directly on the adjacent properties that have worked extremely hard to invest annually in their own business and Blackpool.

**A second letter has been received with an attached report from noise consultants (Hann Tucker Associates). The report has been forwarded onto Blackpool Services Directorate for further comments and an up-date will be given prior to the meeting.** The latest comments are as follows:-

The extension would significantly increase the capacity of the bar space and would be sited immediately on the boundary between "Ma Kelly's" and the Elgin Hotel in the direct line of sight (and more pertinently sound) of a large number of our letting bedrooms. I expressed concern about the potential effects of the development on the amenity of our guests as a result of noise and disturbance from within the extended building and outside it, particularly late at night and in the early hours of the morning in the light of our recent experiences of the bar in its un-extended form.

Since writing my earlier letter I have seen the consultation response from Blackpool Services Directorate and the recommendation that a noise assessment report should be prepared to demonstrate that certain standards or limits would be met at noise sensitive premises. I welcome the recognition that the proposed extension would potentially cause disturbance

as a result of excessive noise and that noise limits should therefore be imposed if planning permission is granted.

I recognise and fully understand that the Council has a statutory duty to determine the planning application in accordance with the development plan unless material considerations indicate to the contrary. In this case the development plan comprises the adopted Core Strategy and saved policies of the Local Plan 2006. The emphasis of the Core Strategy is on improving the visitor experience and the quality of tourist facilities of all kinds. A similar emphasis is to be found in the 'Lifting Quality' chapter of the Local Plan 2006 and I note that saved Policy BH3 states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation including by the use of and activity associated with the proposed development (saved Policy BH3(A)(ii)). Specifically in the case of proposals for public houses and similar uses, saved Policy BH17 states development will not be permitted where there would be adverse effects on the amenities of neighbouring premises or local residents and in the supporting text indicates that in applying the policy the Council will take into account the likely impacts of "noise, smell, activity and traffic on neighbouring premises and the surrounding vicinity".

The proposal is intended, at least at the outset, as a 'sports bar' as a separate and distinctive new 'offer' to the range of bar facilities already provided. Although part of the existing building has been laid out as a sports bar already, the new bar whilst accessible through the existing building is designed with its own entrance highlighted by an architectural feature that would appear to be deliberately designed to draw attention to that separate entrance and clearly suggesting the potential for the new bar to be used on a self-contained basis. I consider it important that what is described as an extension should not result in the creation of a wholly new, self-contained bar premises since that would, in my view, be an unacceptable intensification of the use of the site. I urge you to impose a planning condition to prevent the separate occupation of the extended area and/or the subdivision of the property without express permission.

There is clearly the potential for noise and disturbance from such a large bar space and the relevant policies of the Local Plan indicate that adverse effects on the amenity of the occupiers of neighbouring premises and on those occupying residential and visitor accommodation may be grounds for refusing planning permission for developments of this kind. The implication of the consultation response is that the proposed development would be acceptable if certain noise limits are adhered to and presumably it is considered that suitable planning conditions would be imposed to secure compliance. Conditions of that kind might be a suitable way of addressing noise from within the new bar but would not necessarily deal with the problems that can arise when patrons congregate outside it, whether waiting at the entrance to gain entry, or on exit, or in order to smoke. I would urge you to consider the use of conditions to control the times between which the new entrance may be used or alternatively to require a management plan dealing with arrivals and dispersals to be submitted, approved and operated in the interests of neighbours' amenity. You may also wish to specifically exclude the development of any smokers' facilities adjacent to the proposed new entrance.

As to noise limit conditions, I have taken the liberty of seeking advice from Hann Tucker Associates both about the broad approach underlying the recommendations and the specific noise limits. They agree that it would be appropriate to impose specified noise limits in the interests of amenity but disagree that the limits proposed in the consultation response on the grounds that they would appear to have been derived from guidance that is not applicable where, as in this case, a new entertainment use is proposed close to noise sensitive properties such as a hotel or other residential use. They note that the proposed limits do not pay regard to the low frequency characteristics that are intrinsic to amplified music and are in any case not derived from a survey of existing noise conditions. They express concern that there would be a risk of statutory nuisance complaints if the proposed limits were adopted.

The consultants suggest that there should be an environmental noise survey to enable site-specific noise limits to be derived by octave band with the objective being 'virtual inaudibility' which would be achieved by noise level limits 10dB below the prevailing L90 sound pressure levels in each octave band. I understand that is the approach of other local planning authorities in such circumstances, including for example Manchester City Council, when dealing with proposed entertainment uses close to residential uses.

Hann Tucker's and the Council's comments presuppose that suitable mitigation can be provided as part of the development. The application drawings do not appear to include a roof plan so I do not know whether any form of rooflights are proposed (which might enable noise to be transmitted more easily than if there was a solid roof structure) but my impression is that in any case only quite a lightweight flat roof structure is envisaged. It seems to me that it would be unreasonable to impose noise limits by planning condition without knowing first that the limits are achievable within the scope of the development that is proposed - both from the point of view of the applicant and the neighbours.

In the circumstances, whilst I recognise that suitable conditions may enable my objections to the development to be overcome, I am concerned about the effectiveness of the limits proposed by your colleague, particularly in the light of what Hann Tucker say about the risk of statutory noise nuisance. In those circumstances the Local Plan policy to safeguard the amenity of those occupying visitor accommodation and the Core Strategy policy to enhance the visitor experience would not have been achieved.

In conclusion, I therefore urge you to require the kind of site-specific environmental noise assessment that Hann Tucker recommend to be carried out before the application is determined so that appropriate, relevant, enforceable and effective noise limits can be imposed. Also that the development of a Management Plan for the effective control of the entrance and exit of clientele is prepared and presented, and that there is an exclusion of development of smoking facilities at the front of the property which do give rise to much noise.

I feel these issues are of paramount importance, otherwise you cannot be fully satisfied that the amenity of the occupiers of neighbouring properties would be safeguarded and in those circumstances planning permission ought to be refused.



## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was published on 27 March 2012. The NPPF states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with development plan should be approved unless material considerations indicate otherwise. There is also a presumption in favour of sustainable development. The NPPF contains 12 core planning principles including:-

1- 'building a strong, competitive economy'- .....ensure the planning system does everything it can to support sustainable economic growth

7- 'requiring good design'.....good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people

Paragraph 17 states 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 123 states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and should mitigate and reduce to a minimum other adverse impacts on health and quality of life from noise, including through the use of conditions.

## **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

CS10 - Sustainable Design

CS21- Leisure and Business Tourism

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

## **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

- LQ4 Building Design
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH17 Restaurants, Cafes, Public Houses and Hot Food Take Aways
- AS1 General Development Requirements

## **ASSESSMENT**

**Impact on Residential/ Visitor Amenity-** Uncle Tom's Cabin is a long standing feature of Queens Promenade although in recent years it had suffered from a lack of general maintenance. The extensive renovation by Ma Kelly's has given the building a new lease of life and secured the future of this attractive period building. The main issue arising from the new business are the extra opening hours and a more intensive use of the building which is to be expected given the considerable investment in the building and this situation arises with the building even without the proposed extension. The proposed extension adds another 100 sqm of floorspace and this additional floorspace is located adjacent The Elgin Hotel with a new front entrance into the building also shown via the proposed extension. The Elgin Hotel has a single storey building abutting the common boundary, this part of the hotel comprises part of the dining room to the front, a toilet area to one of the bars/ function rooms, part of the bar/ function room in the hotel and the hotel kitchen. On the main four storey side elevation of the hotel, which is set away from the common boundary, and on the return rear elevation are a number of upper floor bedroom windows.

This section of Queens Promenade has a strong holiday character which tends to cater for a quieter and family orientated clientele. The cabaret bar with its associated sports bar opens until 3am. Without adequate and appropriate planning and licensing controls both the existing and extended premises has the potential to cause significant amenity problems for the occupiers of the adjoining hotel and other nearby properties. This potential amenity impact already exists and there appears to have been some teething problems in the initial weeks of opening in August.

In terms of assessing the planning merits and issues arising from the proposed extension it is considered that the proposal can be recommended for approval with appropriate conditions limiting the use of the front entrance into the extension until 9pm after which it shall only be used as a means of escape in an emergency. In addition, a noise assessment can be required by condition to demonstrate that maximum acceptable noise levels will be not be exceeded within the extension. With the appropriate conditions attached the proposal is considered to comply with Policies BH3 and BH4 of the adopted Local Plan and Policy CS7 of the Core Strategy. It should be noted that in recent years Uncle Tom's Cabin has been operating significantly below its capacity, given the size of the premises and its large function room, and it is to be expected that the introduction of a more successful business would seek to change this.

It would appear that one of the main amenity impacts of the premises, even without the extension, is the prompt dispersal of guests when leaving the premises which is being dealt with via licensing and it is understood that an increased use of the rear entrance onto the car park has improved matters in terms of the impact on the Elgin Hotel. There are also

issues regarding keeping doors closed and emptying bottles into waste bins which again are licensing issues.

**Design-** the front elevation of the proposed extension is set well back from the front elevation of the building and has a pitched roof and narrow frontage with only the front elevation readily visible. In design terms it matches an existing front entrance on the building and there are not considered to be any particular issues. The proposal is considered acceptable and will have a negligible impact on the streetscene and the character of this attractive period building.

### **CONCLUSION**

The applicant has been requested to respond to the objections from the Elgin Hotel and the comments of the Council's Blackpool Services Directorate, Police and up-dated Blackpool Services Directorate comments are also awaited and any responses will be reported prior to the meeting via the up-date notes. Whilst the proposal could be considered to be an on balance recommendation it is considered that the proposal is acceptable in planning terms with the appropriate conditions attached and licensing will satisfactorily resolve any issues associated with the management of the premises.

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

None

### **HUMAN RIGHTS ACT**

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

### **CRIME AND DISORDER ACT 1998**

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

### **BACKGROUND PAPERS**

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

Planning Application Files 17 0640 which can be accessed via the link below:

**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 13th September 2017  
Drawings numbered 7245/EL/02 A

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

3. No development shall take place until an assessment of noise levels from the application premises has been undertaken and a report submitted to the Local Planning Authority. The extension shall not be used until any mitigation measures recommended in the report have been carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any such measures shall be retained thereafter.

Reason To protect the residential and visitor amenities of nearby residents and hotel guests in accordance with Policies BH3 and BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. 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.

5. The front entrance into the approved extension shall be kept closed and not be used after 9pm on any given day until 9am the following day other than as an emergency means of escape.

Reason To protect the residential and visitor amenities of nearby residents and

hotel guests in accordance with Policies BH3 and BH4 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 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.

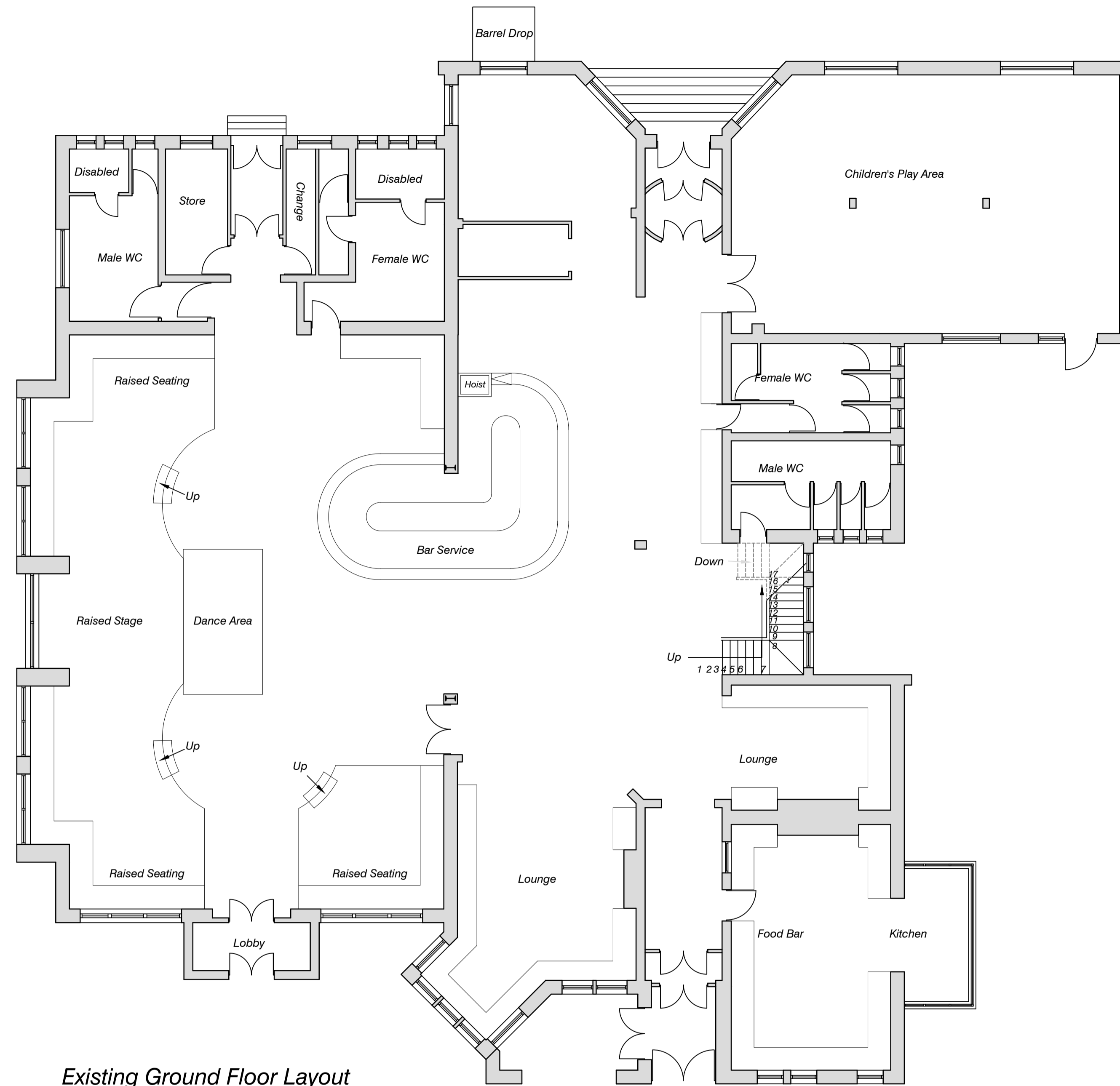
The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

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**

Not applicable

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Existing Ground Floor Layout



Location Plan (1:1250)



Existing Front Elevation

Date	Revisions
<p><b>HERMOLLE ASSOCIATES</b> CONSULTING CIVIL AND STRUCTURAL ENGINEERS</p> <p>Constellation House Lockheed Court Amy Johnson Way Blackpool FY4 2RN t: + 44 (0) 1253 336740 f: + 44 (0) 1253 336741 e: admin@hermolle.com www.hermolle.com</p>	
Client	Frank Kelly & Aiden Khan
Project	Ma Kelly's 44-46 Queen's Promenade, Blackpool FY2 9RW
Drawing Title	Existing Ground Floor Plan & Front Elevation
Scale 1:100 @ A1	Date 23-08-17
Designed	Drawn C. Atkinson
Checked C.J.H.	Approved C.J.H.
Dwg.No.	7245/EL/01
Revision	

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**COMMITTEE DATE:** [19/12/2017](#)

**Application Reference:** 17/0699

WARD: Talbot  
DATE REGISTERED: 04/10/17  
LOCAL PLAN ALLOCATION: Town Centre Boundary  
Retail Cafe Zone  
Defined Inner Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: JWT LEISURE

**PROPOSAL:** Use of premises as an amusement centre.

**LOCATION:** 42 ABINGDON STREET, BLACKPOOL, FY1 1DA

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Ms P Greenway

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

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

## **SUMMARY OF RECOMMENDATION**

Policy BH18 acknowledges that amusement centres are an accepted part of the shopping scene and are most appropriate in secondary shopping areas and mixed commercial development areas. However, it does not explicitly mention Abingdon Street and hence there could be perceived conflict with Policy BH18.

However, even if it is in conflict with Policy BH18, there are other material considerations, such as:

- the high vacancy rate on this section of Abingdon Street
- the length of vacancy of this unit
- the small size of the unit
- frontage improvements
- employment benefits
- year round trading
- business rates (previously a charity shop)

There are no obvious planning disbenefits which weighed against this possible deviation from the Development Plan which are sufficient to warrant a refusal.

### **SITE DESCRIPTION**

The application site is within the Town Centre and extended Town Centre Conservation Area on the Local Plan proposals map. This property is the middle one in a terrace of three, two storey properties adjacent to the former General Post Office on Abingdon Street. The only one which is occupied is Abingdon Barbecue, the other two are vacant and have been for a while. The property has a narrow double fronted shop front and a pedestrian access to the rear for staff. Three properties directly across the road are also vacant.

### **DETAILS OF PROPOSAL**

The proposal is for the use of premises as an amusement centre. The adult gaming machines would be restricted to the ground floor. The ground floor area is 67 sq. m. and besides the gaming floor would include a small office, store and WC towards the rear, with a window display at the front. So far as the upper floor of 35 sq. m. is concerned, it would be used for the storage of goods. These would include an office for the operator and his secretary; and storage for supplies for the catering aspect (tea, coffee, biscuits etc.), advertising material used in the window displays (posters and signs which are changed to promote offers and promotions), promotional goods (items used in promotional giveaways etc.), seasonal window dressings and shop decorations (Christmas, New Year, Easter holiday, Halloween and bonfire dressings).

The application is accompanied by a Conservation, Design and Access supporting statement.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of the use
- Impact on retail character, vitality and viability
- Impact on neighbour amenity

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

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** I have no objection to this proposal.

**Built Heritage Manager:** The proposal will have a minimal impact on the appearance of the Conservation Area, and therefore I have no objection.

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

**Service Manager Public Protection:** There are no recommended noise levels when no residential premises are affected, but self-closing doors are a good idea. The amusement centre on Church Street is moderately noisy as the door is propped open permanently. The applicant needs to demonstrate that the use will not adversely affect the neighbouring property in terms of noise. The integrity of the building needs to be assessed and soundproofing carried out as necessary to prevent excessive noise at adjacent premises. No sound reproduction or amplification equipment shall be installed or used in or adjacent to any part of the building at any time for external use.

**Police Secured by Design:**

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

With regard to crime risks, in the last 12 month period (16/10/2016-16/10/2017) the crimes recorded in the area around this site include burglary, shoplifting and assault. I have also conducted a search of crimes at amusement arcades during the same period in order to assess the risk of crime at this scheme. The offences that have been recorded include assault, theft and burglary:

- Offender approached locked and secure amusement arcade and breaks into and removes a quantity of cash from a slot machine.
- Offenders have entered amusement arcade and broken through two padlocks to remove heavy duty metal bars to gain access into two machines to remove the cash boxes containing a large quantity of pound coins.

The security measures for this development must adequately address that risk of crime in order to keep people safe and feeling safe and reduce demand and calls for service on local policing resources.

**PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 10 October 2017

Neighbours notified: 10 October 2017

Objection from 79 Highcroft Avenue:

I read in the Gazette that there is a planning application for an amusement arcade in Abingdon Street. I understand this is in what is currently an empty shop and whilst I do not like to see shops empty in the town centre I would not like to see an 'amusement arcade' in that locality. We have an area of the town dedicated to tourists and those 'family arcades' and clearly this is not for one of those. Getting 'stuck' on using those arcade machines is a worry for young adults particularly and obviously not much real 'amusement' for those who cannot leave them alone. I would urge you as Councillors to object to this application on the grounds that it does not enhance the family experience of our town centre.

See Assessment section of the report for a response.

## **NATIONAL PLANNING POLICY FRAMEWORK**

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

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 providing the supply of housing required to meet the needs of present and future generations; and 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 14: Permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole.”

Paragraph 17: Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that 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 23: In relation to ensuring the vitality of town centres, planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

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.

Paragraph 58: In relation to 'Requiring good design' that Planning policies and decisions should aim to ensure that developments:

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

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 69: In relation to 'Promoting healthy communities', states that Planning policies and decisions...should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

### **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:

#### **CS7: Quality of Design**

New development in Blackpool is required to be well designed, and enhance the character and appearance of the local area and should:

- b. Ensure that amenities of nearby residents and potential occupiers are not adversely affected.
- c. Provide public and private spaces that are well-designed, safe, attractive, and complement the built form.
- e. Maximise natural surveillance and active frontages, minimising opportunities for anti-social and criminal behaviour.

It is important that new development is well designed in order to prevent crime and antisocial behaviour. The Council will therefore promote "Secured by Design" principles in new developments in order to create safer and secure environments.

#### **CS8: Heritage**

1. Development proposals will be supported which respect and draw inspiration from Blackpool's built, social and cultural heritage, complementing its rich history with new development to widen its appeal to residents and visitors.
2. Proposals will be supported that:
  - a. Retain, reuse or convert, whilst conserving and enhancing the significance of designated and non-designated heritage assets and their setting.
  - b. Enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm
  - c. Strengthen the existing townscape character created by historic buildings

3. Developers must demonstrate how any development affecting heritage assets (including conservation areas) will conserve and enhance the asset, its significance and its setting.

**CS15: Health and Education**, includes:

Development will be supported that encourages healthy and active lifestyles and addresses the Council's health priorities. This includes co-located, more integrated health and education facilities, increasing community access and participation, and reducing the need to travel.

Improving the health and education of Blackpool's population is a major challenge, with the gap in health and education inequalities between Blackpool and the rest of the UK continuing to widen. Access to quality health and education facilities is integral to raising educational achievement and improving the health and well-being of communities.

Achieving wider social, health and lifestyle goals is also closely linked to delivering major physical change and the regeneration of the built environment. People's health and education is influenced by the settings of their everyday lives – where they live, learn, play and work.

**CS17: Blackpool Town Centre**

1. To re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors, new development, investment and enhancement will be supported which helps to re-brand the town centre by:
  - a. Strengthening the retail offer with new retail development, with the principal retail core being the main focus for major retail development
  - b. Introducing quality cafes and restaurants to develop a café culture.....

The site is outside the Main Retail Core of Blackpool Town Centre

**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:

- SR6 Retail/Café Zone
- BH18 Amusement Centres
- BH3 Residential and Visitor Amenity
- LQ10 Conservation Areas
- AS1 General Development Requirements

## **ASSESSMENT**

### **Principle**

In terms of the National Planning Policy Framework (NPPF), planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and National Planning Practice Guidance (NPPG) do not contain specific policies relating to amusement centres. However, such activities clearly fall within the definition of “Main town centre uses” set out in Annex 2 to the NPPF. Therefore, such activities are subject to the general provisions in Section 2 of the NPPF. These include a requirement that Local Planning Authorities include clear definitions of primary and secondary frontages in Local Plans, together with policies setting out which uses will be permitted in such locations. The NPPF does not preclude activities like amusement centres from primary frontages, but suggests in its glossary that secondary frontages provide greater opportunities for a diversity of uses.

In terms of Policy BH18, the agent states that there is no annotation on the Local Plan Proposals Map for the area concerned and the application should therefore be allowed as it is on the eastern edge of the main town centre away from the areas frequented by visitors. The supporting text identifies the secondary shopping streets such as Topping Street within the town centre; and on other main secondary shopping streets such as Church Street, Counce Street, King Street and Cookson Street, outside and immediately east of the town centre as being suitable for amusement centres. The written description could be interpreted in a number of ways to include that amusement centres would only be allowed within the allocated town centre on Topping Street. However, the supporting text to the policy also states that amusement centres are an accepted part of the shopping scene and are most appropriate in secondary shopping areas and mixed commercial development areas (which Abingdon Street is). The other streets mentioned are suggested as being outside the town centre boundary; however part of Church Street is clearly within the town centre boundary. Abingdon Street is allocated as the retail/café zone of the town centre; and although outside the principal retail core it is still within the core retail area identified in the Shopping Study. The Policy wording could be interpreted such that the proposal could be said to comply with the Development Plan.

If the alternative view is taken i.e. that the proposal does not accord with the Development Plan (in particular saved policy BH18), the next step is therefore to consider what harm it would do to the vitality and viability of the retail function of the area, and whether there are any other material considerations which would conflict with a policy adopted in 2006, saved in 2009 and again in 2016.

In terms of the three roles within the NPPF

- economic role – contributing to building a strong, responsive and competitive economy. This use would generate employment for up to four people and appeal decisions have shown that amusement centres are supportive of a vital and vibrant town centre.

- social role – supporting strong, vibrant and healthy communities, by providing.....accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The property is located in Talbot Ward. The *2013 Blackpool Joint Health and Well Being Strategy* states in relation to crime and anti-social behaviour: "Blackpool has a higher crime rate compared to Lancashire, the North West and England. Bloomfield, Claremont and Talbot wards have three times the number of crimes per 1000 population than the Lancashire average and double the Blackpool average. Within 2011, violent crime has reduced by 8.8% compared to 2010. However, 47.0% of all violent crime and 53.0% of alcohol related violent crime is concentrated in Bloomfield, Claremont and Talbot wards." Members will note that the police have no objections, subject to implementing secure by design and the control of criminal activity is not normally within the purview of the planning system.

There are only two existing amusement centres in the town centre: at 118-120 Talbot Road; and, 106-108 Church Street (both operated by the applicant JWT Leisure). Both were established in the 1990s and therefore there cannot be said to be a proliferation of these uses in the town centre. One more amusement centre is unlikely to be significant in terms of health and well-being. In contrast there are eight betting shops in the town centre (although the immediately adjacent property at 40 Abingdon Street, identified as a Coral Bingo on the google street map, is vacant, Coral having moved to 43-45 Church Street).

In response to the Crime Impact Statement, the applicant proposes a raft of security measures in the premises; and as he already operates in the town centre, he considers that he has a good relationship with the police and would cooperate with them.

- environmental role – a retail operator in this location would protect the historic environment as much as the present proposal; although the commitment to enhancing the impact in the Conservation Area, by improving the shopfront (if permission is granted) is to be welcomed.

In support of the proposal, the agent states that this is a vacant, two storey shop last occupied over 12 months ago as a charity shop (which is now located in larger premises at 32 Abingdon Street). He states that the site is in a secondary shopping frontage and that there are a number of vacancies in the immediate area on Abingdon Street which reflects changing shopping patterns and the shift in the centre of gravity of the shopping area southwards. The northeast of the town centre has recently been established as the business district/Bickerstaffe House/Sainsbury's, which might pull some retail emphasis along with it. However, Wilko's has full planning permission to move to Tower Street (17/0453 "Erection of a 3 storey extension to the Houndshill Shopping Centre with restaurant on the ground floor, a retail unit on the ground and part first floor and a cinema complex and associated facilities on the upper floors"), which would put emphasis further on the south of the town centre. This not a significant matter in the determination of the application.



The agent says that the change of use would bring the premises back into use for a “complementary non-retail service use commonly found in shopping areas” and he intimates that it would be a permanent use, rather than the temporary charity shop use. The occupier would invest in the fabric of the building and provide employment opportunities on a year round basis - the application form states that there would be four full time staff employed here. The agent states that this type of establishment attracts the same type of person as nearby shops and that the window displays compare favourably with those of retail uses. The displays are static and there is no visibility into the premises, which is dissimilar to most retail uses, but an A2 Use could easily have the same type of static frontage. He comments that the amusement centre would operate all year round, unlike some of the uses nearby and they do not cause noise and disturbance, subject to appropriate conditions.

He is confident that the proposal will:

- Have no adverse impact on retailing activity.
- Add to diversity, choice and competition in the shopping area.
- Not harm the character or trade of the shopping centre.
- Enhance the vitality of the shopping centre through bringing the premises into use
- Increase employment.
- Add to the evening economy.
- Preserve or enhance the character and appearance of the conservation area, both visually and in terms of bringing the property into occupation.

Officers consider that his assessment of the situation broadly aligns with their assessment because of the narrow frontage of the premises and the relatively small area of floorspace involved.

### **Amenity**

The proposed hours of operation would be 9am to 9pm and the premises would be soundproofed (refer to the comments made above by the Service Manager Public Protection re doors, music etc.). This could be controlled through the use of conditions.

There is no issue in terms of the Town Centre Conservation Area and impact on its character/appearance.

### **Design**

There is no issue in terms of the design. With regard to the appearance, the agent says that the proposal has the potential to result in visual improvement through its occupation and the inclusion of a window display. A window display could be required by condition in order to retain a retail type frontage. Although it wouldn't be an active frontage with inviting views through into the shop, it would be akin to some A2 frontages.

If permission is forthcoming, the applicant intends to reinstate a more traditional shop front commensurate with the Conservation Area status; this would accord with Policy CS8. It would require a further planning permission, where the Built Heritage Manager would have the opportunity to influence the design.

### **Highway Safety/Parking and Servicing Arrangements**

There are no adverse impacts identified as this is a very accessible location in the town centre. The area is well served by buses and other forms of transport.

### **Other Issues**

For the purposes of the vitality and viability of the town centre, this property is within the Central Retail Area but outside the Primary Retail Core. The November 2017 three monthly vacancy survey undertaken by the Council puts the vacancy rate in the Central Retail Area at 16.3%, which is better than the 19.4% vacancy rate within the whole town centre boundary, but not as good as the Primary Retail Core at 13.4%. An overall total of 125 vacant units were recorded in the town centre in November 2017, matching the August 2017 figure and means that the vacancy rate remained at 19.4% for the second consecutive survey. In contrast, the Principal Retail Core and Core Retail Area both experienced increased vacancy rates of 13.4% and 16.3% respectively.

As at November 2017, the former Post Office (General Post Office, 26 – 30 Abingdon Street) is vacant, but this has an extant planning permission (reference 17/0503 full application for “Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area, installation of replacement windows to Edward Street, re-modelling of former post office counter and use/ conversion of buildings to provide leisure uses, retail uses, offices, restaurants and cafes within Use Classes A1, A2, A3, D2 with associated administrative offices, car parking, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works” granted 21 November 2017), which will reduce vacancy rates and create more critical mass in the area and be an attraction on Abingdon Street. Of the 21 units (not counting the General Post Office) on Abingdon Street between Clifton Street and Talbot Road; five are shown as vacant, which is equivalent to a 23.8% vacancy rate, which is higher than the average. Anything over 20% is noticeable and an indicator of a not particularly healthy shopping area.

Against this background it is considered that the high vacancy rates are not a true reflection of the situation moving forward; and the retail sector will become more buoyant through the redevelopment of the General Post Office, even though the building society on the corner of Abingdon Street and Clifton Street has been vacant for a number of years. However, it could be some time before redevelopment takes place and this should not carry significant weight in current considerations.

There are no relevant amusement centre appeals with regard to Blackpool town centre; and the majority of amusement centre appeal decisions in the UK are quite old. However, a recent example relates to 49 High Road, Wood Green, London. The main issue in that case was the effect of the appeal scheme on the vitality and viability of the town centre. The appeal was allowed although it was contrary to Policy. Relevant extracts are:

Paragraph 9: “Occupying one of the smaller units in the block, the appeal proposal would be a small-scale development. The appellant supplied evidence which showed consistently that adult gaming centres could help to drive footfall, and that customers accessed the uses as part of a wider shopping experience. Access to adult gaming centres is restricted by statute to those aged over eighteen. This would indicate that there is a specific section of the population that would be unable to access the facilities. However, I am persuaded that a

number of A1 and other town centre uses have target markets, and do not always cater for every demographic, so I do not consider that this age restriction, in and of itself would be detrimental to generation of footfall to the site and thus the vitality and viability of the town centre.

Also, in paragraph 11: Furthermore, evidence submitted by the appellant suggests that the customer base and the proposed use's relationship with other town centre uses are qualitatively different to betting offices. Critically, customers using adult gaming centres tend to do so as part of a wider shopping trip. For these reasons, the appeal scheme would not contribute to an adverse cumulative effect on the retail function of the town centre." With regard to safety and crime, the amusement centre is geared towards attracting shoppers and being complementary to the overall town centre offer. Under the terms of the licence from the Council, no-one under the age of 18 would be allowed into the premises. The recommendations of the Police have been passed on to both the agent and applicant for their consideration with regard to the installation of crime prevention measures at the premises. An advice note on the decision notice would reinforce that approach should permission be granted.

### **CONCLUSION**

Although the proposed amusement centre use might be said to be contrary to Policy BH18, there are other material considerations which have to be weighed against this:

- the high vacancy rate on this section of Abingdon Street
- the length of vacancy of this unit
- the small size of the unit – the loss would not amount to a significant floor space
- frontage improvements
- employment benefits
- year round trading
- business rates (previously a charity shop)

In conclusion it is considered that the benefits outweigh the policy considerations in this particular instance and permission should be granted.

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

Not applicable.

### **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**

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. 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.

## **BACKGROUND PAPERS**

Planning Application File 17/0669 which can be accessed via the link below:

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

Appeal Ref: APP/Y5420/W/15/3137423 Ground Floor, 49 High Road, Wood Green, London.

**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 received by the Council on 4th October 2017; drawing no. B17-1892.01 Rev A.

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

3. A window display showing items available for sale within the unit shall be provided at all times in the ground floor windows fronting Albert Road.

Reason: In the interests of the shopping character of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. 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. In addition, the premises shall be fitted with a self-closing door to the Abingdon Street elevation (which shall not be propped open), and shall thereafter be retained; and no amplified music shall be audible from the street.

Reason: To safeguard the amenities of shoppers in the town centre and the occupiers of residential premises in the vicinity, 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. The use of the premises hereby permitted shall not be open to customers outside the following times: 09:00 hrs until 21:00 hrs Mondays to Sundays.

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.

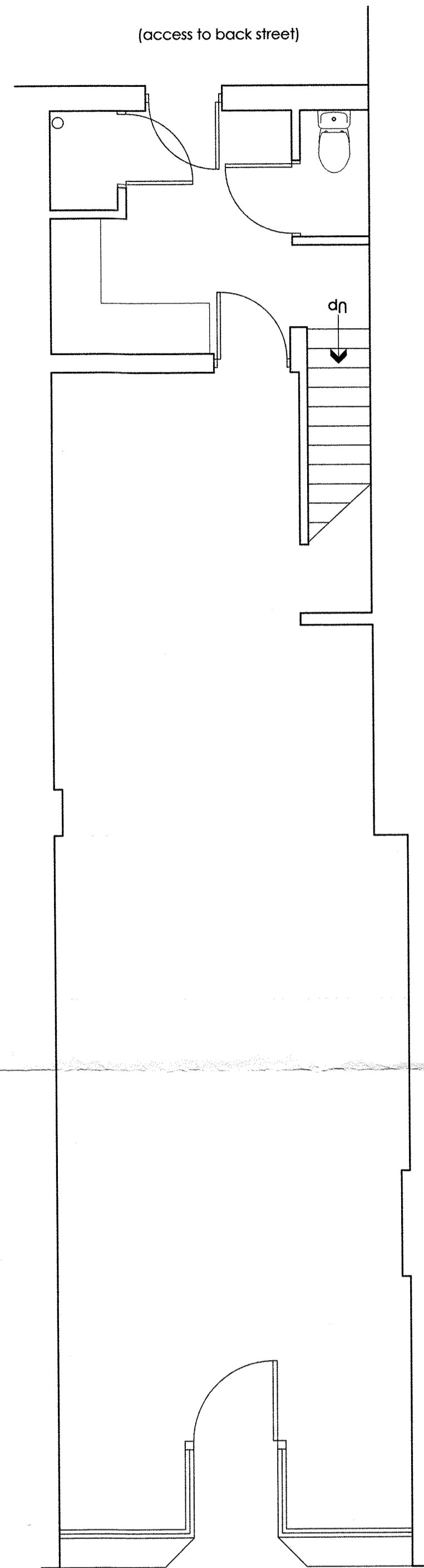
#### **Advice Notes to Developer**

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. Please refer to the Crime Impact Statement. The security measures for this development must adequately address that risk of crime in order to keep people safe and feeling safe and reduce demand and calls for service on local policing resources.

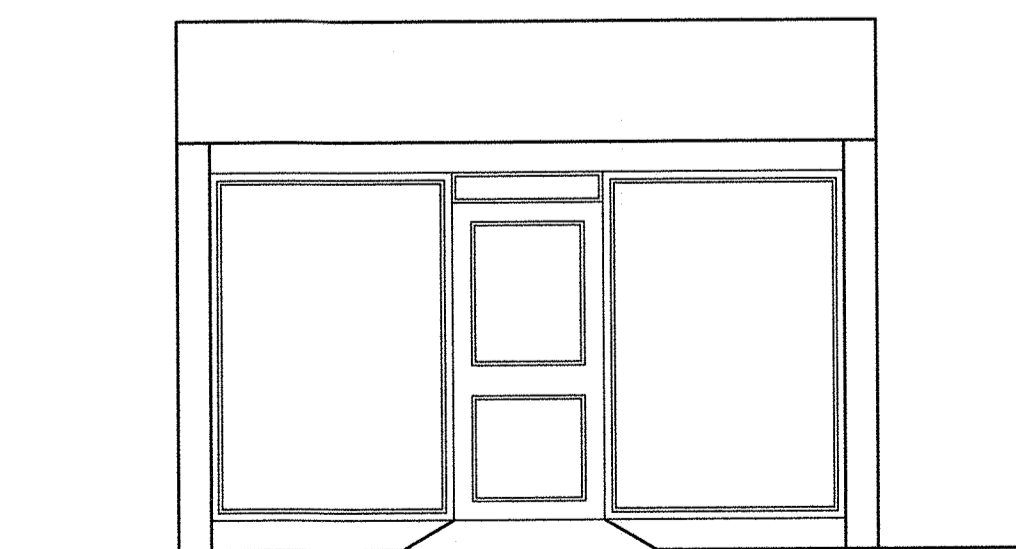
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# EXISTING

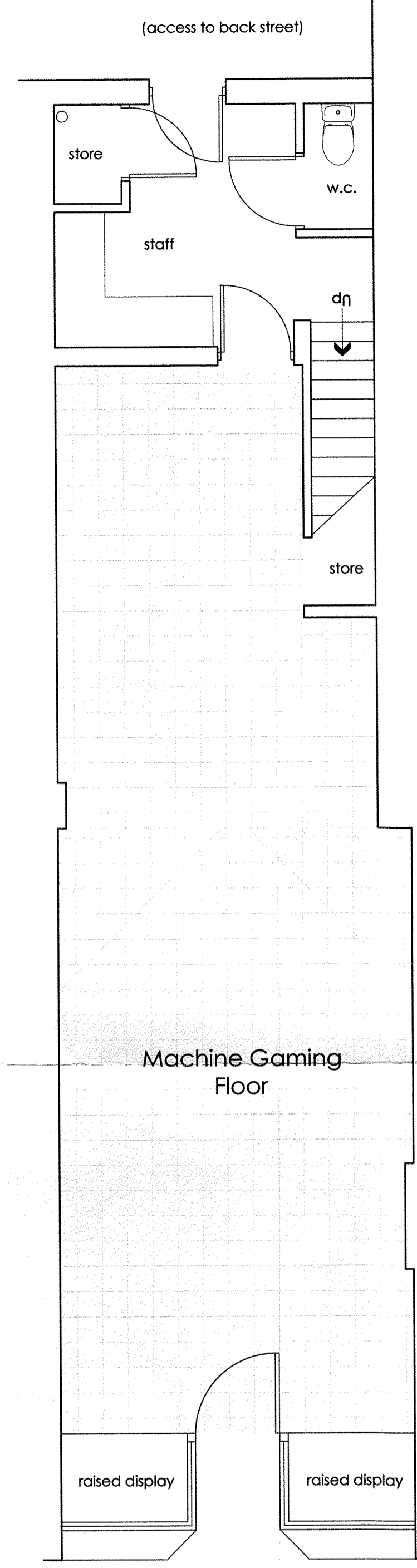
# PROPOSED



Existing Ground Floor Plan  
(scale 1:50)



Existing Front Elevation - EAST  
(scale 1:50)



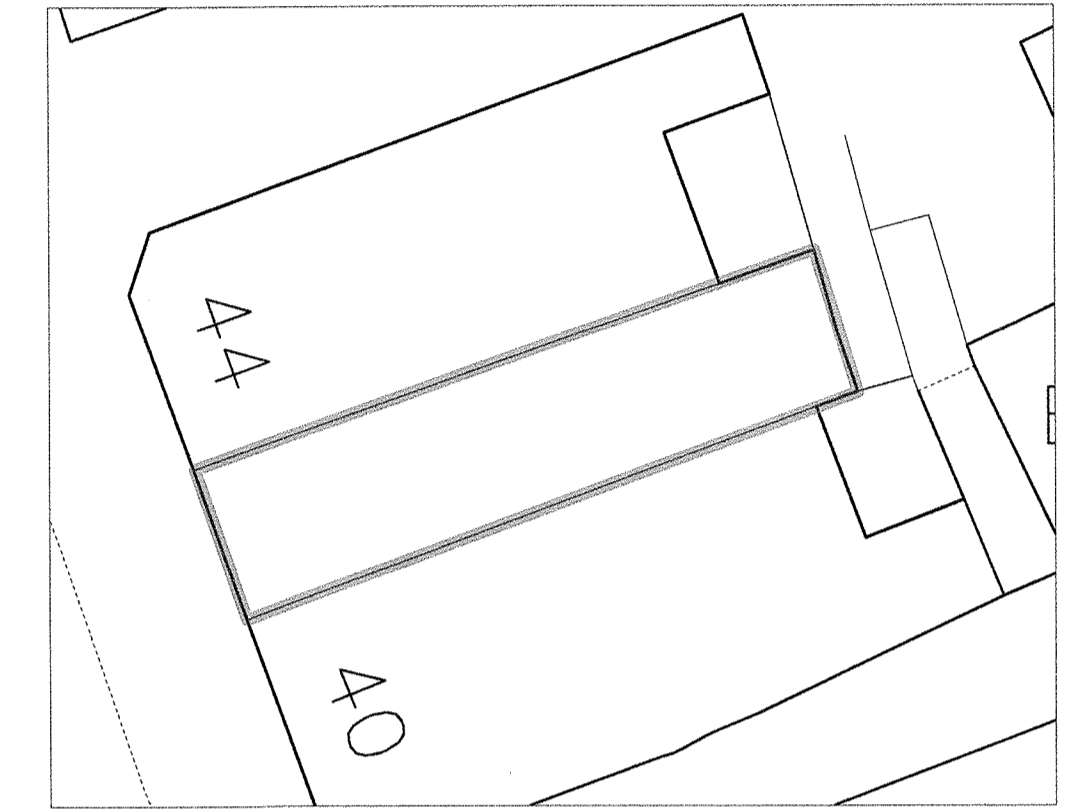
Proposed Ground Floor Plan  
(scale 1:50)



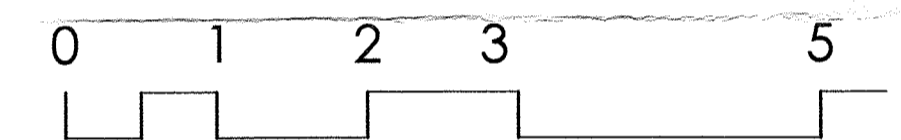
Proposed Front Elevation - EAST  
(scale 1:50)



Location Plan  
(scale 1:1250)



Site Plan  
(scale 1:200)



Scale Bar  
(scale 1:50)

Rev.	Description	Date
A	General Client Amendments	19.09.2017

**ALAN JONES**  
architecture  
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● project management

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Project:  
**Proposed Change of Use  
42 Abingdon Street  
Blackpool**

Drawing Title  
**Plans And Elevations (Planning)**

Scales: <b>As Noted</b>	Date: <b>Aug 2017</b>	Drawn: <b>DJ</b>
Drawing No: <b>B17-1892.01</b>	Revision: <b>A</b>	Paper Size: <b>A1</b>

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