

Blackpool Council

12 January 2018

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

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 23 January 2018 at 6.00 pm
in the Council Chamber, 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 19 DECEMBER 2017 (Pages 1 - 6)

To agree the minutes of the last meeting held on 19 December 2017 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 7 - 16)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 17 - 20)

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

5 PLANNING APPLICATION AND APPEALS PERFORMANCE (Pages 21 - 24)

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 25 - 62)

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

7 PLANNING APPLICATION 17/0640 - 44-46 QUEENS PROMENADE, BLACKPOOL (Pages 63 - 80)

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

Venue information:

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

Other information:

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

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

Present:

Councillor L Williams (in the Chair)

Councillors

Humphreys	Jackson	D Scott
Hutton	O'Hara	Stansfield

In Attendance:

Mr Ian Curtis, Legal Officer
Mrs Bernadette Jarvis, Senior Democratic Governance Adviser
Mr Gary Johnston, Head of Development Management
Mr Latif Patel, Network Planning and Projects Manager
Mr Mark Shaw, Principal Planning Officer

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2017

The Committee considered the minutes of the meeting held on 21 November 2017.

Resolved: That the minutes of the meeting held on 21 November 2017 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee noted that an appeal had been lodged against the refusal of a householder prior approval for the erection of a single storey extension at 30 Douglas Avenue, Blackpool.

It also noted that another appeal had been lodged against the refusal of planning permission for the erection of a roof lift 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 at 4 Bloomfield Road, Blackpool.

Resolved: To note the planning appeals lodged.

Background papers: Letters from the Planning Inspectorate dated 27 November 2017 and 4 December 2017.

4 PLANNING ENFORCEMENT UPDATE REPORT

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

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 19 DECEMBER 2017

The report stated that 34 new cases had been registered for investigation, 21 cases had been resolved by negotiation without recourse to formal action and 39 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 authorised, three s215 Notices and two Community Protection Notices 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 November 2017 and the quarter period from July to September 2017. He advised the Committee of the successful end to the year in so far as the reporting period to Committee was concerned with 100 per cent performance against the Government's targets in the speed of determination of both major and minor applications.

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

Background papers: None

6 PLANNING APPLICATION 17/0466 - LAND AT WARREN DRIVE, BLACKPOOL

Mr Johnston, Head of Development Management advised the Committee that he had requested United Utilities to comment upon the suitability of the proposed drainage scheme for the proposed development in light of the recent torrential rainfall that had resulted in flooding on Warren Drive. It was requested that the application be deferred to allow the opportunity for United Utilities to respond. Mr Johnston confirmed that the applicant had indicated that he would be content for the application to be deferred.

Resolved: That the application be deferred to a future meeting of the Committee.

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

7 PLANNING APPLICATION 17/0626 - 420 WATERLOO ROAD, BLACKPOOL

The Committee was informed that correspondence had been received from the applicant's agent withdrawing the application.

Resolved: To note that the application had been withdrawn.

8 PLANNING APPLICATION 17/0640 - 44-46 QUEENS PROMENADE, BLACKPOOL

Mr Shaw, Principal Planning Officer, referred the Committee to the Update Note which outlined a further objection that had been received in support of the objection from the owner of the Elgin Hotel. He also reported on the responses received from the Police, the Council's Environmental Protection and Head of Highways and Traffic Management departments. He confirmed that a noise assessment had been received from the applicant on the day prior to the meeting and that this had been forwarded to the Council's Environmental Protection department and other interested parties. Further late information had also been submitted which included an updated plan and supporting statement and updated comments from the Council's Licensing Officer.

Mr Shaw recommended that the application be deferred to the next meeting of the Committee to allow the opportunity for interested parties to consider and respond to the noise assessment and additional late information.

Resolved: That the application be deferred to the next meeting of the Committee.

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

9 PLANNING APPLICATION 17/0699 - 42 ABINGDON STREET, BLACKPOOL

The Committee considered an application for the use of premises at 42 Abingdon Street, Blackpool as an amusement centre.

Mr Tunnicliffe, the Applicant, had not applied to speak on the application but was in attendance at the meeting to respond to any questions from the Committee if necessary.

Mr Johnston, Head of Development Management, presented the Committee with an overview of the application. He also presented the site location and layout plan, a street view image of the premises showing the current site frontage and the proposed front elevation. He informed Members that the application site was defined as being within the retail and café zone as detailed in the Council's Local Plan 2001-16 proposals map and that Policy SR6 was relevant to the application. He also referred to Policy BH18 of the Local Plan which identified secondary shopping areas of the town centre as an appropriate location for amusement centres. He reported on material considerations that weighed in favour of the application which included the high vacancy rate on Abingdon Street, the length of time the premises had been vacant, the premises' small frontage and employment opportunities.

The Committee considered the application and raised concerns relating to conflicts with a number of the Council's Policies. The Committee did not consider that the proposed development was in accordance with Policy CS15 of the Council's Core Strategy that sought to support developments that provided health and educational facilities to address the Council's health priorities. It was also of the view that the location of the proposed amusement centre did not meet the objectives of Policy CS17 which sought to re-establish the town centre as a first choice shopping destination. The Committee also noted the aim of Policy BH18 to locate amusement centres away from the main shopping

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 19 DECEMBER 2017

areas of the town centre. It also noted that Abingdon Street was not specifically mentioned as a secondary shopping area within Policy BH18 and therefore considered the proposal to be contrary to that Policy. Members considered based on their experience and knowledge of the town that the area was a popular and important retail area of the town centre. The Committee consequently concluded that the proposed location of the amusement centre on Abingdon Street would not protect the integrity and function of the town centre.

The Committee considered the material considerations that had been suggested to weigh in favour of the proposal but considered on balance that the conflicts with Policies CS15 and CS17 of the Council's Core Strategy and Policy BH18 of Blackpool's Local Plan outweighed the perceived benefits of the application.

Resolved: That the application be refused for the reasons set out in the Appendix to the minutes.

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

Chairman

(The meeting ended 6.35pm)

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

Application Number 17/0699 – 42 Abingdon Street, Blackpool, FY1 1DA

Use of premises as an amusement centre.

Decision: Refuse

Reasons:

1. The proposal would be contrary to Policy BH18 of the Blackpool Local Plan 2001-2016 in that it would be located in an area of the Town Centre that is not named in the policy and it would be detrimental to the character and appearance of Abingdon Street which is a busy thoroughfare in the town centre. Furthermore it would be contrary to Policies CS15 and CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 in that it would not help to re-establish the town centre as the first choice shopping destination for the residents of Blackpool and the Fylde coast and would not contribute to a healthy and active lifestyle for the residents of Blackpool.

2. ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	23 January 2018

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

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

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 21 (PRIMROSE HOUSE NURSERY) DEVONSHIRE ROAD, BLACKPOOL (17/0061)

5.2.1 An appeal was submitted by Mr Anthony Brocklebank (Quality Childcare Ltd) against the decision of Blackpool Borough Council to refuse planning permission for the use of first floor as a nursery in conjunction with existing children's day nursery at ground floor; increase in number of children by 26 to 62 in total; formation of new vehicular access to Devonshire Road to provide a drop off area; and closure of Manchester Road access (except in emergencies). **APPEAL DISMISSED**

5.2.2 Main Issues

The main issues in the appeal were the effect of the proposed development on:

- Highway and pedestrian safety; and
- The living conditions of nearby residents with particular regard to noise, disturbance, and the availability of on-street parking.

5.2.3 On the first issue the Inspector concluded that the development would be detrimental to both highway and pedestrian safety. As such, it would not accord with Policy AS1 of the Blackpool Local Plan 2001 – 2016 (adopted June 2006) (Blackpool Local Plan) which seeks to ensure that developments provide convenient, safe and pleasant pedestrian access, as well as safe and appropriate access to the road network.

5.2.4 On the second issue the Inspector concluded that the development would cause unacceptable harm to the living conditions of nearby residents both in terms of noise and disturbance, and the availability of on-street parking. Accordingly, it would be contrary to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) (adopted January 2016) and Policies BH3 and BH4 of the Blackpool Local Plan which seek to ensure that new developments do not adversely affect the amenities of nearby residents and potential occupiers, and are not detrimental to public health and safety.

5.2.5 A copy of the Inspector's decision dated 14 December 2017 is attached as Appendix 3(a).

5.3 Planning/Enforcement Appeals Lodged

5.3.1 WINDMILL SERVICE STATION, PRESTON NEW ROAD (17/0011)

5.3.2 An appeal has been submitted by Rontec Service Stations A1 Ltd against the refusal

of planning permission by Blackpool Borough Council for the erection of a single storey building to form a drive through coffee shop to the rear of existing petrol filling station utilising existing access and egress, with associated landscaping, bin and cycle stores and parking for 25 cars, following demolition of existing residential caravan park.

5.4 HARRY FEENEY, VICARAGE LANE (17/0429)

5.4.1 An appeal has been submitted by Harry Feeney against the refusal of advertisement consent by Blackpool Borough Council for the retention of free standing, double sided, internally illuminated sign on forecourt.

5.5 Does the information submitted include any exempt information? No

5.6 List of Appendices:

5.6.1 Appendix 3(a): Letter from the Planning Inspectorate dated 14 December 2017.

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None



Appeal Decision

Site visit made on 11 December 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/J2373/W/17/3180134

Primrose House Nursery, 21 Devonshire Road, Blackpool FY3 8DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Brocklebank (Quality Childcare Ltd) against the decision of Blackpool Borough Council.
 - The application Ref 17/0061, dated 28 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is use of first floor residential accommodation as part of ground floor day nursery, change of use from C3 to D1 and formation of new vehicle entrance.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on:
 - Highway and pedestrian safety; and
 - The living conditions of nearby residents with particular regard to noise and disturbance, and the availability of on-street parking.

Reasons

Highway and pedestrian safety

3. The appeal property is a detached building that currently has a children's nursery on the ground floor and living accommodation on the first floor. It is located on a busy distributor road, although the presence of a light controlled junction to the south of the site reduces the speed of traffic to a certain extent. In the vicinity of the site the road has double yellow lines on both sides. Whilst there is a pedestrian access from Devonshire Road, and two parking spaces for staff, the main access to the nursery is taken from Manchester Road, a quiet residential street to the rear. There are no parking restrictions on this road but the terraced housing along it has no off-road parking, and so demand for on-street parking is high.
4. As the existing nursery has limited staff parking and no client parking, it already creates demand for on-street parking on Manchester Road. Neither party has provided any evidence regarding the levels and availability of parking along this road or in the wider area. However, I observed at my site visit (late morning on a weekday) that, although there was parking available on

Manchester Road, demand for parking even during the day was high and this is borne out by comments from local residents. These also indicates that parking from people using the nursery causes problems in the area and inconveniences residents.

5. It is proposed to convert the first floor to form part of the existing nursery. This would increase the number of children able to be at the nursery from 36 to 62. As part of the scheme it is proposed to create a second vehicular access onto Devonshire Road and so provide a 'dropping off zone' for children at the front of the property, with this, rather the rear entrance accessed from Manchester Road then becoming the main entrance to the nursery.
6. The appellant has carried out a survey of both staff and users of the nursery. This showed that about one third of children who come to the nursery arrive by car, with the rest mainly walking. Of the 7 staff, 2 drive, 3 walk and 2 come by taxi or public transport. In addition, it is highlighted that children arrive and leave the nursery over a two hour period in the morning and evening, and as some children only attend part time they arrive / leave at lunchtime. I note also that staff are encouraged to use other forms of transport than the car, that the site is in an accessible location and that a condition could be used to secure cycle parking on the site.
7. Notwithstanding this, the fact that some people may have more than one child at the nursery, and the fact that the loss of the residential accommodation would reduce the demand for parking associated with that, the increase in the number of children and staff would still significantly increase the demand for parking, particularly in times of inclement weather, when walking may be less feasible.
8. The plans show that the proposed parking area at the front of the nursery would provide a staff parking space as well as being able to accommodate 3 cars for users of the nursery. The proposed new access would create a one way system so that cars would enter and leave in forward gear. However, due to the limited space, the client spaces would not be able to operate independently of each other. As such, people ready to leave may be prevented from doing so if the car in front of them is not ready to do so. Whilst I note the intention to operate a 'meet and greet' facility to aid the dropping off process, this is less likely to be practical at pick up times. Moreover, dropping off and collecting children from a nursery can take varying amounts of time, as parents often need to talk to staff, get the children ready to leave, and assist them into and out of cars.
9. Therefore, despite having a staggered arrival and departure period, given the limited amount of parking space, I consider that there may well be times when this space is full, which could result in a queue of cars building up on the road which would be detrimental to highway safety, especially as the main arrival and departure times coincide with peak flows on the road network.
10. In addition, given the inconveniences that could occur with using this area that would result from not always being able to leave when ready to do so, parents may choose to park elsewhere. If the main entrance for the nursery is to be on Devonshire Road, this may result in hazardous parking along this road as well as increased demand for parking on other roads, and in particular Manchester Road.

11. Moreover, the limited amount of space at the front of the nursery means that it would not be possible to provide segregated pedestrian access, and so people arriving on foot would be required to use the same access as vehicles, causing potential conflict between pedestrians and vehicles, to the detriment of pedestrian safety. This conflict would be exacerbated by the limited space for the parking of prams and pushchairs as well as vehicles. Whilst I note that the appellant states that there have been no accidents on the site, at present the only parking is staff parking at the front of the building, and users of the site use the access at the rear from Manchester Road. As such there is no potential for conflict between vehicles and pedestrians.
12. Therefore, I consider that the proposed development would be detrimental to both highway and pedestrian safety. As such, it would not accord with Policy AS1 of the *Blackpool Local Plan 2001 – 2016 (adopted June 2006)* (BLP) which seeks to ensure that developments provide, convenient, safe and pleasant pedestrian access, as well as safe and appropriate access to the road network.

Living Conditions

13. To the rear of the building the nursery has an outside play area. This is surrounded by the rear garden areas of both the adjacent properties and those on Manchester Road. At present there is no restriction over the hours that this can be used or the number of children that can use it at any one time, although its use will be affected by the numbers at the nursery, and the size of the space available.
14. The Council have indicated that they have received a number of complaints relating to noise from the use of this area, although the appellant has indicated that these relate to the time before January 2016 when the nursery had a different owner. Be that as it may, given the close proximity of this space to the surrounding houses, it is clear that the use of this play area has the potential to cause noise and disturbance to nearby residents. Moreover, these complaints were made despite the fact that the nursery does not open in the evening, at weekends or on Bank Holidays.
15. The proposed increase in numbers of children at the nursery is likely to increase the amount that this space is used each day. The appellant has suggested that conditions could be used to limit the number of children that could use the space at any one time, and to restrict the hours it could be used, as well as to prevent the nursery from opening on a Saturday, which is possible at present. As such, the noise report from the appellant concludes that the proposal would not increase the noise created through the use of this space.
16. Whether such conditions would meet the test for conditions is disputed by the parties. However, I consider that the significant increase in number of children proposed would increase the amount this space is used each day, even if the numbers of children using the space at any one time is no greater than at present. Given the close proximity of the neighbouring residential use, the lack of vegetation to help absorb the noise, any such increase in its use would exacerbate the existing levels of noise and disturbance experienced by the occupiers of surrounding properties, even if the children were supervised by staff when outside. This would be particularly noticeable and intrusive in the summer months when gardens are likely to be used more intensively and windows left open to improve ventilation.

17. The appellant has argued that nurseries with up to 70 children are common place in residential areas. Whilst this may be the case, each application and appeal must be determined on its own merits. In this case, I consider that the locational characteristics of the surrounding area are such, that the appeal scheme would cause an unacceptable increase in noise and disturbance.
18. It has been suggested that the loss of the residential accommodation would mean the site was not used at all at evenings or weekends, which would reduce noise at these times. However, there is no indication that the noise complaints have been associated with the occupiers of the residential accommodation. As such I give this benefit little weight.
19. The Council has indicated that it has also received complaints about noise and disturbance created by vehicles dropping off and collecting children. I agree that such noise is very difficult to control. Given the background noise levels created by the traffic on Devonshire Road, I am satisfied that any noise and disturbance resulting from using the front of the building for dropping off and picking up children, would be minimal in comparison with, and indistinguishable from, that associated with road traffic in the area.
20. Notwithstanding this, I have concluded above that impracticalities associated with the use of this area, is likely to result in an increase in demand for parking on surrounding streets, especially Manchester Road. Given the operating hours of the nursery I am not persuaded that this would cause an adverse impact in terms of noise and disturbance. However, in potentially causing an increase in the demand for on-street parking in an area where the lack of availability of on-street parking already creates problems for residents, the proposal would be detrimental to the living conditions of occupiers in the area.
21. Consequently, I consider that the proposed development would cause unacceptable harm to the living conditions of nearby residents both in terms of noise and disturbance, and the availability of on-street parking. Accordingly, it would be contrary to Policy CS7 of the *Blackpool Local Plan Part 1: Core Strategy (2012 - 2027) (adopted January 2016)* and Policies BH3 and BH4 of the BLP which seek to ensure that new developments do not adversely affect the amenities of nearby residents and potential occupiers, and are not detrimental to public health and safety.

Other Matters

22. I note that demand for nursery places in the area is high, and that changes to the amount of free child care for 3 years olds is increasing demand further. However, the Council have indicated that a number of additional places have been created in other local nurseries from September 2017. I accept that nurseries are an important community benefit, and that the proposal would benefit the local economy, not only by enabling parents to work but by creating new jobs. However, I consider that these benefits would not be sufficient to outweigh the harm I have identified.
23. The appellant has suggested that the residential accommodation on the first floor could be used by somebody who was a childminder. However, the number of children a childminder can look after is considerably less than a nursery, and so even if this did occur, the numbers of children being cared for on the site would not increase as much as they would under the appeal proposal.

24. I note that under changes to the General Permitted Development Order, a number of other types of buildings can be changed to schools or nurseries without the need for full planning permission. However, none of these apply in this case, and such schemes are still subject to the considerations of various issues including noise and highway impacts.

Conclusion

25. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting	23 January 2018

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 December 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**

5.2 **New cases**

5.3 In total, 20 new cases were registered for investigation, compared to 33 received in December 2016.

5.4 **Resolved cases**

In December 2017, 12 cases were resolved by negotiation without recourse to formal action, compared with 24 in December 2016.

5.5 **Closed cases**

In total, 33 cases were closed during the month (42 in December 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.

5.6 **Formal enforcement notices / s215 notices / BCNs**

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

- No enforcement notices served in December 2017 (none in December 2016);
- No s215 notices served in December 2017 (none in December 2016);
- No Breach of Condition notices served in December 2017 (none in December 2016).

5.7 Does the information submitted include any exempt information? No

5.8 **List of Appendices:**

5.8.1 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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Report to:	PLANNING COMMITTEE
Relevant Officer :	Gary Johnston, Head of Development Management
Date of Meeting:	23 January 2018

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

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

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

3.2b Is the recommendation in accordance with the Council's approved budget? No

3.3 Other alternative options to be considered:

None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priorities are:

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

5.0 Background Information

5.1 Members of the Planning Committee will be aware that the Government has set targets for the determination of major and minor category planning applications and

major and minor category appeals. These are speed and quality of decision targets and are currently:

Speed of major development decisions – 60% within 13 weeks or an agreed Extension of Time – for the period October 2016 to September 2018.

Speed of minor development decisions – 70% within 8 weeks or an agreed Extension of Time – for the period October 2016 to September 2018.

Quality of major development decisions – Loss of more than 10% of appeals – for the period April 2016 – March 2018.

Quality of non major development decisions – Loss of more than 10% of appeals – for the period April 2016 – March 2018.

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

Performance is shown in this case for December 2017 and the third quarter of the financial year (October-December2017)

	Government Target	Performance December 2017	Performance Oct-Dec 2017
Major development decisions	>60%	100%	100%
Minor development decisions	>70%	100%	100%
Quality of major development decisions	>10%	none	none
Quality of non-major development decisions	> 10%	none	none

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: 23/01/2018

Application Reference: 17/0466

WARD: Norbreck
DATE REGISTERED: 14/07/17
LOCAL PLAN ALLOCATION: 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

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 Blackpool Local Plan 2001-2016 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 which is also recognised on the Proposals Map to the 2001-2016 Plan. 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 to meet this increased need. 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 Strategic Housing Land Availability Assessment 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 Strategic Housing Land Availability Assessment. By including the site in the Strategic Housing Land Availability Assessment the Council has 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 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 (it has been increased from 10% to 20%) 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 National Planning Policy Framework (NPPF), policies in the Blackpool Local Plan and Blackpool Local Plan Part 1: Core Strategy the development is recommended for approval, subject to conditions.

INTRODUCTION

The application was deferred at the last meeting of the Planning Committee to enable further discussions to be held with United Utilities regarding the drainage scheme for the proposed development and in light of the recent flooding in Warren Drive as a result of torrential rain.

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 a pre-application enquiry regarding residential development on the site which was on the basis of a layout plan showing 93 properties. 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 Deerhurst 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 69 market houses and 17 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 17 affordable houses - approximately 20% 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. Suggests 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 eg location of plug sockets. Suggests that the site may be within 250 metres of a former landfill site and hence recommends suitable precautionary measures eg 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.

Additional comment - December 2017

The drainage strategy has been drawn up in consultation with United Utilities and proposes on site surface water storage with capacity to cater for 1 in 100 year storm events plus 40% extra storage for climate change. Discharge from the attenuation tanks will be at greenfield rate i.e. 5 litres per second. United Utilities has no objection to the drainage strategy for the site.

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 Highway' 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 4 October and 8 October has identified the use of the road by a substantial number of vehicles e.g. Warren Drive 878 private vehicles recorded during 16.30 hrs and 17.30 hrs and on North Drive 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 isn't 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 – Paragraph 8.13 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 isn't 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 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, 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 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. Tel: 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, Blackpool Council, Bickerstaffe House, Talbot Road FY1 3AH Tel: 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.
- two 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.

Further comments in response to applicant's highway consultants' response:

The information submitted by the applicant's highway consultant has been reviewed and there remains concerns about the capacity of the roundabout at the junction of Warren Drive and North Drive and the impact of the development on this junction, concerns about the width of the pavement along the site frontage and the design of the roundabout and the pedestrian refuge at the proposed site entrance.

Comment:

The pavement along the site frontage can be widened to 1.8 metres (the existing footpath averages 1.4 metres wide but it is clear that vegetation has encroached onto the existing pavement thereby reducing its width) without prejudicing the proposed layout as can the roundabout and the pedestrian refuge (the detailed design can be covered by a Section 278 Agreement).

This leaves the issue of the roundabout at the junction of Warren Drive and North Drive. This is a single carriageway junction with pedestrian refuges to the three arms to the mini roundabout. The applicant's highway consultant has demonstrated that the development impact on this junction would have no impact on the queue lengths in the AM peak and would only marginally impact on the PM peak queue lengths. The NPPF at paragraph 32 states that highway improvements should be cost effective and sought where there is a significant impact on the highway network. In this case it is not considered that there is a significant impact. It goes on to say that development should only be prevented or refused where there are severe impacts on the highway network as a result of the development. It is not the case here.

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: The roads look acceptable with suitable widths for the refuse vehicles to travel. The footway and roads need to be suitable for 26 tonne vehicles. I can see some trees at refuse points which need to be maintained as they can hinder the view of the driver and damage the vehicle depending on how big they are.

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 eg dogs being encourage 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 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 have not got 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.

Comment:

The open space is centrally located to ensure surveillance, to provide a feature in the middle of the development and benefit all of the residents.

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 than 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 Deerhurst Road loses all foliage between November to May and provides little screening between those months. This aspect although mentioned, 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!

Additional comment received January 2018 -

I can inform you that my back garden in Deerhurst road is currently under water and the road drains to the corner of the road (at the front) are not taking away the rain water at a rate which is sufficient to stop the corner of the road from flooding. At the time of the recent flooding to which you refer, Deerhurst Road was completely flooded to the top of the kerb and over the pavement outside 56 and 58. It would seem a high degree of folly to build on this land in any shape or form as current flooding problems have not been resolved and I hope the Council and United Utilities will come to the same conclusion. The development I understand already agreed for the Norcross site when combined with the Warren Drive development will have further drainage implications for the area. It is also of note that Deerhurst Wood which connects to the south of the site has been saturated and flooded across it's extent since mid December making it impassable. All the collecting ditches around and across the land are full to the top. This implies a wider assessment and action plan would be advised in order to resolve and avoid problems occurring in other locations as a result of this development.

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 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 two 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 problematical 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 Drive 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 Callow and Maxine Callow JP, Norbreck Ward Councillors (Object)

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, Anchorsholme Ward Councillor (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 wild life 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 it gifts 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 their 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.

Cllr Paul Galley, Anchorsholme Ward Councillor (Objects)

As an Anchorsholme 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 isn't 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

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 2012 -2027 and these policies being more up to date outweigh Policy NE8 of the Blackpool Local Plan 2001-2016.

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 point, 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 ie 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 17 dwellings- circa 20%. 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 says 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 the 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 undertaken 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 demonstrate 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 Strategic Housing Land Availability Assessment 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 severely 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 street scene

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.

Additional comment

The proposed drainage strategy has been agreed in principle by the Council as Lead Local Flood Authority (LLFA) in addition to United Utilities.

The hierarchy for surface water discharge has been followed in designing the drainage scheme for the site and with infiltration to ground not possible on this site, there are proposed outfalls for surface water run-off to discharge in part to a watercourse at a restricted rate and in part to the public sewer in Warren Drive at a restricted rate (5 litres per second which is equivalent to greenfield run off rate). The proposed drainage is designed with

attenuation (on site surface water storage) to cater for the 1 in 100year storm event +40% climate change critical event . Extensive hydraulic modelling has taken place to consider a tidal breach scenario and as a result a minimum floor level of houses has been set and agreed by the Environment Agency to protect the proposed homes from flooding within the development.

No concerns have been raised regarding existing sewer capacity during extensive consultation with United Utilities during the design of the drainage strategy proposals. As such, United Utilities has not lodged an objection to the development in their consultee response.

The development has been designed to ensure that the houses on the development would not cause flooding and would not be at risk of flooding. The three key drainage bodies - United Utilities, Environment Agency and Blackpool Council (as Lead Local Flood Authority) have no objections to the proposal subject to conditions.

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 scrub 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 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 ie. 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 17 dwellings- circa 20%.

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 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.

Norcross site

Reference has been made to the development at the former Civil Service site at Norcross Lane. Planning Permission has been granted for a mixed use development of offices, residential, retail and commercial uses (13/00200 refers - Wyre Borough Council reference) Planning permission has also recently been granted for an amendment to the retail/commercial element of this scheme (17/00122 refers - Wyre Borough Council reference) There were no highway objections from Highways England or Lancashire County Council to the scheme and junction improvements/ highway works on Norcross Lane are proposed as part of the scheme. It is not considered that the application would worsen the situation.

CONCLUSION

Whilst it is recognised that the site is allocated as Urban Greenspace in the Blackpool Local Plan 2001-2016 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 which is also recognised on the Proposals Map to the 2001-2016 Plan. 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 to meet this increased need. 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 Strategic Housing Land Availability Assessment 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 5 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 Strategic Housing Land Availability Assessment. By including the site in the Strategic Housing Land Availability Assessment 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 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 (it has been increased from 10% to 20%) 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 Supplementary Planning Guidance Note 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:

Location Plan stamped as received by the Council on 07/07/2017

Drawings numbered:

4B6P1179FF, 4B6P1179GF, NHTR-1213-102, NHTR-858-100, NHTR-1213-100, NHTR-3B 912 H-101-02, NHTR-3B 912 H-101-01, SD-WALL1, SD-FENCE1, SD-RAIL1, 4B6P, 3B6P, 4B7P, 4B6P1179ELEV, 2B4P, 3B5P, PL-01 REV L, SS-02, 5287.01 REV D, 5287.02 REV C, 1527-F02 REV A, GW-01

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 houses nearest to the refuse collection areas being first brought into use the relevant refuse collection area 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 number 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. The dwellings on plots 9, 17, 18, 20, 28, 32, 49 and 51 on the development shall not be occupied until the bat and bird boxes detailed on drawing number 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 number PL-01 Rev L have been provided. Once provided they shall thereafter be retained.

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 number 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.

24. The houses on plots 15, 21, 30, 31, 34, 35, 36, 37, 43, 53, 54, 58, 59, 60, 63, 67 and 74 shall be provided as affordable housing (as defined in the National Planning Policy Framework Annex 2 and the Blackpool Local Plan Part 1: Core Strategy Appendix D or any subsequent Government definition of affordable housing) and shall thereafter be retained as such.

Reason; To ensure that the site has an element of affordable housing in accordance with Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

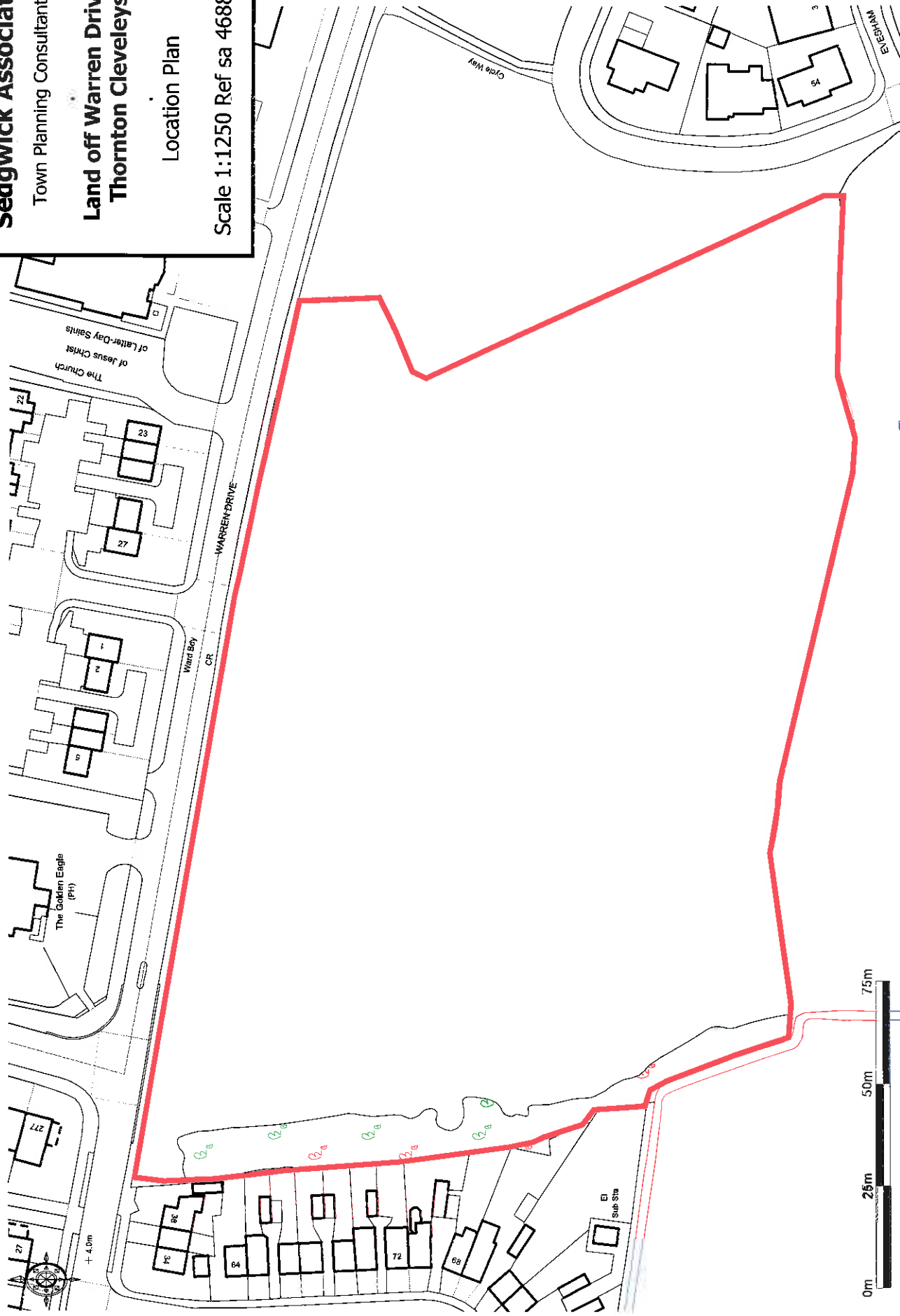
1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and 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. The developer is recommended to install suitable approved design measures to prevent landfill gas ingress.

3. The grant 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, LaPOSyton 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



Ordnance Survey © Crown Copyright 2017. All rights reserved. License number 100022432. Planned Scale - 1:1250

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COMMITTEE DATE: 23/01/2018

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

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

This application was deferred by the Planning Committee at its meeting on 19 December 2017 due to the late submission of additional information, namely the applicant's noise report. 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 conditions on 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. Accordingly the application is recommended for approval.

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

The application is for the erection of a single storey side extension adjacent the shared boundary with the Elgin Hotel (to the south) to extend the existing sports bar located at 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.

Amended plans have been submitted showing a roof plan and a section of the extension with acoustic insulation details included and these identify the proposed extension as a games room with a snooker table and dart boards. It is also stated on the plan that the area to the front of the proposed extension will not be used as a smoking area. A supporting statement and noise assessment have also been submitted.

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 - (initial comments) - With regard to the noise issues associated with the proposal, a noise impact assessment should 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_{Aeq} 50 dB 16 hours - façade level daytime

L_{Aeq} 45 dB 8 hours - façade level night-time (23.00 -07.00)

L_AF_{max} 60 dB 8 hours -façade level night-time (23.00 -07.00)

L_AF_{max} 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_AF_{max} will only apply where the proposed evening L_AF_{max} significantly exceeds the L_A 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? Location and specification is required if so. The existing WCs 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 Mondays-Fridays 8am-6pm, Saturdays 8-1pm and no work 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.

Subsequent comments: We have a Lancashire wide policy document regarding noise from development approved by all the Lancashire local authorities. My comments and recommendations are World Health Organisation standards are taken directly from that. We have asked for submission of methodology and a noise assessment to ensure that the building extension is designed and built to control noise to within the World Health Organisation guidelines for sleeping etc. at the nearest premises. Once this is submitted I can go over it thoroughly. In the unlikely event that noise becomes an issue afterwards, we could use our licensing powers to investigate any complaints and possibly require a limiter to be installed. Limiting devices can be used to control noise across the frequencies and so would control bass type low frequency noise if it was a particular issue. I think the Hann Tucker methodology is perhaps aimed more at new pubs and clubs, where very loud music is being played constantly. The proposal however relates to existing premises which includes snooker/darts/ sports screens etc. rather than a 'music playing' venue. It would perhaps be best if the Hann Tucker report is shared with Ma Kellys' consultants and they can decide whether they agree to take on board the comments therein.

Comments in response to the applicant's noise report: I have read the noise survey submitted and have the following comments.

The consultant has indicated that any blockwork will easily achieve the required attenuation across all frequencies. The roof design and materials details were not available to him at the time of his survey and so this has not been assessed. I therefore recommend a condition that they submit final design details together with octave band insulation data for the remainder of the building.

Police - The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. The security measures are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Crime Risks - In the last 12 month period there have been a large number of crimes recorded in the area around this site including burglary at business premises, assault, shoplifting and robbery. There have been reported incidents of assaults where the excessive consumption of alcohol has been a contributing factor. Given that alcohol will be served in the building and

that incidents of violence and disorder often break out without warning when people gather whilst or after consuming alcohol, the following security measures should be incorporated into the extension scheme:

Physical Security - The extension should be built in accordance with the requirements of the Police preferred security standard Secured By Design. Plans show that this is a flat roof extension. Flat roofs, particularly those at single storey level are vulnerable as they can be easily accessed and depending on materials may be more vulnerable to intrusion by cutting through the deck. Flat roof designs can also create climbing aids to upper windows. Preventing easy access to roofs should be considered at the design stage of the building. External rainwater pipes can be used for climbing and should be either square or rectangular in section, flush fitted against the wall or contained within a wall cavity or covered recess. A pitched roof design is recommended.

All new external doors and windows in the extension should be certificated. Glazing should be laminated and opening windows should be fitted with restrictors.

Internal doorsets leading to staff only areas should be fitted with access control arrangements such as a keypad. Raise the floor height of the bar area and make the counter as wide as possible. The extension to the building should be added onto the existing CCTV camera system to provide full coverage internally and externally of the sports bar. A camera should be fitted to provide a clear head and shoulders image of all persons entering the premise via the main front door. Recording equipment must be stored in a securely locked room which is fitted with a PIR motion sensor linked to the intruder attack alarm. The extension should be added onto the intruder attack alarm. Impact sensors should be fitted to all doors and windows and PIR motion sensors fixed internally. Panic alarms should be located in easily accessible staff only areas that are not easily visible or accessible to customers. Lights should be installed at all external doorsets including emergency exits. External lighting is often provided at front doors however as most burglaries target the side and rear elevations, external lighting should be installed at all doors. These measures should be incorporated into the scheme in accordance with **Blackpool Local Plan Part 1 : Core Strategy (2012-2027) Policy CS7:Quality of Design and Section 17 of the Crime and Disorder Act 1998** - without prejudice to any other obligation, 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.

Head of Highways and Traffic Management: I have no objection to this proposal and would like to add the following:

1. The parking areas to be marked out with proper parking bays to ensure the space is utilised to its maximum potential.
2. There are two vehicle access points at the front. Are they necessary? The ones at the front could create conflict between customers and vehicles and it would be advisable to have a single point of access for vehicles on Knowle Avenue.
3. A condition should be included requiring the surface treatment scheme for the area to the rear/ car parking area.

Council's Licensing and Health and Safety Officer: We received a complaint in September 2017 regarding disorder at the front of the premises (Promenade side). I met with the managers a short time after receiving the complaint and I advised to disperse customers to the rear of the building.

In November 2017 I received comments from Councillor Michelle Scott that residents on Holmfield Road were experiencing difficulties with noise and disturbance from customers leaving Ma Kelly's, this was no doubt as a result of the changes I encouraged. At or around the same time I spoke with Mr Seddon who indicated that things had improved slightly following my intervention, in effect I had displaced the problem.

With regards to the current proposal this potentially could re-instate the problems that were being experienced in August and September 2017 back to the front of the premises and somewhat closer to the sensitive premises (the Elgin Hotel) than before, as the main entrance was in the centre of the building approximately 25 metres away from the Elgin Hotel's boundary whereas the new entrance will be less than 2 metres away from the Elgin Hotel's boundary. Conditions attached to any planning permission and or the Premises Licence could mitigate the issues especially if the door was used as an entrance only up to a certain time of night, for example 10pm, and the area immediately in front of the premises was not used for outside drinking or smoking .

Licensing can add conditions to mitigate public nuisance and "specific use conditions "can be added to doors or outside areas. How these conditions are controlled can also be subject to further conditions, for example, door staff to monitor or man the door between certain times, or manager/supervisor to do hourly checks and record and document the checks with records kept on site to evidence the monitoring system in place.

All conditions added to a licence should go no further than is appropriate to mitigate the problems. As this is a new venture the problems being articulated are largely speculative and not evidence based, indeed the evidence base is that the problems at the front have diminished in recent months so we would be entirely relying on the applicant offering or agreeing to conditions, I do not think we would have sufficient evidence to add the conditions at a hearing.

If the application is granted without conditions and problems are encountered the licence could be reviewed and conditions added which are tailored to the problems. For example, it may be the case that the doors repeatedly bang in the wind and we could ask for self-closers to be added that eradicate the noise. A review is a relatively quick process but requires actual evidence of problems and implies that the licence holder has been put on notice of these problems before a review is commenced. **Section 182 of the Licensing Act Guidance paragraph 11.10** refers:

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the

holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Any conditions added to a licence at the hearing stage could be appealed and generally appeals are taking about 4-6 months to list so this can really protract the process. If a review is submitted we have to wait a minimum period of 28 days for additional representations to be submitted, then we must arrange a hearing within 20 working days of the 28 days lapsing. The decision takes effect 21 days after the decision at the hearing has been made and if appealed this can stay the decision until the outcome of the appeal. So in summary Licensing can be an effective fix but is not necessarily a quick fix.

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 application for the new location of the Sports 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-13th August, Police were 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, 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 4 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 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 authorities in such circumstances, including for example Manchester City Council, when dealing with proposed entertainment uses close to residential uses.

Hann Tucker Associates' 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, particularly in the light of what Hann Tucker Associates 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 Associates 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.

Further comments: Having seen these more detailed plans, which I received yesterday, it reinforces the concerns I have already expressed about the independent entrance to Ma Kelly's Sports Bar. On closer examination there are a number of issues that come to light:-

1. There does not appear to be a rear exit from the Sports Bar that is 'fit for purpose' except between tables and chairs in the 'back room' or through the toilets. Add this to

the comments made by the architect about ‘the difficulty of staggered opening times’, it appears from the plan that clients would have to come out of the front of the building if they wanted to smoke or indeed leave the bar after the 9pm restriction.

2. The entrance doors to the proposed Bar are less than 2 metres wide within a small ginnel (4 metres x 6 metres). This ginnel is a matter of only 2 metres from a guest’s bedroom window of the Elgin Hotel. Indeed within 10 metres there are 15 bedroom windows. With the best will in the world, and even with a complete smoking ban at the front of the property (which would be very hard to enforce), drinkers will congregate in this area. This may be to meet friends going into the bar or at the half time of a big football match just to get some fresh air. On a windy day this area will afford a certain amount of shelter from the wind – making it even more attractive. You only have to drive around town to see people standing outside pub and hotel entrances drinking and yes, often smoking. The noise from these people will be considerable and amplified in this small confined area, very much to the distraction of our long standing clientele. The negative impact on our business of this going ahead cannot be overemphasised. It very much goes against the Council’s ‘Core Strategy’ of developments not adversely affecting neighbouring properties and businesses.
3. The location of this entrance is wholly unacceptable – the existing main entrance is quite near enough to our property. With some internal alterations to the property it would be quite possible to have an internal division at the front and back doors to segregate the Sports Bar from the Cabaret area which would appear to be Mr Kelly’s intention.

Objection from Chorlton Hotel, 38 Hull Road:

Having suffered statutory noise nuisance between 2005 and 2012, I very much wish to whole heartedly give my support to the objections raised by the Elgin Hotel. The damage to a business caused by noise can be extreme, as I have experienced. Not only that but the devastating effect on the lives of those directly affected must in no way be underestimated. Fortunately the team at Ma Kelly’s appear to be fully responsive to complaints unfortunately in my case I was not so lucky. I appreciate the investment made at the former Uncle Tom’s Cabin especially considering alternative proposals for the site. I would also challenge the human rights statement. When guests book into a hotel, they are in reality renting the room(s); as such for the duration of their stay the rented room becomes their property, in the same way that a rented house becomes a tenant’s property. Thus as the Elgin Hotel have clearly shown their guests have had their enjoyment compromised as a direct result of the applicants existing property, and with the proposal being much closer the risk becomes far more real and there is clearly a Human Rights issue. Should the Planning Committee pass this proposal, then there does need to be a commitment from the applicant to make noise reduction measures far stronger and ensure an effective management strategy is put in place to minimise any potential noise nuisance.

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

- LQ14 Extensions/alterations
- 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 well know landmark building on Queens Promenade although in recent years it had suffered from a lack of general maintenance and investment. 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 issues arising are the extra opening hours and the more intensive use of the building which is to be expected given the considerable investment in the building. This situation arises even without the proposed extension. The proposed extension, however, adds another 100 sqm of floorspace and this additional floorspace is located adjacent The Elgin Hotel with a new front entrance into the building, setback 12 metres from the front elevation of the Elgin, 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, on the return rear elevation and on the north elevation of the projecting rear wing 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 have been some teething problems in the initial weeks of the bar opening in August 2017.

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. The amended plans also indicate the area in front of the entrance door will not be used for smoking and that the smoking area will be located to the rear of the building. In addition, the extension does not include roof lights and will be acoustically insulated. A condition will be included on any approval 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 bring about a noticeable increase in trade.

It would appear that one of the main amenity impacts of the use 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 although this has potential to cause issues for residents of Knowle Avenue. There have also been issues regarding keeping doors closed and emptying bottles into waste bins which again are licensing issues. The agent states that measures have been put in place to deal with alcohol related and noise issues, and that hotel guests are more likely to be disturbed by noise from the hotel bar which has a rooflight. It is also stated that the front of the extension will not be used for smoking and the extension will be used as a games room and will not have a bar area.

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

Other Matters -in response to Environmental Protection comments the agent states that any ventilation or air conditioning units would be placed on the rear wall of the building (these may themselves be subject to planning permission). New windows will be fitted with restrictors as per the Police comments and the flat roof will have anti-climb measures. It is also stated that working hours on the extension would be restricted to Mondays to Fridays 8am to 6pm and Saturdays 8am to 1pm with no work undertaken on Sundays or Bank Holidays.

CONCLUSION

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. The applicants have submitted a noise assessment, as requested, and it is considered that the satisfactory sound insulation of the extension can be achieved via condition and other matters arising from consultation comments relating to security, design of the extension, noise and ventilation have also been taken on board by the applicants.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application Files 17 0640 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 13th September 2017
Drawings numbered 7245/EL/02 Rev C and 7245/EL/03.

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 its substantial completion the approved extension shall be acoustically insulated 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 and the area to the front of the extension shall not be used as a smoking area.

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.

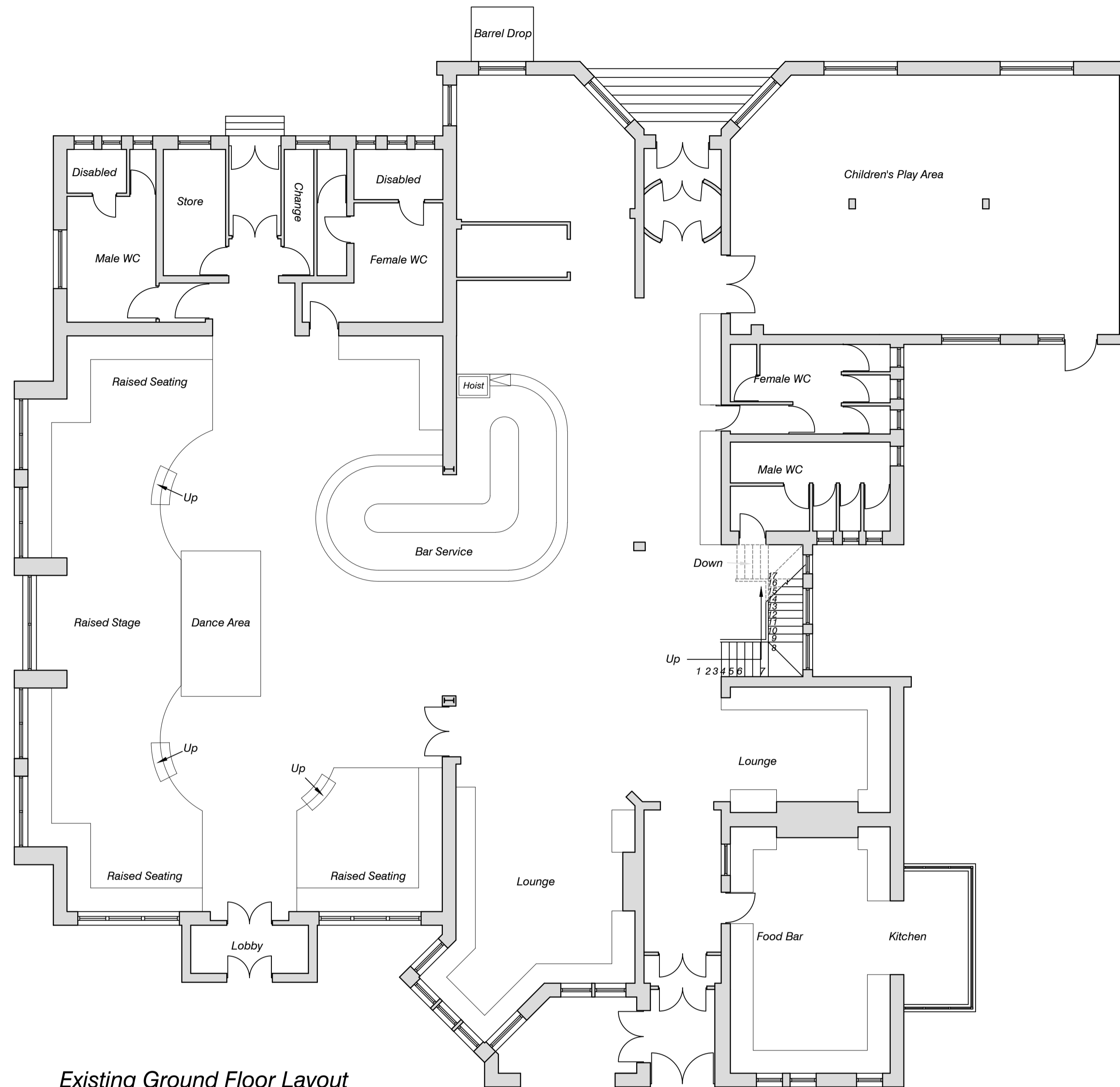
Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Prior to the development hereby approved being first brought use the car parking area(s) and access point(s) to the car parking area(s) shall be provided in accordance with a scheme to be submitted to the approved in writing with the Local Planning Authority. The approved details shall thereafter be retained.

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

Advice Notes to Developer

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



Existing Ground Floor Layout



Location Plan (1:1250)



Existing Front Elevation

Date	Revisions
<p>HERMOLLE ASSOCIATES 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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