

Blackpool Council

11 May 2018

To: Councillors Humphreys, Hutton, Jackson, O'Hara, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 22 May 2018 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

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

(1) the type of interest concerned either

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

and

(2) the nature of the interest concerned

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

2 MINUTES OF THE MEETING HELD ON 20 MARCH 2018 (Pages 1 - 6)

To agree the minutes of the last meeting held on 20 March 2018 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 7 - 26)

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

4 PLANNING ENFORCEMENT UPDATE REPORT - MARCH 2018 (Pages 27 - 30)

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

5 PLANNING ENFORCEMENT UPDATE REPORT - APRIL 2018 (Pages 31 - 34)

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

6 PLANNING APPLICATIONS AND APPEALS PERFORMANCE (Pages 35 - 38)

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

7 PLANNING APPLICATION 16/ 0421- 647-651 NEW SOUTH PROMENADE AND 2-4 HARROW PLACE (Pages 39 - 66)

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

8 PLANNING APPLICATION 18/0136 - 31-33 HORNBY ROAD (Pages 67 - 82)

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

Venue information:

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

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic 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	Robertson BEM
Hunter	O'Hara	Stansfield

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Support Manager

Mr Ian Curtis, Legal Officer

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Network Planning and Projects Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 23 JANUARY 2018

The Planning Committee considered the minutes of the last meeting held on 23 January 2018.

Resolved:

That the minutes of the meeting held on 23 January 2018 be approved and signed by the Chairman.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee received the report of the Head of Development Management to provide an update on planning and enforcement appeals lodged and determined.

The decisions of the Planning Inspectorate to allow appeals in respect of 29 Cocker Street and 30 Douglas Avenue were presented to the Committee. Mr Gary Johnston, Head of Development Management highlighted his view that one of the decisions turned on a disagreement on a technical interpretation of legislation and the other does not set a precedent in terms of our approach to the conversion of former guesthouses to houses. There were therefore no learning requirements for the Committee.

The decisions of the Planning Inspectorate to dismiss appeals in respect of 336 Queens Promenade, 4 Bloomfield Road and Harry Feeney, 251 Vicarage Road were also noted by the Committee.

It was also presented that an appeal had been lodged against the decision made by the Planning Committee at its last meeting to refuse planning permission for the erection of a

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single storey side extension to form a sports bar at 44-48 Queens Promenade.

Resolved:

To note the report on planning and enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT- JANUARY 2018

The Committee considered the report of the Service Manager (Public Protection) which summarised the planning enforcement activity during January 2018.

The report outlined that in January 2018, 33 new enforcement cases had been registered for investigation compared with 89 in January 2017. A total of 14 cases had been resolved by negotiation without recourse to formal action and 37 cases closed. One enforcement notice had been authorised during the period and one enforcement notice served.

Resolved:

To note the outcomes of the cases and support the actions of the Service Manager (Public Protection) as outlined in the report on planning enforcement activity during January 2018.

5 PLANNING ENFORCEMENT UPDATE REPORT- FEBRUARY 2018

The Committee considered the report of the Service Manager (Public Protection) which summarised the planning enforcement activity during February 2018.

The report outlined that in February 2018, 49 new enforcement cases had been registered for investigation compared with 66 in January 2017. A total of 16 cases had been resolved by negotiation without recourse to formal action and 54 cases closed. No enforcement notice had been authorised or served during the period and two Section 215 notices authorised regarding the poor condition of property.

Resolved:

To note the outcomes of the cases and support the actions of the Service Manager (Public Protection) as outlined in the report on planning enforcement activity during February 2018.

6 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

The Committee received a report of the Head of Development Management on the Council's performance in relation to Government targets on planning applications and appeals. The report outlined performance in the 3rd quarter of the year (October to December 2017), and January and February 2018.

Mr Gary Johnston, Head of Development Management, briefly presented the figures and emphasised that in terms of the timeliness of decisions performance had dipped slightly

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from previous months but remained above the targets. The quality of decision making had been affected by the two lost appeal decisions reported in Agenda Item 3 but remained on track for the year.

Resolved:

To note the report.

7 PLANNING APPLICATION 17/0406- 502 DEVONSHIRE ROAD

The Committee considered application 17/0406 for the erection of single storey rear extensions to form orangery and 6 bedrooms and internal alterations to increase overall number of bedrooms from 17 to 25 at 502 Devonshire Road.

Mr Gary Johnston, Head of Development Management, presented the report to the Committee. He reminded members that the application had been deferred at the meeting of the Committee held on 21 November 2017 due to concerns due to the positioning, length of the proposed extension and its proximity to the neighbouring property particularly as a result of the objections raised by the resident of 504 Devonshire Road. Mr Johnston explained that since the November Committee meeting, the applicant had discussed various options with his neighbour and submitted an amended application reflecting the outcome of those discussions. The Planning Department had notified local residents of the amended application on 26 February 2018 and it now appeared that the neighbour at 504 Devonshire Road had no objection to the revised application.

Mr James McLoughney, applicant, spoke in support of the application. He emphasised to the Committee that since the last meeting he had engaged in discussions with his neighbour so that the amendments to the application met the needs of the rest home but also balanced his neighbour's concerns.

Resolved:

That the application be approved subject to the condition as set out in the Appendix.

8 PLANNING APPLICATION 17/0443- 340 WATERLOO ROAD

The Committee considered application 17/0443 for the change of use of the first floor of 340 Waterloo Road as a beauty therapy centre.

Mr Gary Johnston, Head of Development Management, presented the application. Mr Johnston reminded members that application had been deferred at the meeting of the Committee held on 30 August 2017 to enable the completion of a Section 106 agreement requiring that the use should not commence until the provision of suitable off street car parking at the former Waterloo Methodist Church site had been made. The applicant had previously had the intention to sign an agreement for car parking with the owner of the former Waterloo Methodist Church but had indicated that he had been notified that this would no longer be available. Mr Johnston explained that the officers' view had been that notwithstanding the issue of additional parking demand that the amount of floorspace

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would require the impact of the change of use would not be sufficient to justify refusal. As part of this Mr Johnston also mentioned the proposed staffing levels. Mr Johnston also highlighted the further representation received from Mr Shaw and circulated in the update note.

Mr John Shaw, public objector, spoke in opposition to the change of use. Mr Shaw highlighted local residents' concerns regarding car parking in the area and that in his view the applicant had not acted to address the concerns.

The Committee expressed concern about the issues of car parking in the area and that the applicant had not been able to reach an agreement for the provision of off-site car parking. They weighed this harm against the employment benefits of the proposal

The Committee considered that without suitable provision of additional car parking off street for customers and staff that the change would add unacceptably to the parking/amenity issues already experienced by local residents. It therefore resolved to refuse the application.

Resolved:

That the application be refused for the reasons set out in the Appendix.

Chairman

(The meeting ended 6.35 pm)

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 17/0406 – 502 Devonshire Road, Blackpool, FY2 0JR

Erection of single storey rear extensions to form orangery and six bedrooms and internal alterations to increase overall number of bedrooms from 17 to 25.

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 12 June 2017
- Drawings showing floor layouts and elevations received on 23 February 2018 and car parking layout received on 7 November 2017

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

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

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

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

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

Application Number 17/0443 - 340 Waterloo Road, Blackpool, FY4 4BH

Use of first floor as a beauty therapy centre.

Decision: Refuse

Reasons:

1. The use of the first floor of the premises as a beauty therapy centre in conjunction with the ground floor hairdressing business would exacerbate the existing pressure on the limited on street parking spaces in the area to the detriment of the amenity of local residents who struggle to find car parking spaces close to their homes. As such the use of the first floor of the premises is contrary to Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
2. The use of the first floor of the premises as a beauty therapy centre in conjunction with the ground floor hairdressing business would exacerbate the existing pressure on the limited on street parking spaces in the area because of the lack of off street car parking spaces to serve the uses and would generate additional traffic movements to and from the premises. Given that Waterloo Road is a busy distributor road the use is detrimental to highway and pedestrian safety and contrary to Policy AS1 of the Blackpool Local Plan 2001-2016.
3. 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.

Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	22 May 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 Lodged

5.2 42 ABINGDON STREET, BLACKPOOL (17/0699)

5.2.1 An appeal has been lodged by JWT Leisure against the refusal of planning permission for the use of premises as an amusement centre.

5.3 Planning/Enforcement Appeals Determined

5.3.1 150 HARCOURT ROAD, BLACKPOOL (17/0069)

5.3.2 An appeal was submitted by Mr and Mrs Packer against the decision of Blackpool Council to refuse planning permission for the erection of three terrace dwelling houses including car parking and landscaping with vehicle turning area and vehicle access between 125 and 127 Powell Avenue. **APPEAL DISMISSED**
The Inspector judged the main issues to be:

- The effect of the proposal on the safety of pedestrians and drivers;
- The effect of the proposal upon the living conditions of the existing occupants;
- The effect of the proposal upon the character and appearance of the area; and,
- Whether the proposed development would provide acceptable living conditions for future occupants.

5.3.3 The proposal relates to a parcel of land to the rear of dwellings on Harcourt Road and Powell Avenue. The proposal involves the erection of a terrace of three x two storey houses. The track providing access is 31 metres long and between 2.75 metres and 3 metres wide and is shared with five other houses. Due to its width it only allows a one way flow of traffic and it does not allow for the provision of a pavement. As the houses would be family housing it is reasonable to assume children would use the access. Due to the number of dwellings proposed, number of vehicle movements and narrow width the shared surface access would not be convenient, safe or pleasant for pedestrians. As such, the proposed access would have an adverse effect upon the safety of pedestrians and drivers. This would be in conflict with Policy AS1 of the Blackpool Local Plan 2001/2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027).

5.3.4 The site is surrounded by housing and the proposal will introduce a gable wall with dormers positioned 9 metres from 154 Harcourt Road and 2.6 metres from the rear garden. This would cause a sense of enclosure and dominance when viewed from

ground floor windows and the rear garden and also the loss of some light due to its orientation. The three rear facing dormer windows of the three dwellings would overlook the rear garden of 158 Harcourt Road 6 metres away. This impact would cause significant harm. The Inspector therefore found that the proposal would have an unacceptable effect upon the living conditions of Nos 154 and 158 and conflict with Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy, which seek to ensure that developments would not adversely affect the amenity of nearby residents. The Inspector also found conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure a good standard of amenity for all existing occupants of land and buildings.

5.3.5 Whilst densities in the area vary most dwellings have modest front gardens, longer rear gardens and are of traditional two storeys in height. The design and scale of the proposal appears cramped and restricted, squeezed into a small back land plot. Furthermore the frontage of the proposal would have a harsh, unpleasant and poor quality frontage and access that lacks visual interest. The proposal would not therefore provide a high quality development and would be harmful to the character and appearance of the area. Thus the Inspector found conflict with Policies AS1, LQ1, LQ2, LQ3 and LQ4 of the Local Plan and Policy CS12 of the Core Strategy, which seek to ensure high quality design that complements the prevailing design character and provides pleasant pedestrian access. The front of the proposed dwellings would face the gable of dwellings on Logan Court at around 12 metres. Given that Logan Court is not full two storeys in height and does not occupy the full plot width the Inspector found that the distance would not have a harmful effect on the outlook and living conditions of future occupiers. Thus, the Inspector found compliance with Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy, which seeks to ensure that the amenities of potential occupiers are not adversely affected.

5.3.6 A copy of the Inspector's decision dated 6 March 2018 is attached as Appendix 3 (a).

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

5.4.1 An appeal was submitted by Rontec Service Stations Ltd. against the decision of Blackpool Borough Council to refuse planning permission for the erection of a single storey building to form a drive through coffee shop to 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. **APPEAL ALLOWED**

5.4.2 The Inspector judged the main issue to be:

- the effect of the development on highway safety, in particular, whether the development should make provision for a pedestrian crossing.

5.4.3 The appeal site is a rectangular parcel of land comprising a petrol filling station and a

caravan park. The caravan park is within Fylde BC and the petrol filling station and site access is within the jurisdiction of Blackpool Borough Council. The petrol station has four pumps and a retail building and its primary role is to serve passing motorists. The caravan park provides residential accommodation in the form of 12 static caravans. The site is located on Preston New Road (A583) a dual carriageway with a 40 mph speed limit. It is close to junction 4 of the M55. The site borders agricultural land, part of which is used for car boot sales at Whyndyke Farm. The relevant Councils have resolved to grant planning permission for a mixed use development at Whyndyke Farm which is expected to come forward in the next 5-10 years.

- 5.4.4 The proposed development involves a drive-through coffee shop with associated car parking located on the static caravan park utilising existing access and egress points. The scheme includes modifications to the access to include a signal controlled right turn lane for north bound traffic. The appellants' Transport Statement indicated that Preston New Road is used by a high volume of traffic and average speeds on the southbound carriageway are 7-8 mph below the speed limit. Accident data between Aug 11 and July 16 shows there were 28 personal injury accidents. The traffic likely to be generated by the development has been estimated using surveys undertaken at a comparable site elsewhere and the Inspector was satisfied that the predicted minor increase in traffic can be accommodated.
- 5.4.5 Although there are footways along parts of Preston New Road and Clifton Road connectivity to the site is poor. There is an uncontrolled crossing point over the dual carriageway to the south of the site, to the north of the site is a signal junction at Preston New Road and Clifton Road. There are no controlled pedestrian crossing facilities at this junction. The appellants' Traffic Statement is based on 15 full time members of staff being employed at the drive through and concludes the development would generate four pedestrian trips per day, this figure would increase by two trips per day if staff arriving by bus would have to cross the road.
- 5.4.6 This trip number is not significant. There is no information on the likely number of pedestrian movements from customers. There is a residential estate, a retail park and office/ factory across the road. The drive through would have internal and external seating but it would be a facility associated with an existing petrol filling station. Pedestrians may be attracted to the coffee shop but these potential customers are equally likely to visit facilities on the opposite side of the road, several of which are closer to residential and employment areas.
- 5.4.7 The Inspector accepted that pedestrian connectivity is poor but considered that this problem exists at present and there is very limited evidence to demonstrate the proposal would make the existing situation demonstrably worse as it is unlikely to attract a significant number of pedestrians. Whilst traffic volumes are heavy, vehicle speeds are shown to be within the speed limit and the accident data does not suggest an inherent issue with highway/ pedestrian safety. The traffic generated

would be minimal and is unlikely to affect the free flow of traffic. The alterations to the access would reduce the likelihood of conflict as vehicle movements would be more restricted than at present. The development at Whyndyke Farm is unlikely to come forward for several years and at that stage further highway works would be required. Regarding social inclusion The Inspector did not consider that the development would generate significant demand from nearby residential or employment areas and there is no evidence certain groups of people would be excluded as a result of poor pedestrian connectivity.

5.4.8 The Inspector concluded that it has not been demonstrated that the development would have an adverse effect on highway safety, that a pedestrian crossing would be necessary, or that the residual cumulative impacts of the development would be severe. Therefore, the development would accord with Policy AS1 of the Blackpool Local Plan 2001 – 2016 (adopted June 2006), which seeks to ensure new development takes full account of access, travel and safety needs. It would also accord with the National Planning Policy Framework, insofar as it seeks to secure safe and suitable access to the site for all people.

5.4.9 Other matters - several residents of the caravan park are elderly and/ or disabled. Age and disability are relevant protected characteristics for the purposes of the Equality Act 2010 and the Public Sector Equality Duty. It is noted that residents own their caravans but not the land and it appears that the lease for the land has expired and legal proceedings have commenced for repossession. As a result through this separate process the residents are going to need to find somewhere else to live whatever the decision on the appeal. Moreover there is no evidence the appeal has triggered this process or that it would be accelerated should the appeal be allowed. The Inspector also considered the European Convention on Human Rights which is incorporated into the Human Rights Act 1998. However the same reasons set out above apply to that consideration. For these reasons these are matters to which The Inspector can attach limited weight.

5.4.10 A copy of the Inspector's decision dated 21 March 2018 is attached as Appendix 3(b) .

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 6 March 2018
Appendix 3(b): Letter from the Planning Inspectorate dated 21 March 2018

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 20 February 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2018

Appeal Ref: APP/J2373/W/17/3183292
150 Harcourt Road, Blackpool FY4 3HN

- 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 & Mrs Geoffrey Packer against the decision of Blackpool Council.
 - The application Ref 17/0069, dated 27 January 2017, was refused by notice dated 3 July 2017.
 - The development proposed is 3x 2no bedroom houses.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. I note that in Part E of the appeal form it is stated that the description of development has changed. However, neither of the main parties has provided written confirmation that a revised description of development was agreed. Therefore, I have used the one given on the original application as this is what the appellants sought specific permission for.

Main Issues

3. I consider the main issues to be:
 - i) The effect of the proposal on the safety of pedestrians and drivers;
 - ii) The effect of the proposal upon the living conditions of the existing occupants;
 - iii) The effect of the proposal upon the character and appearance of the area; and,
 - iv) Whether the proposed development would provide acceptable living conditions for future occupants.

Reasons

4. Located on a parcel of land to the rear of dwellings on Harcourt Road and Powell Avenue, the proposal is for the erection of 3 dwellings. The dwellings

would be terraced, 2 storeys with box style front and rear dormers. The area has an urban residential character.

Safety of pedestrians and drivers

5. The site would be accessed from Powell Avenue, using what is currently an unsurfaced track that is around 31m long. I am advised that the width of the track is between 2.75m and 3.04m. The Council state that the track is used for rear access to 5 other dwellings on Powell Avenue. Due to its width, the access track could only cater for one vehicle travelling in either direction. The Council's Head of Highways and Traffic Management advises that 3 dwellings are likely to generate around 24 vehicle movements per day.
6. Owing to the width of the track, there would be no space to provide a pavement for pedestrians. Consequently pedestrians would be required to walk on the narrow carriageway. The dwellings surrounding the site, and indeed the dwellings proposed, are family housing and it would not be unreasonable to assume that children would use the access track. I acknowledge that shared surfaces are often encouraged in some developments. However, due to the number of dwellings proposed, the likely number of vehicles movements and the narrow width of the track, I do not consider that a shared surface access would be convenient, safe or pleasant for pedestrians in this instance.
7. Despite the appellant's assertions, I find that that the Council's advised number of vehicle movements is likely to result in occasions where 2 vehicles would be attempting to enter or exit the site. Should this happen, vehicles would be required to reverse, either out onto Powell Avenue or back into the site. Having regard to the narrow and elongated length of access road, and the risk of pedestrians being in the area, I do not consider that this would be safe or appropriate.
8. The proposed car parking indicates 5 spaces, although it is unclear how these are to be distributed between the 3 dwellings. However, there is space to turn on site in the event that all car parking spaces are taken. Furthermore on-street parking on Powell Avenue was available and additional car parking demand could be provided on street without any significant detriment to highway safety.
9. The Council advise that the width of the access would preclude a refuse collection vehicle entering and exiting the site. Therefore, future residents would be required to drag their bins to either Powell Avenue or Harcourt Road for collection. I accept that the temporary bin store would be hindered by a parking space, and if taking bins to Powell Avenue for collection, the recommended drag distance would be exceeded. However, I do not find that the distance would be excessively long; and because it would be in the future resident's interest to have their bins emptied, I am satisfied that the longer drag distance is not unacceptable.
10. Whilst the appellant indicates that a 3m wide access would accommodate a fire service vehicle, based on the Council's evidence, the access is less than 3m wide. Furthermore, the rainwater downspout of No 127 also obstructs the access. Thus, to my mind, it could not readily accommodate a fire service vehicle. However, I note that the appellant asserts that the site is within 45m of a fire appliance; and thus nothing would turn on this matter.

11. Notwithstanding my findings regarding the refuse collection drag distance and the amount of car parking spaces, I find the proposed access would have an adverse effect upon the safety of pedestrians and drivers. This would be in conflict with Policy AS1 of the Blackpool Local Plan 2001/2016 (June 2006) (LP) and Policy CS 7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016) (CS). These policies seek to ensure that the access, travel and safety needs of all affected by the development are met and the proposal integrates safe pedestrian routes. I also find conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure high quality design and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

Living conditions of existing occupants

12. The site is surrounded by residential housing. The proposal would introduce a gable wall with dormer sides positioned to the rear garden boundary of 154 Harcourt Road. The distance between Plot 1 and No 154 would be around 9m between built forms and around 2.5m from the rear garden boundary. Whilst the maximum height would not be that of a two storey dwelling, the dormer sides would result in a tall and solid form, significantly higher than the boundary fence. As this would be located in close proximity to the rear boundary of No 154, I find it would cause a sense of dominance and enclosure when viewed from the rear ground floor windows and rear garden. It would also result in some loss of light due to its orientation. I find that this impact would cause significant harm to the living conditions of No 154.
13. The 3 rear facing first floor bedroom windows of the each dwelling would directly overlook the rear garden of 158 Harcourt Road. At a distance of around 6m away, I find that this would lead to a substantial loss of privacy of the majority of the rear garden area. Whilst a condition requiring a suitable boundary treatment could be imposed, this would not mitigate overlooking from the first floor and I find that this impact would cause significant harm to the living conditions of No 158.
14. Notwithstanding my findings above, I do not find that the proposal would be overbearing or dominant in relation to No 158, or result in loss of light. The distance between, whilst causing a loss of privacy, would be far enough away to ensure that there was no overbearing or dominant effect towards living conditions. Furthermore, the height and its location would also not result in any significant loss of light.
15. I also find that owing to the location of No 156 and the siting of the proposed dwellings, there would be no adverse effect upon their living conditions.
16. Consequently, whilst there are elements of the scheme that would not harm some neighbouring living conditions; I find that the proposal would have an unacceptable effect upon the living conditions of Nos 154 and 158. Thus, I find conflict with Policy BH3 of the LP and Policy CS7 of the CS, which seek to ensure that developments would not adversely affect the amenity of nearby residents. I also find conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Character and appearance

17. I accept that densities of development in the area vary. However, in the block of dwellings that the appeal site is located, most dwellings have modest front gardens, longer rear gardens and are of a traditional two storey height. The design and scale of this proposal, to my mind, appears cramped and restricted, squeezed into a small plot of back land. It would occupy a large amount of plot, leaving small rear gardens.
18. Furthermore, with the exception of the very narrow strip of landscaping, the frontage of the site would be entirely hard surfaced. This would create a harsh, unpleasant and poor quality frontage and access that lacks visual interest, leading to a road dominant environment.
19. I find that the proposal would not provide a high quality development and would be harmful to the character and appearance of the area. Thus I find conflict with Policies AS1, LQ1, LQ2, LQ3 and LQ4 of the LP and Policy CS12 of the CS, which seek to ensure high quality design that complements the prevailing design character, provides pleasant pedestrian access; and makes a positive contribution to the quality of its surrounding environment and connected network of streets and spaces. I also find conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure high quality design that reinforces local distinctiveness.

Living conditions of prospective occupants

20. The front of the dwellings would face the side gable of dwellings on Logan Courts. The distance between would be around 12m. Given that the gable of Logan Court is not a traditional two storey height, and does not occupy the entire width of the plot, I find that the distance between would not have a harmful effect upon the outlook and living conditions of the future occupiers. Thus, I find compliance with Policy BH3 of the LP and Policy CS7 of the CS, which seeks to ensure that the amenities of potential occupiers are not adversely affected.

Other Matters

21. I saw Logan Court on my site visits and I have taken account of Appeal Decision APP/J2373/A/06/2021160. The characteristics of this site were quite different to that of the appeal before me. Firstly, the access was wider and shorter. Secondly, the site was previously used as builder's yard. Thirdly, the dwellings were positioned in an entirely different orientation, facing front and back and are of a different design. Whilst this site is built at a similar density to that proposed here, the prevailing density in the area is lower and it is important to retain a balance. Thus, as I have considered the proposal upon its own merits, the individual circumstances of this site lead me to conclude differently.
22. Whilst the proposed access may not be adopted or have public rights of passage, the proposal before me is to create an access to a site that will provide 3 family dwellings. Despite the contended legalities of use I am advised by the Council that this access is also used by 5 other dwellings to access the rear of their properties. In any event, I am obliged to consider the effect of the proposal upon highway and pedestrian safety, and that is what I have done.

23. Alternative designs, that include clipping gables on the dwellings, are not before me and I have considered the proposal on the basis on the plans presented.
24. I have no evidence before me that the site was previously in a commercial use. Indeed, from my visit, the site appeared to be used for nothing more than domestic purposes.
25. I have no substantive evidence that the gardens of 158 and 160 Harcourt Road are unregistered or do not belong to those properties. Furthermore, from my site visit I saw well established gardens and I have no reasons to believe that this would change in the future.

Conclusion

26. Whilst there are elements of the scheme I have found acceptable, these are neutral factors and the harm I have found would significantly outweigh these matters.
27. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

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Appeal Decision

Site visit made on 23 January 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 21st March 2018.

Appeal Ref: APP/J2373/W/17/3190149

Windmill Service Station, Preston New Road, Blackpool FY4 4XQ

- 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 Rontec Service Stations 1A Limited against the decision of Blackpool Borough Council.
- The application Ref 17/0011, dated 12 January 2017, was refused by notice dated 13 June 2017.
- The development proposed is described as “demolition of buildings/infrastructure associated with the use of the existing caravan park and the redevelopment of the site to provide a drive-thru coffee shop (Use Class A1/A3)”.

Decision

1. The appeal is allowed and planning permission is granted for “demolition of buildings/infrastructure associated with the use of the existing caravan park and the redevelopment of the site to provide a drive-thru coffee shop (Use Class A1/A3)” at Windmill Service Station, Preston New Road, Blackpool FY4 4XQ in accordance with the terms of the application, Ref 17/0011, dated 12 January 2017, subject to the conditions attached in the schedule to this Decision.

Procedural Matters

2. The appeal site is a rectangular parcel of land comprising a petrol filling station and a caravan park. The site falls under the remit of two local authorities. I am advised that the caravan park falls under the jurisdiction of Fylde Borough Council, and the petrol filling station and site access falls under the jurisdiction of Blackpool City Council.
3. The appellant submitted identical planning applications to both local authorities. The application was refused by Blackpool City Council, and it is this decision that has led to the appeal before me. Fylde Borough Council approved the application on 1 September 2017, and I have been provided with a copy of the decision notice.¹ I have taken this permission into account in my consideration of this appeal.

Main Issue

4. The main issue is the effect of the development on highway safety, in particular, whether the development should make provision for a pedestrian crossing.

¹ Ref 17/0008

Reasons

5. The petrol filling station provides four petrol pumps and an associated retail forecourt building. Its primary role is to serve passing motorists. The caravan park to the rear provides residential accommodation in the form of 12 static caravans. The site is located on Preston New Road (A583), which is a dual carriageway and subject to a 40 mph speed limit. It is used by traffic accessing local roads and the wider road network, due to its proximity to junction 4 of the M55. There is a dedicated right turn lane and a gap in the central reservation, which allows traffic to enter and leave the site from both carriageways of Preston New Road.
6. The site borders agricultural land, part of which is used for car boot sales at the neighbouring Whyndyke Farm. The access to this land is immediately to the south of the site. I understand that the relevant Councils have resolved to grant planning permission for mixed use development on this land, although the development is not expected to come forward within the next 5 to 10 years. There is further large scale commercial development to the west and south-west of the site. The area to the north-west is predominantly residential in nature.
7. The proposed development would be a drive-thru coffee shop, and associated car parking that would be located on that part of the site currently occupied by the static caravans. The proposal would utilise existing access and egress points. The scheme includes modifications to the access arrangements to include a signal controlled right turn lane to provide access to the site from the northbound carriageway of Preston New Road. The gap in the central reservation would be closed so that all traffic leaving the service area and the adjoining farm would turn left onto the southbound carriageway.
8. The appellant's Transport Statement² indicates that Preston New Road in the vicinity of the site is used by a high volume of traffic. Average traffic speeds on the southbound carriageway were recorded as being 7-8 mph below the speed limit.
9. Accident data over a five year period from August 2011 to July 2016 shows that there were 28 personal injury accidents in the vicinity. The locations, severity and type of accident are variable. As such, the accident data does not indicate that there is an inherent issue at the Preston New Road/Petrol Filling Station access in relation to highway/pedestrian safety. I have considered the supplementary accident information provided by local residents and, whilst I appreciate that not all accidents are reported, I can only give limited weight to anecdotal information.
10. The traffic likely to be generated by the development has been estimated using surveys undertaken at a comparable site elsewhere. There is no evidence before me to suggest the methodology used by the appellant is unsound or that its conclusions are flawed. Consequently, I am satisfied that the predicted minor increase in traffic can be accommodated on the local highway network without detriment to highway safety. I also note that the Council, as Highway Authority, is satisfied that the proposed modifications to the access would be acceptable.

² ADL Highways and Traffic Engineering Ltd, dated 17 January 2017

11. Although there are footways along parts of Preston New Road and Clifton Road, pedestrian connectivity to the site is poor. There is an uncontrolled crossing point over the dual carriageway to the south of the site. To the north of the site there is a signalised junction at the intersection of Preston New Road with Clifton Road. There are no controlled pedestrian crossing facilities at this junction.
12. The appellant's supporting Traffic Statement³ includes details of likely modes of staff travel to the site. This is based on there being 15 full time members of staff employed at the drive-thru facility. The analysis concludes that the development would generate four pedestrian trips per day. This figure would be slightly higher (by two trips per day) if staff arriving by bus, who would have to cross the road for at least one of their journeys, are included. In any event, the trip number is not significant.
13. There is no information on the likely number of pedestrian movements resulting from customers. There is a residential estate directly across the road from the appeal site, a retail park and an office/factory. It is likely that the coffee shop would have internal and external seating, but it would be a drive-thru facility associated with an existing petrol filling station. Pedestrians may be attracted to the coffee shop element, but these potential customers are equally as likely to visit the facilities within the commercial development on the opposite side of the road, several of which are closer to the main residential and employment areas.
14. I accept that pedestrian connectivity is poor, but this problem exists at present. There is very limited evidence to demonstrate the development would make the existing situation demonstrably worse as it is unlikely to attract a significant number of pedestrians. Whilst traffic volumes in the area are heavy, vehicle speeds have been shown to be within the speed limit and the accident data does not suggest an inherent issue with highway/pedestrian safety in this particular locality. The traffic generated by the development would be minimal, which is unlikely to affect the free flow of traffic. The alterations to the access would reduce the likelihood of conflict, as vehicle movements would be more restricted than at present.
15. I have considered the Council's concerns about the proximity to the Whyndyke Farm development, but I note that this is unlikely to come forward for several years and, at that stage, further highway works would be required. I have also considered the concerns about promoting social inclusion but, as explained above, I do not consider that the development would generate significant demand from the nearby residential or employment areas. There is no evidence that certain groups of people would be excluded as a result of poor pedestrian connectivity.
16. I conclude that it has not been demonstrated that the development would have an adverse effect on highway safety, that a pedestrian crossing would be necessary, or that the residual cumulative impacts of the development would be severe. Therefore, the development would accord with Policy AS1 of the Blackpool Local Plan 2001 – 2016 (adopted June 2006), which seeks to ensure new development takes full account of access, travel and safety needs. It would also accord with the Framework, insofar as it seeks to secure safe and suitable access to the site for all people.

³ ADL Highways and Traffic Engineering Ltd, dated 24 November 2017

Other Matters

17. I am aware that the development would be on the site of a residential caravan park and several of the residents are elderly and/or disabled. Age and disability are 'relevant protected characteristics' for the purposes of the Equality Act 2010 and the Public Sector Equality Duty (PSED).
18. I note from the evidence before me that the residents own their caravans but they do not own the land. It appears that the lease for the land as a caravan park has expired and that legal proceedings have commenced for re-possession. As a result, through this separate process, the residents are going to need to find somewhere else to live, that would meet their needs and circumstances, with the considerable impact that would entail, whatever my decision on the appeal. Moreover, there is no evidence that the appeal has triggered this process, or that it would be accelerated should the appeal be allowed. It is also worthy of note that Fylde Borough Council has granted planning permission for that part of the development within its jurisdiction, which includes the caravan park.
19. I have also considered the residents' rights under the European Convention on Human Rights (ECHR), which is incorporated into the Human Rights Act 1998. Article 1 (of the First Protocol) concerns the protection of property and Article 8 deals with the right to respect for family life and the home. However, the same reasons set out above apply to that consideration.
20. In summary, while I have had regard to the three aims of the Equality Duty, and the residents' rights under the ECHR, for the reasons set out, these are matters to which I can attach limited weight.

Conditions

21. Paragraph 206 of the Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. As I found that the development would not lead to significant conflict between pedestrians and other highway users, I have not imposed that part of the Council's suggested condition which seeks to secure improved pedestrian crossing facilities. I note as a consequence that this permission would not mirror that issued by Fylde Borough Council. Nonetheless, I do not consider that the facilities sought would be necessary and relevant to the development to be permitted. As such, the condition would not meet the tests set out in the Framework.
22. I have imposed an amended pre-commencement condition which is necessary to ensure the off-site highway works are constructed to an appropriate standard, in order to improve vehicular access to and from the site (7).
23. I have imposed the Council's suggested conditions to secure the provision of cycle and vehicle parking, and the refuse store, to ensure the safe operation of the site, and to encourage access by alternative forms of transport (4, 5).
24. I have imposed a pre-commencement condition to ensure a construction method statement is adhered to, which is necessary in the interests of highway safety and to reduce noise and nuisance (6). A pre-commencement drainage condition is necessary to ensure adequate provision is made for surface water drainage (3).

25. In addition to the standard time limit condition (1), I have specified the approved plans as this provides certainty (2). I note these do not correspond with those listed by the Council in their suggested condition, however, I have specified the plans before me. Finally, I have imposed a condition to restrict the use of the premises, which is necessary to ensure the building is used for the purposes applied for (8).

Conclusion

26. It has not been demonstrated that the development would have an adverse effect on highway or pedestrian safety. Consequently, the proposal would accord with the relevant policies of the development plan, and the guidance contained in the Framework.

27. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, except where modified by conditions attached to this permission:
 - Site Location Plan Ref 161109-PLNG-10;
 - Proposed Layout Ref 161109-PLNG-12a;
 - Landscaping Plan Ref SY16-136-12-01;
 - Proposed Building Elevations Refs 161109-PLNG-13; 161109-PLNG-14; 161109-PLNG-15.
- 3) No development shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (with evidence of an assessment of the site conditions), have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must ensure that surface water is drained separately to foul and must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewerage system either directly or indirectly, unless agreed as part of the approved scheme. The development shall be completed in accordance with the approved details.
- 4) Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved Layout Plan shall be provided and shall thereafter be retained.
- 5) Prior to the development hereby approved being first brought into use the car, motorcycle and cycle parking provision shown on the approved Layout Plan shall be provided and shall thereafter be retained.
- 6) No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the identification of the site access for construction traffic;
 - b. the timing of the provision, and standard of construction, of the site access for construction traffic;
 - c. times of construction activity at the site;
 - d. times and routes of deliveries to the site;
 - e. the parking of vehicles of site operatives and visitors;
 - f. loading and unloading of plant and materials;
 - g. storage of plant and materials used in constructing the development;
 - h. the erection and maintenance of security hoarding;
 - i. wheel washing facilities, including details of how, when and where the facilities are to be used;
 - j. measures to control the emission of dust and dirt during construction;

- k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009;
 - l. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 7) Development shall not commence until a scheme for the construction of the revised site access and egress, pedestrian connections through the petrol filling station site to serve the development, and the other associated highway works indicated on the Proposed Access Arrangement Plan Ref H1071-101 have been submitted to and approved in writing by the local planning authority. The approved works shall be fully constructed in accordance with the approved scheme prior to first use of the development hereby approved.
- 8) The approved premises shall be used for a drive through coffee shop, as described in the application, and for no other purpose (including any other purpose within Class A1 and/or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended.

[end]

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting:	22 May 2018

PLANNING ENFORCEMENT UPDATE – MARCH 2018

1.0 Purpose of the report:

- 1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during March 2018.

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**

In total, 42 new cases were registered for investigation, compared with 42 received in March 2017.

5.3 **Resolved cases**

In March 2018, nine cases were resolved by negotiation without recourse to formal action, compared with 18 in March 2017.

5.4 **Closed cases**

In total, 24 cases were closed during the month (26 in March 2017). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

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

- One enforcement notice authorised in March 2018 (one in March 2017);
- No s215 notices authorised in March 2018 (three in March 2017);
- No Breach of Condition notices authorised in March 2018 (none in March 2017)

- One enforcement notice served in March 2018 (none in March 2017);
- No s215 notices served in March 2018 (one in March 2017);
- No Breach of Condition notices served in March 2018 (none in March 2017);
- No Community Protection Notices served in March 2018 (one in March 2017)

5.6 relating to those cases set out in the table below.

5.7 **Notices authorised in March 2018**

Reference	Address	Case	Dates
17/8205	2a Portland Road / 113 Whitegate Drive	Unauthorised subdivision of rear of ground floor commercial unit into residential accommodation (known as 2a Portland Rd) with installation of a door and a window on the north elevation and a window on the western elevation of the rear extension	Enforcement notice authorised 13/03/2018

5.8 **Notices served in March 2018**

Ref	Address	Case	Dates
17/8053	Land to the south-west of 7 Laundry Road	Without planning permission, the use of the land for the siting of a caravan	Enforcement Notice issued 22/03/2018. Compliance due 30/05/2018.

5.9 Does the information submitted include any exempt information? No

5.10 **List of Appendices:**

5.10.1 None

6.0 **Legal considerations:**

6.1 None

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting:	22 May 2018

PLANNING ENFORCEMENT UPDATE – APRIL 2018

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during April 2018.

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

In total, 36 new cases were registered for investigation, compared to 45 received in April 2017.

5.3 Resolved cases

In April 2018, 18 cases were resolved by negotiation without recourse to formal action, compared with 14 in April 2017.

5.4 Closed cases

In total, 36 cases were closed during the month (18 in April 2017). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

5.5 Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in April 2018 (none in April 2017);
- No s215 notice authorised in April 2018 (none in April 2017);
- No Breach of Condition notices authorised in April 2018 (none in April 2017)

- No enforcement notices served in April 2018 (none in April 2017);
- One s215 notice served in April 2018 (none in April 2017);
- No Breach of Condition notices served in April 2018 (none in April 2017);
- No Community Protection notices served in April 2018 (one in April 2017)

relating to the case set out in the table below:

5.6 Enforcement notices / S215 / CPNs notices served in April 2018

Reference	Address	Case	Dates
14/8662	34 York Street	Poor condition	S215 notice issued 30/04/2018. Compliance due by 11/09/2018 unless an appeal is lodged with Magistrates by 11/06/2018

- 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:	22 May 2018

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

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

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

3.2b Is the recommendation in accordance with the Council's approved budget? 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 Priority is both

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

5.0 Background Information

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

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

Speed of major development decisions – 60% within 13 weeks or an agreed Extension of Time – for the period October 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 Ministry of Communities and Local Government.

Performance is shown in this case for April 2018 and the fourth quarter of the financial year (January – March 2018)

	Government Target	Performance April 2018	Performance January - March 2018
Major development decisions	>60%	100%	100%
Minor development decisions	>70%	96%	96%
Quality of major development decisions	<10%	none	none
Quality of non major development decisions	<10%	No appeal decisions	3 allowed – 50% (3 dismissed in same period)

5.2 Does the information submitted include any exempt information? No

5.3 **List of Appendices**

5.3.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 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: [22/05/2018](#)

Application Reference: 16/0421

WARD: Squires Gate

DATE REGISTERED: 27/07/16

LOCAL PLAN ALLOCATION: Resort Neighbourhood

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr R Richardson

PROPOSAL: External alterations to include front extension and whole roof lift, balconies to Harrow Place and New South Promenade elevations and use of premises as altered as 66 self-contained permanent flats with associated car parking, bin store, boundary treatment and highway works.

LOCATION: 647-651 NEW SOUTH PROMENADE AND 2-4 HARROW PLACE,
BLACKPOOL, FY4 1RP

Summary of Recommendation: Defer for delegation

CASE OFFICER

Mr Gary Johnston

SUMMARY OF RECOMMENDATION

This proposal is seeking to regenerate some disused care homes within a bold modern building which pays homage to the Crescent to which it would be attached. At the same time it seeks to respect the setting of the building by stepping down from a focal point on the corner to the Crescent to the south and to 6-8 Harrow Place (which are no longer part of the scheme) and the houses to the east. It is seeking to respond to the design criteria set out in Policies LQ2 and LQ4 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy by creating a landmark building on this prominent Promenade frontage. Whilst this would not have the same impact as the comprehensive scheme, which included 6-8 Harrow Place it would lead to a transformation of the bulk of this disused part of New South Promenade and Harrow Place. The proposal would also seek to balance this regeneration with protection of the amenities of the residents to the east of the site consistent with the aims of Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and not prejudice the re-use of 6-8 Harrow Place in the future.

Given the shape of the application site it is not possible to provide a significant level of off street car parking on the site (16 spaces) and hence the applicants have approached the Council to reconfigure Harrow Place to maximise the number of parking bays which could be

created on the proposed one way street and to introduce more parking on the New South Promenade frontage of the site. This would mean that there would be 16 car parking spaces on site and 55 in Harrow Place for the 66 flats (with the 19 flats in 653-655 New South Promenade there would be a total of 85 flats and 88 car parking spaces - 16 on site, 55 in Harrow Place and 17 on the New South Promenade frontage). The site is opposite the tram line and has the No.1 bus service running down the Promenade with other bus services on Harrowside not too far distant. It is felt that the regeneration benefits of the proposal outweigh the disadvantages of not providing more than one car parking space per flat.

The applicant has sought to demonstrate that the viability of the proposal would not support an affordable housing contribution but the proposal would fund off site open space improvement provision. On this basis the proposal is considered acceptable. If Members are minded to approve the application it is recommended that the issuing of the decision is delegated to the Head of Development Management, subject to the completion of a Section 106 Agreement relating to the provision and funding of the car parking to be provided in Harrow Place.

INTRODUCTION

Members will recall that planning application reference 16/0193 was considered at the Planning Committee meeting on 7 June 2016 and was deferred to allow the applicant to amend the plans in view of the Committee's comments regarding the height of the building, the intensity of the development and the level of car parking provision. That application was subsequently withdrawn. Discussions were then held with officers and the original application resulted from those discussions. The key changes made were:

- a reduction in the number of flats proposed from 113 to 86
- a reduction in the height of the building from 23.5 metres at the corner of New South Promenade and Harrow Place to 18 metres
- a reduction in the forward projection of the building
- an increase in the overall number of car parking spaces (including on street provision) from 81 to 88 spaces

The application was further amended after the applicants held positive discussions with the local residents.

Since the Committee agreed in principle to the 86 flat scheme and the principle of providing parking in Harrow Place, work progressed on the completion of the Section 106 Agreement but then stalled. Earlier this year it became clear that not all parties were going to sign the Agreement and hence part of the original Consortium approached the Council to see if there was a way of securing at least 80% of the original scheme. The discussions centred on the omission of 6-8 Harrow Place, how the scheme could be amended to ensure the height stepped down to 6-8 Harrow Place and how the forward projection should taper so as not to prejudice any future occupiers of 6-8 Harrow Place. This has reduced the number of flats from 86 to 66, led to an alternative access to the rear parking area, a reconfiguration of the on street parking in Harrow Place and some design changes whilst maintaining the ethos of

the original proposal. The amended application is therefore a reduction of the original red edge application site excluding 6-8 Harrow Place.

SITE DESCRIPTION

This application relates to a site to the south of the Solaris Centre on New South Promenade. The site is at the northern end of the southern Crescent and comprises properties fronting New South Promenade and Harrow Place (with the exception of 6-8 Harrow Place). The properties are within a former Resort Neighbourhood as identified in the Blackpool Local Plan 2001-2016 but are not identified as being part of a Main Holiday Accommodation Area in the Holiday Accommodation Supplementary Planning Document of 2011 and as amended in 2017. The properties are former care homes which have been vacant for some five years. To the south of the site is holiday accommodation and to the east fronting Harrow Place (beyond 6-8 Harrow Place) and Clifton Drive are residential properties. There is a rear alley between Harrow Place and Cardigan Place (to the south) which serves the other properties fronting New South Promenade and properties fronting Clifton Drive.

DETAILS OF PROPOSAL

The proposal is to refurbish and extend the existing properties to create 66 flats in the form of an L shaped block which would rise from its eastern and southern sides to create a focal point at the junction of New South Promenade and Harrow Place. The proposal considered by the Planning Committee at its meeting in August 2016 comprised 17 x one bed flats, 64 x two bed flats, 4 x 3 bed flats and 1 x 4 bed flat and the distribution of the flats was as follows -

- ground floor -20
- first floor - 16
- second floor - 17
- third floor - 16
- fourth floor - 16
- fifth floor -1

The revised proposal before Committee now comprises 2 x 1 bed flats, 34 x 2 bed (3 person) flats, 29 x 2 bed (4 person) flats and 1 x 3 bed flat with the distribution as follows -

- ground floor -9
- first floor - 14
- second floor - 15
- third floor - 14
- fourth floor - 11
- fifth floor -3

The building would have a frontage of some 34 metres to New South Promenade and some 43 metres to Harrow Place. The building would have a staggered frontage to New South Promenade of between 4 to 10 metres. It would line up with 6-8 Harrow Place at ground

floor level and. It would step up from the existing Crescent height of 12 metres to 18 metres at the corner and step down in an easterly direction to a similar height of 12 metres adjacent to 6-8 Harrow Place. For comparison, the Hampton By Hilton proposal (which is nearing completion) for part of the Crescent to the north of the Solaris Centre is 14.6 metres high.

The building has been designed to produce stepped elevations to New South Promenade and Harrow Place to reflect the transition between the proposal and the existing Crescent to the south and 6-8 Harrow Place and residential properties to the east and allow for a focal point at the junction of New South Promenade and Harrow Place. Some car parking spaces would be provided on the New South Promenade frontage of the site and 16 spaces to the rear, which would be accessed from Harrow Place via an undercroft in the building. Harrow Place would be re-modelled to become a one way road with dedicated parking bays for 55 cars either side of the road. The junction of Harrow Place and New South Promenade would also be re-configured. In total there would 16 car parking spaces on site and 55 in Harrow Place for the 66 flats (with the 19 flats in 653-655 New South Promenade there would be a total of 85 flats and 88 car parking spaces - 16 on site 55 in Harrow Place and 17 on the New South Promenade frontage). Cycle parking and bin storage would be provided to the rear of the flats

The building would have two entrances from New South Promenade and two entrances from Harrow Place, with a further two entrances under the undercroft which would give access to the rear parking area. The building has been designed to have a strong base, a middle and a top, but would also have strong vertical features to help break up the elongated nature of the building and pick up on the fact that the existing crescent comprises a series of frontages. The top would be a mansard style to reflect the mansard roof on the existing crescent. The building would step up from the east and the south to create a strong corner feature. The elevations would be coloured render at ground floor level with white render above and topped with coloured render to the mansard to match the slate colour of the mansard roof on the remainder of the Crescent. The windows and doors would be grey and balconies would be simple glazing. A low rendered wall and planting would be provided on the frontage to the site.

The application is accompanied by a Design and Access Statement, Planning Statement, Bat Survey and Viability Assessment

MAIN PLANNING ISSUES

The key issues relate to the principle of the development in terms of the design policies - CS7 of the Core Strategy and LQ1, LQ2, LQ3 and LQ4 of the Local Plan, the amenity policy - BH3; and the accessibility policies - AS1 and AS2.

Key specific issues relate to:

- principle of the proposal
- nature of the accommodation
- scale and impact on residential amenity

- traffic/transportation issues

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

CONSULTATIONS

Head of Highways and Traffic Management: No objections in principle to what is being proposed. The works to Harrow Place will require a Section 278 Agreement.

United Utilities: No comments were received in relation to the original application.

Blackpool International Airport: No comments were received in relation to the original application.

Electricity North West Ltd: No comments were received in relation to the original application.

Waste Services Manager: No comments were received in relation to the original application.

Police Architectural Liaison Officer (ALO): - Comments in relation to the original application -This application is a resubmission for an apartment scheme at New South Promenade and Harrow Place, Blackpool. The resubmitted scheme is for a reduced number of apartments to 87. I provided security recommendations for the previous scheme in April 2016. I have reassessed the recorded crimes and incidents in this policing incident location during the period 28 July 2015 to 28 July 2016. During this time period there have been a number of crimes committed in this area, including burglary, assault and criminal damage. Burglaries have occurred at both domestic and commercial premises, this highlights the importance of ensuring access is controlled into the apartment block. In order to prevent the opportunity for criminal activity at the proposed apartment scheme and to reduce demand on local policing resources I make the following security recommendations:-

Security Recommendations

Secured By Design - The scheme should be developed to Secured By Design security standards. Secured By Design is a police approved initiative that designs out the opportunity for crime at new commercial and domestic dwellings by incorporating security measures such as CCTV, intruder alarm systems and good external lighting. Further details can be found at www.securdebydesign.com or from the above office.

Physical Security - The physical security of the building and access control arrangements are crucial to prevent criminal activity. Crime in blocks of apartments is often generated by offenders gaining unauthorised entry into areas by methods such as human tailgating. All doors and windows should be tested and certificated to enhanced security standards, PAS 24/2012. Each individual apartment doorset e.g. all 87 should be PAS 24/2012 fire doors fitted with a door viewer and a security bar/chain. All ground floor doors and windows should incorporate laminated glazing and windows should be fitted with restrictors.

Access Control - The main entrance to the apartments should be a door of enhanced security such as LPS 1175 or PAS 24/2012 fitted with access control arrangements for residents only. There are various types of systems such as keyfob/keypad/swipe card with anti-vandal proof readers for external use e.g. the entrance for the residents. Each individual apartment should be fitted with a 13 amp non switched fused spur suitable for an intruder alarm system should residents wish to have one installed.

CCTV - The scheme should be afforded formal surveillance with a comprehensive infrared CCTV system. Coverage of the entrance lobby and stairwells is recommended as well as the car park. The car park will be used by both residents and members of the public therefore it is strongly recommended that it is well lit and covered by CCTV. The recorded images must be of evidential quality suitable for prosecution giving a clear image of suspects. The lighting system should complement the CCTV system. All external entrances including emergency exits should be illuminated with a dusk till dawn light unit as well as the car parking area and bin store.

Landscaping - Plans show a variety of planting and shrubbery proposed for the scheme in various locations. All landscaping should be kept to a low level e.g. below 1 meter high so that it does not create areas of concealment for offenders or restrict natural surveillance opportunities, particularly of ground floor windows. Further security advice can be obtained from the above office.

PUBLICITY AND REPRESENTATIONS

Press notice published: 4 August 2016

Site notice displayed: 27 July 2016

Neighbours notified: 27 July 2016 and on 13 March 2018 on the revised proposal

Objections to the original application were received from:

Mr B Watmough, 87 Clifton Drive

There is certain to be an impact on this residential area, and there will be a noise issue if there are to be 87 families moving into the area. The area will change because long term this will just become yet another very big HMO. With drunks sat outside waving to visitors as they pass on their way into town on their coaches. With regard to safety it will be an accident waiting to happen the way that cars speed round Crichton Place. We all know that it is not possible to park this amount of cars in the surrounding area, without creating more noise and disturbance, and some of these families will have people visiting, and they will want to park nearby. If this goes ahead I will expect a rate reduction as it will no longer be residential and property values will fall.

Additional comment received 8 Aug 2016

I have already raised my strong objections to these ridiculous plans that still do not explain where these new residents will be parking their cars. It is an impossibility to cater for the volume of traffic at the weekends as it is now and can only get worse. Please do remember that this is a residential area and once you allow this very large HMO to go ahead you will be inundated with demands for rate reductions, and I will be at the front of the queue. Please

will someone with some sense have a new look at the area and then realise that people working in town and don't want to pay parking charges leave their cars around the Solaris Centre to save money so where are these HMO residents going to park.

Mrs J Robison, 1 Crichton Place

I object to this application due to the impact on this residential area as there will be an increase in noise levels, car parking facilities are not enough, parking at present in the surrounding area is an accident waiting to happen due to speed of traffic on the roads when turning off Clifton drive and inconsiderate parking styles of drivers, damage to footpaths and kerbs from parking. Outlook obscured due to height of proposed new structure and communication masts.

Dr M Cohen, 102 Clifton Drive

A letter of objection and a petition has been received from the South Shore Action Group.

The objections relate to –

- the scale of the development – the proposal would dominate the skyline, affect views and overlook properties in Clifton Drive. It would be visible from properties in Abercorn Place. It would shade the rear gardens and rear conservatories of properties fronting Clifton Drive.
- impact on the area – the number of flats proposed would cause noise and disturbance to existing residents.
- road use, noise and congestion – the proposed 86 flats will cause there to be additional traffic in the area and additional congestion. The loss of on street parking in Harrow Place will displace visitor parking to other streets in the locality. The development could impact on residents of Clifton Drive in terms of their use of the rear alley. Increased traffic noise is inevitable.
- improvement in natural amenity – there is limited landscaping proposed. Access to the southern side of Solaris and the grounds of Solaris would be restricted by the development.
- precedent – concern is raised regarding other dilapidated buildings and there being no other buildings over four storeys in height.
- Concern over structural stability of the proposed development.
-

The petition has been signed by 99 local residents.

Mr J Benson, 91 Clifton Drive

We are pleased to see that the height of this building has been reduced. We feel that this is an improvement on the original plan. we appreciate that these buildings do need some urgent tlc. However, we still feel that the car parking provided for is not adequate especially in view of other proposed plans for the area and would respectfully request that further reduction in the height of the building should be considered, thereby reducing the number of apartments and thus increasing the availability of car parking for the new residents.

An observation was received from –

Mr S Ward Southbeach, 365/367 Promenade

Hope its sets a precedent on Blackpool Promenade as we intend to build six floors on our site with parking for 40 cycles like this application.

In support of the application the following was received:-

Mr K Hoskins, Carn Brae Hotel, 657-659 New South Promenade

I can only reiterate time and time again, in what I said before regarding this application. Having lived next door to an empty building for over 12 years putting up with damp problems, pigeon infestation and seeing the adjoining building go into disrepair. I was so please when someone finally bought the empty buildings and had the foresight to do something with them.

I have seen the new plans and as before, I would like to say? This is what Blackpool needs to move forward in to the 21st century.

I know parking will affect my business because I don't have a car park of my own and I have to rely on parking spaces for guest park their cars.

The new apartments will have a direct effect on my business. But I would rather take a chance on parking than the eyesore I have to put up with now.

The luxury sea front apartments it will improve the area.

I am behind this development all the way, it's what this part of town needs investment because I can't see the Council doing anything to improve the area.

In terms of the amended application objections have been received from:

Mr Banks, owner of 6-8 Harrow Place

The nature of his objections is as follows -

- the application is not professionally prepared
- the application is incomplete
- concern about the quality of the build, DDA compliance, structural drawings, visual impact of the undercroft
- concern regarding change of materials
- concern that the revised application may limit his options in terms of 6-8 Harrow Place
- concern that the scheme would not sit happily next to 6-8 Harrow Place in terms of design and materials
- concern about parking for his property and consistency of approach (in terms of Council support)
- concern about the overall level of car parking

- concern about 653-655 New South Promenade (which are outside the application site)

Letters of support have been received from:

Mr David Storton, 10 Harrow Place

I support the new proposal. The current proposal was not implementable due to the breakdown of the involved partners. We recognise Mr Ron Richardson's proposal is in keeping with the spirit of the current and to some degree is more satisfactory than that currently in place, with the caveat regarding 6-8 Harrow Place. We hope the development will come to fruition as soon as possible and recognise Mr Richardson's effort to progress the current situation/enpass.

Please note: The proposal for parking is the same as the current which included 6-8 Harrow Place being developed. When 6-8 Harrow place planning proposal is received, I will vigorously object to any new parking proposal allowing cars to be parked "end on" in front and on the same side of 10 Harrow place. This would be a direct and constant intrusion on privacy. The proposed alteration to parking is far from satisfactory however for pragmatic reasons is just acceptable. The Blackpool Borough Council planning should bear this in mind knowing 6-8 Harrow Place going to be developed at some point.

Mrs Gaynor Cunningham, 10 Hebden Avenue

I wish to support the planning application No. 16/0421 for 647 -651 New South Promenade and 2-4 Harrow Place. As I walk and drive past the development on the Promenade the additional floor on the building that the developers have already completed looks stunning and is just what the area needs. It's great to see derelict hotels being turned into modern living accommodation and gives a much better impression of the town.

Mr K Hoskins, Carn Brae Hotel, 657-659 New South Promenade

I write in connection with the planning application No. 16/0421. I have examined the plans and I know the site well. I want to say I am 100% behind this development it will significantly improve the area for years to come.

Following initial objections from 104, 106 and 108 Clifton Drive a meeting was held with local residents and below is a summary of the meeting:

The following residents of 104,106,108 Clifton Drive, 1 Crichton Place and 10 Harrow Place had a meeting with Mr Richardson on 31 March 2018 regarding the amended proposal. It was held to resolve misconceptions and address to date newly raised objections by these residents regarding the proposal. The residents raised concerns as to why the existing proposal was replaced by the new and why the development was taking so long. Mr Richardson made it clear the new proposal was a result of a partnership breakdown resulting in 6-8 Harrow Place being removed the proposed development.

As 6-8 Harrow Place is not part of the new proposal, it became evident at the meeting there had been a misunderstanding of the new proposal by the residents thus some aspects of the objections were incorrect.

The following issues were still applicable:

- 1) Removal of all "walk on" balconies to the rear of 651 South Promenade*
- 2) Removal of fourth "walk on" floor balcony to rear of 2 Harrow Place*

These issues were discussed with Mr Richardson at the meeting. Mr Richardson kindly recognised the relevant residents' grievances and agreed to the removal of said balconies. Marked copies of plans detailing the balconies were left with the residents; Mr Richardson photographed the marked copies.

As Mr Richardson has agreed to remove the balconies detailed above from the new proposal, the to date published objections on the Blackpool Borough Council planning website by the above residents have been satisfied and therefore can be considered withdrawn.

Please note: The above are equally disappointed by the breakdown of the partnership resulting in the delay to the development being completed. Please keep the above informed regarding any further proposals associated with the current and any proposal to development on Harrow Place. The residents still have strong feelings towards density of parking brought about by any new residential proposal to the area and consequential displacement of Solaris Centre/holiday visitors making use of such parking which would not be available."

Councillor Cox -

I wish to formally offer my support for the above planning application as Ward Councillor for Squires Gate ward. I have recently visited the site and met with the developers of this project. I have also had discussions with residents in the local area in the past. I understand there were reservations from local residents about the scale and presence of the proposed buildings. I have been offered reassurances that residents' concerns have been taken into account by developers and several amendments made to which some are more amenable to. The development is of a very high standard and in my opinion sets a great benchmark for what Blackpool should be aspiring to for future developments especially on this particular site which has been plagued by derelict and rundown disused buildings for a number of years. I would like to hope this is a catalyst for further developments on Blackpool Promenade and will transform the South Shore skyline. I wish to offer my support for this application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

Paragraph 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.

Paragraphs 47-52 deal with the supply of housing.

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.

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.

Paragraph 216 of the National Planning Policy Framework allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan Part 1: Core Strategy was adopted by the Council at its meeting on 20 January 2016. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

CS1 - strategic location for development

CS2 - housing provision

CS5 - connectivity

CS7 - quality of design

CS9 - water management

CS10 - sustainable design

CS11- planning obligations

CS12- sustainable neighbourhoods

CS13 - housing mix density and standards

CS 14 - 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 policies in the Local Plan that are most relevant to this application are:

Policy LQ1 Lifting the Quality of Design states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

Policy LQ2 Site Context states that the design of new development proposals will be considered in relation to the character and setting of the surrounding area. New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. These locations include locations affecting the setting of a Listed Building or should be a high quality contemporary and individual expression of design.

Policy LQ4 Building Design states that in order to lift the quality of new building design and ensure that it provides positive reference points for future proposals, new development should satisfy the following criteria:

- (A) Public and Private Space - New development will need to make a clear distinction between areas of public and private landscaping utilising appropriate landscaping treatments. Residential developments will be expected to achieve a connected series of defensible spaces throughout the development.
- (B) Scale - The scale, massing and height of new buildings should be appropriate for their use and be related to:
 - (i) the width and importance of the street or space
 - (ii) the scale, massing and height of neighbouring buildings.
- (C) Design of Facades - The detailed appearance of facades will need to create visual interest and must be appropriate to the use of the building. New buildings must have a connecting structure between ground and upper floors composed of:
 - (i) a base, of human scale that addresses the street
 - (ii) a middle, of definite rhythm, proportions and patterns, normally with vertical emphasis on the design and positioning of windows and other architectural elements
 - (iii) a roof, which adds further interest and variety
 - (iv) a depth of profile providing texture to the elevation.
- (D) Materials - need to be of a high quality and durability and in a form, texture and colour that is complementary to the surrounding area.

Policy HN4 - Windfall Sites -allows for housing development on vacant, derelict or underused land subject to caveats.

Policy HN5 - Conversions and sub divisions

Policy BH3 Residential and Visitor Amenity states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;
and/or
 - (ii) the use of and activity associated with the proposed development;
- or by

(iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

Policy BH4 - Public Safety - seeks to ensure air quality is not prejudiced, noise and vibration is minimised, light pollution is minimised, contaminated land is remediated and groundwater is not polluted.

Policy BH10 - Open Space in New Housing Developments - sets out the need for open space as part of developments and where full provision is not made a commuted sum should be sought.

Policy NE6 - Protected Species - seeks to ensure that development does not adversely affect animal and plant species that are protected.

Policy AS1 General Development Requirements states that development will be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

Where the above requires the undertaking of offsite works or the provision of particular services, these must be provided before any part of the development comes into use.

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

New Homes from Old Places Supplementary Planning Document (and Technical Housing Standards - nationally described space standard)

Holiday Accommodation Supplementary Planning Document

ASSESSMENT

Principle of the proposal: The properties are not within one of the Main Holiday Accommodation Areas, which are identified in the Holiday Accommodation Supplementary

Planning Document (as amended in 2017). The properties have been vacant for some time and as they were previously care homes there is no fundamental objection to them being replaced by residential development. Indeed Policy CS2 of the Blackpool Local Plan Part 1: Core Strategy recognises that part of the Council's future housing requirement will come from residential schemes on the seafront, which provide a high quality residential offer. Given this is a brownfield site in a sustainable location the principle of residential development is acceptable and would be consistent with Policies CS1 and CS2 of the Blackpool Local Plan Part 1: Core Strategy.

Nature of the accommodation - There would be two one bed flats, 63 two bed flats, one three bed flat.

In terms of Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy 96% of the flats would comprise two or more bedrooms (the requirement in the policy is 70%). The flats would meet the minimum floorspace standards set out in the Technical Housing Standards - nationally described space standard and in most cases would surpass those minimum requirements (54 would be above the minimum standard of which 28 would be more than 5 sq m above the minimum standard). On each floor approximately 80% of the flats would face either New South Promenade or Harrow Place. The flats facing Harrow Place and New South Promenade would contain picture windows to maximise the views and a number of properties would have balconies. There would be a small courtyard to the rear with bin storage, cycle storage and some car parking

Scale and impact on residential amenity - Members will recall that previously comparisons were made between the Palm Beach Hotel site proposal (the Hampton by Hilton Hotel) and the Waldorf, Kimberley, Henderson Hotels site proposal (88 flats) and details are reproduced here for Members' information –

Palm Beach Hotel site proposal (proposed Hampton by Hilton Hotel) - the overall height would be 14.6 metres (four storeys in height). It would be 11 metres from the rear boundary of the properties fronting Clifton Drive.

Waldorf, Kimberley, Henderson Hotels site proposal (88 flats) - the bulk of the height fronting New South Promenade would be 16 metres but it would rise to 16.1 metres at the corner of New South Promenade and Wimbourne Place (six storeys in height). There would be two rear wings to the building - one stepping down to 8 metres in height where it would be 6 metres from the rear boundary of the properties fronting Clifton Drive and the other stepping down to 12.5 metres where it would be 16 metres from the rear boundary of the properties fronting Clifton Drive.

In this case at its southern end (New South Promenade frontage) the building would be 16 metres high (the remainder of the Crescent to the south is 12 metres high). Moving northwards it would remain at between 15 and 16 metres in height, then would step up to 18 metres in the form of the corner feature. At its eastern end (Harrow Place frontage) it would be 12 metres high and then would be between 15 and 16 metres in height and would culminate at 18 metres in the form of the corner feature. In terms of the relationship with the properties in Harrow Place and Clifton Drive the corner feature would be some 57.5

metres away from these properties. This stepping up of the building would assist in minimising the impact on the amenities of the residents whilst allowing for the creation of a feature at the corner of Harrow Place and New South Promenade. It would also assist in terms of the transition between the building and the remainder of the Crescent. This approach was employed in relation to the two proposals for the northern end and southern end of the Crescent to the north of Solaris, although in those cases the stepping up was to 11 storeys in height (09/0616 and 09/0617 refer).

The building would also step out in terms of the existing Crescent frontage and in relation to 6-8 Harrow Place. In the case of the former it would project in four sections including the corner feature. This would give the building some vertical emphasis and replicate the vertical breaks in the existing Crescent. On the Harrow Place frontage the building would project at ground floor level and to a lesser extent on the upper floors (there would also be some further stepping out of the frontage as the building moves away from 6-8 Harrow Place).

Policy LQ2 of the Blackpool Local Plan requires new development to be considered in relation to the character and setting of the surrounding area. The application site is part of an inter war crescent of some four storeys in height including the roofspace. To the east of the site is more modern detached housing. The block (New South Promenade/Harrow Place/ Clifton Drive and Abercorn Place) within which the application site sits has two differing characters. The application is seeking to respond to the Crescent character in terms of having a strong base, a middle and a top. It is a modern design which is paying homage to some elements of the Crescent - vertical breaks, mansard style roof, rendered finish and which seeks to address the transition with the remainder of the Crescent by stepping up the building and stepping the building out to give a strong feature on the corner of New South Promenade and Harrow Place. It would not slavishly adhere to the Crescent but instead it seeks to make a bold statement at the northern end of the Crescent consistent with part (B) (ii) of the policy.

Policy LQ4 of the Blackpool Local Plan seeks to lift the quality of new building design. In this case the building would fulfil the requirements of part (B) in tapering down to neighbouring buildings. It would create a landmark building on a prominent corner with extensive views from all directions given the extent of the Promenade to the west and the single storey Solaris building on the site to the north. It would achieve the requirement for larger scale and height buildings on the Promenade whilst seeking to provide an acceptable transition with the Crescent and properties to the east. It would meet the criteria in part (C) in having a defined base, middle and top and the facades would include extensive profiling to break up the mass of the building and reflect the vertical characteristics of the Crescent. Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy echoes a number of these considerations.

The eastern elevation of the building would largely be hidden by the rearward projection of 6-8 Harrow Place but in response to concerns raised by residents in Clifton Drive balconies proposed on this elevation have been removed and have been replaced with Juliet balconies. In this way the proposal would not compromise Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy. This has resulted in the removal of the objection from the residents of 104-108 Clifton Drive.

The southern elevation of the building would have projecting and recessed elements which would limit the potential for overlooking. In addition there would be fewer windows and any views from these windows would be from an oblique angle.

The building would be due west of 10 Harrow Place and 102-108 Clifton Drive and to the north of other properties in Clifton Drive. As such it would provide some shading of the gardens from the afternoon onwards but this happens to some extent at the present given the height and length of the existing building adjacent the rear alley.

It is acknowledged that the building would project in front of 6-8 Harrow Place but as mentioned above the character of the block bounded by Harrow Place, Clifton Drive, Abercorn Place and New South Promenade has two different characters. The western part is defined by the north and south Crescents which has four storey buildings whereas the eastern part is detached houses. This proposal relates to the western part and is seeking to regenerate the site. The forward projections of the proposed building at ground floor and upper floor levels would only be visible at an oblique angle from the main windows in 6-8 Harrow Place and are therefore considered acceptable.

Traffic/transportation issues - The scheme would provide car parking on a one space per flat basis and it has to be recognised that the site is located opposite the tram services and close to bus services on New South Promenade and Harrowside and within walking distance of the train stations at Squires Gate and Blackpool Pleasure Beach. On this basis it is considered that the level of car parking proposed is acceptable. Given the configuration of the site it is not possible to secure more off street car parking at the rear of the proposed development. Access to the rear parking area would be via an undercroft which would be 7 metres wide at the entrance from Harrow Place and would narrow to 5 metres which is wide enough for two cars to pass. The re-configuration of Harrow Place is considered acceptable although it is acknowledged that the cars using the 55 car parking spaces would have to turn either left or right onto Clifton Drive.

Other Issues - The proposal would generate the requirement for a commuted sum of £45,408 (2 x £516/63 x £688/1x £1,032) towards the provision/upgrading of off-site public open space. The applicant has agreed to pay this and its provision would be secured by a condition. The applicant has submitted viability information with regard to the issue of a prospective affordable housing contribution, given that Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy would ordinarily require 30% of the 66 flats to be affordable (20 in this case) and it demonstrates that the scheme cannot support such a requirement. The appraisal has been checked in respect of anticipated sales values, build costs, professional fees, finance costs, land values, profit expectation and has been found to be realistic in terms of its assumptions. The Bat Survey submitted with the application has not indicated the presence of any bats in the buildings.

Other Matters raised by the objector

The objector has raised a number of issues. He is challenging that the applicant has the authority to make the amended application. As the sole shareholder of Harrow House Construction Ltd it appears that he has the authority to make the amendment. He is also querying whether it can be an amendment. The original application was never determined

and hence is capable of being amended. The application red edge is within the original red edge but admittedly is smaller and the number of flats has been reduced from 86 to 66. Members approved in principle the 86 flat scheme and this amended scheme offers the same benefits in terms of regeneration and assisting housing delivery. The objector has not been prejudiced in that he has been notified of the application by the applicant and the Council and the scheme has been designed so as not to impact significantly on the property he owns. Admittedly as part of the larger proposal he would have had an extra storey on his property but as it is no longer part of the application the scheme has been designed to take account of its existing form and height. The objector has questioned the quality of the build with 653 and 655 New South Promenade which are outside the application site. The work is being overseen by Ball and Berry (Approved Inspectors for Building Control purposes). It is acknowledged that some bedrooms are served by lightwells but the main living areas are primarily outward looking facing New South Promenade and Harrow Place and in the original scheme there were some bedrooms served by lightwells. The flats meet the minimum floorspace standards with the majority being over standard.

CONCLUSION

This proposal is seeking to regenerate some disused care homes within a bold modern building which pays homage to the Crescent to which it would be attached. At the same time it seeks to respect the setting of the building by stepping down from a focal point on the corner to the Crescent to the south and to 6-8 Harrow Place (which are no longer part of the scheme) and the houses to the east.

It is seeking to respond to the design criteria set out in Policies LQ2 and LQ4 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy by creating a landmark building on this prominent Promenade frontage. Whilst this would not have the same impact as the comprehensive scheme, which included 6-8 Harrow Place it would lead to a transformation of the bulk of this disused part of New South Promenade and Harrow Place. The proposal would also seek to balance this regeneration with protection of the amenities of the residents to the east of the site consistent with the aims of Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and not prejudice the re use of 6-8 Harrow Place in the future.

Given the shape of the application site it is not possible to provide a significant level of off street car parking on the site (16 spaces) and hence the applicants have approached the Council to reconfigure Harrow Place to maximise the number of parking bays which could be created on the proposed one way street and to introduce more parking on the New South Promenade frontage of the site. This would mean that there would be 16 car parking spaces on site and 55 in Harrow Place for the 66 flats (with the 19 flats in 653-655 New South Promenade there would be a total of 85 flats and 88 car parking spaces - 16 on site, 55 in Harrow Place and 17 on the New South Promenade frontage). The site is opposite the tram line and has the No.1 bus service running down the Promenade with other bus services on Harrowside not too far distant. It is felt that the regeneration benefits of the proposal outweigh the disadvantages of not providing more than one car parking space per flat.

The applicant has sought to demonstrate that the viability of the proposal would not support an affordable housing contribution but the proposal would fund off site open space improvement provision. On this basis the proposal is considered acceptable. If Members are minded to approve the application it is recommended that the issuing of the decision is delegated to the Head of Development Management subject to the completion of a Section 106 Agreement relating to the provision and funding of the car parking to be provided in Harrow Place

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Public open space contribution of £45,408 required and to be secured by condition.

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 other. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s) 16/0421 which can be accessed via the link below:

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

Recommended Decision: Defer for delegation

Conditions and Reasons

1. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the following plans:

Location Plan stamped as received on 13 March 2018

Amended floor plans received on 20 April 2018

Amended elevations received on 20 April 2018

Amended site plan received on 3 May 2018

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

2. Within one month of the date of this decision details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

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

3. Within one month of the date of this decision details of the surfacing materials to be used in the construction of the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policy CS7 of the Blackpool.

4. The roof of the building (other than where the approved plan shows a roof terrace) shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises, to safeguard the visual amenities of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ14 and BH3 of the Blackpool Local Plan 2001-2016.

5. Within one month of the date of this decision 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 £45,408 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.

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

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

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

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

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

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy AS1 of the Blackpool Local Plan 2001-2016.

9. Within one month of the date of this decision a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

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

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

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

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

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies CS12 and 13 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

11. Before any of the approved flats are first occupied details of the boundary treatment to New South Promenade, Harrow Place and the back alley between Harrow Place and Cardigan Place shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatment shall then be erected and shall thereafter be retained.

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

12. Within one month of the date of this decision details of the finished floor levels of the proposed building and any alterations to existing land levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved levels unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, LQ2, LQ4 and BH3 of the Blackpool Local Plan 2001-2016.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and 109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy and Policy BH4 of the Blackpool Local Plan 2001-2016.

14. All windows to the elevations of the building shall be recessed behind the plane of the elevation in accordance with details to be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

15. Within one month of the date of this decision a lighting/security scheme for the car parking area/ bin storage area/cycle storage area and courtyard area at the rear of the building shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented as part of the development and shall be retained as such.

Reason: To safeguard the living conditions of the occupants of the flats and the occupiers of neighbouring premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.
2. 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, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
3. Within one month of the date of this decision, the developer must contact the Safeguarding Team, Squires Gate Airport Operations Ltd, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472527 ATC or by email to safeguarding@blackpoolairport.com if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. cranes, piling rigs). Notification of the equipment shall be made in writing and include:
 - its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
 - height above ordnance datum;
 - anticipated dates on site;
 - emergency contact numbers for the crane operator and site manager.

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

GENERAL NOTES

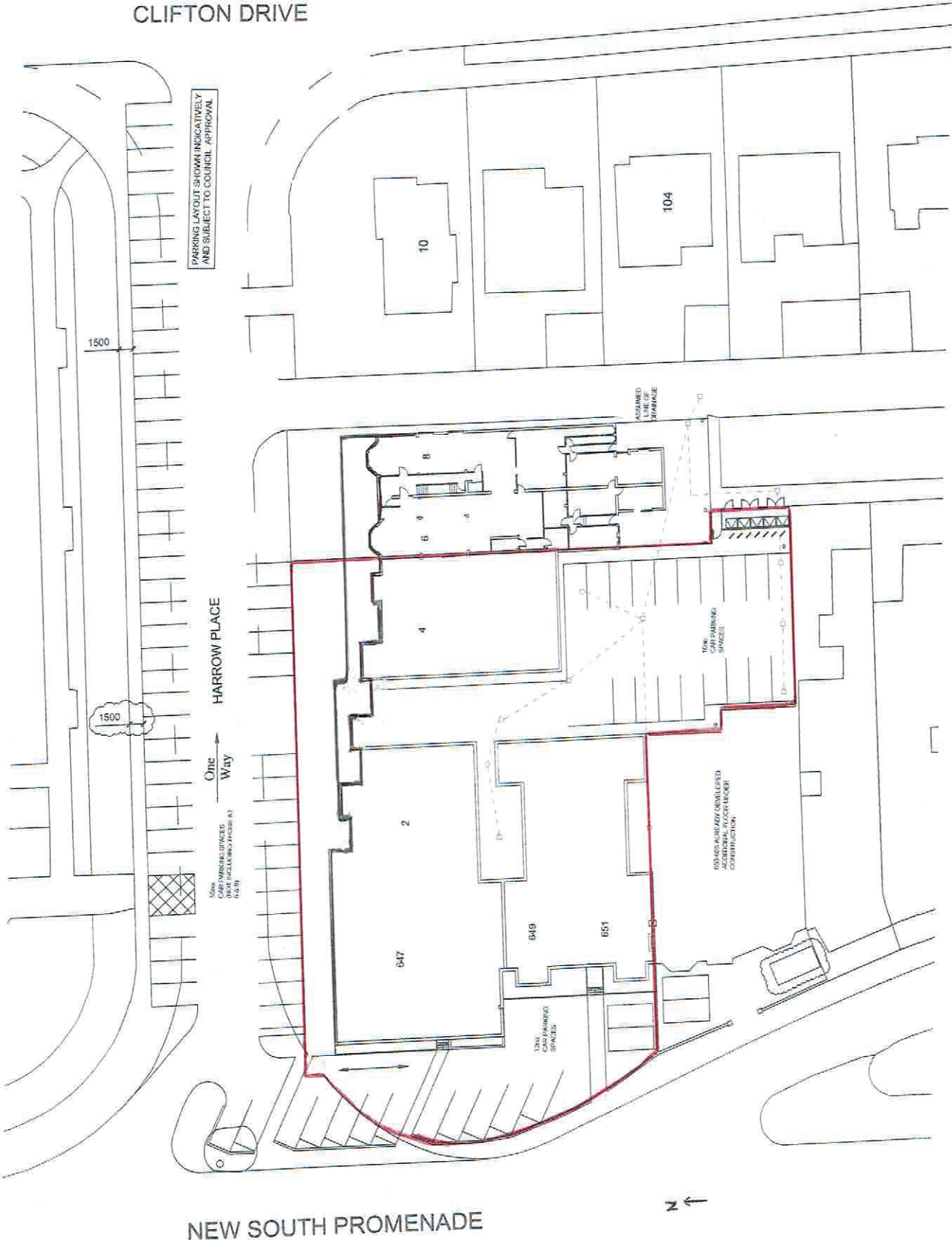
The owner, should they proceed, shall be responsible for the construction of the proposed parking spaces, including the provision of the necessary services and utilities, and shall be responsible for the provision of the necessary services and utilities to the proposed parking spaces.

IMPORTANT NOTES:

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CLIFTON DRIVE

PARKING LAYOUT SHOWN INDICATIVELY AND SUBJECT TO COUNCIL APPROVAL



NEW SOUTH PROMENADE



Client	Advocate
Ron Richardson Ltd	
Drawing Title	Proposed parking scheme
Project	Residential development
647 -	651 New South Promenade
	2-4 Harrow Place
	Blackpool
Scale	As indicated on site
Date	1/17/2014
Drawn	Uyoko
Checked	B/18/4/002
Prepared at: London, Lanesway 23/2/14 Tel: 0203 79600 Fax: 0203 79600 Email: info@reddcreative.com WWW: www.reddcreative.com	

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COMMITTEE DATE: [22/05/2018](#)

Application Reference: 18/0136

WARD: Talbot
DATE REGISTERED: 19/03/18
LOCAL PLAN ALLOCATION: Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Barsham West Ltd

PROPOSAL: External alterations including provision of cycle/bin stores to rear and use of premises as six self-contained permanent flats following demolition of single storey rear extension.

LOCATION: 31-33 HORNBY ROAD, BLACKPOOL, FY1 4QG

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Mark Shaw

BLACKPOOL COUNCIL PLAN 2015 -2020

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

SUMMARY OF RECOMMENDATION

This is a test case for Policy C23 of the Blackpool Local Plan Part 1: Core Strategy and the revised Holiday Accommodation Supplementary Planning Document adopted in November 2017 which continues to protect holiday accommodation against conversion to residential and other non-holiday uses within designated areas other than in exceptional circumstances where it can be demonstrated that it is no longer viable in holiday use. It is important that any approval granted satisfies the policy and guidance and does not potentially undermine future applications.

It is considered that this application satisfies the exceptional circumstances requirement of the policy for the reasons set out below which allows approval of a residential conversion within a designated holiday area in principle. The quality of the proposed scheme is also considered to be sufficiently high and will provide a good standard of accommodation improving the housing stock within the inner area and therefore the application is accordingly recommended for approval with conditions.

SITE DESCRIPTION

The application property is a three storey double fronted and currently vacant 24 bedroom hotel, formerly Northlands Hotel, located within one of the clusters of holiday accommodation within the South Town Centre Main Holiday Accommodation Area. The building is currently in a poor condition and has been vacant for four years. The property is within the stretch of Hornby Road between Central Drive and Coronation Street and this stretch of Hornby Road has a strong holiday character. However, this property is part of a terrace which has two trading hotels (Strides and Deleware), this disused hotel and a cafe on the corner of Coronation Street.

DETAILS OF PROPOSAL

The application seeks approval for the conversion of the vacant hotel into six x two bedroom flats which measure between 70sqm and 84sqm in size. The proposal will also remove a single storey rear extension creating additional amenity space to the rear and to provide a cycle store and bin store. Each flat would be laid out with its lounge/ dining room overlooking Hornby Road with bedrooms and bathrooms within the outrigger to the rear and overlooking the rear area.

The application is accompanied by an Economic Viability Impact Statement, a Business Plan and a Surveyor's Report.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Permanent Residential Use
- Quality of Residential Accommodation Proposed
- Impact on Character of Area and Residential/ Visitor Amenity
- Any Other Matters

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

CONSULTATIONS

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

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 21 March 2018

Neighbours notified: 20 March 2018

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

Stay Blackpool.Com c/o Chorlton Hotel, 38 Vance Road- are aware of the applicant and his positive attitude and property investments within the Central Holiday Area. However there are significant issues here and the property is in the heart of the Central Holiday Area and as such should be resisted. It is recognised that the property is abandoned and decaying blighting the locality though there are serious issues with the financial viability assessment, namely:-

- 90 guest houses up for sale within a quarter mile radius is not proof the hotel accommodation sector is finished.
- Havelock Street and Hornby Road are not directly comparable. Hornby Road is a main through road with significant passing trade.
- References to the Northlands Hotel are inappropriate, as it was extremely badly run and caused significant issues in the area. Anyone taking the business on would change the name.
- A number of the hotel comparisons involve totally different situations and are therefore inappropriate.
- Historic issues at the property and the damage caused are not proof of viability as the hotel would not be managed in the same way in future.
- Prices quoted per night are too low.
- The absence of a lift is not a significant issue and regarding the 'no drop off point' extensive loading bays have now been provided.
- The comment regarding 'steady decline in guest houses in favour of corporate alternatives' is disputed as is the comment about Blackpool being in decline.
- The £28,000 per annum manager's position is more likely to be £16,000 per annum.
- If the area is in decline as suggested why is the international operator DJ Suites investing heavily nearby?

The Almeria Hotel, 61 Hornby Road- approval would set a precedent resulting in a large number of flats in one area which could cause anti-social behaviour and even drug problems if the flats are not properly managed. There seems to be too many hotels being converted into flats or restaurants which will not help the town's reputation of being a family friendly resort again.

The Arabella Hotel, 102 Albert Road- this area is becoming more and more HMO flats and not a holiday zone as it should be. By adding flats this will encourage more drug dealers. Private landlords mostly live out of town and do not know what is happening or who is living in their property. Managing agents do not keep an eye on the tenants and it takes a court order to get them out but the damage has already been done and hotel guests do not return and the hotels nearby get negative feedback.

Franklin Hotel, 32 Hornby Road- this is classed as a holiday area whereas a lot of conversions have taken place causing a number of problems with criminal and anti-social behaviour. Properties being converted into HMOs including DSS properties in the holiday area is not good for holidaymakers. The area should be kept as a holiday zone, further

conversions will only add more problems to those existing causing further deterioration and put hotels out of business.

11 Hornby Road and 32 Vance Road- we fully agree with all the other objections about this application. We wish to submit our objection as my wife and I own two hotels near the proposed development, one on Hornby Road and one on Vance Road.

We bought these properties in the belief this was classed as a holiday area. In recent years there has been an emphasis on granting planning permission to convert hotels into permanent flats by unscrupulous landlords, this has caused a lot of anti-social behaviour, drunkenness, drug taking and dealing by these tenants and there is no one to make sure this doesn't happen and a lot of these people are being brought here from other areas of the country at the taxpayers expense.

In the immediate area of Hornby Road we have lots of places that have been turned into HMOs and there are a lot of DSS premises as well in the holiday zone. This is not good for holiday makers coming to Blackpool. It seems as you are setting precedent of what type of people you want in your holiday zone. Sometimes we feel for the hotel guests and as a small business owner. We think the time has come to stop these conversions happening as this holiday area is being saturated with flats where the taxpayer is paying these landlords. The area should be kept as a holiday zone as any approval would only add to existing problems cause further deterioration in the area we would be out of business. We feel really strongly about unscrupulous landlords who don't live near here so do not have to put up with the anti-social behaviour.

This area should stay as a holiday zone and the Planning Committee should back this. The Council has allowed a conversion on Vance Road two doors down from our property and the trouble we get from the flats is unreal. We have had guest being asked if they were looking for a good time by females from the flats and being offered drugs on the corner and outside on our benches. We get people from the flats putting rubbish in our bins that we pay a lot of money for. This has been reported to the Council and the Police but nothing done about it apart from us having to change our bins for lockable ones. To convert more flats in a holiday zone would cause more problems including parking which is terrible already. Why is there so many yellow lines on our streets when they are not needed and the price for parking so high.

Glen Allen Hotel, 22 Hornby Road - I am writing to object to the planning permission to turn the northlands on Hornby Road into permanent flats, having a bed and breakfast on the same road there is nowhere for our guests to park at the best of times let alone having cars parked permanently from flats. Also with all the drunks and drug addicts that are about this will lower our street creditation if we had to put up with these like some streets further along the road do. I'm hoping you take all this into consideration as business for us at present is important to keep our street a bed and breakfast street like I was told when we took on the business that our end will stay has a holiday place for guests new and old.

Windsor House Hotel, 19 Hornby Road - This property has no off street parking.

The owners of the Northlands Hotel in Hornby Road, have applied for planning permission to convert into six self-contained flats.

As this property is within the central holiday area, we strongly object to this proposal. May I quote. Policy off the Promenade 5.10 The off promenade Main Holiday Accommodation Areas, are made up of a number of streets that are considered to be most concentrated areas of holiday accommodation which are well located to access the resort's attractions.

Core Strategy Policy CS23 (1a 1b) 5.115.11 Within the areas listed below and defined in Appendix 5, change of use from holiday accommodation, or the loss of sites used, or last used, as holiday accommodation, will be resisted.

5.12 Change of use will only be permitted in exceptional circumstances where:

- 1) Suitable evidence is provided to demonstrate to the satisfaction of the Council that the business is no longer viable and has reasonable prospect of continuing as holiday accommodation; and
- 2) The proposed use is compatible with the holiday accommodation uses in the street and provides regeneration benefits to the immediate area.

5.13 The policy applies to: The Cliffs- Empress Drive, King Edward Avenue and Gynn Avenue. North Town Centre- focused on parts of Lord Street and Bank Street. South Town Centre- focused on Adelaide Street, Albert Road, Charnley Road, Hornby Road, Reads Avenue, Palatine Road, Hull Road, Vance Road and Havelock Street.

Viability 5.14 In recognition of the significant viability issues faced by some holiday accommodation owners in the main accommodation areas, the guidance makes an allowance for exceptional circumstances when a change of use may considered acceptable.

5.15 It must be demonstrated through a transparent and robust viability methodology that future holiday accommodation use of the property is no longer viable. The proposed use will need to be compatible with other holiday accommodation uses in the street and make a contribution to the regeneration of the wider area.

This property is situated in the bottom end of Hornby Road which falls into Core Strategy Policy CS23 (1a 1b) 5.11 This part of Hornby Road does not have compatible premises to the proposed application, all properties are either hotels or guest houses supplying holiday accommodation and therefor if this application was granted would not provide regeneration benefits to the immediate area, In fact it would do the opposite.

Some 15 years ago, we purchased our property because it was situated in the main holiday area. One of the hotels we aimed to be as good as was The Northlands Hotel. Over the last number of years, we have achieved this, but unfortunately The Northlands let the condition of their property go in decline. I feel that as the owners want to convert to six self-contained flats, they could afford to reinstate the property to its former state and then run a viable

business, as all the properties in this part of Hornby Road are doing so. In fact, it would not cost as much as the proposed change of use.

If this permission is granted, I feel it would open up the floodgate to other owners in Blackpool, as it would set a precedent, who would follow suit, let their properties go in decline and then say to the Council that the business is no longer viable and has reasonable prospect of continuing as holiday accommodation. Do you want Blackpool to survive as a holiday resort?

Blackpool was built, over the years, by holiday accommodation providers such as the ones around our area and will keep attracting customers as long as the holiday accommodation is not taken away.

Anon, Hornby Road- this type of property will only attract one type of person. Hornby Road is a holiday zone and should stay that way.

One letter of support has been received from 53 Central Drive- the proposal would enhance the street and bring this derelict building back into use. A high standard of living accommodation is required and a reduction in the stock of holiday accommodation.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework 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 an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings and **Part 6 - Delivering a wide choice of high quality homes.** Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a Local Planning Authority is unable to demonstrate a five year supply of housing land.

Part 7 - Requiring good design. Planning decisions should aim to ensure that developments respond to local character. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Planning decisions should create safe and accessible environments, add to the overall quality of an area, create and sustain an appropriate mix of uses.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

Policy CS7: Quality of Design

Policy CS12: Sustainable Neighbourhoods
Policy CS13: Housing Mix, Standards and Density
Policy CS23: Managing Holiday Bed spaces

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

The following policies are most relevant to this application:

LQ1 - Lifting the Quality of Design
LQ2- Site Context
LQ14- Extensions and Alterations
HN5- Conversion and Subdivisions
BH3 - Residential and Visitor Amenity
AS1 - General Development Requirements (Access and Parking)

New Homes from Old Places Supplementary Planning Document/ National Technical Housing Standards

Holiday Accommodation Supplementary Planning Document (SPD)

ASSESSMENT

Principle of Permanent Residential Use- the application property is located within one of the designated holiday areas which are protected via the up-dated Holiday Accommodation Supplementary Planning Document adopted in November 2017. Policy CS23 and the up-dated document only allow hotels to change over to non-holiday use in exceptional circumstances. These exceptional circumstances include a demonstration that it is no longer viable, that there is no reasonable prospect of the property continuing in holiday use, the new use being compatible with holiday uses and also providing regeneration benefits.

The application property has been vacant for approximately four years and is in a poor condition requiring extensive refurbishment and up-grading prior to any re-use, whether this be re-commencing use as a hotel or alternatively in providing six x two bedroom self-contained flats as proposed. The property is double fronted and is the last hotel property within the designated block on the south side of Hornby Road between the Coronation Street and Central Drive junctions. The application property is located at the Coronation Street end of Hornby Road adjoined by a hotel at 29 Hornby Road and by a cafe at 103 Coronation Street. Directly across the road is a derelict hotel and at the Central Drive end of this block on the north side of Hornby Road are two properties, 10 and 12, which no longer appear to be in holiday use. Other than these properties the remaining 22 properties all appear to be trading hotels.

The viability and business reports submitted with the application adequately illustrate that a hotel would not be a viable re-use of the property and require expenditure in the region of £300,000 before trading could re-commence and it is anticipated that a hotel here would be trading approximately 10 years before it would be operating with a small profit. There is a strong likelihood of the property remaining vacant and continuing to deteriorate, this is not in the interests of the applicant nor the local area and this application represents a viable alternative use. There is a history of derelict property in the town either going over to unauthorised multiple occupation use, including squatting and/or being subject to vandalism and arson. Given the details of the proposals the application is considered to meet the tests of Policy CS23 and the Holiday Accommodation Supplementary Planning Document and the principle of permanent self-contained flats is therefore accepted.

Quality of Residential Accommodation Proposed- the proposal involves the conversion of the 24 bedroom hotel into six x two bedroom flats each measuring between 70sqm to 85sqm in size. Five of the six flats would be more than 10sqm above the minimum floor space standard. Individually the room sizes of each flat would be in excess of floorspace standards. Each flat would have its main living/dining room fronting onto Hornby Road and its entrance from Hornby Road, with bedrooms, bathrooms and kitchens positioned to the rear within the outrigger. Each flat would also have direct access into the rear yard where the bins and cycle stores would be located with direct access onto the rear alley which leads onto both Coronation Street and Hornby Road. An existing single storey rear extension on the application property will be removed to create additional amenity space. The proposal complies with Policy HN5 of the Local Plan and Policies CS13 and CS23 of the Core Strategy and would provide six quality apartments thus adding to the stock of quality accommodation within the inner area. The proposal will also help contribute towards the town's future housing supply and help towards meeting the Council's inner area regeneration ambitions.

Impact on Character of Area and Residential/ Visitor Amenity - the application property has been vacant for approximately four years having previously been used as a low quality hotel which advertised 24 hour parties and ultimately lost its alcohol licence. Whilst bad management can be corrected, the property is nevertheless in a poor state of repair and requires a considerable amount of money spending on it to bring it up to a habitable standard whether that be for hotel or residential use. Whilst cosmetically from the front elevation it may appear in a reasonable condition the property is in a poor state of repair and there are also some structural issues.

The renovation and re-use of the property to provide a quality residential scheme has considerable regeneration benefits for the area which should not undermine the continuing successful operation of adjacent hotels and its location at the end of a hotel block next to a cafe fronting Coronation Street means that visually too the property would not appear obtrusive nor undermine the holiday character of the street. The previous hotel use was a badly managed property which detracted from the character of the area, the current position is a non-trading guest house with little prospect of re-trading and the likely prospect of long-standing vacancy and deterioration. The proposal represents a good opportunity to secure its long term future and to bring the property back into beneficial use.

It is worth noting that no comments have been received from either Strides or Delamere Hotels.

Any Other Matters- a strong element of the opposition against the proposal relates to fear and perception, often based on previous experience elsewhere, that the residential use of properties means a low quality Houses in Multiple Occupation type accommodation resulting in a range of anti-social behaviour and criminal activity which will undermine the successful operation of adjoining businesses. These properties are usually Houses in Multiple Occupation or low grade flats often converted from old holiday flats without the requirement for planning permission. There is however nothing to suggest that residential accommodation, particularly good quality accommodation, cannot happily co-exist with holiday accommodation.

It should be noted that the planning system cannot vet the suitability of future tenants/ occupants of this or any other accommodation (or hotel) but it can, and has in this case, seek to ensure that the quality of accommodation provided meets approved local and national standards. This fact together with the obvious considerable amount of money required to bring the property up to a habitable standard will ensure that it is clearly not in the applicant's interest to disregard the adequate vetting of future tenants. It is also noted that the last hotel use of this property itself generated significant issues for the area resulting in it losing its alcohol licence.

CONCLUSION

The proposal complies with the relevant Policies namely CS13 and CS23 of the Core Strategy, Policies LQ1, BH3, and HN5 of the Local Plan, the Holiday Accommodation and New Homes From Old Places Supplementary Planning Documents and is also in accordance with the National Planning Policy Framework providing good quality residential accommodation comprising six x two bedroom flats which are in excess of both local and national floor space standards in a sustainable location. Accordingly the application is recommended for approval.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s) 18/0136 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:

- Proposed plans and elevation ref: B/18/34/02
- Location Plan received on 6 March 2018

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

3. No flat shall be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

4. 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.

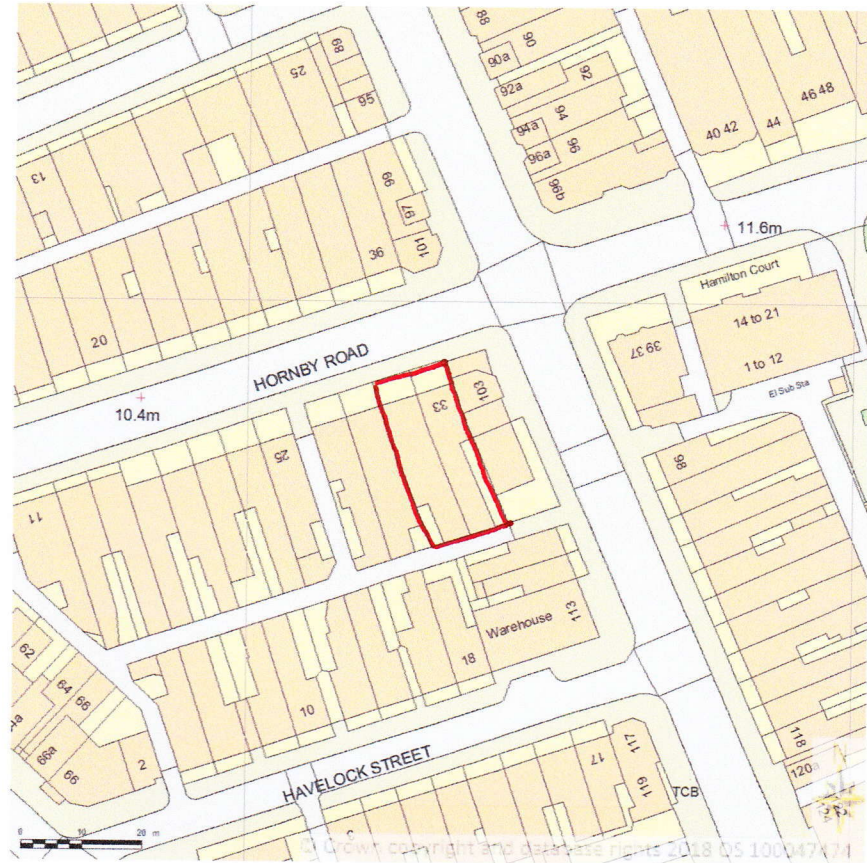
Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and 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.

Advice Notes to Developer

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

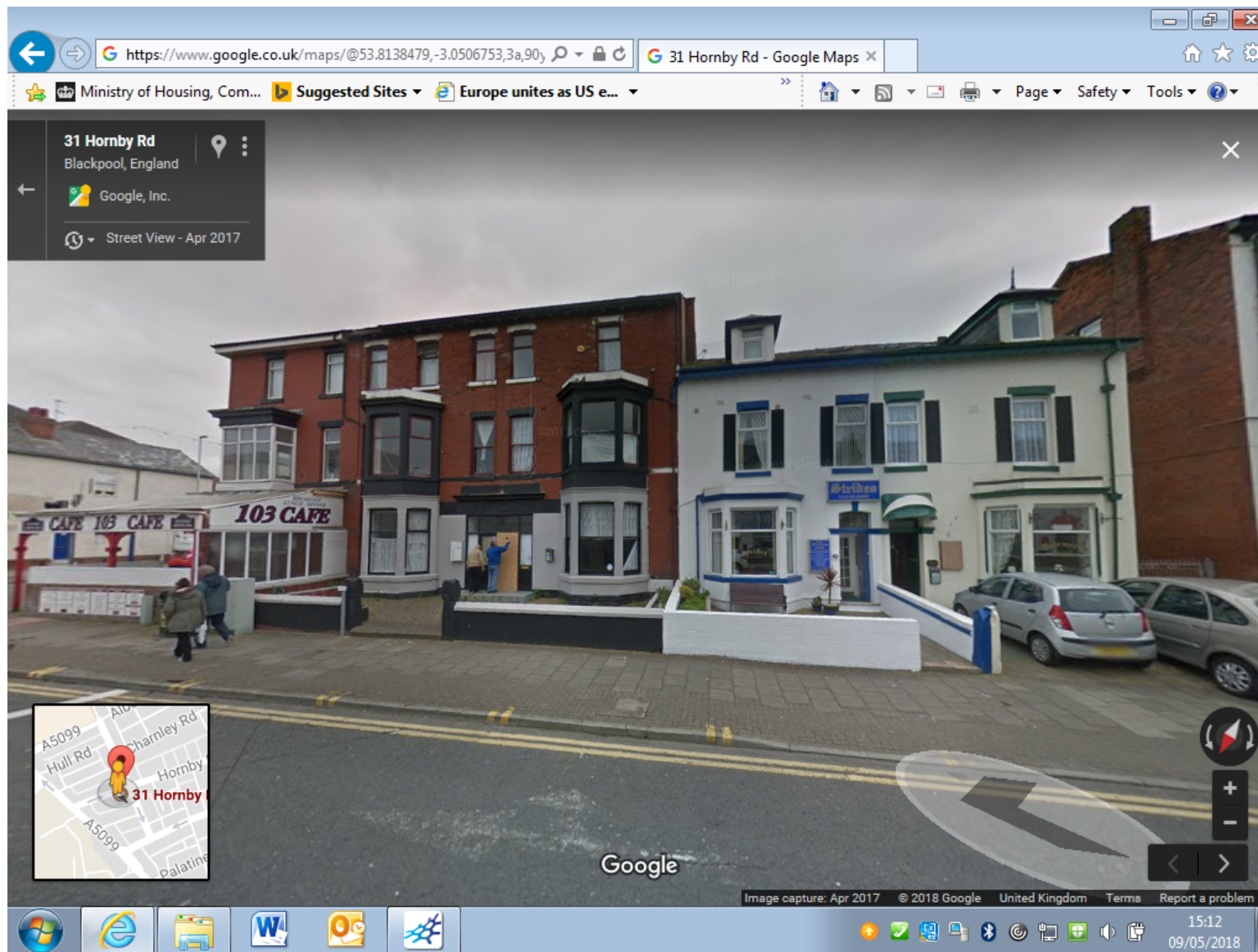
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**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 330932, 435778**



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