

# Blackpool Council

7 September 2018

To: Councillors Blackburn, D Coleman, Humphreys, Hutton, O'Hara, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 18 September 2018 at 6.00 pm  
In the Council Chamber, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

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

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 14 AUGUST 2018** (Pages 1 - 8)

To agree the minutes of the last meeting held on 14 August 2018 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 9 - 18)

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

### **4 PLANNING ENFORCEMENT UPDATE REPORT** (Pages 19 - 22)

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

**5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE** (Pages 23 - 26)

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

**6 PLANNING APPLICATION 18/0331 ST KENTIGERN'S CATHOLIC PRIMARY SCHOOL** (Pages 27 - 40)

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

**7 PLANNING APPLICATION 18/0333 SOUTH PIER BLACKPOOL** (Pages 41 - 64)

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 18/0420 LAND NORTH SIDE OF MOSS HOUSE ROAD** (Pages 65 - 80)

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

**9 PLANNING APPLICATION 18/0436 420 WATERLOO ROAD** (Pages 81 - 92)

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

**10 PLANNING APPLICATION 18/0517 18 BEECH AVENUE** (Pages 93 - 104)

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](mailto:bernadette.jarvis@blackpool.gov.uk)

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

### **Present:**

Councillor L Williams (in the Chair)

Councillors

I Coleman	Hutton	Robertson BEM
Humphreys	O'Hara	D Scott

### **In Attendance:**

Mr Lennox Beattie, Executive and Regulatory Support Manager  
Mr Ian Curtis, Legal Officer  
Mrs Bernadette Jarvis, Senior Democratic Governance Adviser  
Mr Gary Johnston, Head of Development Management  
Miss Susan Parker, Senior Planning Officer  
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 17 JULY 2018**

The Committee considered the minutes of the last meeting held on 17 July 2018.

**Resolved:** That the minutes of the meeting held on 17 July 2018 be approved and signed by the Chairman as a correct record.

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

The Committee noted that an appeal had been lodged by Cardtronics UK Ltd against the refusal of planning permission for the retention of an ATM on the Dickson Road frontage of the premises at Café 15, 15 Cocker Street, Blackpool.

**Resolved:** To note the planning appeal lodged.

### **4 PLANNING ENFORCEMENT UPDATE REPORT - JUNE 2018**

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during June 2018.

The report stated that 53 new cases had been registered for investigation, 12 cases had been resolved by negotiation without recourse to formal action and 18 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action.

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

**Resolved:** To note the outcome of the cases set out in the report and to support the

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 AUGUST 2018

actions of the Service Manager, Public Protection Department, in authorising the notices.

### 5 PLANNING ENFORCEMENT AND UPDATE REPORT - JULY 2018

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during July 2018.

The report stated that 44 new cases had been registered for investigation, 16 cases had been resolved by negotiation without recourse to formal action and 18 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action.

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

**Resolved:** To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department, in authorising the notices.

### 6 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

Mr Johnston presented the planning applications and appeals performance report. He advised Members that the Government currently assessed performance over a two year period from 1 October 2016 to 30 September 2018. He referred to the information in the Update Note that reported performance from the start of the two year period up to 10 August 2018 as 91% within 13 weeks or an agreed extension of time for major applications and 92% within eight weeks or an agreed extension of time for minor applications against targets of 60% and 70% respectively. He advised on the expectation that the performance would remain above target for the remainder of the two year assessment period.

The performance figures for July were also reported in the Update Note as 100% within target or an agreed extension of time for both major and minor applications.

**Resolved:** To note the report.

### 7 REVISED MEMBER AND OFFICER PROTOCOL

Mr Beattie, Executive and Regulatory Manager, presented the draft Member and Officer Protocol which had been revised by officers following a focus group training session undertaken by the Committee on 8 March 2018. The aim of the revised Protocol was to develop a clear, useable and concise document for Members of the Committee and Officers.

At the training session Members had also expressed a desire to increase the time limit for public speaking and for consistency, apply the same time limit to ward councillors with the aim of allowing sufficient time for representations whilst maintaining focus.

Members of the Committee were asked to consider recommending to Council approval of the revised Protocol and changes to time limits for public speaking.

In response to a question, Mr Beattie reported on the intention to submit the recommendation to Council at its meeting in September 2018, subject to approval by the



## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 AUGUST 2018

Committee.

### **Resolved:**

1. To recommend Council to approve as part of its Constitution the revised Member and Officer Protocol for Planning.
2. To recommend Council to adopt the revised public speaking arrangements outlined in the report, namely that the period for objectors and applicants be increased to seven minutes and the period for ward councillors be similarly limited to seven minutes.

### **8 PLANNING APPLICATION 18/0333 - SOUTH PIER, PROMENADE, BLACKPOOL**

The Committee considered planning application 18/0333 seeking the retention of a log flume on land to the north of South Pier.

The Chairman reported on the request by the applicant for deferral of the application due to the unavailability of the applicant's agent. She advised the Committee that Mr Laister, acting on behalf of Blackpool Pleasure Beach, had requested to speak in objection to the deferral.

Mr Laister, acting on behalf of Blackpool Pleasure Beach, raised an objection to the deferral. The main reasons were that deferral would result in a further extension in the length of time that the log flume would be in place, following the expiration of the temporary permission and that this would also cover the remainder of the main holiday season. A further concern related to the requirement for works being undertaken on the pier that had formed part of the justification for granting temporary permission and these had not been undertaken by the applicant. He asked the Committee to consider refusing the applicant's request to defer.

The Committee considered the applicant's request to defer and the objections made by Mr Laister on behalf of Blackpool Pleasure Beach. Whilst the Committee acknowledged the concerns raised by the objector, Members were also mindful that this was the first request for deferral made by the applicant and in the interests of fairness it was appropriate to allow the opportunity for the applicant's agent to attend and speak on the applicant's behalf. Members felt that, should the Committee be minded to defer the application, it would need to be considered at the next meeting. Members also requested that it be made clear to the applicant that any further requests for deferral would not be looked upon sympathetically.

**Resolved:** To defer the application to the next meeting on 18 September 2018.

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

### **9 PLANNING APPLICATION 18/0077 - LAND ADJACENT 27 STOCKYDALE ROAD, BLACKPOOL**

The Committee considered planning application 18/0077 for the erection of four detached dwellinghouses, two with integral garages and two with detached garages, with associated landscaping and access from Stockydale Road on the land adjacent to 27

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 AUGUST 2018

Stockydale Road.

Miss Parker, Senior Planning Officer, provided the Committee with an overview of the application and presented an aerial view of the site, site location and layout plans and elevational plans of the proposed dwellinghouses. She advised that permission had previously been granted for residential development on the former Baguleys Garden Centre site and that this included the application site. The Committee was reminded that in August 2017 it had refused permission for four houses on the application site on highway safety grounds and Miss Parker reported on the amendments made to the plans in terms of improved visibility and provision of safer pedestrian access in response to concerns raised at that time. The scale of the development had also been amended to better reflect the character of this part of Marton Moss and reduce potential traffic congestion and parking issues. Miss Parker referred to the ongoing dispute over land ownership and reminded Members that land ownership was not a planning consideration. Miss Parker reported on the Local Planning Authority's duty in terms of ecology and biodiversity and the opportunity to address concerns through appropriate conditions.

Ms Baron, public objector, spoke against the application and raised concerns mainly relating to the proposed access from Stockydale Road which in her view would result in a potential increase in traffic and adversely impact the safety of pedestrians and cyclists. A further concern related to the impact on the rural environment from the proposed removal of the hedgerow.

Mr Boniface, the applicant's agent, spoke in support of the application and reported on the consultation undertaken with the Council's highways and planning officers to address concerns and reported on amendments made to the plans to improve highway and pedestrian safety. In his view the proposal represented sustainable development of an acceptable size and scale with no highway safety or environmental impact.

In response to questions from the Committee, Mr Patel, Network Planning and Projects Manager, reported his view that the proposal met required standards in terms of level of car parking provision and road width and considered that the increase in vehicle movement from the proposed development could be accommodated on the highway. He acknowledged that during recent work on Midgeland Road, the volume of traffic on Stockydale Road had increased due to drivers who knew the area using it as a short cut.

The Committee carefully considered the application. It expressed concern at the current uncertainty with regards to land ownership, however, it noted that this was not a planning consideration. Miss Parker advised of the opportunity, if permission was granted, to attach a Grampian condition to prevent development on land not controlled by the applicant.

The Committee had regard to the amendments made to the proposal to address highway safety concerns and whilst it appreciated that the principle of residential development had been established at the site, Members considered that the access onto a narrow road, limited visibility due the bend in the road and the presence of hedgerows would exacerbate the existing highway safety issues for vehicles and pedestrians, notwithstanding the proposed footpath provision.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 AUGUST 2018

**Resolved:** To refuse the application for the reasons set out in the Appendix to the minutes.

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

### Chairman

(The meeting ended 6.40 pm)

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

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**Application Number 18/0077 – Land adjacent 27 Stockydale Road, Blackpool, FY4 5HP**

Erection of 4 detached dwellinghouses, two with integral garages and two with detached garages, with associated landscaping and access from Stockydale Road.

**Decision:** Refuse

**Reasons:**

1. The proposed development would involve access onto a narrow country lane. Visibility is limited due to a tight bend in the lane between the application site and Midgeland Road and the presence of high hedgerows. Notwithstanding the proposal for footpath provision, it is felt that the proposed development would exacerbate existing issues of pedestrian and vehicular conflict and have an unacceptable impact on highway safety. On this basis the proposal would be contrary to the provisions of paragraph 109 of the National Planning Policy Framework, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policy AS1 of the Blackpool Local Plan 2001-2016.

2. ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 38)

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

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting:</b>	18 September 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 Planning/Enforcement Appeals Determined

#### 5.1 REAR OF 12 – 14 OLIVE GROVE, BLACKPOOL FY3 9AS (17/0865)

An appeal was made by Mr. S. Whittaker against the decision of Blackpool Borough Council to refuse planning permission for the erection of 3 three bedroom dwellings. Appeal Dismissed.

There were three main issues:

- Highway Safety: The Inspector concluded that the proposed development would have an unacceptable impact on highway safety due to the constrained nature

of the access road and the inadequate arrangements for turning within the site. The proposal would conflict with Policy AS1 of the Local Plan.

· The living conditions of nearby residents: He found that traffic movement on the access road would cause disturbance to the occupiers of Nos 12 and 14

Olive Grove and unacceptably worsen the living conditions of those residents, contrary to Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan.

· Trees around the perimeter of the site: The Inspector concluded that trees around the perimeter of the site would not be adversely affected, and that it would not conflict with Policies CS6 and CS7 of the Core Strategy, or with Policies LQ6 and NE7 of the Local Plan.

A copy of the Inspector's decision letter is attached as Appendix 3a

5.2 Does the information submitted include any exempt information? No

### 5.3 List of appendices

Appendix 3a: Inspector's decision letter re Rear of 12-14 Olive Grove

### 6.0 Legal considerations:

6.1 None.

### 7.0 Human Resources considerations:

7.1 None.

### 8.0 Equalities considerations:

8.1 None.

### 9.0 Financial considerations:

9.1 None.

### 10.0 Risk management considerations:

10.1 None.

### 11.0 Ethical considerations:

11.1 None.



**12.0 Internal/ External Consultation undertaken:**

12.1 None.

**13.0 Background papers:**

13.1 None.

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# Appeal Decision

Site visit made on 9 July 2018

**by Richard Clegg BA(Hons) DMS MRTPI**

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

**Decision date: 30<sup>th</sup> August 2018**

**Appeal Ref: APP/J2373/3199142**

**Land rear of 14-18 Olive Grove, Blackpool, FY3 9AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr S Whittaker against the decision of Blackpool Borough Council.
- The application Ref 17/0864, dated 13 December 2017, was refused by notice dated 8 February 2018.
- The development proposed is 3 three bedroom dwellings.

## Decision

1. The appeal is dismissed.

## Procedural matters

2. On the application form, the location of the site is given as land on the east side of Olive Grove. The only part of the site on Olive Grove is the access road, and it is more clearly referred to as land to the rear of 14-18 Olive Grove. I have identified the site accordingly in the appeal details above.
3. The proposal is in outline form, with approval sought for access, layout and scale at this stage: this is confirmed in paragraph 4 of the Appellant's statement. That statement also says, at paragraph 42, that the site layout is illustrative, and paragraph 69 refers to the arrangements for the turning head being a reserved matter. These latter references are inconsistent with the form in which the planning application was submitted and then considered by the Council. I am not aware of any request to amend the form of the proposal, and I have considered it on the basis set out in the planning application.
4. On the site plan<sup>1</sup>, a small part of the access road is shown outside the appeal site<sup>2</sup>. This area appears to be part of a rear access way to houses on Olive Grove. In response to a request for comments on this situation, the Appellant submitted a revised site plan<sup>3</sup>, on which the approach to the turning head is slightly realigned so as to be accommodated wholly within the appeal site. This is a modest amendment which I am satisfied would not cause prejudice to other parties. I have, therefore, taken the revised plan into account in my considerations.

<sup>1</sup> On drawing ref A014/185/P/01 Revision A.

<sup>2</sup> The extent of the appeal site is defined by the red edge on the location plan, drawing ref A014/185/S/02 Revision A.

<sup>3</sup> On drawing ref A014/185/P/01 Revision B.

5. In July 2018, after the main parties had submitted their statements, the Government published the revised National Planning Policy Framework (NPPF). Accordingly the Appellant and the Borough Council were given the opportunity to comment on the implications of the revised NPPF for their respective cases.

### **Main Issues**

6. I consider that the main issues in this appeal are the effect of the proposed development on:
  - (i) highway safety.
  - (ii) the living conditions of nearby residents and future occupiers.
  - (iii) trees around the perimeter of the site.

### **Reasons**

#### ***Highway safety***

7. The main part of the site is contained between the backs of housing on Olive Grove, Mere Road, Beech Avenue and Hazel Grove. A single track access road, about 3.1m wide, leads from Olive Grove to this land. This narrow access road runs between Nos 12 and 14 Olive Grove.
8. The Council calculates that the three dwellings proposed would generate 24 vehicle trips per day, a figure which is not disputed by the Appellant. Whilst this is not a high figure, there is the prospect that opposing vehicle movements would occur on occasions, and there is also the likelihood of conflict between vehicles and pedestrians. Reversing manoeuvres back along the access road would pose a risk to highway safety, particularly in the direction of Olive Grove. There is evidence in the representations of extensive parking along Olive Grove, a situation which I observed during my visit. The presence of parked cars restricts visibility at the junction with the access road, and reversing manoeuvres into Olive Grove would be potentially hazardous.
9. Apart from the open hardstanding at the rear of No 14 and the mouth of the adjacent access to the rear of properties on Olive Grove, the access road is contained between walls and the side elevations of Nos 12 and 14, providing little opportunity for pedestrians to take refuge from vehicular traffic. Shared surfaces are often used in modern residential developments, but here the consistent narrowness of the access road would result in the risk of vehicles passing unacceptably close to pedestrians over much of its length. Moreover a door for one of the flats at No 14 opens directly onto the access road. I acknowledge that vehicles are likely to be travelling at low speeds along the road, and that pedestrians and vehicles would only be likely to be using the access road at the same time on a limited number of occasions each day. Nevertheless I consider that the confined nature of the route renders it unsatisfactory for the development proposed.
10. The Appellant maintains that satisfactory visibility of the footway is available for drivers emerging from the access road since the adjacent garden walls are less than 1m high. However I found when driving out that visibility of the footway to the left is restricted by a hedge at No 14 Olive Grove, and the presence of parked cars restricts visibility along the carriageway. Whilst I observed the situation on just one occasion, there is evidence in the

representations that parking occurs extensively on Oliver Grove, a situation which the Appellant does not dispute. These restrictions on visibility would be likely to increase the prospect of conflict between vehicles and between vehicles and pedestrians on this residential street.

11. The site was previously in use for commercial purposes by a building firm, and the Appellant points out that the access was used by flatbed wagons and pick-up vehicles. It is suggested that if the former use were reinstated this would have a greater effect than the appeal proposal. For a fallback position to carry any significant weight there should be a reasonable prospect of such development coming forward as an alternative proposal for the site. In this case there is nothing before me to this effect.
12. There is a street light on Olive Grove close to the site entrance, but no lighting on the access road itself. The Appellant is prepared to install a light at the eastern end, and the site plans indicate that there should be room for this where the road would turn into the main part of the site. The provision of lighting could be the subject of a condition, and this is not a matter which counts against the proposal.
13. The Council is concerned that the turning head shown on the site plan considered when the application was determined is sub-standard for large vehicles. An alternative design, including a longer leg in front of the three dwellings has been submitted<sup>4</sup>, but whilst this would achieve the 15.1m width sought the Council points out that, given the shallow depth of the northern leg, and in the absence of tracking details, it is not clear that the swept path of large vehicles would be accommodated within the turning head. Moreover, part of the access road on this layout is shown outside the appeal site, and there is no certainty, therefore, that this configuration could be achieved. Although a revised plan ensures that the access road respects the site boundary (above, para 4), the turning head on this drawing appears to be similar to that considered by the Council and below the width sought. Layout is not a reserved matter, and the arrangements presented for the turning head are unsatisfactory. Inadequate turning space could lead to larger service vehicles parking outside the site, or reversing along the access road and onto Olive Grove which I have found would be a potentially hazardous manoeuvre (above, para 8). Although the second reason for refusal also refers to congestion, there is no detailed evidence to indicate that this would be caused on the roads around the site.
14. The Council is concerned about the adequacy of access and turning facilities for emergency vehicles. However it acknowledges that the north-west corner of the house on plot 3, which would be the furthest from the existing highway, is 45m from the carriageway of Olive Grove, thereby complying with guidance in paragraph 6.7.2 of Manual for Streets.
15. I conclude that the proposed development would have an unacceptable impact on highway safety due to the constrained nature of the access road and the inadequate arrangements for turning within the site. Accordingly the proposal would conflict with Policy AS1 of the Blackpool Local Plan 2001-2016.

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<sup>4</sup> Drawing ref A014/185/P/100.

## ***Living conditions***

### *Nearby residents*

16. Around the site, ground levels fall from the junction of Beech Avenue and Hazel Grove to the north towards Mere Road to the south. In consequence the main part of the site is at a lower level than the ground floors of the adjacent properties on Hazel Grove and Beech Road. The terrace of three dwellings would be set in from the boundaries, and it would not appear intrusive in the outlook from the existing properties which are set above the site. Olive Grove falls to the south, and the site levels plan indicates that the terrace would be built at a slightly higher level than that of this road to the south of the access. The ground level at the position of the proposed houses would also be higher than Mere Road, which is to the south of Olive Grove. The elevations show dwellings with low eaves heights and dormers to first floor accommodation in the roofspace. Whilst the appearance of the properties is a reserved matter, their overall height is for consideration as part of the scale of the buildings. The ridge line of about 5.5m is relatively low, and I do not consider that a terrace of this height would appear overbearing in the outlook from any of the surrounding dwellings.
17. The Council has expressed concern about overlooking of the rear gardens of Nos 26 & 28 Mere Road, referring to separation distances from front bedroom windows in the terrace of 7m and 5m respectively. However windows in the proposed dwellings would only face towards the end of these gardens, the greater parts of which would not be in the direct line of sight from the terrace. Other properties on Mere Road abutting the site would be to the side of the terrace: I do not consider that their occupants would suffer any loss of privacy given the orientation of the proposed dwellings. The occupiers of No 55 Beech Avenue and No 16 Olive Grove have also expressed concern about loss of privacy. However the rear elevation of the dwelling on plot No 3 would be about 10.5m from the garden of No 55 Beech Avenue, which is at a higher level with screening provided by the boundary treatment. There would be a greater separation distance of about 15m between the front elevation of the dwellings on plots Nos 1 & 2 and the rear boundary of No 16 Olive Grove: moreover an area of planting is indicated on the western boundary of the site, opposite to plot No 2, and a landscaping scheme could provide some screening between the properties.
18. In principle, the activity generated by additional housing should not normally be unacceptable within an existing residential area. However I share the concern of the Council that, in this case, as the access road runs immediately adjacent to Nos 12 and 14 Olive Grove, vehicle movement to and from the proposed dwellings would be likely to cause disturbance to the occupiers of those existing properties. I appreciate that the former use would have led to vehicle using the access road. However, as I have explained above (para 11) there is nothing before me to indicate that there is a reasonable prospect of reinstatement of use by a building firm should residential development not proceed.

### *Future occupiers*

19. The Council suggests that the site would provide a poor setting for the new housing. The main part of the site is enclosed by the rear boundaries of adjacent housing. The three dwellings would be set in from the boundaries, and it is not unacceptable in principle for front elevations to face the rear boundaries of other dwellings. What is important is the treatment proposed along the site boundaries and this is a matter which could be addressed as part of a reserved matters submission. I do not consider that the outlook from the proposed dwellings would be so constrained as to render living conditions unacceptable for the occupiers.
20. I conclude that the proposed development would not result in an unsatisfactory outlook for existing or future residents; nor would it result in loss of privacy to the occupiers of adjacent dwellings. However I find that traffic movement on the access road would cause disturbance to the occupiers of Nos 12 and 14 Olive Grove, contrary to Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan: I conclude that the proposal would unacceptably worsen the living conditions of those residents.

### **Trees**

21. There are a number of trees around the main part of the appeal site. Those along the northern and eastern boundaries are generally of lesser size than the mature trees to the south-west and they are clear of the position of the proposed buildings. The site plan indicates that the house on plot No 3 and the associated garage would be partly below the canopies of the trees to the south-west. The information before me indicates that these trees are within the gardens of dwellings on Mere Road, and they do not need to be felled for the proposed development to take place. Construction work may encroach on the root zone, but trees are able to withstand a degree of root cutback without sustaining undue harm. Similarly, some pruning of these trees may be required. However I do not consider that the buildings on the southern part of the site would be positioned so close to these trees as to pose a threat to their integrity. The Appellant has no objection to a condition requiring the implementation of tree protection measures during the construction period. Should the occupiers of the dwelling on plot No 3 be concerned about shading and leaf litter, that may lead to pruning, but is unlikely to lead to removal of the trees given their position within adjacent gardens. I conclude that the proposed development would not adversely affect trees around the perimeter of the site, and that it would not conflict with Policies CS6 and CS7 of the Core Strategy, or with Policies LQ6 and NE7 of the Local Plan.

### **Other matters**

22. Both main parties refer to bin-carry distances. The information before me indicates that refuse bins should be left for collection no further than 25m from the route of the refuse vehicle. The Appellant has suggested two possible locations for temporary bin stores close to where the access road would open up into the main part of the site. There is disagreement between the main parties as to whether these locations would be within 25m of Olive Grove. However the site plan indicates the distance from the carriageway to the main part of the site is over 25m, and both suggested bin store locations would be beyond this point. Although the Appellant contends that, alternatively, a refuse

vehicle could enter the site, I have found that the turning head arrangements are unsatisfactory.

23. The Appellant points out that the site contains derelict commercial buildings which would be demolished. The site is currently untidy and detracts from its immediate surroundings, although it is not prominent given its position contained within a block of existing housing. Redevelopment would improve the appearance of the site, and this is a benefit to which I accord moderate weight.

### **Conclusions**

24. The proposed development would have an unacceptable impact on highway safety due to the constrained nature of the access road and the inadequate arrangements for turning within the site, and it would, therefore, conflict with Policy AS1 of the Blackpool Local Plan 2001-2016. Whilst I do not consider that there would be adverse effects on the privacy or outlook of neighbours or on the outlook of future occupiers, traffic movement on the access road would cause disturbance to the occupiers of Nos 12 & 14 Olive Grove, contrary to Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan. As I have found that there would be no adverse effect on trees around the perimeter of the site, the proposal would not conflict with Policies CS6 and CS7 of the Core Strategy, or with Policies LQ6 and NE7 of the Local Plan. Overall, however, I conclude that the appeal proposal would conflict with the Development Plan, taken as a whole.
25. Redevelopment for housing would improve the appearance of the site, a benefit which merits only moderate weight. Neither this nor any other matter justifies a decision being made other than in accordance with the Development Plan, with which the proposal conflicts due to its unacceptable effect on highway safety and on the living conditions of the occupiers of Nos 12 & 14 Olive Grove. For the reasons given above, and having regard to all matters raised, including the suggested conditions, I conclude that the appeal should be dismissed.

*Richard Clegg*

INSPECTOR



<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager, Public Protection
<b>Date of Meeting</b>	18 September 2018

## PLANNING ENFORCEMENT UPDATE

### 1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during August 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**

#### **New cases**

In total, 49 new cases were registered for investigation, compared to 153 received in August 2017.

#### **Resolved cases**

In August 2018, 11 cases were resolved by negotiation without recourse to formal action, compared with 5 in August 2017.

#### **Closed cases**

In total, 20 cases were closed during the month (94 in August 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.

#### **Formal enforcement notices / s215 notices / BCNs**

- No enforcement notices authorised in August 2018 (none in August 2017);
- One s215 notices authorised in August 2018 (five in August 2017);
- No Breach of Condition notices authorised in August 2018 (none in August 2017);

relating to those cases set out in the table below

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

### Section 215 notices authorised in August 2018

Ref	Address	Case	Dates	
17/834 0	Former Synagogue, Leamington Road	Poor condition of property – Grade II Listed Building so Urgent Works Notice authorised also	S215 and Urgent Works Notices authorised 30/08/2018	

### Enforcement notices / BCNs / CPNs served in August 2018

Ref	Address	Case	Dates	
13/827 2	197 Waterloo Road	Unauthorised erection of a wooden and brick rear extension	Enforcement notice issued 02/08/2018. Compliance due by 10/12/2018 unless an appeal is made to the Planning Inspectorate by 10/09/2018	

5.2 Does the information submitted include any exempt information? No

**5.3 List of Appendices:**

None.

**6.0 Legal considerations:**

6.1 None.

**7.0 Human Resources considerations:**

7.1 None.

**8.0 Equalities considerations:**

8.1 None.

**9.0 Financial considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 None.

**13.0 Background papers:**

13.1 None.

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting:</b>	18 September 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? Yes

3.3 Other alternative options to be considered:

None the report is for information only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is both

"The economy: Maximising growth and opportunity across Blackpool"

"Communities: Creating stronger communities and increasing resilience"

## 5.0 Background Information

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

**Speed of major development decisions** – 60% within 13 weeks or an agreed Extension of Time – for the period October 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 the first quarter of this year (2018-2019) (April to June 2018) and details of performance for August is provided

The last annual performance figures for applications (2017-2018) was –

**Majors 96% within 13 weeks or an agreed extension of time (target 60%)**

**Minors 97% within 8 weeks or an agreed extension of time (target 70%)**

In terms of the assessment period (October 2016 – September 2018) performance is as follows –

**Majors 91% within 13 weeks or an agreed extension of time (target 60%)**

**Minors 92% within 8 weeks or an agreed extension of time (target 70%)**

In terms of appeals for the period April 2016 – March 2018 –

**There were 28 decisions of which 6 non major appeals were lost (21% of the total)**

**NB There were no major appeal decisions**

	<b>Government Target</b>	<b>Performance August 2018</b>	<b>Performance April –June 2018</b>
<b>Major development decisions</b>	>60%	100%	67%
<b>Minor development decisions</b>	>70%	100%	96%
<b>Quality of major development decisions</b>	<10%	none	none
<b>Quality of non major development decisions</b>	<10%	One appeal decision in August – appeal dismissed	2 appeal decisions- one allowed and one dismissed

5.2 Does the information submitted include any exempt information? No

5.3 **List of Appendices**

None.

6.0 **Legal considerations:**

6.1 None.

7.0 **Human Resources considerations:**

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

**8.0 Equalities considerations:**

8.1 None.

**9.0 Financial considerations:**

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

**10.0 Risk management considerations:**

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

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 Not applicable.

**13.0 Background Papers**

13.1 None.



COMMITTEE DATE: 18/09/2018

**Application Reference:** 18/0331

WARD: Brunswick  
DATE REGISTERED: 22/05/18  
LOCAL PLAN ALLOCATION: Protected School Playing Fields/Grounds

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Governors of St Kentigern's Catholic Primary School

**PROPOSAL:** Erection of decking and external play area to first floor level enclosed by 3 metre high fencing with staircase enclosure.

**LOCATION:** ST KENTIGERN'S RC PRIMARY SCHOOL, NEWTON DRIVE, BLACKPOOL, FY3 8BT

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**Summary of Recommendation:** Grant Permission

## CASE OFFICER

Pippa Greenaway

## BLACKPOOL COUNCIL PLAN 2015 -2020

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

## SUMMARY OF RECOMMENDATION

On balance, it is considered that the social benefit to the families whose children attend the school over-rides the heritage concerns regarding retention of the window to the locally listed school. The impact on residential neighbours' amenities in terms of noise, disturbance and overlooking can be mitigated by the imposition of appropriate conditions. On this basis, the scheme is considered to represent sustainable development and planning permission should be granted.

## SITE DESCRIPTION

The application site is a locally listed primary school on Newton Drive, near to the Devonshire Square junction. Large, terraced residential properties are immediately across the gated rear alley and are within the Raikes Hall Conservation Area, although the school itself is not. The site is allocated as Playing Fields and Sports Grounds on the Proposals Map to the Local Plan.

## DETAILS OF PROPOSAL

Erection of decking and external play area to first floor level enclosed by 3 metres high fence with staircase enclosure. The area of additional outdoor play space to be created by the first floor deck would be located above a single storey, flat-roofed classroom and circulation link

buildings at the rear of the school, immediately adjacent the gated rear alley which serves the houses on Bryan Road and Whitley Avenue. It would also project over a section of the middle playground and would be accessed via a reconfigured existing staircase enclosure adjacent to the playground, currently serving attic classrooms and office.

The application is accompanied by a Heritage Statement, in which the agent explains that: "This application is to redress the lack of outdoor space and the introduction of play space above playground level achieves a substantial increase in recreational space. The school has suffered from lack of outdoor play space for many years and have a very real need to increase where possible this space. The school falls short in providing the required outdoor play space which has led to the school exploring new ways of obtaining outdoor play space. In June 2017 the school put forward a successful bid to the Lancaster Diocese to secure the necessary funding for an outdoor play deck, elevated a storey above the current playground level - the only feasible way of providing this much needed space."

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Impact on neighbour amenity in terms of noise, privacy and overshadowing
- Impact on the locally listed building and character of the area

### **CONSULTATIONS**

**Built Heritage Manager:** a first floor level play area would clearly deliver some much needed play space for the children, and care has been taken with the design to soften its impact on the surrounding area. However, there is a lack of information on the staircase which is proposed to be clad in green tiles. Whereabouts is the external door out of the building being formed? This part of the proposal involves building over an existing window, and I would prefer if this feature could be retained somehow within the design in order that a) it would enable reversal if required sometime in the future and b) will maintain legibility of the original design inside the building.

**Blackpool Civic Trust:** no comment

**Service Manager Public Protection:** The play area would only be in use 1hour 40minutes per day, the barrier which is a living barrier could also have acoustic properties added, the complainants are those living on Bryan Road, with their concerns being noise and how it looks; this would be mitigated by adding acoustic properties within the barrier.

**Head of Education:** Blackpool Council Education team has no objections to the development

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 22 May 2018

Neighbours notified: 22 May 2018

Objections have been received from 48, 50, 52 and 56 Bryan Road  
In summary, the objections relate to:

- Overdominant
- Loss of light
- Loss of privacy
- Loss of privacy due to velux window in the existing building
- Noise and disturbance
- Out of keeping with character
- Doesn't respect locally listed status or the adjacent Raikes Hall Conservation Area.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The Revised National Planning Policy Framework (NPPF) published 24 July 2018 states that the purpose of the planning system is to contribute towards sustainable development. There are three overarching objectives to sustainable development which are interdependent and need to be pursued in mutually supportive ways: 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.

Para 10 makes it clear that at the heart of the Framework is a **presumption in favour of sustainable development**.

Other relevant paragraphs are contained within:

Chapter 8. Promoting healthy and safe communities

Chapter 12. Achieving well-designed places.

Chapter 16. Conserving and enhancing the historic environment

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

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

- CS7 Quality of Design
- CS8 Heritage
- CS15 Health and Education

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

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

The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- LQ14 Extensions and Alterations
- BH3 Residential and Visitor Amenity
- BH7 Playing Fields and Sports Grounds
- AS1 General Development Requirements

## **ASSESSMENT**

### **Principle**

In principle, development will be supported which enables the provision of high quality new and improved education facilities; which includes the remodelling, extension or rebuilding of schools.

The area of additional outdoor play space to be created by the first floor deck would be an additional 156 metres square providing some 6.3 metres square outdoor play space per child in total from the current 5.6 metres square. This area falls short of the prescribed 9 metres square but even this relatively modest increase in outdoor play area is significant for the school and its desire to tackle childhood obesity.

### **Design**

The Council's Built Heritage Officer has no objection to the design in terms of its impact on the locally listed building or on the adjacent Raikes Hall Conservation Area, but has asked if the design of the stair enclosure could be improved, so that it could be reversed at a future date. The agent has responded that every permutation has been looked at regarding access to the play deck and the only solution is this stair enclosure in this position. As the staircase would be internal to the site, it would have minimal impact on the wider streetscene.

### **Amenity**

The deck would be 3.5 metres above the playground so the new platform/structure would sit slightly above the existing flat roof areas and would be enclosed with 3 m high fine gauge security fencing. The deck would be surfaced in 'ecodeck' composite decking in a natural grey/ brown colour with sound absorbing connections to minimise any impact noise. The rear fence line would include a 2 metre high green 'living wall' behind the security fence, which would provide a solid screen to the houses on Bryan Road and also a green buffer. The living wall would also provide an ongoing activity for school children to learn about landscaping, ecology and habitats.

In terms of the Bryan Road residents' concerns:

- Overdominant – most of the houses on Bryan Road have large, two storey rear wings; and single storey, monopitch roof buildings along their rear boundaries with the ridge or high point being on the rear boundary). These two factors restrict the amount of open space within the rear gardens and also restrict the view across the back street. The playdeck would be built on the rear boundary wall of the back alley. The alley is 5.8 metres wide and there is 15.6 m separation to the back of the rear wing (22 m to the rear main wall of the house). The open mesh part of the fence would be visible from the houses and first three metres depth of their gardens (closest to the house) and the acoustic part would only be visible from the first two metres but because of the rear outbuildings and already dominant rear wings, it is unlikely to have significant impact in this regard.
- Loss of light – all of the gardens and backs of houses on Bryan Road face north and therefore there is no shading created by the new deck or fencing. The only shading that is created to these gardens is the shadow from the houses themselves and the only shadowing created from the new fencing and living wall would be across the play deck itself.

- Loss of privacy – the lower 2 metre section of the mesh screen cannot be seen through as it is proposed as a living wall, so there would be no impact on neighbours' privacy.
- Loss of privacy due to Velux – these are existing windows in the roof of the classroom adjacent to the proposed playdeck. The school has listened to the neighbours and have confirmed that obscure film will be permanently fitted to the three Velux windows overlooking the neighbouring properties.
- Noise and disturbance – the agent has amended the proposal to incorporate a 1.8 m high woven willow acoustic barrier into the living wall as suggested by the Service Manager Public Protection and there should therefore be minimal noise breakout. In addition, the agent has confirmed that it would only be KS2 using the play deck and it would only be used for one hour a day:

20 mins - 10.40am - 11.00am

20 mins - 12.00pm - 12.20pm

20 mins - 12.50pm - 1.10pm

(not 1hr 40mins as previously stated as KS1 would not use the deck) and this could be conditioned, which would mitigate the noise issue raised.

### **Highway Safety**

There are no implications for highway safety as there would be no increase in the number of children at the school as a result of this proposal.

### **Parking and Servicing Arrangements**

The proposals have no impact on the school parking or servicing arrangements.

### **Other**

The agent has considered other options for providing playspace at the school and explains why no other area would be suitable:

"1. Access onto the play deck cannot be achieved feasibly by external stairs. The maximum rise of each step for an external stair in a primary school is 150mm. The height of the play deck above playground level would be set at 3.54 metres to be clear of the existing flat roofs which would mean 27 risers in total. The stair would require at least one mid landing which would present a hazard in the playground in terms of children banging their heads on the underside of this landing and the associated structure required to form the staircase. The area that an external staircase would take up would mean the loss of a significant amount of existing playground space- the very space the school is trying to create. The play deck as submitted uses the existing main staircase which serves two attic classrooms and an office. The existing stairway would provide at half landing level new access onto a play deck stair which would be contained within a new staircase enclosure. Because the existing stairs are 200mm risers it means far fewer steps are required than an external staircase and therefore would use up less area within the existing playground area. There is no other staircase within the school that is capable of adaption to provide access to any of the flat roofs of the school.

2. The area of flat roof circled above is approx. 98 metres square and the play deck as submitted is approx. 155 metres square and is therefore too small as a meaningful play space. In order to expand this area the play deck would have to extend across part of the existing playground and be supported on metal columns. These columns would pose a significant Health and Safety issue with the likelihood of collision and injury of children highly probable. Although the play deck as submitted extends across part of a playground, it is supported by a

deep metal RSJ beam spanning from existing building to existing building with no intermediate columns and therefore eliminated hazards associated with collisions.

3. There could be considerable overlooking issues into the rear gardens of those houses on Whitley Avenue should the play deck extend from the flat roof as highlighted. The deck as submitted cannot be used as a viewing gallery into the neighbouring gardens to those houses on Bryan Road because of the living wall. The living wall has a solid black plastic structure to the planting which in itself blocks out views with the addition of planting creating a soft green backdrop to the play deck when viewed from Newton Drive.

4. There could be a greater noise impact should the play deck be located to the area as highlighted in yellow with no sound buffer able to be constructed along this open edge facing the rear gardens of Whitley Avenue. As submitted the play deck would incorporate the living wall together with the woven willow fencing which would substantially reduce airborne noise generated from children's play. As previously confirmed the deck would be used for 1 hr maximum per day and therefore any noise for such a short span of time should not cause prolonged noise nuisance to the neighbouring houses.

5. Safeguarding of the children is of utmost importance to the school and an extended play in the location highlighted in yellow could be seen as a viewing platform from the gardens and the rear of houses on Whitley Avenue which the school would not feel comfortable promoting. The play deck as submitted would be obscured from view by the living wall and associated fencing and would therefore not subject any of the children to potential safeguarding issues.



## **CONCLUSION**

Sustainability comprises economic, social and environmental components. It is not considered that the scheme has any input to the economic objective. Socially, the proposal would support the objectives of cultural wellbeing and a healthy community by improving the amount and safety of the playspace for children at this school. In terms of the environmental objective of protecting and enhancing our built and historic environment, it has been identified that the staircase enclosure would have some negative impact on the locally listed building and this weighs against the proposal. The height of the rear boundary treatment would have some visual impact on the residential neighbours (but no significant overlooking or noise issues), and this also weighs against the proposal. No unacceptable amenity impacts are expected in terms of highway safety.

The agent has explained why retention of the window (requested by our Built Heritage Officer) is not achievable and on balance, it is considered that the social benefit to the families whose children attend the school over-rides the heritage concerns; and, subject to the imposition of appropriate conditions, the impact on residential neighbours' amenities. On

this basis, the scheme is considered to represent sustainable development and planning permission should be granted.

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

Not applicable.

#### **FINANCIAL BENEFITS**

Not applicable.

#### **HUMAN RIGHTS ACT**

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

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

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

#### **BACKGROUND PAPERS**

Planning Application File 18/0331 which can be accessed via the link below:  
<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

**Recommended Decision:** Grant Permission

#### **Conditions and Reasons**

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: location plan received by the Council on 17/05/2018; dwg nos 118-02, 118-06, 118-07, 118-08 & 118-10.

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



3. The use of the playdeck shall not operate outside the hours of:  
10.40 am - 11.00 am  
12.00 noon - 12.20 pm  
12.50 pm - 1.10 pm  
Mondays to Fridays and not at all on Saturdays or Sundays.

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

4. Before the playdeck is first used, a 1.8 metre high acoustic barrier shall be installed on the rear boundary of the deck, immediately adjacent to the alley, and shall thereafter retained.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and to safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

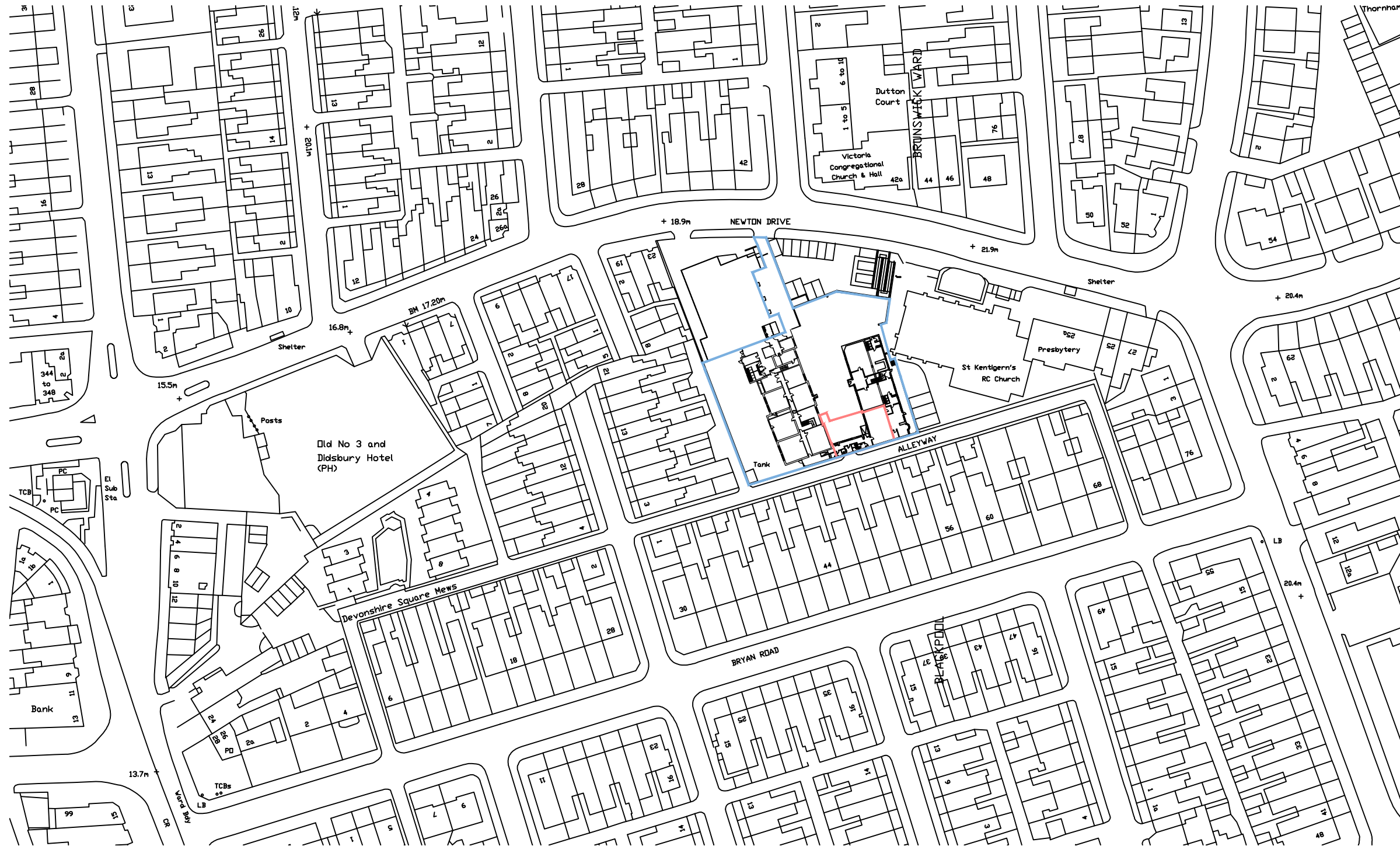
5. Within six months from the date of this permission, obscure film shall be fitted to the three rooflights in the building immediately to the west of the playdeck, such that occupants of the room behind cannot look out, and the film shall thereafter be retained.

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

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

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

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# 1:1250 SITE LOCATION PLAN

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CLIENT  
GOVERNORS OF ST KENTIGERNS  
CATHOLIC PRIMARY SCHOOL

PROJECT  
**PROPOSED PLAY DECK  
ST KENTIGERNS CATHOLIC PRIMARY SCHOOL  
BLACKPOOL  
LANCASHIRE**

DRAWING TITLE  
SITE LOCATION PLAN

DATE  
MAY 18

DRAWING NUMBER  
118- 10

DRAWN  
LFO

SCALE @ A1  
1/1250@A3

REV  
-

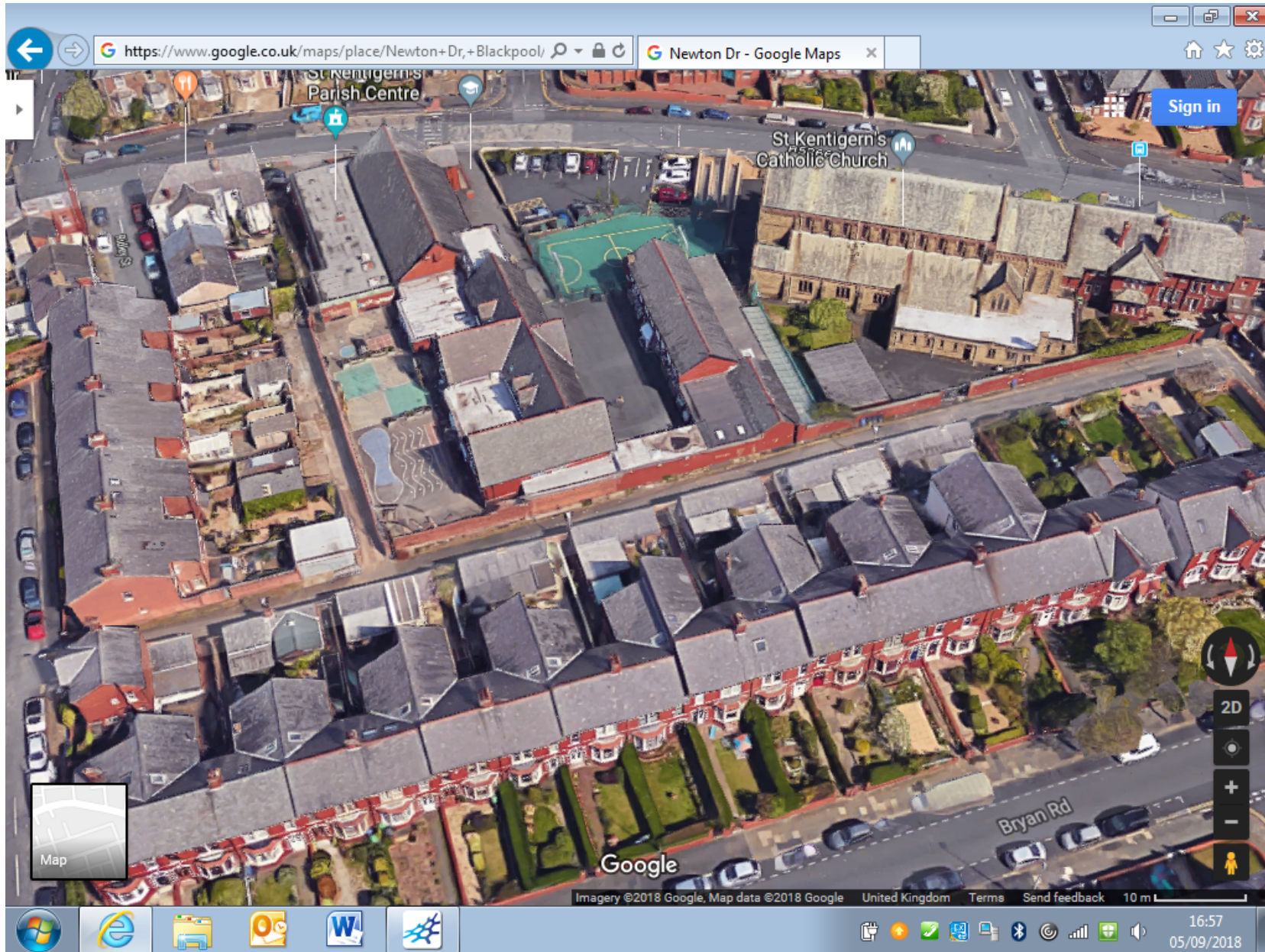
- PRE-TENDER ISSUE
- TENDER ISSUE

- CONSTRUCTION ISSUE
- AS-BUILT DRAWINGS

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**COMMITTEE DATE:** 18/09/2018

**Application Reference:** 18/0333

**WARD:** Waterloo  
**DATE REGISTERED:** 17/05/18  
**LOCAL PLAN ALLOCATION:** Resort Core  
Central Promenade and Seafront  
Coast and foreshore  
Defined Inner Area

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** The Blackpool Pier Company

**PROPOSAL:** Retention of log flume ride on land to the north of the pier

**LOCATION:** SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB

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**Summary of Recommendation:** Refuse

## **CASE OFFICER**

Gary Johnston

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

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool but conflicts with policies in the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 which was adopted by the Council in January 2016 and saved policies in the Blackpool Local Plan 2001-2016 (adopted June 2006)

## **SUMMARY OF RECOMMENDATION**

The proposal has a number of tensions with policies in the Blackpool Local Plan (LQ1, RR1, RR4 and RR11) and the Blackpool Local Plan Part 1: Core Strategy (CS7, CS8 and CS21). When it was originally approved on a temporary basis it was felt that the proposed improvements to the western end of the existing pier justified supporting the temporary relocation of ride for a period of 18 months. In addition it was felt that a restriction on the hours of operation of the ride (10 am to 10pm) would mitigate the concerns raised by a local resident and a local hotelier (Policy BH3 of the Blackpool Local Plan and Policy CS7 the Blackpool Local Plan Part 1: Core Strategy). However in the absence of the improvements to the western end of the pier it is felt that there is no justification for the retention of the ride in this location. Given there have not been any improvements to the western end of the pier this key material consideration no longer weighs in favour of the proposal and it is considered that it is contrary to paras 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016.

## **INTRODUCTION**

The application was deferred at the meeting of the Planning Committee on 14 August 2018 as the applicant's agent could not attend the meeting to put forward the applicant's case for the retention of the log flume

There are areas of land to the north and south of both Central Pier and South Pier that fall within the ownership of the owners of the piers. The use of these areas of land is always going to require planning permission because of the existence of an Article 4 Direction relating to the Promenade. In the past rides have appeared on the land to the north of South Pier and have been the subject of enforcement investigations in 2010 and more recently in 2016. In both cases the rides were removed from the site and no further action was necessary. In 2013 the Council renewed the planning permission for the erection of a new pier head building at South Pier (13/0668 refers), although this has now expired. South Pier is a locally listed building.

## **SITE DESCRIPTION**

This application relates to a site immediately to the north of South Pier. The site is an irregular rectangular shape with dimensions of 46 metres by 21.5 metres and is part of a larger area. The site is set back approx. 15 metres from the frontage of the pier and approx. 20 metres from the sea defences. The site is tarmacked to distinguish it from the refurbished sea defences and Promenade. To the south of the pier is a go kart track

## **DETAILS OF PROPOSAL**

This application is for the permanent retention of a log flume ride which was originally sited at the western end of the pier. The ride occupies the bulk of the application site and has an overall height of some 12 metres. This 12 metres height is some 45 metres to the west of the frontage of South Pier. The ride is enclosed with 1 metre high timber palisade fencing. At the time of the original application 16/0171 the applicant's agent suggested the ride needed to be relocated to allow the pier deck at the western end of the pier to be removed and replaced with more traditional timber decking.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- **Principle of the proposal**
- **Design**
- **Amenity**
- **Parking and Servicing Arrangements**
- **Impact on setting of South Pier**

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



## **CONSULTATIONS**

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

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 31 May 2018

Neighbours notified: 22 May 2018

Letter from RPS on behalf of Blackpool Pleasure Beach objecting to the retention of the log flume ride in this location is appended to this report at Appendix 7c.

## **NATIONAL PLANNING POLICY FRAMEWORK**

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

Paragraph 11 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 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

Paragraphs 124-131 state 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 197 states that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

**CS1 - strategic location for development**

**CS5 - connectivity**

**CS7 - quality of design**

**CS8 - heritage**

**CS10 - sustainable design**

**CS21 - Leisure and business tourism**

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

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

The following policies are most relevant to this application:

**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 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 RR1 - Visitor Attractions** - Within the defined Resort Core the Council will permit and encourage proposals for the development, extension or improvement of tourism attractions that draw large numbers of visitors provided that such development meets all of the following criteria:

- (a) the proposal makes a strong positive contribution to the physical and economic regeneration of the Resort Core, targeting, as far as possible, those areas/sites in greatest need of investment and renewal
- (b) the proposal would increase the range and/or quality of facilities available to the visitor and contribute to safeguarding and growing Blackpool's visitor market
- (c) the development proposal and associated activities including trip generation can be accommodated satisfactorily in a manner that relates well to adjoining uses; other existing visitor attractions and facilities, holiday and residential accommodation
- (d) new attractions should reinforce the existing concentrations of such uses rather than leading to a dispersed distribution

**Policy RR11 - Central Promenade and Seafront** -The Central Seafront from the Pleasure Beach to North Pier will be comprehensively improved and managed as an area for active leisure, in conjunction with the promotion of appropriate investment and development in adjoining Promenade frontages and the Piers. Improvements will establish a high quality public realm and include:

- new sea defences incorporating improved beach access facilities
- a renewed and extended Tramway system
- a cycleway
- landscaping and public art
- a new Illuminations spectacle
- festival event areas
- improved information, toilet, seating and refreshment facilities
- limited provision of ancillary small-scale retail outlets
- traffic calming measures and improved pedestrian crossing arrangements
- a new Public/Private Quality Management Initiative.

Development that would prejudice the implementation of these improvements or undermine the comprehensive improvement of the Central Promenade/ Seafront Area will not be permitted.

**Policy RR4 - Amusement arcades and Funnairs** - Development proposals comprising or including Arcade Amusement Centres and Funfair rides will only be permitted:

1. In the following locations:

- (a) Blackpool Pleasure Beach
- (b) the Piers (excluding the Promenade deck of North Pier)
- (c) the Promenade frontage between its junctions with Adelaide Street and Princess Street.

**or**

2. As part of planned comprehensive development proposals elsewhere within the Resort Core.

**or**

3. In the context of improvements to existing amusement centres.

## ASSESSMENT

### **Principle of the proposal**

Members will be aware that an application to redevelop the pier head building was approved in 2013 but that this has now lapsed. Members will also be aware of the benefits that have followed the redevelopment of the sea defences and Promenade in terms of their visual impact and as a visitor experience. There is no doubt that the Promenade is the showcase for the town and is a means of linking the various attractions in the town with areas of holiday accommodation. This is a prominent site immediately to the north of South Pier although views from the south are largely obscured by the bulk of the existing pier head building (overall height of some 15 metres).

Policy RR1 of the Blackpool Local Plan seeks to encourage visitor attractions within the resort core subject to a number of criteria. The ride does not make a strong positive contribution to the physical regeneration of the resort core but it does reinforce existing concentrations of attractions - South Pier, Go karts, Sandcastle. It does not increase the range of facilities as it is a retention of an existing ride. It does relate well to other uses and is well located for tram services and in relation to areas of holiday accommodation. It was not felt that a temporary relocation of the ride would conflict with the policy but it is considered that a retention of the ride would conflict with the policy.

Policy RR4 of the Blackpool Local Plan is prescriptive in terms where funfair rides should be located and this location is contrary to the policy as the land north of South Pier is not named in the policy. In this case the proposal was previously supported as it involved the relocation of an existing ride rather than a new ride and the proposed relocation was to facilitate some improvements to the existing pier structure. It is felt that a retention of the ride would conflict with the policy.

Policy RR11 of the Blackpool Local Plan has been partially implemented through the provision of the new sea defences, festival event areas, tramway and cycleway and it is felt that the retention of the ride does conflict with the aims of the policy.

Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy seeks to strengthen the resort's appeal and part of this is to improve and enhance existing attractions (**part c** of the policy) which technically the previous application was seeking to achieve in terms of the upgrading of the western end of South Pier but this has not happened. **Part e** of the policy is clearly seeking to enhance the appearance of the promenade and complement the recent investment in the sea defences, headlands and promenade which because of its functional appearance the ride does not achieve.

Given the tension with policies of the Blackpool Local Plan and of the Blackpool Local Plan Part 1: Core Strategy it is not felt that the proposal could be supported on a long term basis but previously a temporary relocation of the ride was justified to allow for the upgrading of the existing pier deck and this was deemed to be consistent with Policy CS21. It was felt that a period of 18 months was reasonable to allow for the work to be undertaken. The work has not been undertaken and another ride has been erected in place of the log flume ride at the western end of the pier. These are considerations which weigh against the retention of the ride on the land to the north of South Pier.

## **Design**

The design/appearance of the ride is fairly functional reflecting its purpose. It could not be described as high quality design but given the context it is viewed against the backdrop of the existing pier building from the north and is largely hidden from view by the existing pier building when viewed from the south. The eastern part of the ride is some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part is some 80 metres away. Given these circumstances the design was considered acceptable in this location on a temporary basis only. It is not considered acceptable on a permanent basis

## **Amenity**

The eastern part of the ride is some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part is some 80 metres away. In between there is the tramway, the Promenade and Promenade footways. On the eastern side of the Promenade directly opposite the application site is Pablos, to the north of which is a retail unit with vacant upper floors and beyond that is 485 Promenade. It is not considered that the retention of the ride affects direct sea views from the front bedrooms of 485 Promenade but it does alter views when looking south. This is not in itself a reason to refuse planning permission. It is acknowledged that the ride has increased activity in the area to the north of South Pier and could if amplified music is used in association with the ride be a source of nuisance to local hoteliers, their customers and local residents. In addition illumination of the ride could be an issue. It was felt that an hours of operation condition for the ride would help to mitigate these concerns and 10am to 10pm was the approved hours of operation. It was felt that this condition would mean that the application would be consistent with Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy.

## **Highway Safety**

The ride is set back from the Promenade by some 40 metres and hence it is not considered that it is a distraction to motorists and hence is not be detrimental to highway safety. It is felt that it does not conflict with Policy AS1 of the Blackpool Local Plan.

## **Parking and Servicing Arrangements**

There is space to the front and rear of the ride for staff to park. The ride is close to a tram stop and bus routes and forms part of a cluster of attractions in this area. It is not considered that the provision of a dedicated customer parking area is warranted given the sustainable location of the site.

## **Impact on setting of South Pier**

Paragraph 197 of the National Planning Policy Framework (NPPF) states that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This approach is echoed in Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy. The principle of redeveloping the pier head has been established through the grant of planning permission reference 13/0668 (valid for 3 years from 13 January 2014). The previous application was supported on the basis that it would allow for the upgrading of the pier structure to allow the pier deck at the western end of the pier to be removed and replaced

with more traditional timber decking. In this respect the proposal was considered to be enhancing the locally listed pier. This improvement to the pier structure has to be weighed against the negative impact the ride would have on the setting of the pier. However, this negative impact is mitigated by the bulk of the existing pier head building and the fact that the majority of the ride would be subservient to it. In addition it was felt that if it was approved on a temporary basis this impact would have a limited lifespan. Overall it was felt that the physical enhancement of the pier structure outweighed the temporary harm in locating the ride adjacent to the pier. However without the public benefit of the improvement to the western end of the pier it is considered that the proposal is contrary to para 135 of the NPPF and Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy.

### **CONCLUSION**

The proposal has a number of tensions with policies in the Blackpool Local Plan (LQ1,RR1, RR4 and RR11) and the Blackpool Local Plan Part 1: Core Strategy (CS7, CS8 and CS21). When it was originally approved on a temporary basis it was felt that the proposed improvements to the western end of the existing pier justified supporting the temporary relocation of ride for a period of 18 months. In addition it was felt that a restriction on the hours of operation of the ride (10 am to 10pm) would mitigate the concerns raised by a local resident and a local hotelier(Policy BH3 of the Blackpool Local Plan and Policy CS7 the Blackpool Local Plan Part 1: Core Strategy). However in the absence of the improvements to the western end of the pier it is felt that there is no justification for the retention of the ride in this location. Given there have not been any improvements to the western end of the pier this key material consideration no longer weighs in favour of the proposal and it is considered that it is contrary to paras 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016.

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

None relevant.

### **HUMAN RIGHTS ACT**

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

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

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

## **BACKGROUND PAPERS**

Planning Application File(s) 18/0333 which can be accessed via the link below:

**Recommended Decision:** Refuse

### **Conditions and Reasons**

1. The retention of the log flume ride in this prominent location adjacent to a Locally Listed Building would detract from the character and appearance of the Promenade and the setting of the Locally Listed Building by reason of its height, bulk and appearance. As such the retention of the log flume ride is contrary to paras 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016

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

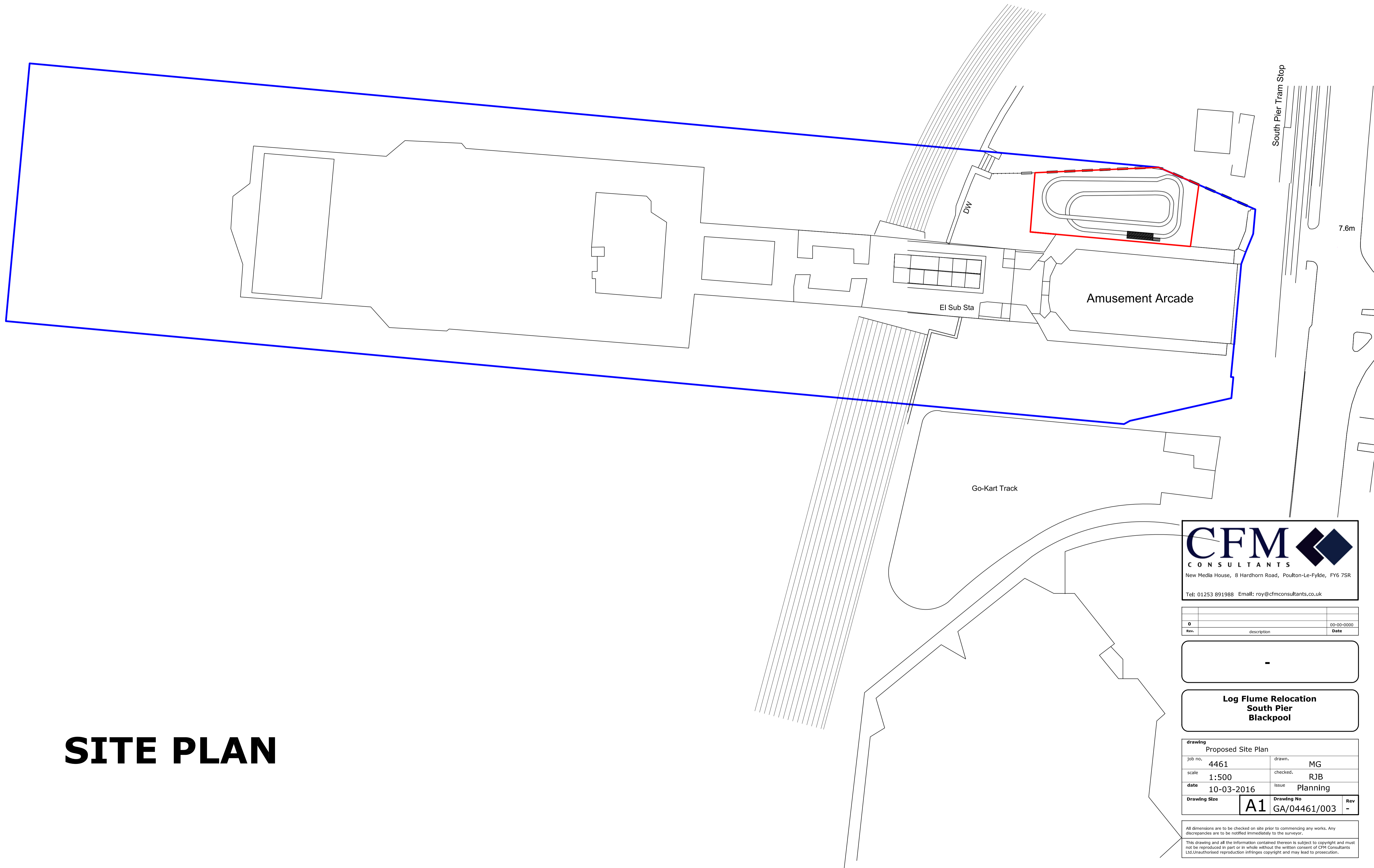
The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan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

### **Advice Notes to Developer**

Not applicable.

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# SITE PLAN

**CFM**  
CONSULTANTS

New Media House, 8 Hardhorn Road, Poulton-Le-Fylde, FY6 7SR

Tel: 01253 891988 Email: roy@cfmconsultants.co.uk

Rev.	description	Date
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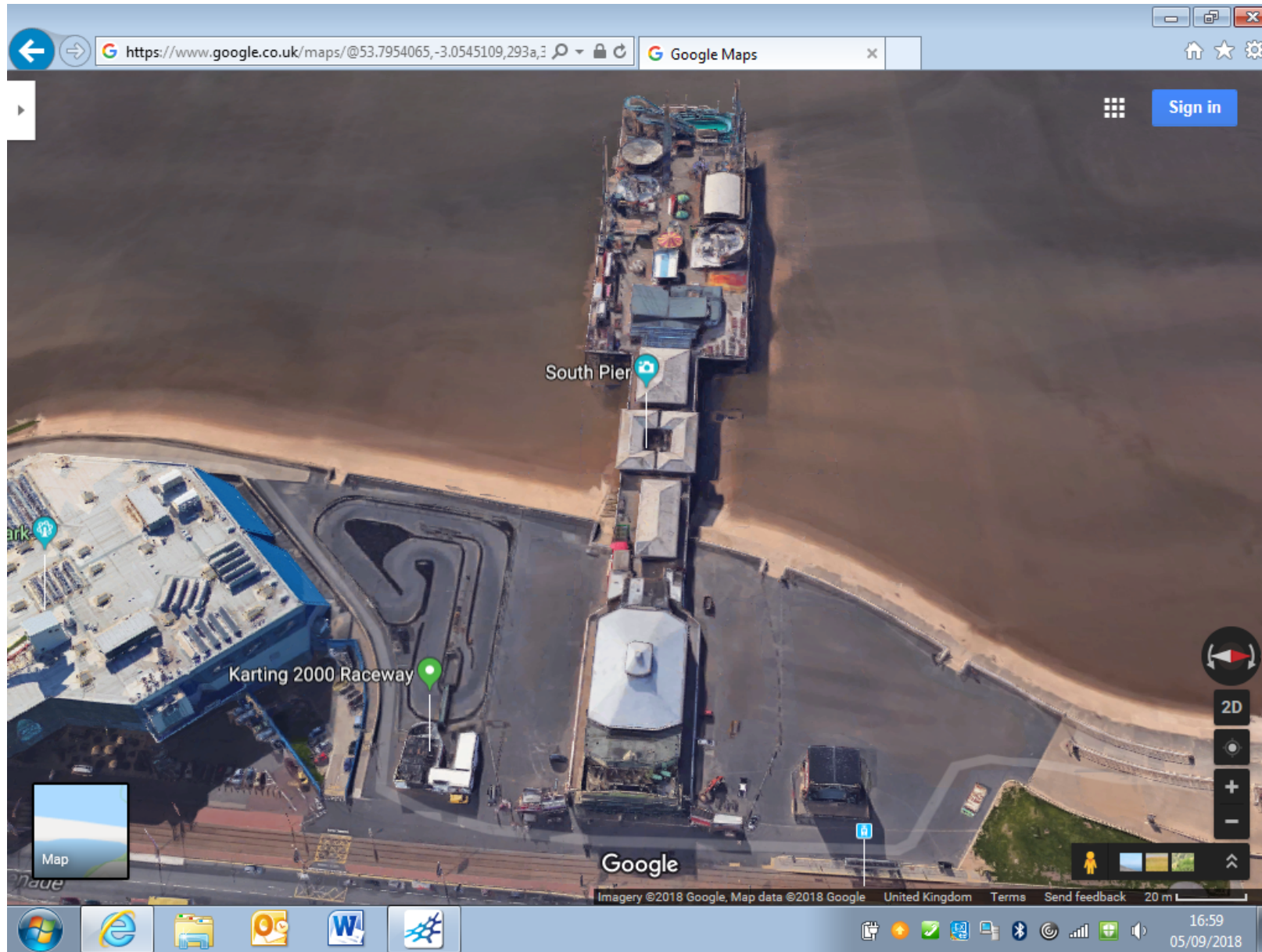
**Log Flume Relocation  
South Pier  
Blackpool**

drawing Proposed Site Plan	
job no. 4461	drawn. MG
scale 1:500	checked. RJB
date 10-03-2016	issue Planning
Drawing Size <b>A1</b>	Drawing No GA/04461/003 Rev -

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

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**Direct Dial:** 01235 838214  
**Date:** 8 June 2018

Blackpool Council  
PO Box 17  
Corporation Street  
Blackpool  
FY1 1LZ

Dear Sir/Madam

**Planning Application 18/0333: Retention of log flume ride on land to the north of the Pier.  
SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB**

RPS is making these representations on the above planning application behalf of its client Blackpool Pleasure Beach Ltd (BPB). BPB wishes to **object** to this planning application, and we set out the reasons for this objection below.

A planning application was submitted to site a log flume ride on the Promenade adjacent to the South Pier entrance building (Planning Application 16/0171, validated on 18<sup>th</sup> April 2016). The Officer's Report to Planning Committee (hereafter referred to as "the 2016 Committee Report") noted that the proposal had a number of tensions with policies in the Blackpool Local Plan (RR1 and RR4) and the Blackpool Local Plan Part 1: Core Strategy (CS21). However, it was felt that improvements to the existing pier justified supporting a temporary relocation of the ride for a period of 18 months. Planning permission was therefore granted in July 2016 on a temporary basis, until April 2018. The log flume remains in breach of this condition.

This current application now proposes to retain the log flume on a permanent basis, which would have the effect of extending the pier deck amusement park onto the Promenade, in conflict with the above policies, and would set a longer-term precedent that would be of great concern to BPB, and in particular affect BPB's long-term contribution to Blackpool's tourism economy, the generation of jobs and its ability to continue to maintain the level of large-scale infrastructure (including a number of nationally-important listed buildings) on the site.

BPB therefore objects to this planning application for the following reasons:

- Principle;
- Visual impact and design;
- Residential and business amenity; and
- Heritage impact.

We deal with each of these below in turn.

Principle

*Blackpool Local Plan Part 1: Core Strategy (2012-2027)*

The Blackpool Local Plan Part 1: Core Strategy (2012-2027) was adopted in January 2016 (hereafter referred to as the 'Core Strategy') and sets out the Vision for Blackpool, which is to offer ***“a high quality visitor experience attracting new audiences and creating new reasons to visit Blackpool year-round”*** with the Promenade being ***“...revitalised, with quality development providing excellent attractions...and public realm enhancements supporting an exciting cultural programme of events and festivals”*** (page 23).

Key objective 14 (page 25) is to: ***“Sustain a high quality, year-round visitor offer by growing and promoting our tourism, arts, heritage and cultural offer including new high quality attractions, accommodation and conferencing facilities and an exciting programme of national events and festivals.”***

The South Pier log flume is a portable ride, similar to log flumes that appear at a number of the larger travelling fairs around Britain. We do not consider that the erection of travelling funfair rides in such a prime location on Blackpool seafront meets the Council's objectives and aspirations for this prominent part of the Resort Core. As stated in Paragraph 4.7 of the Core Strategy, ***“...large parts of the Resort Core have become associated with a poor quality, low-value offer which does not appeal to a 21<sup>st</sup> century tourist market”***. BPB does not consider that the siting of funfair rides in this location will assist in improving the quality of the offer on this part of the seafront, especially when there are two lawful amusement parks (Blackpool Pleasure Beach and South Pier itself) on which rides can currently be located within defined boundaries, where the visual and noise impacts can be better managed, and where a better visitor experience can be provided.

Located outside of a defined amusement park boundary, the log flume will have an unacceptable, permanent impact upon the town's existing amusement park attractions, which will in turn potentially have a substantial and long-term impact on the attractions' ability to create jobs and on their contribution to the local economy. The log flume is located very close to the main entrance of BPB, so will have particularly negative consequences for the park.

BPB has invested significantly in the future of Blackpool after a number of difficult years. It has substantial infrastructure to operate and maintain, including a number of listed structures, and large annual costs to stay in operation. These recent investments, along with those of Blackpool Council elsewhere in the town, have seen a gradual improvement in the performance of the resort. For 2018, BPB has opened a new 'first-of-its-kind' £16M roller coaster to attract the 16 to 25-year-old thrill seekers to its Park and to the resort. Notwithstanding this, the economic climate remains very challenging, and likewise how to ensure this group make the decision to visit. This position is in stark contrast to the siting of a low grade portable ride, the subject of this planning application.

The permanent location of a log flume, being located outside an amusement park, and so close to the entrance to an established and important amusement park attraction, will significantly undermine BPB's confidence in making these investments, and possibly even its ability to make these investments.

Policy CS21: Leisure and Business Tourism incorporates these quality objectives into a clear statement of policy, stating that the focus will be on ***“strengthening the resort's appeal to attract new audiences year round”***. This will be achieved by supporting, inter alia:



***“a. Proposals for new high quality tourism attractions focused on the town centre and resort core, including major development opportunities which have the potential to become wider catalysts for regeneration to improve the visitor experience.”***

...

***“e. New development along the promenade’s built frontage which complements the high quality public realm investment along the promenade to enhance the appearance of Blackpool’s seafront.”***

It is clear from this policy, and in particular (a) that the Council is looking for high quality attractions that will assist in wider resort regeneration. Part (e) of the policy relates specifically to the promenade and refers to development complementing the high quality public realm investments that have been made along the promenade.

The supporting text (para 7.28) emphasises the ***“overriding”*** need to raise quality in all aspects of the visitor experience in Blackpool.

And Paragraph 7.31 refers to Blackpool’s ***“well-known visitor attractions which make an important contribution to the overall resort offer”*** and ***“seeks to complement and reinforce the role of these existing important attractions, securing their long-term future”***. This application would have exactly the opposite effect, by undermining the viability of the Pleasure Beach by allowing permanent fairground rides to be located on the promenade outside of an amusement park. This is not an issue of one business competing with another. The importance of Blackpool Pleasure Beach, its attractiveness to visitors, its overall appeal, its contribution to jobs and the economy and its role in managing an internationally important historic environment, takes it well beyond being a matter as narrow as competition. This is why certain key attractions are recognised in the Local Plan; the future of Blackpool partly depends on the long-term sustainability and attractiveness of these key attractions.

Similarly, Paragraph 7.33 refers specifically to the promenade and describes it as ***“one of Blackpool’s key visitor assets and is considered to be the ‘shop window’ of the resort”***. It refers to the multi-million pound investment that has transformed the seafront, including the new sea wall, enhanced public realm, improved access onto the beach and a new tramway. It states that: ***“To complement this recent investment, the Council will support new high quality development that builds upon the success of the seafront.”***

This proposal would be a significant backwards step for Blackpool, undermining the Pleasure Beach visitor attraction that the Local Plan seeks to support and undermining the public realm improvements that have transformed this part of the town.

The 2016 Committee Report identified a clear conflict with Policy CS21. It stated: ***“...part e of the policy is clearly seeking to enhance the appearance of the Promenade and complement the recent investment in the sea defences, headlands and Promenade which because of its functional appearance the ride would not achieve.”***

For this reason (and its non-compliance with policies in the 2001-2016 Local Plan that remain part of the Development Plan, which I deal with below), officers concluded:

***“Given the tension between aspects of Policy RR4 of the Blackpool Local Plan and Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy, it is not felt that the proposal could be supported on a long term basis but a temporary relocation of the ride could be justified to allow for the upgrading of the existing pier which would be consistent with Policy CS21. It is felt that a period of 18 months is reasonable to allow for the work to be undertaken.”*** (RPS emphasis)

There has been no material change in circumstances that would provide a reason for the Council to take a different view now, as this policy remains unchanged. In addition, we understand from discussions with Carl Carrington at Blackpool Council that works have been undertaken on the Pier structure, so the reason for the Council allowing this ride on a temporary basis has now been discharged. Of course, there is always the need for ongoing repairs and maintenance to all of Blackpool’s piers, but this should not be at the expense of a permanent conflict with recently adopted Development Plan policies and harm to businesses that the Local Plan is seeking to support and enhance (namely BPB itself).

#### *Blackpool Local Plan 2001-2016*

As set out in the 2016 Committee Report, the proposed log flume would also be contrary to saved policies in those parts of the Blackpool Local Plan 2001-2016 (adopted June 2006, hereafter referred to as ‘the Local Plan’). The relevance of these policies was reaffirmed when the Core Strategy was adopted in 2016, so these policies remain relevant and carry full weight.

Local Plan Policy RR1 relates to visitor attractions and adopts a presumption in favour of tourism attractions within the defined Resort Core that draw large numbers of visitors providing they meet, *inter alia*, the following criteria:

- a) The proposal makes a strong positive contribution to the physical and economic regeneration of the Resort Core, targeting, as far as possible, those areas/sites in greatest need of investment and renewal;
- b) The proposal would increase the range and/or quality of facilities available to the visitor and contribute to safeguarding and growing Blackpool’s visitor market.

For the reasons set out above in respect of economic impact, the permanent retention of the log flume ride would meet neither of these criteria, and would be contrary to this policy. In terms of criterion (a), the retention of a large travelling funfair ride on this prominent part of the promenade, outside of an amusement park, would not make a strong positive contribution to the physical and economic regeneration of the resort, either in terms of the development itself (which offers little in the way of permanent landscape and infrastructure improvement – merely a perimeter fence) or in terms of the economic impacts of the ride, which would be in direct competition with a number of existing attractions which the Local Plan seeks to protect and enhance. In terms of criterion (b), the log flume will not increase the range and/or quality of facilities as it will be providing something that has already existed on the South Pier for many years and is similar to other attractions in the town (such as the Rugsrats Lost River log flume and Valhalla at the Pleasure Beach) and will draw tourists away from these existing permanent attractions, potentially harming their viability.

Of further significance, we note that the explanatory text to this policy acknowledges the importance of the continuing investment at Blackpool Pleasure Beach and the need for quality visitor attractions as being the key to Blackpool’s future as a major resort.



Officers agreed with this position when considering the original planning application. The 2016 Committee Report stated:

***“The ride would not make a strong positive contribution to the physical regeneration of the resort core but it would reinforce existing concentrations of attractions - South Pier, Go Karts and the Sandcastle. It would not increase the range of facilities as it would be a relocation of an existing ride but it would allow for the safeguarding of the existing pier... It is not felt that a temporary relocation of the ride would conflict with the policy.”***

The clear implication here is that a permanent permission would conflict, particularly in that it will undermine the physical regeneration of the resort and would not increase the range of attractions available in the town. BPB would agree entirely with the Council, and again we not aware of any material change in circumstances that would suggest a different view should be taken now to that taken in 2016.

Local Plan Policy RR4 sets out that funfair rides such as that proposed will only be permitted at Blackpool Pleasure Beach, the Piers, and the Promenade between its junctions with Adelaide Street and Princess Street, unless they are part of comprehensive development proposals or as part of improvements to existing amusement centres. Clearly, none of these locations are relevant to the log flume and as such, the proposal would not be in accordance with this policy. As stated above, the log flume does not form part of a comprehensive development proposal, nor is it part of the improvement of an existing amusement centre, as it is located outside of the curtilage of the Pier and the existing amusement arcade.

The Council was very clear about this in its 2016 Committee Report, stating:

***“Policy RR4 of the Blackpool Local Plan is prescriptive in terms where funfair rides should be located and technically this location would be contrary to the policy as the land north of South Pier is not named in the policy. In this case, the proposal involves the relocation of an existing ride rather than a new ride and the proposed relocation is to facilitate some improvements to the existing pier structure. It is not felt that a temporary relocation of the ride would conflict with the policy.”***

Again, the clear implication of this is that a permanent relocation would conflict with the policy. This must be the case because this site is not one that is listed in the Local Plan as an acceptable location for a funfair ride. This policy provides no exceptions. It would be extremely concerning if Blackpool Council took a different view in 2018 as this would set a precedent that could have far-reaching implications for the future viability of BPB, including its ability to invest, and therefore for the resort as a whole.

#### Visual impact and design

The ride is 12m high and is now a significant landmark on the seafront, and is much more visible on the landward end of the Pier than it was at the end of the Pier. In terms of visual impact, Core Strategy Policy CS21 provides clear guidelines on how development must complement the high quality public realm along the promenade, particularly given the significant investment in the improvement of this area. The proposal before the Council is to retain a portable travelling funfair ride, which has no foundations and stands on the existing tarmac surface, and the only public realm improvement was a perimeter fence, which is

required for health and safety. This is a stark contrast to the rides within Blackpool Pleasure Beach, all of which are landscaped and are in a high-quality amusement park setting, a good example of this being the new roller coaster Icon, which opened in May 2018 and is a bespoke design, built into the landscape of the park.

Core Strategy Policy CS7 (Quality of Design) states that new development in Blackpool is required to be **“well designed, and enhance the character and appearance of the local area”** and sets out a number of criteria, including, *inter alia*: **“a. Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings”**.

Local Plan policy LQ4 relates to building design, and sets out, *inter alia*, that tall buildings will only be acceptable where the scale, mass and height is appropriate taking into account the width and importance of the street or space; takes into account the scale, mass and height of neighbouring buildings; creates a landmark only where one is required; and does not detract from existing views of landmark buildings.

This 12m tall structure has not been designed with any consideration of its setting, as it is an ‘off the shelf’ portable funfair ride, manufactured rather than designed for its location. This proposal has not been designed taking into account the scale, mass and height of surrounding buildings and harms the setting and appearance of the South Pier entrance building. This type of ride would be entirely appropriate inside an amusement park, which is the correct location for this type of structure. Outside of an amusement park it is necessary for development to consider its setting, using all the criteria in the policies listed above, and that simply cannot be achieved with a ride such as this. Despite this, no attempt has even been made to improve its appearance through landscaping or other public realm improvements. It simply looks like a funfair ride standing on tarmac.

It is clear from policies in both the Core Strategy and Local Plan that the promenade areas are not a suitable place for funfair rides. Given the extent of investment made to the promenade in this area and the introduction of policies to ensure that development complements this investment, we consider that the permanent retention of this log flume ride in this location will be significantly detrimental to this important part of Blackpool and will undermine the efforts to regenerate the resort.

The 2016 Committee Report concluded that the ride is functional and **“could not be described as high quality design”**, but noted that it would be viewed with the South Pier as a backdrop. It concluded that the design was **“considered acceptable in this location on a temporary basis”**. As with the above policies, there is a clear implication that it would not be acceptable on a permanent basis, and BPB concurs with this view. There has been no material change in circumstances that would suggest that the Council should take a different view now.

#### Residential and business amenity

Core Strategy Policy CS7, referred to above, also states that new development in Blackpool is required to: **“Ensure that amenities of nearby residents and potential occupiers are not adversely affected” (criterion b of the Policy).**”

Part 2 of the Policy states: ***“Development will not be permitted that causes unacceptable effects by reason of visual intrusion, overlooking, shading, noise and light pollution or any other adverse local impact on local character or amenity.”***

Local Plan Policy BH4 also adopts a presumption against development which creates or worsens noise levels above acceptable standards.

The ‘drops’ on this ride, where the boats travel down the steep inclines, face inland towards the frontage of properties lining the Promenade. This means that the screams from riders, and other mechanical noise, is directed at these properties. No noise report has been submitted with the application and it is therefore not possible to verify whether this would indeed be the case, but on planning applications for log flume rides in other parts of the UK that RPS has been involved with on behalf of other amusement park operators, we have been required to submit a noise impact assessment. These assessments have sometimes revealed that properties directly facing the drop on a log flume can suffer noise impacts that would materially harm the amenities of occupiers, and mitigation measures have been proposed. Some of these rides were further from residential properties than the ride proposed in this location. Whilst it was considered to be acceptable to site the ride on a temporary basis without a noise report, we do not consider that an application for the permanent siting of the ride should be determined without the usual noise impact assessment being submitted. This should be relatively straightforward given that the ride is already in operation.

Any noise assessment would need to be bespoke to the development and the site, as the ride is not located within an amusement park, in order to demonstrate that it would satisfy Core Strategy Policy CS7 and Local Plan policy BH4 and the provisions of the more recent NPPF.

The log flume has also introduced new views into nearby residential properties, and the effects on residential amenity will need to be carefully considered to ensure that the ride does not give rise to concerns in this regard.

### Heritage

Whilst we note that the South Pier is only a locally listed structure, the impact of the proposed log flume upon the setting of other designated heritage assets is of substantial weight in the balance of considerations. The applicant’s submission only addresses the possible impact on the Pier itself, not other heritage assets which are of greater importance.

The designated heritage assets affected could include the White Tower/Casino building at Blackpool Pleasure Beach (a Grade II Listed Building), which close to the site.

Core Strategy Policy CS8 (Heritage) states that: ***“Development proposals will be supported which respect and draw inspiration from Blackpool’s built, social and cultural heritage, complementing its rich history with new development to widen its appeal to residents and visitors.”*** It also states that proposals will be supported that ***“enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm”*** and ***“strengthen the existing townscape character created by historic buildings”***.

Local Plan policies LQ7 (Strategic Views), LQ9 (Listed Buildings) and LQ10 (Conservation Areas) seek to preserve or enhance the setting of these designated heritage assets.

The proposed development has not been conceived with any regard for the above considerations. It is difficult to see how a travelling log flume ride stationed on the promenade adjacent to South Pier will in any way enhance the setting and views of heritage assets. The policy also references appropriately designed public realm, but the application proposes no improvements to public realm, other than some fencing for health and safety reasons.

In addition, the NPPF sets out that:

***“135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”***

The 2016 Committee Report balanced these issues, noting that the improvements to the pier structure that were proposed by the applicant had to be weighed against “the negative impact the ride would have on the setting of the pier.” The officer concluded that:

***“However, this negative impact is mitigated by the bulk of the existing pier head building and the fact that the majority of the ride would be subservient to it. In addition, if approved on a temporary basis, this impact would have a limited lifespan. Overall it is felt that the physical enhancement of the pier structure outweighs the temporary harm in locating the ride adjacent to the pier.”***

It is clear from this assessment that locating the log flume in this location on a permanent basis would have a very different impact that may not be acceptable. For the reasons we set out above, we do not consider that it would be acceptable.

#### Comments on the Applicant's Statement

The Applicant has submitted a document called ‘Planning, Design & Access and Heritage Statement’ by Shepherd Planning, dated May 2018. There are a number points made in this report that we wish to respond to:

- Paragraph 2.1 concludes by stating that this is, “in effect, a totally reversible development”. This is a somewhat disingenuous statement, as our client's worry is that, whether or not it can be reversed, it will not in practice be reversed. There would be no requirement to remove it and, even if the owners of the Pier decided to replace the ride, it would be highly unlikely that they would not be permitted to change the ride to another similar travelling ride, such as a portable roller coaster. Given the size of the log flume, the area could even accommodate a number of smaller replacement rides, which the Council would find it very difficult to refuse. In effect, a small amusement park will have been created. (If the Council does decide to grant a permanent permission, it is essential that permitted development rights set out in Class B, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are removed, otherwise the owners could submit an application under Section 191 of the Town and Country Planning Act

1990 (as amended) to claim an amusement park and utilise the permitted development rights in Part 18 to erect funfair rides without any further express planning permission).

- Paragraph 6.1 states that the NPPF has greater weight in terms of decision making than the saved policies in the Blackpool Local Plan. Shepherd Planning may not be aware that Paragraph 1.10 of the Core Strategy states that a number of policies in the Blackpool Local Plan will continue to be saved and considered alongside Core Strategy policies when determining planning applications. Appendix B of the Core Strategy withdraws a number of the saved policies in the Local Plan, and those which remain are still relevant. This document was subject to an Examination at which soundness was tested, as well as compliance with the NPPF. These policies cannot therefore be considered “out of date” and their inclusion in an up-to-date Core Strategy increases the weight that would be given to these policies in determining planning applications.
- Paragraph 6.3 considers the proposal against Policy RR1 of the Blackpool Local Plan, but does not assess the proposal against each of the criteria. BPB and the Council (in its 2016 Committee Report) have done that and found that the retention of the log flume would not comply with Criteria a) and b).
- Paragraph 6.4 considers the proposal against Policy RR4. The applicant appears to have misunderstood this policy. The applicant states: “It is suggested that the proposed ride does NOT constitute an amusement arcade. It is *one* ride that *could* be seen on a funfair, but one ride (of itself) would not constitute a funfair.” This ignores the fact that the policy actually states: “Development proposals comprising or including Arcade Amusement Centres and Funfair rides” (our emphasis). The policy therefore applies to individual rides as well as complete funfairs.
- In Paragraph 6.4, the applicant also claims that as the land on which the ride is located was acquired by the owners at the same time as the Pier (“The land came with the pier”) it falls within the curtilage of the Pier. We can be very clear about this. The land adjacent to the Pier does not fall within the planning unit or curtilage of the Pier. There are no physical boundaries ‘on the ground’ that would make it fall within the planning unit of the pier. Even if the siting of the log flume could be claimed to now bring this land into the same planning unit or curtilage, this could only take place after a period of 10 years. In planning, a new curtilage cannot be claimed over a shorter period. Therefore although the land now does have a functional relationship with the Pier through the siting of the log flume, it has no physical relationship, and in any event this relationship (which is a use of land) has not taken place for long enough to be lawful. The Council needs to be aware that the permanent siting of this log flume will ultimately have the effect of bringing the land into the curtilage of the Pier, or into its planning unit, and eventually Policy RR4 will apply. This is another good reason to refuse this application.
- Paragraphs 6.5 and 6.6 of the Applicant’s statement review Local Plan policies RR7 and RR8. However, Appendix B of the Core Strategy states that these policies are now superseded by policies in the Core Strategy. These policies are therefore withdrawn and irrelevant to this application.



- Paragraph 7.6 considers Policy CS21 of the Core Strategy, but does not assess the proposal against each of the criteria. BPB and the Council (in its 2016 Committee Report) have done that and found that the retention of the log flume would not comply with Criteria a) and e).

For the reasons set out in this letter, we hope that officers take the same position that they did in the 2016 Committee Report and recommend refusal of the permanent siting of the log flume.

Yours sincerely  
For RPS

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

**Nick Laister**  
Operational Director

COMMITTEE DATE: 18/09/2018

**Application Reference:** 18/0420

WARD: Stanley  
DATE REGISTERED: 26/06/18  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr Furness

**PROPOSAL:** Erection of 7 x two storey detached dwellings and garages, new access road and associated works.

**LOCATION:** LAND NORTH SIDE (ADJ 17 AND 21) MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

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**Summary of Recommendation:** Refuse

## **CASE OFFICER**

Pippa Greenway

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

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool **and Priority two** of the Plan - Communities: Creating stronger communities and increasing resilience, but conflicts with policies of the Blackpool Local Plan 2001 - 2016 and Blackpool Local Plan Part 1: Core Strategy.

## **SUMMARY OF RECOMMENDATION**

The scheme is not considered to represent sustainable development as unacceptable amenity, highway safety and ecological impacts would be involved. On this basis, Members are recommended to refuse planning permission, not in terms of the principle of residential development, but on the over intensity as evidenced by the adverse impact in terms of overdominance on, and overlooking of existing neighbours, biodiversity concerns and inadequate access/highway safety implications (notwithstanding the neighbour boundary dispute).

## **SITE DESCRIPTION**

The application site is a field of approximately 0.32 hectares (3193 sq. m.) located to the rear of Moss House Road, with a field gate access from between 17 and 21 Moss House Road. The frontage to Moss House Road is approximately 15.7 m wide, extending back for a distance of approximately 38 metres, where it widens out into a larger rectangular field approximately 60 m wide by 40 m deep. The field has the appearance of scrub land, including some trees, and is currently grazed by a horse. Work has commenced on a residential development to the north and south of the site and there is a ribbon development of older residential properties

fronting both sides of Moss House Road.

The site falls outside flood zones 2 and 3 and is not subject to any other designations or constraints.

### **DETAILS OF PROPOSAL**

The proposal is for the erection of 7 x two storey detached dwellings and garages, new access road and associated works. The application is in outline only with the access, appearance and scale for consideration at the present time. The properties would all be four bedroom, traditional design houses, with chimneys and hipped roofs. All properties would have detached garages, apart from one, which would be attached to the house via a linked porch. One dwelling would front Moss House Road (as would the proposed vehicular access); the other six would be located to the rear of the existing houses, on a cul-de-sac.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- principle of residential development
- amenity
- design and visual impact
- access and highway safety
- drainage and flood risk
- ecological and arboricultural impact
- environmental impact
- sustainability appraisal and planning balance

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

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** The application seeks approval for the location of the access bellmouth and its general scale. If it is intended to secure an approval to the detail of the access design it would require further attention. The design and construction of the access would require a formal highway agreement.

There appears to be some conflict between the western radius, the curtilage of No 17 and particularly the hedge within the curtilage - which would limit visibility. This would need to be resolved before a detailed design could be approved.

It would be logical for the front boundary of the site (ie back of footway) to be on the line of the front wall of No 21, which lines up with the front wall of No 17. Forward of this line would be footway of about 2 metres width for the length of the site frontage. I would expect to see a carriageway width of the order of 6 metres retained in Moss House Road with the existing narrow verge also retained opposite.



The Council's policy is not to adopt new roads serving so few properties. The developer would be responsible for establishing a regime for future maintenance beyond the bellmouth. It is assumed that it would not be necessary to amend street lighting in Moss House Road and that the developer would put forward, provide and maintain a system of lighting within the site.

**Service Manager Public Protection (Contaminated land):** The land has been predominately used for the purposes of horticulture and agricultural purposes, therefore there is a likelihood of pesticides and herbicides being present within the ground conditions. Therefore a Phase 1 study is requested to establish if there is a significant likelihood of significant harm. If the Phase 1 shows this to be so, then it is to be followed up with a Phase 2 investigation. In addition to this, due to the natural geology of the land being of peat formation, gas monitoring is requested. If this shows there to be elevated methane concentrations, measures will need to be implemented within the design of the buildings.

**Head of Coastal and Environmental Partnership Investment:** 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.

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

**United Utilities:** Recommends two drainage conditions:

- Foul and surface water shall be drained on separate systems. Reason: To secure proper drainage and to manage the risk of flooding and pollution.
- Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 26 June 2018

Neighbours notified: 26 June 2018

Objections received from Gordon Marsden MP; 9, 17, 21, 23 and 24 Moss House Road.

In summary, the objections relate to:

- The negative impact on Moss House Road that both the construction and completion of the proposed development would have and the lack of any environmental mitigation to compensate for the destruction of a diverse and sustainable area for wildlife.
- Potential overload and damage caused by offloading surface and foul water from the complex of new build into an existing sewer already operating at full capacity, and the

potential damage to water and gas mains which cut across the planned access road entrance for this development, and which have already suffered damage from other building and utilities activity in the area over the past year.

- The number and size of the proposed dwellings, accompanying garages, and associated works as outlined in the application represent a grossly inappropriate fitting in of too many out of proportion properties for the size of the site, squeezed in presumably to maximise profits from construction, and doing significant damage to the light, privacy and proportion of the existing residents housing and land.
- This represents a going back by the Council's planners on assurances given when the major Kensington Redwood Point development was granted after much controversy in 2009, that there would be a protected area of environmental sustainability left, and that there would be no further nibbling away at the green spaces interspersed and edging Moss House Road.
- The proposed distance of Plot 6 is less than 6 metres from the rear of no. 17 and a metre from the boundary fence, and a window that overlooks the back of our property into our rear garden and bedroom window.
- The access round to the proposed site shows the radius of the turning going through our boundary and across our land which we have not agreed to nor consent to this.
- The high hedge on the boundary at number 17, which is excess of 2.5 metres high which will mean that there is no clear exit and entry in to the proposed site and Moss House Road at this point is a single track road.
- On the plans there doesn't show any separation from Number 17 and the road, please could you indicate what is being proposed here as a separation between the boundary and the access road.
- There has been several issues in the past 6/12 months with water and drainage leading to many repairs, adding additional properties will only add to this. The water pressure is currently non-existent at times and this has been reported to the water board.
- There is limited parking on Moss House Road currently, looking at the plans it shows no visitor parking.
- The front elevation of number 21 faces west; i.e. the main lounge and kitchen windows, together with the front door, face onto the application site, not Moss House Road. The front door is approximately 2.9 metres from the boundary fence and the lounge window 3.8 metres. The height of plot 7 (in excess of 8 metres), will vastly reduce the amount of natural light into the house, which is a dormer bungalow, and the side window of the proposed house will be directly opposite the main bedroom; the distance between these would be less than 5 metres.
- Section 15 of the application form states that there are no 'trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character'. Except for the properties at numbers 17 and 21, the whole site is surrounded by existing woodland, therefore a full Tree Survey would be appropriate.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The Revised NPPF was issued in July 2018 and sets out a presumption in favour of sustainable development. The following sections of the NPPF are most relevant to this application:

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

## **National Planning Practice Guidance (NPPG)**

The NPPG expands upon and offers clarity on the points of policy set out in the NPPF. For the purpose of this application the section on design is most relevant.

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

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

- CS1 - Strategic Location of Development
- CS2 - Housing Provision
- CS6 - Green Infrastructure
- CS7 - Quality of Design
- CS9 - Water Management
- CS11 - Planning Obligations
- CS12 - Sustainable Neighbourhoods
- CS13 - Housing Mix, Density and Standards
- CS14 - Affordable Housing
- CS25 - South Blackpool Housing Growth

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

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

- LQ1 - Lifting the Quality of Design
- LQ2 - Site Context
- LQ3 - Layout of Streets and Spaces
- LQ4 - Building Design
- LQ6 - Landscape Design and Biodiversity
- BH3 - Residential and Visitor Amenity
- BH10 - Open Space in New Housing Developments
- AS1 - General Development Requirements (Access and Transport)

## **ASSESSMENT**

### **Principle**

The principle of residential development on the application site has been established through the precedent of the grant of outline planning permission and would be consistent with Policy CS25 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 (09/0740 refers "Erection of residential development comprising up to 584 dwellings with associated parking, village green including water features and shop and formation of vehicular access to Progress Way") and subsequent reserved matters approval (17/0095 Erection of residential development comprising 422 dwellings with associated parking, village green/play area, water features and shop and formation of vehicular access to Progress Way) for a new housing estate "Redwood Point" on wider lands to the north and south of Moss House Road and to three of the boundaries of the application site. Whilst the application site is outside of that development boundary, it would be unreasonable to withhold permission in principle.

Gordon Marsden MP has expressed concern that this represents a going back by the Council's planners on assurances given when the Redwood Point development was granted in 2009, that there would be a protected area of environmental sustainability left, and that there would be no further nibbling away at the green spaces interspersed and edging Moss House Road. There are two open areas along Moss House Road within the Redwood site that have been retained as public open space (adjacent 39 Moss House Road) and an amenity pond area (across the road from no. 71).

Whilst the area around Moss House Road was allocated as Marton Moss Countryside Area in the Local Plan, the adopted Core Strategy took away the Countryside Area designation as a result of the planning permission. It is also outside the Marton Moss Strategic Site (where protectionist Policy CS26 applies). There is no statutory protection against the principle of residential development for this last parcel of undeveloped land outside of the Redwood Point site, along Moss House Road.

### **Housing Mix**

The site is some 0.32ha in area. No specific housing mix is required on site but the development must contribute towards a balanced mix in the local area. The recent housing developments approved at Runnell Farm and Moss House Road are a mix of 2, 3 and 4 bedroom units, with an emphasis on larger units. The application proposes seven four-bedroomed houses, which is at the larger end of the market. Nevertheless, the scheme proposed would not result in an unacceptable imbalance in the local housing market and the provision of larger homes is considered to be acceptable in this area.

### **Amenity**

There are a number of concerns with regard to amenity and the suggested layout (although layout is not for consideration) which lead to a concern that seven dwellings of the size shown is over-intensive.

Number 21 Moss House Road has its front door on the side of the property and the proposed dwelling on plot 7 would completely dominate the outlook at less than a metre from the shared boundary. This would be compounded by the forward location of the proposed house compared with no. 21 and would result in significant loss of light to the side of the existing

house, particularly in the evenings. A bedroom window would look directly down onto the side of the dormer bungalow where the front door is.

With regard to 17 Moss House Road, there is proposed a two storey dwelling less than a metre from the rear boundary. The occupant would be faced by a two storey brick wall immediately at the bottom of his short garden, the separation between the two buildings would be only in the order of 7 metres, which would overdominate the property. As indicated by the occupier of this property, there would need to be a boundary treatment along his eastern boundary to protect his privacy.

Whilst the location of the properties could be moved slightly, there is insufficient space within the site to mitigate the impact on existing neighbours.

The rear gardens of the proposed dwellings on Redwood Point are in the order of 10.m m long, which would be adequate to protect the privacy of occupiers of this proposed development.

### **Design and visual impact**

The proposed design of the properties is traditional red brick with Rosemary tiles on hipped roofs, the properties would also have chimneys. This would fit in with the character of Moss House Road, which has a variety of styles along it. The visual impact on Moss House Road would be minimal as it would appear to be one house with an access road to the side and narrow views through to the properties at the rear. Of more concern would be the view from the internal estate road proposed to the Redwood Point development to which the properties would turn their backs and present their rear, private gardens. To overcome the impact on privacy would require a 2 m high fence or wall to the estate road which would be dead frontage and result in a poor street scene. A solution could be to turn the properties through 180 degrees but the agent has not presented such a scheme for consideration. As such, the scheme is considered to be detrimental to the character of the area.

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

Access is for consideration and the Head of Highways and Traffic Management has raised concerns regarding the design of the access as submitted (although it could potentially be improved to overcome his objections). However as submitted, the access is unacceptable. Also the owner of no 17 has pointed out that the proposed access includes a corner of his land, which he will not allow to be built on. This corner also includes a hedge, which obscures visibility into the site.

Although the internal layout is not for consideration, Council's maximum parking standards require up to three parking spaces for a four bedroom house. Each property has its own garage and there is additional space within each plot where visitor parking could be provided. There is a footway shown into the site along the east side of the access road, which is sufficient to serve this number of properties. The gardens to the properties are of sufficient size to accommodate secure cycle storage.

## **Ecological and Arboricultural Impact**

The development and the carriageway works and footpath creation would result in the loss of some hedgerow to enable the provision of the access point, the visibility splays and adequate connectivity. The position of the access road hard up against the boundary hedge of 17 Moss House Road would be likely to damage the neighbour's hedge.

Hedgerows provide important habitat and are valuable local ecological features. Any loss of hedgerow would have to be compensated for by replacement planting of native species and this could be secured through a landscaping scheme submitted at reserved matters stage.

There are some trees along the site boundaries and across the site in general and the loss of some would be considered acceptable subject to a high quality replacement planting scheme. A formal tree survey, planting plan for the site and an Arboricultural Method Statement and Tree Protection Plan for any trees to be retained would be required at Reserved Matters Stage and would be used to inform an eventual layout. However, without a tree survey, it is not possible to confirm that seven dwellings could be accommodated on site, without undue harm to biodiversity. A condition would be required at that time to prevent tree or vegetation clearance during bird nesting season unless the absence of nesting birds has been confirmed by an ecologist.

No ecological appraisal has been submitted as part of the application. There is a dyke running along but outside the northern site boundary and there are hedges and trees within the site, which could provide valuable habitat for protected species. However, with the considerable disturbance and upheaval currently being caused by construction of the Redwood Point development, it is considered that an ecological survey is not necessary. The layout of the site could be designed to retain some habitat, increase biodiversity and introduce bird and bat boxes etc.

## **Drainage and Flood Risk**

The site falls within flood zone 1 and is less than 1 hectare in area. As such there is no requirement for a site-specific Flood Risk Assessment and the applicant does not need to demonstrate compliance with the sequential or exceptions tests. Conditions could be attached, if permission was forthcoming, as suggested by United Utilities, to require foul and surface water to be drained separately, and to require surface water to be drained in the most sustainable way according to the established sustainable drainage hierarchy. The details of a surface water drainage strategy and a plan for its lifetime management and maintenance could be agreed through condition. Subject to these conditions, no unacceptable drainage or flood risk issues would be anticipated.

## **Environmental Quality**

The site is not close to an Air Quality Management Area and there is no reason to suppose that the development would have an unacceptable impact on air quality during its operational phase. A Construction Management Plan (to include dust management) could be secured through condition to ensure that the development would not have an unacceptable impact on air or water quality. Similarly any drainage system would be expected to incorporate measures to prevent potential contamination of surface or ground water.

A phase 1 land contamination study would be required to ensure that the land does not pose a threat to human health or the environment.

### **Other Issues**

No other material planning considerations have been identified.

### **Planning Obligations**

Policy CS14 of the Core Strategy requires proposals for more than 3 new dwellings to make a financial contribution towards off-site provision of affordable housing. The policy states that an Affordable Housing Supplementary Planning Document will be produced to set out how this contribution will be calculated. At the time of writing there is no such Affordable Housing Supplementary Planning Document in place. It is not considered that a financial contribution towards off-site affordable housing provision can be justified at this time.

Saved policy BH10 of the Local Plan requires developments of three or more residential units to make a financial contribution towards the provision or improvement of off-site public open space if none is provided within the scheme. Supplementary Planning Guidance Note 11 sets out the basis on which such contributions are calculated. The contribution for a property with four or more bedrooms is £1,376, so in this case, the total required would be £9,632, to be secured through condition if permission was forthcoming.

As the proposal is for fewer than 10 dwellings, no contributions would be sought towards local education provision.

### **Sustainability appraisal and planning balance**

Sustainability comprises economic, environmental and social dimensions.

Economically the site does not make a meaningful contribution to agriculture or any other rural operation and, given its size, has negligible potential to. Some employment would be generated during construction and future residents would help to support local shops and services and on balance the scheme is considered to be economically sustainable.

Environmentally it is considered that conditions could be used to prevent any unacceptable impacts on air, land or water quality. However, there could be unacceptable impacts on trees and biodiversity if a development of this many houses was approved and in the absence of ecological surveys this is unknown. The access as submitted is unacceptable in terms of its design and its potential part location on neighbouring land. There would be unacceptable impacts on highway safety. The development would have a localised visual impact, particularly on the proposed Redwood Point estate to the north, but the design of the properties is appropriate. The development would not be at risk of flooding and would not exacerbate flood risk off site. The main concern is the impact that seven dwellings of the scale proposed would have on the amenities of existing neighbours, particularly 17 and 21 Moss House Road. In this respect, the proposal is not considered to be environmentally sustainable.

Socially the proposal would make a small contribution towards meeting the borough's housing requirement and four bedroom family housing is considered acceptable.

In terms of the planning balance, the NPPF sets out a strong presumption in favour of sustainable development. The scheme presents significant environmental impacts that would weigh sufficiently against it as to justify. The use of conditions could not adequately mitigate the impacts that are identified above. As such, the scheme does not represent sustainable development.

## **CONCLUSION**

As set out above, the scheme is considered not to represent sustainable development as unacceptable amenity, highway safety and ecological impacts are anticipated. On this basis, Members are recommended to refuse planning permission, not in terms of the principle of residential development but on the over intensity as evidenced by the adverse impact in terms of overdominance on, and overlooking of existing neighbours, biodiversity concerns and inadequate access/highway safety implications (notwithstanding the neighbour boundary dispute).

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

For a scheme of 7 x 4 bedroom houses, a financial contribution of £9,632 would be required in accordance with Policy BH10 towards off-site provision or improvement of public open space.

The scheme would also require the agreement and implementation of a scheme of highway works, secured through a S278 legal agreement under the Highways Act.

## **FINANCIAL BENEFITS**

The Council would benefit financially from the development through the receipt of Council Tax payments. However, this has no weight in the planning balance and does not influence the recommendation to Members.

## **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 18/0420 which can be accessed via the link below:  
<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

**Recommended Decision:** Refuse

## Conditions and Reasons

1. The proposed development would have a significantly detrimental impact on the residential amenities of the adjoining occupants at 17 and 21 Moss House Road by virtue of the scale and density of development and close proximity to the common boundaries, resulting in an overbearing impact and overlooking and would therefore be contrary to para 127 of the National Planning Policy Framework, Policies LQ2 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
2. The means of access to the proposed development would be significantly detrimental to highway safety by reason of its substandard design and location and would be therefore contrary to para 109 of the National Planning Policy Framework, Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. In addition part of the access appears to be within the boundary of 17 Moss House Road and outside the applicants control.
3. In the absence of an ecological/arboricultural survey, is not possible to adequately consider the impact of the development on protected species. The potentially harmful environmental impacts of the proposal on protected species would therefore be contrary to Policies NE6 and NE7 of the Blackpool Local Plan 2001-2016 and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 174 - 177 of the National Planning Policy Framework.
4. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 38)**

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.

## Advice Notes to Developer

Not applicable

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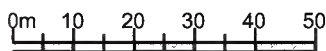


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**KEY**

—— BOUNDARY LINE.

TOTAL PLOT AREA 3193 m<sup>2</sup>



**Keystone Design Associates Ltd.**

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 FY1 3PB Email : Info@keystonedesign.co.uk

PROJECT LAND ADJ TO 17 & 21 NORTH SIDE,  
 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

DRAWING TITLE SITE LOCATION PLAN

Drawn DDH	Checked	Date 13/06/18	Scale 1:1250@A4
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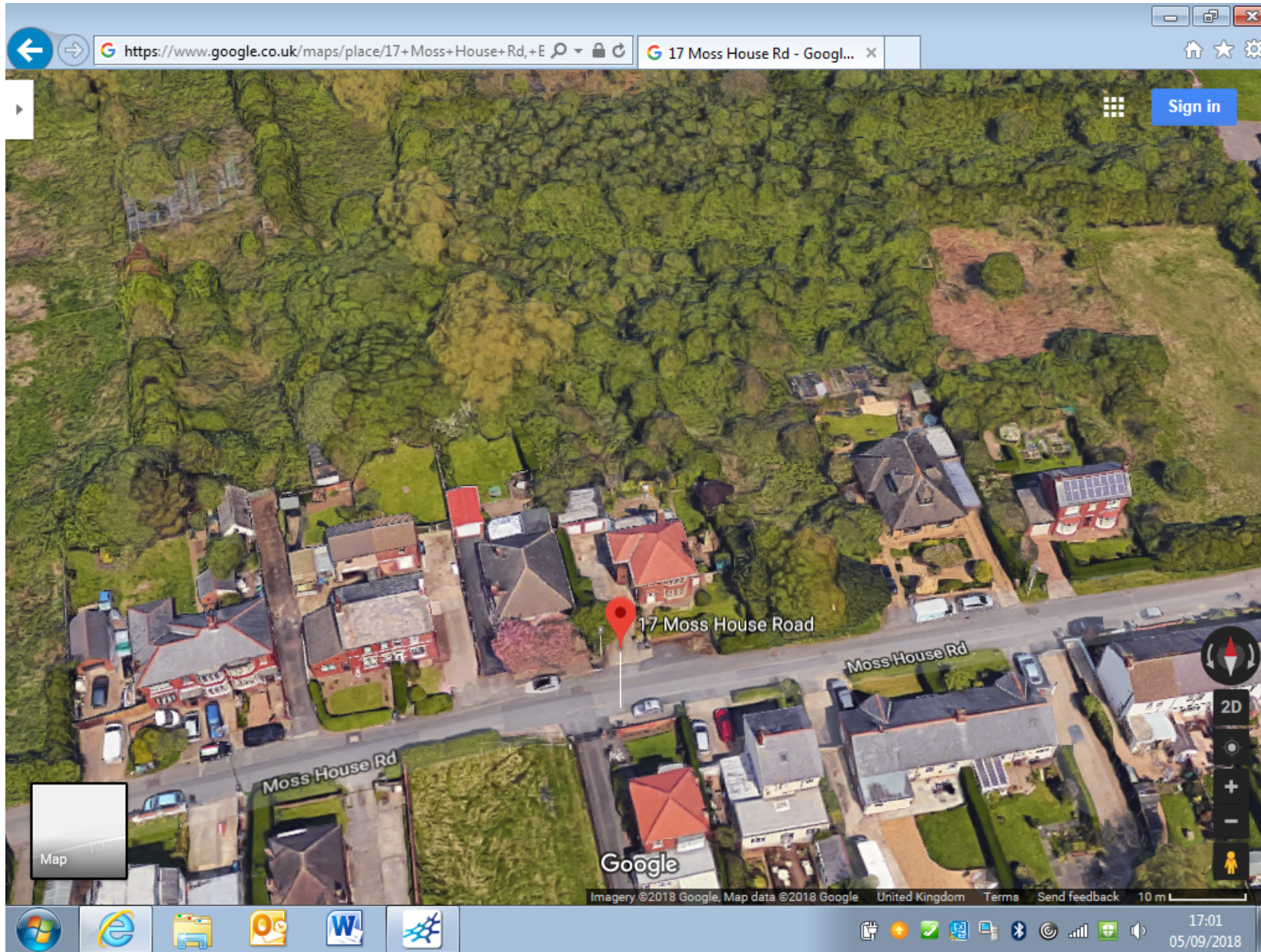
DRAWING No. A018/081/BR/11

Rev.

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COMMITTEE DATE: 18/09/2018

**Application Reference:** 18/0436

WARD: Tyldesley  
DATE REGISTERED: 22/06/18  
LOCAL PLAN ALLOCATION: Main local centre  
Local centre

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr Shaw

**PROPOSAL:** Erection of two storey rear extension and formation of vehicle crossing to Waterloo Road.

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

---

**Summary of Recommendation:** Refuse

## CASE OFFICER

Pippa Greenway

## BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool but conflicts with policies in the Blackpool Local Plan Part 1 Core Strategy 2012-2027 and Blackpool Local Plan 2001-2016

## SUMMARY OF RECOMMENDATION

The scheme would support growth of the business and would have benefits to disadvantaged members of the wider community. However it would have adverse impacts on the closest neighbours in terms of loss of light and overdominance. On balance, it is considered that the adverse environmental impacts on the neighbours outweigh the economic and social benefits. The proposal is not sufficiently different from the scheme refused last year to merit a change of recommendation. On this basis, the current submission is not considered to represent sustainable development and is recommended for refusal.

## INTRODUCTION

Blackpool Music Academy CIC, is the owner of 420 Waterloo Road and is the trading arm for the Blackpool Music School charity. All moneys made from rentals, coffee shop etc. goes into the charity, as support to give free tuition to the community, making music affordable for all. Blackpool Music School was originally granted planning permission on this site in 2009 (ref. 09/0153). In the following year, permission was granted (ref. 10/0030) for the "Erection of single storey rear extension, new side entrance with access ramp, 2 parking spaces to side and use of premises as altered as a shop, cafe and music school." A subsequent application in

2017 (ref. 17/0270) for "Erection of a two storey rear extension following demolition of existing extension" was refused because of the height and impact on neighbours' amenity; and a further application was submitted (ref 17/0626) for "Erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin to front hardstanding area for a period of 12 months" was withdrawn by the applicant, immediately prior to it be determined by Committee. A portable cabin was then granted permission until 31 December 2018, whilst the 2010 extension is completed. The current application is a resubmission of the 2017 refusal (with a few minor alterations) and the retention of the forecourt parking to the front, with a full width footpath crossing (dropped kerb).

### **SITE DESCRIPTION**

The property is two storey end of terrace building, with a third floor in the front and rear dormers/wing, it is traditional in design and constructed with traditional materials with a part brick/part rendered finish. It is located at the junction of Waterloo Road (a classified road and bus route) with Kirkstall Avenue and there is no vehicular access between the two roads. There are parking spaces across the Waterloo Road frontage of the premises and disability parking spaces on the Kirkstall Avenue frontage. The property is in use as Blackpool Music Academy, with a café on the Kirkstall Avenue side and a radio station in a portable cabin towards the front of the site, beside the side, glazed window of the former shop. A single storey extension is under construction to the rear, to eventually house the radio station. The block is primarily commercial in nature, although the attached property is a house and is part of a Local Centre . A discount carpet warehouse and Oxford Square Aldi are visible at the end of the rear alley, which is also a cul-de-sac.

### **DETAILS OF PROPOSAL**

The proposal is for the erection of a two storey rear extension, the ground floor of which is currently under construction by reason of the 2010 permission. The ground floor would be a tuition room and the first floor would comprise a WC, office and studio for the radio station. The studio would link through into the main building at first floor level. The 2010 approval showed the front area as landscape/planted and a condition was imposed for a dwarf wall to be erected prior to commencement. This has not been done and proposal shows the forecourt to Waterloo Road is to be retained as parking across the full width, with a dropped kerb. There is a discrepancy between the side and rear elevations but it is not considered material to the consideration of the scheme as it could be addressed if the Planning Committee was minded to approve the scheme.

A two storey rear extension was refused last year for the following reasons:

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



- 2 The proposed extension would be overly dominant and out of character within the Kirkstall Avenue streetscene due to its proposed massing and the proposed location of the extension at the back edge of the rear alley. As such it would be contrary to paragraphs 17 and 56-64 of the National Planning Policy Framework, Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

The current proposal attempts to overcome those reasons for refusal.

In support of the proposal, the agent states "Blackpool Music School is a registered charity and a much-needed service to the Fylde Coast, it offers an opportunity for disadvantaged people across the community to participate and benefit from music tuition. It offers support for the elderly, those suffering from isolation or mild physical and mental health problems. Music students are requesting for more space and this will allow for the service to be extended in terms of numbers."

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the amenity of neighbours in terms of loss of light and overdominance
- the design and appearance in the streetscene

This will be discussed in the assessment section of this report.

### **CONSULTATIONS**

N/A

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 28 June 2018

Neighbours notified: 28 June 2018

Eight objections have been received from 418, 422 and 430-432 Waterloo Road and 2 Kirkstall Avenue.

In addition, 34 letters of support have been received.

In summary, the objections relate to:

- loss of light
- overbearing impact
- late night noise and disturbance from both the music rooms and radio station
- lack of parking
- cars being parked inconsiderately, noise from car doors banging
- feels like a business estate rather than a residential area

### **NATIONAL PLANNING POLICY FRAMEWORK**

The Revised National Planning Policy Framework (NPPF) published 24 July 2018 states that the purpose of the planning system is to contribute towards sustainable development. There

are three overarching objectives to sustainable development which are interdependent and need to be pursued in mutually supportive ways: 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.

Para 10 makes it clear that at the heart of the Framework is a **presumption in favour of sustainable development**.

Other relevant paragraphs are contained within:

Chapter 8. Promoting healthy and safe communities

Chapter 12. Achieving well-designed places.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The NPPG expands upon and offers clarity on the points of policy set out in the NPPF. For the purpose of this application the section on design is most relevant.

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

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

CS7 Quality of Design

CS12 Sustainable Neighbourhoods

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

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

The following policies are most relevant to this application:

LQ1 Lifting the quality of design

LQ14 Extensions and Alteration

BH3 Residential and Visitor Amenity

LQ1 Highways and Parking

### **ASSESSMENT**

#### **Principle**

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

#### **Amenity**

The proposal is to replace the pitched roof “garage” (recording studio) and rear yard with a two storey extension, with a pitched roof. The extension would project from the existing two storey rear wing as far as the rear alley and would be on the same plane as the Kirkstall

Avenue elevation, but with a lower roof (by setting it in slightly from the shared boundary on the other side and decreasing the room heights). The extension would far exceed the "Extending your home" Supplementary Planning Document limits of 1.5 m projection for first floor rear extensions as it projects for 8.5 m adjacent to the shared boundary with the adjoining house.

The agent comments "In reference to 17/0270, our design incorporates a less dominant height and less intrusive proposal to loss of light. Our rear elevation indicates that the roof profile of the extension now, does not infringe the window to No 422 Waterloo Road. Also, we wish to point out that the proximity of the extension is no different to the rear buildings which already exist."

The ridge line is marginally lower (by about 0.4m) than that refused last year, but the length remains the same.

Although the Supplementary Planning Document is not directly relevant as the application property is commercial, there is residential living accommodation at the first floor rear in the adjacent property (442), which would be faced with a massive wall at the first floor level. The residential neighbours at 422 Waterloo Road have covered about 75% of their backyard to provide a dry area for the children's bikes, so the amount of natural light reaching their ground floor lounge is already reduced. The projection of the proposed first floor along the full length of the yard would significantly affect their amenities in terms of light loss and overdominance and would also impact on the property at 424 because of its length (although 424 has a covered yard at the rear, it would still impact adversely on their first floor rear windows). As the extension would be to the west, it would particularly impact in the evenings when people are more likely to use the rear of their properties. The proposed two storey extension is gable ended (rather than a hip) which, being on the boundary with the rear alley, results in it "closing down" the back street. It would also adversely impact on light reaching the first floor side windows of 2 Kirkstall Avenue.

There are other large extensions in the rear alley, but they do not have the same impact due to their relationship with other properties.

It is not considered that noise from the studio would be an issue as, if approval was forthcoming, a condition could be imposed requiring a noise survey and mitigation measures, together with the rooflights to be permanently fixed closed. The access into the the extension would be from the back street, which would also result in more noise, but again this could be designed out by restricting it to a fire exit only.

### **Design**

The agent states "We are of the opinion that the extension improves the street scene to Kirkstall Avenue due to the removal of the unattractive/random buildings that are currently at the rear and the replacement with the extension which is designed to be sympathetic to the main building."

Although the design is an improvement on that refused in 2017, the gable end on the back edge of the rear alley is still unacceptable as it would adversely impact on the open character of the street.

## **Highway Safety and Parking**

Additional parking is proposed in the form of the retained open forecourt to Waterloo Road and is not considered to be a significant issue. The full width dropped kerb was considered satisfactory to the Head of Highways and Traffic Management when this issue was raised last year.

## **CONCLUSION**

Sustainability comprises economic, environmental and social components. The scheme would have some economic benefits in that it would support growth of the business.

Environmentally, the height of the extension would have visual impact in the street and impact on the residential neighbours through loss of light and overdominance and this weighs against the proposal. No unacceptable amenity impacts are expected in terms of highway safety. Socially, the proposal would have benefits in that it would be for a charity which includes music tuition and other services including to disadvantaged members of the community. The considerable support from the wider community weighs in favour of the scheme. On balance however, it is considered that the adverse environmental impacts on the neighbours outweigh the economic and social benefits. The proposal is not sufficiently different from that refused last year to merit a change of recommendation. On this basis, the scheme is considered to not represent sustainable development and planning permission should be refused.

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

Not applicable.

## **FINANCIAL BENEFITS**

Not applicable.

## **HUMAN RIGHTS ACT**

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

## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application Files 18/0436, 18/0199, 17/0626, 17/0270, 10/0030 & 09/0153, which can be accessed via the link here: <http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

**Recommended Decision:** Refuse

### **Conditions and Reasons**

1. Notwithstanding the discrepancies between the proposed side and rear elevations, the proposed side/rear extension would have a significantly detrimental impact on the residential amenities of the adjoining occupants at 422, 424 Waterloo Road and 2 Kirkstall Avenue by virtue of its proposed height, massing and close proximity to the common boundary resulting in an overbearing impact, loss of natural light and loss of outlook. As such it would be contrary to para 127 of the National Planning Policy Framework, Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
2. The proposed extension would be overly dominant and out of character within the Kirkstall Avenue streetscene due to its proposed massing and the proposed location of the extension at the back edge of the rear alley. As such it would be contrary to para 127 of the National Planning Policy Framework, Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

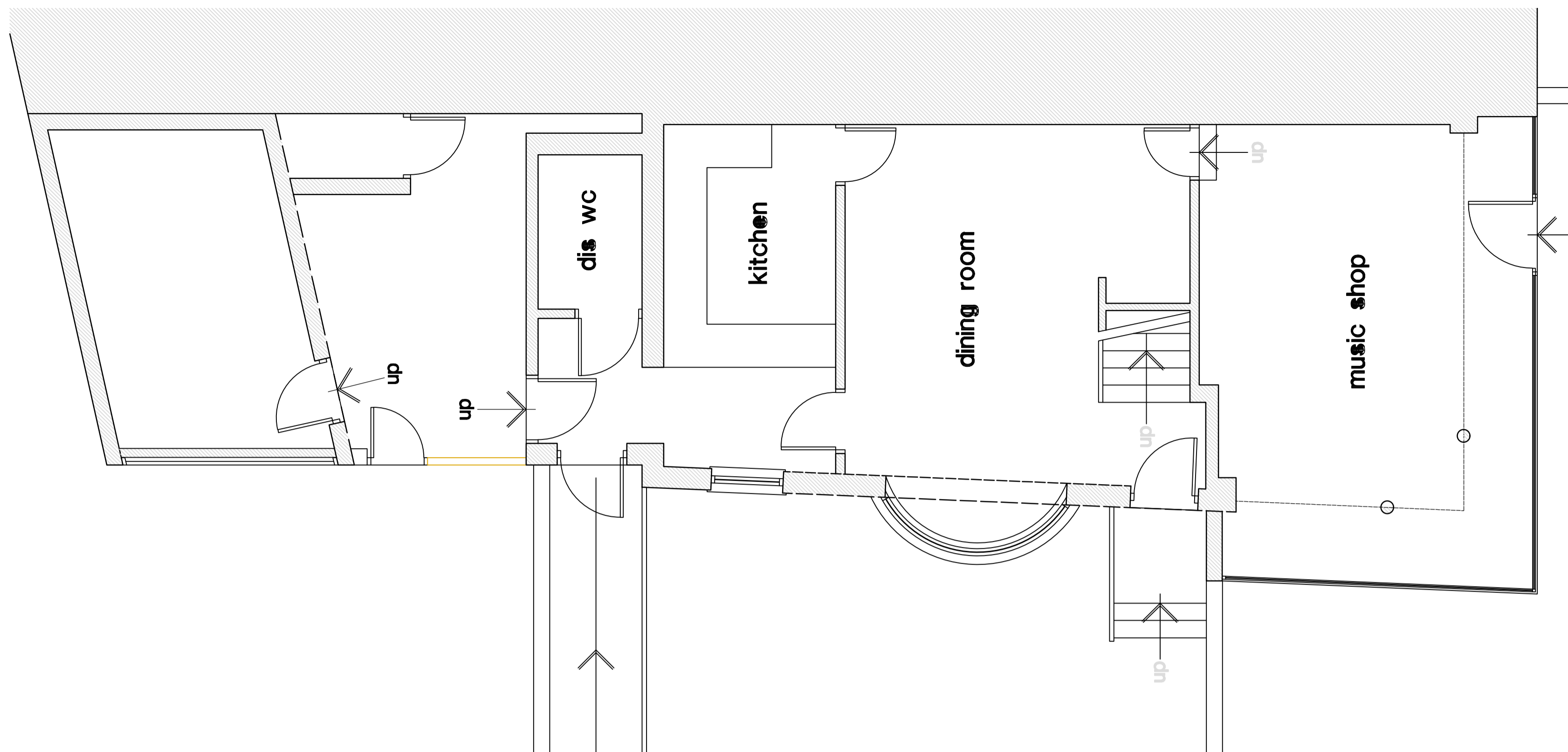
3. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 38)**

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.

### **Advice Notes to Developer**

Not applicable

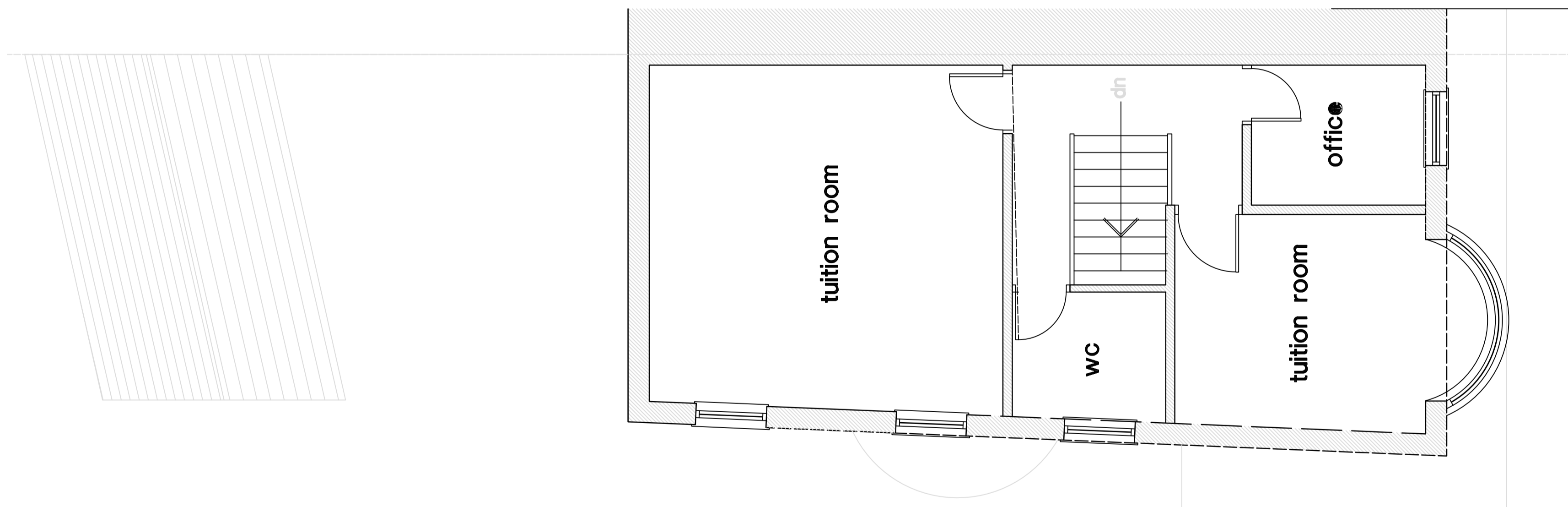
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Existing Ground Floor Plan



Location Plan (1:500)



Existing First Floor Plan



Existing Side Elevation (1:100)



Existing Rear Elevation (1:100)

Date	Revisions

**HERMOLLE ASSOCIATES**  
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Client  
**Blackpool Music Academy**

Project  
**420 Waterloo Road,  
Blackpool, FY4 4BL**

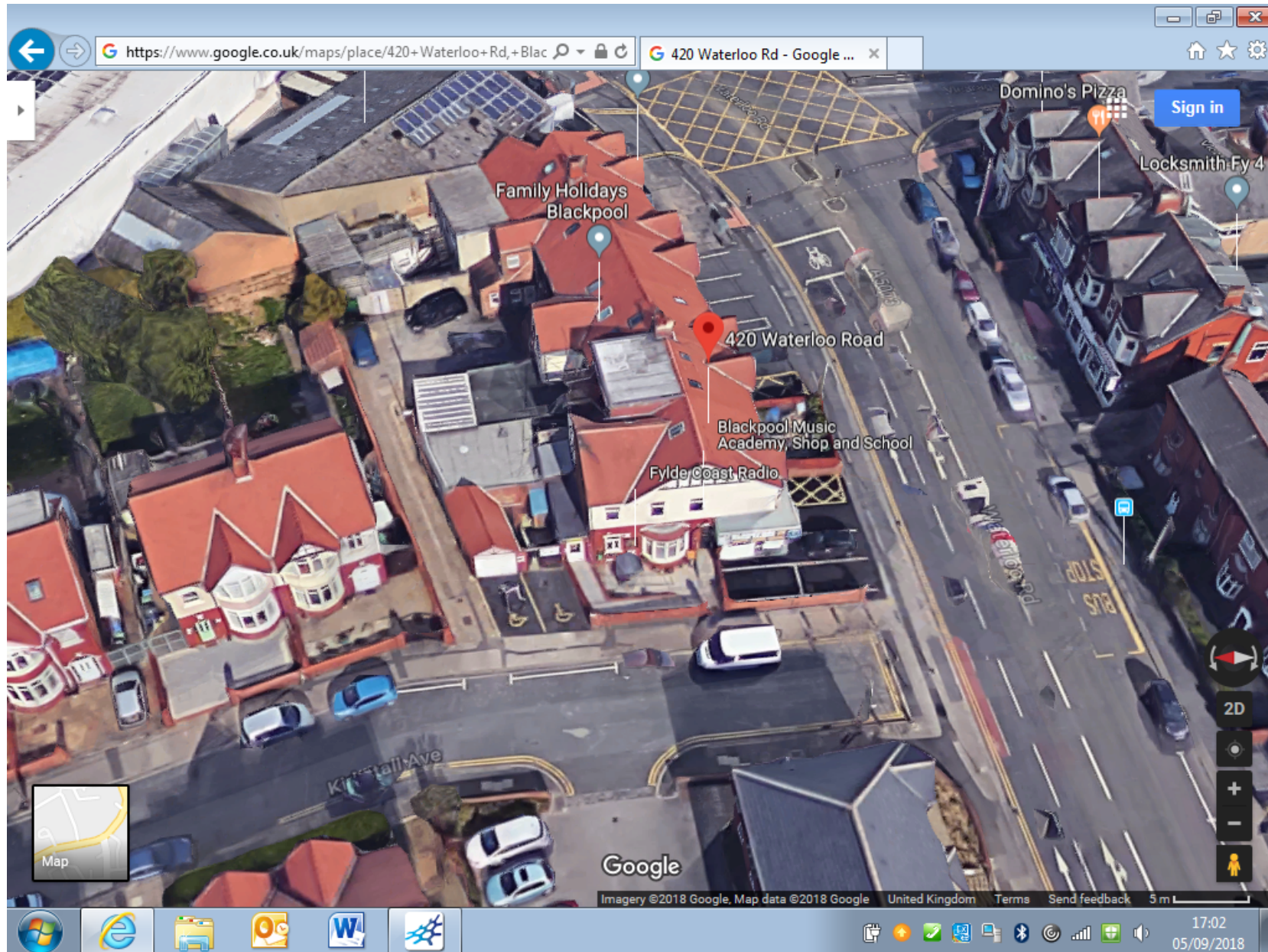
Drawing Title  
**Proposed Rear Extension &  
Dropped Kerb  
-  
Existing Planning Submission**

Scale	1:50 @ A1	Date	26-02-18
Designed	C.J.H.	Drawn	C. Atkinson
Checked	C.J.H.	Approved	C.J.H.

Drg.No.	<b>7380/03</b>
Revision	

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**COMMITTEE DATE:** 18/09/2018

**Application Reference:** 18/0517

WARD: Brunswick  
DATE REGISTERED: 26/07/18  
LOCAL PLAN ALLOCATION: Stanley Park Conservation Area  
APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mrs J Blackledge

**PROPOSAL:** Erection of a single storey rear extension.

**LOCATION:** 18 BEECH AVENUE, BLACKPOOL, FY3 9AY

---

**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Susan Parker

## **INTRODUCTION**

The application is being reported to the Committee as the applicant's husband is a senior officer in the Council.

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

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

## **SUMMARY OF RECOMMENDATION**

On balance and given the particular site circumstances, no unacceptable impact on the residential amenities of the occupants of neighbouring properties is anticipated. The design of the extension is considered to be acceptable and no undue impact on the appearance, character or value of the Conservation Area as a heritage asset would result. The scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, Members are respectfully recommended to grant planning permission.

## **SITE DESCRIPTION**

The application relates to no. 18 Beech Avenue in Blackpool which is a substantial semi-detached property on the eastern side of the road. It has a gable-topped, two-storey canted bay to the front and is finished in rough brown brick with a rosemary slate roof. The property has a substantial out-building in the rear garden. To the rear of the main building is an original

two-storey outrigger with a dual-pitch roof. The property is currently subdivided into two self-contained flats.

The site falls within the Stanley Park Conservation Area but is not otherwise subject to any designations or constraints.

### **DETAILS OF PROPOSAL**

The application seeks planning permission for a single-storey rear extension. This would sit to the side of the existing outrigger and would project beyond the existing rear elevation of the property by 3.5m to finish level with the rear wall of the outrigger. It would have a flat roof with a central glazed lantern to provide light. The extension would be used as a dining room and bifolding patio doors would be provided across the resulting ground floor rear elevation.

The application has been accompanied by a Heritage Statement.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

the principle of development

the impact on residential amenity

the appearance of the proposal and the impact on the character and value of the Conservation Area as a heritage asset.

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

### **CONSULTATIONS**

**Built Heritage Manager:** the extension will not be visible from the road and so no objection is raised.

**Blackpool Civic Trust:** no response received in time for inclusion in this report. Any comments that are received will be communicated through the update note.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 4th August 2018

Neighbours notified: 26th July 2018

One representation has been received advising that the proposed plan was duplicated on the Council's website and that the existing plan was not available to view. This has now been rectified.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) Revised July 2018**

The revised NPPF retains the key objective of achieving sustainable development and hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The parts most relevant to this application are:

Section 12 that seeks to achieve well-designed places

Section 16 that relates to the conservation and enhancement of the historic environment

## **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 CS8 - Heritage

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

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

The following policies are most relevant to this application:

LQ1 Lifting the Quality of Design

LQ10 Conservation Areas

LQ14 Extensions and Alterations

BH3 Residential and Visitor Amenity

## **OTHER DOCUMENTS**

Extending Your Home Supplementary Planning Document (SPD) - this document was adopted in November 2007 and sets out the Council's standards in respect of domestic extensions.

Stanley Park Conservation Area Appraisal and Management Plan - this document was adopted in 2017. It describes the character and significance of the Conservation Area as a heritage asset and explains the objectives and mechanisms for ongoing management of the area.

## **ASSESSMENT**

### **Principle**

There are no planning policies that would preclude the extension of the property in principle.

### **Amenity**

The Extending Your Home Supplementary Planning Document is permissive of single storey rear extensions that project by 3m from the rear wall of the neighbouring property plus the set-off distance from the shared boundary. In this case the extension proposed would project by 3.5m which is 0.5m more than that ordinarily permitted. This degree projection is wanted to enable a continuous ground floor elevation to be created across the rear of the property to allow for the insertion of bi-folding patio doors to open onto the garden.

There are permitted development rights that allow for the erection of a 6m long extension to the rear of a semi-detached property subject to a prior approval procedure. This does not apply to properties in conservation areas or to flats but does indicate that the Government considers that more substantial extensions can be acceptable in appropriate circumstances.

The neighbouring property has a two-storey semi-circular bay to the rear directly adjacent to the boundary. This is not shown on the submitted plans but appears to project by at least 0.5m from the main rear wall of this neighbour. Although this bay has windows facing towards the area of garden in question, the main aspect is to the rear through the windows at the furthest projection of the bay.

The extension proposed would sit to the north of the adjoining neighbour's house. This neighbour's house also has an original two-storey rear outrigger set away from the shared boundary. There is therefore a potential for a tunnelling effect on this neighbour if the extension proposed is constructed.

The extension proposed would be 2.9m in height. Permitted development rights would allow for the provision of a 2m high wall or fence along the boundary. The extension would exceed this allowance by 0.9m. At present a boundary wall of around 1.5m height separates the two properties but this is topped by an established ivy screen giving a total height in excess of 2m. The ivy grows roughly level with the top of the bay windows on the two properties.

There is an existing balcony at first floor level to the rear of the application property and so there is already a degree of projection at high level directly adjacent to the neighbouring bay. The roof of the proposed extension would become the new base for this balcony.

It is recognised that the extension would project 0.5m beyond that typically permitted. However, the projection of the neighbouring bay, the existence of the first-floor balcony, the standard height of the extension, the substantial boundary treatment and the position of the extension to the north of the neighbour combine to mean that, on balance, the extension proposed would not have an unacceptable impact on the residential amenity of the neighbour as a result of over-shadowing or an over-bearing presence.

Given the separation distances involved and the position of the existing out-rigger, the extension proposed would not impact upon the residential amenity of the neighbours to the north and east.

### **Visual and Heritage Impact**

The extension would be simplistic in design with a flat roof. A blank wall would face the shared boundary and wide, bi-folding patio doors would be installed across the rear elevation of the extension and existing out-rigger. To provide additional light into the extension, a glazed roof lantern is proposed.

It is recommended that a condition be attached to any permission granted to require the materials to be used in the construction of the extension to match those of the host dwelling.

The proposal would result in the loss of the existing semi-circular window at ground floor level and this is unfortunate. However, it must be recognised that the form of the bay has already been compromised somewhat by the provision of the first floor balcony. Although attractive, the rear bay is not visible from a public vantage point and therefore makes no contribution to the appearance or character of the Conservation Area. Its loss would not, therefore, affect the value of the Conservation Area as a heritage asset. Similarly, as the proposed extension would not be visible from a public vantage point, it also would not affect the appearance, character or heritage value of the Conservation Area. As such, no unacceptable visual or heritage impacts are anticipated.

### **Other Issues**

The extension would not increase bedroom numbers at the property and so no increase in parking demand is anticipated. The proposal would have no impact on access or existing parking provision. No highway safety impacts are expected.

The site falls within flood zone 1 and so there is no requirement for the applicant to provide a flood risk assessment or demonstrate compliance with the sequential or exceptions tests. Drainage would remain as existing. As such no drainage or flood risk issues are identified.

The proposal would not affect any trees or features of ecological value and so no unacceptable impact on biodiversity would result.

No impacts on environmental quality are anticipated and it is not considered that the development would be at undue risk from such.

### **Sustainability and planning balance appraisal**

Sustainability comprises economic, environmental and social components. The scheme is not considered to have an economic impact. Environmentally the scheme would not have an unacceptable impact on biodiversity or environmental quality and would be visually acceptable. No material impacts on surface-water drainage are anticipated. Socially no unacceptable amenity impacts are identified. The development is not expected to be at undue risk from flooding or exacerbate flood risk elsewhere and no highway safety issues would result. The value of the Stanley Park Conservation Area as a heritage asset would be

sustained. As such and on balance, the proposal is considered to constitute sustainable development.

### **CONCLUSION**

On balance and given the particular site circumstances, it is not considered that the extension proposed would have an unacceptable impact on the residential amenity of the adjoining neighbour to the south. The neighbours to the north and east would not be affected by the proposal. The design of the extension is considered to be acceptable and no undue impact on the appearance, character or value of the Conservation Area as a heritage asset is anticipated. As set out above, the scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, Members are respectfully recommended to grant planning permission.

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

Not applicable.

### **FINANCIAL BENEFITS**

Not applicable.

### **HUMAN RIGHTS ACT**

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

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

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

### **BACKGROUND PAPERS**

Planning Application File 18/0517 which can be accessed via this link:  
<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

**Recommended Decision:** Grant Permission



## Conditions and Reasons

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

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

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

Proposed elevations drawing recorded as received by the Council on 24th July 2018

Proposed ground floor layout plan recorded as received by the Council on 24th July 2018

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

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

3. The materials to be used on the external surfaces of the extension hereby approved shall match those on the existing dwelling in colour, size, texture and design unless otherwise first 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 Policies LQ10 and LQ14 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

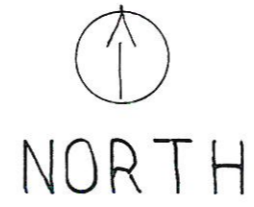
4. The roof of the extension beyond the existing balcony shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining neighbours in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

## **Advice Notes to Developer**

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

Appendix 10a



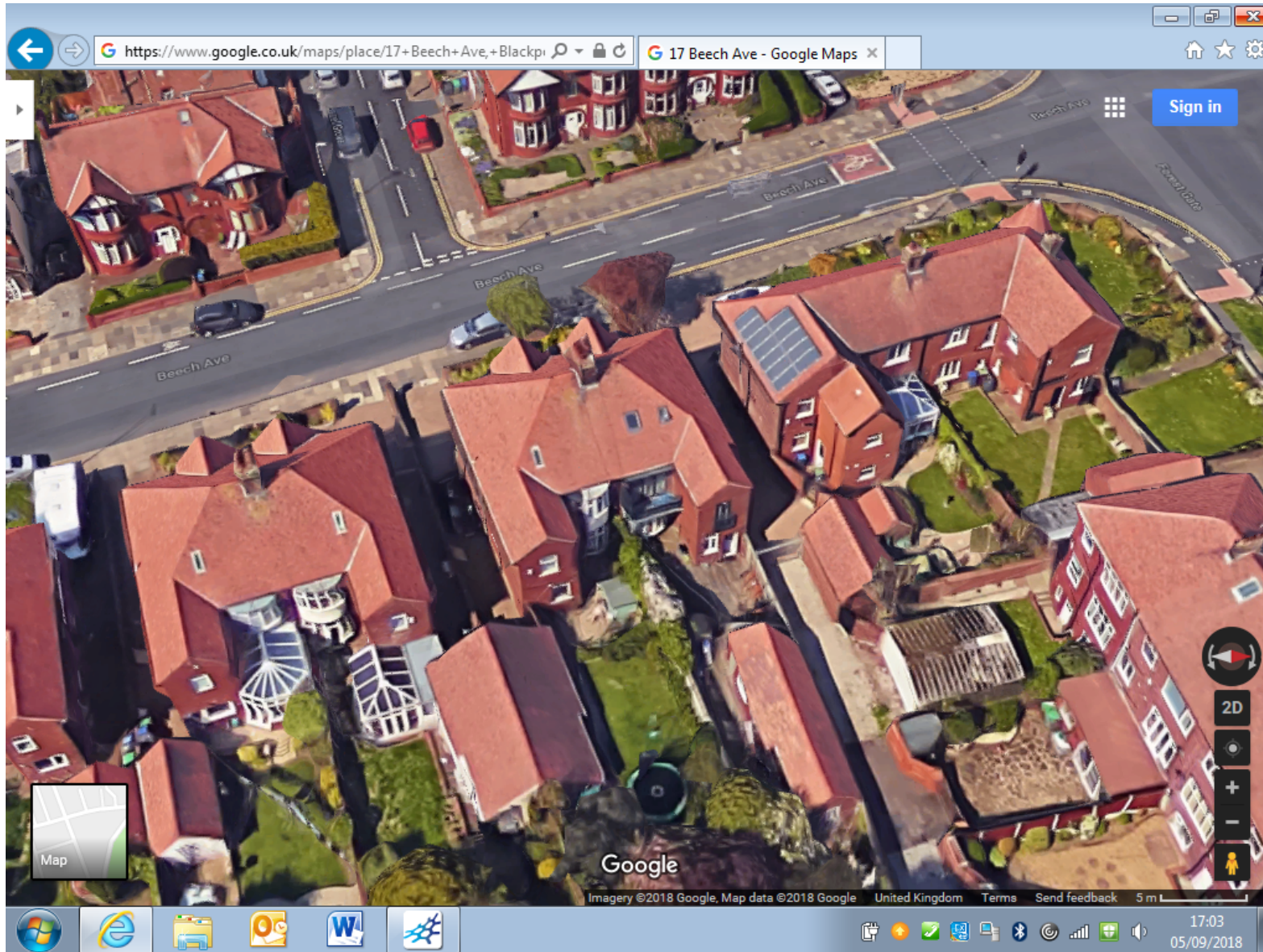
1:500  
SITE PLAN



1:1000  
LOCATION PLAN

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