

# Blackpool Council

5 October 2018

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

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 16 October 2018 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool FY1 1GB

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

### **1 DECLARATIONS OF INTEREST**

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

(1) the type of interest concerned either

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

and

(2) the nature of the interest concerned

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

### **2 MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2018** (Pages 1 - 10)

To agree the minutes of the last meeting held on 18 September 2018 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 11 - 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 REVISED MEMBER AND OFFICER PROTOCOL AND REVISIONS TO THE PUBLIC SPEAKING PROCEDURE FOR PLANNING** (Pages 27 - 40)

**7 PLANNING APPLICATION 18/0331 ST KENTIGERNS RC PRIMARY SCHOOL, NEWTON DRIVE, BLACKPOOL** (Pages 41 - 76)

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 18/0385 150 HARCOURT ROAD, BLACKPOOL** (Pages 77 - 92)

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 18/0410 LAND ADJACENT TO 71 MOSS HOUSE ROAD, BLACKPOOL** (Pages 93 - 114)

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 18/0471 LAND TO THE REAR OF MA KELLY'S, 44-46 QUEENS PROMENADE** (Pages 115 - 134)

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

**11 PLANNING APPLICATION 18/0589 64 PRESTON OLD ROAD, BLACKPOOL** (Pages 135 - 154)

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

**12 PLANNING APPLICATION 18/0599 502 DEVONSHIRE ROAD, BLACKPOOL** (Pages 155 - 172)

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)

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### **Present:**

Councillor L Williams (in the Chair)

Councillors

Blackburn	Hutton	Robertson BEM
Humphreys	O'Hara	Stansfield

### **In Attendance:**

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

### **1 APOLOGIES**

Apologies had been received from Councillor D Coleman who was engaged elsewhere on Council business.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **3 MINUTES OF THE MEETING HELD ON 14 AUGUST 2018**

The Committee considered the minutes of the last meeting held on 14 August 2018.

**Resolved:** That the minutes of the meeting held on 14 August 2018 be approved and signed by the Chairman as a correct record.

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

The Committee noted that an appeal that had been lodged against the Council's decision to refuse planning permission for the erection of 3 three-bedroom dwellings at the rear of 12-14 Olive Grove, Blackpool had been dismissed by the Planning Inspectorate.

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

### **5 PLANNING ENFORCEMENT UPDATE REPORT**

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

The report stated that 49 new cases had been registered for investigation, 11 cases had been resolved by negotiation without recourse to formal action and 20 cases were closed

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 18 SEPTEMBER 2018

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, Head of Development Management, presented the planning application and appeals performance report. He informed the Committee that it was the last month of the two year assessment period for performance against Government targets and reported on the expectation that the performance figures for the assessment period would be significantly above the Government target for both minor and major development decisions.

**Resolved:** To note the report.

### 7 PLANNING APPLICATION 18/0331 ST KENTIGERN'S CATHOLIC PRIMARY SCHOOL

The Committee considered planning application 18/0331 seeking permission for the erection of decking and an external play area to first floor level enclosed by 3 metres high fencing with staircase enclosure at St Kentigern's Catholic Primary School, Newton Drive.

Mr Mark Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented an aerial view of the site, site location, layout and elevational plans. He highlighted the separation distances between the rear of the play deck and the outbuildings of the residential properties on Bryan Road. He reported that whilst the residential properties on Bryan Road were in the Raikes Hall Conservation Area, St. Kentigern's Catholic Primary School was outside of the Conservation Area. Mr Mark Shaw went on to report the increased outside play area per child of 0.7sqm, should the development be approved. He reported on the steps proposed to be taken to safeguard the amenity of residents of neighbouring properties which included an obscure film affixed to the velux windows facing Bryan Road to prevent overlooking and, following discussions with colleagues in Environmental Protection, the provision of a 3 metres high fencing and solid wall intended as an acoustic barrier between the school and the properties. The Committee was referred to the proposed condition that would be attached to the permission if approved to restrict the use of the play area to one hour per school day made up of 3 twenty minute sessions throughout the day. Mr Mark Shaw referred Members to the Update Note that provided sketches depicting comparative data of play areas for other schools.

Mr Holmes, a member of the public, spoke in objection to the application. His main objections related to the impact on the amenity of the residents of neighbouring properties in terms of increased noise and the scale and design of the development which in his view was not in keeping with the area. He also questioned the officer's assessment of the social benefit of the development in view of the relatively low increase in play space and number of children that would benefit.

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Mr Oram, the Applicant's Agent, spoke in support of the application. He reported on the increased number of pupils at the school and limited outdoor play space available. He referred to the sketches in the Update Note that showed a school with fewer pupils and more play area. He reported on the current outdoor play area and the proposed access and design for the new play area. He referred to the objections raised and highlighted the 3 metres high fence that was proposed as part of the development which in his view would prevent views to neighbouring properties.

Mr Mark Shaw referred to the concerns regarding the impact of noise on residents of neighbouring properties and referred Members to the proposed conditions that were designed to protect the amenity of residents of neighbouring properties by restricting the hours of use of the play area and the provision of acoustic fencing. In respect of the objections relating to light and overlooking, Mr Mark Shaw highlighted that the development was to the North of the properties and the separation distances between the proposed fence and the rear outbuildings of the properties on Bryan Road.

The Committee considered the application and acknowledged the benefits in providing an increased play area but were mindful of the residents' concerns regarding the potential impact of the proposed development on their amenity. It also considered that it would be beneficial for residents to be provided with more information on the scale and design of the development.

**Resolved:** To defer the application to a future meeting to allow the opportunity for discussions to take place between the applicant and the objectors.

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

### **8 PLANNING APPLICATION 18/0333 SOUTH PIER BLACKPOOL**

The Committee considered planning application 18/0333 for the retention of a log flume ride on land to the north of the pier at South Pier, Promenade.

Mr Johnston, Head of Development Management provided the Committee with an overview of the application and presented site location and elevational plans and an aerial view of the site. He reminded the Committee of the temporary permission that had been granted for the log flume and advised that this had expired in April 2018. He also reminded the Committee that a key consideration in the decision to grant the temporary permission had been that it would enable the applicant to undertake improvements to the western end of the pier and that this had justified supporting the temporary relocation of the ride. However, it was noted that the proposed improvement work to the western end of the pier had not been undertaken, nor were there any known plans in place for this to happen. Furthermore a new ride had been installed on the site of the relocated log flume.

Mr Laister, on behalf of the Pleasure Beach, spoke in objection to the application. He presented his view of the reasons that the proposal conflicted with Policy CS21 and CS7 of the Core Strategy and Policy RR4 of the Local Plan and expressed concerns at the unsuitability of the location of the ride and the potential impact it would have on the Pleasure Beach.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 18 SEPTEMBER 2018

Mr Shepherd, the Applicant's Agent, spoke in support of the application. He reported on the constraints on development at the pier due to the existence of an Article 4 Direction. He referred to Policy RR11 of the Local Plan that set out the areas to be comprehensively improved and enhanced and reported his view that the ride was an appropriate leisure activity for the area and not detrimental to the Promenade. He also provided comparisons with other leisure activities that had received planning permission in the area which included a temporary permission at the adjacent Go-Kart site and 18 hole mini golf course. He asked the Committee, if it was not minded to approve a permanent permission, to grant a further temporary permission until May 2021, the same time period as the Go-Kart site.

Mr Johnston responded by informing the Committee that the Policy in relation to the location of rides was very prescriptive and as the ride was not within any of the designated locations, granting planning permission would be contrary to Policy. In response to a question regarding the granting of planning permission for the Go-Kart site, Mr Johnston explained that the Go-Kart track had had to be relocated to facilitate erection of the tram depot and that an alternative long term location for the Go-Kart track continued to be sought.

The Committee noted that no objections had been received from residents for the current application. However, it also noted that the intended improvements to the pier that had been a key justification in granting the original temporary permission had not been undertaken and that the proposal conflicted with several policies in the Blackpool Local Plan and Core Strategy.

**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.

### 9 PLANNING APPLICATION 18/0420 LAND NORTH SIDE OF MOSS HOUSE ROAD

The Committee considered planning application 18/0420 that sought outline planning permission for the erection of seven two storey detached dwellings and garages, new access road and associated works at Land North Side (adjacent 17 and 21) Moss House Road, Blackpool.

Mr Mark Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented site location and elevational plans and an aerial view of the site. He also circulated an A3 plan of the application site. He advised that it was an outline application that only dealt with the access, appearance and scale of the development. Mr Mark Shaw acknowledged that the principle of development of the site was considered acceptable and in accordance with policies within the Core Strategy. However, the indicative position of the houses was considered to have a detrimental impact on the amenities of existing neighbours, particularly 17 and 21 Moss House Road. Mr Mark Shaw reported on further issues with the proposal which included the means of access to the proposed development and the lack of submission of a tree survey.

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



## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 18 SEPTEMBER 2018

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

### 10 PLANNING APPLICATION 18/0436 420 WATERLOO ROAD

The Committee considered planning application 18/0436 for the erection of a two storey rear extension and formation of vehicle crossing to Waterloo Road at 420 Waterloo Road, Blackpool.

Mr Johnston, Head of Development Management provided the Committee with an overview of the application and presented site layout, location and elevational plans and an aerial view of the site. He advised Members of the amendments made to the application since the refusal of planning permission in 2017 in relation to a reduction in the ridge line and the eaves. Mr Johnston referred to the applicant's additional representation in the Update Note and the letter of support received from Mr Gordon Marsden MP which had been published subsequent to the Update Note. With regards to the representations relating to precedents being set at 420 Waterloo Road and 1 Pine Avenue, Mr Johnston highlighted that permission for these pre-dated the 2006 Local Plan and 2016 Core Strategy and the 2007 Extending Your Home Supplementary Planning Document. Mr Johnston acknowledged the amendments made to the proposal, however, in his view the development would still have a detrimental impact on the amenity of the residents of neighbouring properties and that this justified the recommendation for refusal.

Mr Knight, a member of the public, spoke in objection to the application. He provided reasons for his objection which included the detrimental impact on the amenity of residents of neighbouring properties in terms of loss of light, outlook and noise.

Mr John Shaw, applicant, spoke in support of the application and reported his view that the development would not result in a loss of light. He also advised the Committee on his reasons for the requiring the extension of the building. He reported his view of the community benefit of Blackpool Music Centre and the detrimental impact on the students and the local community should permission not be granted.

In response to questions from the Committee, Mr Johnston acknowledged the amendments to the application in terms of a reduction in the overall scale of the development but in his view the changes from the previously refused scheme were insufficient to justify a change to the recommendation for refusal for the current application.

The Committee considered the application and notwithstanding the amendments made to the original scheme, considered that the adverse impact on the neighbours in terms of light and over dominance which had formed the basis for the prior refusal still existed.

**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.

**11 PLANNING APPLICATION 18/0517 18 BEECH AVENUE**

The Committee considered planning application 18/0517 for the erection of a single storey rear extension at 18 Beech Avenue, Blackpool.

Mr Mark Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented site location, layout and elevational plans and an aerial view of the site. He acknowledged that the proposed extension would project beyond the existing rear elevation by 3.5 metres. Whilst policy guidelines allowed for the projection of rear extensions to be 3 metres from the wall of the adjoining property, the position of the bay window to the rear of the adjoining property projected a minimum of 0.5 metre and as such the proposal was considered to be in accordance with policy guidelines. The proposed extension would be to the north of the adjoining property and therefore it was considered not to have a significant adverse impact on loss of sunlight. It was also considered that the proposed development would have minimum impact on the Stanley Park Conservation Area.

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

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

**Chairman**

(The meeting ended 7.20 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)

**Application Number 18/0333 – South Pier, Promenade, Blackpool**

Retention of log flume ride on land to the north of the pier.

**Decision:** Refuse

**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 paragraphs 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. 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.

**Application Number 18/0420 – Land North Side (Adjacent 17 and 21) Moss House Road, Blackpool**

Erection of seven x two storey detached dwellings and garages, new access road and associated works.

**Decision:** Refuse

**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 paragraph 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 applicant's control.

3. In the absence of an ecological/arboricultural survey, it 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. 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.

**Application Number 18/0436 – 420 Waterloo Road, Blackpool Council**

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

**Decision:** Refuse

**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 paragraph 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 paragraph 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 paragraph 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.

**Application Number 18/0517 – 18 Beech Avenue, Blackpool Council**

Erection of a single storey rear extension.

**Decision:** Grant

**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.

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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>	16 October 2018

## PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

### 1.0 Purpose of the report:

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

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

### 4.0 Council Priority:

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

### 5.0 Background Information

5.1 Planning/Enforcement Appeals Lodged

5.2 None

### **5.3 Planning/Enforcement Appeals Determined**

#### **5.3.1 15 Cocker Street, Blackpool FY1 2BY - 17/0787**

5.3.2 The appeal was made by Cardtronics UK Ltd against the Council's decision to refuse planning permission for the retention of an ATM in the Dickson Road elevation of the shop-front. The appeal was **DISMISSED**.

5.3.3 The Inspector acknowledged the circumstances of the site, the relevant planning policy and the comments of Lancashire Constabulary. He did not find that there was a requirement for the applicant to demonstrate a need for the ATM. Nevertheless, he recognised that the wider area is very deprived and suffers from high levels of crime and that the proposal should promote public safety. The ATM was considered to be in a conspicuous position in a relatively busy area. The Appellant's willingness to install security mirrors, a wall light and a pin shield were also taken into account. However, the Inspector judged that the lack of anti-ram-raid bollards and the lack of clarity over the specification of the CCTV system were unacceptable. He also agreed that the existing wall could encourage congregation which could be intimidating to users of the ATM and could also reduce natural surveillance and security. On this basis he judged that the proposal would not adequately reduce crime and fear of crime to ensure public safety and security.

5.3.4 The Inspector also considered the impact of the proposal on the character and appearance of the area. Although he recognised the Appellant's aim to attract customers to the ATM, he found the machine to constitute visual clutter and prevent the provision of an active window display. The Appellant's willingness to remove the illumination and the surrounding panel were insufficient to address this concern. On this basis the Inspector judged the ATM to have an unacceptable impact on the character and appearance of the building and streetscene.

5.3.5 Following this decision, a letter has been sent to the Appellant seeking the removal of the ATM and the restoration of the former shop-front.

5.3.6 A copy of the Inspector's decision letter is attached as Appendix 3(a).

5.4 Does the information submitted include any exempt information? No

#### **5.5 List of Appendices:**

5.6 Appendix 3(a): Letter from the Planning Inspectorate dated 24 September 2018.

#### **6.0 Legal considerations:**

6.1 None



**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

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## Appeal Decision

Site visit made on 18 September 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 September 2018**

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**Appeal Ref: APP/J2373/W/18/3204012**

**15 Cocker Street, Blackpool FY1 2BY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cardtronics UK Ltd against the decision of Blackpool Borough Council.
  - The application Ref 17/0787, dated 15 November 2017, was refused by notice dated 3 January 2018.
  - The development proposed is the retention of an automated teller machine.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I could see from my site visit that the automated teller machine (ATM) had already been installed. The ATM in situ reflects the details that are shown on the plans that are before me. I have determined the appeal on this basis.

### Main Issues

3. The main issues are: (i) whether or not the proposal makes adequate arrangements to reduce crime and the fear of crime; and (ii) the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Crime*

4. The appeal site is a commercial property on the corner of Cocker Street and Dickson Road within an area characterised by a mixture of commercial and residential properties. A pedestrian footway wraps around the junction of Cocker Street and Dickson Road. Timber decking is in front of the ATM. The appeal site forms part of the Inner Area and the North Beach Resort Area.
5. The first aspect of the Council's first reason for refusing planning permission is that the appellant company has not demonstrated a need for the ATM. In forming this view, Goal 2 (objectives) and Policy CS12 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) (Core Strategy) are cited. However, neither requires a need to be demonstrated.
6. I shall turn to the other aspect of this reason for refusing planning permission. Lancashire Constabulary (the Police) highlight in their Crime Impact Statement

- (CIS) that there have been high levels of crime recorded in the last 12 months in the local area. Offences recorded include assaults, theft, burglary, drug offences and criminal damage. These have also been a number of ATM related crimes in Lancashire in the 12 months before the CIS was produced. ATMs are often targeted for various types of offence and the Police suggest a series of security measures to reduce the risk of ATM related crime.
7. This advice is against the backdrop of the site being in an area which is, according to the evidence, ranked as the most deprived in terms of crime. This is not disputed by the appellant company, even though the evidence is based on 2015 figures. There is also no substantive evidence before me to suggest that the situation has changed.
  8. I recognise that the appellant company has tried to assimilate the ATM into its surroundings, and people are becoming accustomed to the service that it offers, but given the clear advice from the Police and crime figures, this should not be at the expense of security and reducing the risk of crime. Paragraph 95 of the National Planning Policy Framework (the Framework) explains that planning policies and decisions should promote public safety by anticipating and addressing possible malicious threats. The layout and design of developments should be informed by the most up-to-date information available from the police about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.
  9. The ATM is positioned where there is a good amount of natural surveillance, clear lines of sight, and regular pedestrian and vehicular movements. The use of laminated glazing accords with the Police's advice. On the other hand the ATM could be subject to ram-raids due to the lack of bollards to prevent vehicles from leaving the roads at the junction. Also, the decked area and low brick wall could be suitable places for people to sit or congregate. Thus, users of the ATM could be intimidated and the level of natural surveillance reduced if views of the ATM are affected.
  10. I note the appellant company is willing to return to the site and install security mirrors, a wall light and pin shields. I do not have details of these, but these measures alone would not address my concerns. I agree with the Police that the other measures in terms of anti-ram-raid bollards and defensible space markings are necessary and would help reduce the risk of crime. I understand that CCTV serves the property, but I do not know if it is digital high-definition colour CCTV which can be stored for 30 days as per the advice. There are further measures advised that would also act as a deterrent to criminal activity.
  11. I note the decisions at 21 Queen Street (Ref: 13/0355) and 55-57 Abingdon Street (Ref: 13/0608), but I do not have the full details or the circumstances of each case before me to enable me to draw a comparison. Hence, the examples carry little weight.
  12. On this issue, I conclude that the proposal has not made adequate arrangements to reduce crime and the fear of crime to ensure public safety and security. While the ATM is accessible for all, the proposal does not create a healthy, safe, secure and attractive environment, and as a result does not accord with Core Strategy Policies CS7, CS12 and Goal 2 together with Framework paragraph 95.

### *Character and appearance*

13. The ATM is set within the centre of the Dickson Road frontage. Due to the premises location, and the splayed door entrance, the shop front facing Dickson Road is not extensive. The siting of the ATM in the centre does draw the eye and dominate the façade, even with the use of a stall riser and mullions. While it was unclear whether the ground floor of the premises was in use at the time of my site visit, the position of the ATM does occupy the area which would typically be used to create an active display. I note the appellant company wishes to attract people to use the ATM, and that the proposal is a small-scale form of development, but it does amount to visual clutter having regard to the character of the building and the street scene, which contains commercial premises with traditional shop fronts.
14. I note the appellant's willingness to remove the illumination and the green fascia panel from the ATM, but their removal would not address my concerns.
15. I conclude therefore, on this issue, that the proposal has a significant effect on the character and appearance of the area. As a result, conflict arises with saved Policies LQ1, LQ11 and LQ14 of the Blackpool Local Plan 2001/2016 and Core Strategy Policy CS7; which collectively seek, among other things, a high standard of design that has regard to or enhances the character and appearance of the building and the street scene.

### **Conclusion**

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

*Andrew McGlone*

INSPECTOR

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan (Service Manager, Public Protection)
<b>Date of Meeting</b>	16 October 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 September 2018.

### 2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

### 3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

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

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

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

### 4.0 Council Priority:

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

## 5.0 **Background Information**

### 5.1 **Cases**

#### 5.2 **New cases**

In total, 25 new cases were registered for investigation, compared to 51 received in September 2017.

#### 5.3 **Resolved cases**

In September 2018 three cases were resolved by negotiation without recourse to formal action, compared with eight in September 2017.

#### 5.4 **Closed cases**

In total, 15 cases were closed during the month (20 in September 2017). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

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

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

relating to those cases set out in the table below

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



5.6 **Notices authorised in September 2018**

Ref	Address	Case	Dates
18/8069	156 Lytham Road	Unauthorised change of use of a café to a garage and vehicle storage, ground floor south elevation shop front removed and roller shutter and access ramp installed, and external alterations on the rear elevation removing bricks and installing two roller shutters.	Enforcement action authorised 04/09/2018

5.7 Does the information submitted include any exempt information? No

5.8 **List of Appendices:**

5.8.1 None

6.0 **Legal considerations:**

6.1 None

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None

9.0 **Financial considerations:**

9.1 None

10.0 **Risk management considerations:**

10.1 None

11.0 **Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer :</b>	Gary Johnston - Head of Development Management
<b>Date of Meeting:</b>	16 October 2018

## PLANNING APPLICATIONS AND APPEALS PERFORMANCE

### 1.0 Purpose of the report:

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

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

None, the report is for information only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is both:

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

## 5.0 Background Information

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

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

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

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

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

5.2 Figures are submitted quarterly to the Ministry of Communities and Local Government. Performance for September 2018 is shown below as is performance for the second quarter – July to September 2018.

5.3 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%)**

5.4 In terms of the assessment period (October 2016 – September 2018) performance at the end of September 2018 for the full two year period was –

**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%)**

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

**There were 28 decisions of which six non major appeals were lost (21% of the total)**  
**NB There were no major appeal decisions**

	<b>Government Target</b>	<b>Performance September 2018</b>	<b>Performance July - September 2018</b>
<b>Major development decisions</b>	>60%	No major application decisions this month	100%
<b>Minor development decisions</b>	>70%	91%	96%
<b>Quality of major development decisions</b>	<10%	None	None
<b>Quality of non major development decisions</b>	<10%	One appeal decision in September – appeal dismissed	Two appeal decisions in the quarter – both dismissed

Does the information submitted include any exempt information? No

**5.6 List of Appendices**

5.6.1 None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 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

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant officer:</b>	Mark Towers, Director of Governance and Partnerships
<b>Date of meeting:</b>	16 October 2018

## REVISED MEMBER AND OFFICER PROTOCOL AND REVISIONS TO THE PUBLIC SPEAKING PROCEDURE FOR PLANNING

### 1.0 Purpose of the report:

- 1.1 To reconsider the revised draft Member and Officer Protocol for Planning for recommendation to Council and amendments to the public speaking arrangements for the Committee.

### 2.0 Recommendation(s):

- 2.1 To recommend Council to approve as part of the Council's constitution the revised Member and Officer Protocol for Planning as attached at Appendix 6a.
- 2.2 To recommend to Council that the time period allowed for public representations is increased from five to seven minutes for objectors and applicants.
- 2.3 To agree a recommendation from this committee as to whether it wishes to amend the time period to seven minutes for each ward councillor who applies to speak, to be aligned with members of the public or whether to retain the status quo for councillors.

### 3.0 Reasons for recommendation(s):

- 3.1 The revisions to the member and officer protocol for planning have resulted from the previous peer review of planning and are intended to provide clarity for members, officers and the public.

The increase from five to seven minutes for the time period allowed for objectors and applicant sets out parameters for debate while allowing representations to be heard.

- 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 previous protocol is out of date so the approval of a revised version is necessary. Members may wish to consider a different time period for public speaking.

**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 Members will recall that at the meeting of the Committee on 14 August 2018, they considered a report on proposed changes to the Protocol and public speaking procedures. This was following a workshop session held on 8 March 2018 with Planning Committee members and officers, to look at a recommendations arising from the Planning Peer review that related to the Committee.

5.2 Revised Member and Officer Protocol for Planning

5.2.1 Members will recall that the Protocol had not been updated for a number of years and it had been noted that the Council's current practice differed from the protocol. Equally the planning peer review had identified a number of areas of best practice. As a result of the workshop in March, a number of changes were made and these were considered by the Committee in August and recommended for Council approval. No changes have been made since that Planning meeting although the document is attached again as an appendix to this report.

5.3 Speaking at Planning Committee meetings

5.3.1 Currently the Council's rules of procedure allow one speaker for and one against, with a limit of five minutes and an unlimited period for ward councillors. At the March workshop session, members expressed a wish to increase the time limit for members of the public but also to introduce an element of consistency by also adding this limit to apply to ward councillors. The view was that this would allow sufficient time for representations, give parity to members of the public, but avoid significant levels of repetition.

5.3.2 Following the workshop, research into best practice showed that the Council is in line with other Councils in terms of time limits, although that some Councils allowed



multiple speakers both for and against applications and some did not differentiate ward councillors in their schemes. When the matter was considered by the Planning Committee in August 2018, members recommended that Council amends the public speaking rules for planning to extend the limit for members of the public to seven minutes for both those speaking for and against and additionally for this limit to also apply for ward councillors. It should be noted that there remains discretion for the Chairman, with the agreement of the Committee, to extend the time limit for speaking.

5.3.3 At the Council meeting held on 19 September 2018, there were some views expressed that the time limits, in particular for those for ward members, should be reconsidered. As a result, Council agreed to defer the matter back to this Committee for reconsideration. Members will need to consider therefore whether they wish to submit a revised recommendation to the next Council meeting.

5.4 Does the information submitted include any exempt information? No

5.5 **List of appendices:**

5.6 Appendix 6a: Revised Member and Officer Protocol for Planning

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 A workshop was held in March 2018 at which Planning Committee members and planning officers attended and the proposed revisions were as a result of the workshop. The Planning Peer review also indicated a need to review the Protocol.

**13.0 Background papers:**

13.1 None.



## **Part 5d**

# **Member and Officer Protocol for Planning**

<b>Member and Officer Protocol for Planning Matters</b>	
<b>Effective from</b>	<b>Approved by Council</b>

**1. Introduction**

- 1.1 The role of the planning system is to regulate the use and development of land in the best interests of Blackpool both immediately and in the future. It can affect the private lives of individuals, the interests of landowners and developers but also the future of the town. It is essential that the Council should make such decisions openly, impartially with sound judgement and for justifiable reasons.
- 1.2 Councillors and officers are both involved in operating the planning system although they have different yet complementary roles. The successful operation of the planning process relies on mutual trust and understanding of each other's roles. It also relies on both groups ensuring that they act in such a way which is not only fair and impartial but is also clearly seen to be.
- 1.3 The protocol outlines the requirements of all parties. It should be read in conjunction with the Council's Constitution, in particular the relevant Codes of Conduct for both officers and members as well as the Royal Town Planning Institute Code of Conduct which sets out the professional conduct for officers.

**2. Role and conduct of Members and Officers**Role of Members

- 2.1 When Councillors come to make a decision on a planning matter they must:
- Act fairly and openly
  - Approach each case with an open mind
  - Read the reports and any additional information such as viewing photographs, video footage in advance of the meeting and prepare for the Committee meeting
  - Pay attention to representations received
  - Use the Council's planning policy and guidance as their basis for making a decision
  - Consider national planning policy and guidance
  - Consider whether the application could contribute to a solution to a social, economic or environmental challenge within Blackpool
  - Carefully weigh up all relevant issues before reaching a view on a particular case
  - Determine each case on its merits
  - Ensure that there are clear and substantial reasons for their decisions and that those reasons are clearly stated.
- 2.2 Councillors should remember that while acting as a member of the Planning Committee that they have a responsibility to ensure planning policies are equitably and evenly applied. Councillors will find that decision making can be difficult as it may often be forced to balance competing demands (for example the prosperity of the wider town with the

objections of residents neighbouring the proposed development or equally the benefits that might accrue in the future).

#### Role of Officers

- 2.3 The function of officers is to advise and assist Councillors in matters of planning policy and in their determination of planning applications and enforcement issues by:
- Providing impartial professional advice
  - Use adopted Council policies as the basis for decision making
  - Ensure that all available information relevant for the decision to be made is given including details of representations and rationale for the recommendation to the Committee
  - Outline the material considerations and highlight where representations include matters relevant to a planning decision.
  - Providing a clear, logical and accurate analysis of the issues
  - Implement the decisions of the Planning Committee.
  - Determine which applications under the Council's scheme of delegation are to be considered by Committee or by the Head of Development Management under delegated powers.

### **3. Training on planning matters**

- 3.1 All members of Planning Committee are required to receive training on planning and conduct matters prior to being involved in the work of the Committee. This will help members undertake their role in as a professional manner as possible.
- 3.2 The Head of Democratic Governance will set a training plan for all members after consultation with the Chairman and the Head of Development Management and in accordance with the priorities in the Member Development Plan.
- 3.3 Members of the Committee should raise topics that they wish to covered by such training and their feedback on training will requested regularly.
- 3.4 The names of members who do not attend such training will be reported to the relevant Group Leaders with a clear recommendation that such members who have not attended training regularly be removed by their party from the Planning Committee.
- 3.5 Councillors who are not members of the Planning Committee are also able to attend such training if they wish to develop their knowledge of the process.

### **4. Declarations of Interest**

- 4.1 Councillors must consider all the material planning considerations before them with open minds (and appear as so) at the time of determination of the application.
- 4.2 While it is for the individual councillors to decide whether there is an interest to declare, the potential consequences of a failure to declare an interest should always be borne in mind as should personal bias and a closed mind as these can have serious consequences for the elected member, the decision and the Council. Failure to observe this Planning Protocol could result in the councillor being reported to the Council's Monitoring Officer.

4.3 Councillors must declare all interests in the matter for consideration and where appropriate withdraw from the meeting. The nature and the existence of the interest should be clearly declared. Further information is available on the code of conduct which applies to all Council meetings.

4.4 The Head of Democratic Governance can provide advice and guidance on potential interests. Where Councillors are unclear they should contact the Head of Democratic Governance or another member of the Democratic Governance team as early as possible in advance of the meeting to assist the Councillor in making their decision whether they have an interest.

## 5. Bias

5.1 It is important that councillors who are making decisions approach any decisions with an open mind. This rule applies whether the councillor does or does not have an interest in the matter. Decisions must be made strictly on planning grounds and have considered all relevant factors outlined in the officer's report. The appearance of bias is particularly likely where a member has expressed a settled view on a planning matter in advance of a meeting.

5.2 The Localism Act has clarified that there is a difference between '*pre disposition*' and '*predetermination*'.

5.3 A councillor is biased if they have or appear to have *predetermined* a planning application in so much that they have made up their minds before considering all the evidence or if they choose to ignore some evidence.

5.4 A councillor can express a *pre disposition* in favour or against a planning application without being biased, so long as the councillor has not closed their mind and this is clear to those involved.

5.5 It should be noted that perception is equally important so councillors should clearly avoid giving the appearance both by verbal and non-verbal communication that they have closed their minds to an issue.

5.6 Where it is agreed to defer a matter to a future meeting, issues raised in debate prior to the deferral do not indicate necessarily that a councillor will be biased when the matter is reconsidered unless this is expressly stated.

5.7 Councillors cannot accept an instruction from anyone to determine an application in a particular way. It is not appropriate for any party or group of members to apply a whip or other formal or informal instruction to vote in a certain way.

## 6. Role as a ward councillor

6.1 Members have an important role as ward councillors in representing those living in their ward's views on planning applications.

6.2 There is a procedure in place so that members can request that an application is considered by the Planning Committee rather than dealt with under delegated powers and this is outlined at Appendix A to this protocol.

6.3 Ward Councillors can also make representations to the Planning Committee by applying in writing or by email by 12 noon the day before the meeting.

6.4 Where the ward councillor is also a member of the Planning Committee they can either choose to refer those interested in the application to their ward colleague or they can choose to remove themselves from the Committee to make representations to it. They can also submit any views in writing.

**7. Development proposed by the Council or a Council owned or controlled company**

7.1 Planning legislation allows Councils and bodies controlled by them to submit and determine development proposals which they intend to carry out themselves. These shall be considered in the same way as those put forward by private developers.

7.2 Members of the Planning Committee who are also Board members of Council-owned companies will have a prejudicial interest in planning applications submitted by or on behalf of which affect the Company and should not take part in the consideration of the application.

7.3 The Council should treat such applications on an equal basis with all other applications.

**8. Development proposed by individual members or officers or persons related to them**

8.1 Councillors or officers should never act as agents for another person in pursuing planning applications within the Borough or which materially affect the Borough. If members or officers submit their own proposal to the Council they should take no part in the processing and determination of that proposal and they should not be involved in the processing and determination of applications submitted by close family, personal friends or business associates. The Council's Head of Development Management should be informed of all such proposals as soon as they are submitted.

8.2 These applications will be determined in line with the processing of all other applications but with the relevant elected member or officer excluded from the process.

8.3 Officers must not deal with development proposals and planning applications in which they have any form of interest.

**9. Lobbying of and by members**

9.1 Lobbying is a necessary and legitimate part of the democratic and planning process. Those affected or who have strong views on a proposal for development will often try to canvass the Planning Committee to get members of the Committee to share those views. The time though for individual members of the Planning Committee to make a decision on a proposal is at the Committee meeting when all the relevant information is available and has been properly considered.

9.2 Councillors are free to listen to a point of view about a particular proposal and to provide basic advice on how the application will be processed (details of relevant contact officers, how to register to speak etc). They should be careful however to reserve their own final judgement until the Planning Committee meeting and to make it clear that this is the case.

9.3 Councillors should not circulate information to other members of the Planning Committee and instead refer such submissions to the Head of Development Management for assessment and/or inclusion in the report to the Committee or Update Note.

**10. Pre- and post- application discussions**

- 10.1 Councillors on the Planning Committee need to uphold their position as impartial decision makers and it would not be appropriate for them to take part in pre or post application discussions with applicants regarding a proposed development.
- 10.2 It is reasonable for councillors to refer such discussions to the Head of Development Management who can arrange a factual discussion of whether the application as proposed appears to be in line with the Council's approved planning policies.
- 10.3 During any pre-application discussions or meetings with the applicant, it will be made clear at the outset the Council will not as a result of such discussion be bound to make a particular decision and such views are provisional and not the formal decision of the Committee.

Major applications submitted may make use of information sessions for members. The purpose of such sessions is to allow members to gain a broad understanding of the application and to request further information.

**11. Officers' reports to Committee**

- 11.1 The officer's report to Committee will include the following information:
- A professional appraisal and balanced presentation of the application
  - A clear recommendation including justification for the recommendation
  - Where an application is recommended for approval - reasons for the approval, relevant conditions and the reasons for those conditions
  - Where an application is recommended for refusal - reasons for that refusal and why in the opinion of the officer conditions could not mitigate these issues
  - A history of the site
  - The proposal
  - The substance of any representations received
  - The relevant policies applicable
  - Any other material considerations
  - A view as to why alternative options have not been considered suitable
  - Any material considerations that would justify a departure from the development plan
  - A plan of the site
  - Suitable photographs and other visual material eg video footage
  - A link to the online planning file where the full details of the representations and other relevant information referred to in the report can be found.
- 11.2 An update note is produced containing any new information submitted after the agenda is published and will be circulated in advance of the meeting. If additional information is submitted after the compilation of the update note that is relevant to the discussion, it may be necessary to defer consideration of the planning application to a future meeting or adjourn the Committee briefly to enable proper consideration of the additional information.
- 11.3 Councillors should read carefully the officer's report in advance of the Committee meeting and where necessary seek clarification at the meeting of the information contained within. If councillors wish additional information or photographs/video footage to be added to the report they should contact the Case Officer to request that these be circulated with the



update note. It is however perfectly proper for a member to ask the planning officer to ensure that a particular issue is dealt with in the presentation to Committee in advance of the meeting.

## **12. Decisions contrary to officer recommendation**

12.1 The decisions at Planning Committee (as outlined previously in paragraph 2.1) can only be made in reference to the Local Plan and other material planning considerations. Decisions can however be made against officer recommendation so long as a reason is given which is clear and convincing. Councillors should, in making a decision, outline their good and valid planning reasons for departing from the officer's recommendation.

12.2 However, it should be noted that the correct place to seek changes to the Local Plan is through a review of the plan at full Council - the Committee cannot seek to amend Council policy at Planning Committee meetings.

12.3 Where councillors wish to make a decision to refuse a planning application against officer recommendation they should seek outline reasons for that decisions. The following courses of action can be undertaken to assist this process:

- A councillor should approach the Head of Development Management in advance of the Committee meeting and ask to assist in translating the preliminary view of the member into sustainable reasons for refusal with reference to planning policy.
- Councillors can seek a brief adjournment of the meeting to allow officers to assist in the formulation of such reasons.

12.4 Where councillors wish to make a decision to grant planning permission against officer recommendation they should outline a reason for the decision and if applicable propose conditions. Members should remember that if no conditions are proposed then the application would be granted without restrictions and should consider carefully the implications for a planning permission granted in such a way. The following courses of action can be undertaken to assist this process:

- A Councillor should approach the Head of Development Management in advance of the Committee meeting and ask to assist in translating the preliminary view of the member into sustainable reasons for approval and identify suitable conditions with reference to planning policy.
- Councillors can seek a brief adjournment of the meeting to allow officers to assist in the formulation of conditions

## **13. Viewing sites**

13.1 The report, the update note and presentation at Committee will contain suitable photographs, videos, images and plans to assist Councillors in making their decision. In line with paragraph 11.3, having viewed the agenda, if Councillors wish additional information or photographs to be added to the report they should contact the Case Officer to request that these be circulated with the update note.

13.2 It has been agreed that site visits do not need to take place for planning applications unless there are exceptional circumstances. Councillors of course remain able to use their local knowledge to assist in the decision making and can visit the site independently so long as they do not engage with any other parties.

13.3 If a member of the Committee considers that there are exceptional circumstances to warrant a site visit, they should contact the Head of Development Management and explain in writing why such a visit was essential. This statement would include the exceptional

circumstances of the application and why it was not possible to source the required photographs, images and videos. This would then be considered by the Head of Planning Quality Control after consultation with the Chairman.

**14. Complaints**

- 14.1 Any complaints made about the planning process should be recorded and would normally be dealt with in the Council's Complaints Procedure. Where it is a complaint relating to standards or conduct it should be reported to the Council's Monitoring Officer.

<b>Schedule A – Ward Referral Procedure</b>	
<b>Effective from</b>	<b>Approved by Council on</b>

1.1 Where an application is proposed to be determined by the Head of Development Management under delegated powers, the relevant ward councillor can request that the application be referred to the Planning Committee for further consideration. This is subject to the following:

- The request must be submitted in writing to the Head of Development Management.
- The request must be received no later than 10 clear working days from the validation of the application and its publication on the Council's website.
- The request should specify one or more reasons why he or she believes the application should be considered by the Planning Committee, this should normally highlight issues raised by their local residents. The ward councillor would normally be expected to make representations to this effect to the Committee.
- The application itself should not be one submitted by the ward councillor nor should the councillor have a Disclosable Pecuniary Interest or an interest in the matter which in accordance with the Code of Conduct for Members, requires them to withdraw from the meeting.

1.2 This scheme applies only to original planning applications and not to re-submitted applications where no substantial change has been made to the original application. It also does not apply to prior approval, certificates of lawfulness, advertisement consent, listed building consent and tree applications. This scheme also only applies where the Council is the body to determine the planning application and not where the Council merely must receive notification and does not determine the planning application.

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**COMMITTEE DATE:** [16/10/18](#)

**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 Kentigerns

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

**LOCATION:** ST KENTIGERNS RC PRIMARY SCHOOL, NEWTON DRIVE, BLACKPOOL, FY3 8BT

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Ms P Greenway

## **INTRODUCTION**

The Committee considered the application at its last meeting on 18 September 2018 and acknowledged the benefits in providing an increased play area, but were mindful of the residents' concerns regarding the potential impact of the proposed development on their amenity. It also considered that it would be beneficial for residents to be provided with more information on the scale and design of the development. They therefore resolved to defer the application to a future meeting to allow the opportunity for discussions to take place between the applicant and the objectors. The discussion will take place on 15 October 2018, the outcome of which will be reported orally to Members at the Committee meeting.

The applicant has asked that the application be brought back to Committee on the 16 October 2018 because of funding pressures and has submitted the following additional information –

- **a statement from the headteacher**
- **a noise assessment**
- **a statement regarding the constraints**

These are attached at Appendices 7a, 7b and 7c of this report.

In addition, revised plans have been submitted to return the 2m high acoustic screen around the sides of the playdeck, in accordance with the recommendations in the noise assessment.

### **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 it is recommended that 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**

The proposal is for the 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 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."

Since the deferral of the application additional information has been submitted by the applicant's agent and this is appended to this report.

### **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 1hr 40mins 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 have no objections to the development.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 22 May 2018

Neighbours notified: 22 May 2018 and 3 October 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.

Any further representations will be included in the Update Note.

### **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.

Paragraph 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 15. Conserving and enhancing the natural environment.

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 m sq providing some 6.3 m sq outdoor play space per child in total from the current 5.6 m sq. This area falls short of the prescribed 9 m sq 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 metres 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 has 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 2 metres high woven willow acoustic barrier into the living wall as suggested by the Service Manager Public Protection. This would be provided to the rear and side boundaries of the playdeck and therefore there should be minimal noise breakout. In addition, the agent has confirmed that it would only be Key Stage 2 (KS2) using the play deck and it would only be used for one hour a day as follows:

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 Key Stage 1 (KS1) would not use the deck) and this could be conditioned, which would mitigate the noise issue that has been 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 sq m and the play deck as submitted is approx. 155 sq m 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 the recommendation is that planning permission be granted.

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

None

#### **FINANCIAL BENEFITS**

None

#### **HUMAN RIGHTS ACT**

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

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

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

#### **BACKGROUND PAPERS**

Planning Application File 18/0331 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

#### **Conditions and Reasons**

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: location plan received by the Council on 17/05/2018; drawing No.s 118-02 Rev A, 118-06 Rev A, 118-07, 118-08 and 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 2 metres high acoustic barrier shall be installed on the rear and side boundaries of the deck as shown on the submitted layout plan 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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## Statement from the Headteacher

The scheme was quite rightly recommended for approval by the planning officer after reading the concerns from residents during consultation and visiting school. However, but due to concerns over the possibility of increased 'nuisance' noise generated by children using the elevated play deck (for 1hr maximum per school day) it was agreed by committee members that the decision should be deferred to allow neighbour consultations.

We are addressing the noise issue and have engaged an acoustician to undertake a sound report that can be considered by committee members ahead of the next committee meeting. This report will hopefully establish what the increased noise level will be; its acceptability or otherwise and what mitigating measure can be taken to reduce noise to an acceptable level.

Given that we have undertaken our own analysis over a number of years now on the most appropriate location for the play deck, this analysis will be set out for committee members for the next committee meeting.

I, the governors, staff and pupils are hoping the sound report will confirm that an acceptable level of noise is emanating from the deck and therefore no need for further neighbour consultations prior to the next committee meeting.

We are on a very strict timescale now in terms of funding and as you know this was intended to be a summer project completed by the beginning of September 2018. I have accessed funding from the 'sugar tax' as the criteria for the allocation totally matched the need for more play space in school and that together with our obesity statistics secured the funding that has to be spent this financial year. The diocesan buildings manager has indicated that realistically the decision needs to be made at the October planning meeting to allow the project to be realised before the funding deadline.

Hopefully we will be able to satisfactorily demonstrate that any 'nuisance' sound is contained to an acceptable level. We are all very much committed to a scheme that does not unnecessarily impact on neighbours but equally committed to providing children with the play areas that they very much need and deserve.

Yours sincerely,  
Frances

Frances Wygladala  
Headteacher  
St Kentigern's Catholic Primary School, Blackpool  
Diocesan Leader of Education

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# Sound Advice

Noise and Vibration Consultancy  
Surveys and Training

11, Wellington Street, Lytham  
Lancashire. FY8 5BZ

Tel: 07957 842765

**John Houldsworth BSc MIOA**

Email: noisejohn@gmail.com

Lindsay F Oram  
Chartered Architect  
FYCreatives,  
154-156, Church Street,  
Blackpool  
FY1 3SP

1<sup>st</sup> October 2018

Dear Lindsay,

**Ref: Noise intrusion assessment for proposed play deck at St. Kentigern's School, Newton Drive, Blackpool.**

Thank you for the information regarding this site and advice about the requirement for a Noise Assessment.

As I understand it, the new play deck will cater for about 1/3<sup>rd</sup> of the children requiring the open play space and will be used for just 20 minutes a time in any given hour, at slightly varying times due to circumstances, but basically from 10:40 until 13:15 approximately.

There will be a 3m high fence around the play area and this will be enhanced by a form of "green wall" solid construction to 2m high to soften the visual impact.

There are existing dwellings on Bryan Road to the rear of the school with back gardens/yards facing north towards the area of the proposed play deck and it has been suggested that the level of noise created by the use of the new development may be detrimental to the current residents.

## **Technical Background and Guidance:**

1. The target for acceptable noise levels in the daytime (from 7am) in living rooms is recommended by the World Health Organisation (WHO) as 35dB(A). However, BS8233 suggests that for "good" conditions a level of 30dB(A) is better. This is also seen to be a better target for bedrooms.
2. The WHO target for acceptable noise levels in amenity areas is 50dB(A) (1hr average). This is the recommended noise level to avoid "moderate community annoyance". A value of 45dB(A) has historically been considered as the level below which noise need not be considered an issue when determining Planning Permission for new dwellings.

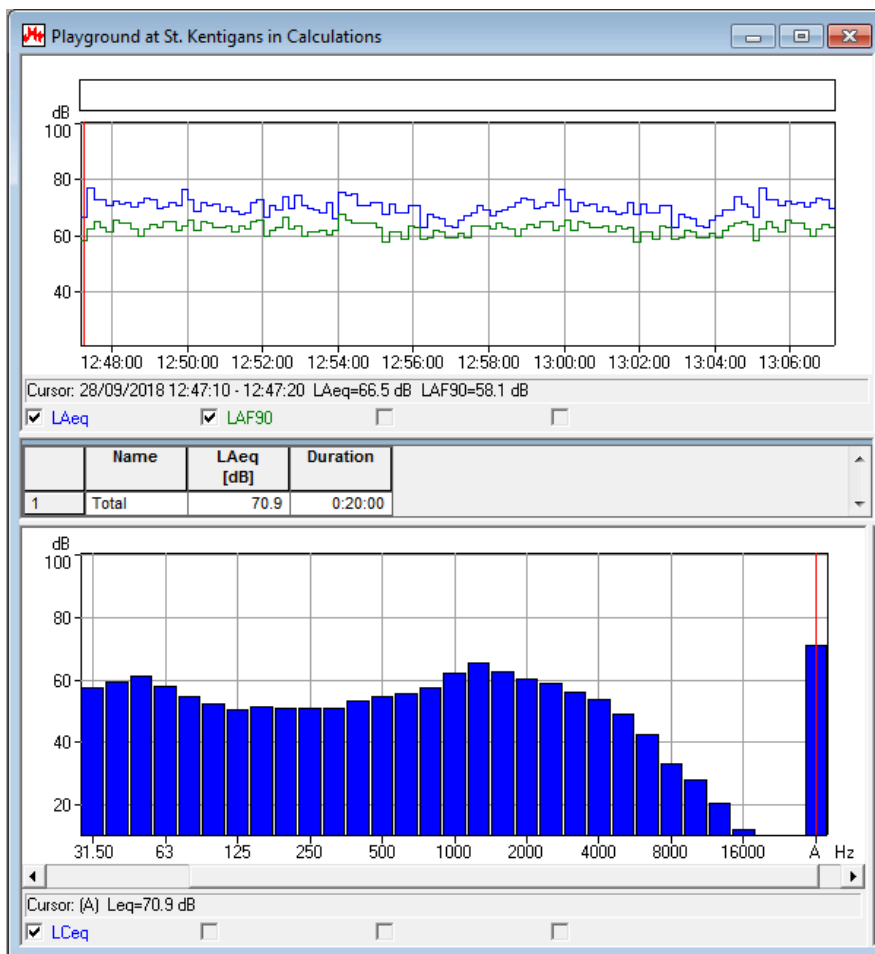
## **Measuring Equipment:**

The noise measurements were taken using a Bruel & Kjaer Type 2260 'Investigator' Precision Sound Level Analyser equipped with the BZ7206 Environmental Acoustics software. The system was calibrated before and after the measurements using a Bruel & Kjaer 4231 Class 1 Acoustic Calibrator. The equipment accuracy is traceable to UKAS.

## Noise measurement:

An automatic logged (10 sec) measurement of the typical noise created in the existing playground was carried out on Friday 28<sup>th</sup> September by placing the sound level meter in the current playground with the full complement of children active. The weather was benign with partial sun and no wind.

The logged measurement in terms of LAeq (blue - energy average) and LAF90 (green - background level) is shown below along with a calculation of the overall average level and a frequency analysis of the noise in dB(C) terms. All noise levels in this assessment are rounded to the nearest dB in line with standard procedure.



Several things emerge from looking at this data:

1. The noise of the children is variable as would be expected but is remarkably consistent over quite a narrow range. The closeness of the graphs of the two LAeq and LAF90 parameters confirms this. The average level over 20 minutes was 71dB(A).
2. The frequency analysis of the noise indicates that the majority of the energy is in the middle to high frequencies around 1 to 2 kHz and above. This again would be expected with very young voices. The lower frequency raised area on the frequency graph is due to distant traffic noise and has no effect on the overall dB(A) value.

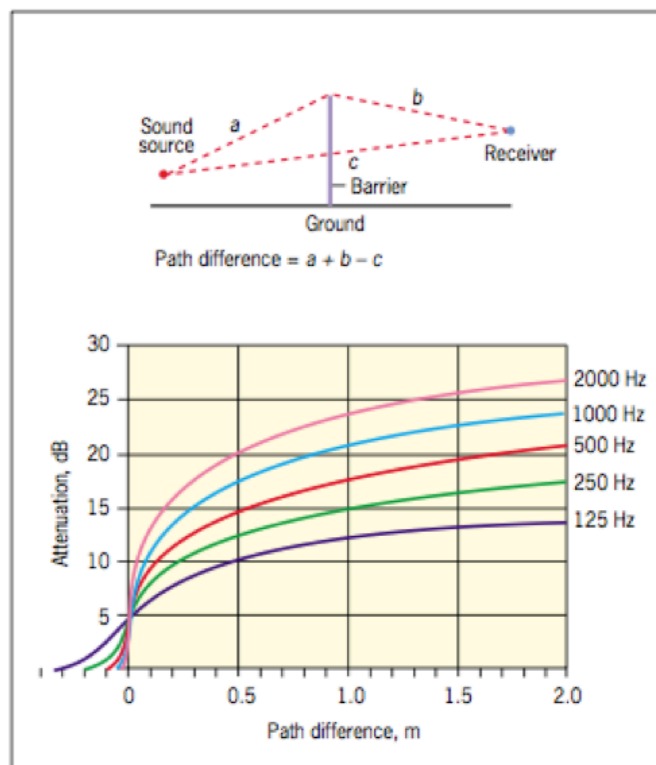
## Noise calculations:

1. The noise level measured is based on the total compliment of children at play. The proposed deck will only accommodate 1/3<sup>rd</sup> of this amount of children. Therefore, the noise will be reduced accordingly. Noise levels are logarithmic. So the number of dB's does not reduce by 2/3<sup>rd</sup> from 71dB(A) to 47dB(A) but only by about 5dB to **66dB(A)**
2. This noise level is based on the centre of the playground area but could be deemed to be anywhere due to the random spread of the children around the area. Therefore, this 66dB(A) can be taken as the source noise level for the proposed play deck at a position at the centre of the play deck.

3. Noise reduces with distance according to the expression:

Noise at X = Noise at Y – 20 log X/Y in dB. X and Y are distances in metres.

4. The back wall of the proposed play deck is about 16m from the rear windows of the houses on Bryan Road. The centre of the play deck is also about 16m from the centre of the rear gardens. This implies a direct line-of-sight noise reduction of  $20\log 16 = 24\text{dB}$ . Thus, reducing the likely noise impact to  $66 - 24 = \mathbf{42\text{dB(A)}}$ .
5. The WHO and BS guidance on noise in the daytime is normally based on hourly averages. Therefore, if the play deck noise is only present for 20 minutes then the hourly effect is reduced further by 5dB to **37dB(A)**.
6. Most importantly, the proposed play deck is to be surrounded by a solid fence. Noise is reduced by barriers in accordance with the diagram inset below. The noise must travel over the barrier rather than directly and this creates a Path Difference. The effect is frequency dependent.



### Noise calculations (continued):

7. If we assume a typical child height of 1m, source noise in the centre of the play deck at 2m from the barrier, a solid barrier height of 2m and a distance to the dwelling garden of a further 14m, then a simple application of Pythagoras's Theorem yields a Path Difference of around 0.6m. In actual fact, the garden area is below the play deck height and the Path Difference will be slightly greater, but this is of little significance to the overall calculation.
8. From the graph in the diagram above, we can clearly deduce that at the typical frequencies of children's voices (1 to 2kHz and above), the likely noise reduction will be at least 17dB at 1kHz and much more at the higher frequencies.
9. Therefore, the likely hourly average overall noise impinging on the nearest dwelling to the rear would be around  $37 - 17 = 20\text{dB(A)}$ .

### Conclusions:

1. An average noise level of 20dB(A) is below the WHO recommendations for inside dwellings even without taking into consideration the reduction of the windows.
2. An average noise level of 20dB(A) is below any consideration of noise as a potential nuisance issue in amenity areas.

I trust that this clarifies the position and helps you to progress the development. Please call me if you think that I can assist further.

Best regards,

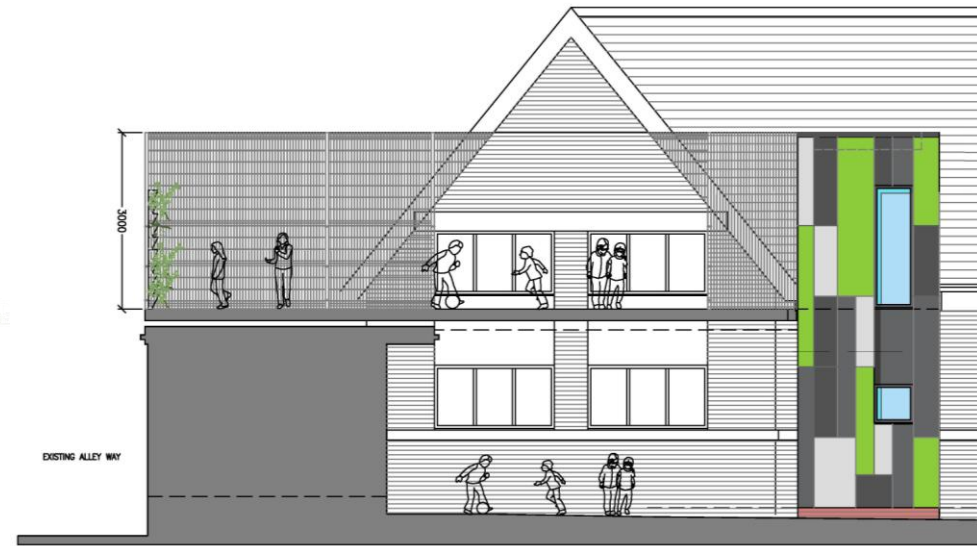
*John Houldsworth*

John M Houldsworth. BSc. MIOA

# JUSTIFICATION STATEMENT

PROPOSED PLAY DECK & DECK ACCESS,  
ST KENTIGERN'S CATHOLIC PRIMARY SCHOOL,  
NEWTON DRIVE,  
BLACKPOOL.

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PROPOSED EAST FACING ELEVATION/ SECTION



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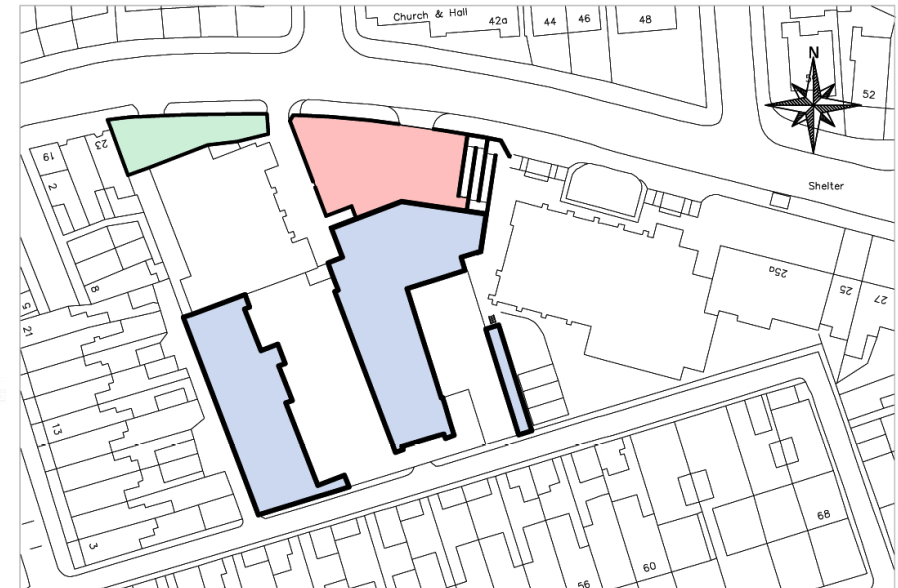


## INTRODUCTION

This Statement of Justification has been produced on behalf of the school for submission to the Planning Officer and members of the Planning Committee following the deferral of planning application ref: **18/0331** which had been recommended for approval by planning officers at the September committee.

It was felt that there would be much benefit to all interested parties if the thought and design process behind the siting of the play deck could be explained in more detail in a statement to enable all to have a better understanding of it's current location whilst highlighting the constraints of other possible locations for the deck within the school grounds.

This report needs to be read in conjunction with the previously submitted Design & Access Statement which highlights the benefits to the school children of the additional play areas.



### CURRENT OUTDOOR SPACE KEY

- PLAYGROUND/ RECREATIONAL SPACE- 1549/02
- CAR PARK- CHURCH + SCHOOL- 402/02
- CAR PARK- PARISH CENTRE



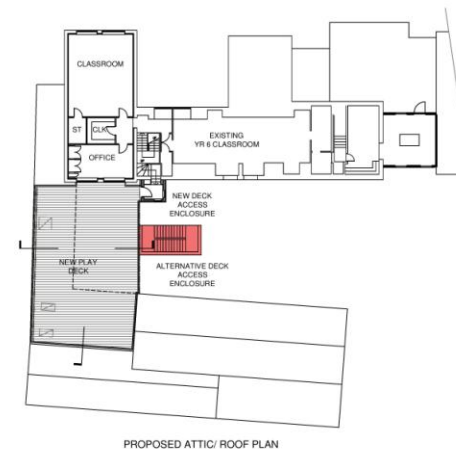
## REASONS FOR THE PLAY DECK'S CURRENT LOCATION

### USE

The play deck will be located above the current KS1 playground and will be used solely by KS1 children. The creation of this additional area will therefore be positively felt by the children in the remaining playground where the reduced child density will provide a greater area of space for play per child. KS1 teaching and playground staff will be supervising only KS1 children with outdoor play remaining separated from KS2 which would not be the case if the play deck was sited more remote from the KS1 outdoor area.

### ACCESS

The play deck will be elevated approx 3.5 meters above the existing KS1 playground; this height is set by the height of the current flat roof areas below that it is to be clear of. At 3.5 meters any new deck access staircase would require 24 steps to get the children from playground level to play deck level based on the recommended step

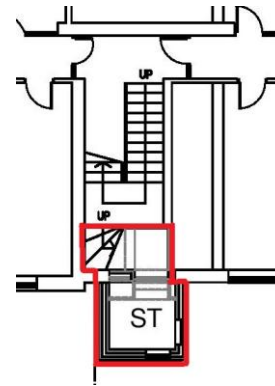


height of 150mm per step for primary school stairs. We have looked at various layouts for a new access stair enclosure for the deck and the area of current playground that would have to be given over in order to provide access would have a significant impact on existing playground space with at least one mid landing required to break up the length of stair.

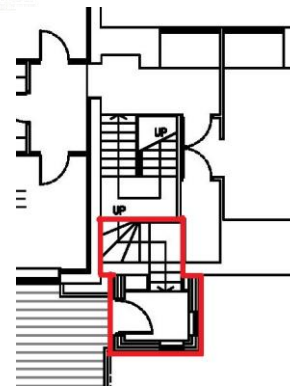
Given the above space constraints we have utilised the existing school staircase which serves attic classrooms and meeting room accommodation in order to overcome this issue and retain valuable playground area. The existing staircase has deeper risers per step and the continuity of these riser heights from the current stair half landing enables access to be gained on to the deck in 21 steps as opposed to 24 for a new staircase. More significantly we can provide most of these steps within the footprint of the existing building which in turn preserves far more of the valuable outdoor space for play.

### SAFEGUARDING

Ensuring the safety of the children is of paramount importance and the location of the playdeck deep into the school grounds not only increases the security of the children through lower visibility from the



**GROUND FLOOR PLAY DECK STAIR ENCLOSURE**



**FIRST FLOOR PLAY DECK STAIR ENCLOSURE**



main road but provides for greater surveillance of the children from the surrounding school buildings and staffed areas. Because the children are fully screened from the rear properties to Bryan Road they can enjoy an open aspect across the current KS1 playground without fear of being overlooked from outside of the school grounds.

#### ALTERATIONS TO ACCOMMODATE A PLAY DECK

There are a number of alterations that will be required to the existing school buildings to facilitate the new play deck and these alterations differ significantly depending on where the deck is to be sited.

The proposed play deck would straddle a narrow single storey flat roof building which runs east to west linking KS1 and KS2 of the school. It would also sit above a flat roof area above KS1 Reception Class. The remainder of the play deck would be suspended above the current KS1 playground as previously discussed.

Early discussions with Building control confirmed that there will need to be 60 minute fire protection between occupied teaching spaces below and the new play deck to allow safe egress from the deck should it be in use at the time of a fire below. Because the link



**EXISTING FLAT ROOF JOISTS TO BE UNDERDRAWN WITH 60 MIN FIRELINE BOARD**

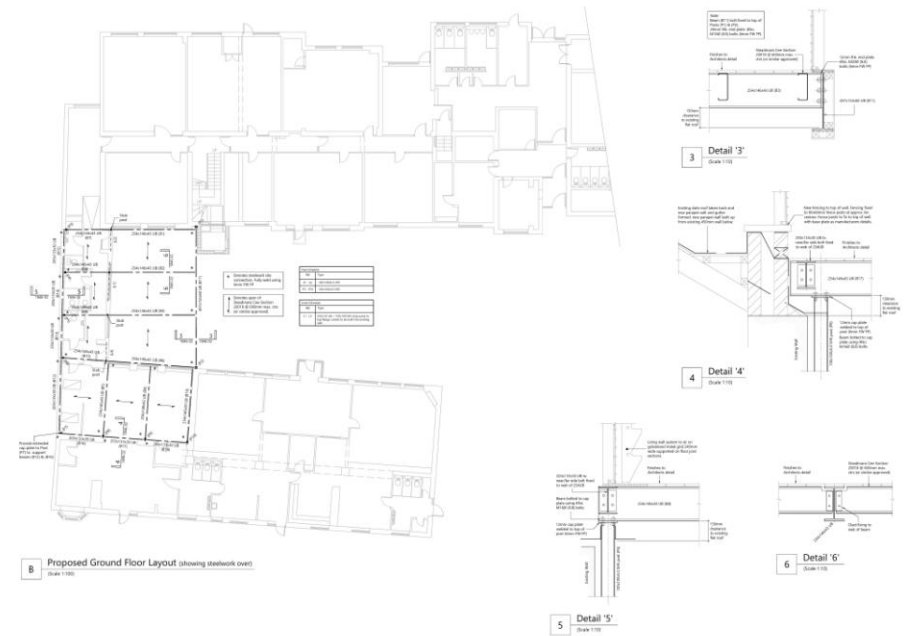


building acts as a sterile circulation route between KS1 and KS2, Building Control are happy for this roof to be unprotected as long as the deck above the Reception Class area is upgraded internally in order to give 60 minutes fire resistance. This is a costly but necessary requirement that will involve the removal of the existing suspended ceiling, lighting and associated wiring including sensors and smoke detectors and the underdrawing of the existing flat roof joists with a 60 minute fireline board. When fully boarded the wiring, suspended ceiling, lighting, detection and sensors can be re-instated.

## STRUCTURE

The new play deck will be supported independently from the existing flat roofs which are incapable of providing a load bearing means of supporting a play platform without the added loading of the children. A deep steel beam spanning east to west will take the edge of the new play deck and will allow for the fixing of further steel joists north to south to fixing points along the edge of the existing wall to the alley with neighbouring Bryan Road.

The use of the brick walls of the existing building allows for a clear span to be achieved without the need for any steel columns into the



## STRUCTURAL ENGINEERS DECK DESIGN



playground damaging the childrens enjoyment of the playground.  
This clear span will ensure that the children at playground level have unencumbered play without the risk of collision with columns.

### SHELTER

The area of the play deck overhanging the KS1 playground would provide significant shelter to children at playground level during wet weather. The playground area is also an area where the children are picked up by parents or carers and these to would benefit from the shelter that the deck would provide.

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## REASONS AGAINST THE PLAY DECK IN AN ALTERNATIVE LOCATION

### HIGHLIGHTED ALTERNATIVE FLAT ROOF AREA (YELLOW)

A KS1 play deck located as indicated above the flat roof areas of KS2 accommodation means that there would be no physical or visual connection with the existing KS1 playground and no means therefore of social interaction by the children with their KS1 peers which would not be an ideal model for promoting KS1 play in any school.

Access to a deck in this location is not possible from within the school and therefore we have the same issue as previously mentioned about the creation of a new staircase enclosure taking up valuable existing playground space in order to provide this access.

The necessary alterations to the existing accommodation that would be required would far exceed those needed in the submitted location. The accommodation below the deck is accommodation for KS2 and would require the same fire protection as previously outlined but to the entirety of the accommodation some 90 sq meter. As a



**ALTERNATIVE FLAT ROOF AREA**

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comparison the area to fire protect in the submitted scheme is 50 sq meters.

Because of the shortfall in play deck floor area of some 66 sq meters a play deck in this location would have to extend from the edge of the flat roofs approx 5m in to the KS2 playground which would need at least 3 metal columns along its edge for support. This would present not only a hazard in terms of potential collisions but also disrupt the area for ball sports.

Safeguarding of children in this location would be an issue with the fear of properties on Whitley Avenue able to overlook the extended playdeck which would see the deck brought to within 13.5 meters of the gardens to these houses and of an elevated inclination.

The additional fire protection costs, safeguarding issues, potential child collisions with structure, the division of KS1 play areas and a substantial new stair enclosure reducing existing playground space have all contributed to ruling this area out.

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PLAY DECK ABOVE EXISTING MUPA AREA (BLUE)

Building a stand alone deck above the existing MUPA pitch was looked in to a number of years ago when the play deck was initially submitted as a school bid in 2013. The deck would have again required a number of columns that would have destroyed this area as a usable MUPA space. In addition the MUPA area is marked out for football and the ball ricocheting off the underside of a deck would render this much used and needed MUPA pitch useless for the use of football and other ball games and sports.

PLAY DECK ABOVE EXISTING CAR PARK OR EXTENDING INTO CAR PARK AREA (RED)

The car park area belongs to the Diocese and is therefore not within the 'red edge' of the school ownership and can not be considered. There would also be major issues with children safeguarding with play deck 'viewing platform' from Newton Drive.



**ALTERNATIVE POSITION ABOVE EXISTING MUPA PITCH**



**ALTERNATIVE POSITION ABOVE EXISTING CAR PARK**



## CONCLUSION

In conclusion the current submitted location for the play deck is the schools preferred location for reasons of proximity to existing KS1 outdoor play and supervision; for reasons of Safeguarding and supervision of children to maintain child safety; for reasons of access and preserving the current outdoor play provision; for reasons of structure and buildability and budgetary issues relating to cost and the provision of additional shelter.

The perceived noise issues are being addressed under a separate and dependant report by a qualified sound engineer.

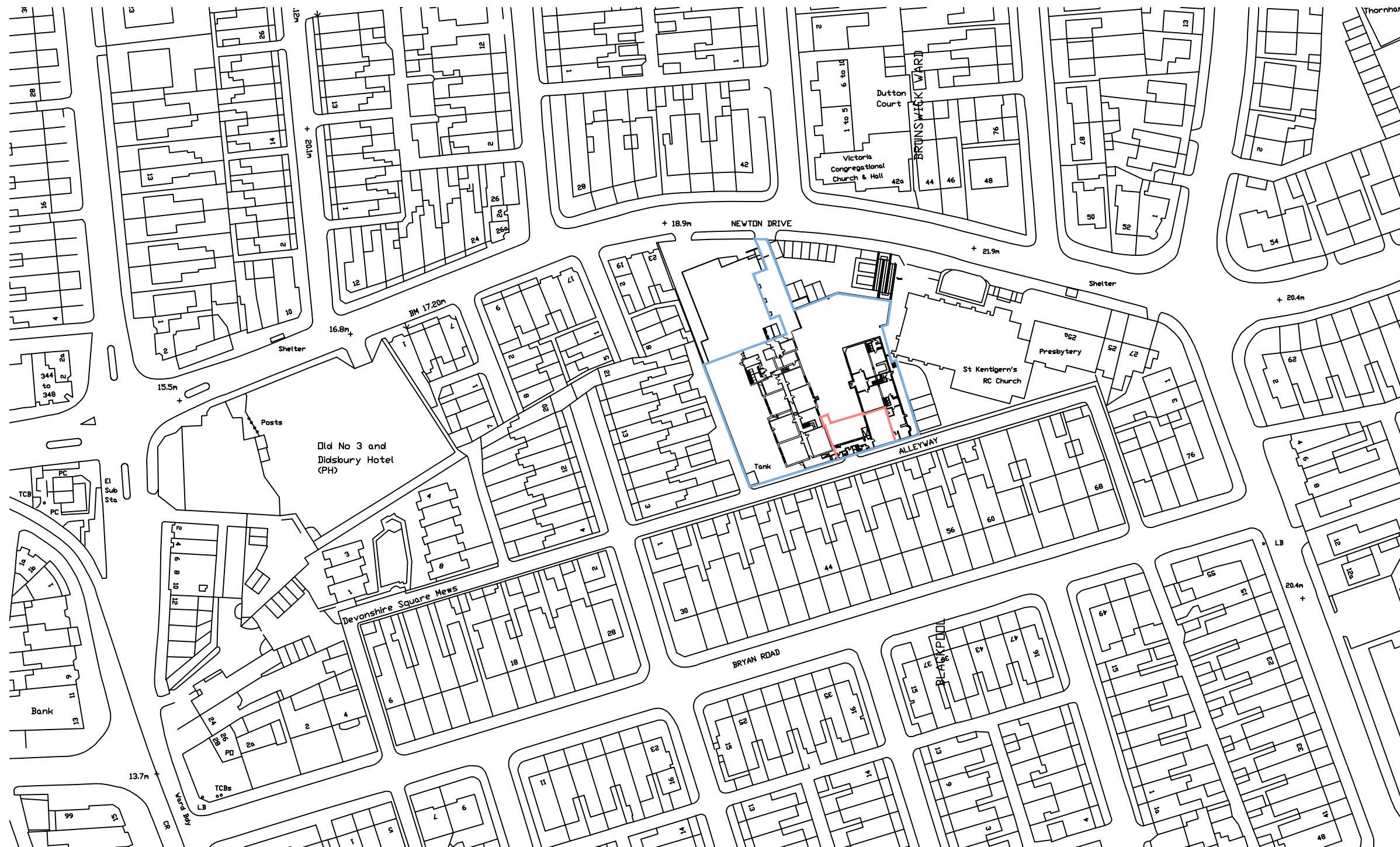
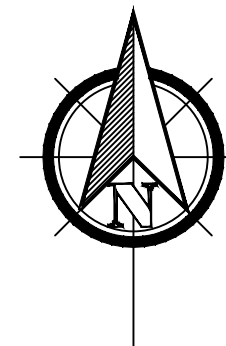
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# 1:1250 SITE LOCATION PLAN

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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

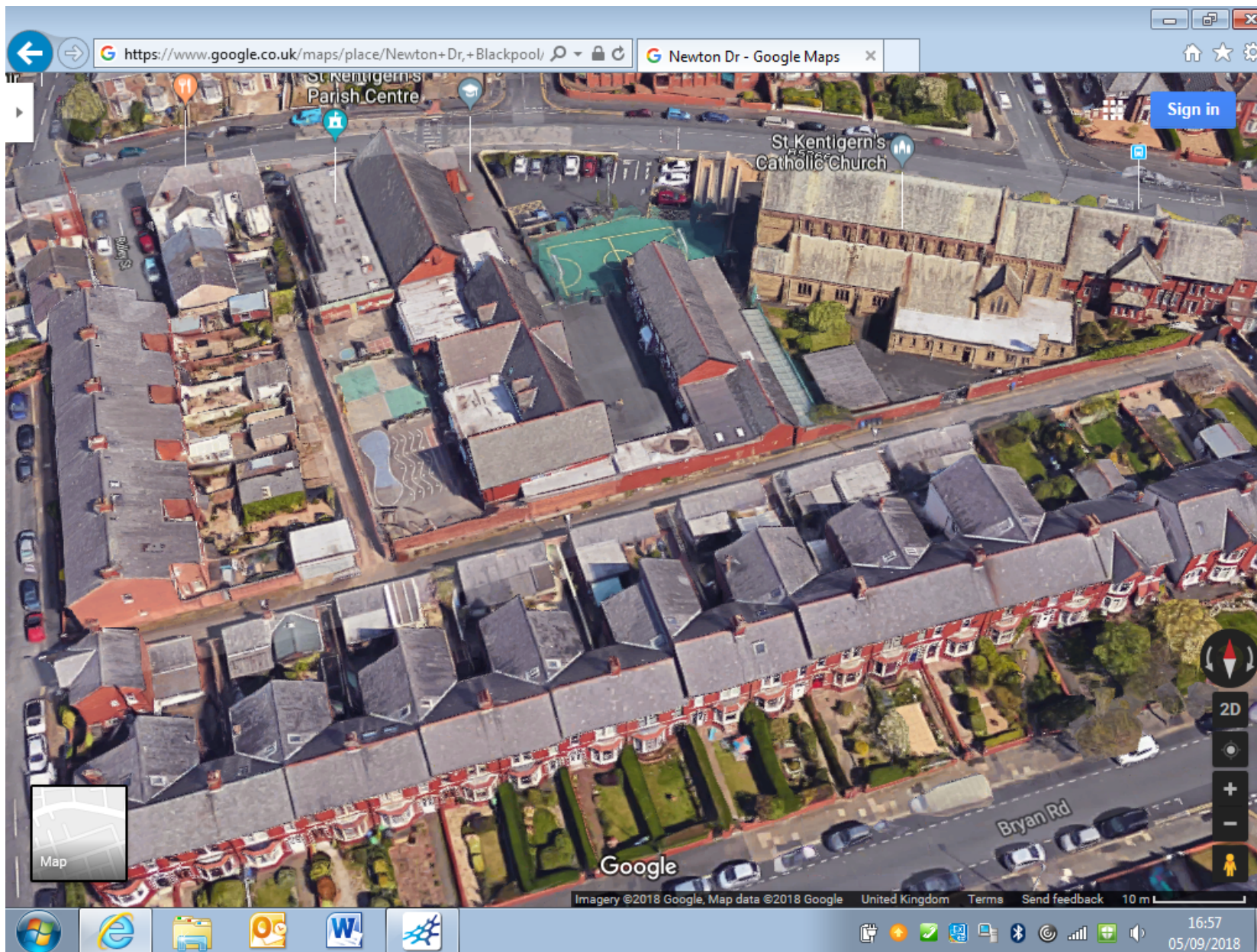
REV  
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- PRE-TENDER ISSUE
- TENDER ISSUE

- CONSTRUCTION ISSUE
- AS-BUILT DRAWINGS

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**COMMITTEE DATE:** 16/10/2018

**Application Reference:** 18/0385

**WARD:** Hawes Side

**DATE REGISTERED:** 01/06/18

**LOCAL PLAN ALLOCATION:** No Specific Allocation

**APPLICATION TYPE:** Full Planning Permission

**APPLICANT:** Mr and Mrs Packer

**PROPOSAL:** Erection of two detached dwellinghouses including car parking and landscaping with vehicle turning area and vehicle access between 125 and 127 Powell Avenue following demolition of existing garage.

**LOCATION:** 150 HARCOURT ROAD, BLACKPOOL, FY4 3HN

---

**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr M Shaw

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

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

## **SUMMARY OF RECOMMENDATION**

This application is a re-submission of a planning application for three x 3 bedroom dormer bungalows ref: 17/0069 that was refused on 3 July 2017 and the application was subsequently dismissed on appeal on 6 March 2018. This application was refused for the following reasons:-

1. The means of access to the proposed development would be significantly detrimental to highway and pedestrian safety by virtue of its length, inadequate width and the fact it would be a shared surface. In addition because of the length of the narrow access and space within the site it would not allow for adequate refuse storage/collection provision. As such the proposal would be contrary to Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Paragraphs 17, 58 and 69 of the National Planning Policy Framework.

2. The proposed dwellings would constitute unsatisfactory back land development with poor levels of residential amenity in terms of lack of a street frontage and poor outlook and would have a significantly detrimental impact on the residential amenities of the adjoining occupants, including those at 158 Harcourt Road, by virtue of their footprint, scale, close proximity to the common boundaries, fenestration, cramped and overly dense layout which would result in an overbearing impact, overlooking, visual intrusion, loss of natural light and loss of outlook. The proposal would therefore be contrary to Policies LQ1, LQ2, LQ3, LQ4 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Paragraphs 17 and 56-65 of the National Planning Policy Framework.

The revised application is considered to have satisfactorily addressed the two reasons for refusal of application 17/0069 in terms of scaling down the density of development from 3 x three bed dwellings to 2 x two bed dwellings and thus reducing the additional traffic flows on the existing access and also in removing potential overlooking and loss of privacy for neighbouring dwellings as a result of first floor windows. The revised proposal also has more space around the dwellings, curtilage car parking and landscaped front gardens.

### **SITE DESCRIPTION**

The application site is an overgrown backland site measuring approximately 25 metres x 19 metres located within this residential area of South Shore comprising mainly of two storey terraced houses. The application site is located to the rear of 148-156 Harcourt Road and 127-133 Powell Avenue. A plot of land adjoining the application site has been developed (via an appeal decision) as Logan Court comprising a terrace of four houses, accessed from Harcourt Road, and another plot nearby is the subject of a recently approved application for six houses (ref 16/0551). The application site is unallocated on the Local Plan Proposals Map.

### **DETAILS OF PROPOSAL**

This is detailed planning application for the erection of two detached bungalows each with two parking spaces with landscaped front gardens. A vehicle turning area would be provided and a 3.1 metres wide vehicle access is positioned between 125 and 127 Powell Avenue will provide access to the site following the demolition of an existing garage on the application site. Detached garages were originally included in the application but these have now been deleted due to access issues and also to provide more space around the two bungalows and the bungalows have been increased in size to meet the National Technical Housing Standards of 61sq metres for a two bedroom, three person dwelling. Further amendments have been made to the bungalows reducing the ridge height from 4.4 metres to 3.8 metres, amending the two front bays and reducing the eaves level and roof pitch on the bungalow closest to Harcourt Road.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of Residential Development
- Design and Appearance of the Dwellings and Proposed Site Layout
- Impact on Residential Amenity
- Highway Safety/ Car Parking
- Other Issues

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

## **CONSULTATIONS**

**Head of Highways and Traffic Management:** In the recent appeal on this site the Council argued successfully that three houses would lead to conflict within the access, causing vehicles to have to reverse out. The Inspector agreed. The highways observations on that application indicated that a less intensive development would be acceptable. Clearly a single dwelling is less intensive – but a single, large dwelling could easily generate as many trips as the current proposal. The site area appears to be capable of accommodating a substantial single dwelling that could house a family with a number of vehicles. On that basis the proposal, for two small dwellings, is not materially more intensive than a single but larger dwelling that might be home to the same number of people.

There are always going to be some occasions when someone is coming the other way even with one small house. It would seem reasonable to conclude that the difference in the probability of such conflicts, between two small dwellings and one larger dwelling, is not sufficient to warrant refusal on highway grounds in this case.

The standards used by the Council for many years would allow a 'shared drive' varying in width between 2.1 and 4.5 metres for two dwellings but not more. On that basis the access width of approximately 3 metres is adequate. In the recent appeal decision the Inspector was clearly concerned about the effect on the residents immediately adjacent to the access. In that case both were gable walls with no clearance and getting in/out at the end involved considerably worse geometry and visibility. In this case there is only one gable abutting the access and a wide footway/verge at Powell Avenue. There is the possibility of the site being used for some other purpose, which could well lead to similar traffic flows on the access. In view of this and the comparison with one large dwelling it is concluded that the current proposal is reasonable in this respect.

**United Utilities (Water):** the development should have separate foul and surface water drains.

**Waste Services Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**Environmental Protection:** 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.

**Contaminated Land Officer:** 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: 12 June 2018

Neighbours notified: 11 June 2018.

Six letters of objection have been received with the following comments:-

**146 Harcourt Road** The land on which the application is made, is marshland, when Logan Court was built our houses were shaking when the foundations were being dug. I am extremely concerned for my property developing cracks and damage. There is wildlife of birds in the trees on the site. We do not need any more houses taking away our privacy and making noise when cars are coming and going. I cannot understand why people would want to live there with a view of only the backs of houses. Please also consider the residents around before a decision is made.

**156 Harcourt Road** I strongly object to these houses being built. Myself and our neighbours have already opposed to four houses being built here and oppose again for having two. I disagree with having garages at the back as this will create more disturbance, noise and fumes. We enjoy our garden and having two houses being built at the back of us will create loss of light into our own and neighbouring gardens.

The trees at the back bring a great deal of wildlife (Magpies, Woodpigeons etc.) to the area and their homes would be taken down due to this build. The land is also not safe to build on I believe and we already have a crack in our house which having houses being built right behind us would make this worse. Also I would like to point out that you would not be able to get any emergency vehicles into the shared access and just again creating unnecessary traffic in our back gardens! I strongly hope you object to this and any future build as I and all my neighbours disagree.

**121 Powell Avenue** Part of the shared entrance up to the old garage is on my deeds so should I not have been asked about this. Also what about emergency vehicles getting up the alley to the new houses, I am sure there is not enough room. The same goes for trucks that will have to get up there when building the houses.

**160 Harcourt Road** I strongly object to the planned building of two detached dwelling houses to the rear of 150 Harcourt Road. My wife and I, as well as all of our neighbours, spend many days, afternoons and evenings in our respective gardens to enjoy the peace and quiet and the proposed build will definitely have a major impact on our privacy.

The outlook we enjoy at the moment will be spoilt by the sight of the proposed buildings. There are many trees and hedges that the birds and wildlife thrive on, all that will disappear and the birds and wildlife will suffer immeasurably. Also, I am very concerned if any emergency vehicles need to gain access to said proposed building. The access between 125 and 127 Powell Avenue is only just wide enough for a car to get down. An ambulance and certainly a fire engine, would certainly struggle to get down the driveway. I hope you take all my comments on board and oppose the planned building of these properties.

**162 Harcourt Road** The previous application for four houses to be built which we strongly objected to, we now have an application for two houses which we also object to.

When previous buildings have been built close by we have had movement of our property and cracks appeared in the walls so we are concerned that there will be more movement and also more pressure on the sewage and water supplies. We have very mature trees growing around the proposed site and also wood pigeons and other wildlife living there. The access to the proposed site is between two houses which is actually a driveway, our concern is how would the emergency services get to the new dwellings when you can only just get a car through. Also the noise from the property and car traffic will be enhanced.

They are literally squeezing in two houses where all our gardens are adjoining we have a great community spirit here and that will be lost as we would not be able to speak and see each other over our gardens due to the buildings. Also the light and appearance will be changed and not for the better we really do not think it is a suitable site to build on and very strongly object to the planning application.

**156 Harcourt Road** I highly object to these houses being built. The build would be overlooking all of our gardens so we would lose all privacy. We would have further noise disturbance and we would have loss of light coming into our garden. None of our neighbours are happy about these and we all strongly object to this. I would also like to add that the access would not be wide enough for any emergency vehicles and feel this would cause a hazard to neighbouring properties. There are trees on the site which bring local wildlife in order to squeeze tree houses into this small piece of land which used to be gardens. I strongly hope you oppose this plan.

#### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (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 -

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 11- Making effective use of land
- 12 - Achieving well-designed places
- 15 - Conserving and enhancing the natural 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 -

- CS2 - Housing Provision
- CS6 - Green Infrastructure
- CS7 - Quality of Design
- CS9 - Water Management
- CS12 - Sustainable Neighbourhoods
- CS13 - Housing Mix, Density and Standards

### **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 Policy 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
- AS1 - General Development Requirements (Access and Transport)

### **ASSESSMENT**

**Principle of Residential Development** - The application is not allocated under the Blackpool Local Plan which effectively means that there is no policy presumption against the residential development of the application site and that each planning application will be assessed on its own merits. Therefore the principle of residential development on the site is considered acceptable. It should be noted that the previous planning application for the

three houses was refused and dismissed on appeal due to the details rather than the principle of development.

**Design and Appearance of the Dwellings and Proposed Site Layout-** the reduction in the number of dwellings from a terrace of three x 3 bed dwellings to two x 2 bed detached bungalows and reduction in the scale from two storey to single storey has addressed a number of concerns regarding the acceptability of the site layout, the site coverage of the dwellings and space around the dwellings. In terms of design and appearance the two bungalows have a standard brick with hipped tiled roof construction with a front bay window and the entrance door on the side elevation. The car parking is now also within curtilage rather than involving shared car parking on street. The deletion of the two garages within the rear gardens and increase in the size of the dwellings to meet national floorspace standards means that as amended the application is now considered acceptable and in accordance with the relevant Local Plan policies including LQ1, LQ4 and BH3 of the Local Plan and CS7 and CS13 of the Core Strategy and also paragraph 127 of the NPPF. Other more recent amendments to further reduce the potential impact on the amenities of the occupiers of the Harcourt Road dwellings are outlined below.

**Impact on Residential Amenity-** the overlooking, loss of privacy, loss of outlook and daylight/ sunlight which were significant concerns with planning application 17/0069 have now been addressed with the reduction in height, size and the number of dwellings. The two bungalows would be 2.45 metres to eaves level (garden fences are usually between 1.8 and 2 metres) and 3.8 metres to the ridge line (it was 4.4m high to ridge line as submitted) with the pitched roofs sloping away from the site boundaries. The two bungalows would be set away from the respective site boundaries by one metre and one of the side elevations would be 7.5 metres from the rear of 150 Harcourt Road and another would be 14 metres from the rear of 129 and 131 Powell Avenue. The rear corner of one of the bungalows would be 5.5 metres from the extended rear corner of 156 Harcourt Road. The elevation of the bungalow closest to the Harcourt Road boundary has now been further reduced in height to 2 metres at eaves level. With these amendments incorporated the proposal is now considered acceptable in terms of its impact and relationship with adjoining properties and is in accordance with the relevant local plan policy including LQ1 and BH3 of the Local Plan and CS7 and CS13 of the Core Strategy and also paragraph 127 of the NPPF. Given the type of accommodation proposed it is not expected that increased noise levels will be an issue.

**Highway Safety/ Car Parking -** The site would be accessed from Powell Avenue, using what is currently an unsurfaced track that is around 31m long. The width of the track is between 2.75 metres and 3.04 metres and the track is used for rear access to five other dwellings on Powell Avenue. Due to its width, the access track could only cater for one vehicle travelling in either direction. Owing to the width of the track, there would be no space to provide a pavement for pedestrians. Consequently pedestrians would be required to walk on the carriageway. The proposed two bungalows are not designed as family housing and are intended for retired couples.

Due to the reduced number, design and size of the dwellings proposed, and reduced number of vehicle movements it is now considered that the shared access onto Powell Avenue would be acceptable for both pedestrians and motorists. There is space to turn

within the site ensuring that all traffic can enter and leave the site in a forward gear. Whilst the width of the access would preclude a refuse collection vehicle entering and exiting the site the Planning Inspector did not find that the bin drag distance onto the public highway would be excessively long. Likewise in relation to the concerns regarding access for a fire service vehicle the Inspector considered as the site is within 45 metres of a fire appliance the lack of access onto the site is not an overriding factor. The amended proposal is therefore considered to be in accordance with the relevant local plan Policy AS1 of the Local Plan and Policies CS7 and CS12 of the Core Strategy and paragraph 127 of the NPPF.

**Other Issues-** in relation to the suggestion of potential damage to adjoining property during building works the planning system does not deal with structural issues and any such issues which arise would be a private civil matter, although it is not known why structural damage would occur with the construction of two relatively small bungalows.

There appear to be a couple of trees affected by the proposal which would have to be felled to accommodate the proposal although these trees are not readily visible from public vantage points nor are they afforded any protection against felling. Subject to a condition requiring any felling outside the bird breeding season the proposal is considered acceptable in this respect. Replacement tree planting could be secured as part of a landscaping condition

No open space contribution or affordable housing provision would be required as part of the proposal.

### **CONCLUSION**

The application site is currently an overgrown and vacant area housing a single domestic garage. The erection of two dwellings on the site would contribute towards the Council's housing supply and as revised and amended from planning application 17/0069 the proposal is now considered acceptable and in accordance with both local and national planning policy and guidance and accordingly the application is recommended for approval.

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

None

### **HUMAN RIGHTS ACT**

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



## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application File(s) 17/0069 and 18/0385 which can be accessed via the link below:

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

Also, Appeal Decision dated 6 March 2018 relating to planning application 17/0069.

**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, elevations, internal layout and site layout plans ref:  
A016/ 148/P/02 Rev E, A016/ 148/ P/ 03, A016/ 148/ P/ 01 Rev E  
A016/148/S/01 Rev A

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

3. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to any works commencing above ground level.

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

4. a) No works above ground level shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.
- b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)
- c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the bungalows the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

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

7. Prior to any foundations being laid details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. No trees shall be felled or vegetation cleared during the main bird nesting season (March to July inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding biodiversity in accordance with the provisions of paragraphs 170 and 175 of the NPPF and and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

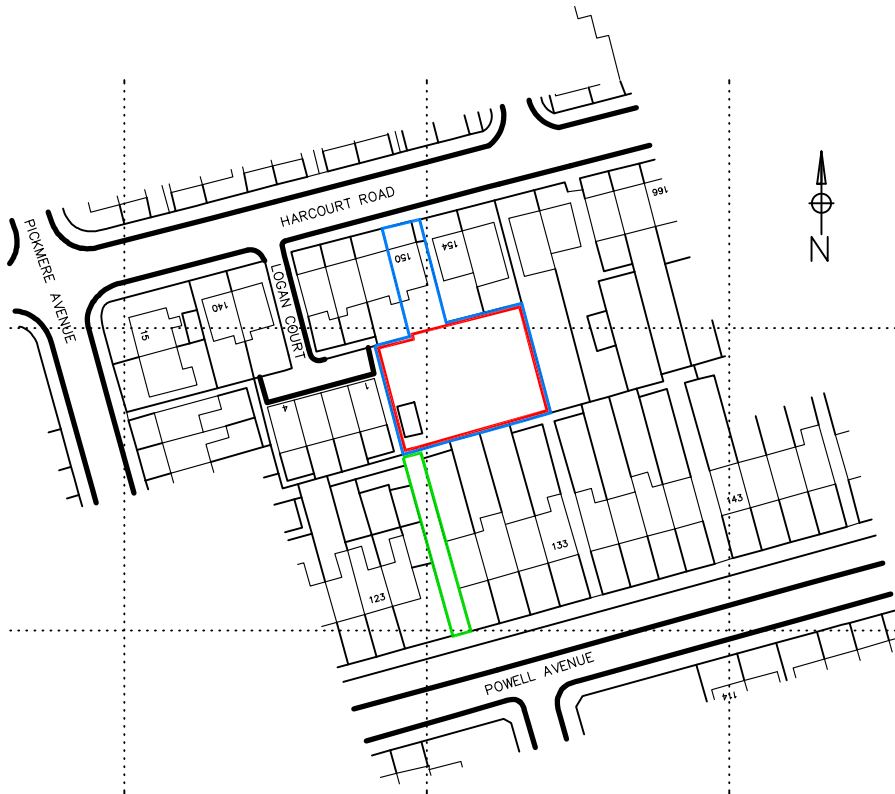
Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and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

### **Advice Notes to Developer**

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

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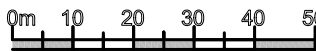
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KEY

- TOTAL SITE AREA 5900m<sup>2</sup>
- BUILD AREA 4780m<sup>2</sup>
- SHARED ACCESS



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PROJECT  
150 HARCOURT ROAD BLACKPOOL

DRAWING TITLE  
SITE LOCATION

Drawn PB	Checked	Date 04/07/16	Scale 1:1250@A4
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DRAWING No. A016/000/S/01

Rev.

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COMMITTEE DATE: 16/10/2018

**Application Reference:** 18/0410

WARD: Stanley  
DATE REGISTERED: 07/06/18  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr J Kenyon

**PROPOSAL:** Outline application for the erection of 14 detached dwelling houses with access from Moss House Road

**LOCATION:** LAND ADJACENT TO 71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Miss. S. Parker

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

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

## **SUMMARY OF RECOMMENDATION**

The application proposes a reduction in housing numbers from that approved under the wider Kensington Development Ltd. scheme. However, the lack of planning policy specifying a required density limits the weight that can be attached to this consideration. In all other respects the proposal is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be granted.

## **INTRODUCTION**

The application is before the Committee because it is of general public interest.

## **SITE DESCRIPTION**

The application relates to a 0.75ha site on the northern side of Moss House Road. The land is roughly rectangular in shape and sits between Nos. 65 and 71, both of which are in the

applicant's ownership. The site is otherwise bound by countryside to the north, east and west and by Moss House Road to the south.

The front part of the site is managed amenity grassland with the land to the rear unmanaged scrub land. There is a building and an associated service yard in the south-western corner of the site behind No. 65.

The site falls within flood zone 1 and an ordinary watercourse runs along the southern boundary. There is also an established hedgerow along this boundary. Mature trees and hedgerows are evident along the boundaries of the rear part of the site.

### **DETAILS OF PROPOSAL**

The application seeks outline planning permission for the erection fourteen houses. The matters of access, layout and scale have been applied for. The properties would be accessed from Moss House Road. All would be detached. Twelve four-bed houses are proposed along with two three-bed houses. Seven of the houses would have detached double garages and the remainder would have adjoining or integral garages. The site would be arranged along a single spine road into the site. Four house types are illustrated with maximum ridge and eaves heights of 8.4m and 5.2m respectively.

The application is accompanied by a Design and Access Statement, an Ecological Appraisal and a Tree Survey.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the principle of residential development on this site
- amenity impact
- visual impact
- the acceptability of the access and parking arrangements and the impact on highway safety
- site drainage
- ecological and arboricultural impact
- sustainability and planning balance appraisal

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

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** the proposal does not conflict significantly with the masterplan developed for the wider Kensington site but it is different. The proposal would deliver 14 units rather than the 35 approved under the Kensington scheme in roughly the same area. It would be necessary to widen Moss House Road around the site access to around 6m plus footpath. This may be complicated by the limitations of the visibility splay to the west and the presence of the watercourse along the site frontage. The bell-mouth

would need to be set-back slightly into the site by around 2m. This should not impact unduly on the proposed layout. The access should follow the 'Access Way' design set out in the LCC Residential Road Design Guide. Such junctions have been used elsewhere in the area. The scale and general layout of the proposal is acceptable. Assuming that Moss House Road is widened and an acceptable access is proposed, no objections are raised. Appropriate conditions and a Highways Act agreement would be required.

**United Utilities:** foul and surface water must be drained separately. A surface water drainage strategy according with the national technical standards and based on sustainable principles should be agreed and implemented. A management and maintenance plan for the agreed drainage system must be agreed. The developer should consult with United Utilities at the earliest opportunity regarding water supply. All pipework must comply with current standards. The level of cover to United Utilities assets must not be compromised. A Building Control body should be consulted if a sewer is discovered during construction. Any wastewater assets proposed for United Utilities adoption should be approved by United Utilities prior to commencement and be to their standards.

**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.

## **PUBLICITY AND REPRESENTATIONS**

Press notice published: 9th July 2018

Site notice displayed: 20th June 2018

Neighbours notified: 8th June 2018

Two representations have been received from 3 Florence Street and 77 Moss House Road raising the following issues:

- Moss House Road unsuitable for additional traffic
- Lack of continuous pavement and existence of 'blind spots'
- Increase in traffic
- Impact on highway safety
- Nearby junction on Midgeland Road is unsafe and hazardous to negotiate

## **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (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 -

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 11 – Making effective use of land
- 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**

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. For the purpose of this application the sections on design, flood risk and coastal change, light pollution, natural environment and open space are 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
- CS7 Quality of Design
- 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 are produced.

The following policies are most relevant to this application:

- LQ1 Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces
- HN4 Windfall Sites
- BH3 Residential and Visitor Amenity
- BH10 Open Space in New Housing Developments

- NE6 Protected Species
- AS1 Access and Parking

## **ASSESSMENT**

### **Principle**

Residential development has already been approved on the site as part of the wider Moss House Road housing scheme (planning applications 09/0740, 13/0378 and 17/0095 refer). As such, residential development is acceptable in principle.

Some 34 dwellings were approved on the application site as part of planning permission ref. 17/0095. The current proposal for 14 would therefore result in a loss of 20 committed new homes. This would have a notable quantitative impact on the Council's housing land supply. The NPPF was revised in July of this year. The updated document continues to place heavy, if not increased, emphasis on the need for Local Authorities to ensure at least a five-year housing land supply to support the Government's objective to significantly boost the supply of homes. The revised NPPF also includes a new section that seeks to ensure effective use of land. In particular, paragraph 123 states that where there is an anticipated shortage of land to meet identified housing needs, planning decisions should avoid homes being built at low densities and should instead ensure that schemes make optimal use of the potential of a site.

The wider Moss House Road housing scheme was significantly revised in 2017 and these revisions took out an area of the site and reduced the number of dwellings proposed from 579 as approved under ref. 13/0378 to 422, a loss of 157. To date, construction has concentrated on those areas of the site where the larger house types were approved. The application site is at the eastern end of the northern section of the scheme. The properties approved in this area are noticeably smaller and more densely arranged than those on the remainder of the site. There is some uncertainty as to the viability of these units in this location and the likelihood of them being coming forward. It is noted that the applicant has completed Ownership Certificate A on the application form. This indicates that Kensington Development Ltd has no formal, legal interest in the land. Thus, whilst the units are committed in terms of the Council's five-year housing land supply, there is some question over their deliverability.

In order to ensure the efficient use of land where there may be a shortage of land to meet identified needs, the revised NPPF recommends that Council's adopt policies to optimise the use of land and minimum density standards. In these circumstances Local Planning Authorities should refuse applications that fail to make efficient use of land. At present, Blackpool Council has no adopted planning policies that stipulate minimum housing densities. On this basis, and given the uncertainty over the deliverability of the relevant section of the Kensington scheme, it is not considered that the Council could reasonably resist the proposal solely on the reduction in unit numbers. Nevertheless, this loss does weigh against the application.

The application proposes a mix of four house types of various sizes. The scheme would deliver two 5-bed houses, eight 4-bed houses and four 3-bed houses. Given the size of the site and the nature of housing provision in the area, this degree of housing mix is considered to be acceptable and consistent with Policy CS13.

### **Amenity Impact**

The Council's established standards for new housing developments stipulate minimum separation distances for two-storey properties of 21m front/rear-to-front/rear, 13m front/rear-to-side and 2m side-to-side. Rear gardens should be at least 10.5m in length. These standards are generally met across the site. The only shortfalls are between plots 5/12 and 6/11 and these are no more than 1.2m and are between the front elevations where expectations of privacy are typically lower. Although this shortfall is not ideal, the layout is nevertheless considered to be acceptable. The site is rectangular in shape with the houses arranged along either side of the central estate road. There is therefore no opportunity to significantly increase the separation distances without reducing the sizes of the dwellings. On balance, it is considered that the layout proposed would offer an acceptable level of residential amenity for future residents and that it would be preferable to retain space within the properties.

The site is surrounded by open land to the east, north-east and north. Existing properties fronting Moss House Road bound the site on either side and these are both in the applicant's ownership. Suitable separation distances would be maintained between these properties and those proposed with no unacceptable impact on amenity.

As stated, the application site forms part of the wider Kensington Developments Ltd site and the layout of this larger scheme takes no account of the current site boundary. As such, the western boundary would slice through one of the approved properties of the Kensington scheme and would cut through the rear garden of another. It is highly likely that, should planning permission be granted and this site developed independently, Kensington Developments would seek to reconfigure their proposals on the other side of the boundary. However, it must be acknowledged that one of the Kensington properties could be built without amendment. This house would sit very close to the boundary and the Council's minimum acceptable separation distance would not be met. Given the shape and proposed layout of the application site, it would not be feasible to rearrange the fenestration to avoid over-looking without compromising levels of privacy within the estate. However, the property approved on the Kensington's site would be set at an angle to those proposed and the direct view from any rear windows would likely look over the garden and detached garage to this property rather than to the house itself. On this basis, and given the likelihood of the Kensington scheme being reconfigured in the event that the application site comes forward separately, it is not considered pragmatic for planning permission to be resisted on this basis.

Each property would benefit from private outdoor amenity space sufficient in size for the enjoyment of residents, the storage of refuse bins and cycles, and the drying of clothes.

A condition would be attached to any permission granted to require the agreement of the internal layouts of the house types proposed. Based on the property footprints and scales proposed it is accepted that internal layouts offering a good standard of residential amenity to future occupants could be achieved.

In light of the above and on balance, no unacceptable amenity impacts are anticipated.

### **Visual Impact**

The application seeks to agree the matter of scale only with the detailed matters of appearance and landscaping reserved for later consideration. The submitted streetscene drawings show the provision of two-storey properties with eaves heights of around 5.1m and ridge heights of around 8.4m. These heights are typical for modern properties and so the proposed scale would be comparable with existing properties in the immediate vicinity. It is therefore considered to be acceptable.

Whilst the details of design would be agreed at reserved matters stage, the streetscene drawing suggests that a traditional approach would be taken. Projecting sections topped with gable features would be used to break up the massing of the properties and provide visual interest. This would be welcomed. The materials to be used on the properties would also be agreed at reserved matters stage and materials to reflect those evident in the surrounding area could be secured at that time. Landscaping details are also reserved for later consideration but the site layout plan shows that opportunities for soft landscaping would be provided to the front of each property. This would help to soften the appearance of the streetscene and assimilate the development into the wider urban-fringe setting.

In light of the above, no unacceptable visual impacts are expected.

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

Under the approved Kensington Developments scheme only six properties would have vehicular access onto Moss House Road. The currently proposal would see fourteen properties sharing a single access point from Moss House Road. The Head of Highways and Traffic Management has raised no objection against the scheme but has stipulated that Moss House Road would have to be widened to around 6m around the entrance to the site and that the access would need to be set further into the site in order to achieve the necessary visibility splays. These works are indicated on the submitted plan and a condition can be attached to any permission granted to require the agreement and provision of a detailed access scheme.

No unacceptable impacts on the function and capacity of the surrounding highway network are anticipated and, subject to the provision of an agreed access point, no unacceptable impacts on highway safety are anticipated.

Each three-bed property would have two off-street parking spaces, the four-bed properties would each have four spaces, and the five-bed properties would have six off-street parking spaces each. This is considered acceptable in relation to the Council's published standards

and given the location, accessibility and nature of the area. The rear gardens to the properties would be large enough to accommodate the storage of cycles if desired.

In light of the above, no unacceptable access, highway safety or parking issues are identified.

### **Site Drainage**

Queries have been raised by a local residents regarding drainage. Foul drainage connection is a matter for resolution by the relevant statutory undertaker. The site falls within flood zone 1 and so, given the site area, there is no requirement for a site-specific flood risk assessment. There is also no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. It is recommended that conditions be attached to any permission granted to require foul and surface water to be drained separately, require agreement of a surface-water drainage strategy, and require agreement of a management plan for the approved drainage scheme.

There is a watercourse across the front of the site and the proposed site access would require a culvert and Land Drainage Consent. Ordinarily these are not granted for works that would unduly compromise natural flows but in this case planning permission has already been granted for development across the frontage of this site, include vehicle accesses over the watercourse. On this basis, it is not considered that the scheme could reasonably be resisted on the basis of impact on the watercourse. Water quality would be safeguarded through the design and implementation of a site drainage strategy and a Construction Management Plan.

### **Ecological and Arboricultural Impact**

There are no mature trees and sections of hedgerow around the site. However, it is recognised that planning permission has been granted for residential development on the site and that this would require the removal of these features. As such, subject to a condition preventing vegetation clearance during the main bird nesting season, and subject to conditions requiring the agreement of a tree survey, tree protection plan and landscaping plan, no unacceptable arboricultural or ecological impacts are anticipated. A scheme for ecological enhancement could also be secured by condition.

### **Planning Obligations**

Policy CS14 of the Core Strategy requires the provision of affordable housing in new residential developments. Depending upon the scale of development, this must either take the form of on-site provision or a commuted sum financial contribution towards off-site provision. However section 2b of the policy states that, for developments of between 3 and 14 units, the financial contribution requirement for affordable housing will be set out in an SPD. At present there is no affordable housing Supplementary Planning Document (SPD) in place to set out the contributions required. As such and notwithstanding the accepted evidence base to the Core Strategy, the Council lacks the published justification to request a



financial contribution at the present time. On this basis, no affordable housing contribution is to be sought in respect of this proposal.

Policy BH10 of the Local Plan requires all new housing developments of three or more units to either include on-site public open space provision or make a contribution towards off-site provision or improvement. SPG Note 11 sets out the requirements for public open space contributions based on bedroom numbers. No public open space provision is proposed on site. The scheme proposes ten 4/5-bed houses at £1,376 apiece and four 3-bed houses at £1,032 each. As such a total contribution of £16,856 is required and this would be secured through condition.

Paragraphs 17 and 72 of the NPPF expect Local Authorities to ensure that adequate education infrastructure is in place to meet local needs. It is understood that there is existing capacity in the local area to accommodate any additional demand for child places generated by this scheme. As such there is no requirement for any contribution towards local education provision.

### **Other Issues**

Given the scale of development, no unacceptable impacts on air quality are anticipated. As the site is previously developed and as there will have been commercial and agricultural uses in the area, a condition should be attached to any permission granted to require the agreement of a scheme of site investigation and any remediation measures found to be necessary.

### **Sustainability and Planning Balance Appraisal**

Sustainability comprises economic, environmental and social components.

Economically the site is not safeguarded for employment use and the loss of the land from agricultural use for residential development has already been approved. Any new residents would help to support local shops and services. Some employment could be generated during the construction phase. As such the proposal is considered to be economically sustainable.

Environmentally, no unacceptable impacts on biodiversity, trees, drainage, air, land or water quality. A high-quality design solution could be secured at reserved matters stage. Given the location, residents may be more dependent upon private car-use, but the site nevertheless benefits from reasonable accessibility. As such, the scheme would be environmentally sustainable.

Socially the scheme would not have any unacceptable amenity impacts. Although it would result in a loss of housing numbers over those committed, it would nevertheless deliver some housing and make a contribution towards the Borough's housing requirements. No unacceptable issues relating to flood risk or highway safety are anticipated. As such, the proposal is considered to be socially sustainable.

In terms of planning balance, although the loss in housing numbers relative to the existing commitment counts against the proposal, the lack of planning policy requiring a specific density on the site limits the weight that can be attached to this. The scheme would otherwise constitute sustainable development and so, on this basis, the proposal is considered to be acceptable.

### **CONCLUSION**

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, planning permission should be granted.

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

The applicant would be required to enter into a S278 agreement under the Highways Act in order for the necessary highway improvement works to be secured and delivered.

### **FINANCIAL BENEFITS**

The Council would benefit financially from the development through the receipt of Council Tax payments. However, this consideration has no weight in the planning balance and does not influence the recommendation to Members. It should be noted that the development proposed would result in a lesser number of houses on the land than that approved through applications ref. 09/0740, 13/0378 and 17/0095 for the wider Kensington Development Ltd. scheme. Thus whilst this application considered in isolation would deliver a Council Tax gain, cumulatively it would equate to a reduction in income. Again 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(s) 18/410 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.
  - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
    - Appearance
    - Landscaping
  - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 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 site plan ref. 173-02 Rev A  
Proposed streetscene drawing ref. 173-03 Rev A

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

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

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

NOTE – The development is of a scale to warrant a contribution of £16,856 towards the provision of or improvement to off-site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

4. Prior to or concurrent with the submission of a reserved matters application, details of the internal layouts of the properties hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: Although this application seeks to agree the matter of layout, these details have not been submitted as part of this application. These details are required in order to ensure that the properties proposed offer an acceptable standard of residential amenity for future occupants in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

5. No development shall be commenced until a detailed scheme of highway works has been submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, this scheme of highway works shall include the following:

- provision of a site access including adequate visibility splay
- widening of Moss House Road
- provision of public footpath across the frontage of the site to join into those existing
- provision or relocation of streetlighting columns
- provision of any necessary highway marking
- full details of the sub-surface construction and surfacing of the access and internal estate road (including demonstration that the road structure and surface would be adequate to support the loading of a refuse wagon or fire appliance).

Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

6. (a) No works shall commence on site until the site access agreed pursuant to Condition 5 attached to this permission has been provided up to base course level in full accordance with the agreed details;

(b) No construction works on the houses or garages hereby approved shall commence until the internal estate road agreed pursuant to Condition 5 attached to this permission has been provided up to base course level in full accordance with the agreed details;

(c) No property hereby approved shall be occupied until the access and estate road agreed pursuant to Condition 5 attached to this permission has been finished in full and in full accordance with the agreed details.

Reason: In the interests of the amenities of residents and in order to ensure that safe and satisfactory access exists to the properties during the lifetime of the development in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

7. No property hereby approved shall be occupied until a plan for the lifetime management and maintenance of the estate road has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with this agreed plan at all times when any of the properties hereby approved are occupied. For the purpose of this condition, as the estate road is not to be adopted by the Council as Local Highway Authority, it is recommended that a designated management company be established.

Reason: In the interests of the amenities of residents and in order to ensure that safe and satisfactory access exists to the properties during the lifetime of the development in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

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

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- measures to avoid contamination of any ground or surface water bodies
- measures to encourage appropriate routing of construction traffic.

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

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

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

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

10. (a) 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.
- (b) 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. No surface water shall discharge to the public sewer system either directly or indirectly. For the purpose of this condition the drainage scheme shall include the following:
- (i) Details of flood levels in AOD;
  - (ii) Site investigation and test results to confirm infiltrations rates;
  - (iii) A demonstration that the surface water run-off would not exceed the existing greenfield rate including provision of temporary storage facilities and methods to delay and control discharge rates as required;
  - (iv) Measures to safeguard water quality;
  - (v) Flood water exceedance routes, both on and off site;
  - (vi) A demonstration that allowance has been made for climate change.
- (c) The scheme shall be implemented in full and in full accordance with the approved details before any part of the properties hereby approved are first occupied.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. (a) Prior to the commencement of development, a desk top study into the potential for land contamination on the site shall be submitted to and agreed in writing by the Local Planning Authority.

(b) In the event that potential for land contamination is identified through the desktop study required pursuant to section (a) of this condition, a scheme of site investigation shall be submitted to and agreed in writing by the Local Planning Authority, this agreed scheme shall be carried out in full accordance with the approved details, and a report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development on site.

(c) In the event that remediation works are identified as being necessary through site investigation report required pursuant to section (b) of this condition, a scheme of remediation shall be submitted to and agreed in writing by the Local Planning Authority, this agreed scheme shall be carried out in full accordance with the approved details, and a validation report verifying the remediation shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development on site.

Reason: In order to safeguard future occupants of the site from potential land contamination in accordance with the provisions of paragraph 178 of the NPPF and Policy BH4 of the Blackpool Local Plan 2001-2016.

13. No trees shall be felled or vegetation cleared during the main bird nesting season (March to July inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding biodiversity in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. Prior to or concurrent with the submission of a reserved matters application the following shall be submitted to and agreed in writing by the Local Planning Authority;

(a) a tree protection plan showing those trees and hedgerows to be retained on site and measures to protect those trees and hedgerows during site preparation

and construction;

(b) a scheme of ecological enhancement to include:

(i) provision of bat and bird boxes;

(ii) provision for small mammal movement across the site;

(iii) a landscaping scheme to include the retention of existing vegetation where possible and bolstering of trees and hedgerows with native species.

Reason: Although landscaping is reserved as a matter for later consideration, the impact of the proposal on biodiversity must be considered at this stage. The measures required above are necessary in order to safeguard and enhance biodiversity on the site in accordance with the provisions of paragraph 170 of the NPPF and saved Policies NE6 and NE7 of the Blackpool Local Plan 2001-2016.

15. (a) No unit hereby approved shall be occupied until a scheme for the provision of street lighting has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include:

- the positions of the lighting columns
- details of the appearance of the lighting columns including width and height
- technical specification of the lamp/light source
- lux plan to show areas of light spill from each column to demonstrate degree of light coverage across the site

(b) No unit hereby approved shall be occupied until the scheme agreed pursuant to part (a) of this condition has been implemented in full and in full accordance with the agreed details. This agreed scheme shall thereafter be retained and maintained as such.

Reason: In the interests of the appearance of the site, highway safety and the safety and security of residents in accordance with the provisions of the NPPF, Policy CS7 of the Core Strategy 2012-2027, and Policies LQ1, BH3 and AS1 of the Local Plan 2001-2016.

16. Notwithstanding the definition of development set out in the Town and Country Planning Act (1990) as amended and/or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order):

- no enlargement of the houses hereby permitted shall be carried out without the prior written approval of the Local Planning Authority;
- the garages hereby approved shall be available for use for the storage of private cars ancillary to the main occupation of the house to which they relate at all times.

Reason: To safeguard the living conditions of the occupants of nearby residential properties and to ensure that adequate parking provision exists to meet the needs of residents in the interests of highway safety and public amenity, in accordance



with saved Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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

18. The housing mix to be provided on site shall be as specified on proposed site plan ref. 173-02 Rev A unless otherwise first submitted to and agreed in writing by the Local Planning Authority either prior to or concurrent with the submission of a reserved matters application for the scheme hereby approved.

Reason: In order to ensure that an appropriate mix of house sizes is provided on site to meet the identified housing requirements of the area in accordance with the provisions of Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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

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NORTH

1:1250 site location plan

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**COMMITTEE DATE:** [16/10/2018](#)

**Application Reference:** 18/0471

WARD: Warbreck  
DATE REGISTERED: 09/08/18  
LOCAL PLAN ALLOCATION: Defined Inner Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr Kelly

**PROPOSAL:** Erection of a part four/ part five storey building of 30 apartments plus basement with associated access and egress from Knowle Avenue, car parking for 25 vehicles, turning area, landscaping and boundary treatment, and provision of revised access and car parking layout to Ma Kelly's Showboat.

**LOCATION:** LAND TO THE REAR OF MA KELLY'S, 44-46 QUEENS PROMENADE  
FY2 9RW

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**Summary of Recommendation:** Refuse

## **CASE OFFICER**

Mr M Shaw

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

This application does not accord with Priority one of the Plan - The economy: Maximising growth and opportunity across Blackpool or Priority two of the Plan - Communities: Creating stronger communities and increasing resilience.

## **SUMMARY OF RECOMMENDATION**

The proposal has been the subject of fairly protracted pre-application discussions relating to the principle of development on part of the car park for residential use, the appropriate scale of any such development, the design concepts and its impact on the character of the street, car parking, vehicle access, proximity and relationship with the adjoining Ma Kelly's building, the footprint of the building relative to the plot size and space around the proposed building and the relationship with neighbouring properties in terms of privacy, overlooking, overshadowing issues.

Whilst some improvements have been made to the initial submission, much more fundamental changes and reductions in the scale of the development are considered necessary to achieve a proposal which is anywhere being supportable in addressing a range of concerns which are set out below. Accordingly, the proposal is recommended for refusal.

## **SITE DESCRIPTION**

The application relates to land to the rear of the former Uncle Tom's Cabin public house which has recently undergone an extensive refurbishment and re-opened as Ma Kelly's cabaret bar providing live entertainment and is open until 3am. The detached building is situated at the junction with Knowle Avenue and has front and rear entrances and to the rear of the building is a smoking shelter and an extensive car parking area. This recently cleared area to the rear of Ma Kelly's is an unsurfaced car parking area which isn't formally marked out with two access points onto Knowle Avenue and measures 65m x 37m. The site has a third access/ exit recently formed onto Northumberland Avenue via a service road. The land also includes an electricity sub-station and a United Utilities underground pumping station granted planning permission in 2004 under 04/ 0916. Both these facilities are located at the rear of the site. The Queens Promenade frontage consists primarily of hotels whilst Knowle Avenue and Northumberland Avenue have a more residential character.

## **DETAILS OF PROPOSAL**

Detailed application for the erection of a part four/ part five storey block of 30 apartments comprising 21 x two bed flats, 8 x one bed flats and 1 x three bed flat. The proposed development would have a basement providing 13 car parking spaces with a further 12 parking spaces laid out around the building. The basement also includes a swimming pool and gym. The application site takes up the majority of the existing Ma Kelly's car park and measures 57m x 37m leaving approximately 8m at the rear of Ma Kelly's to provide car parking for the venue plus some new parking spaces provided to the side of the building.

The application is accompanied by a Design and Access Statement, a Noise Assessment and a Planning Policy Statement.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of Residential Development
- Design, Scale and Impact on Surrounding Area
- Impact on Residential Amenity
- Means of Access, Parking and Servicing Arrangements
- Other Issues

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

## **CONSULTATIONS**

### **Head of Highways and Traffic Management:**

The proposed dwellings are 8 No 1 bed and 22 No 2 bed. The parking requirement would be 8x1 and 22x2 which gives 52 spaces. The proposal includes 12 around the block of flats and 13 in a basement. The provision is, therefore, less than 50% of the requirement. The dimensions of ramps and the one way system are substandard and not acceptable. I would



expect the vehicular access and egress to reflect the numbers of dwellings rather than to be at the scale of a single private drive. The public house has a gross floor area in excess of 550 sq.m. The parking requirement would be of the order of 70 spaces. The proposal includes 10 spaces. Of these only four are of a standard, in terms of size and accessibility that we would accept. Whilst this may reflect the existing use of the forecourt areas it is unacceptable. There is little point in commenting on the layout of the pub forecourts since the arrangement is wholly unacceptable and the number of spaces is wholly inadequate. The public house presently has a significant area available for parking. There is no indication of the present use of the area in terms of car numbers and, therefore, no reasoning behind the reduction in available spaces. Whilst I do not see any reason to oppose the uses proposed I must object to the present proposal on the basis of the lack of parking provision and the unacceptable layout.

**Service Manager Public Protection:**

I have read through the noise report, and in my professional opinion the proposed mitigation measures for the new development would not address the noise emanating from Ma Kelly's to an acceptable level, therefore resulting in statutory nuisance. Ma Kelly's is open until 3am with Karaoke up until this time, the smoking area and the access and egress are situated at the back of Ma Kelly's directly next the proposed development, therefore affecting the owners/occupiers own enjoyment of their homes. The only way the site would be suitable for residential purposes would be if the operational times of Ma Kelly's were significantly reduced.

**Environmental Protection Manager (Contaminated Land)** - No issues.

**United Utilities (Water):** With regards to the above planning application; we have noticed the applicant has included Knowle Avenue WWPS on their plans for this development. Please can we request the applicant re-submits their plans excluding the pumping station as this will be unacceptable to United Utilities.

**Electricity North West Ltd:** 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.

**Waste Services Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**PUBLICITY AND REPRESENTATIONS**

Press notice published: 9 August 2018

3 site notices displayed: 14 August 2018

Neighbours notified: 9 August 2018- letters of objection have been received from the following addresses:-

**14A Northumberland Avenue, Blackpool** -We comment upon the submitted application as follows;

1. the application is misleading in a number of ways. First the site is shown as level, however there is approximately 1.0m fall along Knowle Avenue. It also shows the proposed development as being the same height as Ma Kelly's, which is only three storeys, whereas the proposal is five storeys. The Doric Hotel opposite is five storeys and is much higher than Ma Kelly's. It would assist if a cross section was produced to show the proposed development in relation to properties opposite on Knowle Avenue and Northumberland Avenue.
2. No shadow diagrams have been submitted. The proposal will cause overshadowing to the lounges of the properties on the opposite side of the road along Knowle Avenue and also to the properties to the East boundary along Holmfield Road. The height of the proposal will create a tunnel affect along Knowle Avenue.
3. With regard to architectural design the materials are incongruous with the wider street scene. The design conflicts with the setting of a listed building and dominates that listed building. There is a lack of vertical emphasis to the elevation treatment - we think it looks like a Victoria sponge cake. There is a loss of visual amenity to the residents.
4. The amount of car parking shown is 13 in the basement and 12 around the grounds. This is less than 1 for 1 parking. Blackpool's policy is, outside the inner wards, 1.5 spaces per flat, requiring a total of 45 spaces. This is insufficient parking for development which will lead to parking on the highway which is already congested with inherent parking issues.
5. There is no disabled parking shown. Parking standards require 10% disabled parking.
6. There is no motorcycle parking provided, again required for Blackpool Standards.
7. The development is built on the existing car park for Ma Kelly's. This has parking for more than 40 cars. The proposal shows 10 parking spaces for Ma Kelly's, which does not meet minimum standards for a public house of this size outside town centre. We have observed that particularly at weekends this car park is well patronised, regularly being used by more than 30 vehicles - substantially more than would be available in the proposed development.
8. The existing exit at the junction of Queen's Promenade and Knowle Avenue has currently been subsumed into the front outside seating for Ma Kelly's. It is now proposed to be the main exit for Ma Kelly's. We are advised that this is a poor design and will increase vehicle conflict at an already heavily congested junction.
9. There is no private amenity space for the residents.
10. The landscaping around the perimeter of the property is of inadequate width to allow plants to survive.
11. We are further advised that whilst not a planning issue, the design of the fire escape would not meet with Building Regulations - the lift projects into the basement, the means of smoke extraction from basement, excessive travel distances, height of penthouse above ground level. We are advised that the design as proposed will eventually need significant modification to meet Building Regulation standards. In conclusion we believe that the development will lead to increase in on street parking which is already an issue, vehicle conflicts which prejudice traffic safety, loss of visual amenity due to unsympathetic treatment of elevation, loss of sunlight to

residents opposite and causing harm to listed building and inadequate car parking provision.

**6 Knowle Avenue, North Shore, Blackpool** - I wish to lodge an objection to the above application. The proposed application will be an over development of the existing site and a loss of existing car parking to the existing use of Ma Kelly's.

The building proposed will not fit in to the existing street scene due to it being 4/5 storeys, the existing properties in Knowle Avenue are houses or flats of 2/3 floors and the colour of the building being grey will not fit in with the existing surrounding properties of North Shore which are of red brick built circa 1900's. The size and planned balconies will also cause overlooking and loss of light to the surrounding properties. The apartments will also be affected by noise from the existing Ma Kelly's as the surrounding properties already are affected by its existing use.

The planned parking on the 30 apartment site is also inadequate as 25 spaces does not meet existing planning guidelines, which are 1 bed require 1.25 to 1.5 spaces per apartment, 2 bed 1.5 to 1.75 and 3 bed 1.75 to 2, on this criteria they need at least 37.5 spaces.

The proposed parking at Ma Kelly's of 10 is also inadequate as on a normal weekend they would need at least 40/50 spaces on site, any loss of the existing parking on site will add to the already existing car parking problems in Knowle Avenue and the surrounding streets. They need at least 1 space per 2/3 sq metres of the pub and they also need to allocate parking of 1 space per 3 employees. There is also no provision for delivery or refuse vehicles to access the existing use, which at present vehicles calling to the venue drive onto the existing parking area.

Uncle Tom's always had existing off street parking on its own site, which was separate from the rest of the site by a red brick wall which was recently demolished and numbered a lot more than the 10 plus parking planned for around the existing building under the submitted plans.

The site also has utilities within the site plan, United Utilities has a water facility on the site which had been walled off with a gate but was taken away. There is also an electric substation on site.

The highway access and exits are also inadequate for the site, the rear exit on to Northumberland Avenue is a back street which is only used by surrounding properties and rear access to a hotel, not a general public thoroughfare. The planned exit on to the corner of Knowle Avenue and the Queens Promenade is also a highway safety issue as it is near a pelican pedestrian crossing and is accessing from a corner on to the busy main road.

In conclusion the development will be over development of the site causing a lack of sufficient car parking which will add to the existing Knowle Avenue and surrounding streets parking problems. The design and colour of the building will have an effect of the architectural and historic character of North Shore. Also causing overlooking and loss of light to existing and surrounding properties.

**66 Holmfield Road, Blackpool** - I would like to object to the proposed erection of 30 apartments at the rear of Ma Kelly's Showboat , 44-46 Queens Promenade.

I consider the scale and height inappropriate for the land available. There will I believe be a considerable loss of light and privacy at the rear of my property as the proposed building will directly overlook my house. There will be a possibility of more noise and disturbance and I don't think the proposed 25 parking spaces will be adequate and I anticipate an overspill of cars parking on the available street parking, especially in the summer season when the surrounding hotels are full.

**64 Holmfield Road, Blackpool** - We welcome the proposal to build dwellings on this land, as more good quality accommodation is needed in Blackpool. We're very disappointed, though, that no social housing is included in the proposal, presumably because this wouldn't give the rate of return the developers are hoping for.

However, we're registering our objection to the proposed development of a 4/5 storey building of 30 apartments on the area to the rear of 44-46 Queens Promenade. This would be adjacent to the rear of our property, separated by just a narrow rear alley.

We are appealing on the following grounds:-

- Scale, appearance and design of the property. The erection of what is in effect a 5 storey building will dwarf the surrounding area.

In the Planning document attached to the application the contention is made "It does not rise above the predominant height of the surrounding buildings, and does not detract from landmark buildings, which may include the pub adjacent" This is misleading as it is untrue. A quick walk around the surrounding area shows that of the buildings the great majority are 2 or 3 storey (including Ma Kelly's buildings) 3 or 4 are 4 storey and the Doric Hotel, which fronts the promenade is 5 storey.

The application further contends "that current planning policy encourages buildings of four storey or greater in resort neighbourhoods (of which this site lies, however that designation has been revoked by the new Core Strategy, but the principle of allowing taller buildings, above four storeys, in this area remains established form)." However, this surely cannot be to the detriment of buildings in the surrounding area, otherwise why would "scale" be the first item to be listed as a planning consideration to be taken into account?

The proposed development has clearly been designed to make the most intensive use of the site possible- and no doubt to maximise the return for the developer! But this is at the expense of the rest of the area.

The proposed design of the building would only exacerbate the problem, as its modernist appearance is completely out of keeping with the rest of the area, and would effectively stick out "like a sore thumb". We welcome modern buildings in the right place, but we don't feel that site is appropriate for such a building.

- Effect on highway safety and car parking

Parking during the evenings and weekends is already very difficult on the surrounding roads. Recent counts have shown 43, 50 and 54 cars on different evenings on the car park at the rear of Ma Kelly's. If the customer car parking there is reduced to the levels indicated, this will have a direct and profound impact on the surrounding roads. In addition, there's insufficient parking provision in the proposed development for the residents of the apartments, let alone their visitors, and even more on-street parking will be generated.

Keajra Kadampa Buddhist Centre holds evening classes two or three times a week, as well as at weekends, and our visitors already have to park some distance from the Centre. The effects on car parking of this proposal will mean that if visitors can't find anywhere to park, they'll just stop coming with a serious effect on the service we provide for the people of Blackpool.

**14 Northumberland Avenue, Blackpool** - I wish to register my objections. The application in size is excessive and from the plans I will be overlooked from the left side because of the height of the proposal and will suffer a loss of privacy.

The sheer number of apartments and redesign of the car parking and traffic management arrangements will inevitably lead to a substantial increase in noise and disturbance to the rear of my property. The suggestion on access and egress into the car park will in my opinion not be safe and frankly appears to be an afterthought to fit around the building design. The reduction in car parking spaces to the public house will also cause considerable increase in street parking compounding an already chaotic situation and lead to a direct increase in noise, disturbance and more anti-social behaviour on our door step.

**8 Knowle Avenue** - the proposal will be an overdevelopment of the site and there will be a loss of existing car parking for Ma Kelly's. The proposed 4/5 storey grey building will not fit into the street scene. Knowle Avenue comprises 2/3 storey red brick houses. The proposed balconies will cause overlooking and there will be a loss of light. The proposed flats will be affected by noise from Ma Kelly's which already affects existing properties.

25 parking spaces for 30 flats is inadequate and does not meet guidelines of 1.25/ 1.5 spaces per one bed flat, 1.5/ 1.75 spaces per two bed flats and 1.75/ 2 spaces per three bed flats translating to 37.5 spaces. The provision of 10 spaces for Ma Kelly's is also inadequate. On a normal weekend they would require 40/ 50 spaces and any loss of existing parking will add to the on street parking problems on Knowle Avenue and surrounding streets. Parking is required for employees and there is no provision for delivery or refuse vehicles. Uncle Toms has always had its own off street parking. United Utilities also have a water facility on the site and there is an electricity sub-station on site.

The site access and egress are inadequate, the exit onto Northumberland Avenue is a back street and the exit at the junction of Knowle Avenue and Queens Promenade also presents highway safety issues located near a pelican crossing and located at a road junction.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (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 -

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

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

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council on 20th January 2016. In accordance with the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy. Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

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

Policy CS1: Strategic Location of Development

1. To deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.
2. Blackpool's future growth, development and investment will be focused on inner area regeneration.

Policy CS2: Housing Provision

Provision will be made for the delivery of 4200 new homes in Blackpool between 2012 and 2027. These new homes will be located on:-

- identified sites within the urban area
- windfall sites

Policy CS5: Connectivity

Addressing parking capacity issues by providing sufficient, high quality and conveniently located car parks, to support the town centre and resort economy and address wider issues of parking provision across the Borough.

Changing travel behaviour by pro-actively working with developers and other organisations to increase the proportion of journeys that use sustainable transport, while working with residents and businesses to reduce the need for work related journeys where alternative means or technologies make this possible.

#### Policy CS6: Green Infrastructure

High-quality and well connected networks of green infrastructure in Blackpool will be achieved by:

- Enhancing the quality, accessibility and functionality of green infrastructure and where possible providing net gains in biodiversity.
- Creating new accessible green infrastructure as part of new development and supporting urban greening measures within the built environment.
- Connecting green infrastructure with the built environment and with other open space including the creation, extension or enhancement of greenways, green corridors and public rights of way.
- All development should incorporate new or enhance existing green infrastructure of an appropriate size, type and standard.

#### Policy CS7: Quality of Design

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

- Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings.
- Incorporate well integrated car parking, pedestrian routes and cycle routes and facilities
- Provide appropriate green infrastructure including green spaces, landscaping and quality public realm as an integral part of the development.

Development will not be permitted that causes unacceptable effects by reason of visual intrusion or any other adverse local impact on local character or amenity.

#### Policy CS9: Water Management

1. To reduce flood risk, manage the impacts of flooding and mitigate the effects of climate change, all new development must:

d. Where appropriate, not discharge surface water into the existing combined sewer network. If unavoidable, development must reduce the volume of surface water run-off discharging from the existing site in to the combined sewer system by as much as is reasonably practicable;

#### Policy CS12: Sustainable Neighbourhoods

1. To secure a better quality of life for residents and to deliver sustainable neighbourhoods, the Council will support development and investment which:

a. provides high quality housing with an appropriate mix of types and tenures to meet the needs and aspirations of existing and future residents and assists with rebalancing the housing market.

d. creates a healthy, safe, secure and attractive environment and public realm, which promotes local pride and a sense of place.

e. reflects the built heritage of the neighbourhoods and conserves and enhances the significance of heritage and their settings.

f. addresses the need for a balanced provision of resident and visitor parking alongside streetscape enhancement.

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

New residential development will be required to provide an appropriate mix of quality homes which help to rebalance Blackpool's housing supply and support sustainable communities by:-

1 including a mix of house types and sizes, having regards to the specific character, location and viability of the site.

b. on sites between 0.2 and 1 hectare a mix of dwelling sizes is required within the site, or the proposal should contribute towards a balanced mix of provision in the surrounding area.

c. on all sites new flat developments will not be permitted which further intensify existing over concentrations of flats and conflict with wider efforts for comprehensive improvement of the area. Development of more than 10 flats are unlikely to be acceptable in the inner area away from the town centre and away from the sea front. Where flats are permitted at least 70% should be two bedrooms or more.

2. Providing quality living accommodation which meets the relevant standards for new build development.

3. Making efficient use with an optimum density appropriate to the characteristics of the site and its surrounding area. Higher densities will be supported on public transport corridors.

#### Policy CS14: Affordable Housing

All market housing developments of three dwellings or more will be required to provide affordable housing (either on site or off site) or to make a financial contribution towards affordable housing provision. Developments within the defined inner area are exempt from this requirement.

### **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

All 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.

All planning applications for large-scale developments or smaller developments occupying prominent and/or sensitive locations, such as gateways and activity nodes must be accompanied by an 'Urban Design Statement'. This statement will need to set out the design principles of the development covering the following:

(a) site appraisal and context



- (b) layout of street and spaces
- (c) activity and movement patterns
- (d) building design
- (f) landscape design, including wildlife and biodiversity issues
- (g) energy and resource conservation
- (h) other relevant design issues.

Sensitive and prominent locations are considered to be any site within the Resort Core or Resort Neighbourhoods with any elevation fronting onto the Promenade.

#### Policy LQ2: Site Context

The design of new development proposals will be considered in relation to the character and setting of the surrounding area.

(A) New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character.

#### Policy LQ3: Layout of Streets and Spaces

(A) The layout of all new development will be expected to create or positively contribute towards a connected network of streets and spaces that:

- (i) creates direct and integrated routes through the site which provide well signed and easy access to the existing street network, nearby facilities and public transport.
- (iii) creates distinctive useable spaces, including public open spaces, which are well-defined by buildings, boundary treatments and landscaping creating a structure for habitat generation and migration.
- (vii) assimilates sensitively into the surrounding built form and/or landscape context.
- (viii) where possible, incorporates drainage requirements as features within the design in conjunction with sustainable drainage (SUDS) technology.

#### Policy LQ4: Building Design

In order to lift the quality of new building design and ensure that it provides positive reference points for future proposals, new development should satisfy the following criteria: The scale, massing and height of new buildings should be appropriate for their use and location and be related to:

- (i) the width and importance of the street or space.
  - (ii) the scale, massing and height of neighbouring buildings.
- Materials - will need to be of a high quality and durability and in a form, texture and colour that is complementary to the surrounding area.

Policy LQ6: Landscape Design and Biodiversity- New development will be required to incorporate appropriate landscaping and benefits to biodiversity.

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

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

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

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

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

Policy AS1: General Development Requirements

New development will only be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- convenient, safe and pleasant pedestrian access is provided
- appropriate provision exists or is made for cycle access
- appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards.

## **ASSESSMENT**

**Principle of Residential Development** -The application site has no allocation on the Proposals Map of the Local Plan and is within the Defined Inner Area. The site is currently being used as a surface level car park having been cleared to create a larger open parking area. It has historically been used for car parking though the site previously included various outbuildings and was partly enclosed with a number of walls within the site. The use of the site for residential purposes would contribute towards the Council's housing land supply.

Given the scale of the period buildings along Knowle Avenue and the larger hotel buildings nearby on Queens Promenade and the fact that this area does not include an over concentration of flat accommodation it is considered that the principle of erecting a block of apartments on the site is acceptable, notwithstanding Environmental Protection comments regarding the current operation of Ma Kelly's, although due to the scale of this proposal and other matters explained below this particular proposal is not considered acceptable.

**Design, Scale and Impact on Surrounding Area** - the proposed development has a height of between 12.5m and 14.8m with a maximum height of 16m. It has a solid block like appearance from Knowle Avenue over four floors with a smaller mainly glass block forming the fifth floor on the roof. The building has a width of 41m. There would be a distance of 4.5m to the new rear boundary of Ma Kelly's and there would be a minimum of 11.5m to the eastern boundary and 7m to the rear boundary abutting which is a rear alley and houses fronting Northumberland Avenue.

The character of properties on Knowle Avenue is of two storey buildings some with additional accommodation within the roofspace. These properties are approximately 6.5m to eaves level and 10m to the ridge level. The pitched roofs of these adjacent properties also slope away from the road frontage which takes a considerable amount off the visual massing and there are regular gaps between adjacent properties. Therefore the height, width, large rectangular block shape of the proposed apartment block and its close proximity to two of its boundaries would create a cramped, overly large, bulky and incongruous addition to the street scene which would visually jar and clash with adjacent properties. This would be exacerbated by the modern materials palette comprising grey render, zinc cladding, grey brick and glazing.

The proposal would therefore be contrary to a number of policies including Policy LQ4 of the Local Plan and Policy CS7 of the Core Strategy and paragraph 127 of the NPPF.

**Impact on Residential Amenity**- the apartment block is considered to be too close to the rear of Ma Kelly's Showboat at 13m with a number of lounge and kitchen windows in the side elevation of the apartment block facing the rear elevation of Ma Kelly's which is open to 3am and has one of its entrances on the rear elevation from the remaining car park. It would be expected that future residents of the apartment block would have significantly reduced residential amenity as a result of coming and goings, use of the smoking area, cars, including taxis, dropping of and picking up fares particularly at weekends and late evening and in the early hours of the morning. In addition to being an unreasonable imposition on the future residents it is also considered to be an unfair and unreasonable imposition on the operation of the business itself and the hours of opening may, for example, be under question via the Licensing of the premises if complaints arise due to noise and disturbance at unsocial hours. There have already been amenity complaints from Knowle Avenue residents due the operation of this Ma Kelly's business.

The five storey apartment block is considered to be too close to its rear boundary at 7m and is less than 11m from the residential gardens of properties on Northumberland Avenue and approximately 22m from the rear elevations of those same properties. 14 of the 30 apartments on the first to fifth floors would have a direct outlook from lounge and bedroom windows towards Northumberland Avenue. It is considered that this would result in overlooking and loss of privacy for residents of Northumberland Avenue. Loss of light is not considered to be a significant issue either relative to properties on Knowle Avenue or Northumberland Avenue due to the distances involved and the orientation of the building to the north of Northumberland Avenue.

The proposal would therefore be contrary to a number of policies including Policy LBH3 and BH4 of the Local Plan and Policy CS7 of the Core Strategy and paragraph 127 and 182 of the NPPF.

**Means of Access, Parking and Servicing Arrangements-** the application seeks to essentially retain one existing access point from Knowle Avenue and to create a second access which would access the basement parking area via a ramp. The surface level car parking spaces around the apartment block would be accessed via a one way circulation of traffic around the building. The second existing vehicle access from Knowle Avenue would be retained by Ma Kelly's to access their 10 space car park with egress shown directly onto Queens Promenade and onto Northumberland Avenue via a side alley.

The number of car parking spaces at less than 100% is considered insufficient given the noted congestion on Knowle Avenue due to a combination of residents, visitors and business parking demands and in addition Ma Kelly's will lose most of their existing car parking provision leaving a small number of useable spaces and a small area for taxis dropping off and collecting customers. This is a sustainable location with trams and buses accessible nearby and shops and other amenities within walking distance however the ramp into the basement is not suitable for the number of spaces being provided and the access route for the surface parking spaces around the building is narrow at approximately 2.6m wide so a number of spaces shown are not readily useable.

The access issues and the lack of useable car parking is a reflection, like the other matters discussed, of the number of flats being excessive and the size of building being too large for the site. As submitted the proposal would therefore be contrary to a number of policies including Policy AS1 of the Local Plan and Policy CS12 of the Core Strategy and paragraph 109 of the NPPF.

Other Issues - final comments on the relationship of the proposal to the United Utilities facility within the application site are being sought and any further comments will be reported via the Update Note. No open space is proposed as part of the development and hence should the application be approved a commuted sum would be required and could be secured by condition. No affordable housing would be required as the site is within the defined inner area.

## **CONCLUSION**

This is a brownfield site however it provides car parking for the Ma Kelly's. Whilst the provision of housing on the site would contribute towards the Council's housing supply the disbenefits in this case outweigh the benefits. The proposal is considered deficient and sub-standard in a number of respects and contrary to both local and national planning policy and guidance and accordingly the application is recommended for refusal.

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

None

## **HUMAN RIGHTS ACT**

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

## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application File 18/0471 which can be accessed via the link below:

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

**Recommended Decision:** Refuse

## **Conditions and Reasons**

1. The proposal would result in an incongruous and visually intrusive addition to the Knowle Avenue streetscene and would be detrimental to the character of the street and of the surrounding area due to the size of the proposed apartment block, including its height and width and depth, its close proximity to two of the site boundaries and its cramped appearance, the intended materials palette, and the lack of space, including amenity space, around the building.

As such, the proposal would be contrary to paragraph 127 of the National Planning Policy Framework, Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ2 and LQ4 of the Blackpool Local Plan 2001-2016.

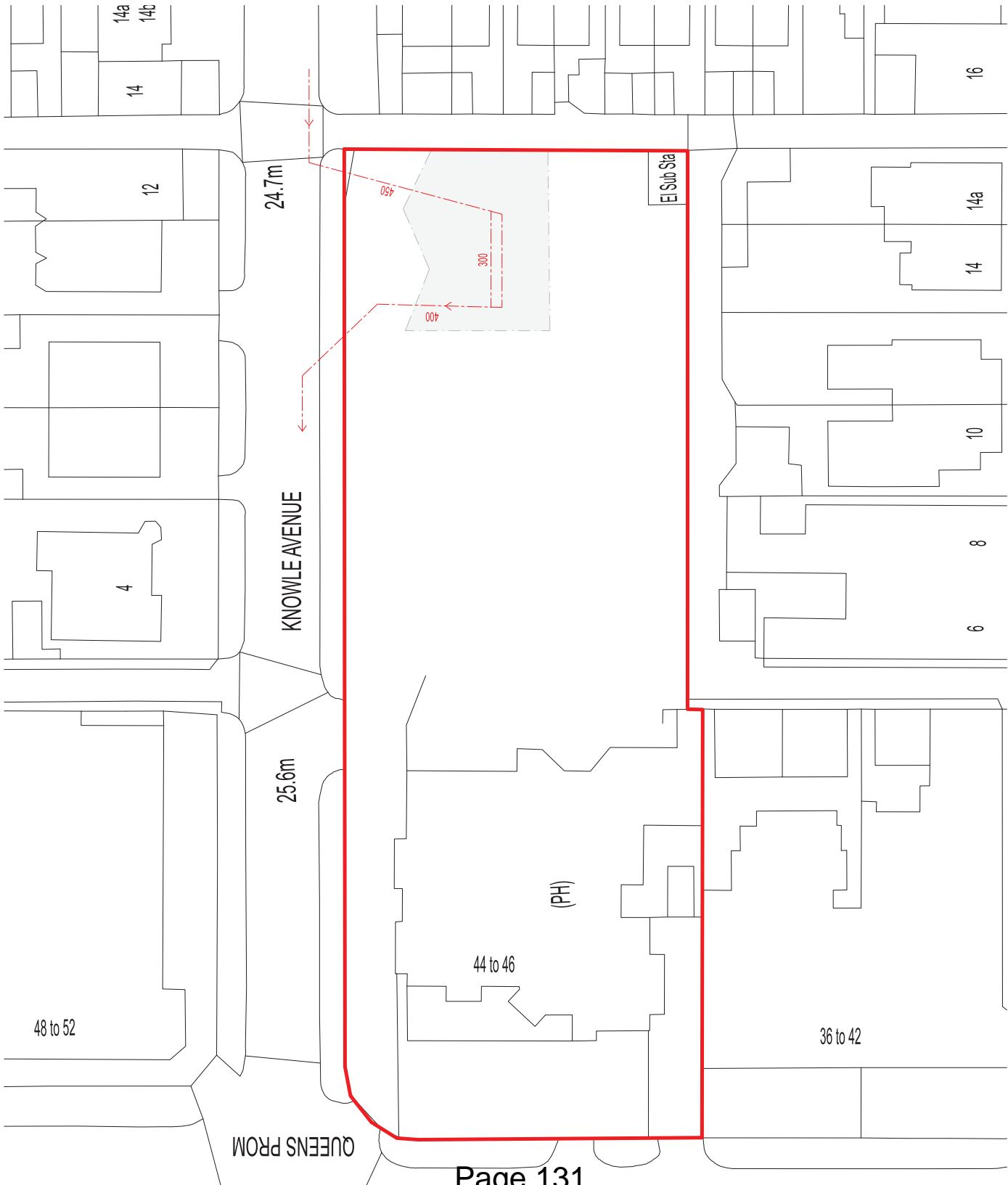
2. The proposal would have an unacceptable impact on the future residential amenities of the apartments by virtue of the close proximity to the adjacent Ma Kelly's Showboat and the access arrangements, car parking, collection and pick up point, rear smoking area and late night opening and the levels of activity and entertainment associated with Ma Kelly's. As such it would be contrary to paragraphs 127 and 182 of the National Planning Policy Framework, Policies BH3 and BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. The proposed development provides insufficient and unsatisfactory car parking facilities and vehicular access points for both the proposed apartment block and the adjacent Ma Kelly's Showboat and would therefore result in on-street parking and additional congestion in the surrounding area to the detriment of pedestrian and highway safety and the residential amenities of adjoining residents. As such it would be contrary to paragraph 109 of the National Planning Policy Framework, Policies AS1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
4. The proposal would have an unacceptable impact on the residential amenities of occupants of properties on Northumberland Avenue with respect to overlooking, loss of privacy, an overbearing impact and visual intrusion by virtue of the close proximity of the building to its rear boundary, its height and layout and fenestration detailing. As such it would be contrary to paragraph 127 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
5. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 38)**

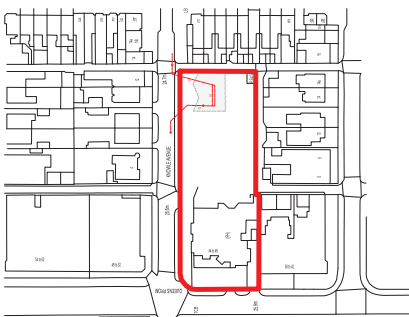
The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 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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**DRAWING TITLE**  
LOCATION & SITE PLAN

**ADDRESS**  
LAND OFF KNOWLE AVENUE, BLACKPOOL

**CLIENT**  
MR KELLY & MR KHAN

**STATUS**  
PLANNING SUBMISSION

SCALE	DATE	REVISION
1:1250, 1:200 @ A1	MAY 2018	A

**JOB NO.**  
201744

**DRAWING**  
LCSB

Appendix 10(a)

**BENJURIN**  
ARCHITECTURE

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**COMMITTEE DATE:** [16/10/2018](#)

**Application Reference:** 18/0589

WARD: Marton  
DATE REGISTERED: 20/08/18  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr Whiteside

**PROPOSAL:** Erection of a dwelling-house with associated parking provision and vehicular access from Crosby Grove (outline application seeking to agree the matters of access, layout and scale).

**LOCATION:** 64 PRESTON OLD ROAD, BLACKPOOL, FY3 9PL

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Miss. S. Parker

## **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, as it would contribute towards meeting the borough's identified housing requirement and would make efficient use of brownfield land.

## **INTRODUCTION**

This application is a re-submission of application ref. 18/0124 that was refused by the Committee on 17th July 2018.

## **SUMMARY OF RECOMMENDATION**

The scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. The proposal would make efficient use of brownfield land and contribute towards meeting the Borough's housing requirement. On this basis, it is recommended that planning permission should be granted.

## **SITE DESCRIPTION**

The application relates to land to the side and rear of No. 64 Preston Old Road. Both this land and the curtilage of No. 64 is included in the red edge of the application site as shown on the submitted location plan. No. 64 Preston Old Road is a two-storey property that sits at the end of a terrace of four on the northern side of the road. At present there is a 7 metres wide strip of land to the eastern side of the house that forms part of the proposed development area and is currently used partly as amenity space and partly as a driveway. At the end of this strip of land is a detached double garage with a dual-pitched roof. A pair of semi-detached houses sits to the east of the site between it and the junction with Canterbury Avenue.

The site extends back to Crosby Grove which is a cul-de-sac containing four properties. The land at the rear is largely hard-surfaced and appears to be used informally in conjunction with the property to the front.

The site falls within flood zone 1. There are no trees or features of ecological interest on or adjacent to the site. No other constraints or specific policy designations are identified.

### **DETAILS OF PROPOSAL**

The application seeks outline planning permission for the erection of a detached dwelling. The application seeks to agree the matters of access, layout and scale. This application differs from that previously refused as it does not propose a garage on the land to the rear fronting Crosby Grove. Instead it is proposed that this land to the rear be split to provide two driveways. One driveway would serve the existing property at No. 64 Preston Old Road, and the other driveway would serve the new property.

The main house would follow the existing building line of Preston Old Road and would have a width of 5.9 metres and a depth of 8.2 metres. It would have eaves and ridge heights of 6 metres and 8.7 metres respectively. Two car parking spaces would be provided at the rear for 64 Preston Old Road and two for the proposed house. It is proposed that the house would offer four bedrooms.

It is proposed that vehicular access and pedestrian access would be taken from Crosby Grove with only pedestrian access available from Preston Old Road. A shared passageway would be created between No. 64 and the new property to enable access from the rear gardens to the front. Each property would have separate front and rear gardens.

The application is accompanied by a bat and nesting bird survey and assessment report.

### **RELEVANT PLANNING HISTORY**

Application 07/0576 - planning permission granted for the erection of two garages.

Application 18/0214 - planning permission refused by Committee for the erection of a detached, two-storey house on the section of land fronting Preston Old Road with an ancillary detached, single-storey, double garage on the land fronting Crosby Grove to the rear. This application was refused on two grounds; firstly the impact on amenity arising from

the proximity of development to site boundaries and the increased comings and goings on Crosby Grove, and secondly the impact on highway and pedestrian safety on Preston Old Road arising from increased parking pressure.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the principle of residential development on the site
- the potential impact on residential amenity
- the possible visual impact of the scheme
- the acceptability of access and parking arrangements and any impact on highway safety
- the drainage of the site
- the potential ecological impact of the proposal

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

### **CONSULTATIONS**

**Head of Highways and Traffic Management** – the proposal would provide two parking spaces each for the existing property and the proposed house. The rear access has been considered and has been judged against the requirements set out in highway service adopted policy. There is no highway basis on which to refuse the proposed access. No objection is raised.

**United Utilities** – foul and surface water should be drained separately with surface water drained in accordance with the sustainable drainage hierarchy. In the event that drainage to a public sewer is proposed, an appropriate condition is recommended and agreement with United Utilities would be required. On brownfield sites a 50% reduction in discharge rate is expected, but discharge rate should be the lowest possible. A public sewer crosses the site and access strips of 3m width on either side must be maintained. Any diversion of the sewer would have to be at the applicant's expense. Any wastewater assets proposed for United Utilities adoption must first be agreed with United Utilities. Information is available online. If a United Utilities connection is required, early engagement is recommended. All pipework must comply with current standards. Levels of cover to United Utilities assets must not be compromised. If an unexpected sewer is discovered, a Building Control body should be consulted. United Utilities cannot advise on discharge rates to a watercourse.

### **PUBLICITY AND REPRESENTATIONS**

Neighbours notified: 21st August 2018.

Four representations have been received from nos. 1, 3 and 4 Crosby Grove and no. 47 Preston Old Road raising the following issues:

- The revised scheme does not address reason 1 for refusal
- The house proposed would be one storey higher than the existing garage

- Impact on quality of life
- Loss of privacy
- Loss of light and air
- Increased noise
- potential for disturbance
- Increased pollution
- Increased pressure on drainage systems and increased flood risk
- Crosby Grove is not appropriate for use as an access
- inadequate parking
- There is existing congestion in Crosby Grove
- Access should be taken from the front of the site
- It is not possible to ascertain how the application would improve economic, social and environmental conditions in Blackpool
- potential for subsidence
- The use of the land for two garages would be preferable
- Crosby Grove is not suitable for use as an access to a car park
- The land fronting Crosby Grove has always been an allotment and garden

Members are respectfully reminded that preference for alternative schemes cannot be taken into consideration. The application must be assessed as submitted on its own merits.

With regard to the potential for subsidence, building regulations approval would be required for the development and this would ensure appropriate construction.

It is not possible for a detached development to result in a loss of air.

There is no suggestion that any part of the application site would be used as a car park.

The rear part of the site fronting Crosby Grove falls within the ownership of No. 64 but is clearly separate to the private garden area directly to the rear of that property. This situation has persisted since 2007 when the site was visited in relation to application ref. 07/0576.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (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 -

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting safe and healthy communities
- 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**

The National Planning Practice Guidance (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 following policies are most relevant to this application:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Density and Standards

## **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 Quality of Design
- LQ4 Building Design
- HN4 Windfall Sites
- BH3 Residential and Visitor Amenity
- AS1 Access and Parking

## **ASSESSMENT**

### **Principle**

The property is on land that is not designated on the Proposals Map to the Local Plan and so there are no planning policies in place that would preclude residential use of the site in principle. It is somewhat ambiguous whether or not the land to the rear fronting Crosby Grove forms part of the curtilage to No. 64 Preston Old Road. It is separate from the private garden area but is nevertheless enclosed and accessible from this property. In any event, the Council does not have any planning policies that would specifically preclude 'garden grabbing' and in this case No. 64 Preston Old Road would be left with both front and rear gardens. The land fronting Crosby Grove is not safeguarded for any other purpose. On this basis the proposal is considered to be acceptable in principle. In addition the scheme would contribute a new dwelling towards the borough's housing requirement.

The application seeks to agree the matters of access, layout and scale but an internal layout plan of the proposed property has not been provided. This is not unusual for an application

of this type and it is proposed that a condition be attached to any permission granted to require the internal layout of the house to be agreed prior to or concurrent with the submission of a reserved matters application. This would enable officers to ensure that the layout was reasonable given the size and position of the dwelling and the level of parking available. It must be noted, however, that the Council currently does not have any adopted floorspace standards for new-build properties.

### **Amenity**

It is proposed that the house would sit between Nos. 64 and 64A Preston Old Road. It would align with the front elevations of these properties. Both neighbouring properties have single-storey extensions to the rear. The main rear elevation of the proposed property would align with that of No. 64 to the west but would sit some 1.2m beyond the main rear wall of No. 64A. As the two properties would be separated by some 1.25m, and as the application property would sit to the west meaning that any overshadowing would be limited to the end of the day, this relationship is considered to be acceptable.

It is noted that there are three windows in the side elevation of No. 64A Preston Old Road. These are all obscure glazed. Two appear to serve bathrooms with the third appearing to be a secondary window to the room that occupies the extension. On this basis, whilst the proposed development could result in a loss of light to these windows, no unacceptable impact would result. Privacy is currently ensured by the obscure glazing to the neighbour but, if obscure glazing is considered to be necessary in the proposed property, this could be secured at reserved matters stage.

There are four windows in the side elevation of No. 64 Preston Old Road. Two are obscure glazed and one is in the process of being blocked up as part of refurbishment works to that property. The fourth window is clear glazed but it is understood that it served a hallway rather than a habitable room. As this property is contained within the red edge on the submitted location plan, its use can be controlled through the imposition of conditions on any permission granted here.

By virtue of its position, any first floor windows at the rear of the new property would allow a view over the rear gardens of Nos. 64 and 64A Preston Old Road, and nos. 2-6 Canterbury Avenue. Any views towards the rear garden of No. 1 Crosby Grove would be oblique at a sharp angle. Any windows at the front would afford a view towards the existing properties on the opposite side of Preston Old Road. It is recognised that concerns have been raised over potential loss of privacy. However, the relationship between the application property and those on either side is typical of terraced or semi-detached housing. It also replicates the relationships between the neighbouring properties and their neighbours on the far sides. Similarly, the relationship between the proposed property and those on Canterbury Avenue and on the opposite side of Preston Old Road is typical, and replicates the arrangement with No. 64A Preston Old Road. On this basis, whilst some over-looking may result, it is not considered that this would be unacceptable or would warrant refusal of the application.



Given the position of the proposed house relative to its immediate neighbours, and the separation distances that would exist between the property and those to the rear and on the opposite side of Preston Old Road, no unacceptable issues relating to loss of light would result.

At the rear of the property the land fronting Crosby Grove would be split into two driveways. Details of the boundary treatments proposed would be agreed at reserved matters stage but would in any event be limited to a standard 2m high wall or fence. This type of boundary treatment can be erected away from a highway without the need for planning permission and so no unacceptable impacts on amenity arising from over-shadowing would result. Two bin storage areas are proposed at the back of these driveways against the fences demarcating the rear garden areas. These bin stores would be set a reasonable distance from the nearest houses and so again no amenity impacts are anticipated.

An increase in noise has been raised as a concern by local residents. At present the land to the rear of the site fronting Crosby Grove could be used for parking in conjunction with the use of No. 64 Preston Old Road. Furthermore, planning permission has previously been granted for the erection of two garages on this land. The application seeks to use the land to the rear as two driveways to serve the properties fronting Preston Old Road. This may increase vehicle movements and pedestrian comings and goings within Crosby Grove. However, to rule out any form of development that may increase activity would be to sterilise an easily accessible brownfield site within an established residential area. This would be patently unreasonable and would conflict with the Government's expectation as set out in paragraph 118 of the NPPF for Local Planning Authorities to give substantial weight to the value of using suitable brownfield land for homes. Any activity would be residential in nature and so there is no reason to suppose that comings and goings associated with the development of a single new home would materially impact upon levels of background noise and associated levels of residential amenity.

With regard to construction, some disruption is inevitable during any build project. It is considered that a condition should be attached to any permission granted to limit works to 8am-6pm on weekdays and 9am-1pm on Saturdays. The scale of the proposal would not otherwise warrant a construction management plan and no unacceptable impacts are expected.

In light of the above, no unacceptable amenity impacts are anticipated.

### **Design and visual impact**

The appearance and detailed design of this proposal are not matters for consideration as part of this application.

The basic streetscene drawings submitted show that the main house would have a roof form to match that of No. 64 Preston Old Road with eaves and ridge heights to match those of No. 64A. The property would be comparable in width and would follow the predominant building line.

As stated above, the details of the boundary treatments to be provided around the land to the rear fronting Crosby Grove would be agreed at reserved matters stage. Based on the submitted layout, it would be reasonable for 2m high boundary treatments to enclose the private gardens to the rear of the houses. A 2m high boundary treatment would also be appropriate along the eastern edge of the site where it adjoins the rear gardens of the properties fronting Canterbury Avenue, and along part of the north-western edge where it adjoins the rear garden and garage of No. 1 Crosby Grove. Around the frontage of the site where privacy would not be required, a lower boundary treatment would be reasonable. This approach would prevent the means of enclosure of the land to the rear from appearing over-bearing within the streetscene. Given the existence of large, hard-surfaced driveways to the fronts of the other properties on Crosby Grove, the use of this section of the site for driveway car parking would be visually consistent and acceptable.

In light of the above, no unacceptable visual impacts are anticipated.

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

The Head of Highways and Traffic Management has considered the scheme and has judged it to be acceptable. No objection is raised. The changes made to the scheme since the previous submission address the Committee's concerns relating to the potential impact on highway safety on Preston Old Road. The first application proposed a garage to the rear of the plot that would provide off-street parking for the new house but that would remove the existing off-street parking for the existing house. Members were concerned that on-street parking would increase and that this would have a detrimental impact on highway safety as parked cars currently force moving vehicles to drive over the highway centre line or over pavement edges. The use of land to the rear of the plot as two driveways to provide off-street car parking for both the existing and the proposed house resolves this issue. The development would not, therefore, have a material impact on the operation of the highway network or on highway safety on Preston Old Road.

The Committee's other concern related to the impact of the proposal on the amenities of residents of Crosby Grove as vehicular access would be taken from this cul-de-sac which is already used for car parking. It is acknowledged that the changes made to the scheme would now result in two properties taking vehicular access from Crosby Grove rather than one. However, as set out above, to preclude any development that would increase levels of activity within the Grove would be to effectively sterilise the site, particularly a vehicle access onto Preston Old Road would be problematic given the proximity to the nearby junctions. All four of the properties on Crosby Grove have off-street parking for two vehicles. The proposed driveways would create two off-street parking spaces apiece for the existing and proposed houses. The site is in a very accessible location close to a large local shopping centre and the public transport network. On this basis, the level of off-street parking proposed is considered to be acceptable.

Members are respectfully reminded that planning permission was granted for the development of two garages on the land off Crosby Grove in 2007 and circumstances have not changed materially since that time. Pedestrian access would be available from both

Preston Old Road and Crosby Grove for each property. The access arrangements proposed are considered to be an improvement to the original scheme and an effective response to Members previous concerns. The Head of Highways and Traffic Management has confirmed the scheme to be acceptable. On this basis, no undue impact upon the operation of the highway network or on highway safety is anticipated.

### **Drainage**

Concern has been raised by local residents regarding drainage. The site falls within flood zone 1 and so, given the site area, there is no requirement for a site-specific flood risk assessment. There is also no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. It is recommended that conditions be attached to any permission granted to require foul and surface water to be drained separately, require agreement of a surface-water drainage strategy, and require agreement of a management plan for the approved drainage scheme. Subject to these conditions, no unacceptable drainage or flood risk issues are identified.

### **Ecological Impact**

There are no mature trees or sections of hedgerow that would be affected by the proposal. The existing garage has the potential to accommodate roosting bats or nesting birds and so an appropriate survey and assessment has been carried out and submitted. This has been carried out by suitably qualified and experienced ecologists to a recognised methodology. No evidence of use of the garage by bats or nesting birds was identified. The garage is considered to have negligible suitability for such use and no adverse impacts on ecology are anticipated from the development proposed. The report also confirmed that there are no invasive species on the site that would require management. The development provides an opportunity for biodiversity enhancement as required by the NPPF and a condition could be imposed on any permission granted to require an appropriate scheme to be agreed. As such, no unacceptable ecological impact is anticipated. No undue arboricultural impact would result.

### **Other Issues**

Given the scale of development proposed, no contributions towards affordable housing, public open space or local education provision are required.

As only a single new dwelling is proposed, no unacceptable impacts on air quality are anticipated. Water quality would be safeguarded through the design and implementation of a site drainage strategy. As the site is previously developed, a condition should be attached to any permission granted to require the agreement of a scheme of site investigation and any remediation measures found to be necessary.

The application has 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 (as amended).

Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

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

Sustainability comprises economic, environmental and social components.

Economically the site is not safeguarded for employment use and any new residents would help to support local shops and services. As such the proposal is considered to be economically sustainable. Environmentally, the proposal is not anticipated to have an unacceptable impact on biodiversity, trees, drainage, air, land or water quality. A high-quality design solution could be secured at reserved matters stage. The proposal would make more efficient use of existing brownfield land. As such, the scheme would be environmentally sustainable. Socially the scheme would not have any unacceptable amenity impacts, would bring the site into more beneficial use and make a modest contribution towards the boroughs housing requirements. The site is in an accessible location and future residents could support the function of the nearby local centre. No issues relating to flood risk or highway safety are anticipated. As such, the proposal is considered to be socially sustainable.

In terms of planning balance the proposal is considered to be acceptable and to represent sustainable development and no other material planning considerations have been identified that would outweigh this view.

### **CONCLUSION**

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. The proposal would make efficient use of brownfield land and would contribute towards meeting the borough's housing requirement. On this basis, it is recommended that planning permission should be granted.

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

None required

### **FINANCIAL BENEFITS**

The Council would receive Council Tax from any future occupants but this consideration has no weight in the planning balance and has not influenced the recommendation set out above.

### **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 18/0589 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1.
  - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:  
Appearance  
Landscaping
  - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reasons i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 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 location plan and site plans drawing ref. 1556/01 Rev B dated Aug 2018. The development shall thereafter be retained and maintained in accordance with these agreed details.

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

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the provisions of paragraph 17 of the NPPF and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. (a) Prior to the commencement of 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.

(b) 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. No surface water shall discharge to the public sewer system either directly or indirectly. For the purpose of this condition the drainage scheme shall include the following:

- (i) Details of flood levels in AOD;
- (ii) Site investigation and test results to confirm infiltrations rates;
- (iii) A demonstration that the surface water run-off would not exceed the existing greenfield rate including provision of temporary storage facilities and methods to delay and control discharge rates as required;
- (iv) Measures to safeguard water quality;
- (v) Flood water exceedance routes, both on and off site;
- (vi) A demonstration that allowance has been made for climate change

(c) The scheme shall be implemented in full and in full accordance with the approved details before any part of the properties hereby approved are first occupied.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and agreed in writing by the Local Planning Authority which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments  
ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: In order to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system, in accordance with the provisions of paragraph 17 of the NPPF and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. No development shall be commenced until:

(a) a scheme of site investigation in respect of potential land contamination has been submitted to and agreed in writing by the Local Planning Authority;

(b) the scheme of investigation agreed pursuant to part (a) of this condition has been carried out in full and in full accordance with the approved details;

(c) a report of the results of the site investigation has been submitted to and agreed in writing by the Local Planning Authority;

(d) In the event that the report required pursuant to part (c) of this condition reveals that remediation measures are necessary, a scheme for decontamination of the site has been submitted to and agreed in writing by the Local Planning Authority;

(e) any remediation agreed pursuant to part (d) of this condition has been carried out in full and in full accordance with the approved details and a validation report

submitted to and agreed in writing by the Local Planning Authority.

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

7. No construction or other works pursuant to the development hereby approved shall take place outside of the hours of 0800-1800 Monday to Friday (excluding bank holidays) and 0900-1300 on Saturdays.

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.

8. (i) Notwithstanding the definition of development as set out at section 55 of the Town and Country Planning Act 1990 (as amended) or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development or works shall take place that would preclude the use of the driveways shown on plan ref. 1556/01 Rev B for the parking of motor vehicles in association with the houses fronting Preston Old Road to which they relate.

Reason: In order to ensure that the properties fronting Preston Old Road would benefit from an adequate level of off-street car parking in the interests of highway safety, the appearance of the site and locality and neighbour amenity, in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Prior to or concurrent with the submission of a reserved matters application, details of the internal layout of the property shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with these approved details and shall thereafter be retained and maintained as such.

Reason: In order for the Local Planning Authority to retain control over the layout of the property in the interests of safeguarding the residential amenity of future occupants and neighbours in accordance with the provisions of Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. (a) The clear-glazed first-floor window towards the front of the eastern elevation of no. 64 Preston Old Road shall at no time serve a habitable room. For the purpose of this condition, a habitable room shall be taken to mean a lounge, a dining room, a kitchen or a bedroom.

(b) The three obscure-glazed windows at ground and first floor levels in the



eastern elevation of No. 64 Preston Old Road shall at all times be obscure glazed to a level of 5 where 1 is entirely transparent and 1 is entirely opaque.

Reason: In order to safeguard the privacy and thereby the residential amenities of the occupants of the existing property and that proposed in accordance with the provisions of paragraph 17 of the NPPF, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) and saved Policy BH3 of the Blackpool Local Plan (2001-2016).

11. Prior to the commencement of construction of the house and/or garage hereby approved, a scheme for ecological enhancement to include the provision of bird and bat boxes and native tree and shrub planting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with this approved scheme which shall be implemented in full prior to first occupation.

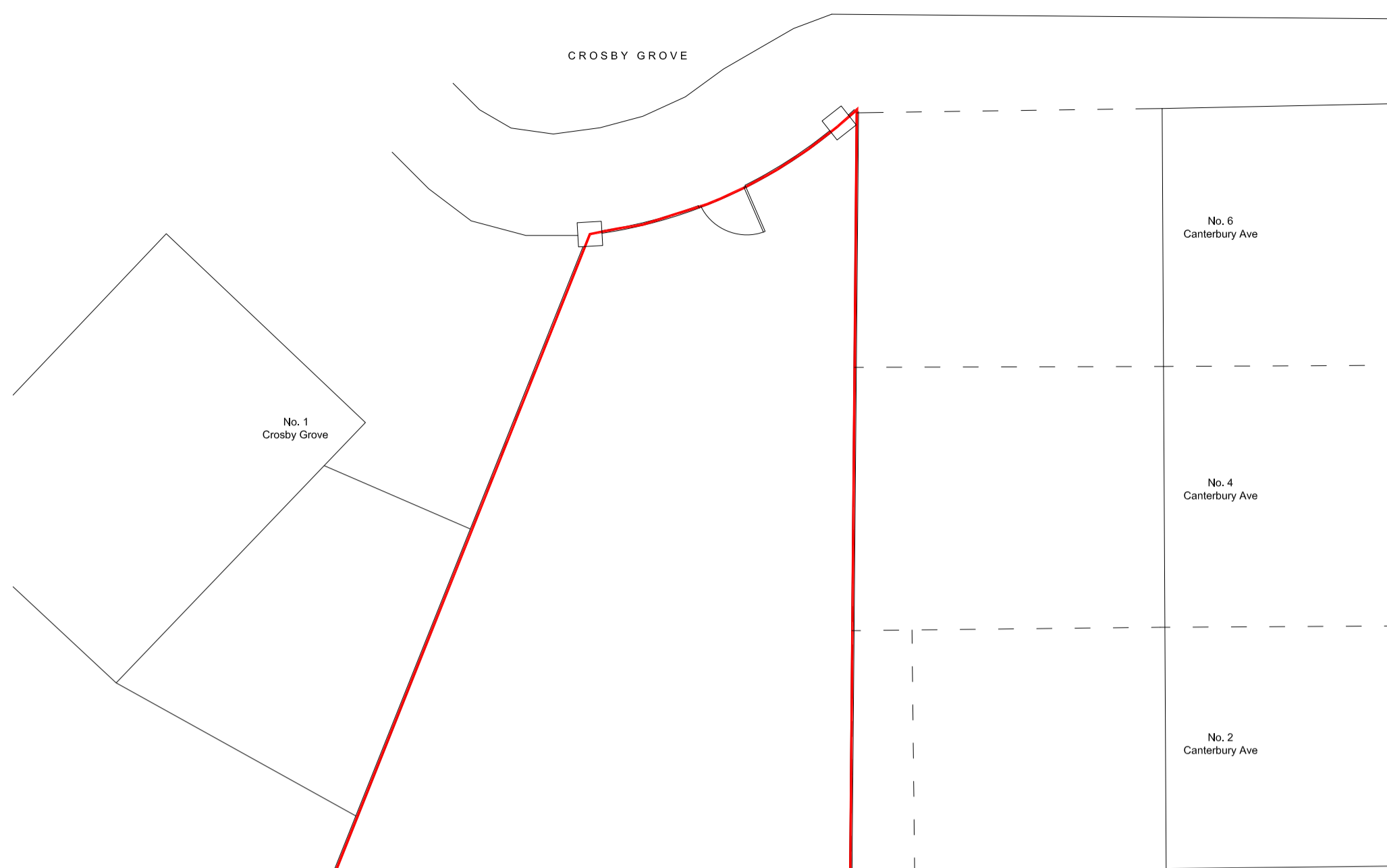
Reason: In order to enhance biodiversity on the site in accordance with the requirements of paragraph 118 of the NPPF and Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

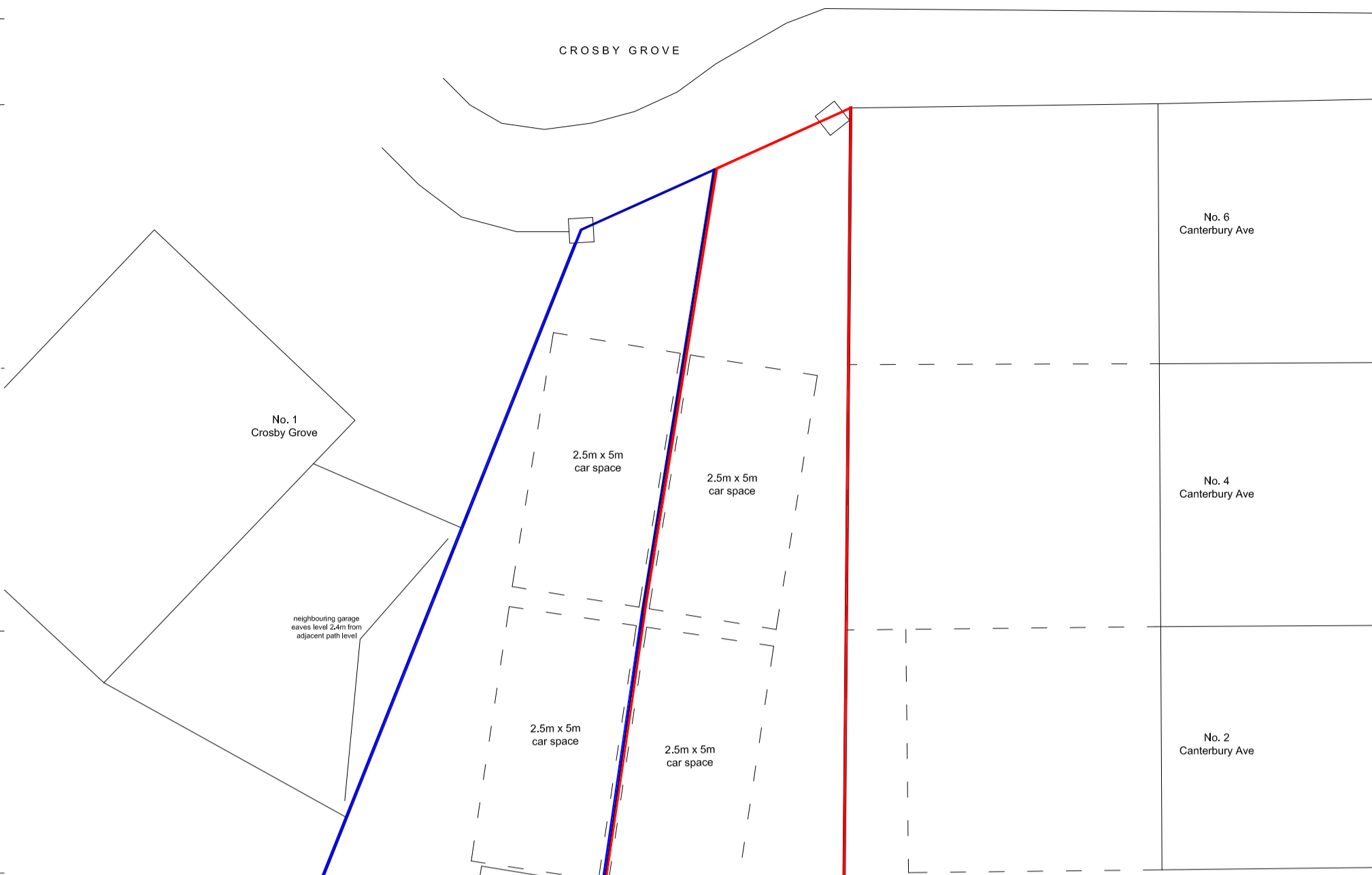
1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and 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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- GENERAL NOTES**
- the following specification must be read in conjunction with all relevant project drawings, schedules etc. and is applicable whether specifically referred to or not. it is the responsibility of the contractor to ensure that all their work is in compliance with the appropriate requirements of the relevant building regulations and other allied legislation.
  - all materials are to be used and installed in accordance with the relevant manufacturer's instructions and recommendations. the quality of any material shall not be lower than that defined in the relevant british standard, or that the material has been satisfactorily assessed by an appropriate independent authority.
  - all workmanship to comply with current building regulations amended 2013, codes of practice and british standards.
  - all structural timbers to be stress graded sc3, to have moisture content within NHBC requirements. all softwood timbers to be adequately treated to prevent infestation by the house longhorn beetle in accordance with current building regulations. all structural timbers, external frames, window & softwood cladding shall be treated against fungal attack. all structural timber to be marked dry or kd and to have stress grade mark.
  - in the absence of a ground investigation report the proposed 'schematic' foundations are subject to assessing the suitability of the ground conditions and are subject to change once the sub-soil has been exposed/tested as directed by the building control inspector or structural engineer. extra works may be necessary to be carried out to be in full compliance with the building inspectors / structural engineers recommendations.
  - it is the responsibility of the contractor to ensure that any superstructure including roof, walls and floors are fully pinned, propped and braced before any new openings are formed.
  - it is the responsibility of the contractor to ensure that the works are carried out in a safe and satisfactory manner in accordance with the current versions of the health and safety at work act 1974, COSHH regulations 2002 and the requirements of the CDM regulations 2015.
  - all details and measurements to be checked and verified on site by the contractor before setting out any site or shop work or before ordering any materials or components.
  - contractor is to notify the local authority at each stage of construction.
  - dimensions should not be scaled from this drawing - use written dimensions or contact richard ansell ltd for more information.
  - this plan is not intended to be a full working drawing.
  - all works may be subject to revision on site.



**existing site plan 1:100**



**proposed site plan 1:100**

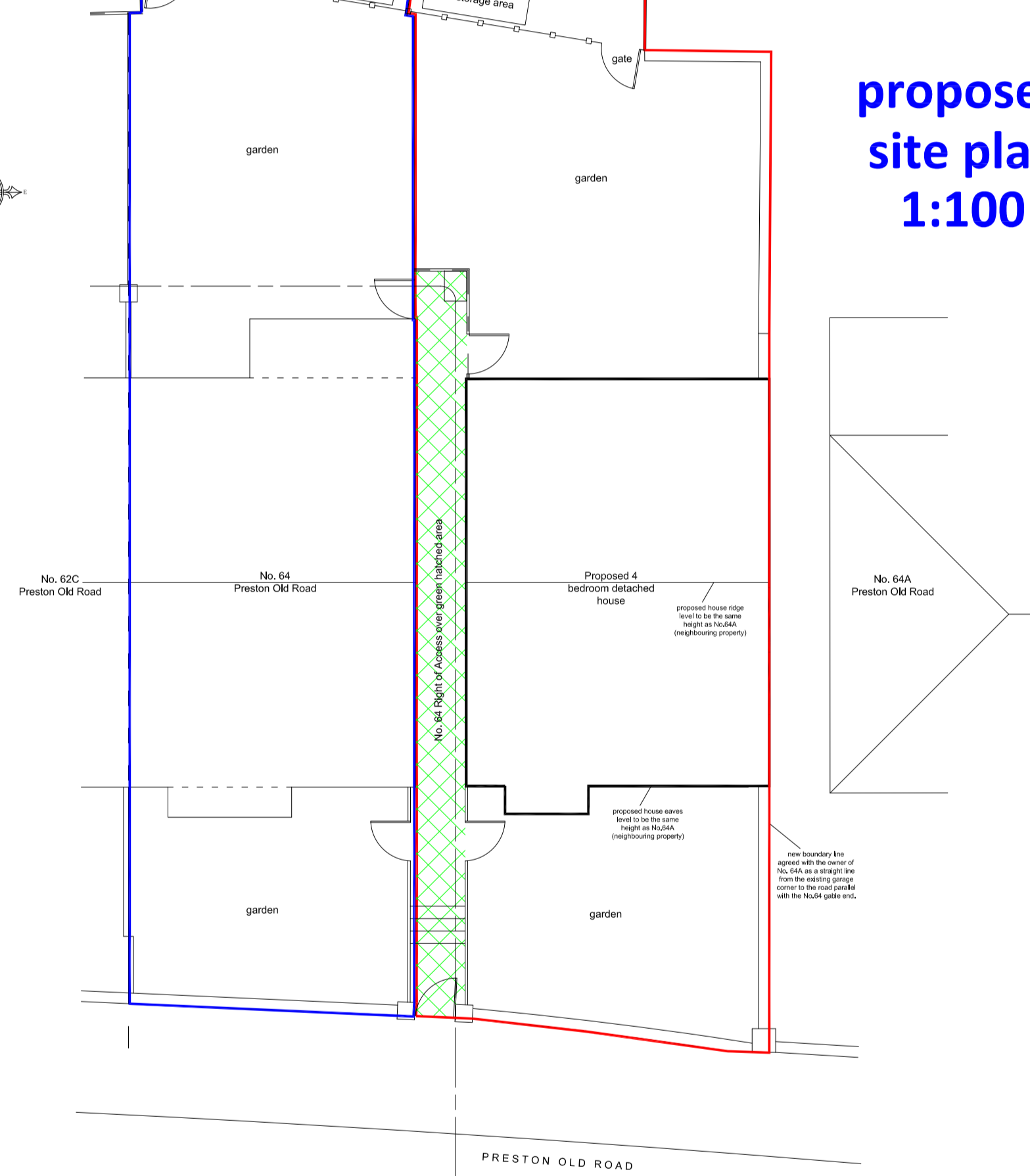
**location plan 1:1250**



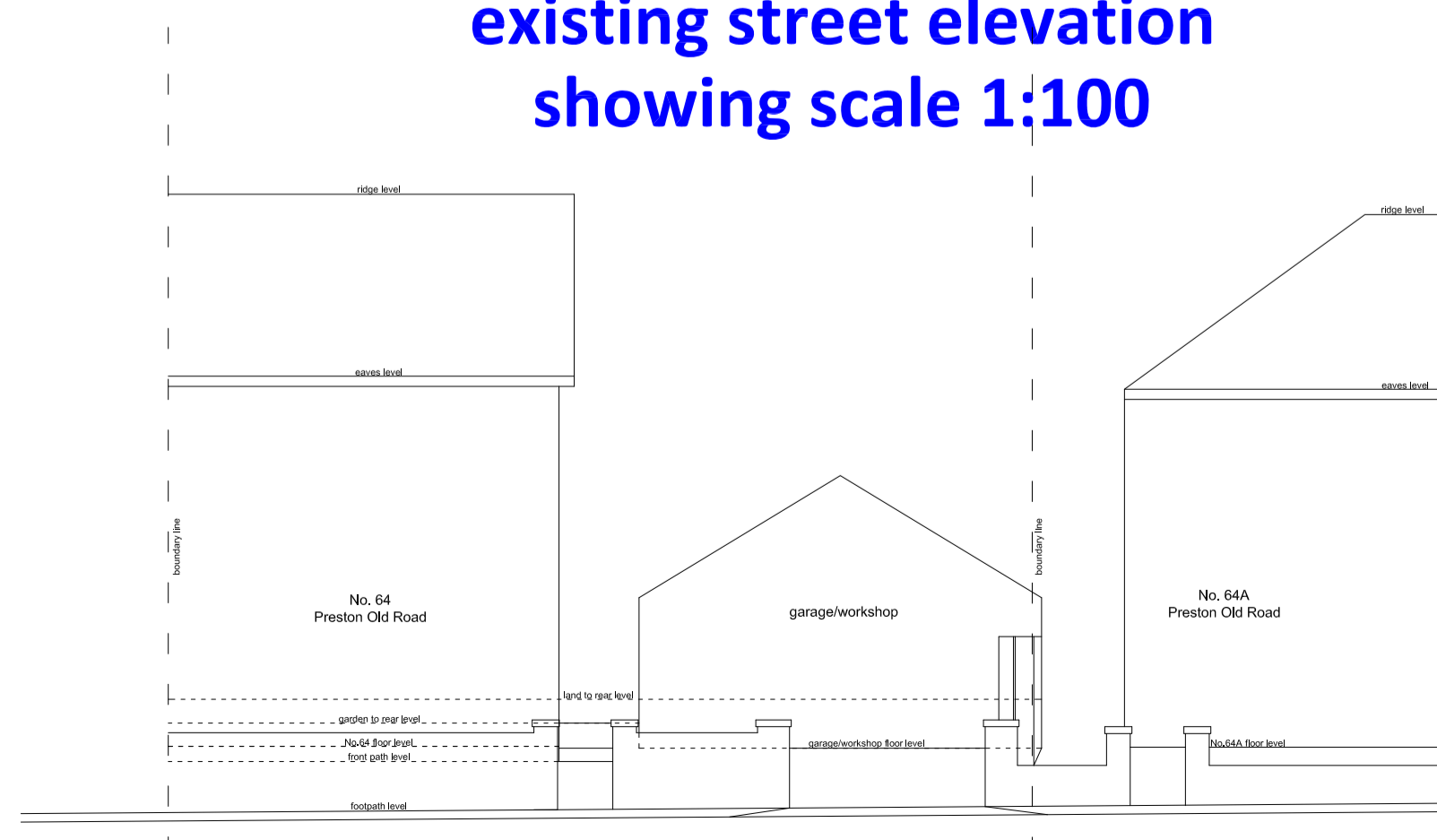
Page 151  
1:100 SCALE BAR IN METERS



**existing street elevation showing scale 1:100**



**proposed street elevation showing scale 1:100**



- Basic street scene added to show scale of development
- Site Layout amended showing 2 car spaces for each dwelling, garage removed

Client  
**Mr D Whiteside**

Project  
**Outline planning application for access and siting of proposed new 4 bedroom detached dwelling and 4 car parking spaces situated between Nos 64 & 64A Preston Old Road, Blackpool FY3 9PL.**

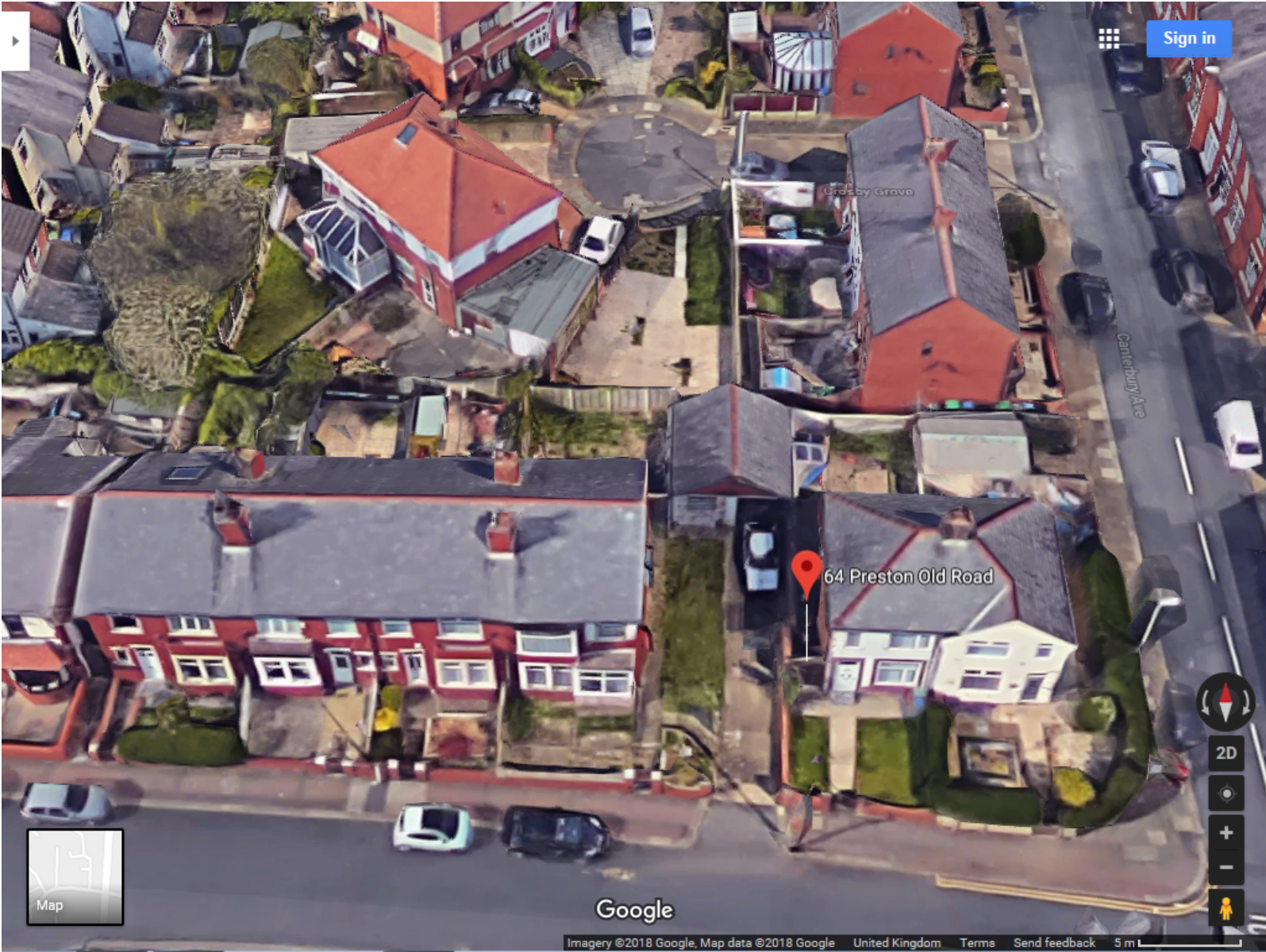
Title  
**Location Plan & Site Plans**

Org. No.	Scale	Date	Drawn	Rev.
1556/01	1/100	Aug 2018	RSA	B

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**COMMITTEE DATE:** [16/10/18](#)

**Application Reference:** 18/0599

WARD: Bispham  
DATE REGISTERED: 28/08/18  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr McLoughney

**PROPOSAL:** Erection of single storey rear extensions to form orangery and 6 bedrooms and internal alterations to increase overall number of bedrooms from 17 to 25( amendment to orangery approved under planning permission 17/0406)

**LOCATION:** 502 DEVONSHIRE ROAD, BLACKPOOL, FY2 0JR

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**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr G Johnston

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

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

## **SUMMARY OF RECOMMENDATION**

This application is for an enlargement of an extension already approved for an established care home (17/0406 refers). Whilst it is recognised that the property was built as a house in common with the other properties which form a cluster on the western side of Devonshire Road it has a large rear garden area and is set on a wide plot. The original application was amended to seek to balance the needs of improving the care home whilst respecting the amenities of the neighbouring residents. On balance it is considered that the revised proposal accords with paragraph 127 of the National Planning Policy Framework (NPPF), Policy CS7 of the Core Strategy and Policies AS1, LQ14 and BH3 of the Local Plan.

## **INTRODUCTION**

Members may recall that they approved an application for extensions to this care home at the meeting on 20 March 2018 (17/0406 refers). This application is for an amendment to the approved extensions to enlarge the orangery element of the approved extensions by the

addition of a 4.5 metres deep by 3 metres wide projection towards 504 Devonshire Road. The side elevation facing 504 Devonshire Road would be obscure glazed and it would be inset between 0.9 metre and 1.8 metres from the side boundary. The applicant has been asked to inset the extension to move it further from the boundary but for constructional reasons this cannot be done.

### **SITE DESCRIPTION**

The property is within an established residential area, but it does not have any allocation on the Local Plan Proposals Map. There is a cluster of properties on the western side of Devonshire Road and they are surrounded by North Shore Golf Course to the rear. The property is a large two storey detached property set in a large garden area with a car parking area to the front and side. The property is currently used as a residential care home for the elderly (Class C2) with 17 bedrooms. The property has previously been extended in the late 1980's shortly after its current use commenced. The site is set below the level of Devonshire Road with the land sloping down from the golf course to the rear in a north easterly direction.

### **DETAILS OF PROPOSAL**

The original proposal was to carry out internal alterations to the property including extensions to provide additional bed space capacity thus increasing the number of residents from 20 to 25. The proposals consist of squaring off the south west corner of the property and a rear extension from the rear elevation of the property which would be inset between approximately 3.8 metres and 4.8 metres from the boundary with No. 504 Devonshire Road (previously the extension was shown as being between 1 metre and 2.5 metres from the boundary with No. 504 Devonshire Road). The extension would take the form of a glazed dining room extension/ orangery and a single storey wing which would project into the rear garden and provide a seating area off the dining room and four bedrooms. The single storey extension would have a shallow monopitched green roof which would slope away from the neighbour's property at No. 504 Devonshire Road. This application differs from the already approved application in that it proposes a larger glazed dining room extension/ orangery extension and this would be achieved by extending towards 504 Devonshire Road ( the additional floorspace would measure 4.5 metres x 3 metres and it would be set 0.9 metre and 1.8 metres off the boundary with No. 504 Devonshire Road.

An additional area of car parking would be provided to the south of the existing property. Members will recall that various options for the extensions were considered by the applicant following the deferral of application 17/0406 and the approved scheme was deemed to be the best compromise in terms of meeting the requirements of the home whilst respecting the amenities of the occupiers of No. 504 Devonshire Road.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- **Principle**



- **Design**
- **Amenity**
- **Highway Safety**
- **Parking and Servicing Arrangements**
- **Other Issues**

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

## **CONSULTATIONS**

**Head of Highways and Traffic Management** - No objections.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 30 August 2018

Neighbours notified: 28 August 2018

One letter of objection has been received on behalf of the owner of 504 Devonshire Road:

The current application is apparently a variation of the previously approved application reference 17/0406. Our client objected to the previous proposals for reasons set out in previous letters of objection.

However, our client accepts that as a result of planning consent 17/0406 planning permission already exists for an extension of a similar size to that which is the subject of this objection (but with a significant addition). So, although our client continues to believe that issues such as access and car parking are likely to be problematic, this letter concentrates upon the differences between the approved extension and the currently proposed extension, but set against the background of the already extensive additions made to this property.

In particular our client previously objected to earlier proposals for the extension of this property on the basis of the effect on amenity, but in the end did not press this objection so long as the proposal remained away from his boundary. That was the case with the previous, approved, application which remained at least 3.4 m away from the boundary.

However, the current application includes an additional extension which approaches our client's boundary closely.

For ease a plan has been prepared, and attached to this letter which deals with the way in which this property has been developed over the years. It is important to understand this so that the latest proposal can be understood in context. Looking at the plan, the following sequence of extensions can be understood as follows:

yellow: represents the original property

pink: represents an extension in 1987 or thereabouts

green: represents the approval pursuant to application 17/0406

blue: represents the additional extension now being requested

***The plan referred to above and an aerial photograph attached to the letter are appended to this report at Appendices 12(a) and 12(b).***

It is the cumulative effect of the proposals that must be understood before the acceptability of the extension proposed for the area shaded blue is judged.

In essence the original property has been extended, or is proposed to be extended by some 247% (the pink and green areas in relation to the yellow area). Whereas the blue area is a relatively small area of proposed additional extension, it is, in reality, a part of a much larger series of extensions. It also has a particularly detrimental effect on our client because it brings the side wall of the latest proposals much closer to his boundary. In effect it is an integral part of the very large green extension, and its particular position makes it a very damaging part from our client's point of view. In particular it extends the building, in close proximity to the boundary, by some 4.4 metres.

Our client has also gone to the trouble of obtaining aerial photographs of the rear garden of the application property, and it can be seen that the foundations of a large extension have already been put in place. This includes the foundation of the blue shaded area as above which does not have planning permission. Putting aside the breach of planning control which this represents, this means that the effect of the extension can be more easily appreciated on the ground. This clearly shows how this new part of the proposal extends the development in close proximity to the joint boundary in an unacceptable way, and this is particularly important when judged with the extremely high level of extension previously erected and permitted (and indeed now being constructed).

**Conclusion** - A proper examination of this property, including the extension currently being constructed, shows that there is a very high level of site coverage, and the area coloured blue on the plan attached is not only objectionable in itself, but must be seen against the background of the extremely extensive footprint of the property which is currently undergoing further extension. In other words, it is not only the blue area of extension that is objectionable in itself, but the cumulative effect taken with the other extensions to this property. As such our client respectfully requests that the application be refused. The hardsurfacing constructed between the approved rear extension and the boundary with 504 could be used as a patio area and would not in itself require planning permission.

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

-

- 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

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

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

#### **CS7 – Design Quality**

### **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**

#### **LQ4 – Building Design**

#### **LQ14 – Extensions and Alterations**

#### **BH3 – Residential and Visitor Amenities**

#### **BH24 - Residential Institutions and Community Care Residential Use**

#### **AS1 - General Development Requirements**

Supplementary Planning Guidance 9: Residential Institutions.

### **ASSESSMENT**

**Principle** - There is currently no specific policy relating to the extension of an existing care home and hence the principles of Policy BH24 could be considered when assessing applications for extensions to existing homes. Policy BH24 has five criteria and it is considered that three of these are relevant in this case -

- type of use applied for
- intensity of use and its effect on adjacent occupiers
- suitability of the premises and location

The proposals relate to a care home with 14 single bedrooms and 3 double bedrooms. The proposal is create 25 ensuite bedrooms. The home has a good rating from the Care Quality Commission (CQC) and hence there is a social benefit in providing additional rooms at the home. Whilst the property was built as a house it is situated on a large plot (as are the neighbouring properties) and hence the principle of extending the home is acceptable

subject to design, amenity and parking considerations which are discussed in other parts of this assessment. In the case of the current application it is the principle of a 4.5 metres x 3 metres extension to the scheme already approved under planning application 17/0406.

**Design** - the single storey extensions approved would be subservient to the existing home as would be the proposed addition to the approved extensions. In essence the addition to the approved extension would transform it from a reverse L shape to a T shape. The extension to the south west corner of the home would replicate the existing lean to type extension to the home. The projecting rear extension would take a different form in that it would have a very shallow sloping green roof which pays homage to the setting of the home adjacent to the golf course to the rear. The slope would be away from the neighbour at No. 504 Devonshire Road to the north and the eaves would be just below the eaves of the existing gable of the two storey extension at the rear of the home. It is proposed to have a glazed element to link the existing with the new and then a rendered facade to reduce the bulk of the extension. It is considered that the proposals meet the requirements of paragraph 127 and section 5 of the NPPF, Policy CS7 of the Core Strategy and Policy LQ14 of the Local Plan.

**Amenity**- the amended approved scheme sought to reduce the impact of the proposals on the amenities of the occupiers of No.s 500 and 504 Devonshire Road. The omission of the first floor element at the rear which would have been close to No. 500 Devonshire Road means that the single storey extension adjacent to 500 Devonshire Road would not have a significant impact on the amenities of the occupiers of this property. It would be approximately 2.5 metres from the boundary at its nearest point and being to the north of No. 500 Devonshire Road it would not have any shading issues.

The amendments to the originally approved extension adjacent to No. 504 Devonshire Road sought to reduce the impact on the amenities of the occupiers of this property. It is acknowledged that the approved extension is long at 19.6 metres in length but its height and design were altered in an attempt to reduce its bulk and the potential for shading of No. 504 Devonshire Road's garden and the approved proposal would see it set approximately 3.8 to 4.8 metres away from the boundary with No. 504 Devonshire Road (the previous proposal considered by the Committee was for the extension to be set between 1 metre and 2.5 metres from the boundary with No. 504 Devonshire Road). The current application would add a 4.5 metres x 3 metres extension to what was approved and it would be 0.9 metre -1.8 metres from the boundary with 504 Devonshire Road. The majority of the elevation would be obscure glazed thereby removing any privacy issues. Its height at 2.5 metres would not have a significant impact.

The introduction of a green roof has also sought to reduce the impact on outlook from 504 Devonshire Road. Glazing in the elevation facing No. 504 Devonshire Road would be obscure glazing so there would be no potential for overlooking of No. 504 Devonshire Road. It is recognised that the amended plan in setting the extension away from the boundary with No. 504 Devonshire Road would move it closer to No. 500 Devonshire Road but there would still be a reasonable set off distance from the boundary with No. 500 Devonshire Road - circa 6 metres. In addition the extension would be to the north of No. 500 Devonshire Road and the windows on the elevation facing no 500 would be angled towards the golf course to

the rear. On balance it is considered that the amendments to the scheme meet the requirements of paragraph 127 of the NPPF, Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan.

**Highway Safety** - the site is lower than Devonshire Road and hence it is not readily apparent whether the parking areas within the site are occupied. The driveway is wide and there is an added benefit in that the distance from Devonshire Road to the drive is greater than normal because of the existence of a grass verge. Visibility at the access is good because of the alignment of Devonshire Road and the wide open and level frontage. It is acknowledged that Devonshire Road is a busy distributor road but cars can enter and leave the site in forward gear. As for larger vehicles - food supplies, laundry etc. these would have to park on Devonshire Road and an ambulance could reverse into the site. The enlargement of the orangery would not impact on the servicing needs for the site.

**Parking and Servicing Arrangements** - the car parking standards would require a maximum of five car parking spaces (one for every five residents) Two cars can be parked to the north of the existing building, two to the south (in tandem) and two/three on the frontage although the block paved area does not contain marked spaces. There is no dedicated servicing area within the site. Local residents suggest that there is a problem with on street parking although your officers have not witnessed there being a problem. The enlargement of the orangery would not impact on the car parking needs for the site.

**Other Issues** - the single storey rear extension to the north west corner of the building would be cut into the rear garden area which had been re profiled following a previous extension to the home. The proposal would leave a garden area of some 6 metres wide by 20 metres in length and hence there would be adequate amenity space for a home of this size. The use of a green roof would help reduce surface water run off from the roof of the extension. The potential for the extension to be hit by stray golf balls is not a planning consideration.

## **CONCLUSION**

This application is for an enlargement to an extension already approved for an established care home (17/0406 refers). Whilst it is recognised that the property was built as a house in common with the other properties which form a cluster on the western side of Devonshire Road it has a large rear garden area and is set on a wide plot. The original application was amended to seek to balance the needs of improving the care home whilst respecting the amenities of the neighbouring residents. On balance it is considered that the revised proposal accords with paragraph 127 of the NPPF, Policy CS7 of the Core Strategy and Policies AS1, LQ14 and BH3 of the Local Plan.

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

Not applicable

## **FINANCIAL BENEFITS**

Additional business rates would be payable but this is not a material planning consideration and has no bearing on the recommendation.

## **HUMAN RIGHTS ACT**

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

## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application File(s) 17/0406 and 18/0599 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

## **Conditions and Reasons**

1. 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 24/08/2018

Drawings elevations, floor plans and car parking plan received by the Council on 24/08/2018

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

2. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development the erection of any above ground structures.

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

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

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

4. All glazing to the northern elevation of the projecting rear extension facing the boundary with 504 Devonshire Road shall be at all times obscure glazed and fixed permanently closed.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

#### **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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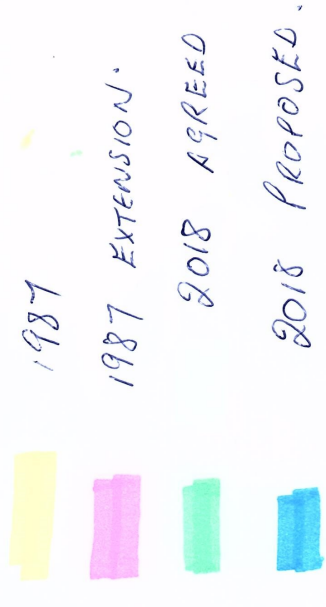


# Revised Floor Plans - Feb 2018

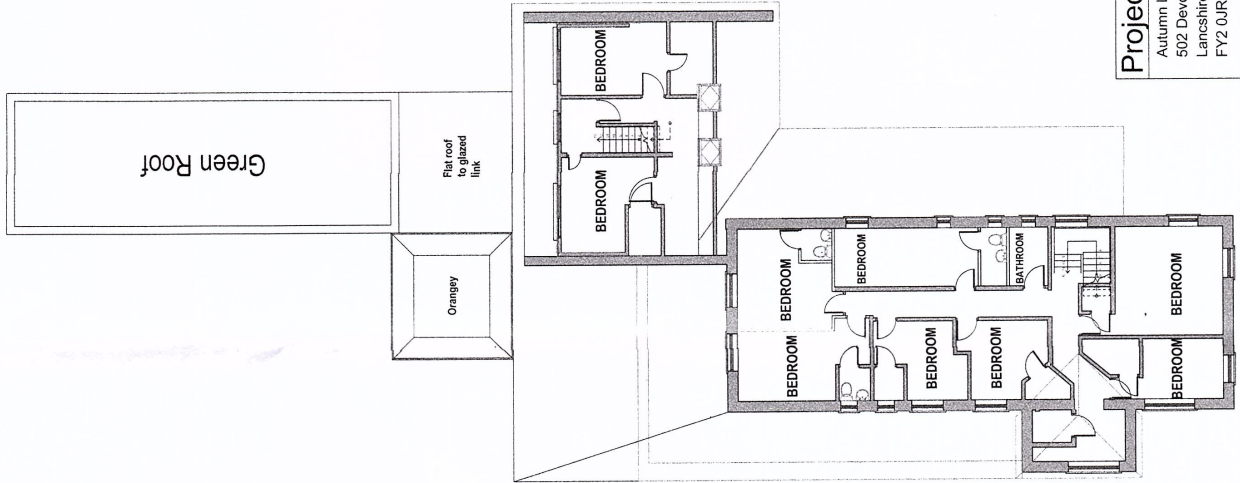
## Ground Floor



## RESIDENTIAL AREA



## First Floor



### Project:

Autumn Leaves  
502 Devonshire Rd.  
Lancashire  
FY2 0JR

Date: 22/02/2018  
Scale: 1:100 @ A1

Drawn by: T. Workman  
Project No: AL01

Unit 8 Sovereign Court, Wyresfields  
Poulton Business Park, Poulton-Le-Flyde  
Lancashire, FY6 8JX

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Autumn Leaves Care Home, 502, Devonshire Road, Blackpool, FY2 0JR

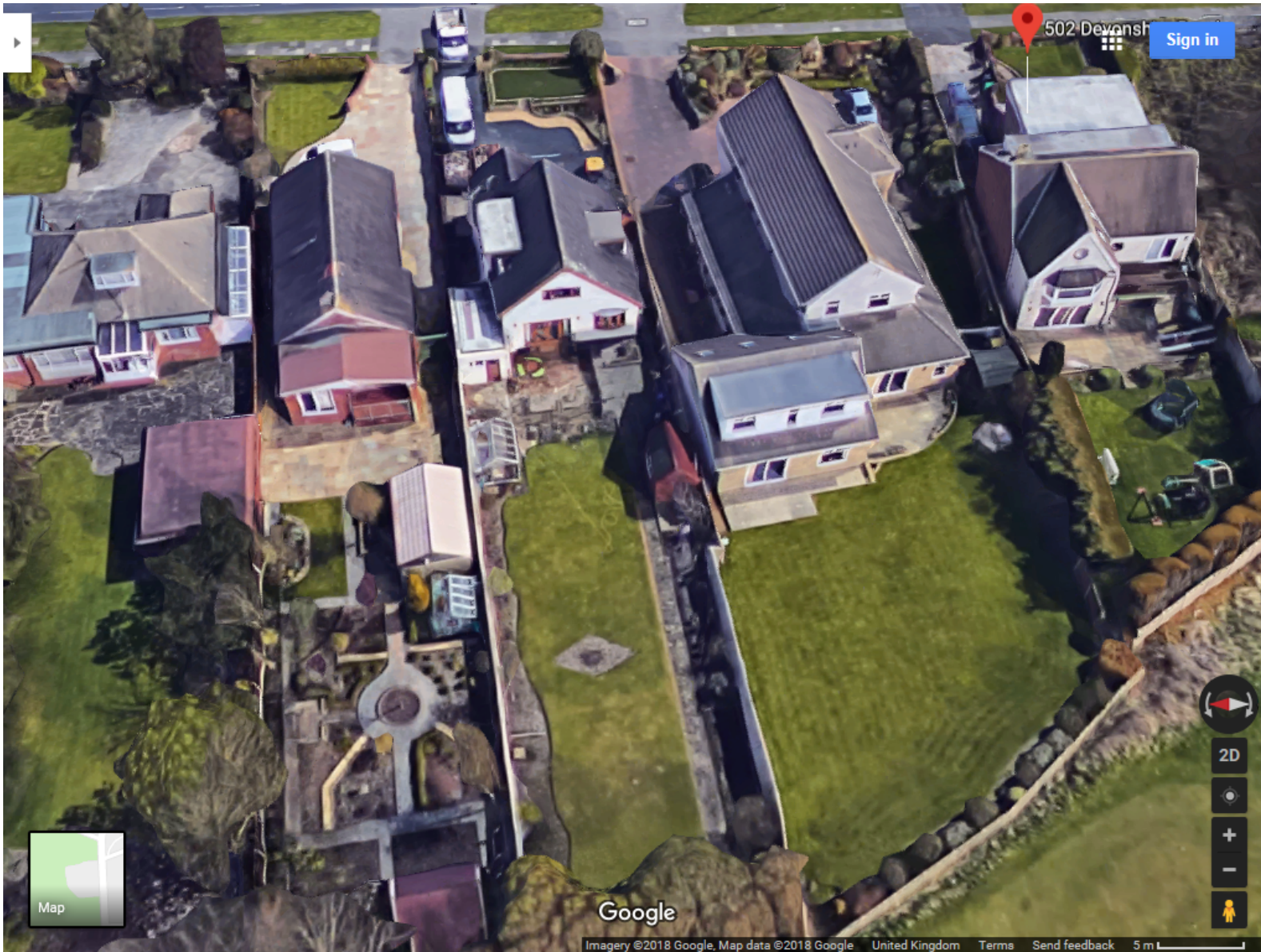


Block Plan shows area bounded by: 331490.74, 439329.02 331580.74, 439419.02 (at a scale of 1:500), OSGridRef: SD31533937. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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