

COMMITTEE DATE: [07/06/2016](#)

**Application Reference:** 16/0004

WARD: Bloomfield  
DATE REGISTERED: 23/12/15  
LOCAL PLAN ALLOCATION: Resort Core  
Resort Neighbourhood  
Defined Inner Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mrs Gallagher

**PROPOSAL:** External alterations including replacement steps to the front, enclosure of the forecourts and dormer extension, erection of rear dormer, single storey rear extension and extraction flue to the rear, and use of ground and lower ground floors of 199 Promenade and lower ground floor of 201 Promenade as altered as a restaurant within Use Class A3; and use of the remainder of both properties as 11 self-contained holiday flats and manager's accommodation.

**LOCATION:** 199-201 PROMENADE, BLACKPOOL, FY1 5DL

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**Summary of Recommendation:** Refuse

### **CASE OFFICER**

Ms P Greenway

### **SUMMARY OF RECOMMENDATION**

The proposal would not add to the vitality of the Main Holiday accommodation Promenade Frontage to the south of the application site and although it would be occupied by a restaurant, there has been no demonstration of why it has no viable future as holiday accommodation use; or what the "substantial" regeneration benefits are (presumably the previous 2014 approval was viable as no statement to the contrary has been made). There are no concerns that the cafe would impinge on the quality of stay for the proposed holiday flats above in terms of noise and disturbance, subject to adequate soundproofing. The Crewes Original Hotel (to the south) has habitable room windows within the front elevation, however the Head of Environmental Protection has no concerns as there is a small buffer between the café/restaurant forecourt and the Crewes Original Hotes. The lack of sympathetic treatment to the front elevation does nothing to enhance the character of this part of the Promenade even though the enclosure of the forecourts with brick boundary walls does help. The use of the lower ground floor of the premises as a restaurant/cafe conflicts with the aim of policies to consolidate the holiday function and to direct restaurants and cafes to existing shopping

frontages where they will add vitality to the mix of retail and commercial uses. The recommendation is therefore for refusal.

## **INTRODUCTION**

The Manor Hotel at 201 Promenade was fire damaged, vacant and had hoardings around it when permission was granted in 2008 (08/0482) for extensions and refurbishment as a 19 en-suite bedroomed hotel with lounge bar; staff bedroom; reception area; kitchen and dining room. On the Promenade forecourt provision was made for additional dining seating and access to the hotel. A Section 215 notice was served on the owner requiring the hoardings to be removed and site improvements to be undertaken. The property remained vacant until 2011, when the front elevation was renovated and the ground floor refurbished and it then commenced trading as a cafe, although the hotel remained vacant.

Enforcement proceedings were instigated as the change of use from a Class C1 hotel with ancillary cafe to an independent Class A3 cafe required planning permission, was contrary to policy and unlikely to be granted.

A retrospective application was then submitted (11/0809) for the use of part of the ground floor as a cafe/restaurant, whilst the hotel was not trading. At that time, it was stated that it was not commercially attractive to bring the rest of the building back into a hotel use, as the applicant would have to renovate the existing hotel to a standard of quality that represents an attractive, desired destination. The cafe was helping to provide those funds and would become the hotel restaurant when it is trading again.

That application was refused for the following reason:

The use of part of the ground floor of the premises as a restaurant/cafe would conflict with Policies BH17 and RR7 of the Blackpool Local Plan 2001-2016 in that the property is located within a terrace of hotels/guesthouses which exhibit a strong holiday character and the aim of the policies is to consolidate this holiday function and to direct restaurants and cafes to existing shopping frontages where they will add vitality to the mix of retail and commercial uses. The introduction of a restaurant/cafe to this Promenade frontage would make it more difficult to resist other similar uses which would dilute the character of the hotel orientated sections of the Promenade and detract from the vitality and viability of existing shopping frontages.

The subsequent appeal was dismissed. The Inspector considered that the use of the part of the lower ground and ground floor as a restaurant hinged on the following issues:

Impact on neighbouring premises: Overall he felt that the appeal scheme caused unacceptable harm to the living conditions of neighbouring residents, with particular reference to noise and disturbance.

Character: The effect of the appeal scheme on the character of the Promenade was acceptable and as the appeal site does not fall within one of the areas designated by the

Holiday Accommodation Supplementary Planning Document (SPD) for particular treatment, the provisions of the SPD appeared to him to be of limited relevance in this case.

Vitality and Viability: He felt that the appeal scheme, by not supporting existing shopping frontages, would harm the vitality and viability of existing shopping frontages.

He concluded that the National Planning Policy Framework indicates that there are three dimensions to sustainable development: economic, social and environmental. In his judgement, the harm that the appeal scheme causes to the vitality and viability of shopping frontages is outweighed by its positive effect on the character of the Promenade. Nevertheless, this is in turn outweighed by the harm that the appeal scheme causes to the living conditions of neighbouring residents. He considered that the appeal scheme would not amount to sustainable development and it would not fit well overall with the patterns of development encouraged by the Regional Spatial Strategy and on balance, for the reasons given above, the appeal should be dismissed.

The owner of the Waverley Hotel at 199 Promenade bought 201 Promenade and submitted an application (subsequently amended to gain approval): 14/0891 - External alterations including replacement steps to the front, enclosure of the forecourts and dormer extension, erection of rear dormer, single storey rear extension and extraction flue to the rear, and use of ground and lower ground floors of 199 Promenade as altered as a restaurant within Use Class A3 and use of the remainder of both properties as 10 self-contained holiday flats and manager's accommodation.

The restaurant use was confined to 199 Promenade as evidence suggested that the restaurant part of the premises was lawful (even though a certificate was not sought).

The current application is for an extension of the restaurant use into 201 Promenade.

## **SITE DESCRIPTION**

These are two Victorian terraced hotel premises on the Promenade, immediately south of the Foxhall Public House. They are four storeys high, with a fifth storey in the roof. The properties have open forecourts to the front and to the rear there are built up rear wings. Access to the Waverley Hotel is by means of an external staircase to the ground floor, with a long established cafe in the same ownership below the hotel at lower ground floor. The Manor Hotel is vacant and comprises a hotel dining room and kitchen on the lower ground floor (last used as an unauthorised cafe); with the hotel above, which is currently inaccessible.

Similar looking hotels are in the remainder of the block to the south and to the rear is the Job Centre on Tyldesley Road, across a narrow rear alley.

## **DETAILS OF PROPOSAL**

External alterations including replacement steps to the front, enclosure of the forecourts and dormer extension, erection of rear dormer, single storey rear extension and extraction flue to

the rear, and use of ground and lower ground floors of 199 Promenade and lower ground floor of 201 Promenade as altered as a restaurant within Use Class A3; and use of the remainder of both properties as 11 self-contained holiday flats and manager's accommodation.

Whereas in 2014 permission was given for an independent restaurant use on the lower ground floor and ground floor of the Waverley at 199 Promenade (the restaurant would accommodate 20 customers at lower ground floor level inside, with an additional 76 covers at ground floor level within the shell of 199 Promenade and 16 covers on an enclosed forecourt to this property), the current proposal extends across the lower ground floor of both properties.

There would be no external alterations to the front elevation other than the partial enclosure of the joint forecourt with a low brick boundary wall; a reinstated staircase to the ground floor entrance at 201; conversion of a door to a window and at roof level the removal of the chimneys and joining up of the dormers. A new flue would run up the side of the rear wing to 199 Promenade and there would be an additional dormer on the roof, a small lower ground floor rear extension, new staircase and enclosure of the rear yards. The intended hours of operation for the restaurant (and forecourt) would be from 10 am to 11 pm, although that is not within the control of the Council as a Planning Authority.

The ground floor of 199 Promenade would become a self-contained manager's flat, with its own access via an existing external staircase from the Promenade. Access to the Manor Hotel would be through the ground floor of 201 Promenade, via the reinstated staircase, where there would be a reception/office and internal access to the rest of both buildings, which would be converted from hotel accommodation into eleven self-contained holiday flats. The applicant has indicated that there would be a door behind the reception linking the holiday flats with the independent restaurant via an internal staircase. The restaurant would not be ancillary to the holiday flats, as all the flats have their own cooking facilities. At roof level, a rear dormer and roof lights would be inserted to facilitate the holiday flats at that level and three chimneys would be removed. The manager's flat would be utilised by the manager of the restaurant or of the holiday flats or both.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- The effect of the proposal on the living conditions of neighbouring residents, with particular reference to noise and disturbance as well as cooking odours
- Loss of holiday accommodation
- The character of the Promenade
- The vitality and viability of existing shopping frontages

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

## **CONSULTATIONS**

**Head of Transportation:** I have no objection to this proposal.

**Head of Environmental Services:** I have no concerns in principle regarding the change of use from Hotel with café at front to holiday flats with restaurant, however looking at where the extract flue terminates at the rear there are quite a few windows at third and fourth floor level within the immediate area which may be affected by odour from cooking. I appreciate that the two ventures will be operated by the same owner but they may want to consider increasing the height of the extract flue so it terminates above any opening windows.

**Head of Waste (Commercial):** 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: 14 January 2016

Site notice displayed: 07 January 2016

Neighbours notified: 07 January 2016

An objection has been received from the owners of the adjacent Clewes Original Hotel at 203 Promenade.

We have already sent several objections to this application and these remain the same - see appended letter (attached at Appendix 5a). In essence, the objections relate to:

- Impact on the character of the area and whether the use is appropriate
- The possibility of more noise or disturbance
- Effect on highway safety and parking
- Why a revised alcohol licence was not requested or enforced
- Poor condition of property at 201 Promenade
- Environmental concerns regarding refuse bin in the rear alley

The planning issues will be addressed in the body of the report.

## **NATIONAL PLANNING POLICY FRAMEWORK**

A core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

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

The NPPF places a heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth. There is a presumption in favour of development where there are no over-riding material considerations. Developments must be of high quality design and offer a good standard of amenity. The NPPF states that planning should be genuinely plan-led to reflect local need and circumstance. The NPPF also makes it clear that Local Planning Authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. The protection and enhancement of Blackpool's main holiday areas is central to the Council's vision for regenerating the resort, driving economic growth and ultimately creating more balanced and healthy, sustainable communities.

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

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of 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 (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

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

#### **CS4 - Retail and other Town Centre Uses**

Policy CS4 seeks to protect the vitality and viability of the town centre as an attractive place to do business, whilst recognising the supporting role that District and Local Centres have in meeting the needs of local communities. Point 3 of the policy states that in out of centre locations, proposals for new retail development and other town centre uses will only be permitted where it can be demonstrated that:

- there are no more centrally located/sequentially preferable, appropriate sites available for the development
- the proposal would not cause significant adverse impact on existing centres
- the proposal would not undermine the Council's strategies and proposals for regenerating its centres

- the proposal will be readily accessible by public transport and other sustainable transport modes

### **CS21 – Leisure and Business Tourism**

1. In order to physically and economically regenerate Blackpool's resort core and town centre, the focus will be on strengthening the resort's appeal to attract new audiences year round. This will be achieved by supporting:

- (e) - New development along the promenade's built frontage which complements the high quality public realm investment along the promenade to enhance the appearance of Blackpool's seafront.

### **CS23 - Managing Holiday Bed Spaces**

Policy CS23 relates to holiday accommodation on the Promenade and sets out a three tiered approach. Within the Key Promenade Hotel Frontages the approach will be to safeguard holiday accommodation uses. Within the Main Holiday Accommodation Promenade Frontages the approach will be to promote new and enhance existing holiday accommodation uses whilst supporting a new residential offer where this would retain the quantum of holiday use, contribute a mixed use offer, deliver clear regeneration benefits, meet high standards of design and provide high quality accommodation, and relate well in use, scale and appearance to neighbouring properties. The application site falls within a Main Holiday Accommodation Promenade Frontage.

Other relevant policies are:

CS7 (Quality of Design)

CS10 (Sustainable Design and Renewable and Low Carbon Energy)

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

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

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

LQ1 - Lifting the Quality of Design

LQ2 - Site Context

LQ14 - Extensions and Alterations

BH3 - Residential and Visitor Amenity

BH15 - Change of Use of Premises outside the Defined Centres

BH16 - Shopping Development Outside Existing Frontages

BH17 - Restaurants, Cafes, Public Houses and Hot-Food Take-Aways

AS1 - General Development Requirements (Access and Parking)

## ASSESSMENT

### The effect of the proposal on the living conditions of neighbouring residents

In terms of the impact on visitors staying above or adjacent to the proposed development, the restaurant use would extend across the whole of the lower ground floors of both properties internally; and across the forecourt of both, except for a small area dedicated as a “garden” for the holiday flats (which is not likely to be used as there is no access other than from the street), with the manager’s accommodation immediately above on the ground floor of 109 Promenade and a holiday flat and reception directly above at 201 Promenade. There are no concerns that the cafe would impinge on the quality of stay for the proposed holiday flats above in terms of noise and disturbance, subject to adequate soundproofing. The Crewes Original Hotel (to the south) has habitable room windows within their front elevations, however the Head of Environmental Protection has no concerns as there is a small buffer between the café/restaurant forecourt and the Crewes Original Hotel. This means that customers using the reduced external area late at night, when the surroundings are relatively quiet, are less likely to cause a noticeable increase in the levels of noise experienced by residents of the holiday flats above and neighbouring hotel premises, over and above the current situation.

The proposed fume extraction system could be redesigned (in accordance with the Head of Environmental Services comments) and conditioned so as to not cause additional nuisance from odours and noise; and relocated so that the extract duct wouldn't open immediately adjacent to a bedroom window in the rear wing.

### Loss of Holiday Accommodation

The application seeks planning permission for the conversion of the properties from two hotels to a restaurant in the lower ground floor level, and eleven holiday flats with a manager's flat and a reception area.

This property is outside (although immediately adjacent to a Main Holiday Accommodation area), however Policy CS23 of the Core Strategy only allows the change of use or redevelopment of holiday accommodation anywhere on the Promenade frontage where it can be demonstrated that the property has no viable future in holiday accommodation use or exceptionally where the loss of holiday accommodation forms part of a wider redevelopment proposal that will deliver clear and substantial regeneration benefits. The owners of the Crewes Original Hotel have stated that the Waverley (199 Promenade) has not traded as a hotel since 2000 and operates solely as an independent restaurant; so there would be no loss of holiday accommodation here. However, the approval given in 2014 would bring the lower ground floor of the Manor Hotel (201 Promenade) back into holiday use and would add to the vitality of the Main Holiday accommodation area. This current proposal does not do that and although it would be occupied by a restaurant, there has been no demonstration of why it has no viable future as holiday accommodation use; or what the “substantial” regeneration benefits are (presumably the 2014 approval was viable as no statement to the contrary has been made).



## The character of the Promenade

Policy CS21 – Leisure and Business Tourism states that in order to physically and economically regenerate Blackpool’s resort core and Town Centre, the focus will be on strengthening the resort's appeal to attract a new year round audience. Amongst other things, this will be achieved by supporting proposals for: the improvement of existing holiday accommodation; and, new development along the Promenade built frontage which complements the high quality public realm investment along the promenade to enhance the appearance of Blackpool’s seafront.

The terrace has a strong holiday character which is safeguarded by Core Strategy Policy CS21 and the remainder of the terrace is within a Main Holiday Accommodation Area (MHAA) (Supplementary Planning Document SPD). This terrace of holiday accommodation and the character of the Main Holiday Accommodation Promenade Frontage is considered vital to the long term future of the resort. The independent cafe unit within 199 Promenade would not dilute the holiday character of the hotel frontages within the terrace as it has already operated from here for many years, nor would the loss of 201 Promenade to a restaurant use dilute the character as it is outside the Main Holiday Accommodation Area. However, the lack of sympathetic treatment to the front elevation of 199 Promenade does nothing to enhance the character even though the enclosure of the forecourts with brick boundary walls would help.

## The vitality and viability of existing shopping frontages

Core Strategy Policy CS4 and Policies BH15 -BH17 of the Local Plan seek to direct restaurant uses to the defined Town Centre and to the District and Local Centres as appropriate to their scale and catchment. Ordinarily such uses are resisted on the Promenade in line with these policies and to ensure that appropriate holiday accommodation character is maintained at ground floor level. The Waverley already has a cafe facility at lower ground floor level, which extends into what was the hotel dining room at ground floor level.

The current cafe use at The Waverley amounts to 95 square metres. Under the revised scheme, the lower ground floor of both properties would be used entirely as an independent restaurant; this amounts to 224 square metres gross internal floorspace (including kitchen facilities) with an additional 43 square metres seating space on the forecourt. A number of other hotels in the block have restaurants in them which cater primarily for guests, in addition to ancillary walk-in trade, and have seating areas to the front. The use of the lower ground floor of the premises at 201 Promenade as a restaurant/cafe conflicts with Policies BH17 in that the property is located within a terrace of hotels/guesthouses which exhibit a strong holiday character and the aim of the policies is to consolidate this holiday function and to direct restaurants and cafes to existing shopping frontages where they will add vitality to the mix of retail and commercial uses.

## Other

The Head of Transportation has no objection on highway safety or parking grounds. The Head of Commercial Waste has not responded, but had no objection to the previous proposals regarding refuse storage and collection.

## **CONCLUSION**

The NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. In this case, there would be harm caused to the vitality and viability of shopping frontages and the proposals would not have a positive impact on the character of the area. Holiday accommodation would be reintroduced into the upper floors of the derelict hotel which is a positive benefit. However, the applicant might just operate the restaurant with the manager's accommodation above it and not carry out the refurbishment of the rest of the property into holiday flats. The only reason why the café use was previously granted for one year was so that the owner could use the profits towards the refurbishment of the hotel. There would be no way to tie the restaurant function into the holiday flats resulting in an empty hotel and a restaurant contrary to Core Strategy and Local Plan policies.

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

Not Applicable

## **HUMAN RIGHTS ACT**

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

## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application Files 16/0004, 14/0891, 11/0809, 08/0482 which can be accessed via the link below:

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

**Recommended Decision:** Refuse

### **Conditions and Reasons**

1. The use of the lower ground floor of the premises as a restaurant/cafe would conflict with Policies CS4, CS21 and CS23 of the Blackpool Local Plan Part 1: Core Strategy; Policies BH3 and BH17 of the Blackpool Local Plan 2001-2016 in that the property is located within a terrace of Promenade hotels/guesthouses which exhibit a strong holiday character and the aim of the policies is to consolidate this holiday function and to direct restaurants and cafes to existing shopping frontages where they will add vitality to the mix of retail and commercial uses. The introduction of a restaurant/cafe to this Promenade frontage would make it more difficult to resist other similar uses which would dilute the character of the hotel orientated sections of the Promenade and detract from the vitality and viability of existing shopping frontages.

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

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

### **Advice Notes to Developer**

Not applicable