

COMMITTEE DATE: [14/03/2017](#)

Application Reference: **16/0845**

WARD: Bloomfield
DATE REGISTERED: 21/12/16
LOCAL PLAN ALLOCATION: Resort Core
Central Promenade and Seafront
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: DY Property Services

PROPOSAL: Erection of five-storey building comprising two no. bar/restaurants at ground floor level (Class A3 and A4 uses) and 15 no. self-contained flats on the upper floors, with associated vehicular accesses from Bolton Street to car parking facilities for 16 vehicles, with refuse storage and cycle parking to the rear.

LOCATION: 429-437 PROMENADE, BLACKPOOL, FY1 6BQ

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

SUMMARY OF RECOMMENDATION

The proposal seeks planning permission to erect a five storey building comprising two restaurant units at ground floor level and 15 self-contained flats intended for permanent occupation above. Whilst this is, on the face of it, contrary to paragraph 4.7 of the Holiday Accommodation Supplementary Planning Document (SPD) and part b (i) and (ii) of Policy CS23, the applicant has indicated that whilst it is financially viable to include residential flats into the development, he has indicated that provision can be made for serviced apartments if this is the more viable option when the scheme commences. Previously he has demonstrated that it would not be financially viable to incorporate holiday accommodation into the development.

The site currently has a derelict, overgrown appearance which is detrimental to the quality of the streetscene. The permanent residential accommodation proposed would be of a good

standard and would contribute towards meeting Blackpool's housing requirements. The commercial units at ground floor level are considered to be acceptable and the provision of landscaping and a boundary wall at the front of the site would further improve its appearance within the streetscene. The improvement of the site would support the on-going environmental improvements on the Promenade and may encourage further investment in the area. As such, on balance and in this instance, the proposal is considered to be acceptable and, the Committee is recommended to approve the application.

INTRODUCTION

The Committee will be aware that outline planning permission was granted in 2013 (13/0497 refers) for the demolition of the existing premises and the erection of a five-storey building comprising two no. bar/restaurants at ground floor level (Class A3 and A4 uses) and 15 no. self-contained permanent flats on the upper floors, with associated vehicular accesses from Promenade and Bolton Street to car parking facilities, with refuse storage and cycle parking to the rear.

Other schemes have either been granted planning permission, or approved in principle, which include the provision of residential accommodation on the Promenade. Of particular note are the developments proposed at 273-275 Promenade and 397-399 Promenade. The planning permission granted at 273-275 Promenade was for the erection of a six storey building with retail units at ground/first floor with fourteen self-contained permanent flats over and parking at basement level. The outline proposals at 397-399 Promenade were for the erection of five-storey building comprising a restaurant (Use class A3) at ground floor and seven self-contained, permanent flats on the upper floors, with associated car parking, bin and cycle stores. The scheme at 397-399 Promenade is a closer comparison to this proposal and is extant.

SITE DESCRIPTION

The application site is a 0.13 hectare plot on the Promenade approximately 70m to the north of its junction with Waterloo Road and between Britannia Place to the north and Commercial Street to the south. The buildings on the site have been demolished and the site cleared. Previously the site was occupied by a mix of hot-food take-away and restaurant on the ground floor, with the upper floors consisting of a mixture of twelve self-contained and non-self-contained flats and a 50 bedroom hotel. The existing forecourts were open-plan with some signage and outdoor seating.

Overall the site is considered to be detrimental to the quality of the streetscene in its current state. The remaining properties in the block comprise the Texas Steak House with Windmill Hotel above to the south, and a fish and chip hot food take-away to the north with the Santa Rose and Golden Sands holiday flats (which can be used as either holiday flats or permanent flats), Inglewood Hotel and Rock City superstore beyond.

DETAILS OF PROPOSAL

The application seeks outline planning permission for the erection of a five storey building with two bar/restaurant units at ground floor level and fifteen self-contained flats intended for permanent or serviced holiday occupation above. The application seeks to agree the matters of access, layout, scale and landscaping, with the details of appearance reserved for later consideration.

As proposed, the building would have a central front access to an office/reception for the upper floor flats. It is anticipated that the reception would be manned 24 hours a day as required in order to receive/check out guests staying at the apartments and to act as concierge. The applicant intends that market forces at the time of commencement of the work will determine the type of accommodation (ie. residential apartments/serviced apartments). There would be two restaurants at ground floor level (one either side of the central access) each with its own independent access. The open forecourt would be reconfigured and used for restaurant outdoor seating. There would be no parking at the front, 16 car parking spaces, a cycle store and refuse store would be provided to the rear. Access to this parking area would be via the existing rear alleyway off Bolton Street. No soft landscaping is indicated.

The 15 flats at upper floor level would each offer two bedrooms (one en-suite) and combined lounge-kitchen rooms. It is suggested that each flat would have a balcony looking west across the sea. The building proposed would not exceed 17.3 m in height (the 2013 scheme was a maximum of 14.7m in height). The ground and first floors would align with the front elevation of Nos. 421-423 which is considered to be the original building line of the block. The second and third floors would be staggered back from this and the top floor recessed further back. The rear would comprise a four storey rear wall, with a fifth storey set slightly in from that.

The application is accompanied by:

- a site layout plan
- a basic streetscene plan to show the scale of the building
- a cross section through the building
- proposed floor layouts
- an external landscaping plan and bin/cycle storage details
- a viability assessment

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The principle of the loss of holiday accommodation and the provision of residential accommodation in this location;
- The extent to which the scheme would contribute towards wider regeneration;
- The acceptability of restaurant uses in this location;
- The effect of the building on the quality of the streetscene;

- The acceptability of the proposed site layout; and
- The adequacy of the proposed access and parking arrangements and the potential impact on highway safety.

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

CONSULTATIONS

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

Comments on planning application 13/0497: No objection, however the front forecourt should be kept open as existing without a boundary wall and dedicated in and out points. This would reduce the number of spaces that could be provided from 11 to 10 but this would be considered acceptable. Access to the rear car park is via a narrow, unadopted road. This should not cause a problem for residential traffic but would be inaccessible for a refuse wagon. The bin drag distance must be less than 25m. Parked vehicles in spaces 3, 4, 9 and 10 may hinder access to the bin stores. The parking spaces to the rear of the site should be reserved for staff and resident use only. The applicant should consider re-surfacing the access and rear parking area although this may require the agreement of local neighbours. The area to the rear of Nos. 59-61 Bolton Street should be hatched to create a turning area. To promote sustainable travel, the two nearest bus stops on the Promenade should be upgraded to Blackpool Council specification including the provision of shelters. Information is required on how the site would be serviced. The scheme would require a formal postal address. Demolition and construction management plans should be conditioned.

Service Manager Public Protection: The site does not have a historical industrial use and therefore no further information is requested regarding contaminated land. A construction management plan will be required for the construction phase. With regard to environmental noise that may affect the residential development, a scheme of noise insulation between the commercial and residential premises shall be agreed and implemented prior to occupation. Demonstration of compliance with this condition shall be via a noise assessment. This assessment shall demonstrate that the following standards are met at and within the proposed development.

LAeq 50-55 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

LAeq 30 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB(8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)*

Please note that any assessment shall be carried out for the most sensitive hours.

* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour. With regard to industrial type noise issues associated with the proposal, such as air extraction and cooling equipment, a noise impact assessment

shall be carried out to assess the impact of the proposed noise sources on nearby noise sensitive premises. The noise impact assessment shall be carried out in accordance with the main procedural requirements of British Standard 4142: 2014 Rating Industrial Noise Affecting Mixed Residential and Industrial Area. An assessment of the background (LA90,T) and residual (LAeq,T) noise shall be required to quantify the nature and levels of background noise at the nearest noise sensitive premises. In addition to the above, the assessment shall include the highest evening and night-time L_{Amax} of the proposed noise sources at the nearest noise-sensitive premises. Please note that any assessment shall be carried out for the most sensitive hours within the time period applied for.

In terms of odour, I am unable to assess the suitability of this development without further information to clarify the potential for odour nuisance that may arise. To this end, details of kitchen extraction system and an odour assessment are required. Further information is available in Government publication - 'Guidance from the Department for Environment, Food and Rural Affairs (Defra) on the control of odour and noise from commercial kitchen exhaust systems, February 2005(available online). Annex B gives details of the usual information that is required. Annex C gives information about odour assessments.

It is suggested that servicing and delivery times be set between the hours of 7.30am – 7.00pm, Monday – Friday and 9.00am -7.00pm on Saturdays.

Prior to the installation of any external flood lighting, a scheme detailing the location and specification of any luminaires shall be submitted. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication “Guidance Notes for the Reduction of Obtrusive Light”.

Noise from outdoor smoking shelters is a common cause of complaints to this department. The location of any smoking shelters therefore must be carefully considered and positioned where they cause the least disturbance to nearby residents.

United Utilities (Water): No objection subject to the following conditions:

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

2. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of

policies within the National Planning Policy Framework and National Planning Practice Guidance.

Blackpool International Airport: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

NATS: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

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.

Police (Secured by Design): The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

There have been 264 reported assaults, 31 incidents of public disorder, 63 burglaries and 138 criminal damage offences in the area around this site. Alcohol has been a factor in a significant number of these crimes. Due to crime figures reported in the area around this site it is advised that the development is built to the principles of Secured by Design in order to reduce crime and anti-social behaviour risks in and around the proposed development.

I can confirm that Lancashire Constabulary do not object to the planning application, although there are some considerations which must be addressed with regard to reducing crime risks. Should Blackpool Council decide to grant planning permission for this application, I ask that the following conditions are attached to the decision:

1. The site must be secured throughout the construction phase as part of the construction management plan. There have been a large number of reported thefts and burglaries at construction sites across Lancashire targeting high value plant and machinery and white goods and boilers as the dwellings are nearing completion. This is placing additional demand on local policing resources. Construction sites are easy targets for opportunist thieves when there is no security present. The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored CCTV accredited with either National Security inspectorate (NSI) or Security Systems and Alarm inspection Board (SSAIB).

Reason: In the interests of Crime Prevention and Community Safety in accordance with Policy CS7 of the Blackpool Local Plan 2012-2027.

2. The commercial units at ground floor level premises shall be used either as a cafe or restaurant or as a mixed restaurant/bar use (within Classes A3 and A3/A4) and for no other purpose (including any other purpose within Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)). For the avoidance of doubt, neither unit shall be used solely as a bar or other drinking establishment within Class A4 of the above Order.

Reason: In the interests of safeguarding the character and function of this section of the Promenade and to safeguard the residential amenities of future occupants of the site and nearby neighbours due to concerns over alcohol related crime in accordance with Policy CS7 of the Blackpool Local Plan 2012-2027.

Section 17 Crime and Disorder Act 1998 (1) without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Further crime reduction and community safety measures will be requested at reserved matters should this application progress.

PUBLICITY AND REPRESENTATIONS

Press notice published: 05 January 2017
Site notice displayed: 04 January 2017
Neighbours notified: 23 December 2016

Objection received from flat 4, 55-59 Bolton Street:

The Tudor Rose Hotel was often a bone of contention in terms of food waste and noise though the demolition of the building was noisy, dusty, dirty, prolonged and during season. The car park idea was fairly reasonable though disturbing; the fairground was understandable but an abomination. As a local resident living behind it, the lights and noise prevented normal life including sleep. Currently it is waste ground with some trash, no doubt carried by the wind, affording a sea view. A park would be a better idea. There are thousands of disused buildings in Blackpool. There is no need for more hotels, flats or restaurants as the resort is full of them. What I would like to see is more investment in our own building which is in a poor state (damp, cold and broken). Saying that, without the protection of a building at the front, our three storey residence is being battered by the bad weather. Would not a five storey building add to our electric bills due to constant shadow?! Please do not let this application go ahead.

An objection has also been received from solicitors acting for the Dutton Arms and Yates Pubs, which are approximately 30 metres and 40 metres distant from the site. Their letter is appended to the report, however in summary their objections relate to:

- future occupiers of the flats could complain about noise generated from the existing, long standing, authorised late night pub uses and lead to possible restrictions on their opening hours. This in turn would reduce the profitability and viability of the public houses. This could result if ineffective or insufficient noise insulation measures are employed within any new development, which would otherwise shield the new residents from existing late night noise sources.
- The proposed development would introduce a tall, five storey structure due west of residential dwellings on Bolton Street, consequently resulting in a significant reduction of their afternoon/evening sunlight when compared to the previous three storey structure that existed prior to demolition.
- This site is not located within an existing shopping frontage and falls outside of any defined District or Local Centre. Therefore, it is considered that the inclusion of two proposed ground floor restaurant/A4 units cause this development to fail the requirements of Policy BH17.
- The creation of two A3/A4 units with large external seating areas will be a source of considerable noise and generate daily deliveries of fresh food and drink to each operator. Access from the rear is via a single width road, which is unsuitable for trucks and would therefore necessitate delivery trucks to park on the western highway, obstructing motorists and pedestrian users alike.
- In light of there being existing vacant units located within the nearest Local Centre running along Waterloo Road, it is considered that there can be no justification for the inclusion of two A3/A4 units within this development which is considered an 'out of centre' development which is contrary to Policy CS4.
- Policy CS17 relates solely to Blackpool Town Centre however, it encourages the introduction of quality cafes and restaurants within this area. This 'centre' first approach is supported by the sequential requirements of Policy CS4 which requests that out of centre development be judged upon whether there are more suitable and desirable locations such as the Town Centre.
- The indicative plans do not reveal any areas for the provision of green infrastructure, contrary to Policy CS6 which requires all new development to incorporate new or enhance existing green infrastructure of an appropriate size, type and standard.
- The parking provision is inadequate for 15 flats and two restaurants.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 10 of the National Planning Policy Framework (NPPF) requires that plans and decisions need to take local circumstances into account.

Paragraph 17 states that one of the core planning principles that should underpin both plan making and decision making is that a good standard of amenity for all existing and future occupants of land and buildings should be secured.

Paragraph 58 aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 123 of the Framework requires planning decisions to recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

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:

CS4: Retail and other Town Centre Uses
CS6: Green Infrastructure
CS7: Quality of Design
CS13: Housing Mix, Density and Standards
CS14: Affordable Housing
CS17: Blackpool Town Centre
CS21: Leisure and Business Tourism
CS23: Managing Holiday Bed Spaces

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

The following policies are most relevant to this application:

LQ1 - Lifting the Quality of Design
LQ2 - Site Context
LQ4 - Building Design
HN4 - Windfall Sites (housing development)
BH3 - Residential Amenity
BH16 - Shopping Development Outside Existing Frontages
BH17 - Restaurants, Cafes, Public Houses and Hot-Food Take-Aways
AS1 - General Development Requirements (Access and Parking)

Supplementary Planning Documents (SPDs)

Holiday Accommodation

This document was adopted in March 2011 and sets out the Council's approach to dealing with change of use proposals as they relate to holiday accommodation premises. Within the Main Holiday Accommodation Promenade Frontages, the aim is to promote and support a new or improved holiday accommodation offer that contributes to resort regeneration elsewhere along the main frontages. This approach seeks to retain the existing quantum of accommodation but is permissive of mixed use redevelopment proposals that would provide a new seafront holiday and residential offer.

SPG11 Open Space

This document was adopted in October 1999 and sets out the Council's requirements in terms of public open space provision as part of new residential development schemes. It identifies the level of open space that must be provided within new developments based on the sizes of the homes proposed, and the financial contribution that would be required in lieu of such provision towards the creation or improvement of public open space off site.

ASSESSMENT

A previous permission for a similar scheme exists under reference 13/0497 which has now expired. While it is considered that previous permissions provide a starting point for an application, it by no means implies that another permission will automatically follow. Each application must be determined on its own merits and consideration must be given to the fact that a new Core Strategy 2012-2027 was adopted in January 2016.

Principle

The application site falls within a Main Holiday Accommodation Promenade Frontage in terms of Policy CS23. Within the Main Holiday Accommodation Promenade Frontages the focus is to support new or refurbished holiday accommodation. The Policy also allows appropriate mixed use developments providing high quality holiday accommodation/residential uses which deliver clear regeneration benefits. It presents an opportunity for high quality residential accommodation on the seafront, which will help to support/complement investment in quality holiday accommodation, enhance the appearance of the Promenade and improve Blackpool's housing offer. The applicant has indicated that the flats would either be for permanent residential use, or serviced holiday apartments.

The Holiday Accommodation SPD expresses an intention to retain the existing quantum of holiday floorspace, but at the same time permit redevelopment and improvement proposals which provide a new high quality mixed use seafront holiday accommodation and residential offer.

The National Planning Policy Framework 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 National Planning Policy Framework states that planning should be genuinely plan-led to reflect local need and circumstance. The National Planning Policy Framework 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.

Retention of a holiday accommodation use on the site

This is academic as the properties have already been demolished. However, the property immediately to the south of the site is in use as a restaurant with hotel accommodation at upper floor level. The property immediately to the north is in use as a hot-food take-away. There is a potential for 421-423 and 425 Promenade to the north to be used as permanent flats as there is no control over the holiday flats and there were permanent flats within the application site, prior to demolition. The block between Commercial Street and Britannia Place was not predominantly holiday accommodation and had a mixed character. The key considerations are therefore whether the quantum of holiday accommodation can be retained, the financial viability of any redevelopment scheme and the extent to which it would contribute towards wider regeneration.

A viability study was carried out on the 2013 proposal and it was accepted in this case that the hotel on site could not viably be brought back into use and hence that the quantum of holiday accommodation could not be retained. In addition, the viability of a mixed use scheme was considered and it concluded that the provision of any holiday accommodation on the site did not appear to be financially viable. A more recent viability study submitted with the current application shows that a mixture of commercial units and permanent flats would be viable, giving the developer a healthy return. The applicant would not be adverse to serviced apartments if the market was right when development commenced.

Contribution to wider regeneration

The site is in a prime position on the Promenade within the Resort Core and a Main Holiday Accommodation Frontage (albeit that this frontage only contains two trading hotels). The wider Promenade area has been significantly regenerated in recent years through the sea wall upgrade works and the environmental improvements to the public realm. The redevelopment of the application site would see the construction of a single new building, rather than the unattractive mix that was there previously. Although design is not a matter for consideration at this stage, the applicant is aware that the Council would expect a high quality design solution. The accommodation proposed would be of a good standard. Consequently, the redevelopment proposed would complement the wider regeneration achieved to date and may stimulate further investment in the area.

Loss of poor quality accommodation

A consideration is that part of the site had lawfully been used for permanent accommodation (a mixture of twelve self-contained and non-self-contained flats). The units were significantly substandard and contributed to the existing over-supply of small and poor quality permanent residential accommodation in the area. As such, the replacement of this accommodation by larger, good quality flats would contribute towards on-going efforts to re-balance the housing stock in the area and create more balanced and healthy communities.

Restaurant development

Policies BH16-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.

Under the current proposal the ground floor would be used almost entirely for restaurant/bar uses with only a small area giving access to the upper floors. The individual unit would not be large and would contribute to the viability of the scheme. The units would be within a new building, would have to be of a high standard of design, and any signage and illumination would be carefully considered to ensure that the appearance of the site as a whole was coherent and of high quality. On this basis, the provision of two new units for use as restaurants is considered to be acceptable.

The Police Architectural Liaison Officer has requested that the units be conditioned such that they cannot be used solely as drinking establishments. This is to try and reduce any incidences of anti-social behaviour and protect the residential amenities of nearby neighbours. The applicant has agreed to this request and an appropriate condition has been recommended for attachment to any permission granted.

Scale

The proposed 17.2 m high building would replace the recently demolished 8.3 m to 12.2 m high buildings which were previously on site. The remaining properties on the block vary from 7.2 m to 11 m in height. Although this would be significantly higher than those surrounding, the site is positioned towards the centre of the block and the development proposed would be a single building much wider than any of the individual existing buildings. Because of this greater width, the increased height would look appropriate and well proportioned. Policy LQ4 of the Local Plan requires all new buildings on the Promenade to be at least four storeys in height to reflect the prominence of their position. On the understanding that the building would be of high-quality design that would attract attention and have a positive impact on the streetscene, the increased height is considered to be acceptable and consistent with Policy LQ4.

Whilst the height of the buildings on site would increase, the built footprint would decrease substantially with the new building sitting further away from the properties at the rear fronting Bolton Street. The separation distance varies between 21 m and 24 m between the rear elevation of the new building and the properties on Bolton Street. On this basis, and given the current density of development on the site and in the immediate vicinity, it is not considered that the building proposed would lead to a significant increase in over-looking or over-shadowing sufficient to warrant refusal.

Layout

The layout plan submitted shows the building proposed as having a significantly reduced footprint from what was originally on site. The ground and first floors would align with the front elevation of Nos. 421-423 which is considered to be the original building line of the block. The second and third floors would be staggered back from this and the top penthouse floor recessed further back. The existing properties on either side of the site both have non-original front extensions. The layout of the forecourt would provide seating accommodation for the restaurants and areas of soft landscaping are proposed, to comply with Policy CS6.

At the back of the site, 16 parking spaces would be provided along with refuse and bicycle stores. The refuse store proposed would comply with maximum drag distance standards. Pockets of soft landscaping would be provided to soften the appearance of what would

otherwise be a fairly functional area. The provision of this parking would improve outlook and levels of daylight and privacy for nearby neighbours compared to the situation prior to demolition.

The flats proposed at upper floor level would all comply with the minimum space standards set out in the Council's New Homes from Old Places Supplementary Planning Document. Although this document is intended to guide conversion projects, it nevertheless is a useful guide in assessing the standard of new build schemes. The flats would be accessed from a central lobby at the front of the site and would have direct access to the rear parking area where the cycle and refuse stores would be located. Each flat would be served by a balcony of between 6.75 and 24sq m. These would be the only areas of outdoor amenity space to serve the flats and would not be private. However, there would be no opportunity to create private outdoor amenity space at the rear of the site and, given the exposed position of the site, a communal roof garden would be unlikely to be well used for much of the year. Notwithstanding the limited outdoor space that would be available, given the constraints of the site and the benefits the scheme would otherwise deliver, the accommodation proposed is considered to be acceptable.

Access, Parking and Highway Safety

The Head of Highways and Traffic Management has not responded yet, however his comments on the previous scheme have been taken into account below.

As previously stated, at the rear of the site, 16 parking spaces would be marked out to provide a parking space for each flat (15 flats) and a covered, secure bicycle store would be provided with sufficient space for 16 cycles. Given the highly accessible location of the site in close proximity to the South Shore District Centre and public transport links, this level of provision is considered to be acceptable. It is anticipated that the two commercial units would be serviced from the Promenade with refuse collected from Bolton Street at the rear. The Head of Highways and Traffic Management indicated on the previous proposal that this arrangement would be acceptable. It is acknowledged that the access to the rear car parking area is narrow and that two cars would not be able to pass one another. However, given the physical constraints of the site, this situation is unavoidable. On the basis that the spaces at the rear are used by residents and staff only who would be familiar with the site, it is not considered that the narrow access would have a detrimental impact on highway safety.

Previously, the Head of Highways and Traffic Management has suggested that the two nearest bus stops on the Promenade be upgraded as part of the redevelopment. However, the scheme includes adequate car parking provision and the site is in a highly accessible location. It is not considered that the provision of 15 flats and two restaurant uses would generate an increase in public transport use over and above the uses currently on site. On this basis, and given the viability assessment of the project provided by the applicant, it is not considered that the works to upgrade the bus stops are justified by the proposal.

Other

In terms of the impact of existing noise sources on occupants of the flats, this would not be an issue if these were holiday flats, let for a few weeks at a time. However, because the viability assessment is based on permanent apartments, the recommendations of the

Service Manager Public Protection should be included as conditions to protect future occupiers from the potential impact of late night noise over and above that experienced on the Promenade.

CONCLUSION

The proposal seeks planning permission to erect a five storey building comprising two restaurant units at ground floor level and 15 self-contained flats intended for permanent occupation above. Whilst this is, on the face of it, contrary to paragraph 4.7 of the Holiday Accommodation SPD and part b (i) and (ii) of Policy CS23, the applicant has indicated that whilst it is financially viable to include residential flats into the development, he has indicated that provision can be made for serviced apartments if this is the more viable option when the scheme commences. Previously he has demonstrated that it would not be financially viable to incorporate holiday accommodation into the development.

The flats proposed would be of a high standard and would be served by outdoor space in the form of balconies. Refuse storage provision, covered secure cycle storage and car parking would be provided to the rear of the site. The commercial units at ground floor level would have no off-street parking for customers to the front, but parking requirements are a maximum rather than minimum for this type of use as opposed to residential use. Cycle and refuse storage would be to the rear. The quantum of restaurant floorspace on the site would be reduced by over a third compared to previously, and whilst this would not strictly accord with the Council's planning policies which seek to direct such uses to the existing centres of the established retail hierarchy, in this case the units are required to contribute to the overall viability of the scheme and would facilitate the redevelopment of the site.

The design of the building is not a matter for detailed consideration at this stage and it has been stressed to the applicant that any design solution must be of a high standard. The site currently has a derelict, overgrown appearance which is detrimental to the quality of the streetscene. The permanent residential accommodation proposed would be of a good standard and would contribute towards meeting Blackpool's housing requirements. The commercial units at ground floor level are considered to be acceptable and the provision of landscaping and a boundary wall at the front of the site would further improve its appearance within the streetscene. Whilst it is acknowledged that the loss of holiday accommodation would be contrary to policy, the applicant has demonstrated that the inclusion of holiday accommodation within the scheme would not be financially viable at this time, although it might be by the time building commences. Although the scheme cannot be considered to be part of a cohesive regeneration scheme, the improvement of the site would support the on-going environmental improvements on the Promenade and may encourage further investment in the area.

As such, on balance and in this instance, the proposal is considered to be acceptable. On this basis, the Committee is recommended to approve the application.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

The provision of 15 flats as proposed is above the threshold for the provision of affordable housing as set out under Policy CS14 of the Core Strategy. However, the site is located within the Inner Area where no element of affordable housing provision is required as it would render the development unviable.

A condition is recommended to be attached to any permission granted to require the applicant to submit a scheme for the provision or improvement of off-site public open space sufficient to meet the needs of the development, under Policy BH10. The scheme currently includes 15 x 2 bedroom dwellings: £688 x 15 = **£10,320** total requirement.

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 16/0845 and 13/0497 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

1.
 - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
 - Appearance
 - 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: Location Plan stamped as received by the Council on 15th December 2016.

Drawings numbered:

JBA195-PL-002 Rev C (Ground Floor Plan)

JBA195-PL-003 Rev C (Proposed Plans)

JBA195-PL-006 Rev B (Proposed Promenade and Rear Courtyard Elevations)

JBA195-PL-008 Rev C (Proposed External Landscaping Plan and Bin/Cycle Storage Detail)

JBA195-PL-009 Rev D (Proposed Streetside Elevation)

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 **£10,320** 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. Notwithstanding the information shown on the submitted plans, details of the refuse storage provision shall be submitted to the Local Planning Authority and agreed as part of any future reserved matters application. This agreed refuse storage shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained. No refuse shall be stored forward of the front building line of the building.

Reason: In the interests of the appearance of the locality and the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The cycle storage and bin storage shown on the approved plan shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. No works shall take place until a Construction Management and Site Waste Management Plan (including recycling) have been submitted to and approved in writing by the Local Planning Authority. The Plans shall include and specify the provision to be made for the following;
 - a joint dilapidation survey in relation to the adjoining highway
 - vehicle access to and from the site
 - dust mitigation measures as a result of the works
 - control of noise emanating from the sites as a result of the works
 - hours of construction work for the works
 - the locations of contractors' compounds, site buildings and other storage arrangements
 - provision for all site operatives, visitors and waste loading, off loading, transfer, 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, including a hard standing area of 15 m for wheel washing facilities, and
 - the routing agreement of works traffic
 - The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored CCTV accredited with either National Security Inspectorate (NSI) or Security Systems and Alarm Inspection Board (SSAIB).

The works shall then proceed in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of Crime Prevention and Community Safety, the amenities of surrounding residents, to ensure there is no unacceptable risk of pollution to water resources or to human health, to safeguard the character and appearance of the area, to assist in securing safe waste minimisation, recycling and energy conservation and in the interests of highway safety in accordance with Policies CS7 and CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, AS1, BH3 and BH4 of the saved Blackpool Local Plan 2001-2016.

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

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

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

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Guidance and to safeguard the living conditions of the occupiers of the flats, in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. A scheme of noise insulation between the commercial and residential premises shall be agreed and implemented prior to occupation. Demonstration of compliance with this condition shall be via a noise assessment. This assessment shall demonstrate that the following standards are met at and within the proposed development.

LAeq 50-55 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

LAeq 30 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB(8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)*

Please note that any assessment shall be carried out for the most sensitive hours.

* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour. With regard to industrial type noise issues associated with the proposal, such as air extraction and cooling equipment, a noise impact assessment shall be carried out to assess the impact of the proposed noise sources on nearby noise sensitive premises. The noise impact assessment shall be carried out in accordance with the main procedural requirements of British Standard 4142: 2014 Rating Industrial Noise Affecting Mixed Residential and Industrial Area. An assessment of the background (LA90,T) and residual (LAeq,T) noise shall be required to quantify the nature and levels of background noise at the nearest noise sensitive premises. In addition to the above, the assessment shall include the highest evening and night-time LAm_{ax} of the proposed noise sources at the nearest noise-sensitive premises. Please note that any assessment shall be carried out for the most sensitive hours within the

time period applied for.

Reason: In the interests of the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of the proposed flats and nearby residential 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.

11. Servicing and delivery times for the restaurant units and any serviced apartments shall not operate outside the hours of 7.30am – 7.00pm, Mondays to Fridays and 9.00am – 7.00pm on Saturdays and not at all on Sundays.

Reason: To safeguard the living conditions of the occupants of the proposed flats and 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.

12. Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to and agreed in writing by the local planning authority and shall thereafter be implemented in accordance with the agreed details. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

Reason: In the interests of the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015(or any subsequent Order amending it) the commercial units at ground floor level of the premises shall be used as restaurants

with ancillary bars only (within Class A3) and for no other purpose, including any other purpose within Classes A1, A2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). For the avoidance of doubt, neither unit shall be used solely as a bar or other drinking establishment within Class A4 of the above Order.

Reason: In the interests of safeguarding the character and function of this section of the Promenade and to safeguard the residential amenities of future occupants of the site and nearby neighbours due to concerns over alcohol related crime in accordance with Policies BH3, BH11 and BH17 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan 2012-2027.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.
2. This permission does not grant consent for any external smoking shelters. Noise from outdoor smoking shelters is a common cause of complaints and the location of any smoking shelters therefore must be carefully considered and positioned where they cause the least disturbance to nearby residents.
3. At least 30 days before commencement of the development, the developer must contact the Safeguarding Team, Squires Gate Airport Operations Ltd, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472527) or by email to safeguarding@blackpoolairport.com if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. cranes, piling rigs). Notification of the equipment shall be made in writing and include:
 - its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
 - height above ordnance datum;
 - anticipated dates on site;
 - emergency contact numbers for the crane operator and site manager.

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

4. Policy BH10 of the Blackpool Local Plan states that new residential developments will need to provide sufficient open space to meet the needs of its residents in accordance with the Council's approved standards. The policy goes on to say that where it is not possible to provide the full requirement of public open space on site, developers may pay a commuted sum to cover the provision or improvement of public open space off site. Details of the Council's standards and calculated commuted sum rates are set out in Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development". In accordance with this document, and given that no public open space can be provided on site, the commuted sum required in respect of this development would be 15 x 2 bedroom dwellings: £688 x 15 = **£10,320** total requirement.