

COMMITTEE DATE: 01/08/2017

Application Reference: **17/0188**

WARD: Squires Gate

DATE REGISTERED: 05/04/17

LOCAL PLAN ALLOCATION: Main Local Centre
Local centre

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr Ambrosini

PROPOSAL: External alterations including installation of bi-fold doors to front elevation and new door and extraction flue to rear elevation, and use of premises as altered as a restaurant (Use Class A3).

LOCATION: 65 HARROWSIDE, BLACKPOOL, FY4 1QH

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Mark Shaw

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 proposed restaurant would be located within a designated Local Centre and is considered to be an appropriate use subject to appropriate conditions to minimise the impact on nearby residential property.

SITE DESCRIPTION

The application relates to a vacant ground floor shop premises with residential accommodation above located within a designated Local Centre. The application property is positioned mid terrace within a parade of approximately 15 units which includes two hot food take away shops and a restaurant. The restaurant and one of the takeaways are located either side of the application premises. There is a bus stop outside the adjoining premises, on street parking is available on Harrowside and this parade of shops have substantial forecourts and many have residential accommodation above the ground floor. On the opposite side of Harrowside there are two and three storey residential properties.

DETAILS OF PROPOSAL

External alterations including installation of bi-fold doors to the front elevation and new door to the rear elevation, and use of premises as altered as a restaurant (Use Class A3). The application also proposes the installation of an extraction flue on the rear elevation.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Use
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

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

CONSULTATIONS

Blackpool Services Directorate: I am unable to assess the suitability of this proposed development without further information to clarify the potential for noise and odour nuisance that may arise. Regard must also be had to the 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. Details of odour arrestment measures need to be submitted. Details of the noise output of any noise making equipment need to be submitted such as kitchen extraction plant, refrigeration plant and its location. Consideration must also be given to sources of structure borne noise and vibration, for example from siting of extraction systems, fans and air conditioning units.

Further details and specifications have been submitted and the up-dated comments are as follows:-

With the cooking and food service currently ceasing at a reasonable time (9pm) I am fairly happy that the fan will not be a nuisance. Noise from the kitchen cleaning and packing up for the night could be an issue if they work too late – they are proposing hours of business are until 10pm – not sure whether this means they possibly will be cooking until then. Can we condition a set closing time of 10pm so all is done and quiet by 11pm?

Agents' response That is fine, closing time at 10.00pm will work for my client.

Head of Highways and Traffic Management: No objections

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

Site notice displayed: 18 April 2017

Neighbours notified: 7 April 2017.

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

57a Harrowside, Blackpool- My major concerns are noise levels after 10pm. This is predominately a residential area although a number of properties are retail most have residents living above. There is no access for parking at the front of the property and my concerns are their customers parking in front of other properties. Most restaurants on Highfield Road which is mainly retail with very few properties residential close at 10pm.

14, Dunes Ave, Blackpool- Impact of proposal on a quiet residential area, noise from outside eating area/music and increased traffic noise into late evening. Outside eating area will require some sort of permanent screening owing to exposed site. This will have a visual impact on an open aspect. Presume food waste will be gathered in the rear access road which will encourage vermin to an area popular with fly tipping despite alley gates. Similar problems with food waste have occurred in the Starr Gate and Lytham Road restaurants. There are more than enough bars and late night eating venues in the area.

38 Harrowside, Blackpool- The area is predominantly residential in nature and relatively peaceful during the evening. Both the proposed bi-fold doors and outside seating would inevitably cause noise nuisance to numerous residents particularly during warmer weather when they would have their windows open or sit on their balconies. The serving of alcohol would no doubt add to the disturbance as it is well known that people who have been drinking make extra noise. Residents, which include many elderly and disabled, are surely entitled to the continued quiet enjoyment of their properties. We are also concerned about additional traffic and parking issues in an area which already has problems with motorists frequently driving across and along the pavement, causing danger to pedestrians and damage to paving.

71/73 Harrowside, Blackpool- I am concerned that a licenSed restaurant staying open until 23.00 with bi-fold doors will cause excess noise and disturbance to numerous residents in the vicinity. It would also be likely that there would be more noise at the rear of the property at a late hour causing more disturbance.

67 Harrowside, Blackpool- cites 7 concerns-

1. A major concern over noise levels after 10.00pm as our bedrooms are at the front of the property, next to 65 Harrowside door. If there is an outside seating / drinking area this is right under my windows.
2. Looking at the plans it shows the bar area to be adjacent to my stair area which leads to my living quarters, will the walls be sound proofed?
3. Concerns about parking as Harrowside is both commercial and residential and we already have issues of people driving over pavements to park on forecourts.

4. If planning is to go ahead my concern is from the dust and debris and noise from the front of the shop as being a food shop hygiene is very important to us and having our doors open from 11.45 to 8.00 could cause an issue to ourselves and our customers.
5. The shop opening times say 7 days a week 5.00-11.00pm is this correct?
6. Plans for the front seating area are not specific is this an eating area?
7. Will walls be built to separate the shops?

As both residential and business area we have to be mindful of residents and their wellbeing as the majority are elderly and are not used to noise or disturbance at night. Most of the businesses close by 10.00pm. I am in no way opposed to having a restaurant open next door and I am sure it will be an asset to the area which as a business owner I approve of. Harrowside has lots of successful businesses on it and we strive to improve the area with close contacts with the Council and residents.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 7: There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 17: Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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 –

CS3- Economic Development and Employment
CS4- Retail and Other Town Centre Uses
CS7- Quality of Design

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
BH4 Public Health and Safety
BH17 Restaurants, Cafes, Public Houses, Hot Food Take Aways
AS1 General Development Requirements

ASSESSMENT

Principle of Use- the application premises are within a designated Local Centre comprising approximately 15 single and double fronted ground floor premises on the south side of Harrowside bounded by the Blackpool south rail line to the west and Harrington Avenue to the east. The Local Centre also includes Chards Gold Bullion business across Harrowside although the remainder of Harrowside is primarily residential. There are also a number of residential properties above the shops in the Local Centre. In terms of assessing the land use merits of the application there are no objections in principle to the location of a restaurant in a designated Local Centre which accords with Policy BH17 of the Local Plan, subject to the details being considered acceptable and the application will be assessed against the issues discussed below.

Impact on Residential Amenity- There are two and three storey flats across Harrowside from the application site and also flats above a number of the adjoining shops within this Local Centre. A sizeable designated Local Centre is where one would expect a suburban restaurant to locate precisely because it would limit the impact on residential amenity. The main impact on residential amenity relates to residential accommodation above adjoining shops. Subject to the imposition of appropriate conditions limiting closing hours to 10pm, the agreement of a sound insulation scheme and subject to the satisfactory operation of the extraction system, the proposal is considered acceptable and in accordance with Policies

BH3 and BH4 of the Local Plan. The restaurant and one of the takeaways abut either side of the application premises.

The use of the forecourt is clearly subject to appropriate weather conditions and given this fact, the location within a busy Local Centre which already contains two hot food takeaways, a restaurant and a Co-op supermarket which opens until 10pm and the intended limit upon opening hours of the proposed restaurant until 10pm, it is considered that the ancillary use of the forecourt is acceptable in terms of residential amenity. The use of the forecourt area would also be controlled via Licensing which would deal with any amenity or management issues over and above the planning conditions.

Impact on Highway Safety - the application is within a designated Local Centre with bus stops close by on Harrowside and on-street parking available within the vicinity of the site. A number of adjoining units also use the forecourt to provide off-street parking. It is not considered that the proposed restaurant will create any significant traffic issues given its commercial location and with Harrowside being a busy local road.

CONCLUSION

The proposal is considered to be an appropriate re-use of vacant premises and will result in the property being brought back into beneficial use adding to the vitality and viability of this busy Local Centre. A number of conditions will be imposed aimed at limiting the impact upon residential amenity and, subject to these conditions, the proposal is considered to be acceptable and in accordance with the relevant local and national planning policies.

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 17/0188 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

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

- Location Plan stamped as received by the Council on 15 March 2017
- Drawings numbered HP/2366 V2 PL/17/05.1, HP/2366 V2 PL/17/05.2

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

3. Prior to the use hereby approved being first brought into use the ventilation system and ducting detailed on the approved plan shall be provided and shall thereafter be retained.

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

4. The use of the premises shall not operate outside the hours of 17-00 to 22-00 on any day.

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.

5. Before the premises are first occupied, sound and vibration proofing shall be carried out and thereafter be retained in accordance with a scheme to be submitted to and agreed in writing by 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.

6. No permanent structures shall be constructed on the forecourt without the prior written approval of the Local Planning Authority.

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.

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.