

Report to:	Planning Committee
Decision or Item number	3
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	6 th October 2014

PLANNING/ENFORCEMENT APPEALS DETERMINED/LODGED

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with details of the planning and enforcement appeals, lodged and determined for its information.

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

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

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 **Arosa Hotel, 18-20 Empress Drive, Blackpool, FY2 9SD (14/0045)**

Appeal Dismissed

Main Issues

- (i) The effect of the proposal on the overall mix and balance of housing provision.
- (ii) Whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to the provision of outside amenity space and secure cycle storage.
- (iii) The effect of the proposal on the character and appearance of the area, with regard to the proposed alterations and bin storage.

Mix and balance of housing

The appeal relates to a vacant three-storey detached hotel situated within an area that is characterised by a mixture of hotels, apartments and dwellings. The appeal building has been previously extended, including a single-storey sun lounge extension along its frontage, an expansive flat roof front dormer and a roof lift to the rear.

The Council's evidence indicates that the inner area is characterised by extreme deprivation and a severely imbalanced housing stock. As a result a key priority for the Council is to strengthen community cohesion and reduce overall deprivation, including, amongst other things, addressing the imbalance of housing stock in inner areas through the provision of family housing and limiting the supply of new private rented accommodation. The Council considers this key priority to be a wider effort for the comprehensive improvement of the neighbourhood as a balanced and healthy community and I have no substantive reason to question this.

Within Defined Inner Areas BLP Policy HN5 does not permit proposals for conversion or sub-division for residential use that would further intensify existing over concentrations of flat accommodation and conflict with the wider efforts for the comprehensive improvement of the neighbourhood as a balanced and healthy community. This is reiterated in Policy HN6 of the BLP which refers to the required mix of housing.

Whilst the boundaries of the Defined Inner Area and the Lower Super Output Area are not identical, the appeal site is located within both of these areas. The appellant considers the appeal site to be more closely associated with other largely residential areas of the Warbreck Ward, however a large proportion of this highlighted area is a considerable distance away from the appeal site and not within the boundary of the Defined Inner area. I also saw on my site visit that this suggested area does not contain the same level of hotel and apartment uses as on Empress Drive and the nearby streets to the west. It is therefore not reflective of the character or appearance of the appeal site or its immediate surroundings. As such I have no substantive reason to conclude that the evidence provided by the Council to indicate the levels of flats and deprivation within the vicinity is significantly flawed. Although I acknowledge that deprivation cannot solely be attributed to smaller accommodation, the marked difference with the regional and national averages undoubtedly mean it is a significant contributing factor.

The Council do not specify what numerical proportions would be acceptable, however the evidence before me indicates that 49.5 per cent of the residential accommodation in this area is for flats, I therefore consider there to be an over-concentration of flat accommodation, and that a further six flats would lead to an increase in this imbalance.

The proposal meets the Council's internal space standards provided in the Supplementary Planning Document entitled "New Homes from Old Places" 2011 (SPD), and I note the appellant's argument that the proposal would not relate to the creation of units with less than two bedrooms. However, the proposed flats would be unlikely to provide accommodation suitable for larger households, and would therefore be unlikely to contribute to the creation of a more mixed and balanced community in the locality. I therefore conclude that the proposed flats would have a harmful effect on the overall mix and balance of housing provision in the area. As such it would conflict with BLP Policies HN5 and HN6.

Nonetheless, the appellant argues that the Council cannot demonstrate a five year supply of land for housing. Although the Council have stated that their Core Strategy: Proposed submission June 2014 (Core Strategy) suggests that they now have a five year housing land supply this has yet to be adopted, and is still required to be tested and found sound. Accordingly I do not consider this to demonstrate a five year supply of housing. In the absence of such a supply, and in the context of paragraph 49 of the Framework, policies relevant to the supply of housing cannot be considered up to-date. Such a conclusion in turn invokes paragraph 14 of the Framework and the presumption in favour of sustainable development. This is addressed in the conclusion below.

Living Conditions

The Council's SPD requires private outdoor space to be provided for any dwelling, where possible, especially in the inner areas of Blackpool where little public open space is available. I appreciate that front garden space is proposed, and that the two ground floor flats have direct access to the more private rear garden areas. However, the residents of the flats on the upper floors would have no direct access to the private rear garden areas and no balconies or terrace garden areas are proposed. In such circumstances the SPD requires the lack of meaningful amenity space to be compensated by a higher quality internal layout.

It has been put to me that the reception rooms and fenestration contribute to a higher quality internal layout. However, given the lack of projecting bay windows, and the reduced head room as a result of utilising room within the roof, the second floor flats would not result a higher quality internal layout for future residents.

Secure cycle parking facilities could be accommodated next to the bin storage area and I am satisfied that this could be addressed by a planning condition. Nonetheless, for the reasons given above I conclude that the proposal would not provide satisfactory living conditions for future occupiers, with particular regard to the provision of outside amenity space. It would therefore conflict with BLP Policy BH3

and guidance within the SPD. These collectively seek, amongst other things, to provide sufficient outdoor private amenity space, of sufficient size to meet the needs of its occupiers.

Character and appearance

Although the rear roof lift would remain the removal of the single storey lounge extension and the replacement of the expansive flat roof front dormer with four individual pitched roof dormers would improve the appearance of this building. These would present a vertical rhythm and symmetry to the façade. Given the presence of a number of other dormers along Empress Drive I do not consider that it would have a detrimental effect on the street scene. There would also be a dedicated bin storage area provided to the rear of the building. Whilst the residents of upper floor flats would have to walk out of the ground floor front doors and down the side alleyway to this area, I do not consider that it would be so inaccessible as to be likely to result in refuse bins being stored in the front garden areas.

I conclude that the proposal would not have a materially harmful effect on the character and appearance of the area with particular regard to the proposed alterations and bin storage. In this regard, it would comply with BLP Policies LQ1, and LQ14 which collectively require, amongst other matters for new development to be of a high standard of design, in relation to the original building and nearby properties.

Other Matters

Whilst I appreciate that there are no certainties of such a conversion taking place in the future, there is also little substantive evidence before me to demonstrate that the building could not be converted back to two houses, or that each dwelling would be of such a size and scale as to only be suitable for between 11 to 20 people. Whilst a conversion may result in large rooms, I consider that the layout of the building could be reconfigured to provide two family houses. I am also aware that there have not been any objections to the proposal from neighbouring residents, that it would result in private sector investment and that a similar proposal was granted planning permission in 2009. Nonetheless, these matters do not overcome the concerns that I have outlined above.

Planning balance and conclusion

The Council's policies relevant to the supply of housing cannot be considered up-to-date and, in accordance with paragraph 14 of the Framework, this requires that the decision maker grant permission for proposals for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

The proposal would make a contribution towards addressing the undersupply of housing, and it would improve the character and appearance of the building and surrounding area. However I have also found that it would not provide satisfactory living conditions for future occupiers and that it would further intensify an existing over-concentration of flat accommodation in the locality, contrary to the strategy to widen the overall mix of housing in the inner area and the aims of creating a more

balanced community. These adverse impacts would very significantly and demonstrably outweigh the factors supporting the proposal and it would therefore not constitute sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind its guidance that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings, and to create mixed and balanced communities.

Does the information submitted include any exempt information? No

List of appendices

None

6.0 Planning/Enforcement Appeals lodged

6.1 182-184 Lytham Road, Blackpool, FY1 6DJ (14/0248)

An appeal has been submitted by Mr J Hartley against an against the Council's refusal of planning permission for External alterations including replacement bay window to front elevation and new windows and door to rear, and use of premises as altered as two self contained permanent flats

6.2 146 Lytham Road, Blackpool, FY1 6DZ (14/0441)

An appeal has been submitted by Mr J Hartley against an against the Council's refusal of planning permission for External alterations including the removal of the front dormer and small rear extension and provision of second floor balcony within roofspace and use of premises as altered as two self-contained flats with associated refuse and cycle store and 1.8m high boundary wall to rear.

6.3 6 South Park Drive, Blackpool. FY3 9QA (13/8423)

An appeal has been submitted by Mrs Elizabeth Cathcart against an Enforcement Notice served by Blackpool Council on 4 August 2014, in respect of the formation, laying out and construction of a means of access to a classified road namely the A587, by removal of all of the front boundary wall and relocation of the gatepost.

6.4 Ma Kelly's, 239-241 Lytham Road, Blackpool, FY1 6ET (13/8255)

An appeal has been submitted by Mr Paul Kelly against an Enforcement Notice served by Blackpool Council on 22nd July 2014, in respect of the planning permission 13/0119 being granted on 3 May 2013 for external alterations including part demolition of front elevation, installation of new shop front to Lytham Road and Bagot Street elevations and use of premises as altered as public house and cabaret bar.

Condition 2 stated the external alterations to the Lytham Road and Bagot Street elevations shall be carried out in accordance with the details shown on drawing no. 013/033/P/01 Rev H with the materials to be used on the elevations as specified on that drawing unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced. It appears to the Council that the condition has not been complied with because the premises are in use and the approved external alterations have not been carried out.

Condition 4 stated that notwithstanding submitted plans before the premises are first brought into use, sound and vibration proofing shall be carried out in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority and this agreed sound and vibration proofing shall thereafter be retained. It appears to the Council that the condition has not been complied because the premises are in use but no application has been made to discharge the condition to the Local Planning Authority nor have any plans been submitted.

6.5 10 South Park Drive, Blackpool, FY3 9QA (14/8059)

An appeal has been submitted by Mr D Meehan against an Enforcement Notice served by Blackpool Council on 4 August 2014, in respect of the formation, laying out and construction of a means of access on a classified road, namely the A587, by removal of the front boundary wall and gatepost.

Does the information submitted include any exempt information? No

List of appendices

None

7.0 Legal considerations:

7.1 None

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 None

14.0 Background papers:

14.1 None