

**COMMITTEE DATE:** 19/12/2017

**Application Reference:** 17/0626

WARD: Tyldesley  
DATE REGISTERED: 19/09/17  
LOCAL PLAN ALLOCATION: Main local centre  
Local centre

APPLICATION TYPE: Full Planning Permission  
APPLICANT: BLACKPOOL MUSIC ACADEMY

**PROPOSAL:** Erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin to front hardstanding area for a period of 12 months.

**LOCATION:** 420 WATERLOO ROAD, BLACKPOOL, FY4 4BL

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**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 proposed extension is the same size and in the same location as approved in 2010 (reference 10/0030). There have been no changes in material considerations since then which would merit refusal of the proposal. A sound attenuation condition which was imposed then has not been complied with yet, but that condition can be re-imposed and passed to enforcement to seek compliance. The portacabin is for a temporary period of 12 months (during construction works) and a condition can be imposed to prevent it being retained any longer. In the circumstances, approval with appropriate conditions imposed is recommended.

#### **INTRODUCTION**

Blackpool Music School was originally granted planning permission (reference 10/0030) on this site for the "Erection of single storey rear extension, new side entrance with access ramp, two parking spaces to side and use of premises as altered as a shop, cafe and music school." A subsequent application made earlier this year (reference. 17/0270) "Erection of a

two storey rear extension following demolition of existing extension" was refused for the following reasons:

1. The proposed side/rear extension would have a significantly detrimental impact on the residential amenities of the adjoining occupants at 422, 424 Waterloo Road and 2 Kirkstall Avenue by virtue of its proposed height, massing and close proximity to the common boundary resulting in an overbearing impact, loss of natural light and loss of outlook. As such it would be contrary to paragraph 17 of the National Planning Policy Framework, Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
2. The proposed extension would be overly dominant and out of character within the Kirkstall Avenue streetscene due to its proposed massing and the proposed location of the extension at the back edge of the rear alley. As such it would be contrary to paragraphs 17 and 56-64 of the National Planning Policy Framework, Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

The current proposal has been submitted following pre-application advice, in an attempt to overcome the reasons for refusal.

### **SITE DESCRIPTION**

The property is two storey end of terrace building, with a third floor in the front and rear dormers/wing, it is traditional in design and constructed with traditional materials with a rendered finish. It is located at the junction of Waterloo Road (a classified road and bus route) with Kirkstall Avenue and there is no vehicular access between the two roads. There are two parking spaces to the Waterloo Road frontage of the premises and two off-road disability parking spaces on the Kirkstall Avenue frontage. The property is in use as Blackpool Music Academy, with a recording studio at the rear and a café on the side. The block is primarily commercial in nature, although the attached property is a house. A discount carpet warehouse and Oxford Square Aldi are visible at the end of the rear alley, which is also a cul-de-sac.

### **DETAILS OF PROPOSAL**

The proposal is for the erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin on the front hardstanding area for a period of 12 months. The application is accompanied by a Design and Access Statement which states that the extension is to increase the floor area for the Academy. Access to the extension will be via a new entrance at the rear of the building. Rubbish would be taken to the existing refuse storage area which is situated in the stairwell at ground floor level.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the impact on the amenity of neighbours in terms of the impact of the extension on overlooking/privacy.
- the use of that extension with regard to noise/disturbance on neighbours.
- car parking and the highways impact of the increased number of students.
- the short term impact of the siting of the portacabin.

These issues will be discussed in the assessment section of this 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. Verbally, he agrees to the retention of parking on the Waterloo Road frontage, subject to the formation of a dropped kerb across the full width of the road frontage.

**Service Manager Public Protection:** Agrees with the sound attenuation condition. With regard to the portacabin, he requests a condition that the windows are kept closed and a 10pm finish. If noise does become an issue, Environmental Protection legislation could require further noise reduction/earlier finish.

## **PUBLICITY AND REPRESENTATIONS**

Neighbours notified: 21 September 2017

Objections: 2 Kirkstall Avenue, 418, 422, 430-432 Waterloo Road:

- High volume of cars from Blackpool Music School using Kirkstall Avenue, a cul-de-sac. The road is used by Blackpool Music School, Aldi staff, Ivory Dental care and St John Vianney school; more people parking on Kirkstall is going to upset everyone. Does not help families on Kirkstall.
- Kirkstall Avenue is a residential road and all the people using Blackpool Music School think that it is ok to park wait and are very noisy as night slamming doors and disturbing others. My daughter lives at the end of the alley and the amount of times her baby has been woken up by the cars coming and going at the radio station is a joke.
- Some of the staff at the music school are very rude and have upset many people in the area.
- Why should I look out over a portacabin for a year, not happy about this.
- Half the time cars are dumped in my building's private car park causing issues.
- The cabin has arrived, windows are open during lessons, with disturbing noise.
- People block the alley [with vehicles] where the music school backs on to.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental, which are mutually dependent. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 6 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the NPPF there is a presumption in favour of sustainable development, which is the 'golden thread' running through both plan-making and decision-taking and paragraph 17 of the NPPF sets out 12 core planning principles.

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

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

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods

## **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 (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 Alteration
- BH3 Residential and Visitor Amenity
- LQ1 General Development Requirements

## **ASSESSMENT**

### **Principle**

An extension to an existing business is appropriate in principle within this Local Centre.

**Design**

The 2010 approval had access into the proposed extension from the rear alley; the current application only has access from the side. Other than that, the extension is basically as approved in terms of footprint, height and design. On this basis it is considered acceptable and consistent with Policies LQ1, LQ14 and CS7

**Amenity**

The extension has been scaled back from that which was refused and now matches in detail the scheme approved in 2010. There is no first floor access into the extension. With regards to noise/disturbance, a sound attenuation condition was imposed on the 2010 approval and investigated by enforcement in 2012 – this is still outstanding. There was no restriction imposed on the hours of operation of the school. If planning permission is forthcoming, I would recommend enforcement of the sound attenuation scheme and reinforce it with a condition on the current proposal.

**Highway Safety/Parking**

It is proposed to formalise the parking on the Waterloo Road forecourt as part of this proposal. The extension does not encroach on existing parking and does not result in an increase in student numbers. In the long term, the extension would have no impact over and above the existing approval.

The portacabin is located towards the front of the site, beside the side glazed window of the former shop. The 2010 approval showed the front area as landscape/planted and a condition was imposed for a dwarf wall to be erected prior to commencement. This has not been done and the forecourt to Waterloo Road has been retained as parking across the full width. The current proposal includes the retention/provision of the three parking spaces on that frontage and a full width dropped kerb onto the classified road. This would help to alleviate pressure on the two dedicated spaces within the site accessed from Kirkstall Avenue and on the on-street parking available there.

No comments have been received from the Head of Highways and Traffic Management.

**Other Issues**

The local residents complain about the appearance and noise associated with the portacabin. The appearance is appropriate to a portacabin, but as it is only temporary and a condition can be imposed requiring its removal on or before the 12 months period has expired, I do not consider that this is a reason for refusal. A further condition can require the windows to be closed during lessons.

**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 10/0030 and 17/0270 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. 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 5th September 2017; drawing no A938/2A Rev C.

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

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

4. The use of the extension shall not commence until a dropped crossing, the full width of the parking to Waterloo Road, has been implemented.

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.

5. Before the premises are first brought into use, evidence shall be submitted to the Local Planning Authority to demonstrate that the sound attenuation measures undertaken at the application property are sufficient to ensure that noise generated at the premises is inaudible in the adjoining property.

Reason: To safeguard the living conditions of the occupants of neighbouring residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2006.

6. The windows to the portacabin shall be closed at all times that lessons or practice are being undertaken inside it; the portacabin shall not be used between 22:00 hrs on any day and normal opening time on the following day; and it shall be removed on or before 19 December 2018 and the land reinstated to its former condition.

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

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

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval need 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.