

COMMITTEE DATE: 20/03/2018

Application Reference: 17/0443

WARD: Victoria
DATE REGISTERED: 26/06/17
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mrs Smith

PROPOSAL: Use of first floor as a beauty therapy centre.

LOCATION: 340 WATERLOO ROAD, BLACKPOOL, FY4 4BH

Summary of Recommendation: Grant Permission

CASE OFFICER

Gary Johnston

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

This application relates solely to the change of use of the first floor of the premises from residential to a beauty therapy centre. Clearly car parking is a major issue in the vicinity, but it is important to remember that the existing residential use of the first floor has the ability to generate demand for parking so effectively the main consideration here is how much additional parking demand the new use will generate over and above that of the existing use. The differing nature of the previous and new uses means that the parking demand will inevitably be different with the beauty salon generating a higher demand for short stay parking during business hours and the residential use generating demand for longer stay and overnight parking.

Given the amount of floorspace involved it is not considered that the impact of the change of use would be sufficient to justify a refusal that would be supported at appeal. With this in mind officers have sought to deal with the obstruction of the footpath by seeking the installation of bollards on the forecourt of the premises to delineate this from the footway, thus preventing vehicles overhanging and causing a nuisance to pedestrians. In terms of the on street parking situation the area is currently unrestricted and there are no plans to introduce a residents' parking scheme in the locality. Whilst officers have discussed the potential for providing some off site car parking for the business this option is no longer available to the applicant.

At the meeting on 30 August 2017 the officer recommendation was - 'On balance, given the existing use and the proposed expansion against the existing fall back position. It is not considered that the impact of the proposal will be so unduly detrimental as to justify a refusal and it is therefore recommended that planning permission be granted subject to conditions' Your officer's position remains the same with the applicant and hence it is recommended for approval.

INTRODUCTION

The application was deferred at the meeting of the Council's Planning Committee on 30 August 2017. The Committee considered that without the completion of a suitable agreement to ensure that parking was available off site for staff and customers that the change of use would add unacceptably to the parking issues being experienced already in the area. It therefore concluded that the application should be granted but only subject to the signing of a suitable legal agreement regarding the provision of off street car parking for at least 8 cars.

Resolved:

That the Committee is minded to approve the application subject to suitable resolution of the concerns about parking and that approval be delegated to the Head of Development Management subject to the completion of a suitable Section 106 agreement mandating that the use not commence until the provision of suitable off-street car parking had been secured.

The applicant has indicated that the offer of car parking at the former Waterloo Methodist Church is no longer available and hence the application has to be considered on the basis of no additional off street car parking being available for the premises.

This application has resulted from an enforcement investigation into the use of the upper floor as a nail bar/sauna. There is no other planning history relating to this site, however, the site was previously used as an insurance office prior to the occupation by the current business.

SITE DESCRIPTION

The site is within an existing residential area and is situated on a primary distributor route as identified on the Local Plan Proposals Map.

The area is for the most part residential in character however individual and clusters of shop units are interspersed along Waterloo Road and there are other small industrial uses operating in the side streets surrounding the site.

The property is a detached shop unit with a small forecourt in front of it. The forecourt measures approximately 9.5 metres by 4 metres and there is an H marking on the carriageway in front of the forecourt. Currently, the ground floor is used as a hairdressers/beauty salon with the upper floor being residential accommodation accessed via the ground floor unit. Work to convert the upper floor is already in progress.

DETAILS OF PROPOSAL

Change of use of first floor from residential to beauty therapy centre. The proposal will create an additional 41sqm of additional treatment areas in 3 rooms. There will also be a new staff room provided in addition to this. Staffing numbers would increase from 5 to 8.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Amenity
- Highway Safety
- Parking and Servicing arrangements
- Other Issues

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

CONSULTATIONS

Head of Highways and Traffic Management: Previously the ground floor used to be a business selling Insurance, and a single car was observed to be parked on the forecourt at any one time, parked in such a manner that it did not impede pedestrian movement, so no issues.

More recently, the use has changed, to a hairdressing salon, which has resulted in frequent vehicle trips to the site with customers parking on the narrow forecourt overhanging the public highway and impeding pedestrians. This is not ideal and could lead to pedestrians walking out onto the carriageway with their backs to traffic.

If you are mindful to support the proposal, may I ask that you condition that a boundary wall be introduced at the front (replicating neighbouring properties), and that the footway is reinstated where the vehicle crossing is shown together with the removal of the existing H marking.

PUBLICITY AND REPRESENTATIONS

Neighbours notified : 3 July 2017

Five objections and a petition containing 33 signatories have been received which raise the following concerns.

- Existing on street parking problems will be exacerbated by intensification of use
- Existing off street parking provision is substandard forcing pedestrians into the carriageway
- Highway safety issues particularly for children, people with buggies or prams, wheelchair users and blind/partially sighted people.
- The applicant never applied to change the use of the property to a hairdressing salon (planning permission was not required to change from the previous A2 use on the ground floor to a hairdressers (A1 use)

In addition, 233 representations in favour of the proposal have been received. These are mainly from customers of the business.

NATIONAL PLANNING POLICY FRAMEWORK

Core Principle 2 "Ensuring the Vitality of Town Centre" and Core Principle 7 "Good Standard of Design and Amenity" of the NPPF

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

CS7 - Design Quality

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:

AS1- General highway requirement

BH3 – Residential and Visitor Amenity

BH14 – Local Centres

ASSESSMENT

Principle - The previous layout of the premises indicates three bedrooms with a shared kitchen and bathroom but no communal living accommodation which is accessed via the ground floor shop unit. This suggests that the property was last used as an HMO and therefore the loss of this poor quality accommodation does not present any policy issues.

Amenity – It is not considered that the proposal will have any adverse impact on the amenities of neighbouring residential occupiers given the nature of the use and the proposed hours of operation. The proposed hours of operation are 9.00 – 19.00 hours Mondays – Fridays and 9.00 – 16.30 on Saturdays.

Highway Safety – There is a forecourt in front of the premises which is used by staff and customers for parking. The distance between the front of premises and the back edge of the footway is approximately 4 metres which is significantly below the length of a vehicle and the standard requirement for a useable car parking space. This means that when vehicles park on the forecourt they invariably overhang the footway forcing pedestrians out into the carriageway as they manoeuvre round the obstruction. This occurs at present and the proposal will allow this issue to be addressed by way of a condition requiring measures to be implemented which prevent vehicles parking in a manner which obstructs the footway.

Having regards to the highway safety issues raised a meeting was arranged to discuss these concerns with the applicant. Following this it was agreed that rather than insist on a wall across the frontage of the premises to prevent vehicles using the forecourt a set of drop bollards would be installed to prevent indiscriminate parking on this area. This would allow staff vehicles to still use the forecourt for parking without interfering with the free flow of pedestrians using the footway.

Parking and Servicing Arrangements - Concerns have also been expressed about the intensification of use and the increased pressure this will put on the limited on street parking in the vicinity. At present there is a three bed accommodation which potentially could generate vehicular traffic from residents and as the floorspace is not increasing there is a trade-off situation between the use of the existing living accommodation and that of beauty salon on the first floor. Clearly both have different characteristics in terms of the traffic they generate in that the residential use will typically generate a requirement for longer stay/overnight parking, whilst the customers of the beauty salon will generate demand for shorter stay parking on a more frequent basis. The on street parking closest to the premises is immediately outside residential properties whose occupiers also use the road to park their own vehicles on and therefore this does create some conflict in relation to the limited space available to park vehicles in. Unfortunately, this is not something that can be regulated via the planning process and it would not be a justification for resisting this change of use as all legal road users have a right to park along this stretch of road.

Other Issues - The property was previously used as an Insurance office (Class A2) and subsequently changed into a hairdresser's (Class A1). The Town and Country Planning (General Permitted Development) Order 2015, permits such a changes of use without the need to apply for planning permission.

Currently, there are five full time employees and it is proposed that this will increase to eight as a result of the proposal. Therefore three additional full time jobs will be created.

CONCLUSION

Clearly car parking is a significant concern in the locality and competition for the limited number of spaces close to the subject property between residents and customers has caused a degree of animosity between the business and its neighbours. Vehicles overhanging the footway that are parked on the forecourt in front of the premises have also been a source of annoyance to residents and passers-by, however, through the recent installation of bollards on the forecourt the length of vehicles that can park on the forecourt has been restricted thus preventing larger vehicles parking here and obstructing the footway.

Through negotiation officers have been able to improve the situation in relation to the obstruction of the footpath, but limited parking in the locality means that inevitably this will remain a source of tension between residents and customers. The applicant did explore alternative off street parking provision on the site of the former Waterloo Methodist Church on the opposite side of Waterloo Road, however, the Council cannot compel the applicant to enter into an agreement nor can the applicant force customers to use this facility. The applicant has confirmed that the offer of this car parking is no longer available and hence the application has to be considered on the basis of no additional off street car parking being available for the premises.

At the meeting on 30 August 2017 the officer recommendation was - 'On balance, given the existing use and the proposed expansion against the existing fall back position. It is not considered that the impact of the proposal will be so unduly detrimental as to justify a refusal and it is therefore recommended that planning permission be granted subject to conditions' Your officer's position remains the same with the applicant and hence it is recommended for approval.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Not Applicable - no off street car parking at the former Waterloo Methodist Church is now available and hence no legal agreement is required

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 17/0443 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=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 received by the Council on 26/06/2017

Drawing numbered B/17/71/01

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 development hereby approved being first brought into use a scheme shall be submitted to and agreed by the Local Planning Authority to prevent vehicles parked on the forecourt of the premises overhanging the footway and obstruction pedestrian movement. The approved scheme shall then be implemented and shall thereafter be retained.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and with 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 0800 - 1900 Mondays to Fridays and 0900 - 1630 on Saturdays and shall be closed on Sundays and Bank Holidays.

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 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.