

**Officer Report to Committee**

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**Application reference:** 19/0803

**Ward:** Warbreck

**Application type:** Full planning permission

**Location:** 47-51 Shaftesbury Avenue, Blackpool

**Proposal:** Erection of a two-storey link extension, creation of additional car parking facilities and use of 51 Shaftesbury Avenue in conjunction with 47-49 Shaftesbury Avenue as an enlargement of existing care home.

**Recommendation:** Refuse

**Case officer:** Mark Shaw

**Case officer contact:** 01253 476345

**1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

1.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.

1.2 This application is considered to be in breach of the second Council priority relating to creating stronger communities and increasing resilience in terms of the home extending into a third residential property, sharing a party wall with a residential property and the resulting size and impact of the home on the adjoining house at 53 Shaftesbury Road and on the wider residential area.

**2.0 SUMMARY OF RECOMMENDATION**

2.1 The application is recommended for refusal on the basis of being contrary to Policy BH24 'Residential Institutions and Community Care Residential Use' which states care homes should occupy no more than about 10% of the block in order to limit their impact on the character and amenity of a residential area. The block has been defined as no more than 100 metres in either direction but may be less depending on clear breaks to the property frontage such as roads. It should, however, not be less than 10 properties or 75 metres.

2.2 In this instance the application property would occupy three out of six properties within a block of properties between Argyll Road and Gosforth Road, which is

60 metres wide (50% of the block). Applying the policy to include the two adjoining blocks between Cornwall Avenue and Cleator Avenue gives a length of 180 metres and three out of 15 properties in use as a care home, 20% of the 180 metre long block. The proposal is therefore contrary to Policy BH24.

- 2.3 There are also concerns regarding the physical link between the existing, already substantially extended home and the adjoining semi-detached house in terms of its design and appearance and impact on the adjoining house, which shares its party wall, and on the wider area.

### **3.0 INTRODUCTION**

- 3.1 This application is before the Planning Committee because of the high level of public interest expressed both against and in favour of the proposal.

### **4.0 SITE DESCRIPTION**

- 4.1 Golden Years Rest Home occupies a pair of two storey semi-detached properties at the junction of Shaftesbury Avenue and Argyll Road within a primarily residential area and sits opposite North Shore Golf Course. The Rest Home has capacity for 21 residents and is one of three pairs of semi-detached properties located between Argyll Road and Gosforth Road. The adjoining pair of semi-detached properties, 51 and 53 Shaftesbury Avenue, are single family dwellings. The Rest Home has been extended with two storey extensions to the rear and fronting onto Argyll Road occupying what most of what would have been the rear garden of 47 Shaftesbury Avenue. The Home also has a single storey extension onto the Argyll Road frontage.
- 4.2 The application property is located within flood zone 1 and is not subject to any constraints.

### **5. DETAILS OF PROPOSAL**

- 5.1 The application involves the conversion of 51 Shaftesbury Avenue as an extension to the existing Rest Home at 47-49 with a two-storey rear link extension between the respective properties. The conversion and link extension would add five en-suite bedrooms, a wet room, visitor room and a salon to the Rest Home and increase the capacity from 21 residents to 26 residents. Eight car parking spaces are shown on the proposed layout plan, four to the front of the property and four spaces accessed from Argyll Road.
- 5.2 The application has been supported by:
- design and access statement
  - enquiries statistical analysis
  - planning statement
  - statement of purpose.

## **6.0 RELEVANT PLANNING HISTORY**

6.1 19/0226- Pre application submission involving the expansion into N.51 with a link extension.

## **7.0 MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- Principle of extending the Rest Home into a third property and application of Policy BH24
- Design and visual impact of the link extension
- Impact of the proposal on residential amenity
- Car parking facilities and traffic generation
- Local need for additional care facilities
- Any other issues

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

## **8.0 CONSULTATION RESPONSES**

8.1 **Head of Highways and Traffic Management:** I have no objection in principle to this proposal. The parking provision appears to be as required by the Council's standards and some degree of casual parking can be accommodated on adjacent highways.

However, the plans are unclear on where the existing six spaces are and the additional two are in tandem in front of the new extension/connection and the door. I am not convinced that the tandem spaces will all be used. Nevertheless, the number of spaces would be adequate at six.

I will need to see a plan with the parking spaces, together with changes to walls and footway crossings, suitably dimensioned. The applicant should also ensure that all parking spaces are drained within the site and not to the highway. A drainage detail will therefore also be required.

8.2 **Service Manager Public Protection:** requests a condition be included regarding a noise assessment and appropriate attenuation measures being installed to reduce the impact that could be caused by distressed patients to the adjoining property

## **9.0 REPRESENTATIONS**

9.1 Press notice published: None

9.2 Site notice published: 16/12/19

9.3 Neighbours notified: 13/12/19

9.4 **13 letters of objection** have been received from the following properties:

- 44, 50, 53, 55, 57, 67 Shaftesbury Avenue, 78, 82 Argyll Road and 55 Gosforth Road, a petition has also been received signed by five local residents in support of the objections from 53 Shaftesbury Avenue.

9.5 These representations raise the following issues:

- Object in strongest terms to the conversion of No.51 into a commercial nursing home. It would have an unacceptable detrimental impact on their quality of life, enjoyment of their home and garden and would significantly harm the character and appearance of the local area.
- This area has an attractive, predominantly residential character and the application property is within what was originally three pairs of traditional, bay fronted semi-detached houses. The original pair of semi-detached properties have already been substantially altered to the rear and side with little regard to the appearance of the original houses.
- To link No.49 to No.51 would be an over-intensive use of the site and significantly detract from the established character creating an unbalanced, incongruous appearance. Furthermore, the amount of glazing would be out of character.
- The Blackpool Core Strategy states high quality design is central to the creation of attractive, successful and sustainable places and the Council expects high quality, well designed developments to contribute positively to the character and appearance of an area. The proposal is contrary to Policy CS7 of the Core Strategy, Local Plan polices LQ2 and LQ14 and the National Planning Policy Framework (NPPF), which states development of poor design, should be refused.
- The proposal is also contrary to Policy BH24, which states that no more than 10% of properties in any one block will be permitted in residential institution use.
- Policies CS7, BH24 and emerging Policy DM3 all refer to the scale and intensity of use and its effect on adjacent properties. This unsympathetic and ill-conceived proposal would turn their peaceful home into an end terrace property adjoining an over intensive commercial use.
- Four en-suite bedrooms would adjoin the party wall and the level of disturbance would be totally unacceptable. Residents would have televisions / music in their rooms and it is not good design practice to have ground floor bedrooms adjoining living rooms. One resident of No.53 works night shifts and requires daytime sleep. The disturbance during building works would be intense and unacceptable. Security lights would also cause disturbance.
- The increased activity from the larger premises would be incongruous in this quiet residential area. This includes ambulances arriving day and night, staff and visitors coming and going. Whilst this may be appropriate in a detached building, it would be totally unacceptable adjoining a house. The use of their garden would also be affected and is already disturbed by noise and music.
- The gardens of the Care Home will be closer to its neighbours and an existing garage and conservatory will be removed increasing the impact.
- There would be further loss of privacy by overlooking, particularly from the link extension.

- The proposal would result in 25 elderly residents on this relatively small site within a residential area.
- It is stated that two new parking spaces will be provided to give a total of eight spaces. These are not new spaces they are simply using the driveway of No.52 with tandem spaces, which is not a satisfactory arrangement and result in further disturbance particularly at night. Furthermore, eight spaces do not seem sufficient for the extended Rest Home as there would be 20 staff, albeit working shifts combined with visitors, ambulances, deliveries etc. thus increasing parking congestion in the area.
- There are several large detached care homes in the vicinity, none connected to the residential property. Belsfield Care Home is within 400m of this site.
- Surely the block consists of properties between Gosforth Road and Argyll Road making a total of 50% of the block.
- No one is questioning the quality of care at this home.
- Parking spaces off street rarely seem to be used and on street parking is seen as a convenient alternative. How can it be ensured that additional parking spaces will be used?
- When reversing from an adjoining driveway visibility is often blocked due to on street parking made worse by speeding traffic.
- This is ultimately a private business in the heart of a residential area

**Paul Maynard MP** objects to the application. In linking two semi-detached properties the proposal will form one large building occupying the footprint of three semi-detached homes. Such a development would be entirely unsuitable with regards to bulk and mass and be entirely out of character with the surrounding residential area. There is also a concern with additional traffic generated by the expanded business premises and the small number of parking spaces available to staff and visitors. It is asked that the application be refused.

**A total of 22 letters of support** have been received from the following properties:

- 51 Shaftesbury Avenue, 29 Pierston Avenue, St Pauls Medical Centre, Blackpool, Hardhorn Road General Medical Practice, Poulton, the Residents' Representative of the Home and a number of other Blackpool, Fylde Coast and nationwide addresses.

These representations raise the following issues:

- A number of supporters of the application have a family member resident or who have been resident in the Rest Home.
- The Rest Home appears to be a well-run establishment and the staff are all very professional, helpful and courteous and has the reputation as the best in Blackpool
- Shaftesbury Avenue is a wide road and at no time have they encountered parking problems.
- All external works will be carried out sympathetically with surrounding properties.
- Golden Years Rest Home is a quiet, comfortable and caring environment.
- The only noise is from the occasional passing vehicle. Noise from the home itself is far less than would be expected from a family home.

- There will be little or no change in traffic movement or noise. Most of the residents spend their time sleeping.
- The proposed link will enable elderly residents to move around without having to go outside.
- The benefits of the application will outweigh any complications. Golden Years Rest Home is known for providing excellent care and it would be a disappointment if it were not to expand to meet increasing demands.
- The proposal will provide a special dementia room and gardening facilities
- The Fylde has a large elderly population many with dementia which is rising all the time.
- A larger garden would mean more residents could exercise in safety, giving more independence and the Rest Home intend to put in raised planting beds which will enable residents' to do some gardening. This would be beneficial for their health and mental wellbeing.
- The extension would provide a specified visitors' room as not all residents want visitors in bedrooms. Nor is there a room where residents can be assessed by visiting professionals.
- The extension would mean additional residents could reside in a luxury environment.
- The Rest Home provides much needed employment.
- There are only 44 care homes in Blackpool and the town does not do enough to cater for the elderly.

**53 Gosforth Road** – (neutral comment) expresses worry regarding security and also concerns about overnight lighting given the proximity of their bedroom.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework (NPPF)**

10.1.1 The National Planning Policy Framework (NPPF) was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Achieving Sustainable Development
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places

### **10.2 National Planning Practice Guidance (NPPG)**

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

### **10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027**

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education

### **10.4 Blackpool Local Plan 2011-2016 (saved policies)**

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH24 Residential Institutions and Community Care Residential Use
- LQ1 Lifting the Quality of Design
- LQ4 Building Design
- LQ14 Extensions and Alterations
- AS1 General Development Requirement

### **10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM3: Residential Institutions
- Policy DM19: Extensions and Alterations
- Policy DM21: Public Health and Safety
- Policy DM39: Transport Requirements for New Development

### **10.6 Other Relevant Policy Guidance- None**

## **11.0 ASSESSMENT**

### **11.1 Principle of extending the home into a third property and application of Policy BH24**

11.1.1 Policy BH24 states that, in order to protect the character and amenities of residential areas and avoid undue concentrations of residential institutions, such uses must not exceed about 10% of a block. Community uses meeting specialist needs must not be

located within 400m of similar such uses. Whilst the latter does not apply in this instance, the proposal would result in some 20% of the defined 180 metre block (three of 15 properties) being in C2 use. This would clearly be contrary to the wording of the policy.

- 11.1.2 The intention behind the policy is to protect the overall character of the areas in which C2 uses are located. The supporting text acknowledges that, of all C2 uses, old people's homes are likely to be least problematic, although it is noted that this facility offers specialist dementia care which can generate noise issues. The fact that the use would be a single business operation rather than a number of separate businesses is also a consideration. Whereas separate businesses would generate their own independent activity relating to staff and visitor comings and goings, which cumulatively could be significant, this would be less likely with a single, extended business. Nevertheless, it must be acknowledged that Shaftesbury Avenue is a relatively quiet residential road and that the existing facility, and although already significantly extended, is free-standing and contained within a single pair of semi-detached properties.
- 11.1.3 The extension of the existing 21 bed Rest Home, at present occupying a substantially altered and extended pair of semi-detached properties, into a third semi-detached property to provide five additional en-suite bedrooms plus other facilities would over-dominate the block of six properties between Argyll Avenue and Gosforth Avenue, occupying three of six properties. The expansion and extension would significantly add to the impact the Rest Home has upon its immediate neighbours, particularly 53 Shaftesbury Avenue, which would share a party wall. One of the main aspects of Policy BH24 is to ensure that such Homes do not over-dominate a residential area detracting unduly from its residential character.
- 11.1.4 The definition of a block as set out in Policy BH24 had been the subject to differing interpretations and in 2008 the Development Control Committee, as was, agreed that a block should be defined as the "immediate adjoining property frontage in which a proposed development is itself located. No account should be taken of premises on streets to the rear or on other side streets unless a corner property itself is the proposal being considered".... A block "should not exceed beyond 100m in either direction... and should not be less than 10 properties or 75m". Whilst this resolution was not readily accessible on the Council's planning website at the time the application was submitted, the agent has been made aware of its existence to further explain the Council's approach and to date no response has been received.
- 11.1.5 The applicant's argument with regard to the legal interpretation of planning policy has been noted. However, Blackpool Council has consistently interpreted Policy BH24 as applying to the immediate frontage adjoining an application property, and indeed this was the foundation of the written advice offered to the applicant prior to submission. As such, the applicant was well aware of the Council's clear and long-standing interpretation of this policy and any claim of inconsistency is entirely refuted. It is considered entirely reasonable to consider the block containing the application property and those on either side, a distance of 180m that includes some

15 properties. The proposal would result in three or 20% of these properties falling within C2 use.

- 11.1.6 Given the quiet, residential nature of the area, and the fact that the proposal would include a large extension to physically connect two stand-alone pairs of semi-detached properties, it is considered that this would result in an over-concentration and over-domination of a C2 use in this locality contrary to Policy BH24 and be harmful to the character of the neighbourhood. As such, the proposal is considered to be unacceptable in principle.
- 11.1.7 The existing Rest Home is rated as good in all areas by the Care Quality Commission (CQC) and evidence has been submitted as part of the application to illustrate the unmet demand at the Rest Home and this is not disputed. However, the requirement for a demonstration of local need is fundamental to all applications for C2 uses within Blackpool. There is nothing within the policy or supporting text to suggest that local need could be a justification for departure from the criteria at the end of the policy seeking to avoid an undue concentration. Compliance with all elements of the policy must be secured in order for a proposal to be supported. Unfortunately, in this instance it is considered that the resulting harm to the character, appearance and residential amenity of the area from the expansion and extension of the Rest Home outweighs the benefits of providing a relatively small number of additional places at the application property.

## 11.2 Design and visual impact of the link extension

- 11.2.1 Care homes tend to occupy detached properties as does the present application property. The proposal seeks to extend the Rest Home with a two storey link extension setback from the frontage but still readily visible from Shaftesbury Avenue with a glazed ground floor treatment and more domestic appearance first floor and roof profile. The extension given its position and ground floor glazed treatment appears as an incongruous and insensitive addition to the properties. It would be over-bearing and unbalance the visual appearance of both pairs of semi-detached properties and be out of character with the host properties and with the wider area. Consequently, the link extension is considered to be contrary to Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy.

## 11.3 Impact of the proposal on residential amenity

- 11.3.1 The existing Rest Home is a free-standing, albeit fairly substantial, property whereby internal noise can be more easily limited within the confines of the building. This would inevitably be more difficult if the Rest Home is physically attached to 53 Shaftesbury Avenue, a dwellinghouse, via a two-storey link extension with four en-suite bedrooms sharing the party wall with No.53 directly abutting the two main living rooms and two principal bedrooms of the adjoining house. The Rest Home caters for dementia patients, who can get distressed and generate noise issues. Whilst noise levels can be reduced via an appropriate condition there will inevitably be additional impact from the activities of the expanded Rest Home into 51 Shaftesbury Avenue. This additional impact could also include the use of the garden

area, the off-street car parking facilities, which includes tandem parking meaning cars would be blocking in other cars, and additional visitors, staff and health professional visiting the premises.

11.3.2 Policy BH24 requires the submission of a management plan for the operation of the premises. Whilst a statement has been submitted setting out the approach to care provided by the business, no information has been provided relating to staffing levels, hours of shift-change over, visiting hours, security arrangements or the likely number/frequency of visiting professionals. Given the locational conflict with Policy BH24 set out above, this information has not been requested from the applicant as it would have been unreasonable to require potentially abortive work. However, an expansion of nearly 25% is highly likely to generate additional comings and goings and general noise and activity.

11.3.3 Given the existing quiet residential nature of the area, the likely impact from additional noise and activity weighs against the application.

#### 11.4 Car parking facilities and traffic generation

11.4.1 Eight off street car parking spaces are shown for the expanded Rest Home. Four spaces located off Argyll Road to the side elevation and four tandem spaces utilising the driveways of No.s 49 and 51 meaning two spaces are blocking the other two spaces. Current maximum car parking standards for Care Homes require one space to be provided five residents which here would give a maximum requirement of five parking spaces. Reductions in parking provision can also be made in locations of greater accessibility. The Head of Highways and Traffic Management has requested further details but these matters could be conditioned on any approval. In terms of the proposed car parking facilities the application is considered acceptable in principle. In terms of traffic generation there would inevitably be a proportionate increase in traffic and visits to the site from family members, health care professionals and staff although this limited increase is not in itself considered sufficient to warrant a refusal of planning permission.

#### 11.5 Any other issues

11.5.1 There are not considered to be any drainage or flood risk issues arising from the application nor would there be expected to be any significant biodiversity impact, or adverse impact on air, water and land quality. The security of the application property and that of its neighbours should not be unduly affected by the proposal.

11.5.2 The application has 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 (as amended).

11.5.3 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues over and above the matters already covered in this report. Refusal of planning permission would inevitably prevent additional elderly people residing at the Rest Home but this needs to be counter-balanced with considerations of the impact on the character and appearance of the surrounding area and the amenities of adjoining residents.

## 11.6 Sustainability and planning balance appraisal

11.6.1 Sustainability comprises economic, environmental and social components.

11.6.2 Economically the scheme would have a limited impact but the proposal would grow the business and some employment would be created during construction and extra staff would be employed once the expansion and the extension is complete.

11.6.3 Environmentally, biodiversity would not be materially affected, but there would be a significant detrimental impact on visual amenity and on the character of the area as a result of the link extension and further expansion of the Home into a third semi-detached property.

11.6.4 Socially, the scheme would provide additional capacity at this Home, which is rated as good in all areas by Care Quality Commission (CQC), however to counter balance this the proposal would have a detrimental impact on the character, appearance and amenity of the area.

11.6.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the environmental and social impact. No other material planning considerations have been identified that would outweigh this view.

## 12.0 CONCLUSION

12.1 The application is considered contrary to Policy BH24 aiming to prevent large care homes having an unacceptable impact on the character of a residential area. The proposed link extension into and use of 51 Shaftesbury Avenue is also considered to have an unacceptable impact on residential and visual amenity. Consequently, this application is recommended for refusal.

## 13.0 BACKGROUND PAPERS

13.1 Planning Application File(s) 19/0803 which can be accessed via the link below:  
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

## **14.0 RECOMMENDATION**

### **14.1 Refuse for the following reasons:**

- The proposed expansion and extension into 51 Shaftesbury Avenue would result in the Home occupying 50% of the block between Gosforth Avenue and Argyll Avenue and 20% of the block between Cornwall Avenue and Cleator Avenue which would have a significantly detrimental impact on the character, appearance and residential and visual amenities of the area by virtue of its size, close proximity to the common boundaries, use, layout and design. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3, BH4 and BH24 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
- The proposed two storey link extension would be visually over-dominating and out of character within the streetscene and significantly detrimental to the appearance of the property, the dwelling to which it would be attached and the wider area due to its size scale, design and position and would therefore be contrary to 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.