

**COMMITTEE DATE:** [07/07/2015](#)

**Application Reference:** **14/0635**

WARD: Bloomfield  
DATE REGISTERED: 19/09/14  
LOCAL PLAN ALLOCATION: Resort Core  
Central Promenade and Seafront  
Resort Neighbourhood  
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission  
APPLICANT: Mr J Hartley

**PROPOSAL:** Demolition of existing premises and erection of five-storey building comprising a restaurant (Use class A3) at ground floor and seven self-contained, permanent flats on the upper floors, with associated car parking, bin and cycle stores.

**LOCATION:** 397-399 PROMENADE, BLACKPOOL, FY1 6BH

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**Summary of Recommendation:** Grant Permission

#### **CASE OFFICER**

Ms P Greenway

#### **INTRODUCTION**

The Committee will be aware that other schemes have either been granted planning permission or approved in principle which include the provision of residential accommodation on the Promenade. Of particular note are the developments proposed at 273-275 Promenade and 429-437 Promenade. The scheme at 273-275 Promenade was initially granted planning permission in 2005 and renewed in 2010 and proposed the creation of retail units at ground and first floor with fourteen self-contained permanent flats over and parking at basement level. The proposals at 429-437 Promenade comprised the demolition of existing premises and erection of five-storey building comprising a restaurant at ground floor level (Class A3 and A4 uses) and seven self-contained permanent flats on the upper floors, with associated vehicular accesses from Promenade and Bolton Street to car parking facilities, with refuse storage and cycle parking to the rear.

The scheme at 429-437 Promenade is a closer comparison to this proposal and was approved by Committee on 18th November 2013.

#### **SITE DESCRIPTION**

The application site is a 0.05 hectare plot on the Promenade approximately 180m to the north of Waterloo Road (and is the next property but one north of the junction with Shaw Road). The site incorporates nos 397 and 399 Promenade which are positioned within a terraced block between Alexandra Road to the north and Shaw Road to the south. The two properties have been converted into the "Burlingham" hotel, and are three storeys in height, with 397 having a small front dormer and there are first floor bay windows on the front and an unsympathetic sun lounge across the

ground floor front, behind an open forecourt, utilised for parking. The hotel has been extended at the rear with three-storey rear wing extensions up to the back of the plots. As such the site is now intensely developed.

The site is currently vacant and the hotel appears dilapidated. Overall it is considered to be detrimental to the quality of the streetscene in its current state with the buildings offering poor quality holiday accommodation. The adjacent property to the north is the Howards Crest hotel which has been recently renovated and improved; and to the south is a fish and chip bar/restaurant a number of fixed stalls on the forecourt; with permanent flats in two storeys above. Yates' Wine Lodge is further to the south across Shaw Road.

### **DETAILS OF PROPOSAL**

The application seeks outline planning permission for the demolition of the existing buildings and erection of a five storey building with restaurant unit at ground floor level and seven self-contained flats intended for permanent occupation above. The application seeks to agree the matters of access, layout and scale with details of appearance and landscaping reserved for later consideration.

As proposed, the building would have a northerly pedestrian access to the flats, with a central access to the commercial unit. The existing open forecourt would be reconfigured and used partially as an outside (seating) area for the food outlet, with the remainder given over to five car parking spaces with some soft-landscaping and a front boundary wall. Six of the seven flats at upper floor level would offer two bedrooms and separate lounges, kitchens and bathrooms and the other flat would be the same except for only having one bedroom. Each flat would also have a balcony overlooking the sea. The building proposed would not exceed 14.8m in height. The upper floors would align with the front elevation of the Howards Crest Hotel, which is considered to be the original building line of the block. The external seating area at ground floor would then project forward by 1.8m and would align with the balconies above and be partly sheltered by them. At the rear of the site would be designated cycle and refuse stores, accessed via the existing rear alleyway off Bolton Street.

The application has been accompanied by:

- a site layout plan
- a basic streetscene plan to show the scale of the building
- a viability assessment of bringing the existing building back into use
- four different viability assessments for potential redevelopment schemes; hotel use, holiday flats, permanent residential flats and a mixed-use scheme
- confirmation that financial lenders are unwilling to support holiday flat proposals
- a bat survey

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Retention of a holiday accommodation use on the site
- Contribution to wider regeneration
- Restaurant development
- Scale and Layout
- Access, Parking and Highway Safety
- Other Issues

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

## **CONSULTATIONS**

### **Head of Transportation:**

1. The use of the ground floor for a restaurant is acceptable.
2. With regards to the flats on the upper floors:
  - It is unclear whether the parking spaces are allocated to the flats or the restaurant use.
  - 4 spaces with one accessible space are proposed, but seven flats are proposed.
  - Access to the parking spaces will be over a pedestrian crossing point. I would advise that the parking layout and pedestrian path which provides access to the building be reversed so that access to the parking spaces is from the north side of the crossing
  - The actual vehicle access point to be widened to 3000mm, to make it easier for vehicle to access the space at the rear of the public highway.
3. Agreement to be sought from the Waste Collection Company regarding collection of waste - residential and commercial.
4. How will the restaurant space be serviced?
5. Cycle parking to be agreed.
6. A Demolition Plan to be conditioned.
7. A Construction Management Plan to be conditioned.
8. The flats will require formal postal addresses.

### **Head of Environmental Services:**

In general I have no problems with this proposed development providing a suitable construction management plan is in place to limit working hours, noise, dust etc. My only concern would be if this property became an HMO, rather than owner occupied flats that it may have a negative impact on any surrounding hotels.

### **Sustainability Manager:**

The bat survey for 397-399 Promenade is acceptable and as expected. Given the location of the site it is very unlikely bats would be found during demolition works. However, the usual proviso stands that should a bat be found during works all work must stop immediately and advice from a qualified ecologist or Natural England sought.

### **Lancashire Constabulary Police Architectural Liaison Officer:**

I have conducted a crime and incident search of this policing incident location and during the period 25 September 2013 to 25 September 2014 there have been reported crimes including burglary. In particular a burglary whereby the offenders gained entry to a first floor flat via the front door. This demonstrates the importance of physical security within an apartment block. In order to reduce the opportunity for crime and disorder at the scheme I make the following security recommendations:-

### **Security Recommendations**

- The scheme should be built to Secured By Design security standards, Part 1 and 2 Physical Security. The main communal entrance into the apartment block building should be a door of enhanced security, fitted with an access control system such as keypad/keyfob or similar so as to reduce the opportunity for unauthorised entry. Communal doorsets with electromagnetic locking that have been tested to STS202 BR2 standards of burglary resistance are recommended. It is recommended that the developer fits CCTV to cover the communal entrance area. This should incorporate coverage of the main entrance.
- Each individual apartment door should be tested and certificated to PAS 24 2012 security standards with a thumb turn release on the inside for easy means of escape. This provides a second layer of defence should a potential offender gain access into the building. Doors should also be fitted with a viewer and security bar/chain.

- Windows should be certificated to PAS 24 2012 security standards and ground floor windows should incorporate laminated glazing which offers greater resistance against attack. All windows should be fitted with restrictors so as to discourage opportunist crime. Glazing in the doors leading onto the balcony area should be laminated.
- External entrances to the scheme should be fitted with a dusk till dawn lighting unit so as to deter potential offenders and reduce the fear of crime amongst residents.
- It is recommended that the main entrance into the restaurant should be a door of enhanced security tested and certificated to LPS 1175 security standards or equivalent and should be covered by CCTV. The CCTV camera provides a clear head and shoulders shot of all persons entering the premise.
- Access at the rear of the premises should be restricted with a 1.8m lockable gating arrangement e.g. between the outside area and the food outlet.
- The restaurant area of the scheme should be fitted with an intruder alarm system. Consideration should be given to this being monitored via an alarm receiving centre.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 3 October 2014

Neighbours notified: 23 September 2014

No representations 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.

### **NATIONAL PLANNING POLICY FRAMEWORK**

In March 2012, the National Planning Policy Framework (NPPF) was published. A core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. 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.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

RR7 - Promenade Frontages within the Resort Core  
RR9 - Loss of Holiday Accommodation  
LQ1 - Lifting the Quality of Design  
LQ2 - Site Context  
LQ4 - Building Design  
HN4 - Windfall Sites (housing development)  
HN6 - Housing Mix  
HN7 - Housing Density  
HN8 - Affordable Housing  
BH3 - Residential Amenity  
BH10 - Open Space in New Housing Developments  
BH11 - Shopping and Supporting Uses: Overall Approach  
BH16 - Shopping Development Outside Existing Frontages  
BH17 - Restaurants, Cafes, Public Houses and Hot-Food Take-Aways  
AS1 - General Development Requirements (Access and Parking)

The key Local Plan policy in this instance is Policy RR9 which relates to the loss of holiday accommodation uses. This policy states that the redevelopment of former holiday accommodation uses on the Promenade will only be permitted where:

- there are already permanent residential uses on either side of the application property and a significant incidence of such uses in the immediate vicinity; or
- there is a permanent residential use on one side of the application property and a substantial incidence of such uses in the immediate vicinity; and
- it can be demonstrated that the property has no viable future in holiday accommodation use; and
- the redevelopment would form part of wider proposals delivering clear and substantial regeneration benefits.

### **Supplementary Planning Documents (SPDs)**

#### **Holiday Accommodation**

This document was adopted in March 2011 and sets out the Council's approach to dealing with change of use proposals as they relate to holiday accommodation premises. Within the Main Holiday Accommodation Promenade Frontages, the aim is to promote and support a new or improved holiday accommodation offer that contributes to resort regeneration elsewhere along the main frontages. This approach seeks to retain the existing quantum of accommodation but is permissive of mixed use redevelopment proposals that would provide a new seafront holiday and residential offer.

#### **SPG11 Open Space**

This document was adopted in October 1999 and sets out the Council's requirements in terms of public open space provision as part of new residential development schemes. It identifies the level of open space that must be provided within new developments based on the sizes of the homes proposed and the financial contribution that would be required in lieu of such provision towards the creation or improvement of public open space off site.

### **EMERGING PLANNING POLICY**

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16 June 2014 and by full Council on 25 June 2014. The document was published for public consultation on 4 July 2014 for a period of eight weeks. After the consultation ended, the document was updated

and was submitted to the Planning Inspectorate in December 2014 for examination in May 2015. The examination took place between 11 and 15 May and we are now awaiting the response from the Inspector.

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy, all relevant policies to this development should be given considerable weight in decision making.

The Emerging policies in the Core Strategy Submission version most relevant to this application are:

#### CS23 - Managing Holiday Bed Spaces

Policy CS23 relates to holiday accommodation on the Promenade and sets out a three tiered approach. Within the Key Promenade Hotel Frontages the approach will be to safeguard holiday accommodation uses. Within the Main Holiday Accommodation Promenade Frontages the approach will be to promote new and enhance existing holiday accommodation uses whilst supporting a new residential offer where this would retain the quantum of holiday use, contribute a mixed use offer, deliver clear regeneration benefits, meet high standards of design and provide high quality accommodation, and relate well in use, scale and appearance to neighbouring properties. Elsewhere high quality residential developments will be supported. The application site falls within a Main Holiday Accommodation Promenade Frontage.

Other relevant policies are:

CS2 (Housing Provision)

CS7 (Quality of Design)

CS10 (Sustainable Design and Renewable and Low Carbon Energy)

CS13 (Housing Mix, Density and Standards)

CS14 (Affordable Housing)

CS15 (Health and Education)

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

## **ASSESSMENT**

### **Policy Overview**

The application seeks planning permission for the demolition of the existing buildings and the erection of a five storey building with a retail/food outlet at ground floor level and seven self-contained flats intended for permanent occupation above. Policy RR9 of the Blackpool Local Plan would only permit such redevelopment if there were already permanent residential uses on one or both sides of the site, a significant incidence of such uses in the immediate area, it could be demonstrated that the existing properties have no viable future in holiday accommodation use, and that the redevelopment formed part of wider proposals that would deliver clear and substantial regenerative benefits.

Holiday Accommodation SPD and Policy CS23 of the emerging Core Strategy are similarly restrictive of permanent residential uses. The SPD expresses an intention to retain the existing quantum of holiday floor space whilst promoting high-quality redevelopment proposals that would contribute towards wider regeneration. Emerging Policy CS23 is more prescriptive and would only permit redevelopment where the scheme would retain the quantum of holiday floor space, contribute a mixed use offer, deliver clear regeneration benefits, meet high standards of design and provide high quality accommodation, and relate well in use, scale and appearance to neighbouring properties.

The National Planning Policy Framework (NPPF) places a heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth. There is a presumption in favour of development where there are no over-riding material considerations. Developments must be of high quality design and offer a good standard of amenity. The NPPF states that planning should be genuinely plan-led to reflect local need and circumstance. It also requires Local Planning Authorities to demonstrate a five year supply of housing land plus an appropriate level of buffer.

Following the formal revocation of the Regional Spatial Strategy in 2013, local authorities are responsible for determining their own housing targets. Policy CS2 (Core Strategy Proposed Submission) proposes an annual housing requirement figure of 280 dwellings per annum (phased to 250 per annum in the first five years) based on up-to-date evidence of need and supply as justified in the Housing Technical Paper (June 2014). Delivering this level of housing will be achieved by developing sites within the existing urban area (including windfall sites) and from existing commitments/planned developments elsewhere without the need for further development within the defined Green Belt or Countryside Areas. Blackpool has a five-year supply against the proposed housing requirement, therefore the emerging Core Strategy policies are a material consideration along with relevant saved policies in the current Blackpool Local Plan.

### **Retention of a holiday accommodation use on the site**

The property immediately to the north is in use as a hotel and it appears that the majority of the properties further north are also in the main in thriving hotel use. The property immediately to the south of the site is in use as a restaurant with permanent flats at upper floor level and further south from this the character is definitely more mixed use, with pubs, permanent flats and a cleared site where permission has been given for redevelopment as permanent flats (429-437 Promenade). The application site - a vacant derelict hotel, appears to be at the junction of the main holiday and mixed use areas. As such, it is considered that the redevelopment of the site to provide permanent residential flats would not be contrary to Policy RR9 of the Local Plan. The emerging planning policy is more prescriptive in a sense but the NPPF takes a far more pragmatic approach. The key considerations are therefore whether the quantum of holiday accommodation can be retained, the financial viability of any redevelopment scheme and the extent to which it would contribute towards wider regeneration.

The application site comprises a hotel, the quality of which was generally low with a dated layout and decor which would not meet the expectations and aspirations of the modern visitor market. The hotel has not traded for some time and it is now partially stripped out. It is clear from the condition of the properties that a significant level of investment would be required in order to renovate the existing buildings to an acceptable standard and bring them back into successful holiday accommodation use, and the applicant has submitted evidence to demonstrate that this would not be financially viable. As such, it is accepted in this case that the hotel in its current form could not viably be brought back into use and hence that the quantum of holiday accommodation could not be retained.

The applicant has submitted five viability assessments for different redevelopment options for the site which have been discussed with the Council's Strategic Asset and Estate Management team:

1. Redevelopment of site as a hotel, which would produce a loss of 44 per cent on the investment.
2. Redevelopment as holiday flats only, would produce a loss of 3.4 per cent.
3. Mixed development comprising a ground floor retail unit, one floor of holiday flats and the rest permanent flats would give a return of 1.6 per cent and without the retail element it would make a loss.
4. Residential only (no retail) would produce a return of 3.1 per cent
5. Restaurant at ground floor, with permanent flats above would give a return of 20 per cent

The fifth valuation (retail ground floor with permanent residential flats at upper floor levels), would generate a profit of 20 per cent on the investment. This is widely accepted to be the minimum rate of return that needs to be capable of being realised in order for a scheme to be considered viable and genuinely deliverable. On this basis, the provision of any holiday accommodation on the site does not appear to be financially viable. In addition, the applicant has provided a letter from the Lloyds Banking Group confirming that it would be very unlikely to fund a holiday flat development in Blackpool, and a Chartered Surveyor's report which concludes that the hotel as it stands no longer has any reasonable prospect of the trade being re-established economically.

### **Contribution to wider regeneration**

Externally the buildings have been extended unsympathetically at the front, rear and roof level and in their state of disrepair they are detrimental to the quality of the streetscene. The site falls within an existing block of properties and cannot reasonably be considered to constitute part of a wider redevelopment proposal. Nevertheless, it is in a prime position on the Promenade within the Resort Core and a Main Holiday Accommodation Frontage. The wider Promenade area has been significantly regenerated in recent years through the sea wall upgrade works and the environmental improvements to the public realm. The redevelopment of the application site would see the removal of a couple of buildings which have a detrimental impact on the streetscene and their replacement with a single new building. Although design is not a matter for consideration at this stage, the applicant is aware that the Council would expect a high quality design solution. The accommodation proposed would be of a good standard. Consequently, the redevelopment proposed would complement the wider regeneration achieved to date and may stimulate further investment in the area.

### **Restaurant development**

Policies BH11-BH17 of the Local Plan seek to direct restaurant uses to the defined Town Centre and to the District and Local Centres as appropriate to their scale and catchment. Ordinarily such uses are resisted on the Promenade in line with these policies and to ensure that appropriate holiday accommodation character is maintained at ground floor level. Under the current proposal the ground floor would be used almost entirely for restaurant use with only a small area giving access to the upper floors and a route through to the rear for cycle storage and the bin store. However, the commercial unit would be within a new building which would have to be of a high standard of design, and any signage and illumination would be carefully considered to ensure that the appearance of the site as a whole was coherent and of high quality. On this basis, the provision of a restaurant unit is considered to be acceptable.



## Scale and Layout

The existing hotel on site is three storeys high. The neighbouring property to the south is also three storeys and flat roofed, whilst the neighbour to the north is four storeys high with a pitched roof. The proposed building would be five storeys (maximum of 14.8m) in height. Although this would be two storeys higher than the property to the south, I do not feel that the relationship would be unacceptable as this sort of height difference happens at other properties along the length of the Promenade. The proposed development would be of a similar scale to the hotel to the north, and would look appropriate and well-proportioned next to it. Policy LQ4 of the Local Plan requires all new buildings on the Promenade to be at least four storeys in height to reflect the prominence of their position. On the understanding that the building would be of high-quality design that would attract attention and have a positive impact on the streetscene, the increased height is considered to be acceptable and consistent with Policy LQ4.

Whilst the height of the buildings on site would increase, the built footprint would decrease substantially with the bulk of the new building sitting further away from the properties at the rear fronting Bolton Street. Amended plans have been received which delete reference to a third floor rear room (on the back edge of the alley) as it would have over-dominated the properties across the alley. Given the current density of development on the site and in the immediate vicinity, it is not considered that the building proposed would lead to a significant increase in over-looking or over-shadowing sufficient to warrant refusal.

The main front elevation of the building at upper floor level would align with the frontage of the Howards Crest hotel to the north, which has not been extended at the front and which represents the original building line of the block. The balconies proposed would then project forward of this building line by 1.8m. At ground floor level, the frontage of the restaurant use would align with the front of the balconies and would also sit forward of the main building line by 1.8m. An outdoor seating area would be formed at ground floor level, partially covered by the underside of the first floor balconies. The layout of the existing forecourt would be changed to provide five off-street parking spaces (one to disability standard) with some soft landscaping and a separate pedestrian access to the flats. There would also be a low boundary wall at the back edge of the footpath, except where the accesses are formed.

At the back of the site, a bicycle store would be formed internally for residents and external refuse stores would be formed for the flats and a separate refuse store for the restaurant use.

The flats proposed at upper floor level would all comply with the minimum space standards set out in the Council's New Homes from Old Places Supplementary Planning Document. Although this document is intended to guide conversion projects it nevertheless is a useful guide in assessing the standard of new build schemes. The flats would be accessed from a central staircase and lift at the north end of the site and all would have direct access to the rear cycle and refuse stores. Each flat would be served by a small west-facing balcony, overlooking the Promenade. These would be the only areas of outdoor amenity space to serve the flats. However, there would be no opportunity to create private outdoor amenity space at the rear of the site and, given the exposed position of the site, a communal roof garden would be unlikely to be well used for much of the year. Notwithstanding the limited outdoor space that would be available, given the constraints of the site and the benefits the scheme would otherwise deliver, the accommodation proposed is considered to be acceptable.

## **Access, Parking and Highway Safety**

As previously stated, the existing forecourt would be reconfigured to provide five parking spaces including one accessibility space along the frontage. There would be cycle parking within the rear of the building for residents of the flats. Given the highly accessible location of the site in close proximity to the South Shore District Centre and public transport links, this level of provision is considered to be acceptable. It is anticipated that the commercial unit would be serviced from the Promenade with refuse collected from the alley between this property and the Bolton Street at the rear. The access to the rear is narrow, however given the physical constraints of the site, this situation is unavoidable. On the basis that the rear area would be used by residents and staff only who would be familiar with the site, it is not considered that the narrow access would have a detrimental impact on highway safety.

## **Other Issues**

A bat survey has been submitted which identifies the existing buildings as having negligible habitat value. As such, the scheme proposed is considered to pose an acceptably low risk to bats and no further surveys are recommended as being required.

The provision of seven flats as proposed would fall below the threshold for the provision of affordable housing as set out under Policy HN8 of the Blackpool Local Plan and Policy CS14 of the emerging Core Strategy. As such, no element of affordable housing provision is required.

The details of fume extraction for the restaurant (whether internal or external) could be considered at reserved matters stage.

## **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

Under the provisions of Policy BH10, the developer is required to contribute to the provision of open space either on site or if this is not possible or desirable, it should be in the form of a contribution towards off-site provision. A condition is recommended to be attached to any permission granted to require the applicant to submit a scheme for the provision or improvement of off-site public open space sufficient to meet the needs of the development.

## **CONCLUSION**

The proposal seeks planning permission to demolish the existing buildings and erect a five storey building comprising one restaurant unit at ground floor level and seven self-contained flats intended for permanent occupation above. Whilst this is on the face of it contrary to para 4.7 of the Holiday Accommodation SPD and b (i) and (ii) of emerging Policy CS23, the applicant has demonstrated that it would not be financially viable to incorporate holiday accommodation into the development. The flats proposed would be of a high standard and would be served by outdoor space in the form of balconies. Refuse storage provision, covered secure cycle storage and car parking would be provided on the site. The commercial unit at ground floor level would benefit from off-street parking to the front and refuse storage to the rear.

The design of the building is not a matter for detailed consideration at this stage. However, the existing buildings have been unsympathetically extended (particularly the ground floor sun lounge and rear wing extensions) and overall the site has a derelict appearance which is detrimental to the quality of the streetscene. The proposed design solution is similar to that approved at 429-437 Promenade. The permanent residential accommodation proposed would be of a good standard and

would contribute towards meeting Blackpool's housing requirements. The commercial unit at ground floor level is considered to be acceptable and the provision of landscaping and a boundary wall at the front of the site would further improve its appearance within the streetscene. Whilst it is acknowledged that the loss of holiday accommodation would be contrary to policy, the applicant has demonstrated that the inclusion of holiday accommodation within the scheme would not be financially viable. Although the scheme cannot be considered to be part of a wider regeneration scheme, the improvement of the site would support the on-going environmental improvements on the Promenade and may encourage further investment in the area. It is felt that it would achieve the objectives of b (iii), (iv) and (v) of emerging Policy CS23.

As such, on balance and in this instance, the proposal is considered to be acceptable. On this basis, the Committee is recommended to approve the application.

### **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. This application is not considered to raise 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.

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1.
  - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:  
Appearance  
Landscaping
  - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and the conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The commercial unit at ground floor level premises shall be used either for retail or as a restaurant (within Classes A1 and A3) and for no other purpose (including any other purpose within Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason: In the interests of safeguarding the character and function of this section of the Promenade and to safeguard the residential amenities of future occupants of the site and nearby neighbours in accordance with Policies RR7, BH3, BH11 and BH17 of the Blackpool Local Plan 2001-2016.

3. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off-site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £4,644 towards the provision of or improvement to off-site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The applicant should contact the Council to arrange payment of the contribution should such a contribution be their chosen solution.

4. Notwithstanding the information shown on the submitted plans, details of the refuse storage provision shall be submitted to the Local Planning Authority and agreed as part of any future reserved matters application. This agreed refuse storage shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained. No refuse shall be stored forward of the front building line.

Reason: In the interests of the appearance of the locality and the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

5. The cycle storage and bin storage shown on the approved plan shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

6. No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the demolition and construction period
- control of noise emanating from the site during the demolition and construction period
- hours and days of demolition and construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the demolition and construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routeing of demolition and construction traffic.

The demolition of the existing buildings and the construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plan 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.

8. No flat shall be occupied until its internal layout and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the living conditions of the occupiers of the flats, in accordance with Policy HN6 of the Blackpool Local Plan 2001-2016.

#### **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.
2. Blackpool Council operates a refuse collection and recycling service through the use of wheeled bins and sacks with most premises having three or four wheeled bins. The Council has purchased and provided these wheeled bins to all existing properties. However, it will be incumbent on developers and builders of new residential properties, including conversions, to provide these bins. Contact should be made with the Waste Services Section at Layton Depot, Plymouth Road, Blackpool, FY3 7HW or telephone 01253 476279 about the requirement, provision and cost of the wheeled bins prior to any resident moving in.
3. Policy BH10 of the Blackpool Local Plan states that new residential developments will need to provide sufficient open space to meet the needs of its residents in accordance with the Council's approved standards. The policy goes on to say that where it is not possible to provide the full requirement of public open space on site, developers may pay a commuted sum to cover the provision or improvement of public open space off site. Details of the Council's standards and calculated commuted sum rates are set out in Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development". In accordance with this document, and given that no public open space can be provided on site, the commuted sum required in respect of this development would be (6 x 2 bedroom flats at £688 per flat; 1 x 1 bedroom flat at £516) **£4644**.