

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

Application Reference: **14/0862**

WARD: Bispham
DATE REGISTERED: 08/01/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr and Mrs Griffin

PROPOSAL: Erection of a part two/ part three/ part four storey building comprising 11 self-contained permanent flats with associated balconies, car parking, vehicle accesses from Queens Promenade and Cavendish Road, bin store, cycle store and boundary treatment, following demolition of existing building (outline proposal).

LOCATION: 176 QUEENS PROMENADE, BLACKPOOL, FY2 9JS

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SITE DESCRIPTION

The application site at present is a fairly large detached two storey building with rendered walls, a hipped tiled roof and bay windows on the front elevation and is currently in use as self-contained flats. The property occupies a prominent and exposed position at the junction of Queens Promenade and Cavendish Road. The site is enclosed to its road boundaries by a low brick wall and there is an access road directly to the rear of the site which provides vehicle access to Bannister Court, a four storey apartment block immediately to the north of the application site and fronting Queens Promenade.

DETAILS OF PROPOSAL

This is an outline planning application seeking approval for the site layout, scale and means of access to the proposed part two/ part three/ part four storey block of 11 self-contained flats following the demolition of the existing building. The proposal involves the creation of 3 x 3 bed flats and 8 x two bed flats, and 11 car parking spaces would be provided for the development, eight spaces accessed from Queens Promenade and three from Cavendish Road.

Significant amendments have been made to the scale and layout of the development and also to the proposed car parking arrangements taking on board comments made by officers, and the scheme has been reduced from 12 to 11 flats. The amendments address concerns regarding the impact upon Bannister Court, the lack of private amenity space and the car parking arrangement and layout. The building is now shown to be two storey (reduced from three storey) at the northern end of the site and is 4 metres from the south elevation of Bannister Court, rising to four storey in height along the remainder of the Queens Promenade frontage being highest at the southern end of the site nearest

to the Cavendish Road junction. A rear section of the building is shown at three storey high. 10 of the 11 apartments are shown on the amended plans as having private balconies to address the matter of amenity space for future residents. The proposed building would be built below existing ground levels similar to the adjoining Bannister Court and would be between 6.5m and 13.3m in height (Bannister Court is 13.5m high).

The application is accompanied by a bat survey.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of re-development
- Scale and impact on character of the area
- Impact on Residential Amenity
- Highway Safety/ Access/ car parking
- Other issues

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

CONSULTATIONS

Head of Transportation: the comments in bold are in response to the amended plans

1. The position of the proposed vehicle access point on Queens Promenade to be reviewed due to its proximity to the bus stop. If moving the access point affects the layout internally, I would expect as a minimum for this scheme to pay for moving the bus stop pole and bench, with possibly upgrading the stop to meet DDA standards. There is scope to do this. **Bus stop still requires moving. No details or agreement are provided.**

2.. The application form states eight with eight spaces accessed from Queens Promenade as shown on drawing no: A1014/175/0/01. A further three, possibly four (including the accessible space) could be accommodated from Cavendish Road but these are not marked out due to access requirements to the garages. The garages are unlikely to be used for their intended purpose and future occupiers are more likely to park within the external curtilage of the proposal site. Please note that the area does suffer from a high demand for on-street parking, hence the requirement to increase the parking provision to at least one per flat. **Garages have been removed, with parking layout amended. There are now 11 flats with 11 spaces.**

All areas allocated for parking purposes to be formally marked out. **Spaces are now formally marked out.**

3. Two proposed vehicle access points proposed on Queens Promenade and Cavendish Road. The width of the access for the one on Queens Promenade to be widened as 3500mm (rear of the highway) is considered sub-standard and the radius kerbs to be omitted. The vehicle crossing point to be completed with transition and bull-nosed kerbs. **Access width to be 5m (rear of highway).**

The footway where the amended proposed vehicle crossing point on Queens Promenade is required together with the one on Cavendish Road to be constructed to take vehicle loadings. **Applicant to contact Highways.**

4. The height of the existing boundary wall to be retained to ensure forward visibility for future occupiers and other road users. **Boundary wall is now as existing. No visibility issues or concerns.**

5. A demolition plan to be conditioned. **Information to be provided.**

6. A Construction Management Plan to be conditioned. **Information to be provided.**

7. The flats will require formal postal addresses. **Applicant to contact Highways.**

Police Architectural Liaison Officer- appropriate security measures should be incorporated into the design and layout of the proposal

Waste- no comments received

Sustainability Officer- is content with the submitted bat survey, however states that the recommendations regarding the emergence survey should be followed.

PUBLICITY AND REPRESENTATIONS

Press notice published: 15 January 2015

Site notice displayed: 23 January 2015

Neighbours notified: 19 January 2015 and 24 April 2015

Four letters of objection have been received in relation to the application, two from Bannister Court Residents Ltd. and two from 6 Bannister Court. The grounds of objection are as follows:-

- the size and density of the proposal is still too large for the site
- overdevelopment of the site
- loss of light to adjoining flats
- car parking is totally inadequate and Cavendish Road is totally full
- the increase in vehicle noise would create a disturbance
- the revised drawings show the building comes out even further towards the Promenade which means from the balconies you will be able to look directly into Bannister Court
- proposal would create a visual obstruction and appear lopsided when seen from the north of the building

NATIONAL PLANNING POLICY FRAMEWORK

The 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. 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.

The document confirms the presumption in favour of sustainable development and sets out 12 core planning principles including 'delivering a wide choice of high quality homes', 'requiring good design' and 'promoting healthy communities.'

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:

LQ1 - Lifting the Quality of Design
LQ2 - Site Context
LQ3- Layout of Streets and Spaces
LQ4 - Building Design
LQ6- Landscape Design and Biodiversity
LQ8- Energy and Resource Conservation
HN4 - Windfall Sites (housing development)
HN6 - Housing Mix
HN7 - Housing Density
BH3 - Residential and Visitor Amenity
BH10 - Open Space in New Housing Developments
AS1 - General Development Requirements (Access and Parking)
SPG 11- Open space requirements

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16th June 2014 and by full Council on 25th June 2014. The document was published for public consultation on 4th 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.

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

CS2 (Housing Provision)
CS7 (Quality of Design)
CS10 (Sustainable Design and Renewable and Low Carbon Energy)
CS13 (Housing Mix, Density and Standards)

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

ASSESSMENT

Principle of Re-development - The site has no specific allocation in the Blackpool Local Plan 2001-2016 and has not been identified as a site which has potential for housing development in the 2013 SHLAA Update which supports the Core Strategy Proposed Submission. The site does not therefore contribute towards meeting the Council's requirement to identify a five year housing land supply. However, the site has a long established residential use and therefore the replacement of the existing flats with 11 new flats providing good quality residential accommodation is supported in principle subject to the details being considered acceptable.

Scale and impact on character of the area - this is an outline planning application which seeks approval for the site layout, scale and means of access. External appearance and landscaping will be dealt with as reserved matters should this application be successful. The bulk of the proposal is four storey in height with a two storey section at the northern end close to Bannister Court and a three storey section at the rear. In terms of its position on a prominent site on Queens Promenade a predominantly four storey building is considered to be appropriate. Bannister Court itself is a four storey building and occupies a similar sized site to the application site. In terms of the overdevelopment issue, Bannister Court contains 14 flats and the application scheme has been reduced from 12 to 11 flats. The proposed building is between 2m and 4m higher than the existing building on the site and the proposed building would be more appropriate in scale than the existing building alongside Bannister Court.

The proposed building would be positioned 1.5m further towards Queens Promenade (not including the balconies) which would still leave over 10m to this boundary, the proposed building is also 1m closer to the Cavendish Road boundary leaving 4.5m to this boundary. This is not considered a significant issue given the relatively spacious setting to the application site.

Impact on Residential Amenity - the main issue with the proposal is considered to be the impact upon the south elevation of Bannister Court which has dining room, kitchen and bathroom windows on the side elevation and upon the west elevation of 2 Cavendish Road to the rear of the site which is sub-divided into 8 flats. The proposal has been amended to address these concerns and the proposal is now two storey (it was three storey) adjoining the northern boundary and the distance to this boundary has been increased from 1m to over 2m. There will be some loss of light to windows in Bannister Court, particularly on the ground and first floors. However, given that the windows are primarily secondary windows and the amendments that have been made it is not considered a refusal of planning permission is justified. In terms of the impact on 2 Cavendish Road, again affected windows are primarily secondary. The proposed building is 3 storey at the rear and over 7m from 2 Cavendish Road with an access road separating the two sites. Again this impact is not considered sufficient to warrant a refusal of planning permission.

The proposal has introduced balconies into the scheme to provide private amenity space for future residents (Bannister Court also has balconies on the front elevation, as have many other apartment blocks on the Promenade) and it is not considered these balconies will pose any particular privacy problems for adjoining residents.

Highway Safety/ Access/ Car Parking - the application proposes 11 car parking spaces for the 11 flats from two access points which is considered an acceptable provision in a sustainable location close to public transport and local facilities. The scheme will be required to address the matters raised by the Head of Transportation and these matters will be dealt with via condition.

Other Issues- it is intended that a condition will be imposed relating to meeting the requirements bat survey.

The proposal will also be required to make the appropriate contribution towards public open space provision which again will be dealt with via condition.

CONCLUSION

The proposal is considered to be an accepted redevelopment of the application site and will make a more efficient use of the site. It is considered to be in accordance with relevant Local Plan, Core Strategy and NPPF policy. The important matters of appearance of the building and landscaping of the site will be dealt with via any subsequent reserved matters application.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

See condition 4 of this report which requires payment of the appropriate contribution towards public open space provision and maintenance as set out in SPG 11 and Policy BH10 of the adopted Local Plan.

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.

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 these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016.

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. 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 £8600 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(s) should contact the Council to arrange payment of the contribution.

5. Details of the appearance of the bin and cycle storage areas indicated on the approved plan(s) shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the site and locality, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. Prior to the development 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.

7. No flat shall be occupied until all of the external and internal works 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 ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 20155 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

9. A scheme for associated off-site highway works shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development on any of the dwellings hereby approved. The scheme shall include details for:

- a) Re-positioning of bus stop

The agreed off-site highway works shall be completed prior to the dwellings first being occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that safe, appropriate and convenient access to the site is made available in accordance with Policies LQ1, AS1 and AS2 of the Blackpool Local Plan 2001-2016.

10. No development shall take place until a 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 construction period
- control of noise emanating from the site during the construction period
- hours and days of 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 construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routeing of construction traffic.

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.

Advice Notes to Developer

Not applicable