

Blackpool Council

26 June 2015

To: Councillors I Coleman, Critchley, Elmes, Hutton, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 7 July 2015 at 6.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 9 JUNE 2015 (Pages 1 - 4)

To agree the minutes of the last meeting held on 9th June 2015 as a true and correct record.

3 PLANNING ENFORCEMENT UPDATE REPORT (Pages 5 - 8)

The Committee will be asked to note the outcomes of the cases and approve the actions of the Service Manager – Public Protection.

4 PLANNING APPLICATION 14/0635 - 397-399 PROMENADE (Pages 9 - 22)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

5 PLANNING APPLICATION 14/0862 - 176 QUEENS PROMENADE (Pages 23 - 32)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

6 PLANNING APPLICATION 14/0866 - LAND AT FERNBANK (Pages 33 - 44)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

7 PLANNING APPLICATION 15/0104 - 71 MOOR PARK AVENUE (Pages 45 - 54)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

8 PLANNING APPLICATION 15/0235 - 352-358 LYTHAM ROAD (Pages 55 - 62)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

9 PLANNING APPLICATION 15/0242 - MCDONALDS RESTAURANTS LTD, CHERRY TREE ROAD NORTH (Pages 63 - 70)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477164, e-mail chris.kelly@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman
Critchley

Elmes
Hutton

Robertson BEM
Stansfield

In Attendance:

Gary Johnston, Head of Development Management

Carmel White, Chief Corporate Solicitor

Karen Galloway, Principal Engineer Transportation

Bernadette Jarvis, Democratic Governance Senior Adviser

Chris Kelly, Democratic Governance Senior Adviser – observing only

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 13 APRIL 2015

Resolved: That the minutes of the meeting held on 13th April be signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

Resolved: To note the planning/enforcement appeals lodged and determined.

Background papers: (1) letter from the planning inspectorate dated 28th April 2015, (2) letter from the planning inspectorate dated 13th April 2015, (3) letter from the planning inspectorate dated 27th April 2015, (4) letter from the planning inspectorate dated 28th February 2015, (5) letter from the planning inspectorate dated 13th May 2015.

4 PLANNING ENFORCEMENT UPDATE REPORT - MARCH 2015

Resolved: To note the outcomes of the cases in the report and to support the actions of the Service Manager, Public Protection Department in authorising the notices.

5 PLANNING ENFORCEMENT UPDATE REPORT - APRIL 2015

Resolved: To note the outcomes of the cases in the report and to support the actions of the Service Manager, Public Protection Department in authorising the notices.

6 PLANNING APPLICATION 14/0872 - LIDL UK GMBH, 4 ANCHORSHOLME LANE WEST

The Committee considered application 14/0872 for the erection of a single storey extension to Fleetwood Road elevation to form a bakery preparation area, freezer space,

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additional warehouse space and condenser compound.

Mr Johnston, Head of Development Management, presented the key elements of the report to the Committee. Detailed plans for the proposed extension were displayed and explained to Members. Mr Johnston also provided Members with aerial photographs showing the extent of the proposed extension and confirmed that there would be no net loss of car parking spaces resulting from the extension. The Committee was informed of two letters of objection that had been received in relation to the proposed plans.

Mr Mason, the applicant, spoke in support of the application.

Following concerns raised by the Committee, Ms Galloway, Principal Engineer, confirmed that there were no transportation issues with the proposed plans.

Resolved: That the application be approved, subject to the conditions, and for the reasons, set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

7 PLANNING APPLICATION 15/0160 - LAND AT YEADON WAY, YEADON WAY

The Committee considered application 15/0160 for the erection of a part single/part two storey educational building to be developed in two phases, with associated car, motor cycle and cycle parking, landscaping, boundary treatment, two wind turbines (15 metres high), sub-station, lighting and vehicle access from Yeadon Way.

Mr Johnston, Head of Development Management, presented the key elements of the report to the Committee. He explained that the proposed application would result in a loss of 577 existing car parking spaces in the central area of South Car Park leaving 361 available car parking spaces. Mr Johnston reported on levels of ticket sales for the period between April 2014 and March 2015 which demonstrated that South Car Park was under-utilised and even at peak periods there would be sufficient parking spaces to meet demand. He explained that the proposed development would utilise space that was currently underused. It would also include areas of car parking for staff and students.

The Committee were presented with site plans and 3 dimensional photographs showing the proposed development.

Mr Johnston reported on the withdrawal of the proposed two wind turbines from the application following an objection from NATS. He also reported on the representations received from members of the public.

Mr Pye, representing the applicant, spoke in support of the application.

During consideration of the application, Members commented favourably on the merits of the application but expressed concerns regarding the loss of car parking spaces. Members were also concerned that the level of car parking provision for the development would be insufficient to meet demand, resulting in increased pressure on car parks and on-street parking in the surrounding area. Mr Johnston confirmed that one of the

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conditions attached to the application related to the implementation of an approved travel plan.

Resolved: That the application be approved, subject to the conditions, and for the reasons, set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

Chairman

(The meeting ended 6.35 pm)

Any queries regarding these minutes, please contact:
Chris Kelly Senior Democratic Services Adviser
Tel: (01253) 477164
E-mail: chris.kelly@blackpool.gov.uk

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Report to:	Planning Committee
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting:	7 th July 2015

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during May 2015.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Cases

New cases

In total, 82 new cases were registered for investigation, compared to 62 received in May 2014.

Resolved cases

In May 2015, thirteen cases were resolved by negotiation without recourse to formal action, compared with four in May 2014.

Closed cases

In total, 53 cases were closed during the month (35 in May 2014). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

Formal enforcement notices / s215 notices / Breach of Condition Notices

- No enforcement notices authorised in May 2015 (two in May 2014);
- No s215 notice authorised in May 2015 (none in May 2014);
- No Breach of Condition notices authorised in May 2015 (none in May 2014).

- No enforcement notices served in May 2015 (none in May 2014);
- No s215 notices served in May 2015 (none in May 2014);
- No Breach of Condition notices served in May 2015 (none in May 2014);

5.2 Does the information submitted include any exempt information? No

5.3 List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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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

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**.

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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

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

Application Reference: 14/0866

WARD: Stanley
DATE REGISTERED: 05/12/14
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr P Hough

PROPOSAL: External alterations to include removal of door and use of premises as altered as single private dwelling house and erection of a private garage.

LOCATION: LAND AT FERNBANK, DIVISION LANE, BLACKPOOL, FY4 5DZ

Summary of Recommendation: Refuse

CASE OFFICER

Ms P Greenway

SITE DESCRIPTION

The application site is within Marton Moss Countryside Area on Division Lane - the boundary between the Blackpool and Fylde administrative areas. The site is roughly triangular, widening to the back and was formerly part of Fernbank, the adjacent property to the east. The site is gated with a tall hedgerow along the Division Lane frontage and timber panel fencing along the remaining boundaries. There is a single storey building towards the middle of the site which was originally approved as a private garage and stable to be used in conjunction with the residential property at Fernbank. There is also a breeze-block structure along the rear boundary of the site which is set out in bays, three of which are now covered with timber beams creating an open roof. The front and rear sections of the site have been separated by tall, industrial-style metal gates on either side of the central building. Towards the front of the site is a large grassed area to the side of the access driveway.

A significant portion of the building towards the middle of the site has been finished to residential standard with smooth plastered walls, level floors and painted skirting with UPVC windows and doors. A bathroom and separate WC have been fitted and there is a lounge area with wood burner and a kitchen. At the time of the site visit, there was no evidence of residential occupation. The plot is used separately from Fernbank as there is a 2m high fence separating the properties; the result is a separate planning unit (named Moreton Grange) which has no authorised planning use.

DETAILS OF PROPOSAL

The proposal relates to a single-storey pitched roof building, constructed under planning permission 96/0420 for the erection of detached building to form private non-commercial stables and store. The current proposal seeks permission for external alterations to include removal of door and use of premises as altered as single private dwelling house, demolition of the outbuildings at the rear of the site and erection of a double garage behind the proposed dwelling conversion.

The application is accompanied by:

- Planning Support Statement;
- noise assessment; and
- a bat and breeding bird survey and assessment.

RELEVANT PLANNING HISTORY

The Council recently received an appeal decision for Ralmar, Sandy Lane (13/0098 refers) which relates to a similar proposal and was reported to Committee on 10 June 2015. Whilst it is recognised that this decision could be subject to challenge it raises issues relevant to this application.

The Inspector considered the main issue to be whether the proposed development would represent sustainable development, having particular regard to national and local policies and the effects on the character and appearance of the area and on highway safety. He stated Ministers have recently reiterated the impact of development on the landscape can be an important material consideration outside nationally designated areas and he gave substantial weight to this aspect of Policy NE2.

The Inspector saw that the range of services and facilities were mostly located in the urban area; and there was no evidence that this site was as accessible by non-car modes as locations within the main built-up area. The accessibility here was in the lower part of the 'low' level range and that the walking routes involved include narrow, partly-made and poorly-lit roads without footways that could not be described as attractive for pedestrians, especially at night. The Inspector saw nothing to suggest that the proposed dwelling would support rural communities and he felt that the appeal proposal would not contribute to the economic or social dimensions to sustainable development.

He considered that the effect would be to change the character of the site from still essentially rural to more suburban and to have a similar impact on its surroundings and so would not preserve the character of the area. It would also make it more difficult to resist other similar proposals in the locality, the cumulative effect of which would compound the harm in this respect. He considered the development would not support the environmental dimension to sustainable development.

The Inspector concluded on the main issue that the proposed change of use would not represent sustainable development; therefore the presumption in favour does not apply. Moreover, it would be contrary to Local Plan, emerging Core Strategy and NPPF policies. He recognised that elements of the policy framework provide some support for it, but he felt that the adverse effects of approving the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle and sustainability of the proposal in terms of whether it would be acceptable in an area where development plan policy seeks to retain rural character and prevent peripheral urban expansion;
- the consideration of Blackpool's housing requirement
- the impact of the conversion to a dwelling on the open character of the area
- the impact on neighbouring residents

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

CONSULTATIONS

Head of Transportation:

1. Visibility is poor in one direction (east side) due to the overgrown hedge, this could do with the height being reduced and being regularly maintained. The road surface has recently been improved with could result in higher traffic speeds.
2. The actual point of access for vehicles is poor and assuming pedestrian access will be taken from the same point. A treatment scheme to be considered with maybe a defined route for pedestrians.

Head of Environmental Services:

We have had problems here with the kennels next door complaining that the wood burner already installed within the 'office' is causing nuisance and filling the kennels with smoke and odours, although smoke was not witnessed you could smell the wood burner inside the kennels and house.

Contaminated Land Officer:

The land itself does not show historic potentially contaminative land use, however nearby land has the potential. Therefore a Phase 1 Desk Study is requested and if this shows that there is a significant likelihood of contamination being present then this must be followed up by a Phase 2 intrusive investigation.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 9 December 2014

Neighbours notified: 5 December 2014

Objections received from Charnwood, Gresford, Appleton, A'Cheval, Silverholme and Dundrum, Division Lane:

- Precedent: an invitation to other residents who have either large plots of unused land or redundant buildings to follow suit. Very difficult for the Council to deny future planning applications on the basis that this one has been approved.
- Contrary to and inconsistent with policy NE2 in that there is no agricultural or horticultural use.
- Division Lane is a single rural carriageway. Residents have already been denied access to Midgeland Road due to road closure and as a result, most residents are forced to use the junction with Queensway as their exit/entrance on to Division Lane. The junction is extremely hazardous to exit, especially on a right turn, and encouraging further residential dwellings and an influx of additional vehicles as a result, will only add to this.
- Paramount to retain the rural character/aspect of the Lane instead of increasing the residential status.
- Does not add rural value or any benefit to the residents on Division Lane
- Out of keeping due to it being at rear of plot and not of a high standard of design
- Infill development, which should be protected against in order to retain original rural character

NATIONAL PLANNING POLICY FRAMEWORK

In March 2012, the National Planning Policy Framework (NPPF) was published. 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.

Paragraph 17 sets out the core planning principles of the NPPF. These include the requirement to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and to recognise the intrinsic character and beauty of the countryside. Local Authorities should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made, sustainable.

Chapter 4 of the NPPF promotes sustainable transport and states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Chapter 6 of the NPPF relates to the delivery of a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing land with a five per cent buffer to provide choice in the market. Where there has been a persistent under-delivery of new housing, a 20 per cent buffer of additional housing land is expected to be found. The Framework makes it clear that all developments should provide a good standard of amenity for existing and future occupants and be of a high standard of design. Although emphasis is placed on the need for planning to be genuinely plan-led and focused on local need, there is no suggestion within the NPPF that new housing proposals should be refused simply because a five year housing land supply has been identified. On the contrary, where new housing can be sustainably delivered, the NPPF sets out a presumption in favour of such development.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 promotes sustainable development in rural areas where housing is located, where it will enhance or maintain the vitality of rural communities. New, isolated homes should be avoided unless there is the essential need for a rural worker to live close to their work, where it would protect a heritage asset, where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or is an exceptional quality of design.

Chapter 7 of the NPPF requires good design of new development and acknowledges that this is a key aspect of sustainable development. Planning decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the

lifetime of the development; create attractive and comfortable places to live; respond to local character and history and reflect the identity of local surroundings and materials; and are visually attractive. Paragraph 64 states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Chapter 11 refers to conserving and enhancing the natural environment. Paragraph 109 highlights that the planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes.

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:

Policy NE2 of the adopted Local Plan is the most relevant and states ' *Within the Marton Moss Countryside Area, new development will not be permitted except for:*

(a) agricultural or horticultural purposes

(b) outdoor recreational uses appropriate to a rural area.

New dwellings will not be permitted unless essential in relation to the agricultural or horticultural use of the land. Infill development and the change of use/conversion of buildings for other uses will not be permitted.'

Other relevant policies are:

- LQ1 Lifting the Quality of Design
- LQ4 Building Design
- LQ14 Extensions and Alterations
- BH3 Residential Amenity
- AS1 Access and Parking

New Homes from Old Places Supplementary Planning Document (SPD)

The Historic Characterisation of Marton Moss Study June 2009

EMERGING PLANNING POLICY

Blackpool Local Plan Part 1: Core Strategy

The Core Strategy Proposed Submission was approved 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 4th July 2014 for a period of eight weeks, with a limited number of representations received. The Core Strategy was submitted to the Planning Inspectorate in December 2014 for examination in May 2015. The examination took place between 11 and 15 May. Following the examination, the Inspector has requested a small number of Main Modifications which the Council are currently preparing. These will be subject to public consultation over the summer.

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. Taking the above into account, the Council considers that, due to the advanced stage of the Core Strategy and the nature of the representations received and the modifications proposed, all relevant policies to this development should be given considerable weight in decision making.

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

CS1: Strategic Location of Development - to create predominantly residential neighbourhoods on the edge of the Inner Areas. The focus of the Core Strategy is on regeneration of the Town Centre and Resort Core with supporting growth at South Blackpool. It recognises the important character and appearance of remaining lands at Marton Moss and the priority to retain and enhance its distinctive character.

CS2: Housing Provision - sets out Blackpool's housing provision with '*sites and opportunities identified to deliver around 4,200 new homes to meet Blackpool's housing need between 2012 and 2027.*'

CS7: Quality of Design - ensure amenities of nearby residents are not adversely affected by new development.

CS26 of the Core Strategy sets out the approach to Marton Moss and states:

'1. The character of the remaining lands at Marton Moss is integral to the local distinctiveness of Blackpool and as such is valued by the local community. A neighbourhood planning approach will be promoted for this area to develop neighbourhood policy which supports the retention and enhancement of the distinctive character, whilst identifying in what circumstances development including residential may be acceptable.

2. Prior to developing a local policy framework through the neighbourhood planning process development on the remaining lands of the Moss will be limited to:

- a. Conversion or change of use of existing buildings for agricultural or horticultural purposes*
- b. Outdoor recreational uses appropriate to a rural area*
- c. New dwellings essential in relation to the agricultural or horticultural use of the land*
- d. Extensions or replacements dwellings in keeping with the scale and character of the area and not exceeding 35 per cent of the original ground floor footprint of the existing dwelling.'*

A modification to policy CS26 has been prepared for the Inspector, made in response to a representation from CW Planning (the agent for this current application) who objected to policy CS26 on grounds that it did not accord with NPPF para 55. This modification ensures that Policy CS26 aligns with paragraph 55 of the NPPF.

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

ASSESSMENT

Principle

The key issues which relate to this application are:

- The consideration of Blackpool's housing requirement
- The impact of the proposal on the character and function of the surrounding designated Countryside Area

A) Blackpool's Housing Requirement

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, which 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 planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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 material considerations along with relevant saved policies in the current Blackpool Local Plan.

B) Countryside Area

The application site is on land designated as Countryside Area in the Blackpool Local Plan 2001-2016. Policy NE2 seeks to protect the open and rural character of the Countryside Area. New residential dwellings are not permitted other than in exceptional circumstances where it is necessary to support the agricultural or horticultural use of the land.

The policy relates to two geographical areas; 1) land at Marton Moss and 2) land between Newton Hall and Preston New Road. This site is located within the Marton Moss Countryside Area. The two Countryside Areas in the borough are designated to define the urban limit of Blackpool in conjunction with the areas of Greenbelt, and prevent urban sprawl in favour of inner area development and regeneration. Marton Moss is identified as a Countryside Area with clear open and rural character, dominated by grazing land, glasshouses and private dwellings set in large gardens. The supporting text to Policy NE2 of the Local Plan acknowledges that Marton Moss is largely made up of small-holdings and is consequently fragmented in nature with a multiplicity of ownership. For this reason, new residential development, including conversions, is expressly prohibited on Marton Moss where a permissive approach would effectively result in suburban sprawl.

In terms of the principle of residential development in this location, key policies are Policy NE2 and emerging Policy CS26, which can be given considerable weight. To retain the existing rural character and prevent peripheral urban expansion, Policy NE2 limits new development to conversion/change of use of existing buildings for agricultural or horticultural purposes, outdoor recreational uses appropriate to a rural area, or new dwellings essential in relation to the agricultural or horticultural use of the land. It does not permit infill development. Policy CS26 promotes a neighbourhood planning approach for this area which will support the retention and enhancement of the distinctive Moss character, whilst identifying in what circumstances development including residential may be acceptable. Prior to the neighbourhood planning process, development on the remaining lands of the Moss will be limited to those types of development identified in part 2 of Policy CS26.

The stated purpose of Policy NE2 and emerging policy CS26 is to protect the open and rural character of the Countryside Area. This is fully consistent with a core principle in para. 17 of the NPPF that planning should "*take account of the different roles and character of different areas, promoting the vitality of our main urban areas...recognising the intrinsic character and beauty of the countryside...*" Ministers have recently reiterated that the impact of development on the landscape can be an important material consideration outside nationally designated areas.

Consideration also needs to be given to NPPF Paragraph 55, the first part of which states:
To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....

The starting point however, is the "golden thread" in paragraph 14 relating to the presumption in favour of sustainable development.

The NPPF states that there are three dimensions to sustainable development, which are mutually dependent and should not be taken in isolation:

- an economic role - contributing to building a strong, responsive and competitive economy
- a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required, in a high quality built environment with accessible local services that reflect the communities needs and support its health, social and cultural well-being
- an environmental role - contributing to protecting and enhancing the natural, built and historic environment

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the environment as well as in people's quality of lives; and includes replacing poor design with better design, improving the conditions in which people live and widening the choice of high quality homes.

In terms of the economic role, the Council considers that the proposal would not contribute to building a strong, responsive and competitive economy.

With regard to the environmental dimension, the building is already on the site, albeit the stables have never been fitted out and have never been used as such. There is an argument to say that it should be removed from the site as it has never been put to its original intended use. However, presently it has a functional appearance appropriate to its context. However, if it were converted to a dwelling, there would likely be pressure to extend or alter the dwelling subsequently (as it is only small). Although permitted development rights could be removed, the right to apply for planning permission would remain and might be difficult to resist. If approved, the proposal could set a precedent for similar development which could further impact upon the rural character of the Countryside Area.

In addition, the domestic paraphernalia associated with residential curtilage (such as sheds, play structures, laid lawns, private yard areas, washing lines, boundary treatments and ornate gates shown on the submitted drawing) would result in significant change in the appearance and use of the plot from semi-rural to more urbanised and have a similar, though limited impact on its surroundings, contrary to the character of the area. The proposal would not make a positive contribution to the quality of its surrounding environment or the character and setting of the surrounding area, which is detailed more accurately in "The Historic Characterisation of Marton Moss 2009." The proposal would not support the environmental dimension of sustainable development.

With regard to a social role, there are significant adverse impacts, such as its poor accessibility to the wider road network, services and employment, which are matters unlikely to change without a comprehensive redevelopment strategy for the wider area. Division Lane does not benefit from footpaths so is not conducive to walking anywhere and is in effect, a cul-de-sac due to the long-term closure of the single-track road across the moss between Blackpool and St. Annes and the closure of Midgeland Road with temporary barriers to vehicles. The closest junior school is on School Road which is 1500m away, a long walk for a child and involves walking on a narrow carriageway with a

ditch on one side and no footpaths. The nearest bus stop is 1km away with a service that runs only half hourly and not at all in the evenings. The train service is remote (the closest station being at Squires Gate/Starr Gate, over a kilometre distant) with an hourly service, and not at all on winter Sundays. The closest facilities, such as food shops and surgeries are located in the District Centre concentrated around the junction of Common Edge Road with Highfield Road, 2600 m distant. Completion of a residential accessibility questionnaire scores the site 8 out of 48, putting it in the lower part of the low range (score of less than 20). Accessibility by non-car modes is only one element of sustainability and the applicant has not made any case that the development would support rural communities; so it would not contribute to the social dimension of sustainable development either.

As discussed above, the proposal is not considered to be sustainable development and would conflict with the sustainability objectives of the NPPF. In addition, the proposal would not enhance or maintain the vitality of rural communities and is therefore contrary to the first part of paragraph 55 of the NPPF.

In terms of the second part of paragraph 55 relating to isolated new dwellings:

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

In a recent appeal decision for Ral-Mar, Sandy Lane (summarised above under "relevant planning history"), the Inspector was not convinced that the conversion of stables to a dwelling constituted an isolated new dwelling as he made no mention of the second part of paragraph 55 in his deliberations. Ral-Mar is also within a similar location on Marton Moss, not far from this site on Division Lane and is comparable in terms of its isolation and accessibility. Although there is no definition of what constitutes an "isolated" dwelling in the NPPF, there have been a number of appeal decisions which suggest that it means lonely or remote. Marton Moss is an atypical countryside area, where individual ownership plots are small due to the nature of its historical pattern of growth, and therefore there is residential development in close proximity along both sides of the road. In that context, it would be difficult to argue that this particular location was isolated and as such, the second part of paragraph 55 does not fall to be examined in this particular instance.

In conclusion, with regard to the main issues;

- the Council has a 5 year housing supply
- the proposal is not considered to be sustainable development
- it is contrary to Policies CS26/NE2 in terms of its impact on the character of the area
- it is not an isolated house in the countryside, therefore the exceptions in para. 55 of the NPPF do not apply in this instance

Other issues

The Noise Assessment submitted by the applicant states: "The monitoring results suggest that both the daytime and night-time noise levels to be experienced by the new properties are below the lower guideline values contained within BS8233: 2014 and the World Health Organisation's Guidelines for the prevention of Community Noise Annoyance." And concludes: "The proposed property and future residents will therefore not be adversely affected by noise at the site." This means that the kennels adjacent will not impact significantly on the amenities of future occupiers of the stables/workshop.

The Council's New Homes from Old Places Supplementary Planning Document would be satisfied in terms of a four or five person, three bed property with respect to individual room sizes; although the dining/kitchen/living area is slightly substandard (29 sq m provided, 32 sq m required for five people) and the gross internal floor area at 94 sq m, is just below the 106 sq m floor area required for a dwelling.

The submitted bat and bird survey concludes: "In conclusion, the survey and assessment has demonstrated that there are no substantive ecological concerns or constraints in relation to the planning proposal for a change to residential use at the application site. Completion of this survey work, submission of this report to the Local Planning Authority and implementation of the recommendations in Section E, will demonstrate due compliance with wildlife legislation, thus it is possible for LPA to reach a decision without requiring any further input on ecology matters."

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

N/A

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: Refuse

Conditions and Reasons

1. The proposed dwelling would not constitute sustainable development in terms of the economic, environmental or social dimensions as set out in the NPPF; in particular because of its location relative to services and bus routes and the fact it would be situated on a road without footpaths and limited street lighting. As such, the proposal would be contrary to the NPPF, Policy NE2 of the Blackpool Local Plan 2001-2016 and emerging Policy CS26 of the Core Strategy.

2. The conversion of the stables to a dwelling would, by virtue of visual changes to the land associated with its residential use, and the potential for future changes to the building(s) which would be difficult to resist, result in domestication and an increasingly urban, residential appearance of the site, which would materially reduce the open and rural character of this part of Division Lane and would have an adverse effect on the intrinsic rural character and appearance of its environs. As such, the proposal would be contrary to core planning principles of the NPPF, Policies NE2, LQ1, LQ2, LQ4 and LQ14 of the Blackpool Local Plan 2001-2016, and in advance of a Neighbourhood Plan, it would be contrary to Policy CS26 of the emerging Core Strategy.

3. **ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors that conflict with the National Planning Policy Framework and Policies of the Blackpool Local Plan 2001-2016 and emerging Core Strategy, which justify refusal and which could not be overcome by negotiation.

Advice Notes to Developer

Not applicable

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COMMITTEE DATE: 07/07/2015

Application Reference: 15/0104

WARD: Ingthorpe
DATE REGISTERED: 24/03/15
LOCAL PLAN ALLOCATION: Main Industrial / Business Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr G Tate

PROPOSAL: Use of premises as children's indoor play centre within Use Class D2 with associated car parking.

LOCATION: 71 MOOR PARK AVENUE, BLACKPOOL, FY2 0LZ

Summary of Recommendation: Refuse

CASE OFFICER

Ms P Greenway

SITE DESCRIPTION

Moor Park Industrial estate comprises 17.6ha of land located in north Blackpool close to the Borough's eastern boundary with Wyre Borough Council. The Faraday Way Link Road between Moor Park Avenue and the A585 Fleetwood Road has improved access from this employment area to the wider Fylde Coast. The western part of the estate is located on Bristol Avenue and Moor Park Avenue, and the eastern part is located on Kinraig Road.

The western end of Bristol Avenue comprises the former TVR site and Blackpool Council Household Waste Recycling Centre. TVR was one of Blackpool's flagship businesses, but the car manufacturing factory closed in 2006. Since then the owners have struggled finding alternative employment uses for the buildings. Whilst occupancy levels are gradually improving, this is for a mix of industrial and non-employment uses, including gyms and fitness studios, and the opportunity to redevelop this site to provide more attractive employment space remains. Planning permission was recently granted for an ice rink on the rear of this site. At the eastern end of Bristol Avenue and along Moor Park Avenue there are a range of larger industrial units and warehouse buildings, which are mostly occupied. Kinraig Road largely comprises medium-sized business and industrial buildings to the west and a small industrial estate with a range of small industrial units to the east. These small industrial units are fairly modern, although the occupancy level is low. Also to the east of Kinraig Road lies a small business park that is a recent development providing modern offices and warehouses. The completed premises have a mixed occupancy level and the site is still being developed.

The application property is in the south west corner of the estate, immediately adjacent to Public Open Space (Moor Park) and across the road is Moor Park Junior School. The estate is located at the southern end of a wider residential area. The 3467 sq. m. industrial unit to which this application relates is split into three, with the proposal relating to the middle unit of approximately 1250 sq. m.

The application site is designated as a Main Industrial/ Business Area under Policy DE1 of the Local Plan.

DETAILS OF PROPOSAL

The proposal is for use of the unit as a children's indoor play centre within Use Class D2; with approximately 22 dedicated parking spaces (including six staff/overflow parking spaces to the rear). There would be four full time and four part-time members of staff and the facility would be available for children's parties and pay per play sessions for children between the ages of 0 - 10; the use by children with special needs has also been considered. In addition to individual use, the applicants anticipate that the facility would attract organised trips from nurseries, mother and toddler groups and special educational needs (SEN) schools during school hours. The main play equipment would be a number of themed large inflatable bouncy castles in addition to other facilities such as a sensory room, sports area, car track area, arts and crafts area. Hot and cold drinks, light meals and snacks, would also be available. The proposed hours of operation would be 08:00 to 18:00 Mondays to Fridays and 09:00 to 18:00 Saturdays, Sundays and Bank Holidays.

The application is accompanied by a supporting document which includes:

- Sequential Test and Impact Assessment
- Need Assessment
- Site Selection Process
- Precedent
- Marketing Details
- Highways matters
- Employment issues

MAIN PLANNING ISSUES

The main planning issue is considered to be:

- The principle of use and the loss of employment land

This will be discussed in the assessment section of this report.

The proposal is not considered to have any impact on residential amenity or highway safety/parking.

CONSULTATIONS

Head of Transportation:

I have previously commented and have raised no significant concerns regarding the use of part of the premises for this use. Access and parking at the time was considered acceptable. The situation is now different due to businesses that have now taken residence within the remainder of the premises. One of these being a furniture company dealing in bulky goods and the other being a self-service car repair garage. Clearly there will be a requirement for the adjacent businesses to have deliveries/collection of bulky goods and there could be a multitude of vehicles requiring access to the garage. At times (should the proposal be supported) there may be conflict with movements of vehicles with parents and children (a vulnerable group) with the possibility of them being placed in danger if no clear segregation or dedicated pedestrian routes are provided. The risk may not be great as children should be supervised but this does not always happen. On this basis I am not prepared to support this proposal given the change in circumstances regarding occupancy of the other units.

Police Architectural Liaison Officer (ALO):

I have conducted a crime and incident search of this policing incident location and during the period 27 March 2014 to 27 March 2015 there have been recorded crimes and incidents including burglary and vehicle crime. In order to prevent the opportunity for crime and disorder, the ALO recommends security measures.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 1 April 2015

Neighbours notified: 27 March 2015

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.

A letter of support from Paul Maynard MP is attached at Appendix 7(a) for the Committee's consideration.

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.

Chapter 1 of the NPPF is concerned with building a strong, competitive economy. Chapter 2 of the NPPF is concerned with ensuring the vitality of town centres and states that local planning authorities (LPAs) should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The application proposal is a main town centre use in terms of the NPPF.

The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

paragraph 27 - Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

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:

BH3- Residential and Visitor Amenity
BH12- Retail Development and Supporting Town Centre Uses
BH19 - Neighbourhood Community Facilities
LQ1- Lifting the Quality of Design
LQ14- Extensions and Alterations
DE1- Industrial and Business Land Provision (E6 Moor Park/Bristol Avenue)
AS1- General Development Requirements

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.

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

Policy CS3- Economic Development and Employment- states that sustainable economic development will be promoted to support and grow the local economy to meet employment needs with a focus on safeguarding around 180 hectares of existing industrial/ business land.

Policy CS4- Retail and Other Town Centre Uses

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

EVIDENCE BASE TO THE BLACKPOOL LOCAL PLAN: CORE STRATEGY

Blackpool Employment Land Study 2013 - identifies Moor Park Industrial Estate as having a continuing important role serving the north of the town for the mix of industrial business uses located both on the Technology Park and on the adjoining longer established industrial estates. The location has significantly less attraction than sites within the south of the town due to its distance from the nearest motorway junction. The study recommends retaining it as safeguarded employment land and support opportunities for refurbishment or redevelopment (for example on the former TVR site) for new employment uses to meet modern occupier needs.

Employment Land Technical Paper 2014 - provides justification and explanation of the Council's approach to meeting future employment land requirements over the plan period to 2027. There are 13 main industrial/business locations in the town which are safeguarded for employment use in the current Local Plan. These locations amount to 182.1 hectares of land, of which 21.6 hectares remained undeveloped at the time the paper was produced. Of these 21.6 hectares, it is considered that 11 hectares is reasonably attractive, suitable and available for development and that some may be lost as part of an enabling development scheme giving a total of 17.8 hectares. Based on past take-up rates a requirement of 31.5 hectares is identified for the period up to 2027. The document suggests safeguarding the existing employment allocations and recognises the commitment of Fylde to provide 14 hectares of land to meet Blackpool's requirements as part of the Duty to Co-operate (our shortfall is identified as 13.7 hectares)

ASSESSMENT

Principle - Loss of employment land

Moor Park Industrial Estate is a long established industrial estate comprising a mix of employment uses and has developed in a piecemeal manner over a period of years. Despite the estate's layout, restricted access, age of premises, and low environmental quality, the estate's occupancy level remains relatively high. The 2013 Blackpool Employment Land Study 2013 states the vacancy rate on this estate at 22.7 per cent compared to the overall total vacancy rate for all of the identified employment sites in the Borough of 19.1 per cent. This is not considered to be unusually high considering the current economic situation and Blackpool's property market in general. The estate remains an appealing location for a range of employment uses wanting to locate within an established estate. It is a defined industrial/business area where longstanding policy has been to retain the area for industrial/business use. The granting of planning permission to permit a substantial widening of non-business/industrial uses would conflict with Policy DE1, which restricts new development of land and premises within the defined industrial estate and does not permit retail uses. The Policy also states specifically that retail or other non-Class B uses will not be permitted. The proposed children's soft play facility falls within Use Class D2 'Assembly and Leisure' whereas the authorised use of the premises is an industrial use falling within Class B1/B2/B8. The proposal is therefore contrary to Policy DE1 of the Local Plan.

The proposal involves the loss of allocated industrial land and both the Local Plan and emerging Core Strategy policies seek to safeguard Blackpool's existing industrial/business estates of around 180 hectares for employment use given the limited supply of employment land within the town. Evidence of marketing has been submitted by the applicant, which states that the whole premises

have been vacant for nine years, during which time there were no serious offers and the building became in a state of disrepair until it was sold at a reduced price to the current owners. Since then the current 12 month lease has resulted in two informal "B" use occupiers and two non "B" use enquiries (a gym and an animal training centre), neither of which have progressed.

Planning records show that the whole premises was a food production unit for Premier Biscuits in 1995 and there has been no planning history since then (although there were a few pre-application enquiries regarding non-industrial uses) until 2011, when permission was granted for a general industrial use here. The planning permission was not taken up and the premises remained vacant. However within the last six months, two of the three units in this building have been occupied: one is a vehicle repair workshop and the other seems to be a furniture warehouse although this is currently under investigation by Council officers regarding possible unauthorised retail use.

The NPPF states that long term protection of employment sites should be avoided where there is no reasonable prospect of the site being used for that purpose. Given the shortage of available employment land within the town, and the desire of having a range of sites, in terms of size, type and location, protected and kept available for use, the proposal involves the long term loss of a significant amount of floor space which would set a damaging precedent making it difficult to resist significant other non- employment uses being introduced into designated industrial/ business areas. The dearth of industrial land available in Blackpool means that the Council has had to look to the neighbouring borough of Fylde to allocate an additional 14 hectares of land to meet Blackpool's future employment land needs.

Whilst the proposal could be said to be employment generating (eight staff), this argument could be used to justify other inappropriate development, for example retail development and is not in itself justification to permit the loss of Class B employment premises. The existing small gyms within the industrial estate were also contrary to planning policy; however, these are much smaller, serve an identified local need, and could be argued to be actually supporting existing employment businesses. The principle of losing 1250 sq m of floor space to a Class D2 use is therefore considered unacceptable. The existing Ice Rink on Bristol Avenue was approved contrary to policy and contrary to officer recommendation.

In terms of meeting the criteria set out in Policy BH12 of the Local Plan, the sequential test submitted specifies the parameters for the search including physical parameters (including a size of 9,000 – 13000 sq ft., with an apex of 16 ft. minimum); maximum rent of £3 sq ft; minimum 10 year lease with 5 year break clause and sufficient free car parking spaces. Within the town centre, three sites were identified and considered (and discounted):

- Talbot Gateway – too small, rents too high, insufficient free parking
- Central Station, Bonny Street - still occupied, would require redevelopment, so not viable
- Apollo site, Talbot Road - would require a new building, making the project not viable

Other town centre site such as Rumours Talbot Road and Ibis (basement) Talbot Square were not considered. The Sequential Test concludes that there are no sequentially preferable sites in the town centre or in an edge of centre location which is suitable or viable compared to Moor Park Avenue. There are sequentially preferable sites (such as Central Station and the Apollo Electrical site on Talbot Road), however these would require the construction of new buildings and would not be viable. The conclusion made by the applicant after having discounted the town centre and other industrial units (no existing D2 units were considered) was that the subject property is the only suitable premises within the borough fit for purpose for the intended use.

There is no longer a requirement for applicants to demonstrate need for development proposals that are in edge or out of centre locations and which are not supported by an up to date development plan. However, the scheme is supported by a research questionnaire of 200 properties within Bispham which is available for Members to see. Although the results state that there is a need within Bispham, it has limited value as there is no indication of whom or where the respondents for the research were, and the same results might well turn up for the town centre or other district centres if the research was undertaken there.

Although the proposal has been considered in the context of a limited sequential test, the proposed soft play centre use would set an undesirable precedent for increased town centre uses in 'out of centre' locations and specifically in allocated industrial business estate locations. This change of use would be contrary to the Council's town centre strategy and make other similar proposals within defined industrial/business areas hard to resist. The proposal would thereby be contrary to Policy BH12 of the Local Plan and Policy CS4 of the emerging Core Strategy.

Other Issues

The Head of Transportation has issues with highway safety, however I feel these could be overcome through redesigning the internal site layout. As the site is within the middle of an industrial estate and remote from the nearest houses on Moor Park Avenue, I do not consider that the proposal would have any significant impact on residential amenity.

CONCLUSION

The applicant has suggested other material considerations, such as the employment of up to eight local people (four full time and four part time staff), the financial investment in the facility and the bringing back into productive use of a building that has been empty for over nine years should outweigh the policy objection to the proposal.

In response, there has been no genuine assessment of need for this type of facility submitted by the applicant. Should permission be granted, the Council could not control the type of activities carried out within the D2 use class, nor restrict the user to this particular applicant.

Taking into account all of the above, the principle of the use as a children's play centre is contrary to the NPPF, Policies DE1 and BH12 of the Blackpool Local Plan 2001-2016 and emerging Policies CS3 and CS4 of the Core Strategy Proposed Submission and should be resisted.

Whilst the application premises have been vacant for a number of years, two thirds of the property has recently been occupied by what seem to be B Class uses. The overriding matters in this case are considered to be shortage of available employment land in Blackpool (demonstrated recently with Fylde Borough Council's commitment to allocate an additional 14 hectares of employment land to meet Blackpool's future needs). Whilst there would be employment opportunities offered, it would make the continued resistance to the loss of other designated employment land much more difficult.

The recommendation is for refusal, but should the Committee be sympathetic to the proposal, given the material considerations raised by the applicant, I would suggest that the applicant is given a time limited permission of five years, which should be sufficient to build up his trade with a view to relocating into the town centre or to an edge of centre site. It should be made clear that an extension of time beyond that would not be granted and the use of the premises would then revert back to industrial. If this is the Committee's wishes, the proposal should be deferred for delegation

to the Head of Development Management pending the formulation of conditions to cover the parking /highway matters raised by the Head of Transportation.

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: Refuse

Conditions and Reasons

1. The proposal would result in the loss of safeguarded employment land to a non-employment use which would be contrary to the National Planning Policy Framework and Policy DE1 of the Blackpool Local Plan 2001-2016. It would have a detrimental impact on Blackpool's future employment land supply and the proposed redevelopment does not constitute enabling development to satisfy Policy CS3 of the emerging Core Strategy. Furthermore, Blackpool's employment land constraints are acknowledged in the emerging Fylde Core Strategy, which proposes around 14 hectares of employment land in Fylde to help meet Blackpool's future requirement. To allow the release of existing employment land contrary to policy would potentially compromise this joint approach to meeting Blackpool's employment land needs.
2. The proposed development would introduce a leisure (Use Class D2) use outside the town centre or an edge of town centre location where there are considered to be sequentially more preferable site(s) for such development and hence if approved the proposal would undermine the Council's regeneration objectives for the resort and set a precedent making it difficult for the Council to resist future applications for other out of town centre leisure proposals elsewhere in the Borough. With a limited sequential test, the proposal is contrary to Policy BH12 of the Blackpool Local Plan 2001-2016 and the National Planning Policy Framework (Core planning principle 2 'Ensuring the vitality of town centres').
3. **ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 and emerging Core Strategy, which justify refusal and which cannot be overcome by negotiation.

Advice Notes to Developer

Not applicable

SUP



HOUSE OF COMMONS
LONDON SW1A 0AA

PLANNING DEPARTMENT	
22 JUN 2015	
REPLY TO:	
OFFICER:	
FILE REF:	

Pippa Greenway
Planning Officer
Blackpool Council Planning Committee
Blackpool Council
Town Hall
FY2 0PW

Our Ref: PM/ZV

10 June 2015

For the attention of Pippa Greenway, Planning Officer

Dear Mrs Greenway

Reference: Planning application number 15/0104

Proposed use of premises as a children's indoor play centre within Use Class D2 at 71 Moor Park Avenue, Blackpool, FY2 0LZ

I write in connection with the above planning application. I wish to offer my support to the proposal and for it to be included and brought to the attention of the Planning Committee.

I am aware that the Planning Officer has recommended that the Committee reject this planning application but has suggested that a temporary change of use for a period of five years be considered. Having had the opportunity of personally discussing this with Mr Tate, in which I thoroughly read the planning statement submitted, I believe this is a venture that will produce wide-ranging significant economical benefits to the immediate local vicinity and Blackpool as a whole.

Although the application contravenes Policy DE1 of the LEA's Local Plan (land reserved only for industrial use only), I believe recent planning precedents and guidance provided by the National Policy Framework (NPPF) should favourably outweigh any concerns the Committee or the Planning Officer may have about the application.

I understand the unit has been vacant since 2006 and although it has been advertised, there have been few considerable and viable offers made for use of the unit. The NPPF advises that local planning policies should, where possible, avoid long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. I believe that other uses of the site should be considered given the site has been unoccupied for 9 years. I do not, therefore, have any concerns that granting this application would result in the 'potential loss of employment land'.

I would kindly ask that you to take into account the recent precedent in which the Committee approved, and in doing so diverted from the LEA's Local Plan, the use of the former TVR building on Bristol Avenue to an ice



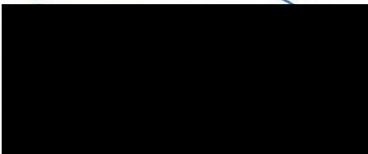
skating centre - I have no doubt the same employment and economical benefits brought to the local area by allowing such will also be true should this application be granted approval.

Mr Tate has carefully considered alternative available D2 & B1/2/8 premises to let but none are considered suitable for the reasons stated in the Planning Statement. I share Mr Tate's reservations and I do not think the listed premises are appropriate or financially viable for a children's indoor play centre. The desire for such a business on the site is evident from the results of the research questionnaire provided to 200 local residents and the fact, as far as I am aware, there have yet been no objections by residents to the planning application. Mr Tate also has the support from Ingthorpe Councillors, Amy Cross and Kath Rowson.

I firmly believe Mr Tate has taken into account all the necessary aspects and eventualities relating to the development and I am satisfied Mr Tate has put together a meticulously and detailed prepared application, which I am sure the Committee will no doubt be as impressed with as I am.

Please note my support and thank you for taking the time to read this.

Yours sincerely

A black rectangular redaction box covers the signature area. A blue ink scribble is visible above the box, and a blue circular mark is visible below it.

COMMITTEE DATE: 07/07/2015

Application Reference: 15/0235

WARD: Waterloo
DATE REGISTERED: 12/05/15
LOCAL PLAN ALLOCATION: Resort Core
Resort Neighbourhood
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr C Hardy

PROPOSAL: Erection of 3 x 10 metre high lighting and CCTV columns; construction of a 2.4m high timber fence to north and south boundaries and 2.4m high mesh fence to Lytham Road boundary and use of land as altered as a car park for 50 vehicles for a temporary period of five years.

LOCATION: 352-358 LYTHAM ROAD, BLACKPOOL, FY4 1DW

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

INTRODUCTION

In 2012, outline planning permission was sought (12/0368 refers) for the erection of ten dwellings (access, layout and scale) in two terraces of five units, with all access from the north end of the site. The application was agreed in principle by the Planning Committee and deferred pending the signing of a S106 agreement with regard to the payment of a commuted sum towards the public open space requirement generated by the development. Despite correspondence with the NHS, that agreement was never signed, so the planning permission has not been issued. The current proposal indicates that there is a new owner of the site, who does not wish to proceed with the residential development.

SITE DESCRIPTION

The application site is a cleared site located on Lytham Road, which was the former Lytham Road Health Centre. The ground has already been prepared (tarmac) and the parking spaces marked out, and the CCTV cameras have been erected. There is a timber fence to the front, set back from the site boundary and 2.4 m high timber fences to the north and south boundaries. There is no boundary to the rear of the car park - it is scrub through to the South Fylde railway line. The commercial property to the north appears vacant, and there is a flat in the rear of the property, close to the boundary with the application site. To the south are a mixture of holiday and permanent flats and a two storey coach house dwelling conversion at the rear adjacent the railway line. The site is located 50m from the South Shore District Centre boundary and is within the Inner Area and a Resort Neighbourhood in the Blackpool Local Plan 2001-2016.

DETAILS OF PROPOSAL

The proposal is for the erection of 3 x 10 metre high lighting and CCTV columns and use of land as a car park for 50 vehicles, with 2.4m high timber fence to north and south boundaries and 2.4m high mesh fence to Lytham Road boundary.

The application is accompanied by a supporting statement, which includes the following comments: The same area used previously as car parking for NHS is intended to be upgraded, with improved surfaces, landscaping, lighting, CCTV surveillance and perimeter fencing. The car park is intended to be open for use from 8.00am to 8.00pm, 7 days per week. The car park capacity will allow 50 car parking spaces. An analysis of car parking in the area has indicated a limited car parking provision available to the site area, west of the Blackpool/Preston rail link. Large areas of car parking exist to the east of the site, notably off Yeadon Way towards Blackpool Football Club, however this provision is beyond reasonable access to the area to the west of the rail link. For car users, seasonal car parking demand is met by the larger car parking towards the centre of Blackpool and limited metered parking along the Promenade itself. The Enterprise Centre, directly opposite the application site generates a car parking demand for daily use for both employees and visitors. The applicant anticipates the car park will be required for up to 5 years. It is reasonable to also anticipate a demand for the car parking facilities during this time to serve the regular daily users and also occasional users of the area.

The use has already commenced and some of the alterations carried out.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of the use
- the impact on residential amenity
- the effect on highway safety

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

CONSULTATIONS

Head of Transportation: No justification has been provided to confirm the need for an additional car park in this location but I do understand that the site has been derelict for some time. The width of the pedestrian route should be widened as 1000mm is considered sub-standard. Consideration should be given to splitting the car park machine positions and tariff boards should be provided, one at each car park machine location, if split. A lining scheme should be provided detailing one-way circulation and priority. Signage should be considered highlighting pedestrian routes and pedestrian routes should be clearly identified. The number of disability accessible spaces should be increased to three. The proposed double sided free-standing sign should be located centrally between the entry and exit point and be set back, in order to improve forward visibility.

Head of Environmental Services: Has no adverse comments to make. Looking at where the columns are positioned and the light distribution contours, although the luminaires will be noticeable as a new light source there should be no problems with them as regards light spill.

Railtrack: As there is a gap of approximately 35m from the red line boundary to our boundary – we have no comments.

Police (Architectural Liaison Officer): Within the last 12 months period, there has been a small number of vehicle crime recorded in the near vicinity of this location, this does not give cause for concern. In view of the above findings I do not believe that the car park necessitates the installation/continued installation of 2.4m high fencing. A lower boundary wall/fence would give an indication of private space and also give excellent natural surveillance. Along with the proposed lighting and a domed camera CCTV system the crime reduction measures proposed would be proportionate to the risk and contribute to reduction in crime, anti-social behaviour and public safety.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 15 May 2015

Neighbours notified: 14 May 2015

Objections received from Flat A Mabel Court (315-319) and 360A Lytham Road.

The main objections relate to:

- noise and disturbance
- the NHS car park was unobtrusive; this will over-dominate with its industrial appearance, retrograde step which will reduce the quality of the area which the Council has sought to uplift recently
- incongruous with its high fenced compound, neighbours will feel hemmed in
- the installation of a cash ticket machine will be conducive to criminals and add to the fear of crime
- does not safeguard or enhance the liveability of the area
- there will be considerable levels of noise and disturbance for neighbours, particularly at night
- the lack of toilet facilities and bins will have an adverse impact
- light pollution from high level lighting
- invasion of privacy from cctv cameras
- the high fencing already installed results in a concealed entrance to the neighbouring property
- plenty of car parks already in the area, no need for this one
- doubt that the number of vehicles would be restricted to 50, given the additional land at the rear.

NATIONAL PLANNING POLICY FRAMEWORK

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; another is to support the transition to a low carbon future; to encourage the effective use of land by re-using land that has previously been developed (brownfield land); and make the fullest possible use of public transport, walking and cycling.

Paragraph 58 of the NPPF states that with regard to design, planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place to create attractive and comfortable places; respond to local character and history; create safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life; and, are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 69 reiterates the need for safe and accessible environments, free from the fear of crime and the need for high quality public space.

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
- RR8 Neighbourhoods
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- AS1 General Development Requirements

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.

Emerging policies in the Core Strategy Revised Preferred Option that are most relevant to this application are:

- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS15 Health and Education
- CS22 Key Resort Gateways

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

ASSESSMENT

Principle

In terms of the principle of the development, the use of the land as a permanent car park would not be in line with the NPPF and the presumption in favour of sustainable development as it would promote the reliance on car-borne traffic rather than sustainable transport and would not

contribute to meeting the challenge of climate change. In addition, it would run contrary to Policies CS5 and CS15 of the Council's emerging Core Strategy which aim to change travel behaviour by increasing the proportion of journeys that use sustainable transport, reducing car dependency and transport related emissions and encouraging healthy and active lifestyles. Policy CS22 deals specifically with Lytham Road and promotes proposals which would regenerate it by: replacing poor quality uses with more viable uses including quality residential uses outside the defined retail centre; requiring high quality public realm, landscaping, signage, lighting and security; and traffic calming and improved public transport, pedestrian and cycling provision.

The proposal is also an inefficient use of land, however, there does not appear to be the desire to pursue a built development on the site at the present time and the use as a temporary car park would allow some economic benefit to ensure and prevent an air of dereliction from pervading as the land gradually became more and more unkempt.

Amenity

As submitted, the scheme does not satisfy Policy RR8 requiring all development to safeguard or enhance liveability and the character and appeal of the area as a visitor destination. The 2.4 m high mesh and wooden fencing is more appropriate to an industrial estate and would appear aggressive in what is a residential/shopping street and a local bus route; heavily trafficked by both pedestrians and vehicles. The landscaping proposed is poor, as it would consist of a number of trees in tubs, which would sit on the flagged frontage, behind existing concrete bollards and in front of the 2.4 m high weldmesh fence. The proposal would therefore be detrimental to the character of the area.

Policy BH3 reinforces the aims of Policy RR8 regarding the protection of residential and visitor amenity. The 2.4 m high fence would be detrimental to the occupiers of the side/rear dwellings in the adjacent property to the south, which would be over-dominated by the resultant long, narrow passageway formed to access the dwellings. The passageway would be particularly unappealing at night time. Visitors to those properties would also be affected.

However, given the levels of occupancy of the surrounding car parks, I doubt that this one would be used to capacity; and the impact of the car park, with its one-way system and closure at 8pm, would be unlikely to have any significant impact on the neighbours in terms of noise and disturbance. The Head of Environmental Services has indicated that although the light source would be visible, it would not result in any light spill to the neighbours.

Highway Safety

The Head of Transportation has no objection in principle to the use as a car park on a temporary basis, as the site has been derelict for some while. He has suggested a number of amendments that would result in a more acceptable scheme. These have been transmitted to the applicant and a response is awaited.

Other Issues

The fear of crime can also be a material consideration. In this instance, the Police consider that the security measures proposed go too far and the boundaries should be reduced in height in order to provide natural surveillance over the site and reduce the fear of crime.

CONCLUSION

Although the proposal is acceptable in principle on a temporary basis only, the submitted scheme harms the amenity of residents and visitors, is out of keeping with the character of the area and does not safeguard or enhance the neighbourhood and is also contrary to the principles of good design in the NPPF and in its present, submitted form is considered unacceptable.

I have requested amendments to the design of the car park which would overcome those objections. I have suggested that the frontage to the site needs to be visually more appealing with a low brick wall or kick rail, with shrub planting in front and maybe a bench (as at the Council-owned car park to the south of this site) and the concrete bollards on the front edge of the site should also be removed. I have also suggested that the return fencing should be reduced significantly in height to match the adjacent boundary walls and stepped up a little towards the rear to no more than 1.4 m / 1.5 m in height, in order to encourage natural surveillance. The Head of Transportation's comments have also been incorporated into my comments. The recommendation is subject to the receipt of appropriately amended plans and I shall report further on the update note.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

N/A

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The use hereby permitted shall be discontinued and the associated structures removed on or before 7th July 2020.

Reason: The development is such that it would not be approved for permanent occupation of this location because it is not sustainable in terms of the NPPF, nor would it contribute to the health and well-being of residents and visitors, in accordance with Policies BH3, BH4 and RR8 of the Blackpool Local Plan 2001-2016 and Policies CS5, CS15 and CS22 of the emerging Core Strategy.

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.

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COMMITTEE DATE: 07/07/2015

Application Reference: 15/0242

WARD: Clifton
DATE REGISTERED: 20/04/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Removal / Variation of Conditions
APPLICANT: McDonald's Restaurants Ltd

PROPOSAL: Temporary removal of condition 8 attached to planning permission ref 89/1909 to allow the restaurant and associated takeaway to trade 24 hours per day, seven days a week.

LOCATION: MCDONALDS RESTAURANTS LTD, CHERRY TREE ROAD NORTH, BLACKPOOL, FY4 4NY

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

INTRODUCTION

On 22 November 1990, planning permission was granted following an appeal for the erection of a McDonald's Restaurant (Ref: T/APP/Q2310/A/89/143282/P5). Condition 8 restricted the operating hours of the restaurant and stated:

"The restaurant and associated take-away facility shall not operate before 07.00 hours or after 23.00 hours on any day".

Following the grant of the original planning permission, the operating hours of the restaurant have been extended by the grant of planning permission on a number of occasions. The most recent planning permission which controls the operating hours on a permanent basis was 14/0509. Condition 1 states: "The premises shall not be open to customers outside the following times: 0500 hours to 2300 hours Sundays to Thursdays; and 0500 hours to 2330 hours Fridays and Saturdays (with only the drive through open between 2300 hours and 2330 hours on Fridays and Saturdays).

SITE DESCRIPTION

McDonalds is one of a number of hot food uses clustered at the junction of Cherry Tree Road North with Preston New Road, the main route into town. Pizza Hut, KFC and a Morrison's local shop are located on Cornelian Way, directly across Cherry Tree Road North. Across the vehicular access to McDonalds and Dove Tree Court (a residential block of flats) is a Subway. Immediately adjacent to this on both sides of Cherry Tree Road North is a Local Centre, which includes an Indian takeaway and a Chinese takeaway. The area surrounding the Local Centre is one of densely residential development, mainly houses.

DETAILS OF PROPOSAL

This application seeks permission to remove Condition 1 of Planning Permission: 14/0509 to enable the restaurant to trade 24 hours a day, seven days a week. The applicant's justification for the proposed extension to the operating hours, is that it is required in order to enable the restaurant to better meet the needs of its customer base and enhance the overall viability and efficiency of the restaurant. Based on experiences of other restaurants within the group, McDonalds anticipate that the bulk of the custom during the extended hours will be drawn from passing trade. They also state that a high proportion of customers who use the restaurant during night time hours are emergency service staff, taxi drivers, shift workers or delivery/haulage drivers; they consider that these customer groups do not trigger issues relating to amenity or anti-social behaviour.

With regard to site management, the restaurant intends to adopt a series of proposed measures that ensure the impact of the operation of the restaurant is minimised at all times. These measures of good practice include:

The restaurant management team work closely with Lancashire Constabulary on all crime and disorder, anti-social behaviour and premises licensing issues (there have not been any issues which have needed to be raised so far);

Signs asking customers to be respectful to neighbours are currently in place around the site, particularly in the area closest to the residential properties;

Staff Safe – The restaurant operates a Staff Safe system which is installed on the premises. This is an audio visual system and is linked to a remote monitoring station. It assists in managing any incidents relating to anti-social behaviour and where necessary, it has the ability to contact the police. The system is designed to reduce anti-social behaviour and other crime and disorder affecting both staff and customers;

The store has a strict litter collection protocol which includes dedicated litter patrols. The litter patrol covers the whole site and the adjoining residential streets (extending a minimum of 150m from the restaurant). The restaurant is proposing to extend the litter picking route if the application is approved to ensure that any additional litter generated is controlled; and

The restaurant also offers by way of a letter to collect litter from local residents' gardens.

The agent states that the proposed development will have a series of positive impacts that contribute towards meeting the local and national policy objectives relating to economic growth and job creation. The agent also states that the increased operating hours will create 40 additional employment positions at the site (15 FTE positions), which they say will help to reduce unemployment and increase earnings in the Borough.

The application is accompanied by:

- a Planning Statement
- a letter of support from Cllr Luke Taylor, subject to no objections from the community and Planning

MAIN PLANNING ISSUES

The main planning issue is considered to be:

- the impact on residential amenity of 24 hour operation

CONSULTATIONS

Head of Transportation: I have no objection to this proposal. The extended opening times will not have a significant impact on the highway network.

Head of Environmental Services: Although we have not had any complaints about this business it may well be due to the restricted hours they currently operate. Environmental Protection would propose that if granted the permission is allowed on a temporary basis initially and if no complaints are received within this time that full permission is granted.

Architectural Liaison Officer (Police): I have looked at the recorded crime and incidents at this location from 1 January 2014 to 6 May 2015, crime relates to theft of unattended property and damage. Whilst anti-social behaviour appears not to be an issue at this moment this may be due to the restricted hours. I have reservations that the increased 24 hour opening hours may contribute towards anti-social behaviour in the area. In order to ascertain if this will be a factor in the future I would ask that that if the application were to be granted it is for an initial period of twelve months subject of a review at the end of that period.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 6 May 2015

Neighbours notified: 5 May 2015

Objections received from the Director of Dove Tree Court Management Company, 3, 19 Dove Tree Court, 22 Devona Avenue, 209 Newhouse Road and 192 Reads Avenue. The main objections relate to:

- noise
- rubbish
- anti-social behaviour

The occupier of 3 Dove Tree Court states that although the flats are well insulated and double glazed, he lies awake due to cars revving engines and speeding down the take-away lane at the side of his property. He says that McDonalds have no control, even though the cars are on their land. The noise currently ceases when the take-away shuts and doesn't start up in the morning due to a different sort of customer. He feels that he will not be able to sleep if it is in 24 hour operation. Other concerns relate to delivery and wagon drivers park in their residential courtyard to eat or turn their vehicles around.

See assessment section of the report for a response on noise and the fear of crime. Litter is not a planning issue, although as indicated in the details of the proposal, McDonalds has a responsible litter-picking policy.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 17 of the NPPF refers to core planning principles and includes:

- proactively drive and support sustainable economic development
- always seek to secure good standard of amenity for all existing and future occupants of land and buildings

Chapter 1 relates to building a strong, competitive economy and confirms the Government's commitment to securing economic growth in order to create jobs and prosperity and ensuring that the planning system does everything it can to support sustainable economic growth.

Both chapter 7 "Requiring good design" and Chapter 8 "Promoting healthy communities" seek to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

Chapter 11 "Conserving and enhancing the environment" at paragraph 123 says that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

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:

- BH3 Residential and visitor amenity
BH17 Restaurants, cafes, public houses and hot food take-aways

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16 June 2014 and by the 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.

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

- CS3 Economic Development and Employment
- CS7 Quality of Design

These policies do not conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

Amenity

With regard to the neighbours' objections on noise grounds, the Head of Environmental Protection comments that he has not had a single complaint of any sort of nuisance from McDonalds to date, so it is difficult to say that the additional hours of opening will cause any additional problems. He states that most of the complaints raised as a result of consultation on the current proposal are incidents which occur during the day when he would expect McDonalds to be busiest, when the car park is fuller etc. and they have not mentioned if these problems still occur at night when it would be quieter. He reiterates the point that the Council could grant them a trial period where they can open 24hrs for say the next 12 months; then if he received complaints of noise or other nuisance within this timescale, the situation could be reviewed then and the Council could refuse to extend the planning permission. He also doubts that there would be an increase in HGV vehicles calling in the middle of the night and suggests that servicing deliveries should be restricted to between 07:00 and 23:00 on Monday to Saturday, with reduced hours of 08:30 to 18:00 on Sundays in order not to cause noise nuisance.

The restaurant franchisee has commented that the issue in respect of HGVs is that they park on the road which leads up to Dove Tree Court (and indeed the McDonalds restaurant). McDonalds' vehicles do not park on this road and they understand from local residents that it is primarily vehicles serving the Subway (a company called 321 Distribution). The road is part of the adopted highway and therefore only the Council is in a position to take action against the vehicles but McDonalds would be happy to support where it can in this regard, as it impacts on the flow of traffic. In terms of the noise generated by vehicles speeding through the vehicular lane between the take-away and the boundary with Dove Tree Court, the restaurant has suggested that they install "sleeping policemen" within the lane, which would reduce speed. The Council could impose this as a condition.

With regard to anti-social behaviour, the police liaison officer states that there appears not to be a problem at the present, but this could be due to the restricted hours. He makes the same recommendation as the Head of Environmental Protection i.e. that McDonalds could be given a trial period of 12 months in order to ascertain whether it would become an issue.

Other Issues

The proposal is not considered to raise any issues relating to car parking or any other issues.

CONCLUSION

When the Council allowed the restaurant to open earlier than previously (i.e. 5am rather than 6am), it granted a temporary one year permission, in order to gauge the impact on the immediate residential neighbours, prior to granting a full permission. Whilst I have sympathies with the immediate neighbours in Dove Tree Court, I feel that the suggestion made by consultees with regard

to a trial period is reasonable. Also, the extended use would provide 40 additional part-time jobs (15 FTE), which would add to the economy and is one of the core principles of the NPPF. Subject to conditions requiring the extended use to cease in 12 months time (unless a permanent planning permission is granted at the end of that period) and restricting delivery times, I consider that the proposal is acceptable.

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding condition 1 above at least one month before premises are first opened to the public for 24 hours a day, the applicant shall notify the Local Planning Authority of the date of that first opening, and at the end of twelve months from that date, the opening times shall revert to those approved under application 14/0509.

Reason: To enable the Local Planning Authority to assess the impact of 24 hour opening on the amenities of residents in the area in accordance with Policies BH3 and BH17 of the Blackpool Local Plan 2001-2016.

3. All servicing and deliveries shall be carried out at the premises between the hours of 07:00 and 23:00 on Monday to Saturday and between the hours of 08:30 and 18:00 on Sundays; and not outside these times.

Reason: In the interests of residential amenity and in accordance with Policy BH3 of the Blackpool Local Plan 2001 - 2016.

4. Prior to the restaurant/take-away first opening for 24 hours, "sleeping policemen" shall be installed in the vehicular lane along the side of the building which contains the take-away window, in such a manner as to reduce/control the speed of traffic using that lane.

Reason: In the interests of residential amenity and in accordance with Policy BH3 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.

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