

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

### **Present:**

Councillor L Williams (in the Chair)

Councillors

I Coleman	Elmes	Maycock
Critchley	Hutton	Stansfield

### **In Attendance:**

Bernadette Jarvis, Senior Democratic Governance Adviser  
Mr Gary Johnston, Head of Development Management  
Mr Mark Shaw, Principal Planning Officer  
Mrs Carmel White, Chief Corporate Solicitor

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE MEETING HELD ON 10 MAY 2016**

The Committee considered the minutes of the last meeting held on 10 May 2016.

**Resolved:** That the minutes of the last meeting held on 10 May 2016 be approved and signed by the Chairman as a correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Committee considered a report detailing an appeal that had been lodged against a planning enforcement notice in respect of the installation of externally mounted roller shutters, housing boxes and associated guides mounted to the Cookson Street and Charles Street elevations at 7 Cookson Street, 7 and 7b Charles Street. It also noted that an appeal had been lodged against the Council's refusal of planning permission for the retention of first floor windows and use as altered on first floor as offices within Use Class B1 at Unit 2, Back Threlfall Road.

**Resolved:** To note the planning and enforcement appeals lodged.

Background papers: Letters from the Planning Inspectorate dated 15 January 2016 and 16 May 2016.

### **4 PLANNING ENFORCEMENT UPDATE REPORT**

The Committee considered a report on the planning enforcement activity within Blackpool during April 2016. The report outlined new cases that had been registered for investigation, cases resolved by negotiation and cases closed due to no breach of planning control found, no action was appropriate or where it was considered not

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expedient to take further action. The report also provided similar comparative information from the previous year.

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

### 5 PLANNING APPLICATION 16/0004 - 199-201 PROMENADE

The Committee considered planning application 16/0004 for the external alterations including replacement steps to the front, enclosure of the forecourts and dormer extension, erection of rear dormer, single storey rear extension and extraction flue to the rear, and use of ground and lower ground floors of 199 Promenade and lower ground floor of 201 Promenade as altered as a restaurant within Use Class A3; and use of the remainder of both properties as 11 self-contained holiday flats and manager's accommodation.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and site layout plans. He advised Members that a previous application in 2011 for the use of part of the ground floor of 201 Promenade as a café/restaurant had been refused and a subsequent appeal dismissed due to the impact on the amenity of the occupiers' neighbouring properties and a conflict with the aim of Policy BH17 of the Blackpool Local Plan to direct cafés and restaurants to the town centre and local/district centres. A further application was submitted in 2014 for the use of ground and lower floors of 199 Promenade as altered as a restaurant and use of the remainder of both properties as 10 self contained holiday flats and manager's accommodation and was approved. The current application was for an extension of the restaurant use into 201 Promenade with no linkage between the café/restaurant and holiday flats with the potential for the café to be developed without the holiday flats. Mr Johnston reported concerns that the current proposal would extend the café/restaurant across the lower ground floor of both properties contrary to policy and elements of the appeal decision in relation to the planning application submitted in 2011.

Mr Allen, the applicant's agent spoke in support of the application. He highlighted that the proposed development was for a mixed use of both restaurant and holiday accommodation. He stated that he had not been asked to redesign the extract flue but was prepared to do so if required. He did not consider that the proposal contravened Policy CS23 of the Core Strategy as in his view it was not within the Main Holiday Accommodation frontage. He suggested that the application could not be reasonably refused due to the lack of a sequential test as this had not been required. Mr Gallagher, applicant, and Mrs Gallagher, supporter, also spoke in support of the application advising of the conversion of the Waverley Hotel from a House of Multiple Occupation (HMO) to flats with en-suite bedrooms. They also highlighted the significant investment they had made to the Promenade for the benefit of the town, including being the first to have café area on the Promenade frontage.

Mr Johnston confirmed that Core Strategy Policy CS4 and Policy BH17 of the Local Plan clearly sought to direct café/restaurant uses to Town Centre and District and Local Centres. He advised Members that the existence of a café/restaurant at 199 Promenade was not sufficient justification to allow an extension to 201 Promenade.

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The Committee questioned the circumstances of the previous planning applications and Mr Johnston confirmed that the proposal in 2011 which had requested use of part of the ground floor as a restaurant had been recommended for approval but was refused by the Committee and a subsequent appeal against that decision had been dismissed. The application in 2014 maintained the status quo in terms of the café with the use of the remainder of 199-201 Promenade as holiday flats and this had been approved. Mr Johnston confirmed that he was unaware of any implementation of the previously granted planning permission and that the permission was still valid.

The Committee expressed concerns at the potential for development of the café/restaurant without the holiday accommodation should planning permission be given, and Mr Johnston confirmed that without a Section 106 agreement this was possible.

Following concerns raised by the Committee, the applicant confirmed that he would be prepared to offer a Section 106 agreement to ensure that both elements of the development would be implemented and to undertake a sequential test if required.

**Resolved:** To defer the application to a future meeting to allow the opportunity for discussions to take place between the applicant and the Head of Development Management regarding a Section 106 agreement and sequential test.

Background papers: Applications, plans and replies to consultations on the application.

### 6 PLANNING APPLICATION 16/0052 - 3 DUNES AVENUE

The Committee considered a retrospective application for use of first floor as extension to the existing children's day nursery at 3 Dunes Avenue and to allow an additional 10 children per session.

Mr Shaw, Principal Planning Officer, presented the Committee with a brief overview of the planning application and site layout plans. He reported that, following a complaint, it had come to light that the upper floor was being used as an extension to the day nursery contrary to planning permission and that there were an additional 10 children per session contrary to a condition attached to the original planning permission that had restricted the nursery to 15 children.

Mr Shaw referred Members to the Head of Transportation's comments in the Update Note which reported no significant highway issues.

Mr Shaw suggested an amendment to proposed condition 3, should permission be granted, as follows: 'the nursery shall not operate outside the hours of 08:00 hours to 18:00 hours Mondays to Fridays and not at all on Saturdays or Sundays or Bank Holidays'. He also proposed a further condition to restrict its use to a day nursery and thereby prevent it being used for other Class D1 uses. In response to representations, he advised a limitation on the number of children playing outside at any one time would also require an additional condition.

The retrospective application had been recommended for approval as it was not considered that it would conflict with relevant policies in that it would not have a

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significant impact on the amenities of local residents in terms of noise and disturbance and on parking/highway safety.

Ms Willis and Ms Stephenson spoke in support of the application. They advised Members that the current owners had been unaware that planning permission had not been given for the upper floor nor were they aware of the restriction on the number of children. In response to representations made regarding the impact of noise on the occupiers of neighbouring properties, they confirmed that fewer numbers of children were permitted outside at any one time than were under the previous ownership and that no objections had been received from Environmental Protection or Ofsted. They considered that the highway and parking issues were due to the nearby health centre rather than the day nursery.

The Committee noted there had been no complaints to Environmental Protection received relating to the operation of the premises. Members acknowledged that it was a retrospective application but also noted the comments regarding the owner's lack of knowledge of the absence of appropriate planning permission at the time that they purchased the nursery.

**Resolved:** That the application be approved, subject to the conditions, including the amended condition 3 and the additional condition relating to the opening hours as outlined above and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

### **7 PLANNING APPLICATION 16/0105 - 38 BANKS STREET**

The Committee considered a planning application for external alterations to windows in side and rear elevations and use of premises as altered as three self-contained permanent flats with associated boundary walls and bike store, following demolition of single storey rear extension.

Mr Shaw presented the Committee with a brief overview of the application and site layout plans. He advised Members that the property was currently vacant and boarded up and had a long established history of multiple occupation, having had a certificate of lawfulness granted in 1989 for nine flatlets with the current layout having a mix of non-contained and self contained flats. The proposal was for a reduction in the number of units to three self-contained flats. The applicant had confirmed that each of the flats would be single occupancy and Mr Shaw suggested that a condition be attached to the planning permission, if granted, to restrict the flats to single person occupancy. Mr Shaw referred Members to the information in the Update Note stating that Environmental Protection and Housing had confirmed that the applicant's other properties appeared to be well managed, were of a high standard, and there was no knowledge of any complaints regarding any of the properties. The Head of Transportation had confirmed that there were no objections on highway grounds.

Mr Lyall spoke in objection to the application with the main concerns being the impact on the character of the area and an increase in the noise and disturbance and anti-social behaviour due to the high concentration of similar establishments containing challenging individuals in a relatively small geographical area, to the north of the town centre.

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Mr Shaw reported on discussions held with the applicant and his view that there was not an excessive concentration of similar establishments in this particular geographical area and officers from Environmental Protection and Housing had confirmed that the applicant's properties were well managed and that their tenants were carefully selected.

Responding to questions from the Committee, Mr Shaw reported on the independent nature of the residents of the applicant's existing properties and the processes used by the applicant to monitor and manage issues from the view of both tenants and nearby residents.

The Committee expressed concerns regarding the potential impact of the proposal on the area should the number of residents increase beyond three and suggested that, if permission was granted, an appropriate condition to enforce this limitation should be imposed. Responding to Members' concerns, Mr Shaw reported on the Council's statutory powers to deal with breaches of planning conditions and anti-social behaviour and noise issues.

**Resolved:** That the application be approved, subject to the conditions outlined in the report and an additional condition to restrict the flats to single occupancy use, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

### **8 PLANNING APPLICATION 16/0193 - 647-655 NEW SOUTH PROMENADE AND 2-8 HARROW PLACE**

The Committee considered an application for external alterations to include front extension and whole roof lift, balconies to Harrow Place and New South Promenade elevations and use of premises as altered as 113 self-contained permanent flats with associated car parking, bin store, boundary treatment and highway works.

Mr Johnston presented the Committee with a brief overview of the application and site layout plans. He explained that the proposal was seeking to regenerate disused care homes and reconfigure Harrow Place to maximise the number of parking spaces on the one-way street to be created to provide a total of 81 on and off road car parking spaces for 113 flats. In Mr Johnston's view the proposed development was in a sustainable location with accessible bus, tram and train links. Mr Johnston presented the elevational plans for the proposed building and reported on the height and distances relative to properties on Harrow Place and Clifton Drive. He confirmed that the majority of windows on the upper floors would be partially glazed to reduce the potential for overlooking houses and gardens in Harrow Place and Clifton Drive. It was acknowledged that a first floor balcony would extend close to the boundary and to 10 Harrow Place but a privacy screen had been proposed and therefore it was Mr Johnston's view that there would be no resultant privacy issues. It was acknowledged that there would be some impact on the residents of 104-106 Clifton Drive and 10 Harrow Place but this had to be balanced against the regeneration benefits of the proposed development.

Mr Johnston reported that the application would fund the open space requirement of £77,228 towards the provision or upgrade of off site open space but would not support

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the affordable housing requirement and having considered the viability information submitted by the applicants this had been considered appropriate. Mr Johnston referred Members to the Update Note that outlined a suggested amendment to proposed condition 15 relating to the obscuring of windows in the eastern elevation of the building and the affixing of a privacy panel to the eastern end of the first floor balcony to mitigate the impact on the occupiers of neighbouring properties.

Mrs Storton spoke in objection to the application. She reported on the significant number of objections and signed petitions that had been received in objection to the application. Although not averse to a reasonable development at the site, she expressed concerns relating to the impact of noise, loss of privacy and evening light on neighbouring properties due to the scale and shape of the proposed development and the inadequate parking provision contrary to policies within the Blackpool Local Plan and Core Strategy. She also suggested a further conflict with policy in that the proposed development was not in keeping with the character of the area, particularly in relation to the height relative to other properties in the area and in terms of the building line of the proposed development.

Mr Boniface, the applicant's agent spoke in support of the application outlining the regeneration benefits of the scheme and the employment opportunities. A viability study had been undertaken and this had been shown to be the only viable scheme to redevelop the vacant properties. He reported on the commitment to undertake the scheme and its aim to provide high quality family accommodation and the absence of any other planned development of the site.

Mr Cunningham also spoke in support of the scheme. He reported on the need for good quality accommodation in the area and the derelict state of the current properties. He expressed concerns at the impact on employees should the proposed development not proceed.

The Committee held an in-depth discussion on the proposed development during which Members acknowledged the need for development at the site but expressed concerns regarding the height and intensity of the proposed building. Further concerns were raised regarding the parking provision with only a relatively low amount of parking spaces for the exclusive use of the occupiers of the flats resulting in a reliance of a significant number of parking spaces that would be shared with the general public. In response to further concerns raised by the Committee regarding parking provision, it was reported that the intention was to provide a pay and display car park open to the general public with residents of the proposed development paying an annual charge for parking.

Mr Johnston reported on the sustainability of the location and its distance to a Local Centre and the cycle parking provision. He also mentioned that this was an attempt at a comprehensive redevelopment of this part of the Crescent/Harrow Place involving several different owners. He acknowledged the concern of the residents of neighbouring properties and reported on changes that had been made, for example the obscuring of windows and the installation of a privacy panel, to mitigate the impact.

Members of the Committee acknowledged the need for regeneration of the area but expressed concerns at the height of the building, the intensity of the proposed development and the level of car parking provision.

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**Resolved:** To defer consideration of the application to a future meeting to allow the applicant the opportunity to amend the plans for the proposed development in view of the Committee's comments.

Background papers: Applications, plans and replies to consultations on the application.

### Chairman

(The meeting ended 7.46 pm)

Any queries regarding these minutes, please contact:  
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