

Blackpool Council

16 September 2016

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

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 27 September 2016 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

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 23 AUGUST 2016 (Pages 1 - 18)

To agree the minutes of the last meeting held on 23 August 2016 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 19 - 30)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 31 - 34)

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

5 PLANNING APPLICATION 16/0074 - 3 BANKS STREET (Pages 35 - 48)

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

6 PLANNING APPLICATION 16/0191 - LAND TO THE REAR OF 57-61 BISPHAM ROAD (Pages 49 - 66)

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

7 PLANNING APPLICATION 16/0196 - LAND AT BAGULEYS GARDEN CENTRE, MIDGELAND ROAD (Pages 67 - 84)

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

8 PLANNING APPLICATION 16/0246 - 6 ANCHORSHOLME LANE WEST (Pages 85 - 98)

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

9 PLANNING APPLICATION 16/0363 - WINTER GARDENS, 97 CHURCH STREET (Pages 99 - 110)

The Committee is 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) 477212, e-mail bernadette.jarvis@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

Maycock
Stansfield

In Attendance:

Bernadette Jarvis, Senior Democratic Governance Adviser
Mr Gary Johnston, Head of Development Management
Mr Latif Patel, Group Engineer, Traffic Management
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 5 JULY 2016

The Committee considered the minutes of the last meeting held on 5 July 2016.

Resolved: That the minutes of the meeting held on 5 July 2016 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee noted the Planning Inspector's decision to dismiss an appeal that had been submitted against the Council's decision to refuse outline planning permission for the erection of a house on adjacent land to Derryn, School Road, Blackpool.

Members also noted that an appeal had been lodged against the issue of an Enforcement Notice relating to the change of use of the pedestrian passageway adjacent to 50 Lyndhurst Avenue to form part of residential curtilage at 50 Lyndhurst Avenue and the siting of a static caravan within the pre-existing and extended curtilage at 50 Lyndhurst Avenue and use of the said static caravan for residential purposes independent from the main dwelling without planning permission.

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

Background papers: Letters from the Planning Inspectorate dated 23 June 2016 and 28 July 2016.

4 PLANNING ENFORCEMENT UPDATE REPORT - JUNE 2016

The Committee considered a report detailing the planning enforcement activity

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undertaken within Blackpool during June 2016. The report detailed the number of new cases registered for investigation, the number of cases resolved by negotiation without recourse to formal action and the number of cases closed due to no breach of planning control found, no action was appropriate or where it was not considered expedient to take action. The report also provided comparative information for the same period last year.

The report also noted the enforcement notices and S215 notices authorised and served in June. It also provided comparative information from the same period last year.

In response to a question from a Member of the Committee, Mr Johnston agreed to investigate the current situation regarding compliance with conditions attached to a previous planning permission at Land adjacent to 39 School Road.

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

5 PLANNING ENFORCEMENT UPDATE REPORT - JULY 2016

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during July 2016. The report detailed the number of new cases registered for investigation, the number of cases resolved by negotiation without recourse to formal action and the number of cases closed due to no breach of planning control found, no action was appropriate or where it was not considered expedient to take action. The report also provided comparative information for the same period last year.

The report also noted the enforcement notices, S215 notices and Community Protection notices authorised and served in July 2016. It also provided comparative information from the same period last year.

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

6 PLANNING APPLICATION 16/0019 - 77-81 ALBERT ROAD

The Committee considered an application for the external and internal alterations to include erection of two and three storey rear extensions, alterations to elevations, formation of bin and cycle store, provision of parking to rear and use of premises as altered as a 20 bed hotel, restaurant and function room on lower ground and ground floors and 6 self-contained permanent flats to first, second and third floors at 77-81 Albert Road, Blackpool.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and site layout plans and elevational plans. He advised Members that the property currently contained 47 bedrooms and not 40 as detailed in the report. The property was situated within the South Town Centre Main Holiday Accommodation area and had been vacant for a number of years. In Mr Johnston's view,

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the proposed development would not impact on the character and appearance of the area as the majority of the ground floor frontage would have the appearance of a hotel and would be in keeping with other hotels in the vicinity and would retain hotel use at street level. He reported on the Holiday Accommodation Supplementary Planning Document that permitted developments that improved low quality accommodation and advised Members of the necessity of the permanent flats to help fund the refurbishment of the hotel. He also referred Members to the Viability Appraisal referred to in the Update Note and circulated a visual image of the current street view of the property.

In response to questions from the Committee, Mr Johnston confirmed that the flats would meet the required standards in terms of minimum floor space and reported on the separate access for the hotel and flats.

During consideration of the application, Members of the Committee expressed concerns relating to the provision of permanent flats within a main holiday accommodation area and the potential for a precedent to be set for further permanent living accommodation in the area. However, the Committee also noted that the property had been vacant for a number of years and was in need for refurbishment. It also acknowledged the benefits of the proposed development in retaining some holiday accommodation in the area and noted that the holiday character of the property would be retained on Albert Road frontage. On balance the Committee considered that the benefits of the development outweighed the loss of some of the holiday accommodation.

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 on the application.

7 PLANNING APPLICATION 16/0394 - PREMIER INN, RED LION HOTEL, DEVONSHIRE ROAD

The Committee considered an application for external alterations including erection of part two/part three storey extension to north elevation of existing bedroom accommodation to form 26 additional bedrooms, plant housing and air conditioning housing, three storey extension to south elevation of existing bedroom accommodation to form lift shaft, partial rendering of existing bedroom accommodation, and alterations to existing play area and car park to form 11 additional parking spaces at Premier Inn, Red Lion Hotel, Devonshire Road, Blackpool.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and site layout plans and elevational plans. He reported on the distances and elevations of the proposed development in relation to neighbouring properties. He advised Members that the report should have made reference to the location being outside any of the main holiday accommodation areas as well as the Resort Core. He confirmed that the current bedroom block was some 30 metres to the south of the boundary with the rear gardens fronting Village Way and not to the north of the boundary as stated in the report.

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Mr Johnston reported on the history of the hotel and confirmed that the current accommodation comprised a total of 67 bedrooms. Members were advised that there were currently 132 car parking spaces at the site, with an additional 11 car parking spaces being provided as part of the proposal and that whilst the number of car parking spaces would fall below the maximum requirement, this was based on independent hotel and restaurant uses which would not be the case for this development. Mr Johnston reported on the proposed relocation of the bin storage further away from neighbouring properties and referred to proposed condition 12 which limited the operation of bin, bottle and skip collections to reduce the impact of noise and disturbance on residents of neighbouring properties.

Mr Johnston referred Members to the additional representations in the Update Note. He reported on the consultation response from the Head of Highways and Traffic Management and confirmed that the applicant had indicated that there were no plans to cease the informal arrangement regarding the use of the car park by parents of the two nearby schools.

Mrs Haydock and Mrs Wroe spoke in objection to the application. Their main concerns included the principle of extending holiday accommodation in a residential area outside of the Resort Core which in their view conflicted with current policy, the impact of the proposed design on the view/setting of the locally listed building and safety of pedestrians from vehicles using the site.

Mrs Warren, agent for the applicant, spoke in support of the application and reported on the demand for the additional holiday accommodation and the lack of an alternative suitable site for the development. She highlighted the steps that the applicant had taken to address the concerns raised by nearby residents which included relocation of the bin storage and discussions with contractors to remind them of their contractual obligations regarding times for delivery of goods and refuse collection.

Mr Johnston confirmed that the Built Heritage Manager accepted that the proposed development would have some impact on the setting of the locally listed building when viewed from Devonshire Road but not sufficient to justify refusal of the application. He advised Members that policy sought to resist new holiday accommodation outside of the Resort Core and Main Holiday Accommodation areas but as the proposed development related to an existing hotel, it was debatable whether it applied in this case.

During consideration of the application, Members of the Committee expressed concerns at the impact on residents of neighbouring properties from deliveries and refuse collection and agreed that, should the application be approved, clear conditions should be attached to the permission to restrict the operation of bin, bottle and skip collections to between 8am to 9pm on Mondays to Saturdays and between 10am and 9pm on Sundays and Bank Holidays and deliveries of goods between 7am to 6pm daily.

In response to Members' concerns regarding the impact on residents of nearby properties from the depositing of internal waste to outside skips, Mr Johnston reported that a condition could not be imposed on the existing pub/restaurant but requested that the agent reported the Committee's concerns to the owner.

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Resolved: That the application be approved, subject to the conditions, including the amended condition 12 and the additional condition relating to the hours of operation for deliveries of goods 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.

8 PLANNING APPLICATION 16/0421 - 647-651 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 86 self-contained permanent flats with associated car parking, bin store, boundary treatment and highway works at 647-651 New South Promenade and 2-8 Harrow Place, Blackpool.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and site layout plans and elevational plans. He advised Members of the reduced projection of the proposed building and the installation of obscure glazing to reduce the impact on the amenity of residents of neighbouring properties. He reported on the changes made to the proposed development in view of the Committee's comments on the previous application, which included a reduction in the height of the building and the number of flats and an increase in car parking provision. In Mr Johnston's view, the proposed development was consistent with the aims of policy CS2 of the Core Strategy which sought to encourage high quality residential accommodation on the Promenade. Mr Johnston confirmed that there had been no objection in principle from the Head of Highways and Traffic Management and reported on the proposed parking scheme which would be provided jointly between the developer and the Council with the developer seeking to secure designated parking spaces for residents of the flats for a period of five years. Mr Johnston explained that the application, if approved, would be subject to a Section 278 legal agreement and a Traffic Regulation Order and that a Section 106 Agreement was needed to cover payments associated with the car parking in Harrow Place.

Mr Boniface, spoke in support of the application on behalf of the applicant. He reiterated the changes made in response to the Committee's comments and the consultations that had taken place with planning officers and residents. He reported on the intention to transform the existing building into high quality accommodation in a landmark building which in his view would complement the Council's regeneration plans.

During consideration of the case, Members spoke favourably on the benefits of the proposed development and welcomed the changes relative to the previous scheme and the applicant's efforts in seeking to reach agreements on the proposed development with local residents.

Resolved: That the application be approved in principle and deferred for delegation to the Head of Development Management, subject to the completion of a Section 106 Legal Agreement and subject to the proposed conditions and for the reasons, set out in the Appendix to the minutes.

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

Chairman

(The meeting ended 7.16 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

Application Number 16/0019 – -77- 81 Albert Road, Blackpool - External and internal alterations to include erection of two and 3 storey rear extensions, alterations to elevations, formation of bin and cycle store, provision of parking to rear and use of premises as altered as a 20 bed hotel, restaurant and function room on lower ground, ground and bulk of first floors and 6 self-contained permanent flats to part of 1st and all of 2nd and 3rd floors.

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 development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 22 January 2016 including the following plans: drawings no. A015/123/P/01 Rev B (Floor Layouts), A015/123/P/02 Rev B (Floor Layouts), A015/123/P/03 Rev B (Elevations), A015/123/P/04 Rev B (Elevations and Basic Section), 1:1250 scale Location Plan.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. 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. The garage shall be reserved specifically for vehicles belonging to occupiers of the permanent flats and shall not be used for any other purpose.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

4. Prior to the development hereby approved being first brought into use the secure cycle storage provision shown on the approved plans shall be provided for the use by occupiers of the permanent flats and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy AS1 of the Blackpool Local Plan 2001-2016.

5. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall be made available for both the hotel and the occupiers of the permanent flats and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. The lower ground floor dining/function room and the ground floor restaurant shall not be operated independently from the hotel. At no time, shall take-away sales of hot or cold food operate from the premises.

Reason: An independent restaurant/hot and cold food take away would be contrary to Policies CS4 and CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH17 of the Blackpool Local Plan 2001 - 2016 which seek to protect the vitality and viability of the town and district centres and in the interests of residential amenity.

7. Notwithstanding the approved details, all privacy screening to the boundaries of the four roof gardens hereby approved, shall be a minimum of 1.7m high above deck level, constructed with obscure glazed panels and shall thereafter be retained as such.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016.

8. No flat/maisonette shall be occupied until all of the external alterations and the internal layouts 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 CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

Application Number 16/0019 – Premier Inn, Red Lion Hotel, Devonshire Road, Blackpool -

External alterations including erection of part two/part three storey extension to north elevation of existing bedroom accommodation to form 26 additional bedrooms, plant housing and air conditioning housing, three storey extension to south elevation of existing bedroom accommodation to form lift shaft, partial rendering of existing bedroom accommodation, and alterations to existing play area and car park to form 11 additional parking spaces.

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 development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 4th July 2016 including the following plans:

Location Plan stamped as received by the Council on 4th July 2016
Drawings numbered CHQ.15.11382-PL05 Rev B, CHQ.15.11382-PL06A,
CHQ.15.11382-PL07/1, CHQ.15.11382-PL07/2

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy LQ14 of the Blackpool Local Plan 2001-2016.

4. (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 CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy LQ6 of the Blackpool Local Plan 2001-2016.

- 5. Prior to the development hereby approved being first brought into use the refuse storage 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 the residential amenity of occupants and neighbours, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

- 6. Prior to the development hereby approved being first brought into use the secure cycle storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy AS1 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 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 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

- 8. 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 routing 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 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

9. (a) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority.
- (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.
- (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme are in place.
- (d) The fencing or other works which are part of the approved protection scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior written agreement of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, having regards to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy LQ6 of the Blackpool Local

Plan 2001-2016.

10. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work for each phase of the development. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site in accordance with Part 12 of the National Planning Policy Framework.

11. The extension hereby approved shall not be occupied until the servicing provisions, including manoeuvring areas, have been provided in accordance with the approved details; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016.

12. The bin, bottle and skip collections from the premises shall not operate outside the hours of 8am to 9pm on Mondays to Saturdays and 10 am and 9pm on Sundays and Bank Holidays

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.

13. Deliveries to the premises shall not take place outside the hours of 7am to 6pm on any day.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.

Application Number 16/0421 – 647-651 New South Promenade and 2-8 Harrow Place, Blackpool - 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 86 self contained permanent flats with associated car parking, bin store, boundary treatment and highway works.

Decision: Agree in principle and delegate approval to the Head of Development Management subject to the completion of a Section 106 Legal Agreement.

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 development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 8 July 2016 including the following plans:

Location Plan stamped as received on 08 July 2016
Drawings numbered

PL_012 Rev A- Proposed Site Plan
PL_013 Rev A - Ground Floor Plan
PL_014 Rev A- First Floor Plan
PL_015 Rev A- Second Floor Plan
PL_016 Rev A- Third Floor Plan
PL_017 Rev A- Fourth Floor Plan
PL_018 Rev A- Fifth Floor Plan
PL_019 Rev A- Roof Plan
PL_020 Rev A- Harrow Place Elevation
PL_021 Rev A- South Promenade Elevation
PL_023 Rev A- Section A-A
PL_022 - Section B-B
PL_027

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. Prior to the commencement of the development details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ4 of the Blackpool Local Plan 2001-2016.

4. Prior to the commencement of the development details of the surfacing materials to be used in the construction of the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ1 of the Blackpool Local Plan 2001-2016.

5. The roof of the building (other than where the approved plan shows a roof terrace) shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises, to safeguard the visual amenities of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ14 and BH3 of the Blackpool Local Plan 2001-2016.

6. 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 £58,308 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.

7. 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 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

8. Prior to the development hereby approved being first brought into use the refuse storage 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 the residential amenity of occupants and neighbours, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

9. Prior to the development hereby approved being first brought into use the secure cycle storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy AS1 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 routing 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 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 CS12 and 13 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

12. Before any of the approved flats are first occupied details of the boundary treatment to New South Promenade, Harrow Place and the back alley between Harrow Place and Cardigan Place shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatment shall then be erected and shall thereafter

be retained.

Reason: In the interests of the appearance of the locality, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ1 of the Blackpool Local Plan 2001-2016.

13. No development approved by this permission shall be commenced until details of the finished floor levels of the proposed building and any alterations to existing land levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved levels unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, LQ2, LQ4 and BH3 of the Blackpool Local Plan 2001-2016.

14. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and 109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy and Policy BH4 of the Blackpool Local Plan 2001-2016.

15. Part of each of the windows in the eastern elevation of the building facing the rear boundaries of properties fronting Clifton Drive shall be at all times obscure glazed and fixed permanently closed in accordance with the details shown on the approved plans.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016.

16. All windows to the elevations of the building shall be recessed behind the plane of the elevation in accordance with details to be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the locality, in accordance with Policy

CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ4 of the Blackpool Local Plan 2001-2016.

17. Before the development is commenced a lighting/security scheme for the car parking area/ bin storage area/cycle storage area and courtyard area at the rear of the building shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented as part of the development and shall be retained as such.

Reason: To safeguard the living conditions of the occupants of the flats and the occupiers of neighbouring premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016.

18. The two balconies at the eastern end of the proposed development serving first floor and second floor flats adjacent the boundary with the rear alley shall be fitted with privacy screens the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The screens shall then be provided as part of the development and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016.

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	27 September 2016

PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

1.0 Purpose of the report:

- 1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

- 2.1 To note the report.

3.0 Reasons for recommendation(s):

- 3.1 To provide the Committee with a summary of planning appeals for 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:

- 3.4 None, the report is for information only.

4.0 Council Priority:

- 4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 Unit 2 Back Threlfall Road, Blackpool FY1 6NW (15/0502)

5.2.1 An appeal by Mr Mulligan against the decision of the Council to refuse planning permission for the retention of first floor windows and use as altered on first floor as offices within Use Class B1. **Appeal Dismissed**

5.2.2 A copy of the Inspectors decision dated 4 August 2016 is attached at Appendix 3a.

The main issues are the effect of the development on the living conditions of neighbouring occupiers with regard to overlooking, loss of privacy, noise and disturbance, and secondly, whether there is sufficient parking to serve the development.

The Inspector concluded that development would unacceptably harm the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy although there is sufficient parking available to serve the development.

5.3 411 Midgeland Road, Blackpool FY4 5ED (15/0531)

5.3.1 An appeal by Mr Brian Taylor against the decision of the Council to refuse Prior Approval for the use of premises as altered as a single private dwelling house. **Appeal Dismissed**

5.3.2 A copy of the Inspectors decision dated 13 September 2016 is attached at Appendix 3b.

The main issue is whether sufficient evidence has been provided to demonstrate that the appeal site was solely used for an agricultural use as part of an established agricultural unit on 20 March 2013.

The Inspector concluded that insufficient evidence has been provided to demonstrate that on the balance of probability the appeal site was used solely for agricultural use as part of an established agricultural unit on 20 March 2013.

5.4 Planning/Enforcement Appeals Lodged

5.4.1 151 READS AVENUE, BLACKPOOL (15/8411)

5.4.2 An appeal has been lodged by MSI Property Investment Ltd against the issue of an Enforcement Notice regarding the sub-division of the former single ground floor flat

used for permanent residential use and its amalgamation with the former ground floor storage.

5.4.3 138 STONY HILL AVENUE, BLACKPOOL, FY4 1PW (15/0394)

5.4.4 An appeal has been submitted by Mr Moore against the Council's refusal of planning permission for the erection of eight two storey semi-detached dwellinghouses and one detached bungalow with associated access road, car parking, landscaping and boundary treatment, following demolition of existing building.

5.4.5 4 ST STEPHENS AVENUE, BLACKPOOL, FY2 9RG (15/0227)

5.4.6 An appeal has been submitted by Belsfield Care against the Council's refusal of planning permission for the erection of roof lift to existing rear extension to provide five additional bedrooms and lounge and provision of three additional car parking spaces to rear following removal of existing storage building.

5.4.7 REAR GARDEN AREA TO 6-8 CARLIN GATE, BLACKPOOL, FY2 9QX (15/0229)

5.4.8 An appeal has been submitted by Belsfield Care against the Council's refusal of planning permission for the use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

5.4.9 26-28 RED BANK ROAD, BLACKPOOL, FY2 9HR (15/0713)

5.4.10 An appeal has been submitted by c/o Bentley Higgs against the Council's refusal of planning permission for the installation of new shop front, erection of a single storey rear extension to and use of ground floor rear as 1 self-contained permanent flat at 26 Red Bank Road.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 Appendix 3a – Planning Inspectorate Appeal Decision – Unit 2, Back Threlfall Road
Appendix 3b – Planning Inspectorate Appeal Decision – 411 Midgeland Road

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

Appeal Decision

Site visit made on 12 July 2016

by Thomas Hatfield Ba (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4TH August 2016

Appeal Ref: APP/J2373/W/16/3148742

Unit 2, Back Threlfall Road, Blackpool, FY1 6NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Mulligan against the decision of Blackpool Borough Council.
 - The application Ref 15/0502, dated 23 July 2015, was refused by notice dated 15 January 2016.
 - The development proposed is a change of use from storage (B8) into offices (B1).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. On my site visit, I noted some minor differences between the submitted plans and the part of the development that had already been implemented. These differences relate to the internal configuration of Unit 2. However, the proposed plan (ref A013/175/P/100 Revision C) was considered by the Council when determining the planning application and it was also submitted as part of the appeal documentation. Accordingly, I am required to determine the appeal on the basis of the submitted drawings.

Main Issues

3. The main issues are, firstly, the effect of the development on the living conditions of neighbouring occupiers with regard to overlooking, loss of privacy, noise, and disturbance, and secondly, whether there is sufficient parking to serve the development.

Reasons

Living conditions

4. The appeal building is located in a backland area and is accessed via a narrow alleyway that links Threlfall Road and Eccleston Road. The building is two stories in height and has already been partly converted into office use. First floor windows have been installed in both the eastern and western elevations. These look out over the rear of residential properties fronting Threlfall Road and Eccleston Road.
5. The first floor windows are obscurely glazed, which prevents direct overlooking of the residential properties when the windows are closed. However, these

windows are side opening. On my site visit it was a warm day and workers in the office had the windows fully open to allow air into the building. This allowed direct views into the rear yards and habitable room windows of the properties on either side, at a short distance. This unacceptably harms the privacy of these properties.

6. There are tall boundary walls to the rear of properties fronting both Threlfall Road and Eccleston Road, and a number of large outbuildings. However, these do not prevent overlooking from the first floor windows of Unit 2.
7. In addition, the Council states that the development would cause disturbance to neighbouring properties by virtue of increased comings and goings of employees. However, the business is already in operation and there is no evidence before me that the existing employees cause unacceptable disturbance. The additional employees accommodated by the development would have only a minor incremental impact in this regard.
8. I conclude that the development would unacceptably harm the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. It would therefore be contrary to Policies CS7 and BH3 of the Blackpool Local Plan: Part 1 - Core Strategy (2016). These policies seek to ensure, amongst other things, that new development does not unacceptably harm the living conditions of neighbouring occupiers. It would also be at odds with the National Planning Policy Framework which seeks to protect amenity.
9. In coming to that view, I have had regard to the appellant's suggestion that obscure glazing could be secured by condition. However, at present workers in the office are able to fully open the obscurely glazed windows, allowing direct views into neighbouring properties and gardens / yards. The suggested condition would not address this issue.

Car Parking

10. The extension of the business into Unit 2 would allow for the number of employees based onsite to be increased to 23. There is currently no dedicated off-street parking available for either staff or visitors, and no additional spaces are proposed.
11. At the time of my site visit, which was during normal office hours, there were numerous spaces available on both Threlfall Road and Eccleston Road. These would have been sufficient to accommodate the cars associated with the additional employees. The proposal would only generate a limited amount of additional traffic, and there is no substantive evidence before me that it would lead to congestion or would be harmful to pedestrian safety. This matter would also have been capable of being mitigated via a condition requiring the submission of a Travel Plan.
12. The site has been subject to a previous appeal (ref. APP/J2373/W/15/3002923) for the creation of apartments in Unit 2. In that appeal, the Inspector noted the availability of sufficient on-street parking in the nearby area to serve the development. Whilst the current proposal may attract slightly more parking than the previous proposal, I consider that the availability of on-street parking in the local area is sufficient to accommodate this.

13. I conclude that there would be sufficient parking available to serve the development. It would therefore be in accordance with Policies AS1 and DE4 of the Blackpool Local Plan: Part 1 - Core Strategy (2016).

Other Matter

14. There is no evidence before me that the existing refuse storage and collection arrangements have led to any problems. The appellant states that both refuse storage and cycle parking could be accommodated in the ground floor storage area. This matter would have been capable of being dealt with by condition had I found the scheme acceptable on the main issues.

Conclusion

15. For the reasons set out above, I conclude that the development unacceptably harms the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy. Whilst there is a positive benefit in terms of job creation, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site visit made on 9 August 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th September 2016

Appeal Ref: APP/J2373/W/16/3149379

411 Midgeland Road, Blackpool, Lancashire FY4 5ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Brian Taylor against the decision of Blackpool Borough Council.
 - The application Ref 15/0531, dated 30 July 2015, was refused by notice dated 29 October 2015.
 - The development proposed is to convert the existing building into a residential building.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Appellant seeks prior approval for the conversion of the appeal building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO). The application is made under Class Q.(a), for a change of use of the building and any land within its curtilage to a residential use, and Class Q.(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a residential use.

Main Issue

3. The main issue in this appeal is whether sufficient evidence has been provided to demonstrate that the appeal site was solely used for an agricultural use as part of an established agricultural unit on 20 March 2013.

Reasons

4. The appeal property is a two-storey, detached building with a pitched roof. The ground floor comprises a kitchen and large workshop and the first floor consists of a lounge, a kitchen and a bedroom. The building is set within a large area of hardstanding, some of which has been paved with patio slabs. Access to the site is via a gated entrance directly off Midgeland Road.
5. To the rear of the site are a number of shipping containers and a timber shed used for general storage and a timber and wire mesh enclosure previously used for housing chickens. There were no chickens present at the time of my site visit. A timber gate provides access into the field to the rear of the site, which appeared to be vacant at the time of my site visit.

6. Paragraph Q.1 of the GPDO sets out the relevant criteria that proposals are to be considered against. Failure to satisfy the criteria results in the proposal not being permitted development. Criterion (a)(i) states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. The Council contend that on 20 March 2013 the appeal site was not used for agricultural purposes.
7. The appeal site was once used as a market garden. However, there is no evidence that it has operated as such in recent years. The appellant argues that the land was used for agricultural purposes on 20 March 2013 and since 2007, when he became owner of the site. He confirms that since 2007 he has kept chickens on the site and sold and gave eggs to local residents. A total of ten chickens were kept on the site up until a recent fox attack. Furthermore, the appellant states that the field to the rear of the site has been cut and baled for haylage twice a year, with a yield of approximately 22 bales which is sold to local residents for horse feed.
8. The first floor of the building was fitted out for residential accommodation in 2008. However, I accept that it has not been occupied as such. Nevertheless, due to its residential layout, it is unlikely that the first floor was used for any agricultural purposes in 2013. With regard to the ground floor, this is mainly occupied by the workshop and there is no substantive evidence that this was used for agricultural purposes. The appellant states that the building is used for the storage of haylage and chicken feed although it is not clear where exactly within the building it is stored. In any event, due to the residential accommodation on the first floor and the workshop, the sole purpose of the building is clearly not for agricultural purposes.
9. The appellant also states that agricultural machinery is stored on the land. Whilst I noted what appeared to be a forklift truck and some general tools within the workshop, there was no evidence that these are used in relation to any agricultural activities. Although I appreciate that this is not representative of what was stored on the site in 2013, there is no evidence to suggest what machinery was stored at the time.
10. Based on the evidence before me, it is clear that activities that are typically associated with agriculture have taken place on the site, and I have no reason to believe that, to some extent, they were not being undertaken on 20 March 2013. However, criterion (a)(i) is clear in that the site must have been used solely for agricultural use as part of an established agricultural unit. I have no substantive evidence that such use was taking place by reference, for example to matters such as the agricultural unit accounts or an agricultural holding number.
11. I conclude therefore in relation to Class Q.1 (a), insufficient evidence has been provided to demonstrate that on the balance of probability the appeal site was used solely for agricultural use as part of an established agricultural unit on 20 March 2013.

Other Matters

12. I have had regard to the appellant's argument that the Council failed to determine the prior notification application within 56 days. However, as I have found that the site was not used solely for agricultural use as part of an established agricultural unit on 20 March 2013 the change of use of the

building to residential use is not permitted development and therefore does not benefit from the provisions contained within Paragraph W(11) of Part 3 of Schedule 2 of the GPDO.

Conclusion

13. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting:	27 September 2016

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 August 2016.

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 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool.'

5.0 Background Information

5.1 Cases

5.1.1 New cases

In total, 68 new cases were registered for investigation, compared to 56 received in August 2015.

5.1.2 Resolved cases

In August 2016, four cases were resolved by negotiation without recourse to formal action, compared with 20 in August 2015.

5.1.3 Closed cases

In total, 31 cases were closed during the month (35 in August 2015). 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.

5.1.4 Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in August 2016 (one in August 2015);
- No s215 notices authorised in August 2016 (none in August 2015);
- No Breach of Condition notices authorised in August 2016 (none in August 2015);

- One enforcement notice served in August 2016 (none in August 2015);
- One s215 notice served in August 2016 (two in August 2015);
- No Breach of Condition notices served in August 2016 (none in August 2015).

5.1.5 Enforcement notices / S215 notices served in August 2016

Ref	Address	Case	Dates
15/8481	9 Kimberley Avenue	S215 Notice – poor condition	S215 notice issued 02/08/2016. Compliance due 05/12/2016 unless an appeal is made to the Magistrates Court by 05/09/2016
15/8186	212 Dickson Road	Unauthorised erection of decking, a fence and a shed at first floor level on the flat roof of the outrigger	Enforcement notice issued 24/08/2016. Compliance due 05/01/2017 unless an appeal is made to the Planning Inspectorate by 05/10/2016

Does the information submitted include any exempt information?

No

5.2 List of Appendices:

5.2.1 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: 27/09/2016

Application Reference: 16/0074

WARD: Claremont
DATE REGISTERED: 18/04/16
LOCAL PLAN ALLOCATION: Resort Neighbourhood
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr I Rayaz

PROPOSAL: Erection of four storey building to form two self contained, permanent flats and two maisonettes, with associated boundary treatment, bin and cycle stores and plant room, following demolition of existing building.

LOCATION: 3 BANKS STREET, BLACKPOOL, FY1 1RN

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

The proposal is considered an exception to the main holiday accommodation area protection due to its long-standing vacancy, poor structural condition and not being considered viable to re-develop for holiday use. Therefore a conditional approval of the application is recommended.

SITE DESCRIPTION

The property is currently a vacant boarded up hotel with scaffolding around it due to its unsound structural condition. It is a three storey end terraced building with basement accommodation located close to the Promenade and Filey Place adjoins the side boundary of the property beyond which is a surface level car park. This section of Banks Street is within one of the protected Holiday Accommodation areas (one of two on Banks Street) although the character of the street is mixed with both holiday and permanent residential accommodation, including Regent Court a high rise residential block of flats, within close proximity of the application site.

DETAILS OF PROPOSAL

Outline planning application involving the demolition of the existing vacant hotel which is structurally unsound and the re-development of the site with a four storey building creating

two permanent self contained flats and two permanent maisonettes. The application seeks approval for the means of access, site layout and scale of development. The two flats would each have two bedrooms and occupy the ground and first floors, the two maisonettes would occupy the two upper floors and each maisonette has two bedrooms and one has a balcony which has been re-located from the side elevation to the rear elevation in order to reduce height of the building at the rear. The rear ground floor would accommodate a bin store and cycle store.

The application is accompanied by viability report setting out why the site cannot be re-developed for holiday use, necessary given the current protected holiday status of the area, and a bat survey.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Permanent Residential Accommodation
- Acceptability of the Proposed Scheme
- Other Issues

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

CONSULTATIONS

Head of Highways and Traffic Management: The proposal site is on the edge of the Town Centre and seeks to develop residential accommodation. The previous use will have generated more regular vehicle trips if compared to the current proposal. No parking is available and given its proximity to the Town Centre and other modes of transport I have little concern with this.

The plant room and bin store is shown on the side elevation with doors opening out onto highway, this is contrary to the Highways Act 1980 and must be reversed.

Filey Place is public highway and given the nature of the works, which includes demolition and construction, it is likely that damage may be caused to the fabric of the highway. Normally I would not request this for a proposal of this nature but on this occasion given the tight confines of the site and proximity to neighbouring properties, a Construction Management Plan condition should be included if permission is granted.

Waste Services Manager: No comments 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.

United Utilities (Water): No objections

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 26 April 2016

Neighbours notified: 22 April 2016

Support

10 General Street- we hereby support the proposal given that 3 Banks Street has been empty for far too long. Upgrading into flats would be very nice and be much more appealing for visitors to this area. There are too many empty properties many of which are in this area of Blackpool.

The Studio, 10 Banks Street- the proposal is exactly the same as 6 Banks Street which is next to a hotel and was converted into flats. 6 Banks Street is excluded from the holiday zone and Regent Court which comprises 43 flats is also across the street. A viability report carried out six months ago showed re-build costs to a hotel or holiday flats to be in excess of £300,000. Some hotels on Banks Street have been selling for between £50,000 and £130,000. A number of hotels are not trading and those that are trading close in winter. There is flexibility within the holiday zones to convert to residential and this takes into account whether the hotel is vacant, how many properties are up for sale or vacant and the condition of the properties. The proposal involves accommodation of a very high standard and the holiday zone is not meant to prevent such development. It is recommended that Banks Street is excluded from the holiday zone to allow such development.

10 Banks Street- have also written in support of the proposal on behalf of the Regent Court Management Committee. The current building has been derelict and vacant for a number of years and the building is also structurally defective and currently supported by scaffolding. The proposal would be an improvement to the street. There is little or no prospect of anyone successfully investing in holiday accommodation. The empty property has blighted the street for a number of years now.

A survey has been submitted indicating that the retention of a holiday use is not viable. There is no evidence that that high quality flats and hotels do not get along and the proposal should be considered to be exceptional circumstances, 3 Banks Street has not contributed in any way to the holiday zone for 10 years

19 General Street- Upgrading into flats would be very nice and be much more appealing for visitors to this area. There are too many empty properties many of which are in this area of Blackpool.

9 Banks Street I have no problems with the proposed construction. As it stands the existing building is an eyesore. Although in a holiday area there is little chance of anybody purchasing the building and turning it back into a hotel and it is sometimes necessary to be pragmatic.

Flat 2, 35 General Street the proposal would enhance the area and make a vast improvement to the street. The current property is ready to collapse.

94 Regent Court, 204 North Promenade supports the application.

Hatton Hotel, 10 Banks Street supports the application as the current building has been empty and dilapidated for a number of years and blights the area. The holiday zone was intended to secure new investment and none of this has been forthcoming due to budget cuts and the recession. 50% of the hotels are no longer trading and a number are up for sale. The proposal would be a vast improvement on the existing building. The holiday zone should not stifle opportunity and involves permanent self contained flats not a House of Multiple Occupation (HMO). The proposal could be a catalyst towards some sustainable recovery for the area.

The Cafe on the Square, 7 Cocker Square supports the application as the building has stood empty for 10 years and attracted undesirables. The flats are of a high standard and located with other residential properties. The proposal would not interfere with the holiday zone and would help the economy.

Objections

8 Banks Street- We have had a successful guesthouse business here for nine years working hard for Blackpool always promoting a feel good factor in the holiday zone, which we fought for a few years ago now. We were shocked to see a notice of change of use application for number 3 which is in the holiday zone. Our great concern is that if consent is given things will change on our street for the worse. If they build these flats and can't sell them to private owners, yet again property moguls will buy them to let and then they won't be able to let them privately, so then let to the Council e.g. HMO yet again. Why not build holiday flats?

Margarets Hotel, 7 Banks Street objects on the basis that this is a protected holiday area and the Core Strategy supports the holiday accommodation areas. The group of hotels in this area whilst small in number are a strong trading cluster and includes 3 and 4 star Visit England rated premises. The conversion of Bank House Hotel to anything other than a hotel would be to the detriment of all the businesses. Other hotel areas have suffered from the consequences of hotel conversions to flats. Another important factor is that banks are less likely to support hotels outside of a holiday accommodation area. The proposal would also have a direct impact on the light received at the rear of their hotel.

The Sunset Hotel, 5 Banks Street the application is seriously flawed as the property is within the designated holiday area. Other holiday areas have suffered with the encroachment of HMO's. As a dedicated holiday area this was Banks Street opportunity to secure the future of their business investment.

Comments

9 General Street- it is better to have the eyesore decaying building built to a habitable standard than stay empty like so many other buildings in Blackpool. The area is designated for bed and breakfast accommodation and hotels not flats. General Street was once a busy hotel business area, but once the Council; in their wisdom allowed properties to be changed to flats the majority of the holiday trade hotels opted to change to flats. I think once the Council grant one hotel to be made into flats it is only a matter of time the rest will follow

suit. This will not help current businesses sell an on going business but it might interest other buyers to purchase properties to be converted into flats; I am sure at a much lower saleable price. I would hope the person having bought the property will make it better than what it is.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework 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. Of the 12 core planning principles those that are relevant to this proposal are summarised below:

Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings; Encourage the effective use of land by re-using land that has been previously developed (brownfield land).

Part 6 - Delivering a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a local planning authority is unable to demonstrate a five year supply of housing land. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Part 7 - Requiring good design. Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or re-inforce local distinctiveness.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

Policy CS7: Quality of Design

Policy CS12: Sustainable Neighbourhoods
Policy CS13: Housing Mix, Standards and Density
Policy CS23: Managing Holiday Bed spaces

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

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
LQ4- Building Design
BH3 - Residential and Visitor Amenity
AS1 - General Development Requirements (Access and Parking)

New Homes from Old Places Supplementary Planning Document/ National Technical Housing Standards.

Holiday Accommodation Supplementary Planning Document.

ASSESSMENT

Principle of Permanent Residential Accommodation - The alternative to what is considered to be a good re-development scheme is either a building that will continue to deteriorate, and is not capable of being converted due to its poor structural and increasingly dangerous condition or more likely the building would be demolished and the site left vacant. The demolition of the building and creation of a cleared site in a prominent location would detract from the appearance of the area. The proposal represents a good, maybe the only likely opportunity, for the site to be re-developed and is considered to be an exception to the Holiday Accommodation Supplementary Planning Document (SPD) restrictions to new non holiday uses. The proposal does not contribute to the holiday character of Banks Street but the existing property hasn't contributed for a number of years (suggested to be 10 years) and in fact detracts from the character and appearance of the area and is also readily visible from the Promenade being adjacent to a surface level car park. Whilst the application property is within one of the main holiday accommodation areas there is nevertheless a significant residential presence in the immediate area, including within Regent Court across from the application site, to the rear on Filey Place and planning permission has also been granted in principle for permanent flats on the adjoining former site of Revills Hotel reference 11/0056.

The viability report submitted with the application indicates that it would be prohibitively expensive to re-instate the former hotel use on the site given the existing surplus stock of vacant and non trading hotel accommodation and the lack of appetite for investing in such

projects this is not a viable option. It concludes that a residential development is however a viable option for re-developing the site.

Acceptability of the Proposed Scheme - The application seeks outline approval for the layout, scale and means of access to a four storey end terrace building which is similar in scale to adjoining buildings. The proposed residential accommodation is in accordance with the National Technical Housing Standards and would provide good quality accommodation not HMO type accommodation as suggested by some local hoteliers and this good quality accommodation would not therefore be expected to detract from or undermine the character (both holiday and residential) of the area. There is also nothing to suggest that permanent residential accommodation and hotels cannot exist satisfactorily side by side and the proposal would add to the attractiveness of the area. The use of the accommodation for anything other than two flats and two maisonettes would require planning permission and uses that would detract from the area would not be supported.

Other Issues - There is no off street car parking provided either at present or proposed as part of the proposal. However, given that the site is within easy walking distance of the Town Centre and of public transport facilities the absence of off street parking is not considered to be an overriding issue in this instance.

The proposed building would project 1.5 metres beyond its current rear elevation and 1.5 metres beyond the rear elevation of the adjoining hotel and would also be closer to the adjoining two storey cottage on Filey Place. The cottage on Filey Place is to the south of the application property and the hotel is to the east and whilst there would be additional impact this is not considered overriding and the amendment made to the application in re-location of the balcony to the rear elevation has taken some of the bulk off the rear elevation.

Whilst illustrative elevational details have been provided the appearance of the building will be dealt with as a reserved matter under a subsequent application.

CONCLUSION

The protection of the designated holiday areas is important to retain the character and attractiveness of these areas although good quality holiday accommodation is by no means solely confined to these protected areas. However, in this instance it is considered clear that an exception can be made to the policy as the property needs demolishing and the site is not viable for a holiday re-development and therefore the cleared site in the absence of a suitable alternative development would be left vacant. It is considered that the re-development would add to the attractiveness of the area and will provide good quality residential accommodation, not HMO type accommodation. The approval of this application will not compromise the continued protection of this and other designated holiday areas and given the viability and character issues the proposal accords with relevant local and national planning policy.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

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

BACKGROUND PAPERS

Planning Application File(s) 16/0074 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

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 Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 future occupants, 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 CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, BH3 and HN5 of the Blackpool Local Plan 2001-2016 and the National Technical Housing Standards.

4. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on including the following plans:
A016/006/P/01 A

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

5. The dwarf wall shall be erected along the frontage of the premises and constructed in accordance with the approved details prior to the development hereby permitted being first brought into use. Such means of enclosure shall thereafter be retained.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. 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 £3096 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.

7. 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 routing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. Notwithstanding the submitted plans details of the layout of the plant room, 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. The agreed details shall be implemented as part of the development and shall be retained thereafter.

Reason: In the interests of highway safety and the appearance of the site and locality, in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Notwithstanding the submitted plans details of the screening of the balcony 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. The agreed screening shall be implemented as part of the development and shall be retained thereafter.

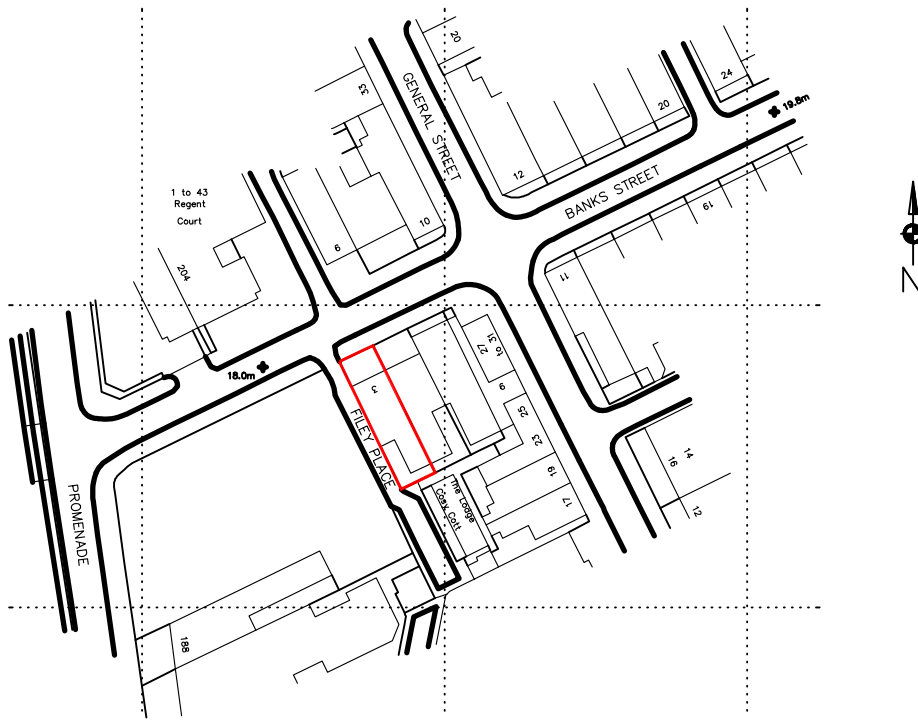
Reason: In the interests of residential amenity and the appearance of the site and locality, in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

Not applicable

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DO NOT SCALE DIMENSIONS FROM DRAWING



KEY

— BOUNDARY LINE.
TOTAL PLOT AREA 145m²



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PROJECT
3 BANK STREET BLACKPOOL

DRAWING TITLE
SITE LOCATION

Drawn PB	Checked	Date 19-01-15	Scale 1:1250@A4
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Page 47 DRAWING No. A016/006/S/01

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COMMITTEE DATE: 27/09/2016

Application Reference: 16/0191

WARD: Greenlands

DATE REGISTERED: 20/04/16

LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr D Parsons

PROPOSAL: Erection of four semi-detached dwelling houses and associated off street car parking with access from Pearl Avenue.

LOCATION: Land to the rear of 57-61 Bispham Road, Blackpool

Summary of Recommendation: Agree in principle and delegate approval to the Head of Development Management.

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

The proposal has been amended reducing a terrace of five dwellings with accommodation over three floors to four x two storey dwellings (two pairs of semis) and is now considered an acceptable form of development on the site subject to a number of conditions, including suitable up-grading works to the shared access directly in front of the site. It is recommended that the application be agreed by the Committee and deferred for delegation once the ownership of the access has been resolved and the appropriate ownership notices served.

SITE DESCRIPTION

This is a detailed application site measures approximately 31 metres long by 26 metres wide and has recently been cleared having earlier been used as allotments. The land fronts onto a shared unadopted access abutting Pearl Avenue, a short cul-de-sac, comprising two detached houses. To the rear of the site are terraced houses on Bromley Close, the front elevations of these houses face the application site with pedestrian only access to their front elevations.

DETAILS OF PROPOSAL

Detailed planning application involving the erection of four x two storey semi-detached houses fronting onto the shared access which itself is accessed from Pearl Avenue. The

proposal would widen the shared access directly in front of the site to 5 metres and upgrade the surface to accommodate the extra traffic (details to be agreed by condition). Off street car parking would be provided to the front of each dwelling with room for two parking spaces per dwelling. The application has been amended from five terraced dwellings with accommodation over three floors to four semi-detached houses confined to two floors, each dwelling, as amended, providing 84 sqm of floorspace. The two pairs of houses are shown to have shallow pitched hipped roofs with a maximum height of 7.230 metres as opposed to the previous 8.5 metre high gable roof terraced houses.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Development
- Impact on Residential Amenity
- Quality of Accommodation Proposed
- Access/ Car Parking/ Impact on Highway Safety
- Other Matters

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

CONSULTATIONS

Head of Transportation - The access road is in poor condition, mainly due to the fact that this is an unadopted highway. I would recommend a surface treatment scheme to cover the development frontage, agreement should be sought from neighbouring frontages who also have a responsibility to maintain this unadopted highway. Future owners should be made aware that the upkeep and maintenance will be their responsibility and not Blackpool Council as the Highway Authority. The aisle width to the parking spaces is sub-standard and may give difficulty to future occupants in terms of access, suggest the bin stores are relocated to allow better access for vehicles.

As the street is classed as a back street, it is probably only lit to back street lighting standards, therefore additional lighting is to be considered. The flagged path to the north of the proposal site is public highway. Any damage to this area must be put right. The highway to be left in the state it is found. Suggest a joint dilapidation survey is undertaken with the Highways Authority. A Construction Management Plan to be conditioned. The properties will require formal postal addresses.

Any further comments on the amended plan will be reported in the Update Note.

United Utilities Plc (Water) United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval: Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and National Planning Practice Guidance.

Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

We recommend the developer also contacts the Local Planning Authority along with the Lead Local Flood Authority to discuss surface water drainage as they will ultimately be the decision maker on this matter.

In accordance with the National Planning Policy Framework and the National Planning Practice Guidance, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The National Planning Practice Guidance clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the National Planning Policy Framework, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

Blackpool Services, Contaminated Land - The land has been used as open space with garage and small holdings. As it is unknown what the small holdings were used for and Google mapping shows an accumulation of building materials on the land. A Phase 1 desk study is requested, if this shows that there is a likelihood of contamination being present than this shall be followed by A Phase 2 Site Investigation.

Waste Services Manager: no comments 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.

PUBLICITY AND REPRESENTATIONS

Two site notices displayed: 21 April 2016

Neighbours notified: 20 April 2016 and re-notified of amendments 25 August 2016 and the comments received in response are as follows:-

1 PEARL AVENUE (Objects) x 3

No problem with building houses though concerned about where builders vehicles will be parked. Pearl Avenue does not have much room for parking at present. However the inclusion of part of the access road within the application site is opposed as this gives access to other properties. This access is part owned by 1 Pearl Avenue and cannot be blocked.

7 BROMLEY CLOSE (Objects) x 2

As one of the few remaining resident owners and original builders of the existing 30 properties that are known as Bromley Close and include part of Pearl Avenue, we wish to make what we consider to be the following informed comments and observations and complaints regarding the above proposed development and have no wish be considered "NIMBY s".

Our observations are:

The submitted plans being titled: "Proposed New Dwellings," Land to The Rear of 7-13 Bromley Close, is misleading as such and we feel their title may have bearing on or affect any final decision made regarding the application. This Land, a former allotment of forty years duration is to the rear of 57 Bispham Road and will be facing the front of all relevant properties on Bromley Close which has been a pedestrian access only frontage, with service

access road to the rear from Warley Road.

Validity: We duly note that its boundaries do not appear to validly reconcile or align with any copies of title deeds which are available at the "Land Registry" In particular Title No: LAN22247.

Further scrutiny of the plans' first resubmission appears to show an acquired extended boundary which also includes parts of the public Highway/Carriageway of Pearl Avenue and the whole of the access road covering the rear of 57/61 Bispham Road including the side access to 1 Pearl Avenue to which we believe others hold due " Title absolute".

Restrictions and Covenants: Having known the allotments' previous owners for thirty-five plus years we were led to believe that a restrictive deed of covenant was in place preventing building on that particular plot of land . Has this now been revoked or removed from the title deeds, or has it outrun its allotted time span?

With regard to the buildings proposed alignment : can we assume from the earlier completed development just fifty yards due south, that the building line being followed will be from that of Rathmore Gardens in regards to elevation, line and height and be of the same design and construction ,which will therefore give a ground-floor level height of approximately 1.8 to 2 metres higher than the ground elevation of those of Bromley Close.

Excessive Height due to "Loft-space Accommodation" According to the submitted drawings the proposed height of these new buildings will be 8.5 metres. This is unacceptable as our existing properties and the adjacent Pearl Avenue properties are only 6.4 metres ridge height. The proposed new build would therefore tower some 3.9 to 4.1 metres above those of Bromley Close.

Being Overlooked. It appears all the upper floor windows will be looking down directly into our front room and bedroom windows . This includes the proposed "Roof Accommodation" windows which are shown on plan as facing west which will also directly overlook our properties, giving direct down and through views into our front living room and bedroom windows. With the new build ground floors already expected to be some 1.8 to 2 Metres above those of 7 to 10 Bromley Close due to our homes being situated in a dip at the bottom of a hill, we would like to know if the current dilapidated boundary fencing will either be replaced or repaired with one of similar height and construction? The proposal does not meet privacy distance standards.

Trees and Potential problems- Having already expressed our own concerns and those of our neighbours from 8 ,9,10 Bromley Close (Potentially the most affected by all this). Similarly all four home owners have noted that tree planting is proposed in each plot's rear garden. We have aa, jointly and severally (Since the allotment became a "Commercial Viability") had some difficulty in the past two years or so contacting and or liaising with successive new landholders to arrange or carry out effective fence repairs or manage overgrown trees. Although we are in no position to dictate matters we would all appreciate it if "Manageable Bushes or Shrubs" were to be the order of the day and not trees in order to help prevent future problems with overgrown trees which have historically damaged fences got tangled

in and pulled telephone wires and covered over street lamps but most importantly to avoid an eventual return to excessive loss of daylight to the front of our homes. A BT Telegraph pole is in situ one foot from the north-west corner of the boundary fence and services the whole northern half of Bromley Close and part of Pearl Avenue.

It has come to our attention today that there appears to be an abundance of Japanese knotweed growing in the middle of this site following the recent warm spell. But what is even more worrying is the fact that whilst looking to confirm this we have spotted sheets of corrugated asbestos running up along the length of the southern boundary of the site!

10 BROMLEY CLOSE (objects)

As residents of Bromley Close since 2006, we wish to raise our objections to the above proposal. The proposed buildings will directly face the front of our property; the indicated dimensions will leave them substantially overlooking our property on both the ground and upper level, in fact towering over Bromley Close and Pearl Avenue by almost 4 metres. This in particular removes any element of privacy that the previous allotments and current pedestrian-only-access have offered our home. The proposed window plans (including loft space) will effectively look straight into both our ground level front room window and both upstairs front bedrooms - something which we feel is unacceptable. Is there a plan to erect (and maintain) an adequate height of fencing along the boundary with the current pedestrian access in front of my property? Since the land is on a higher incline than Bromley Close, the proposed ground floors will already overlook our property, let alone its first and second floors which take it to an excessive height above our own.

Additional thoughts to my first comment, there are three sites within 500 meters which have already had permission and are not yet developed, surely common sense would be not to pass more especially when all neighbouring properties don't want it to happen, personally would rather see other sites used. This site should remain an allotment / gardens like it always has been.

4 PEARL AVENUE (Objects)

Myself and my husband would like to object to the building of houses directly next to our property.

The height of the houses are far bigger than ours, when the land was full of trees up to last year we had little or no sunlight in our garden so the height of these buildings will take all of our sunlight and also directly over look our garden and property.

Access- as it has been previously pointed out the existing road of Pearl Avenue is very small and overflowing with cars already. I would like to particularly draw your attention to the alley at the back of 4,6,8,10 Pearl Avenue. This land/road has never been re surfaced since we moved in 15 years ago, and we have never got to the bottom of who owns it. I have approached the Council on this matter and have been told that this is private land belonging to rear Pearl Avenue residents and this is why it has never been resurfaced. When the land was flattened a few years ago (to build on) the tractors, vans etc. all used this access resulting in a lot of this access road caving in and having huge pot holes. I am presuming then that new residents will not be able to use this alley to access their properties and I

would like to know how you will police this. There are three families living on this stretch all with young children and all accessing their properties by the back leading straight onto alley. I am also presuming that builders will not be using this road.

2 PEARL AVENUE (Objects)

Pearl Avenue is very short with just two houses fronting the street. At the end of the street, round a corner are Nos. 4, 6, 8 and 10 which were built in the mid-seventies. They were not built with any usable parking areas, each has a garage but these are not accessible due to the fact that they have been built too near to the narrow access alley. This results to cars being parked on Pearl Avenue all the time, and the car owners living some way away.

The planning application for the spare land at the end of the street states that the terraced houses will have parking for one car per house, however, as it is usual for families to have at least two cars this will not provide enough parking and will result in more congestion in an area that has already got parking problems. On the plans the last two houses appear to be facing the side of my neighbour's house 1 Pearl Ave. which means that they are facing a brick wall. Would a better plan be to build fewer houses with more parking or set the houses further back on the site to allow more parking at the front. We do realize that this land will be built on, but we also welcome the opportunity to voice our concerns regarding the overall impact of the build on our community, and we hope that you will take these observations into consideration. Taking particular note of the fact that the street is short, and does not provide enough parking for the existing residents in the Pearl Avenue area.

9 BROMLEY CLOSE (Objects)

Restriction of Natural Sunlight/Overlooking. The land referred to is raised higher than our property. If the proposed dwellings were to be erected, this would mean the bottom window of the new houses would be on a level with top of our ground floor windows. This would affect availability of natural sunlight and the need for internal lighting most of the day incurring householder expense. It would also provide the opportunity of the existing residents at numbers 7-10 to be overlooked through all windows restricting privacy.

Drainage- The current drainage is poor at best and needs rebuilding. During the recent winter months we experience heavy rainfall, large volumes of water have been cascading down pathways and pooling at front doors limiting ability to exit our property.

Access- Current access is poor (via a dirt track). In my opinion there is no room for a widening of the existing pathway into a road which would take one or two lanes of traffic.

Environmental Issues- The existing trees should be replaced by low level shrubs maintaining the green environment. Trees have been on this planning site since the 1970s until the current owner raised these to the ground presumably to make way for this application. Noise disturbance from the major works required will affect sleep patterns of those who work unsociable hours. This is a real issue in our case. The major works could also affect land stability and cause damage to existing properties. The cost of this must be met by the developer.

63 BISPHAM ROAD (Objects)

As I type this e-mail, I am unable to park my car outside our house, which is often the case. Any development which compounds the issue with Pearl Avenue becoming an access to additional houses, whose garages are invariably are used for anything other than their vehicles, results in further parking issues, which I would strongly object to.

19 BROMLEY CLOSE (Objects)

I wish to oppose this planning application as it stated there are no trees or hedges on the site. This is correct but only because the land was recently cleared, it also indicated there are no trees or hedges on land adjacent that might be important as part of the local landscape character. This parcel of land, combined with the one immediately next to it, which is still full of trees, shrubbery and hedges, is a beautiful focal point in the neighbourhood and admired by me and many of my neighbours, who are eager not to see a natural landscape replaced by bricks and mortar. Not only that, foxes have for several years made the land their home in the summer, as have a variety of wildlife and birds. I would hope a survey into the impact of any development on this land on wildlife has been carried out.

I also object on the grounds of traffic. How it will access the proposed development? As I understand it, the traffic will enter and leave the site from Pearl Avenue. However, that's nothing more than a gravel track and incapable of handling even five more vehicles. I'm also concerned about an increase in crime. Metal gates were erected in previous years because Bromley Close was being used as a rat run and several properties, including mine, have been damaged by vandals. I believe these new homes would open up the area even more, making it more susceptible to crime.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework 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. Of the 12 core planning principles those that are relevant to this proposal are summarised below:

Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings; Encourage the effective use of land by reusing land that has been previously developed (brownfield land).

Part 6 - Delivering a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a local planning authority is unable to demonstrate a five year supply of housing land. Local planning authorities should consider the case for setting out policies to resist inappropriate

development of residential gardens, for example where development would cause harm to the local area.

Part 7 - Requiring good design. Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or re-inforce local distinctiveness.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

Policy CS7: Quality of Design
Policy CS12: Sustainable Neighbourhoods
Policy CS13: Housing Mix, Standards and Density

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

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
LQ4- Building Design
LQ3- Layout of Streets and Spaces
LQ6- Landscape Design and Biodiversity
HN4- Windfall Sites
HN7- Density
BH3 - Residential and Visitor Amenity
BH4- Public Health and Safety
BH10- Open Space in New Housing Developments
AS1 - General Development Requirements (Access and Parking)

New National Technical Housing Standards

ASSESSMENT

Principle of Development- the application site is part backland area of private open space which has no allocation within the Blackpool Local Plan. The site is in a sustainable location within an established residential area. Another part of this private open space was granted planning permission for the erection of five town houses and was developed as part of the nearby Rathmore Gardens development (ref 05/0021). It is not considered therefore that the principle of development on the site can be opposed and the acceptability of the application therefore depends upon the submitted details and the issues discussed below. The fact that other sites nearby have been granted planning permission is largely irrelevant in assessing this proposal and the application cannot be protected from an acceptable form of development.

Impact on Residential Amenity- the rear elevations of the proposed houses would be over 22 metres from the front elevations of Bromley Close houses directly to the rear and 14 metres from the side elevation of 1 Pearl Avenue which is blank side elevation abutting the shared access road. The proposed houses would also be over 21 metres from the rear elevations of the Bispham Road houses which adjoin 1 Pearl Avenue. These distances are considered acceptable and are in accordance with planning guidelines to protect neighbouring privacy and to ensure a reasonable amount of natural light is obtained/maintained. There is a drop in land levels between the application site and Bromley Close of approximately 1 metre but the proposed houses are further away from Bromley Close than the existing two storey houses on Pearl Avenue and Rathmore Gardens.

The proposed houses are now confined to two levels with the accommodation within the roofspace which had windows facing towards Bromley Close having been deleted. The houses have been lowered in height by approximately 1.3 metres and the roof profile changed from gable to hipped and the number of dwellings reduced from five to four. These matters are considered to have satisfactorily addressed the concerns expressed regarding the proposal.

Quality of Accommodation Proposed - the amended scheme provides four x two storey houses each with three bedrooms and 84 sqm of floorspace. The rear gardens are a minimum of 12 metres long and 6 metres wide with the front garden areas, to be used to provide off street parking nearly 10 metres long. The National Technical Housing Standards sets out an internal space standard of 84 sqm for four person houses and 93 sqm for five person houses. The proposed houses meet the four person standard and are considered to provide good quality family accommodation.

In terms of design and appearance, the four houses would be of brick construction with tiled hipped roof and ground floor bay windows on the front elevation. Suitable facing materials will be dealt with as a condition on any approval, as will landscaping and boundary treatment, which has been raised by a number of local residents.

Access/ Car Parking/ Impact on Highway Safety - access to the application site is shared between a number of other plots/properties and it is presumed that the application site has existing use rights over the access. The shared ownership of this access has been queried

with the agent and further clarification is awaited, this may mean formal ownership notice(s) have to be served on adjoining co-owners of the access and may delay the issuing of any planning permission as outlined in the summary of recommendation above. However, ownership issues do not affect the outcome of the application as to whether the scheme is considered an acceptable form of development compliant with the relevant national and local planning policy but may affect whether any planning permission can be implemented. That aside, the proposal involves the widening and re-surfacing of that part of the access directly in front of the application site to access the houses on foot and also by car, with the front gardens being used to provide off street car parking.

Subject to an acceptable up-grading and widening scheme for the access being agreed by condition and subject to the agreement of a Construction Management Plan, given the site constraints for example for getting building materials to the site, in terms of access and car parking the proposal is considered acceptable.

Other Matters - a number of other matters have been raised which are as follows:- restrictive covenants are not relevant nor a material consideration in the outcome of a planning application but would be a private legal matter for the applicant to satisfy himself on prior to carrying out any building works.

There is no open space provided as part of the proposal and therefore a contribution towards the off-site provision/ maintenance of public open space will be dealt with by condition.

In terms of ecology it is not known what precisely was on the site prior to clearance, though none of the landscaping was protected, so the applicant was entitled to clear the land. It is understood that Japanese knotweed is/ was present on the site. This species can be sprayed but not moved without a waste licence notice as it is classed as a controlled waste. An informative will be imposed on any approval advising the applicant of the legal requirements.

Both foul and surface water drainage details would be required to be agreed prior to any building works being carried out. There are known to have been some historical flooding issues around Bromley Close and it is important to ensure that there are adequate areas for surface to soakaway away naturally within the site.

CONCLUSION

A number of local residents have concerns and objections to this proposal on a number of grounds including privacy and access. It is considered that a number of these have been satisfactorily addressed and although the ownership of the access remains to be finally resolved co-owners of the access may have the right to veto any development taking. This is a private legal matter, however, in planning terms the proposal is considered acceptable and satisfies relevant national and local planning policy and guidelines.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

A contribution of 4 x £1032 is required towards the provision/ maintenance of public open space.

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.

BACKGROUND PAPERS

Planning Application File(s) 16/0191 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

Recommended Decision: Agree in principle and delegate approval to the Head of Development Management

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 development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on including the following plans:

Drawing no. B16-1674.01 Rev A stamped received by the Local Planning Authority on 23 August 2016

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. 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 Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4.
 - 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. 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) and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

NOTE – The development is of a scale to warrant a contribution of £4128 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.

6. Notwithstanding the submitted plans prior to the development hereby approved being first brought into use the car parking provision shall be provided in accordance with details to be submitted and approved in writing with the Local Planning Authority and shall thereafter be retained.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 HN6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement or alteration of the dwelling/s the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then

considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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 routing 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 and Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding & pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The

building shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

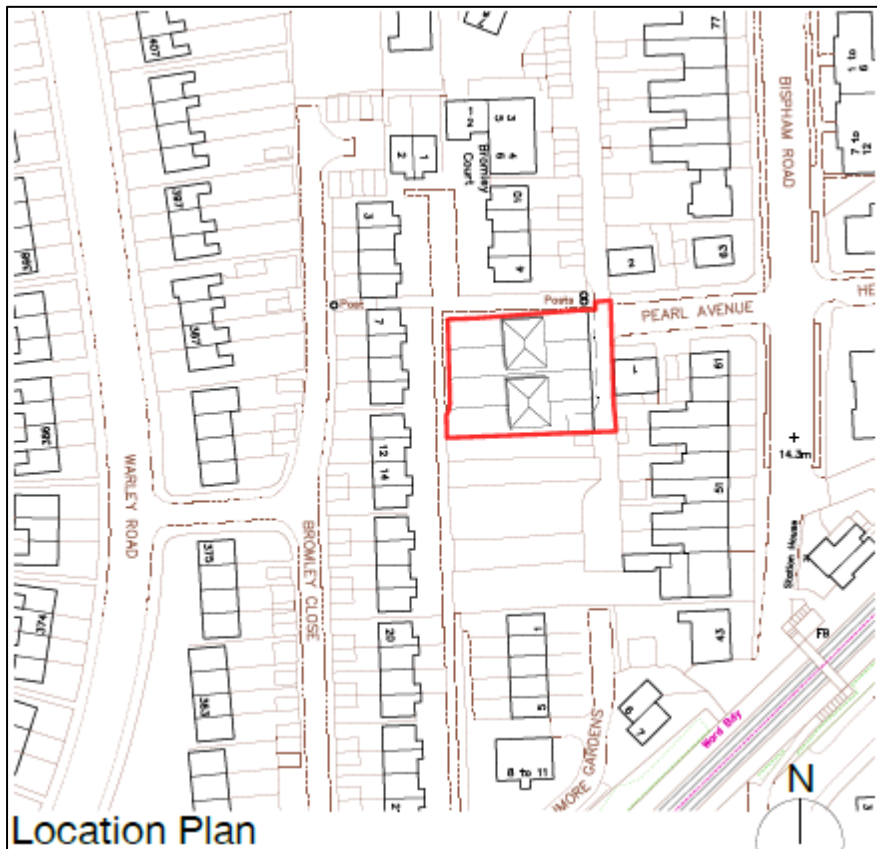
13. Notwithstanding the submitted plans prior to the development hereby approved commencing the finished floor levels of the dwellings shall be submitted to and approved in writing with the Local Planning Authority and the development shall subsequently be carried out in accordance with the approved details.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. There is no requirement for a licence to work on the site for e.g. spraying but if it is dug up for disposal the carrier must have a waste transfer notice.
<http://www.knotweed-uk.com/Knotweed-and-The-Law.htm>

For effective removal with herbicide spraying needs to be done several times a year for a number of years and professional advice should be sought.



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COMMITTEE DATE: [27/09/2016](#)

Application Reference: 16/0196

WARD: Stanley
DATE REGISTERED: 16/05/16
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Reserved Matters
APPLICANT: Denmack Holdings

PROPOSAL: Erection of 22 dwellings comprising 20 no. two storey detached dwellinghouses and a pair of two-storey semi-detached dwellinghouses with associated vehicular access from Midgeland Road. (Reserved Matters Application)

LOCATION: LAND AT BAGULEYS GARDEN CENTRE, MIDGELAND ROAD, BLACKPOOL, FY4 5HE

Summary of Recommendation: Grant Permission

CASE OFFICER

Miss C Johnson

SUMMARY OF RECOMMENDATION

The principle of residential development for 36 houses was agreed under outline planning permission ref 12/0894 and there has been no material shift in policy or other circumstances which would suggest that residential development on this site was no longer acceptable.

The recommendation is to approve the application subject to conditions.

INTRODUCTION AND BACKGROUND

This is the fourth application submitted for residential development on this site.

The first application submitted in 2008 (ref 08/1181) was refused by Committee on the 23 February 2009 on the following grounds:

- the impact of the proposal on the character and function of the Countryside Area;
- the potential for the proposal to compromise a comprehensive and co-ordinated approach to the future development of the area;
- the potential for the proposal to prevent the appropriate planning of supporting infrastructure, services and facilities;
- the impact of the development on highway safety.

The second application submitted in 2010 (ref 10/0220) was refused by Committee on the following eight grounds:

- insufficient information submitted;
- the impact of the proposal on the character and function of the Countryside Area;
- the potential for the proposal to compromise a comprehensive and co-ordinated approach to the future development of the area;
- the potential for the proposal to prevent the appropriate planning of supporting infrastructure, services and facilities;
- the applicant's failure to demonstrate that the development would not increase flooding;
- the applicant's failure to demonstrate that an appropriate level of affordable housing would be provided;
- the applicant's failure to demonstrate that an appropriate level of public open space would be provided;
- the detrimental impact that the development would have on residential amenity as a result of over-looking and over-shadowing.

A third outline application with all matters reserved was submitted in 2012 (ref 12/0894) and the application was deferred for approval by the Head of Development Management under delegated powers, subject to the submission of breeding bird and bat surveys. The outline application for the erection of 36 dwellings was approved in accordance with the Committee's wishes on 13 November 2013 and subject to a number of conditions.

The current application was submitted in April 2016 and made valid in May 2016.

SITE DESCRIPTION

The application site is a plot of land of approximately 1.1ha which is bounded by Midgeland Road to the west and Stockydale Road to the east. Properties fronting Stockydale Road and Midgeland Road abut the site to the south and south west respectively, with a dwelling fronting Stockydale Road to the north east and former agricultural land to the north at Runnell Farm, which is currently being developed for housing (Magnolia Point). The site has a frontage of some 38 metres to Midgeland Road with a longer frontage of approximately 94 metres to Stockydale Road.

The site currently has vehicle access off Midgeland Road and there is also a secondary access strip between 17 and 19 Stockydale Road, although the access strip is not included within the red edge and therefore not part of this application. The former garden centre site has recently been cleared of buildings and a number of trees have been cut down. The site is now a mixture of redundant hard surfaces and grazing land within the defined Marton Moss Countryside Area.

DETAILS OF PROPOSAL

The application is for the approval of access, appearance, landscaping, layout and scale for 22 dwellings. The 22 dwellings would all be two-storey and would comprise two semi-

detached properties and 20 detached properties, each with either a detached, attached or integral garage.

There would be a central open space which would be landscaped and provide storm water storage, with an area of approximately 440 square metres. The access to the development would be solely from Midgeland Road and none of the three properties which would face Midgeland Road would have direct vehicular access on to Midgeland Road.

Other than the two, semi-detached properties fronting Midgeland Road which would each have two off-street parking spaces, all of the other properties would have a minimum of three off-street parking spaces. There would be an attenuation system for surface water to be stored on site with a controlled rate of run off to prevent surcharging of the local sewer system.

The application is accompanied by:

- Design and Access Statement
- Bat Survey
- Materials Specification

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of residential development;
- the quality of design and layout;
- residential amenity;
- the highway implications of the scheme;
- environmental impacts and drainage

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

CONSULTATIONS

Head of Transportation:

The layout of the estate requires review and modification.

1. Carriageway width is scaling to be around 5500mm, which is acceptable, however footway widths are inconsistent and in areas less than the minimum 1800mm, which is unacceptable. This must be addressed and if the problem can be overcome, the following to be considered further as the site could then be subject to a S38 agreement.

- limits of adoptions
- construction (possibly due to poor ground conditions)
- materials
- lighting
- drainage (with United Utilities and Blackpool Council)
- waste Collection

If the site is not subject to a S38 agreement, a management company needs to be set-up to deal with all matters relating to maintenance of what is normally included as part of the highway infrastructure - the road in effect would remain private.

2. Due to the proposed layout and geometry of the road layout, there is the potential that speeding issues could arise in the future, speed reduction measures should be introduced.
3. A number of car parking spaces are sub-standard at 4500mm, resulting in vehicles overhanging the highway impeding pedestrian movements – spaces affected are for plots 4, 6, 16.
4. Turning manoeuvres to be provided detailing how a fire tender and refuse truck (3mx11m) can access the site.
5. Further details required on measures proposed for cyclists and how the proposal sites will connect to existing cycle networks.
6. Where garages are to be provided, these must be retained for its intended use.
7. A construction Management plan to be conditioned, as the build is split into phases.
8. A separate condition to be included for wheel washing measures during construction, ensuring 15m of sterile hardstanding area (tarmac) is provided for wheel washing purposes.
9. A joint dilapidation survey to be carried out with the Council prior to commencement of the works, connected with item 7 above.
10. The refuse collection and strategy to be discussed with the Head of Waste Services, Layton Depot, Depot Road, Blackpool, FY3 7HW, 01253 477477.
11. The development will require formal postal addresses, applicant to contact the Head of Traffic and Highways, Blackpool Council, Bickerstaff House, Talbot Road, Blackpool, FY1 3AH, 01253 477477.
12. A scheme for off-site highways to be undertaken via a S278 Agreement. This to include:
 - improvement to the vehicle access point including the widening of Midgeland Road to ensure adequate visibility;
 - improvements to connectivity to include upgraded pedestrian routes/crossing facilities to and from the site and provision for cyclists;
 - upgrade of the nearest bus stop to Blackpool Council standards;
13. Clearly the main mode of transport will be the car. Uptake of the sustainable modes that are available, information should be made available in an information pack provided with each house on occupation.

Head of Environmental Services:

A construction management plan must be submitted giving details of hours of work and how it is intended to deal with Environmental issues such as noise, dust, odour and waste.

Contaminated Land Officer:

A Phase 1 Desk Study is required due to the historical land use of the site. If this shows there to be a significant likelihood of contamination being present, a Phase 2 Intrusive Investigation will be carried out and submitted to the Local Authority for approval before works commence.

United Utilities:

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and National Planning Practice Guidance.

Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

Electricity North West Ltd

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 24th May 2016

Neighbours notified: 16th May 2016

As a result of the public consultation, eight letters of objection have been submitted from the following addresses:

3 Stamford Avenue, 14 Dunes Avenue, 41 Arnott Road, 136, 142, 145, 149 and 166 Midgeland Road. The objections have been summarised below:

- There has been a dramatic increase, in the number of vehicles using the area and a traffic survey to ascertain the increase being put on an already congested area, should be undertaken.
- The Midgeland Road/Progress Way junction is only wide enough for a single vehicle resulting in those turning right holding up those wanting to go straight or turn left resulting in irresponsible drivers mounting the pavement in order to get through the lights and this is dangerous. More vehicles will exacerbate this problem.
- Visibility is poor when leaving streets in the immediate area due to cars parked on street and bends in the road and increases in traffic will result in more accidents.
- The entrance to the site is planned to be nearer the corner on Midgeland Road than the existing entrance which will make it more difficult and dangerous to access the new site. Traffic on Midgeland Road is a major issue now and this has been made worse by the development at Magnolia Point and will become even more of an issue when the Moss House Road/ Progress Way development get under way.
- Do these properties have adequate car parking spaces for the number of residents and visitors?
- The pavement on the east side of Midgeland road is missing for about 500 yards making pedestrians cross the road at a busy road spot, which will be made even busier if this proposal goes ahead. There is a lot of pedestrian traffic on Midgeland Road already, from locals and a nearby children's day care centre, who would all be put at greater risk. I would like to invite the Planning Committee to come to Midgeland Road at peak traffic times and observe for themselves the potential traffic problems this proposal would cause. The proposal for 22 houses comprising two/three3 stories to be built behind a

row of nine bungalows on Midgeland Road and 8 on Stockydale Road would be out of character for the area.

- Erecting 22 properties that are not in keeping with the area so close to Magnolia Point which will house approximately 83 properties and the imminent development of Moss House Road which is proposed to house 300 plus properties it appears to strongly point to overdevelopment in the Marton Moss area.
- This area already suffers from flooding and this proposed development will only compound the existing problem. Has a Strategic Flood and Risk Assessment been conducted regarding this new proposal? Are there any further details regarding the long term maintenance and management of flooding that is known to be prevalent in the area?
- The application makes reference to a central open space to provide landscaping and storm water storage "opportunities". This does not mean storm water storage will take place.
- The statement that the development would prevent the general trend of dereliction that is prevalent in many nearby locations on Marton Moss. Where is this dereliction? This area of Marton Moss is being over developed with over 80 properties being built at Magnolia Point and a planned 300+ properties to be built on the development off Moss House Road as well as the developments just down the road at White hills and Cropper Road. The local infrastructure will be over whelmed and unable to cope with such an increase.
- This is yet another housing development with no bungalows or consideration for the older generation or disabled people.
- The Baguleys site is higher than neighbouring bungalows and the land frequently floods. If this development is passed, the land will be overshadowed by very large buildings, reducing the sunlight to dry out the gardens. How do the developers intend to stop our land from flooding?
- The proposed properties tower over the bungalows on Midgeland Road and Stockydale Road. The proposed properties will be overlooking the current properties which removes all privacy.
- These development schemes are diminishing the open aspect of this once rural area that is vital for the health and wellbeing of the Stanley Ward.
- Size of properties are too large, people are looking to down size.
- Increased noise pollution in what was a quiet rural area.

NATIONAL PLANNING POLICY FRAMEWORK

General planning principles in paragraphs 2, 7, 8 and 14;

Design issues in paragraphs 9, 17, 56 and 73;

Housing issues in paragraphs 47, 49 and 55;

Highways issues in paragraphs 34 and 35;

Flooding and environmental issues in paragraphs 94, 99, 103, 109 and 111.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The policies in the Core Strategy that are most relevant to this application are -

Policy CS1: Strategic Location of Development

Policy CS2: Housing Provision
Policy CS6: Green Infrastructure
Policy CS7: Quality of Design
Policy CS9: Water Management
Policy CS11: Planning Obligations
Policy CS13: Housing Mix, Density and Standards
Policy CS14: Affordable Housing
Policy CS26: Marton Moss
Policy CS27: South Blackpool Transport and Connectivity

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The following policies are most relevant to this application:

Policy LQ1: Lifting the Quality of Design
Policy LQ2: Site Context
Policy LQ3: Layout of Streets and Spaces
Policy LQ4: Building Design
Policy LQ5: Public Realm Design
Policy LQ6: Landscape Design and Biodiversity
Policy HN4: Windfall Sites
Policy BH3: Residential and Visitor Amenity
Policy BH4: Public Health and Safety
Policy BH10: Open Space in New Housing Developments
Policy NE6: Protected Species
Policy NE7: Sites and Features of Landscape, Nature Conservation and Environmental Value
Policy NE9: Coast and Foreshore
Policy AS1: General Development Requirements
Policy AS2: New Developments with Significant Transport Implications

SUPPLEMENTARY PLANNING GUIDANCE

SPG 11: Open space - provision for new residential development and the funding system

ASSESSMENT

The Principle of Residential Development

The principle of residential development on this site was established under the outline planning permission (ref 12/0894) which allowed for up to 36 dwellings. This application seeks to reduce that number by 14, to 22 dwellings.

Policy CS14 of the Core Strategy requires that housing schemes of more than 15 dwellings should provide 30% of affordable homes which for this scheme would equate to 7 of the 22

dwellings. A condition requiring a scheme for the provision of affordable housing was included by condition on the outline planning permission.

The Quality of Design and Layout

The proposal would provide two semi-detached properties and 20 detached properties with a density of approximately 20.5 dwellings per hectare. This is rather low but Core Strategy Policy CS13 isn't prescriptive and a lower density development would be more in keeping with the character with the Countryside Area.

The 22 houses would be made up of 3 x 3 bed houses (13.6%), 11 x 4 bed houses (50%) and 8 x 5 bed houses (36.4%) and this housing mix accords with Core Strategy Policy CS13 which requires that at least 20% of the homes should have three bedrooms or larger.

The proposal has been designed to have properties fronting Midgeland Road, on the same building line as properties to the south. The rear elevations of the proposed houses closest to Stockydale Road to the east of the site would have the appearance of front elevations to provide an acceptable streetscene appearance. The hedgerow along this section of Stockydale Road is to be retained which will further soften the appearance of the development from Stockydale Road.

The small estate has been planned around a central open space, which would give the feel of a village green. The properties would be a mixture of red/multi brickwork and either white or champagne render and grey or red roof tiles, all of which are common features in the surrounding area.

The landscaping details provided include black tarmac road and pavements with grass verges and grassed gardens. This is insufficient detail and so a condition requiring a landscaping scheme, including details of hedge retention is considered necessary to improve the appearance of the entrance to the estate and to assist in retaining a rural feel to the edges of the development.

Residential Amenity

Land levels on Stockydale Road rise to the east by approximately 1.5 metres between 1 and 23 Stockydale Road and then lower by approximately 0.5 metres along Stockydale Road as it turns north, along the rear of the site. This part of Midgeland Road slopes down to the north between Stockydale Road and the northern edge of the application site, by approximately 0.5m. Land levels of the application site are generally flat and levels appear to be roughly the same as adjacent dwellings on Stockydale Road and slightly elevated behind properties fronting Midgeland Road.

The closest back to back distance would be 20 metres between the house on plot 18 and 11 Stockydale Road which is tight (standard back to back distances are around 21 metres). However, the house shown on plot 18 is at an angle of approximately 15° which lessens the impact on 11 Stockydale Avenue. Separation distances for the other proposed houses are at

least 21 metres back to back and so would not have an unacceptable impact on existing properties in terms of overlooking or loss of privacy.

Local Plan Policy BH10 seeks to secure on site provision of open space to meet the needs of residents of a development. The development includes approximately 440 square metres of open space and therefore, the level of additional Public Open Space provision required would be 2824 square metres which equates to a commuted sum of £40,467.92 for new or improved off site facilities. A condition on the outline planning permission would secure payment of the sum.

The Highway Implications of the Scheme

Each property would have two or three off-street parking spaces which is considered sufficient for the development.

The outline application was approved for 36 houses. This reserved matters application is for 22 houses so any impact on the traffic and highway safety would be less than the previously approved numbers. The access would be taken from Midgeland Road, to the north of the existing access.

In any case, a condition on the outline permission requires off site highway works including the widening of Midgeland Road to improve visibility and the vehicle access point, upgraded pedestrian and cyclists routes and the upgrade of the nearest bus stop. As the number of houses has reduced from the number approved at outline stage, it is not considered that any more off site highway works are needed above and beyond the original requirements.

A condition which confirms that there are to be no access points from Stockydale Road should ensure that Stockydale Road won't see an increase in traffic as a result of the development.

Environmental Impacts and Drainage

A condition requiring a desk top study to produce an assessment of the risk of the potential for on site contamination was included on the outline planning permission.

The surface water drainage details provided with the outline application indicated that surface water run-off would be directed to an existing watercourse along Jubilee Lane at a discharge rate of 5 litres per second, with no surface water entering the combined sewer. However, details provided with the current application suggest that surface water will be held in a tank under the open space and discharged into the combined sewer on Midgeland Road at a rate of 5 litres per second and this is a similar arrangement that was agreed at the Runnell Farm/Magnolia Point development to the north. However, United Utilities have suggested that no surface water should be discharged into a combined sewer. In any case, a full surface water drainage strategy is required by condition on the outline planning permission.

Other Issues

The Council has no policy requirement for bungalows to be included in residential housing schemes. However, should such a policy exist, housing specifically for older generations should be located in a more sustainable location, close to shops and facilities rather than in a low accessible location such as the application site where there is more reliance on a car for day to day needs.

CONCLUSION

The principle of developing this site for housing was established through the grant of outline planning permission in 2013 (ref 12/0894). The provision of detached and semi-detached houses on the site would represent a qualitative addition to the housing stock of the town.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

POS: 136 people requiring 24 square metres of POS each = 3,264 square metres of POS required, less the 440 square metres provided on site = 2,824 square metres of POS required. POS is £14.33 per square metre, therefore £14.33 x 2,824 = £40,467.92 contribution required.

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.

BACKGROUND PAPERS

Planning Application File(s) 16/0196 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

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. No development shall take place until details of materials to be used on the external elevations have been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the locality, in accordance with Policy CS7 of the Blackpool Local Plan, Part 1 - Core Strategy and policies LQ1, LQ2 and LQ4 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 5 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 policies CS6 and CS7 of the Blackpool Local Plan, Part 1 - Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. The hedgerow on the east of the site along Stockydale Road shall be retained. Any of the hedgerow retained in accordance with this condition which are

removed, uprooted, destroyed, die or become severely damaged or diseased should be replaced with a similar species unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped and retains its rural character, in the interests of visual amenity, the character of the Marton Moss Countryside Area and biodiversity in accordance with policies CS6, CS7 and CS26 of the Blackpool Local Plan, Part 1 - Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001-2016.

5. No vehicular access points shall be made onto Stockydale Road.

In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the garages shall not be used for any purpose which would preclude their use for the parking of a motor car.

Reason: In the opinion of the Local Planning Authority the retention of parking spaces within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policy CS7 of the Blackpool Local Plan, Part 1 - Core Strategy and Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts or is side onto a road.

Reason: The development as a whole is proposed on an open plan layout and a variety of individual walls/fences would seriously detract from the overall

appearance of the development and would be contrary to Policy CS7 of the Blackpool Local Plan, Part 1, Core Strategy and policies LQ1 and LQ2 of the Blackpool Local Plan 2001-2016.

9. The development shall be carried out, except where modified by the conditions attached to this permission and the outline permission 12/0894, in accordance with the planning application received by the Local Planning Authority on the 7th April 2016 including the following plans:

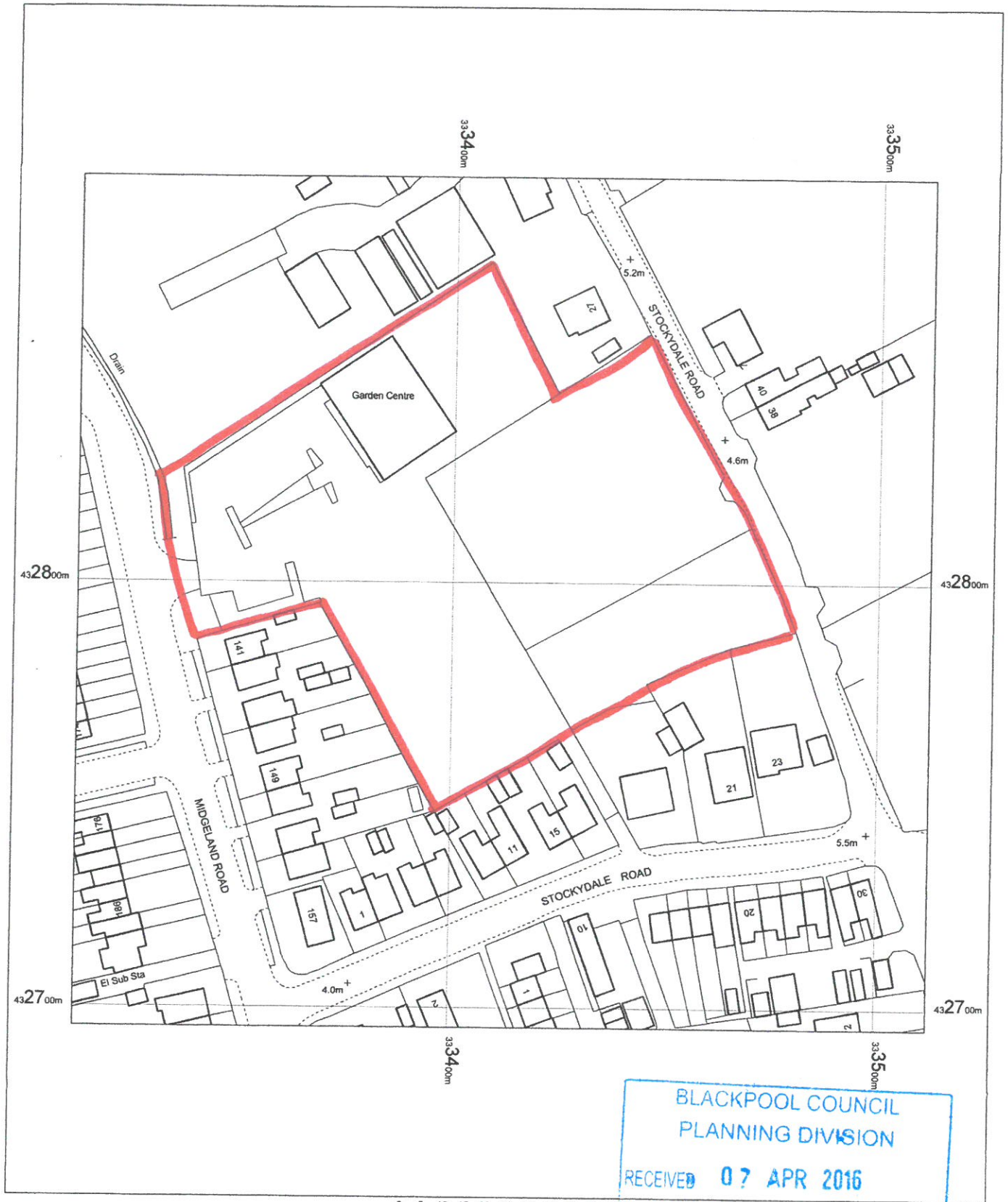
Location Plan stamped as received by the Council on 06/04/2016.

Drawings numbered 1211/06/03B, 1211/06/09A, 1211/06/17, 1211/06/15, 1211/06/16, 1211/06/10, 1211/06/11, 1211/06/12, 1211/06/14, 1211/06/13.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

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. 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 the full provision of public open space can not be provided on site, the commuted sum required in respect of this development would be £40,467.92.
3. Please be aware of the conditions on the outline planning application which refer to a Construction Management Plan, off-site highway works, affordable housing, public open space, surface and foul drainage, contaminated land and bat and bird boxes as these conditions will need to be discharged in accordance with the requirements of each condition.



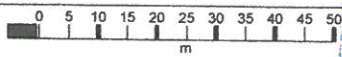
BAGULEYS GARDEN
CENTRE
MIDGELAND ROAD
STANLEY
BLACKPOOL
FY4 5HE

OS Mastermap
07 November 2012, ID: BW1-00188329
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BLACKPOOL COUNCIL
PLANNING DIVISION
RECEIVED 07 APR 2016
PLANNING APPLICATION REF:
16/0169



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COMMITTEE DATE: [27/09/2016](#)

Application Reference: 16/0246

WARD: Anchorsholme
DATE REGISTERED: 13/06/16
LOCAL PLAN ALLOCATION: Main local centre
Local centre

APPLICATION TYPE: Full Planning Permission
APPLICANT: Lidl UK GMBH

PROPOSAL: Demolition of existing dwellinghouse at 6 Anchorsholme Lane West and formation of 10 additional supermarket car parking spaces with associated fencing and landscaping.

LOCATION: 6 ANCHORSHOLME LANE WEST, BLACKPOOL, FY5 1LY

Summary of Recommendation: Refuse

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

The proposal represents a significant intrusion into the residential amenities of the occupiers of 2 and 4 Cherrywood Avenue in particular, a detached house and bungalow both in close proximity to the application site and both situated within relatively small plots with windows overlooking the Lidl site. It is considered that this impact on adjoining properties would be unacceptable and harmful to residential amenity contrary to local and national planning policy.

INTRODUCTION

The single storey Lidl store is located adjacent the junction of Fleetwood Road (A587) and Anchorsholme Lane West forming part of a designated local centre within the Blackpool Local Plan. The store was constructed following the granting of planning permission (reference 95/0019 on 31 July 1995) and has been previously extended on the Fleetwood Road elevation under planning permission 09/1302 adding a further 250sqm of floorspace to give an extended store size of 1349sqm. A much more recent planning permission reference: 14/0827 involved a further extension to the Fleetwood Road elevation of the building to form additional 'back of house' facilities (bakery preparation, freezer compartment and warehouse) measuring 50 metres by 5 metres. This extension resulted in the re-arrangement of the car parking area to accommodate the extension with the loss of one of the parking aisles although there was no net loss of parking spaces from the car

parking area with a total of 81 spaces available for staff and customers of the store. The proposed extension gives a total floorspace of 1594 sqm within the store.

SITE DESCRIPTION

The store is bounded to the side and rear by residential properties fronting Fleetwood Road and Cherrywood Avenue and has access/egress to and from the customer car park via Anchorsholme Lane West next to 6 Anchorsholme Lane West, a two storey detached house, and access to the service area from Fleetwood Road. The servicing access/egress from Fleetwood Road is also now a customer egress recently granted under planning permission 15/0702 with the aim of taking any additional pressure off the junction of Fleetwood Road and Anchorsholme Lane West.

DETAILS OF PROPOSAL

Demolition of this two storey detached house which sits adjacent the vehicle access/ egress to the car park and also sits adjacent the junction of Anchorsholme Lane West and Cherrywood Avenue. The cleared site would then be used to create 10 additional car parking spaces for the supermarket with associated landscaping and fencing. This application is a re-submission of 15/0703 which was withdrawn and is accompanied by a Technical Note dealing with highway, car parking and servicing issues and a bat survey.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of the Proposal
- Impact on Residential Amenity
- Highway Safety/ Parking and Need for the Development
- Other Issues

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

CONSULTATIONS

Environment Agency: No comments 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.

Head of Highways and Traffic Management: I have reviewed the content of the Technical Note which identifies the need for additional parking for the foodstore at the junction of Fleetwood Road/Kelso Avenue/Anchorsholme Lane West. There are peaks and troughs throughout the week and at certain times, the car park reaches near full capacity,

demonstrating the need for the additional car parking spaces. On this basis, I see no reason why this cannot be supported by Traffic and Highways.

I would however like to add that the submission, if supported, will create 10 additional spaces to meet the parking demands of the store which in turn is supported by the content of the Technical Note. If the Committee is mindful to support this proposal, 10 additional spaces is the maximum that should be supported, taking the overall number of spaces to 91. A condition to be included with any permission granted detailing that the number of parking spaces must not exceed 91. The point I am trying to make is the fact that the operator does not feel the need to increase the parking provision beyond 91 (supported by the Technical Note) which clearly demonstrates that 91 car parking spaces is sufficient to cater for this particular store and its use. The redundant crossing on Anchorsholme Lane West to be removed at the developer's expense

Service Manager Public Protection: No comments 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.

United Utilities: No comments 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.

Waste Services Manager: No comments 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.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 16 June 2016

Neighbours notified: 15 June 2016

21 letters of objection have been received from 350 Fleetwood Road, Flats 1, 3, 4 and 6 at 13 Anchorsholme Lane West, 21 Anchorsholme Lane West, solicitors on behalf of 4 Cherrywood Avenue, 1, 3 (x2), 6, 7, 8, 9, 10, 12, 13, 14, 15, 21, 22 Cherrywood Avenue, 7 Harrison Avenue (on behalf of 4 Cherrywood Avenue) (x3) raising the following matters:-

- there will be an increase in traffic and noise in such a quiet area
- Anchorsholme Lane West is already overflowing with traffic and at a standstill
- proposal will increase the risk of a road traffic accident
- Lidl should be encouraging car sharing and use of public transport
- proposal is inappropriate to the character of the close knit community
- extra noise will be particularly prevalent during late night opening with car doors slamming, loud music and raised voices seven days a week
- a report submitted stated the car park was never used to capacity and the existing number of spaces falls with parking standards
- Lidl have shown a disregard for residents' concerns and welfare

- this may only be the beginning of further demolition works encroaching into Cherrywood Avenue and 'commercial creep'
- it is understood that the car park is being used to accommodate shoppers vehicles not visiting the store
- people park here and shop in Cleveleys Town Centre or go into Blackpool or Fleetwood
- The noise, dirt and smells combined with the works at Anchorsholme Park are too much
- loss of light, overlooking and loss of privacy, and light pollution
- there is no need for extra parking spaces and since the extension was finished the car park is never full
- a survey of the car park submitted in April 2015 found that the car park was only 90% full
- on the previous application to extend the store Lidl were content that the car park was large enough to meet their needs
- the 81 spaces provided meets national standards for a store of this size
- it is assumed that Lidl were intending to submit this application at the time of 14/0872, so why did they not seek to have both applications considered together?
- any more traffic would cause additional congestion and would be dangerous
- when the store was built a buffer zone was left between the store and dwellings on Cherrywood Avenue to minimise nuisance
- the application involves the demolition of a structurally sound and beautiful house and there is a shortage of family homes
- previous construction work commenced as early as 7am (including weekends) until late with noise from a generator
- potential impact on property prices
- this is predominantly a retirement and family area where people want to live in peace
- the site is within flood zone 3 and there is no flood risk assessment
- Cherrywood Avenue may be used by more traffic as a rat run
- the additional parking spaces are very close to the adjoining back garden, front and rear door
- it is understood they are also trying to purchase other houses and obviously planning a further extension. This quiet area will be ruined if this goes ahead.
- the proposal would infringe neighbours' human rights with regards to privacy and family life at home'

Councillor Galley- My objections are these plans will increase traffic at a very busy and dangerous junction the (Anchorsholme Lane junction), and generate increased traffic on Anchorsholme Lane West which is already struggling to cope with all the United Utilities construction lorries now using the road to access the £100 million construction site in Anchorsholme Park and will not be completed until 2020 and is a long term construction route.

The application will also negatively affect the properties next to the proposed car park with the banging of car doors at all hours and will negatively affect a lovely residential street that is already struggling to cope with all the construction notices and traffic in the area. I have already had one resident in tears at the thought of even more noise on her doorstep. Lidl's own parking survey confirms that their car park was never full even at the busiest times and proves this development is not only unwanted, it's also unnecessary.

Councillor Williams- Lidl has no parking supervision and their current car park is used by shoppers walking into Cleveleys. The existing car park is never full to capacity and I feel they would utilise an extended car park for enhanced external displays etc. Lidl has a history of not adhering to regulations in regard to delivery nuisance and also of delayed responses. In addition the demolition of a very nice property would 'open up' College Avenue and alter its aesthetic appearance possibly affecting the value of properties.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the National Planning Policy Framework 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 material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

Paragraph 14 states - at the heart of the National Planning Policy Framework 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 whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable development and secure a high standard of design and a good standard of amenity.

Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

- CS4 Retail and Other Town Centre Uses
- CS7 Quality of Design
- CS5 Connectivity
- CS12 Sustainable Neighbourhoods

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 LQ1 Lifting the Quality of Design states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

Policy LQ2 Site Context states that the design of new development proposals will be considered in relation to the character and setting of the surrounding area.

Policy LQ6 Landscape Design and Biodiversity states that new development will be required to incorporate appropriate landscaping and benefits to biodiversity wherever possible, that:

- (a) enhances the spaces between and around buildings, including new streets
- (b) retains existing mature trees, shrubs, hedgerows and other landscape features and species, or habitats of ecological importance, within the site where possible and incorporates them into the overall design
- (c) makes provision for appropriate replacement planting or creation of features where the removal of existing mature landscaping or important ecological species or habitats is unavoidable
- (d) provides new planting of appropriate specification, including the use of indigenous species and semi-mature planting, where appropriate
- (e) avoids the creation of left over spaces
- (f) provides an adequate buffer between obtrusive developments, such as industry, and other uses.
- (g) avoids interference with the operation of public CCTV systems where in place.

Development proposals will be required, where appropriate, to submit a suitable and comprehensive landscaping scheme, with clear proposals for implementation and maintenance, as part of the planning application.

Policy BH3 Residential and Visitor Amenity states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- I. the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;
- II. and/or
the use of and activity associated with the proposed development;
- III. or by
the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

Policy BH11 Shopping and Supporting Uses - Overall Approach states that the Council will maintain and enhance hierarchy of centres shown on the Proposals Map in order to provide access to a wide range of shops, services and other activities accessible to all sections of the community, with the town centre the focus for major new development. New retail, cultural and community development and other key town centre uses will be permitted in Blackpool Town Centre, the district centres and local centres appropriate to the scale, role and character of each centre.

Policy BH14 Local Centres highlights that Local Centres provide for day-to-day convenience shopping needs and other supporting uses readily accessible by a walk-in local catchment. The policy seeks to safeguard and enhance the role of Local Centres. Proposals for retail uses which reinforce the role of the local centres will be permitted.

Policy NE10 Floodrisk states that development in areas at risk from flooding (including tidal inundation) will only be permitted where appropriate flood alleviation measures already exist or are provided by the developer. Developments will not be permitted which would

increase run-off that would overload storm drains or watercourses. Sustainable drainage systems will be used in new developments unless it can be demonstrated to the Councils satisfaction that such a scheme is impractical.

Policy AS1 General Development Requirements states that development will be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards.

Where the above requires the undertaking of off site works or the provision of particular services, these must be provided before any part of the development comes into use.

ASSESSMENT

Principle of the Proposal- The proposal involves the demolition of what appears to be a good, structurally sound family home in order to create an additional 10 car parking spaces to extend the Lidl car park by 10 spaces from 81 to 91 spaces. There are a number of other relevant factors to be considered including the size of the store, the size and level of use of the existing car park, current maximum car parking standards, local opinion, the impact on residential amenity, and on 2 and 4 Cherrywood Avenue in particular. The acceptability or otherwise of the proposal is considered to hinge on the details and its impact rather than relating to the principle of development.

Impact on Residential Amenity- The proposal will expose the sides and rear elevations of 2 and 4 Cherrywood Avenue to the activities associated with the store, including noise and disturbance from the extended car park. Both are detached properties although 2 Cherrywood is a two storey house and 4 Cherrywood Avenue is a bungalow. Both properties also have a number of windows on both their side and rear elevations and have relatively small rear gardens and are positioned close to what would be the new boundary with the extended store car park. The close proximity of both properties to the new shared boundary and their small rear gardens, and the number of windows and doors which would look out onto the extended car park all add to the impact on the occupiers of these dwellings which is considered to be unacceptable and overly intrusive and contrary to the relevant local and national planning policy including local plan policies BH3 and CS7.

As an additional matter, from officer and neighbour first hand observations, the current car park appears to be ample for the store, however, a number of those spaces are located up the side of the store towards the service bay and these spaces do not get used anything like as much as the spaces adjacent Anchorsholme Lane West which are much more conveniently located to access the store. Therefore it would be anticipated that these 10 proposed additional spaces would be in constant use being more conveniently located to the store entrance which would maximise the impact upon the two neighbours at 2 and 4 Cherrywood Avenue in particular. It might also be suggested that the impact upon neighbouring properties is increased due to the fact that a number of nearby properties are bungalows with retired occupants.

Whilst the submitted plan indicates a landscaped buffer zone between the car park and the two affected residential boundaries there is little confidence that this would have anything other a minimal impact. The current landscaping comprises a sparse selection of shrubs and there have been previous issues with landscaping around the store boundaries being removed. Notwithstanding this situation it is not considered that a landscaped buffer around 2 metres wide will overcome the issues identified above.

Highway Safety/ Parking and Need for the Development- There are not considered to be any particular highway safety implications arising from the application. The highway safety issues associated with the operation of the site are dealt with by application 15/0702 which recently made the customer egress onto Fleetwood Road a permanent arrangement.

In terms of the number of parking spaces, the existing spaces currently provided are considered sufficient for the recently extended store, though from Lidl's point of view these spaces may not all be in the right location in terms of proximity to the store entrance. The existing 81 parking spaces were recently stated by Lidl under planning application 14/0827 and approved in June 2015 for the latest store extension to be sufficient for their requirements. However, in less than 6 months after that approval, Lidl has submitted this follow up proposal under application 15/0703. Lidl quote that the additional 10 spaces would still be within car parking standards of 1 spaces per 17sqm of gross floorspace although it is important to note that these are maximum standards and do not necessarily override other considerations such as residential amenity. It is also worth noting that it is officers' and neighbours' observations that the current car park does not have particular capacity issues and the store is also well located for use on foot and is also well served by public transport with tram and bus stops close by. The Technical Report accompanying the application assumes the site to have a low level of accessibility which is clearly not the case and therefore it is considered that the store is proposing an over-provision of car parking spaces. The parking requirements and parking standards calculations have been queried with the agent but to date no response has been forthcoming. It is suggested the maximum of spaces at the store could be as high as 106 spaces but equally using the same standards it could also be much lower than the current provision, which the applicants themselves claimed was adequate to justify the most recent extension.

Other Issues- the impact this or any other development has on property values is not a material planning consideration and therefore cannot carry any weight in this outcome.

With regards to floodrisk it would be expected that any recommendation of the application for approval would require a surface water drainage condition which would deal with this matter adequately.

The existing house on the application site appears to date from the 1970's and is typical of the area. The proposed loss of a good quality family home is unfortunate and would extend the commercial frontage to the Lidl development a further 14 metres up Anchorsholme Lane West and leave 2 Cherrywood Avenue much more exposed visually and physically. It is considered that this is a backward step which would be detrimental to the character and appearance of the surrounding area. One of the requirements of Core Strategy Policy CS7 is that development should enhance the character and appearance of the area which is certainly not the case.

The potential future growth aspirations of Lidl has been raised by several adjoining residents due to their apparent interest in purchasing other adjoining properties which may perhaps explain why they wish to extend the car park. This matter has been queried with Lidl but to date no confirmation or denial has been received other than a request that this application be dealt with on its own merits. The application has been considered on its own merits, however, the approval of this application may set a precedent which may make any future growth of the store or its car park more difficult to resist in principle.

CONCLUSION

For the reasons set out above the proposal is considered detrimental to the residential amenities of the two immediate neighbours on Cherrywood Avenue, in particular, and also detrimental to the character and appearance of the area being a further commercial intrusion into what is primarily a residential area.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

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.

BACKGROUND PAPERS

Planning Application File(s) 16/0246 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

Recommended Decision: Refuse

Reasons for Refusal

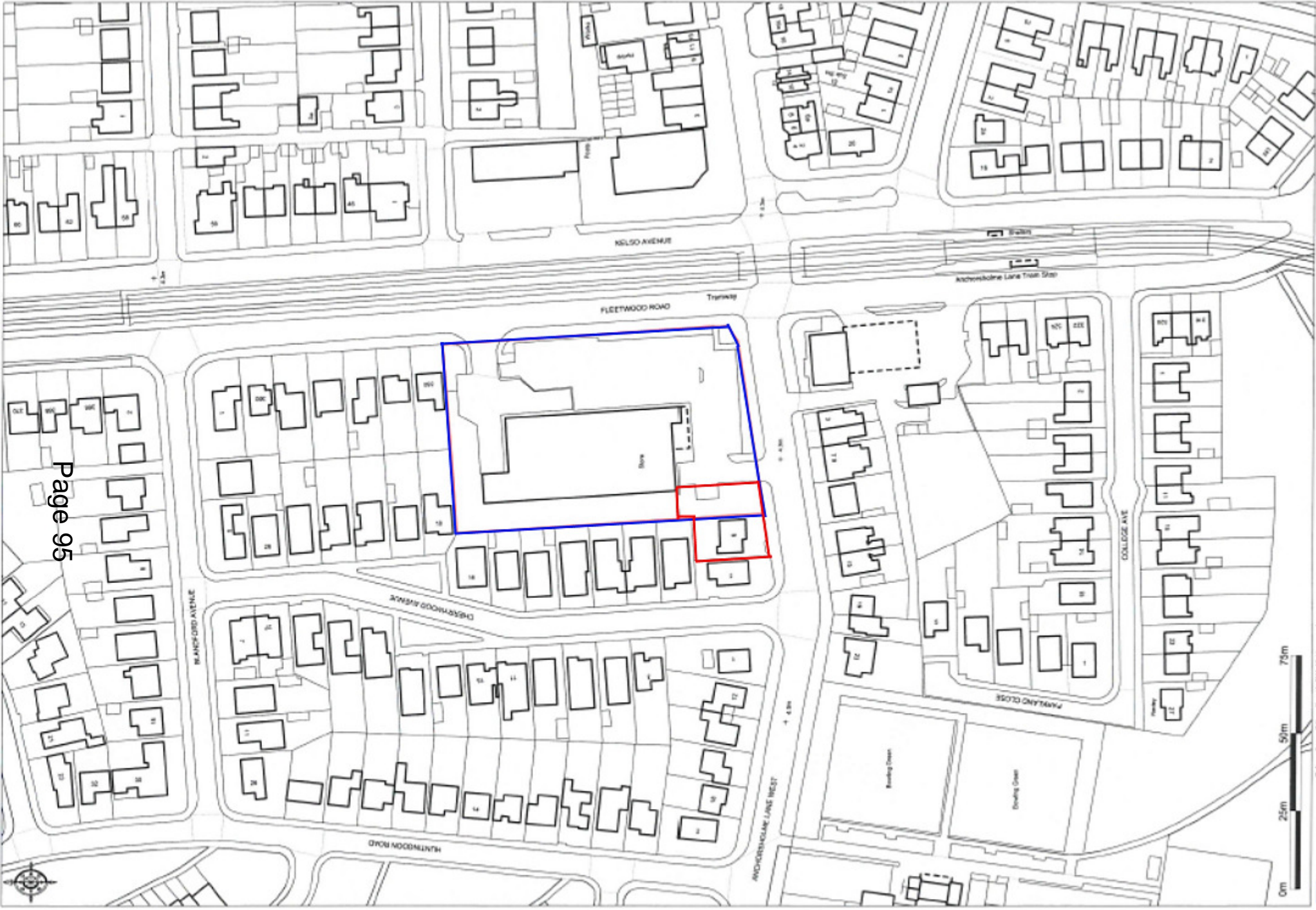
1. The proposed development would be detrimental to the residential amenities of adjoining residents, particularly 2 and 4 Cherrywood Avenue, by reason of additional visual intrusion, noise, general disturbances and loss of privacy. The proposal would also result in the loss of a good quality family home and increase the commercial encroachment further into this residential area and would therefore be detrimental to the visual amenities and character of the area.

As such the proposal would be contrary to Policies LQ1, LQ2, LQ14, BH3 and BH4 of the Blackpool Local Plan 2001-2016, Policies CS7 and CS12 of the Blackpool Local Plan Part 1:Core Strategy 2012-2027 and paragraphs 17, 56-65 and 123 of the National Planning Policy Framework.

Advice Notes to Developer

Not applicable

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COMMITTEE DATE: [27/09/2016](#)

Application Reference: 16/0363

WARD: Talbot
DATE REGISTERED: 28/06/16
LOCAL PLAN ALLOCATION: Town Centre Boundary
Winter Gardens
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Blackpool Council

PROPOSAL: Erection of three storey extension to existing Winter Gardens complex to form conference centre fronting Leopold Grove, erection of single storey link extension to ballroom and associated demolition works (Outline Application)

LOCATION: WINTER GARDENS, 97 CHURCH STREET, BLACKPOOL, FY1 1HW

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

This outline planning application is submitted to meet a funding application requirement and is expected to be followed with a detailed planning application and an application for listed building consent in the near future as the proposal is worked up in more detail.

SITE DESCRIPTION

The application relates to the Winter Gardens, a Grade II* Listed Building, in a block bounded by Church Street, Leopold Grove, Adelaide Street, Coronation Street, Adelphi Street and Carter Street.

The Winter Gardens complex dates back to the 1870's and the site was extended and developed up until 1939. The main areas within the complex are the vestibule, Floral Hall, Ambulatory and Pavilion Theatre, Arena, Opera House, Empress Ballroom, The Olympia and the Spanish Hall suite which comprises the Spanish Hall, Galleon Bar, Renaissance Room and Baronial Hall. This application relates to the recently cleared site on Leopold Grove frontage which is currently used as a surface level car park and fenced off from Leopold Grove.

The Winter Gardens complex is within the designated Town Centre and the Town Centre Conservation Area. Directly across Leopold Grove from the application site is a modern contemporary flat conversion at the junction with Church Street, four vacant and fire damaged period properties and a surface level car park which is the subject of a current outline planning application for the erection of a five/ six storey 156 bedroom hotel with basement parking ref: 16/0553.

DETAILS OF PROPOSAL

This is an outline planning application involving the erection of a three storey extension to form a conference and exhibition centre with a capacity for 1,500 people with all matters reserved for subsequent approval other than the scale of development. The extension will be linked into the existing Winter Gardens buildings and the application also seeks consent for the demolition of existing back of house structures including the box like extension on the rear of the Empress Ballroom which abuts Leopold Grove.

The application is accompanied by a Heritage Statement and a Design and Access Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Design of the building and its impact on the Winter Gardens and the Town Centre Conservation Area
- Access, Parking and Servicing Arrangements
- Economy/ Employment
- Other Issues

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

CONSULTATIONS

Built Heritage Manager: I refer to the outline planning application to erect a three storey extension to the Leopold Grove elevation of the Winter Gardens on the site of the former car park. I have no objection in principle to this development and look forward to receiving further details in due course.

Blackpool Civic Trust: is, in principle, supportive of the development of a conference centre associated with the Winter Gardens. We do not object in general to the proposed design, but we recognise that there is much to develop from this point. We are concerned about sustainability and the lack of an immediately adjacent hotel. We would ask to be given the opportunity to comment further as the project progresses.

Head of Transportation: No comments 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.

Head of Housing and Environmental Protection: There are residences nearby so I will need details of any external plant /air con units especially if unenclosed in order to assess if nearby dwellings will be affected by noise. Delivery times should also be restricted. Is there anything in place already?

Blackpool International Airport: No comments 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.

The Twentieth Century Society: The application involves the construction of a new three storey extension within the Winter Gardens complex, a single storey link extension and other demolition works. The Society considers that new use of what is a currently vacant and unattractive element of the Winter Gardens complex would be beneficial, and do not object to the development in principle. However, as acknowledged within the application, the new development would need to be of high quality, and sensitively relate to the listed heritage assets onsite in both scale and appearance. The extent and nature of alterations to the 1930s fabric in order to accommodate these extensions would also need to be carefully considered. The Society has no further comment at this stage, but would request that we are consulted again as and when further details become available in subsequent planning applications.

Theatres Trust: The Theatres Trust supports the application.

The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

The Trust supports this application for a conference centre extension on the site of the recently demolished Winter Gardens car park adjacent to the Empress Ballroom and Opera House. While we note the proposal is an outline application and the exact details of the interventions required are not available at this stage, the Trust is supportive of the conceptual scheme as it has clear benefits for the wider use and operation of the Winter Gardens and its ability to attract new business and therefore investment in the upkeep of this unique important heritage asset. Furthermore, the proposals to remove the later Leopold Street extensions and to restore many of the original and historic features around the north and west side of the ballroom are to be welcomed. In terms of the operation of the Opera House, it is essential clear and safe access for delivery vehicles to the theatre's get in loading dock is maintained, and we are pleased this is shown on the indicative drawings provided. We also seek clarification at the next stage of how the Opera House is to be linked to the new extension to facilitate its use for conferencing, and a noise analysis to ensure the enclosed loading bay and back of house kitchen areas located next to the auditorium wall do not affect the acoustics within.

Victorian Society: No comments 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.

Lancashire Archaeological Advisory Service: Lancashire Archaeological Advisory Service (LAAS) has had the opportunity to look at the replacement Heritage Statement on the website. We are satisfied with the outline proposals. LAAS is in agreement with the comments made by the Twentieth Century Society. We would also request that LAAS are consulted on any subsequent planning applications for this site.

Historic England: No comments 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.

Waste Services Manager: No comments 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.

PUBLICITY AND REPRESENTATIONS

Press notice published: 14 July 2016
3 site notices displayed: 12 July 2016

Neighbours notified: 7 July 2016 - 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

The National Planning Policy Framework was published on 27 March 2012. The National Planning Policy Framework 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. It contains 12 core planning principles including :-

1- 'building a strong, competitive economy'- ensure the planning system does everything it can to support sustainable economic growth

2-'ensuring the vitality of town centres'- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality

7- 'requiring good design'- good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people

12-'conserving and enhancing the historic environment'-the desirability of new development making a positive contribution to local character and distinctiveness

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The National Planning Practice Guidance- Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation. The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process. Local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be used in more contemporary design. However, innovative design should not be discouraged.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are –

- CS1 - strategic location for development
- CS5 - connectivity
- CS7 - quality of design
- CS9 - water management

CS10 - sustainable design

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

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
LQ7	Strategic Views
LQ9	Listed Buildings
LQ10	Conservation Areas
BH3	Residential and Visitor Amenity
BH4	Public Health and Safety
AS1	General Development Requirements
AS2	New Development With Significant Transport Implications

ASSESSMENT

Principle - The proposed extension relates to the site of a car park which also included a service ramp and retail premises enclosed by the Empress Ballroom, the Opera House and restaurant premises 'Amparo' and a shop fronting Church Street. The proposal includes the demolition of a number of out-dated back of house buildings including the two storey scale box extension built onto the rear (Leopold Grove elevation) of the Empress Ballroom.

Subject to the subsequent submission of full details which will form part of the forthcoming planning and listed building consent applications of the proposal, the extension will make beneficial use of an neglected and under-used part of the Winter Gardens complex and remove some unsympathetic additions to the complex and re-instate some original features to the Empress Ballroom. The proposal will strengthen the offer, viability and long term future of the Winter Gardens and will significantly assist in the regeneration of the town centre. It is considered therefore that the proposal, subject to the submission of satisfactory detailed applications and subject to Historic England's, the Head of Transportation's comments, would constitute sustainable development as set out in the National Planning Policy Framework and should be supported.

Scale of the building and its impact on the Winter Gardens and the Town Centre

Conservation Area- the application seeks approval for the scale (height and bulk) of the extension and is shown at this stage as being setback from the rear elevation of the Empress Ballroom giving a clean visual break between the new and existing buildings. The setback will also help to reduce some of the bulk of the proposed building. The illustrative plans also indicate a two storey height glazed entrance feature abutting the Empress Ballroom which

will lighten the appearance of the building. The eaves level of the proposed building will line through the ledge feature directly above the high level circular detail on the rear gable wall of the Empress Ballroom, the proposed building is also shown with a shallow hipped roof.

In terms of the acceptability of the scale, the proposal is considered acceptable subject to the design being finalised with a suitable setback, an appropriate level of glazing, quality materials and subject to no adverse comments being raised by Historic England.

The comments of Historic England are awaited and will be reported via the Update Note.

Access, Parking and Servicing Arrangements- servicing access and back of house facilities are shown on the submitted plans to the rear of Amparo restaurant and retail premises fronting Church Street which share the servicing access. No off street car park facilities are included with the proposal and the proposal will rely on existing Town Centre parking facilities and public transport facilities. A travel plan, cycle parking and servicing arrangement condition will be imposed on any approval of outline planning permission for the proposal.

The comments of the Head of Transportation are awaited and will be reported in the Update Note.

Economy/Employment- the construction of a purpose built conference and exhibition facility for a maximum of 1,500 conference delegates will add significantly to the economy of the Town Centre and help make Blackpool a stronger and more vibrant all year round visitor destination. As well as providing employment opportunities at the new conference centre the proposal will help strengthen employment opportunities at local hotels, bars, shops and restaurants and the contribution to the Blackpool economy and the employment opportunities offered are to be welcomed.

Other Issues- Plant details and exact servicing arrangements queried by the Head of Housing and Environmental Protection finalised are unclear at the present and their agreement will be subject to conditions imposed on any planning permission.

CONCLUSION

For the reasons outlined above the proposal is considered to be in accordance with the relevant local and national planning policy and guidance and should therefore be supported.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

FINANCIAL BENEFITS

This matter is covered elsewhere in this report.

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.

BACKGROUND PAPERS

Planning Application File(s) 16/0363 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

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:
 - Layout
 - Appearance
 - Access
 - 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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on including the following plans:

Plans stamped as received by the Local Planning Authority on 28 June 2016.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. The building/use hereby approved shall not be occupied/first commenced until the servicing arrangements, including manoeuvring areas and delivery times, have been provided in accordance with details to be submitted to and approved in writing by the local Planning Authority; the servicing shall thereafter carried out in accordance with the approved details and such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Prior to the development hereby approved being first brought into use the secure cycle storage and refuse storage provision shall be provided in accordance with details to be submitted and approved in writing with the Local Planning Authority and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode and to ensure safe and adequate refuse storage provision, in accordance with Policies AS1, LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS5 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

5. 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 Policies LQ1, LQ2, LQ4, LQ9, and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plans shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance

with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ3, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

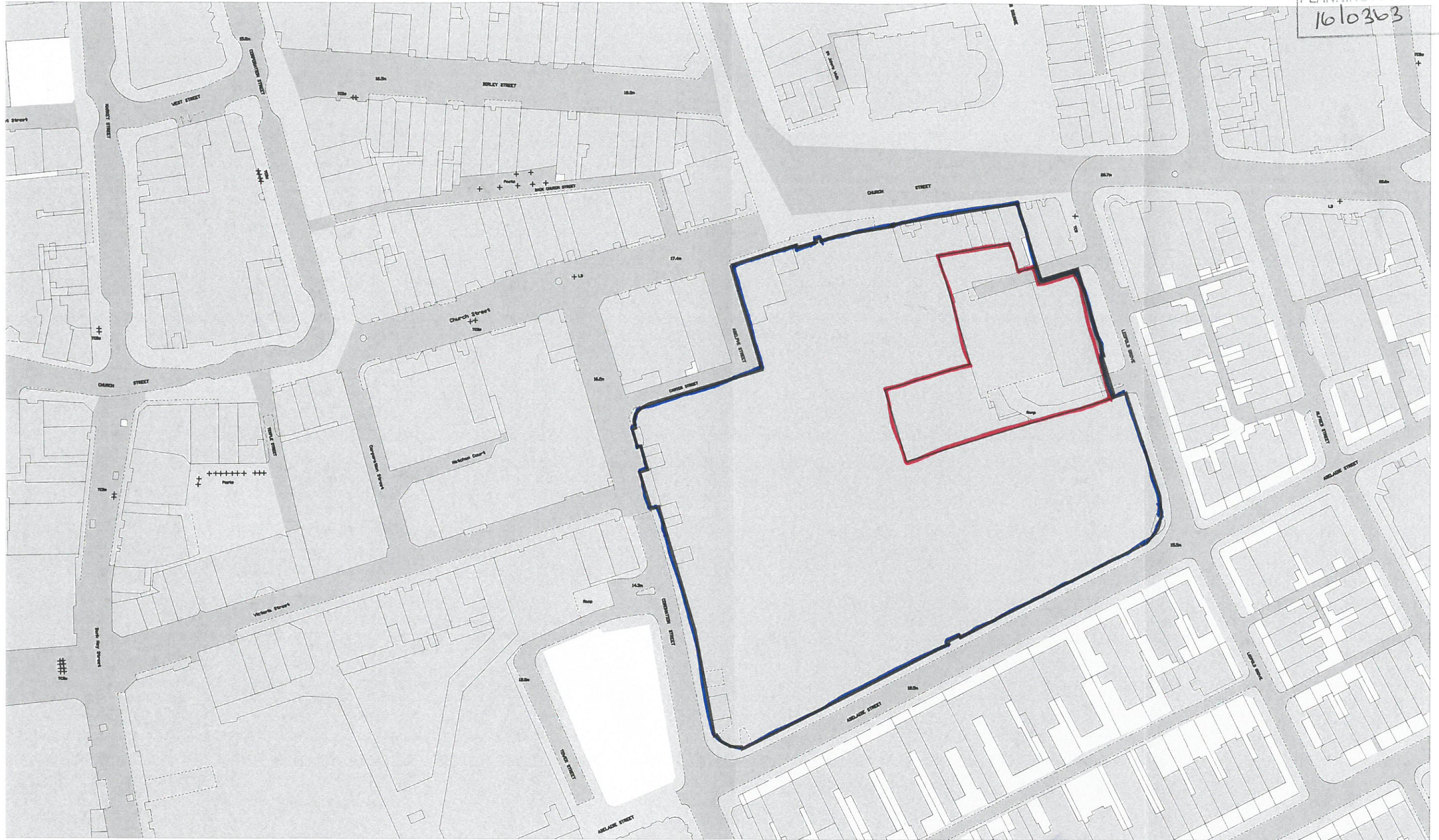
8. Details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policies BH3, BH4 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

Not applicable

RECEIVED 28 JUN 2016
PLANNING APPLICATION REF:
1610363



At

	<p>TREASURER SERVICES Steve Thompson Assistant Chief Executive Treasurer Services</p>		<p>DRAWING TITLE PROPOSED CONFERENCE CENTRE</p>				<p>PROJECT WINTER GARDENS SITE LOCATION PLAN</p>	
	<p>Stephen Waterfield Head of Property & Asset Management</p>	<p>Blackpool Council Number 1 Bickerstaffe Square Talbot Road Blackpool. FY1 3AH Tel. 01253 476000</p>	<p>Drawn I.C.</p>	<p>Checked ***</p>	<p>Approved ***</p>	<p>Date 28/06/2016</p>	<p>Scale(s) 1:1250</p>	<p>DRAWING No. BWGPCC/6/016</p>

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