

Blackpool Council

5 June 2020

To: Councillors Baker, D Coleman, Hugo, Jackson, O'Hara, Owen, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 16 June 2020 at 2.00 pm
in Remote Meeting via Zoom

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 either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 11 FEBRUARY 2020 (Pages 1 - 4)

To agree the minutes of the last meeting held on 11 February 2020 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 5 - 12)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 13 - 18)

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

5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE (Pages 19 - 22)

To receive a quarterly update on the Council's performance in relation to Government targets.

6 DETERMINATION OF CERTIFICATE OF LAWFULNESS APPLICATIONS RELATING TO THE PROPOSED USE OF PROPERTIES AS RESIDENTIAL CHILDRENS HOMES (Pages 23 - 30)

To consider and comment upon the intended approach for the determination of Certificate of Lawfulness applications relating to the proposed use of properties as residential children's homes.

7 PLANNING APPLICATION 20/0187 - 40 ABINGDON STREET, BLACKPOOL (Pages 31 - 44)

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

8 PLANNING APPLICATION 19/0803 - 47- 51 SHAFTESBURY AVENUE, BLACKPOOL (Pages 45 - 58)

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

9 PLANNING APPLICATION 20/0038 - 433 MIDGELAND ROAD BLACKPOOL (Pages 59 - 80)

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

10 PLANNING APPLICATION 20/0119 - 3-5 WESTCLIFFE DRIVE, BLACKPOOL (Pages 81 - 94)

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

11 DATE OF NEXT MEETING

The Committee to note the date of the next meeting as Tuesday 7 July 2020.

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 Governance 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.

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Present:

Councillor Owen (in the Chair)

Councillors

Baker	Hobson	O'Hara	Stansfield
D Coleman	Hugo	Robertson BEM	L Williams

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Carl Carrington, Head of Planning, Quality and Control

Ian Curtis, Legal Officer

Susan Parker, Head of Development Management

Latif Patel, Network Planning and Projects Manager

Councillor Critchley, Ward Councillor Hawes Side Ward

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 22 JANUARY 2020

The Committee considered the minutes of the meeting held on 22 January 2020.

Resolved:

That the minutes of the meeting held on the 22 January 2020 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee received a report on the planning appeals lodged and determined since the last meeting. The report noted two appeals determined and that no appeals had been lodged since the last meeting.

The report confirmed that an appeal against the Council's decision to refuse planning permission for the erection of a single storey side-extension at 2 Moss Way had been dismissed by the Planning Inspectorate.

The report also confirmed that an appeal against the Council's decision to refuse planning permission for the erection of a single storey side-extension at 39 Melbourne Avenue had been upheld by the Planning Inspectorate. The Committee noted however that there were no learning outcomes for the Committee in terms of decision-making.

Resolved: To note the report.

4 PLANNING APPLICATION 19/0477 - LAND TO REAR OF 1-7 WREN GROVE AND 23-25 ROYAL BANK ROAD, BLACKPOOL

The Planning Committee considered planning application 19/0477 for the erection of three, two-storey terraced houses with associated parking and landscaping and vehicular access from Wren Grove and Royal Bank Road at land to rear of 1-7 Wren Grove and 23-25 Royal Bank Road.

Miss Susan Parker, Head of Development Management, presented the application to the Committee and in doing so she highlighted that the loss of the existing, redundant industrial use would be considered to be acceptable and its replacement with residential housing the most appropriate solution. It was outlined in the report that the accommodation proposed would be of a satisfactory standard of design and amenity and would not have any unacceptable impacts upon surrounding neighbours or the highway network. Miss Parker reminded members that the application had been deferred at 1 October 2019's Committee meeting to enable further discussion with the applicant as to whether the scheme could be reduced in size to two dwellings to overcome the Committee's concerns regarding the over-intensive development of the site. The applicant had not been able to agree to such a reduction as this would in their view render the scheme unviable and had submitted a supporting viability assessment, which had been verified by officers. Miss Parker further emphasised the view that on balance the application should be approved as it would remove an unsuitable existing use and bring the land back into a more suitable use.

In response to questions from the Committee, Mr Latif Patel, Highway Network and Project Manager responded that while noting the concerns of the Committee regarding vehicular access that the proposed access would be suitable in highways terms. He reminded the Committee that the five car parking spaces were part of the existing approved warehouse use and any return to that use would potentially lead to more vehicle movements and certainly additional deliveries using heavy goods vehicles.

The Committee considered the application and noted that there were concerns regarding the potential reuse of the site as a warehouse under the existing planning permission. The Committee expressed serious concerns regarding the over-intensive development of the site and that dwellings would not have a good level of amenity. The Committee noted the viability assessment but concluded that on balance that this did not outweigh the identified potential problems with the development.

Resolved:

That the application be refused for the reasons set out in the decision notice.

5 PLANNING APPLICATION 19 0781 - LAND AT NEW HALL AVENUE, BLACKPOOL

The Committee considered application 19/0781 for the use of land as a holiday caravan park for the siting of 10 touring caravans or motor homes at land at New Hall Avenue.

Miss Susan Parker, Head of Development Management, presented the application and explained that the application had been brought to Committee as it represented a departure from the Development Plan. The application presented some degree of conflict with Policy CS21 of the Core Strategy which seeks direct visitor accommodation to the defined holiday areas, and Policy CS26 which seeks to limit development on Marton Moss. However, Miss Parker explained that the application's position as an extension to an existing site combined with it representing a niche type of tourism which would be unlikely to be able to be accommodated in the defined holiday areas, meant that the application had been considered by officers to represent an exceptional one where a departure from policy would be justified.

Resolved:

That the application be approved for the reasons and subject to the conditions as set out in the decision notice.

6 PLANNING APPLICATION 19 0619 - SITE OF 83 POWELL AVENUE AND LAND TO THE REAR OF 91-103 POWELL AVENUE

The Planning Committee considered application 19/0619 for the erection of 36 lock up garages with associated landscaping, boundary treatment and access following demolition of 83 Powell Avenue at site of 83 Powell Avenue and land to the rear of 81-103 Powell Avenue.

Miss Parker, Head of Development Management introduced the application and highlighted that the application represented a suitable and appropriate use of an overgrown backland site. The application had initially raised concerns from the Head of Highways and Transportation however these had been overcome by the submission of satisfactory amended plans. The planning permission would also be conditioned to forbid any commercial use of the garages limiting their use to the parking of cars and domestic storage. Miss Parker also explained that while site photographs may indicate to members the presence of significant trees on the site, a visit by officers had indicated that these were of limited value and mostly were overgrown shrubs in any case the proposal would include a tree planting landscaping scheme.

Mr Darren Holt, applicant, spoke in support of the application and in response to questions explained that CCTV would be installed and the garages would be gated.

Councillor Kim Critchley, Ward Councillor for Hawes Side ward, spoke in objection to the application. Councillor Critchley highlighted local residents' concerns about access to the site, potential disruption and anti-social behaviour on the site.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 11 FEBRUARY 2020

The Committee considered the application and the representations received. The Committee concluded that concerns raised could be addressed through the imposition of conditions especially regarding drainage and fencing.

Resolved:

That the application be approved for the reasons and subject to the conditions as set out in the decision notice.

7 DATE OF NEXT MEETING

Chairman

(The meeting ended at 6.48 pm)

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

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	16 June 2020

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 priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

5.0 Planning Appeals Lodged

5.1 19/0686 – 2 Woodmans Centre, Vicarage Lane – lodged 29/05/20

5.2 20/0061 – 41 Webster Avenue – lodged 27/05/20

5.3 19/0761 – Palladium Buildings, Waterloo Road – lodged 17/04/20

5.4 19/0749 - 150 Bond Street – lodged 17/04/20

5.5 17/0787 – 19-21 Boscombe – lodged 13/03/20

6.0 Planning/Enforcement Appeals Determined

6.1 19/0787 - 19–21 Boscombe Road Blackpool FY4 1LW. The use for which a certificate of lawfulness is sought is C2 residential care home.

6.1.1 Appeal dismissed

6.1.2 From the evidence before the Inspector, on the balance of probability, he concluded that there has been a material change of use at the property from a residential care home to a House in Multiple Occupation. In light of the above, any lawful use rights conferred by the express planning permissions at the site have been lost as a result of the intervening unlawful use and there is no right of reversion to the last lawful use. He concluded that the Council’s refusal to grant a certificate of lawful use or development in respect of the residential care home was well-founded and that the appeal should fail.

6.1.3 The Planning Inspectorate decision letter can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

6.2 18/0256 – 8 Yates Street, Blackpool – Certificate of Lawfulness for the existing use of the ground floor as two self-contained flats.

6.2.1 Appeal dismissed

6.2.2 The Inspector noted that planning permission was granted in 2007 for the use of the property as six, self-contained holiday flats. This permission was subject to a condition that limited occupancy to holiday-makers only. The Inspector judged on the basis of the evidence available that this planning permission had been implemented and that the conditions therefore applied. The failure of the applicant to discharge some of the other conditions attached to the permission did not invalidate the permission.

6.2.3 The Inspector agreed with the Council that permanent occupation of the two ground floor flats had to be demonstrated over a ten-year period in order for a Certificate to be granted. To achieve this, permanent occupation must have started on or before 19 April 2008.

6.2.4 With regard to flat 1, the Inspector noted that permanent occupancy was only recorded from May 2008. Whilst the Inspector did not accept the Council’s argument that the flat had been occupied by a caretaker, he nevertheless concluded that a Certificate in respect of flat 1 could not be granted.

6.2.5 With regard to flat 2, the Inspector accepted the Council’s evidence that there had been no continuous use as a permanent flat since 19 April 2008. He judged the evidence presented by the applicant to be insufficient to demonstrate permanent use and noted that the witness giving evidence had occupied the flat on an intermittent basis only. The Council enforcement records indicating short-term occupation were accepted. On this basis, the Inspector

6.2.6 concluded that a Certificate could not be granted in respect of flat 2.

6.2.7 In light of the above, the Inspector dismissed the appeal.

6.2.8 The Planning Inspectorate decision letter can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

6.3 19/0149 – Anchorsholme Methodist Church, North Drive, Blackpool – Erection of a convenience store with associated access, parking and landscaping.

6.3.1 Appeal allowed

6.3.2 The main issues were judged to be the effect of the proposal on:

- existing designated local centres nearby and on local community facilities;
- highway safety.

6.3.3 Existing designated local centres nearby and on local community facilities

The appeal site comprises a vacant piece of land located at the junction of North Drive and Luton Road. The surrounding area is predominantly residential, though the site is within walking distance of a number of community facilities including a library, school and the East Pines Drive Local Centre, a small parade of shops including two convenience stores, one containing a post office.

6.3.4 The proposed retail building has a gross floor area of 418 sqm and a net retail floor area of 279 sqm. The appeal site is not located within a designated local centre and as such Policy CS4 of the Core Strategy requires proposals for new retail development in such locations to demonstrate that they meet the listed criteria. This includes that there are no more centrally located/sequentially preferable, appropriate sites available for the development: and that the proposal would not cause significant adverse impact on existing centres.

6.3.5 A Retail Impact Assessment was submitted with the application and an updated statement was submitted with the appeal. In addition, a Sequential Assessment was submitted with the application. The retail and sequential assessment evidence was initially accepted by Council officers at the application stage but the retail evidence was subsequently rejected by the Council's Planning Committee and the sequential assessment was also now being challenged by the Council as sequentially preferable sites are now considered to be available.

6.3.6 The submitted assessment concluded that the proposal would not cause significant adverse impact on existing centres. It also appeared that this view was endorsed by the Council's retail advisors notwithstanding that some concerns were raised in relation to a number of assumptions used in the retail assessment. The Inspector concluded that the impact on existing centres would not be adverse.

6.3.7 The evidence appeared to show that the nearby local centres at East Pines Drive, Anchorsholme Lane East/West and Fleetwood Road were all performing well and that vacancy rates were low. Although concerns were raised in relation to the potential loss of the

post office at East Pines Drive, there was no substantive evidence to suggest that this would be a likely consequence of the proposal being approved or that it would result in the loss of any other local community facilities.

6.3.8 Similarly, whilst the Inspector noted the relative position of the site to Anchorsholme Academy and parking provision at East Pines Drive and as proposed on the site, she did not accept that it is inevitable that a significant proportion of parents dropping off/picking up at/from the school would necessarily change their shopping habits to the detriment of the East Pines Drive local centre.

6.3.9 Although the Council initially accepted that there were no more sequentially preferable sites available for the development, in its appeal statement it referred to three others, which it stated had now become available. The appellant considered that none of them were suitable. Having considered the evidence none appeared to meet the requirements of the proposal in that they were either too small or presently unavailable. The Inspector was therefore satisfied that there were no sequentially preferable sites available.

6.3.10 Taking the above matters into consideration, the Inspector concluded that the proposal would not have a significant adverse effect on existing designated local centres nearby and on local community facilities and that it therefore accorded with Policy CS4, of the Core Strategy and with paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). These policies seek, amongst other things, to protect existing retail centres. Although the Council's second reason for refusal refers to policies CS7 and CS12 of the Core Strategy, these policies did not appear to be directly relevant to the proposal and to the concerns raised by the Council.

6.3.11 Highway Safety

The appeal site is located in a predominantly residential area on the corner of North Drive and Luton Road. North Drive is a straight and reasonably busy road with a bus stop on the opposite side of the road to the site. There are no parking restrictions near to the site although there are a number of driveway entrances to dwellings. The road has a 30 mph speed restriction and a roundabout at the junction with Luton Road. The position of the site near to Anchorsholme Academy means that North Drive, Luton Road and surrounding roads are used by both vehicles and pedestrians to access the school, particularly at certain times of the day.

6.3.12 Vehicular and pedestrian access to the site would be via North Drive with the vehicular access in a similar position to the access to the former Church. Servicing would take place to the rear and 21 parking spaces are proposed. A Transport Assessment was submitted with the application and a Highway Statement was submitted with the appeal. Both concluded that the proposed access arrangements would be safe and suitable for the predicted traffic that would be generated by the proposal. No objections were raised by the Highway Authority subject to an approved servicing strategy.

6.3.13 However, in its Statement of Case, the Council stated that there were a number of issues relating to highway safety that had not been addressed by the submitted assessments. In addition, further representations had been made by interested parties regarding highway

safety matters and the Inspector had regard to these in determining the appeal.

6.3.14 The Inspector stated that in her experience it was common practice to use the TRICS (Trip Rate Information Computer System) database in predicting traffic generation and that indeed this methodology used by the appellant was accepted by the Highway Authority. Although the appellant accepted that as with the case with any kind of forecast, actual traffic generation associated with a development may vary, they considered that even if it were to be as high as now stated by the Council, the evidence indicated that this would not significantly impact on the operation of the highway network, which the Council appeared to accept is not at critical capacity.

6.3.15 Though regard has been had to the concerns raised by the Council, local Councillors and residents, that the road is busy and that there are large amounts of traffic near to the site at certain times of the day, there was no substantive evidence to contradict the appellant's evidence. In the absence of this and in light of the evidence before the Inspector, she found that any additional traffic likely to be generated by the proposal would not have a harmful effect on highway safety. Road safety records for the roundabout for the last five years showed that whilst some accidents have occurred, the number has been relatively low and none had been fatal. Though the site and the proposed access are positioned close to the roundabout, having regard to the scale and nature of the proposal and to the number of vehicle movements likely to be associated with it, there was no evidence to suggest it would be likely to increase the number of accidents at the roundabout or near to the site access.

6.3.16 The Inspector, in reaching her decision, had regard to the significant level of local opposition and to the nature of the concerns raised. For the reasons stated above, she considered that the proposal would not have a harmful effect on either existing designated local centres nearby, on local community facilities or on highway safety.

6.3.17 An award of costs was made as follows:

National Planning Practice Guidance (NPPG) advises that costs may be awarded where a party has behaved unreasonably and that behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

6.3.18 Paragraphs 46-49 set out the circumstances when the behaviour of a local planning authority (LPA) might lead to an award of costs. These can either be procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. Examples of unreasonable behaviour by an LPA includes introducing fresh and substantial evidence at a late stage; prolonging the proceedings by introducing a new reason for refusal; deliberately concealing relevant evidence at planning application stage or at subsequent appeal; failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact unsupported by any objective analysis.

6.3.19 The case for the appellant is essentially that the Council has behaved unreasonably in that it used a draft policy to justify the provision of a retail impact assessment; it concealed and failed to have regard to advice received, it misapplied policies CS7 and CS12 of the Core Strategy; that it failed to produce evidence to substantiate the reasons for refusing the

application and finally that it introduced fresh evidence regarding sequentially preferable sites at the appeal stage. As can be seen from the Inspector's decision, the appeal was allowed and planning permission granted, as she did not consider that the Council's reasons for refusal were justified.

- 6.3.20 A Retail Impact Statement (RIA) was submitted with the application, and with the previously withdrawn application and an updated statement was submitted with the appeal. The appellant questioned the need for such a statement having regard to the threshold set out in the NPPF and the status of Policy DM16 of the emerging local plan but states that one was submitted in order to progress the application. Paragraph 89 of the NPPF refers to a "proportionate, locally set floorspace threshold" but does not state what form this threshold should take. The Council's Executive agreed to the introduction of a locally set floorspace threshold in July 2018 having regard to the findings of the Blackpool Retail, Leisure and Hotel Study (2018).
- 6.3.21 Irrespective of what weight ought to be given to the threshold a RIA was submitted and considered by the Council. The Council did not refuse the application on the basis of the lack of an assessment. If the appellant felt so strongly that one was not required then they had the option of not submitting one. Under these circumstances, the Inspector did not consider that it had been demonstrated that the Council behaved unreasonably, particularly given that no reference was made to Policy DM16 or to the locally set floorspace threshold in the Council's reason for refusal.
- 6.3.22 It appears that the Council sought retail advice when considering the previous application for the site and reference was also made to advice having been received from the Council's retail consultants in the Committee minutes relating to the appeal application. The appellant contended that the Council had sought to conceal the advice and that in refusing the application it had not had due regard to it. Although the Council did not submit a copy of the advice with the appeal or directly refer to it in its Committee report, the Inspector understood that it was received in relation to the previous application. The Inspector stated that she had seen no evidence to suggest that the Council had purposefully sought to conceal the advice and it was not duty bound to act upon the advice it received from them. The Council cannot be said to have acted unreasonably provided that sufficient evidence has been produced to substantiate the reason for refusal relating to retail impact.
- 6.3.23 With regard to the alleged misapplication of Core Strategy policies CS7 and CS12, although these policies were referred to in the Council's second reason for refusal, no specific analysis of them and their relevance to the proposal was included within the Council's Statement of Case. In light of the limited evidence in relation to these policies, the Inspector was of the view that they were of limited relevance to the proposal.
- 6.3.24 Given the Inspector's findings in relation to the relevance of these policies to the proposal and having regard to the limited evidence and analysis put forward by the Council regarding them, she considered that the Council had behaved unreasonably in referring to these policies in reason for refusal 2 and that this has caused the appellant unnecessary expense in the appeal process.
- 6.3.25 With regard to the substance and quality of the evidence put forward by the Council in

defending its decision, the Inspector noted that the Council's decision ran contrary to the advice that it received from the Highway Authority and to the advice that it received on a previous application from its retail consultant. Nevertheless, the Council had produced evidence and set out reasons explaining why it considered the proposal to be unacceptable. Although its evidence had not been produced by highway or retail specialists, it sought to set out why the particular circumstances of the site meant that the proposal would have an unacceptable impact. Whilst the Inspector disagreed with the Council's conclusions on the impact of the proposal, he was nevertheless satisfied that it produced sufficient evidence to substantiate its reasons for refusal.

6.3.26 Although the Council accepted that there were no sequentially preferable sites at the application stage, at appeal it considered that three other sequentially preferable sites were available. The Inspector stated that she had seen no evidence to suggest that these sites were available when the application was determined and so could have been referred to any earlier by the Council. Although the Council had not specifically stated why they were considered to be suitable other than that they are within or on the edge of existing centres, the Inspector did not consider that this in itself constitute unreasonable behaviour given that the appellant has had the opportunity to consider and comment on them.

6.3.27 For the reasons set out above the Inspector found that unreasonable behaviour resulting in unnecessary expense described in the NPPG has been demonstrated in relation to the misapplication of policies CS7 and CS12 but not in relation to the other matters cited by the appellant. Accordingly, a partial award of costs was justified.

6.3.28 The Planning Inspectorate decision letter can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

7.0 Does the information submitted include any exempt information? No

8.0 List of Appendices:

8.1 None.

9.0 Legal considerations:

9.1 None

10.0 Human Resources considerations:

10.1 None

11.0 Equalities considerations:

11.1 None

12.0 Financial considerations:

12.1 None

13.0 Risk management considerations:

13.1 None

14.0 Ethical considerations:

14.1 None

15.0 Internal/ External Consultation undertaken:

15.1 None

16.0 Background papers:

16.1 None

Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting:	16 June 2020

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 between 1 January 2020 and 31 May 2020.

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, between 1 January 2020 – 31 May 2020, 194 new cases were registered for investigation.

As at 31 May 2020, there were 628 “live complaints” outstanding.

5.1.2 Resolved cases

In total, between 1 January 2020 – 31 May 2020, 29 cases were resolved by negotiation without recourse to formal action.

5.1.3 Closed cases

In total, between 1 January 2020 – 31 May 2020, 114 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

5.2 Formal enforcement notices / Section 215 notices

- Five enforcement notices were authorised (and subsequently served) between 1 January 2020 – 31 May 2020;
- Two Section 215 notice were authorised between 1 January 2020 – 31 May 2020.

5.2.1 Information on the formal enforcement notices and Section 215 notices authorised and served are detailed in the tables below.

5.2.2 **Notices authorised**

Reference	Address	Case	Dates
19/8020	1/1A Charnley Road (FY1 4PE)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice authorised 11/02/2020
19/8192	43 York Street (FY1 5AQ)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice authorised 14/02/2020
15/8033	8 Yates Street (FY1 2DB)	Use of holiday flats as permanent flats in breach of condition 3 on 07/0626	Enforcement Notice authorised 27/02/2020
20/8133	7 Gynn Avenue (FY1 2LD)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice authorised 19/05/2020
20/8134	10 Gynn Avenue (FY1 2LD)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice authorised 19/05/2020
19/8381	26 Coop Street (FY1 5AJ)	Poor condition of property	S215 Notice authorised 31/01/2020
20/8135	34 York Street (FY1 5AQ)	Poor condition of property	S215 Notice authorised 20/04/2020

5.2.3 **Notices served**

Reference	Address	Case	Dates
19/8192	43 York Street (FY1 5AQ)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice issued 03/03/2020. Compliance due by 14/07/2020
15/8033	8 Yates Street (FY1 2DB)	Use of holiday flats as permanent flats in breach of condition 3 on 07/0626	Enforcement Notice issued 05/03/2020. Compliance due by 16/07/2020
19/8020	1/1A Charnley Road (FY1 4PE)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice issued 18/03/2020. Compliance due by 29/07/2020
20/8133	7 Gynn Avenue (FY1 2LD)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice issued 27/05/2020. Compliance due by 10/10/2020 unless an appeal is lodged with PINS by 10/07/2020
20/8134	10 Gynn Avenue (FY1 2LD)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice issued 27/05/2020. Compliance due by 10/10/2020 unless an appeal is lodged with PINS by 10/07/2020

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.5.1 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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Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	16 June 2020

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

1.1 To update the Committee of the Council's performance in relation to Government targets. This report reflects performance in the fourth quarter of the 2019/2020 financial year.

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 performance.

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:

None the report is for information only.

4.0 Council Priority:

4.1 This report is relevant to both Council priorities:

- Priority 1 - The economy: Maximising growth and opportunity across Blackpool
- Priority 2 – Communities: Creating stronger communities and increasing resilience

5.0 Background Information

5.1 The Government sets targets for the speed of planning decisions.

- Major applications – 60% to be determined within 13 weeks or an agreed Extension of Time
- Non-major applications – 70% to be determined within 8 weeks or an agreed Extension of Time

- 5.2 The Council's performance must be reported to Government on a quarterly basis.
- 5.3 For the quarter of January – March 2020, the Council's performance in terms of speed was as follows:
- Major applications – 100% determined within 13 weeks or an agreed Extension of Time
 - Non-major applications – 84% determined within 8 weeks or an agreed Extension of Time
- 5.4 The Council has therefore exceeded the statutory targets in this quarter.
- 5.5 Over the 2019-2020 monitoring year, the Council achieved a performance of:
- Major applications – 94% determined within 13 weeks or an agreed Extension of Time
 - Non-major applications – 91% determined within 8 weeks or an agreed Extension of Time
- 5.6 The Council has therefore significantly exceeded the statutory targets for planning decision-making for the 2019-2020 monitoring year.
- 5.7 The Government no longer requires Councils to submit monitoring information in respect of appeal performance which was previously used to judge the quality of decision-making.
- 5.8 Does the information submitted include any exempt information? No
- 5.9 List of Appendices None
- 6.0 Legal considerations:**
- 6.1 None.
- 7.0 Human Resources considerations:**
- 7.1 Performance is influenced by staffing numbers, sickness and leave.
- 8.0 Equalities considerations:**
- 8.1 None.
- 9.0 Financial considerations:**
- 9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.

10.0 Risk management considerations:

10.1 Under-resourcing of the service could lead to inability to respond to peaks in workload.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 Not applicable.

13.0 Background Papers

13.1 None.

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	16 June 2020

INTENDED APPROACH FOR THE DETERMINATION OF CERTIFICATE OF LAWFULNESS APPLICATIONS RELATING TO THE PROPOSED USE OF PROPERTIES AS RESIDENTIAL CHILDRENS HOMES

1.0 Purpose of the report:

- 1.1 To set out the intended approach for the determination of Certificate of Lawfulness applications relating to the proposed use of properties as residential children's homes.
- 1.2 To explain the reasoning behind the intended approach and invite comments from the Planning Committee.

2.0 Recommendation(s):

- 2.1 To approve the approach with immediate effect.

3.0 Reasons for recommendation(s):

- 3.1 In recent years the Council has seen a growing increase in the submission of Certificate of Lawfulness applications to use properties as residential children's homes. Where a Certificate is granted, the Council has no control over the occupancy of that home. As a result, many such homes are being used to accommodate children from outside of the Blackpool area. This is placing a strain on local public sector resources to the detriment of local service delivery, and making it more difficult for the Council to accommodate local, looked-after children within Blackpool.

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 The alternative option would be to consider approving Certificate of Lawfulness applications for the proposed use of properties as residential children's homes. This would perpetuate and exacerbate the issues that have been identified.

4.0 Council Priority:

4.1 The relevant Council priority is 'Communities: creating stronger communities and increasing resilience'.

5.0 Background:

5.1 The Council's Development Management team is currently dealing with 10 applications for Certificates of Lawfulness for the proposed use of properties as residential children's homes. A Certificate of Lawfulness is a specific type of application made under the Town and Country Planning Act 1990. It essentially asks for a formal determination from the Council as to whether or not a use can proceed without the need for planning permission.

5.2 A Certificate of Lawfulness is determined on legal grounds rather than planning merits. As such, the Council's constitution does not make any provision for such applications to be brought before the Council's Planning Committee for determination. However, given the number of applications currently being dealt with, and given the potential for challenge, officers consider it prudent to seek the support of the Committee for the intended approach prior to making any decisions.

5.3 The applications currently under assessment all relate to residential properties falling within class C3 (Dwellinghouses) of the Town and Country Planning (Use Classes Order) 1987 (as amended). Case law has established that a residential children's home falls within class C2 (Residential Institutions) of that Order.

5.4 The definition of development is set out under Section 55 of the Town and Country Planning Act 1990. This states that a material change of use constitutes development.

5.5 There is no provision under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that would permit a change of use from C3 to C2 (i.e. there are no relevant 'permitted development allowances').

5.6 On this basis, and notwithstanding the fact that the two uses are in separate use classes, the Council can only determine that planning permission is required for a change of use from a dwellinghouse to a children's residential home where it considers that change to be **material in planning terms**.

5.7 To date, and based on the information submitted in support of the applications, Officers have judged that the change of use from a house to a children's home is not material. A change of use that is not material in nature does not constitute development and

therefore does not require planning permission. As a result, Certificate of Lawfulness applications have previously been approved on this basis. However, in recent months new information has come to light and the Council's Development Management team has been working closely with Children's Services to better understand the nature of a children's home use. It is now felt that the change of use from a house to a children's home is material and is therefore development requiring planning permission for the following reasons:

- 5.8 **Change in the character of the use based on day-to-day activity, operations and physical layout** – the children accommodated in residential children's homes tend to have complex needs. In order to meet Ofsted requirements, all homes must have a manager, duty-manager and "responsible individual". In addition, a range of other professionals and support workers are likely to visit the property as part of the care package for the children. As would be expected, residential children's homes are subject to stringent regulation and management to safeguard the children living there. Many properties also have a manager's office and propose the use of a room as an education/activity or therapy room which would not normally be found in a family home. The turnover of children occupying the property is also likely to be much higher than would typically be found in a normal household as more than half of care placements last less than three months. As such, the character of a residential children's home in terms of its set-up and level of activity is likely to be materially different to that of a standard house.
- 5.9 **Impact of the proposal (wider strategies)** – case-law has established that it is reasonable to consider off-site effects as part of an assessment of materiality. Residential children's homes are more profitable than the use of a property as a single house. This results in pressure to convert family homes into residential children's homes. Given that Blackpool is a very constrained urban borough with little open land available for housing development, the uncontrolled loss of family homes is a material planning consideration. The impact on the Council's regeneration strategy is of further concern. Staff at children's homes will view the property as a workplace and are less likely to integrate with the local community. Similarly, the older average age of an accommodated child (14years), the greater potential for them to be educated outside of mainstream schooling, the measures that must be put in place for their safeguarding, and the high level of turn-over make integration more challenging. The replacement of family homes with residential children's homes therefore undermines efforts to create community cohesion and more balanced and settled local communities. Finally, the introduction of vulnerable children into some of the most deprived areas of the country would be contrary to the Council's approach towards child-care provision.
- 5.10 **Impact of the proposal (service delivery)** – as set out above, the children accommodated in children's homes tend to have complex needs. Some 70-80% of looked-after children have recognisable mental health problems with 45% having a recognised disorder and 62% having clinically significant mental health difficulties. Some 61% are reported as having a conduct disorder with 74% reported as having been violent and aggressive in the last six months. Around 36% of looked-after children have special educational needs.

Nearly half of the children in care who go missing do so from residential care homes. This places a significant strain on local policing and the provision of education and mental health support. Case law has established that increased strain on local public sector resources can be accepted as an indicator of a material change of use.

5.11 **Impact of the proposal (ability to meet needs)** – three-quarters of Blackpool’s looked-after children have to be accommodated outside of the borough. This is because the amount that a placing Authority can pay for a child’s care varies dependent upon the cost of provision in that area. Given the relatively low price of property in Blackpool, the Council’s Children’s Services department cannot match the prices paid by remote authorities in areas such as London. As no conditions can be placed on Certificates of Lawfulness, there is no control over the origin of the children placed in homes created in this way. As a result, Blackpool Council often cannot match the prices sought by operators and so in many cases cannot make use of the provision created in Blackpool. The National Planning Policy Framework makes it clear that a priority of the planning system is to meet local housing needs, including those of groups with specific housing requirements. The impact on the ability of an Authority to meet its own needs within its own area is therefore a material consideration.

5.12 It is accepted that not all looked-after children will experience the issues discussed above. However, because the Council cannot place any controls on a Certificate of Lawfulness, these factors must all be taken into account when assessing such applications.

5.13 Officers accept that provision must be made for looked-after children to be accommodated within the borough. It is also accepted that it is in the best interests of some children for them to be entirely removed from their place of origin. The refusal of Certificates of Lawfulness would prevent the unregulated creation of children’s homes (unregulated in the planning sense, all residential children’s care homes are regulated by Ofsted), but this would not prevent the granting of planning permission for such uses in appropriate circumstances. Support may be given to proposals for residential children’s care homes outside of the defined Inner Area of Blackpool in appropriate properties where the operator is prepared to work with the Council’s Children’s Services team. It is envisaged that such permission would be subject to a condition or legal agreement requiring the children to be accommodated to be placed by Blackpool Council. This would not necessarily preclude placements from remote authorities, but such placements would have to be agreed by the Council based upon the specific circumstances of the case.

6.0 Does the information submitted include any exempt information? No

6.1 **List of Appendices:**

6.1.1 Appendix 6(a): List of applications for children’s homes in Blackpool. This list makes it clear that the pressure for such uses has increased significantly in recent years.

7.0 **Legal considerations:**

7.1 A Certificate of Lawfulness is a legal determination. There is the potential risk of the Council's decision being tested through a legal challenge.

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 The Council could face an award of costs if its decision is appealed and if an Inspector judges the Council to have acted in an unreasonable manner. Similarly, costs could be incurred if the Council was unsuccessful in its defence of any legal challenge arising from this intended approach.

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 Extensive consultation has been undertaken with Children's Services and also colleagues in Public Protection. Some information has also been obtained from the local NHS Care Commissioning Group (CCG).

14.0 Background papers:

14.1 None

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RECORD OF CERTIFICATE OF LAWFULNESS APPLICATION

Ref	Address	Applicant	Decision	No. of children
10/0547	23 Forest Gate	Advanced Childcare Ltd	WDN	3
10/0870	144 Preston New Road	Advanced Childcare Ltd	07/07/2012	6
10/0544	351 Squires Gate Lane	Advanced Childcare Ltd	WDN	6
10/0886	200 Cherry Tree Road	Advanced Childcare Ltd	09/08/2010	3
10/1468	16 Maple Ave	Mr Sloane	01/02/2011	1
11/0425	38 Pavey Close	Mr Sloane	17/06/2011	1
11/0460	2 Mooretree Drive	Mr Sloane	30/06/2011	2
11/0854	123 Whitegate Drive	123 Supported Accommodation	23/12/2011	5
15/0757	101 North Park Drive	Sandcastle Care Ltd	09/12/2015	4
15/0839	174 Reads Avenue	Hexagon Care Services Ltd	15/03/2016	4
17/0190	187 Palatine Road	123 Supported Accommodation	03/05/2017	3
17/0562	26 Cavendish Road	Oaktree Childcare Ltd	27/09/2017	2
17/0668	173 Bispham Road	Oaktree Childcare Ltd	10/11/2017	2
18/0006	187 Palatine Road	123 Supported Accommodation	15/02/2018	4
18/0482	296 Newhouse Road	Outbound Care Ltd	24/08/2018	1
18/0647	22 Moss House Road	Sandcastle Care Ltd	15/11/2018	2
18/0701	11 Royal Bank Road	Sandcastle Care Ltd	11/12/2018	1
18/0777	4 Stanley Road	Sandcastle Care Ltd	19/12/2018	2
18/0792	57 Oxford Road	SBL Care Services Ltd	19/12/2018	1
18/0803	4 Durham Road	Outbound Care Ltd	20/12/2018	2
18/0819	25 Leicester Road	Outbound Care Ltd	21/01/2019	1
18/0838	19 Lincoln Road	Abacus Crisis Care Ltd	13/02/2019	2
19/0032	16 Harcourt Road	R2 Care Services Ltd	14/02/2019	2
18/0858	24 Brun Grove	Outbound Care Ltd	04/03/2019	2
19/0060	9 Sawley Avenue	Sandcastle Care Ltd	12/03/2019	1
19/0076	55 Collingwood Avenue	SBL Care Services Ltd	29/03/2019	1
19/0268	57 Oxford Road	SBL Care Services Ltd	07/06/2019	2
19/0277	16 Forest Gate	2 to 1 Care Ltd	21/06/2019	4
19/0303	9 Dunelt Road	A Triangle Care Ltd	21/06/2019	2
19/0468	64-66 Stockydale Road	Lonsdale Care Ltd	WDN	4
Awaiting decision				
19/0307	27 Hawkshead Terrace	Abacus Crisis Care Ltd		2
19/0323	52 Shaw Road	Sancastle Care Ltd		1
19/0390	19 Lincoln Road	Abacus Crisis Care Ltd		3
19/0422	187 Palatine Road	123 Supported Accommodation		5
19/0616	133 Ingleway Ave	2 to 1 Care Ltd		1
19/0687	254 Bispham Road	SBL Care Services (uk) Ltd		2
19/0716	28 Kirkham Ave	Jordan Taylor		2
19/0723	68 WARBRECK HILL ROAD	A Triangle Care Ltd		4
19/0788	40 Westmorland Ave	Positive Steps Therapuetic Childcare		4
19/0575	124 Norbreck Road	Outbound Care Ltd		2

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**Blackpool Council
Development Management**

Officer Report to Planning Committee

Application reference: 20/0187

Ward: TALBOT
Application type: Full Planning Permission
Location: 40 ABINGDON STREET, BLACKPOOL, FY1 1DA
Proposal: Alterations to front elevation and use of ground floor premises as altered as an adult gaming centre.

Recommendation: Grant Permission

Case officer: Pippa Greenway
Case officer contact: 01253 476222

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application accords with priority one in that it supports economic growth.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 Policy BH18 acknowledges that amusement centres / adult gaming centres (AGC) are an accepted part of the shopping scene and are most appropriate in secondary shopping areas and mixed commercial development areas.
- 2.2 There are other material considerations, such as:
- the vacancy rate on this section of Abingdon Street
 - the length of vacancy of this unit
 - the small size of the unit
 - frontage improvements
 - employment benefits
 - year round trading

Together the above material considerations lead to a recommendation for approval.

3.0 INTRODUCTION

3.1 This application is before the Planning Committee because of the level of public objection.

4.0 SITE DESCRIPTION

4.1 This property is a vacant shop in a terrace of three, two-storey properties and is separated from another terrace of three shops and the former General Post Office (GPO) on Abingdon Street by a narrow alley. The opposite end of the terrace is occupied by Abingdon Barbeque on the corner of Deansgate and the middle property is occupied by Warwick's Amusements, an adult gaming centre. The property was previously occupied by Coral betting shop, but is presently vacant as is the General Post Office and two properties directly across the road.

4.2 The application site is within the Town Centre boundary (but not within the designated Main Retail Core), forms part of the Retail/Café Zone and is within the Core Retail Area in the Shopping Study. It is also within the extended Town Centre Conservation Area on the Local Plan proposals map.

5.0 DETAILS OF PROPOSAL

5.1 This planning application seeks planning permission for the change of use of the 93 sq.m. ground floor from a Betting Shop (Sui Generis) to an adult gaming centre (Sui Generis) to allow Cashino Gaming Ltd (trading as 'Merkur Slots') to occupy the unit. Merkur Slots is one of several brands owned by Praesepe Holdings Ltd and currently trade 162 adult gaming centres in the UK under the Merkur Cashino brand along with several other brands of bingo halls and amusement centres. Praesepe in itself is part of the international Gauselmann Group operating worldwide and employing thousands of staff.

5.2 The application has been amended since originally submitted to include alterations to the shop front and fascia to reintroduce a more appropriate design within this Conservation Area.

5.3 The application has been supported by:

- Planning Statement

6.0 RELEVANT PLANNING HISTORY

6.1 Application Reference 08/0800 - Installation of new shop front approved.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of the use

- impact on retail character, vitality and viability
- Impact on neighbour amenity

8.0 CONSULTATION RESPONSES

- 8.1 **Police:** The Lancashire Constabulary Licensing Team in Blackpool has no objection to the proposed change.
- 8.2 **Blackpool Civic Trust:** We object to this application as there is sufficient provision in the town centre and resort overall of similar premises. Blackpool has significant social problems and we do not need to increase premises which encourage more gambling. Also draft policy DM13 clearly sets out that applications such as this must jump a large number of hurdles. There is no justification with this application as to why permission should be granted.
- 8.3 **Local Highway Authority:** I have no objection to the proposal. Issues of access and storage of materials should be covered in a construction management plan
- 8.4 **Built Heritage Manager:** In heritage terms the use will have no adverse impact on the character of the conservation area and therefore I've no objection. The opportunity to improve the shop front is limited because the shop front itself is not being replaced, but improving the size and location of the signage should be a simple positive step in the right direction to create a more traditional style of frontage.
- 8.5 **Head of Environmental Protection:** Objects to 24/7 opening as there are flats across the road; and suggests an operating times regime the same as Molloys (23 Talbot Road), the closest public house to the proposal.

9.0 REPRESENTATIONS

- 9.1 Site notice published: 09/04/2020
- 9.3 Neighbours notified: 09/04/2020
- 9.4 Eight representations have been received from the following properties:
- Abingdon Street: 25 – 29, 33, 42 and 44
 - Birley Street: 7 and 12
 - Talbot Road: 25
 - Cedar Square: 5
- 9.5 These representations raise the following issues:
- Duplication of the existing gaming centre next door would not contribute to the vitality and viability of the centre as it would cater for the same public and not attract a single new visitor to the street.
 - It would give rise to a concentration of such uses, which would be harmful to the character and appearance of the street

- It would fail to extend the range and variety of facilities in this part of the town centre and the town centre as a whole.
- It would be detrimental to the character of the area as one that caters primarily for the pedestrian/shopper/café user.
- No hours of operation are specified, it could result in disturbance to occupiers of residential flats in the vicinity.
- Late opening would attract homeless and vulnerable people begging from customers.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework

10.1.1 The National Planning Policy Framework (NPPF) was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 7 – Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 16 - Conserving and enhancing the historic environment

10.2 National Planning Practice Guidance

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS4 Retail and other Town Centre Uses
- CS7 Quality of Design
- CS8 Heritage
- CS15 Health & Education
- CS17 Blackpool Town Centre

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced.

The following saved policies are most relevant to this application:

- SR6 Retail/Café Zone
- BH3 Residential Amenity
- BH18 Amusement Centres
- LQ10 Conservation Areas
- LQ11 Shopfronts
- LQ14 Extensions and alterations
- AS1 General Development Requirements

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policy in Part 2 is most relevant to this application:

- Policy DM13: Amusement Centres, Betting Shops and Pawnbrokers in the Town Centre.

11.0 ASSESSMENT

11.1 Principle

11.2 In terms of the National Planning Policy Framework (NPPF), planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and National Planning Practice Guidance (NPPG) do not contain specific policies relating to amusement centres. However, such activities clearly fall within the definition of “main town centre uses” set out in Annex 2 to the NPPF and therefore, such activities are subject to the general provisions in Section 2 of the NPPF. These include a requirement that Local Planning Authorities include clear definitions of primary and secondary frontages in local plans, together with policies setting out which uses will be permitted in such locations. The NPPF does not preclude activities like amusement centres from primary frontages, but suggests in its glossary that secondary frontages provide greater opportunities for a diversity of uses.

11.3 There is a relevant adult gaming centre appeal decision at the property next door, 42 Abingdon Street (APP/J2373/W/18/3196247 allowed 18 May 2018). This property has a ground floor of 67 sq.m. with ancillary offices at first floor of 35 sq m. i.e. 102 sq.m. in total. In allowing the appeal, the Inspector concluded that the proposal would accord with Core Strategy Policy CS17 and saved Policy BH18; which seek to protect the character of the main shopping areas of the town to re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors.

11.4 Saved Policy SR6 supports property improvement and refurbishment within the

Retail/Café Zone and says that proposals, which would be detrimental to the character of the area as one, that caters primarily for the pedestrian/shopper/café user will not be permitted. It then lists the type of uses which would not be permitted, which includes public houses, bars and nightclubs and ground floor offices. It is considered that amusement centres and adult gaming centres are part of the shopping scene and so complies with Policy SR6.

- 11.5 Saved Policy BH18 allows amusement centres on Topping Street, Church Street, Cauce Street, King Street and Cookson Street. While Abingdon Street is not specifically mentioned, the accompanying text is not definitive in terms of limiting such uses to those streets, and the site is part of the secondary shopping area. The purpose behind the policy is *to protect the character of the main shopping areas of the town most frequented by visitors, where amusement centres would inevitably attract substantial numbers of holiday makers contrary to the retail character and amenities of the shopping area.*
- 11.6 The Inspector considered that even if the street's primary function remains retail/café based, the areas most frequented by visitors are still likely to be to the south-west and the west where the Principal Retail Core is located. Thus, the street was not, in his view, likely to attract substantial numbers of holiday makers contrary to the retail character and amenities of the centre.
- 11.7 Of more note, he considered that the proposed use would add to the variety of uses in the town centre, and in particular to the north-east of the Principle Retail Core. By re-using the unit, the proposal would strengthen and provide investment, supporting the re-branding of the town centre and four full-time jobs would be created. He agreed that amusement centres can be part of their customers' trips into the centre and the proposed use would contribute to the vitality and viability of the centre. This point, to an extent, is supported by the other amusement centres in the town centre. While these are all within neighbouring zones, there was no suggestion that there is an over-saturation of such uses in the town centre or that they have affected the character, amenity and vitality and viability of the centre.
- 11.8 For the purposes of the vitality and viability of the town centre, the premises have been vacant since 18 July 2017 and despite an active marketing campaign (online and on site), the unit received limited interest from three hot food takeaways and a charity shop, none of which progressed. Cashino's offer was accepted on 2 December 2019 and although marketing details have remained live despite this offer, no further interest has been received by the marketing agents. This property is within the Core Retail Area, but outside the Principal Retail Core. The February 2020 three monthly vacancy survey undertaken by the Council puts the vacancy rate in the Core Retail Area at 21%, which is marginally better than the 24% vacancy rate within the whole town centre boundary, but not as good as the Principal Retail Core at 14.9%. An overall total of 153 vacant units were recorded in the town centre in February 2020, whereas there were 125 vacant units in November 2017 which means that the vacancy rate has increased from 19.4% in November 17 to 24% in February 2020. However, of the 21 units (not counting the General Post Office) on Abingdon Street between Clifton Street and Talbot Road; four are shown as vacant, which is equivalent to a 19%

vacancy rate. Although this is better than the vacancy rate in November 2017 of 23.8%, it only equates to one less vacant property (there were five vacant in November 2017). Anything over 20% vacancy rate is noticeable and an indicator of a not particularly healthy shopping area.

- 11.9 In terms of the changes to the town centre in the vicinity of Abingdon Street, as at May 2020, the former General Post Office (26 – 30 Abingdon Street) is vacant, but this has an extant planning permission (reference. 17/0503 full application for “Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area, installation of replacement windows to Edward Street, re-modelling of former post office counter and use/ conversion of buildings to provide leisure uses, retail uses, offices, restaurants and cafes within Use Classes A1, A2, A3, D2 with associated administrative offices, car parking, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works” granted 21 November 2017), which will reduce vacancy rates and create more critical mass in the area and be an attraction on Abingdon Street.
- 11.10 To the north of the site an extension to the Promenade tramway is currently under construction to link the tramway network to Blackpool North Railway Station, with a terminus at the Wilko site. The tram terminus site will also accommodate a 142 bedroom hotel (application 17/0276 refers) and further office development with the aim of bringing more direct spending power into the town centre. Also on Talbot Road there is a 150 bedroom hotel, currently under construction on the former Yates site (application 15/0494 refers). Talbot Road is also part of a “Quality Corridors” initiative which has seen enhancements to the streetscape and shopfronts over the last few years.
- 11.11 To the south of Abingdon Street, major investment schemes are ongoing at the Winter Gardens (the main entrance to which is an extension to Abingdon Street), where a three storey extension is currently under construction to its eastern side to house a conference and exhibition centre capable of accommodating some 1500 people (application 16/0809 refers). Directly opposite this will be a 203-bedroom hotel, fronting Leopold Grove. To the west of the Winter Gardens on a site abutting the Hounds Hill shopping centre permission has been granted for the relocated Wilco store with an Imax cinema and three smaller cinemas above (application 17/0453 refers).
- 11.12 Against this background it is considered that the relatively high vacancy rates are not a true reflection of the situation moving forward; and the retail sector will become more buoyant through the redevelopment of the General Post Office on Abingdon Street and the major schemes currently under construction at either end of the street. These developments mean that the role of Abingdon Street as a major thoroughfare will increase in the future and its vitality is likely to improve.
- 11.13 The Planning Practice Guidance section: Town Centres and retail, sets out a number of indicators for assessing the health of town centres, which are also relevant to vitality and viability. They include diversity of uses, the proportion of vacant street level property and customers experience and behaviour, amongst other considerations. Since Policy BH18 does not have a saturation / proximity element to it, and given the

analysis of vacancy rates, I consider that the viability / vitality of the shopping area would not be adversely affected by locating one adult gaming centre immediately adjacent to another. The introduction of a national operator, currently not present in town, will introduce competition and a wider range and variety of facilities in this part of the town centre. In addition the equivalent of five full time jobs would be created, the proposal would contribute to the night time economy, and provided increased surveillance in the area.

- 11.14 Given the proposal's scale and location, it would not conflict with Core Strategy Policy CS17 which seeks to strengthen the retail offer with new retail development, with the principal retail core being the main focus for major retail development.
- 11.15 Mention must be made of Policy DM13: Amusement Centres, Betting Shops and Pawnbrokers in the Town Centre. Blackpool has a high concentration of betting shops, pawnbrokers and amusement centres per capita compared to national averages. The over-representation of betting shops, pawnbrokers and amusement centres can restrict the retail choices available and can have an impact on the health and finances of more vulnerable members of the local community, particularly in the Inner Area, which suffers from significant levels of deprivation.
- 11.16 The second part of the policy states that any proposal for a new amusement centre, betting shop or pawnbrokers will only be permitted where it can be demonstrated that the proposal:
- a. will not impact adversely on the amenity, character and function of an area;
 - b. will not have a detrimental impact on the vitality of the town centre;
 - c. will not result in negative cumulative impacts due to an unacceptable concentration of such uses in one area.
- 11.17 The supporting text says that in assessing the likely impacts of a proposal, regard will be given to the type of use, proposed opening hours, size of premises and operation and servicing. The Council will also consider whether the proposal is likely to increase or create a negative cumulative impact in the surrounding area (generally within a radius of 400 metres of the site). A standard benchmark for walking distance is considered to be 400 metres equating to approximately a five-minute walk. Whilst the proposed adult gaming centre is immediately adjacent to an existing adult gaming centre, the concentration aspect of policy DM13 can be given little weight at the present time due to the early stage of preparation of the document.

12.0 Amenity

- 12.1 The proposed hours of operation have been indicated as 24 hours, seven days per week. The agent has indicated that after 11pm the level of custom reduces significantly and then caters predominantly for local entertainment workers and shift workers. In this respect, the Inspector at appeal restricted the opening times for customers to the adult gaming centre at 42 Abingdon Street to between 09:00 to 21:00 Monday to Sunday. This is what the appellant applied for and the Inspector considered the condition necessary, in the interests of the character and amenity of

- the area. The applicant objects to a similar condition and cites a recent appeal decision in a district centre in Hull (APP/V2004/W/19/3233244 allowed 22 October 2019), where the applicant proposed 24 hour opening. In that instance the proposed adult gaming centre was also immediately adjacent to an existing adult gaming centre and was in effect an extension to it. The Inspector opined that this is not unacceptable in a district centre location and a restriction on opening hours would not be reasonable or necessary.
- 12.2 Similar to all licensed bingo venues, the applicant operates electronic bingo terminals and gaming machines. Under the Gambling Act 2005, the default conditions provide that no facilities for gambling shall be provided on the premises between the hours of midnight and 9am. The Council's licensing department has an application pending on this property for a new Bingo Premises Licence, which if granted, would allow them to operate bingo during the standard hours of 09.00 to midnight. However, there are no restrictions on the hours which gaming machines can be made available for use, so they could have these machines 24/7. The Head of Environmental Protection considers that, in order to assess the impact on residential amenity, a condition restricting opening times to those similar to Molloy's bar on Talbot Road (a close by late night noise generating use) would be appropriate for the first year. The applicant could then apply for removal of the condition to allow 24 hour operation if the impact on residential amenity was not discernible for this particular use. Such a condition is acceptable to the applicant and is proposed. Molloy's opening times are: Monday – Wednesday 07:00 – 00:30; Thursday 07:00 – 01:30; Friday – Saturday 07:00 – 04:30; Sunday 07:30 – 01:30 (licensable activities do not commence until 9am, however they can from 7am do non licensable activities e.g. serve breakfast).
- 12.3 Adult gaming centres do not have the noisy machines and tannoy systems found in seaside amusement arcades. There are no residential uses directly above or to the side of the application site. The internal staircase was removed several years ago, so the space is void with the windows on the front elevation boarded up and the upper floor is not within the applicant's demise. The Head of Environmental Protection is satisfied that the proposed soundproofing and self-closing doors, so that no amplified music is audible from the street, would protect the amenities of shoppers and visitors from potential noise outbreaks.
- 12.4 In terms of the Town Centre Conservation Area and impact on its character/appearance, the application site has been vacant for almost three years (since 18 July 2017) and its current condition has a detrimental effect on the appearance of the conservation area.
- 12.5 With regard to the effect of the proposed use on health and education, which policy CS15 seeks to improve, there is potential for the proposal along with other amusement centres and betting shops to collectively influence peoples everyday lives. This is particularly true for those in the inner areas, near to the town centre, where some of the more serious health and crime problems persist. In allowing the adult gaming centre appeal at 42 Abingdon Street, the Inspector considered that there was little conclusive evidence that the proposal would individually, or collectively, result in harm to people's health and education, or prevent them from leading healthy lifestyles.

Similarly, in a more recent appeal decision in Kidderminster Town Centre (APP/R1845/W/19/3242723 allowed 17 April 2020), the Inspector stated that a condition restricting opening hours to between 10:00 and 23:00 to mitigate any adverse effects relating to crime and anti-social behaviour was unnecessary, as there was no evidence to suggest otherwise.

13.0 Design

13.1 There is no adverse issue in terms of the design. The Head of Built Heritage considered that the revised proposal, which includes the introduction of pilasters and a smaller fascia, would have a positive effect on the appearance of the conservation area. A window display could be required by condition in order to retain a retail type frontage. Although it would not be an active frontage with inviting views through into the shop, it would be akin to some A2 frontages.

14.0 Highway Safety/Parking and Servicing Arrangements

14.1 There are no adverse impacts identified as this is a very accessible location in the town centre. The area is well served by buses and other forms of transport. A condition requiring a construction management plan would be appropriate.

15.0 Other Issues

15.1 Drainage and flood risk are not an issue

15.2 Biodiversity impact is not an issue

15.3 Environmental impact is not an issue

15.4 Air, water and land quality are not adversely affected

15.5 The application has 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 (as amended).

15.6 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. This application does not raise any specific human rights issues.

16.0 Sustainability and planning balance appraisal

16.1 Sustainability comprises economic, environmental and social components.

16.2 Economically the scheme would bring minor benefits with the creation of the equivalent of five full time jobs, the contribution to the evening economy with the proposed opening hours and with regard to providing natural surveillance, along with

other evening uses. It would support the function of the town centre and generate business rates. In addition, some employment would be generated during construction.

- 16.3 Environmentally, the quality of the Conservation Area would be improved by the alterations proposed to the shop front. Biodiversity would not be materially affected, nor would there be any significant detrimental impact on drainage.
- 16.4 Socially, the scheme would not result in harm to people's health and education, or prevent them from leading healthy lifestyles.
- 16.5 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the economic, environmental and social components. No other material planning considerations have been identified that would outweigh this view.

17.0 CONCLUSION

17.1 The adult gaming centre is in accordance with Policy BH18. In addition, there are other material considerations:

- the vacancy rate on this section of Abingdon Street
- the length of vacancy of this unit, since at least November 2017
- the size of the unit – the loss would not amount to a significant floor space
- frontage improvements in the conservation area
- employment benefits with the equivalent of five full time jobs created
- year round trading
- business rates (previously empty)

These matters have to be weighed in the balance.

17.2 I conclude that the benefits outweigh the unadopted Policy DM13 considerations in this particular instance and permission should be granted.

18.0 BACKGROUND PAPERS

18.1 Planning Application File(s) 20/0187 which can be accessed via the link below:
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

19.0 RECOMMENDATION

19.1 Approve subject to the following conditions:

- 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 including the following plans and information: dwg nos. AS/BL/04 Rev C and AB/BL/03 Rev A.

The development shall thereafter be retained and maintained in accordance with these approved details.

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

- 3 The use hereby approved shall not operate outside of the hours of:
- (a) Monday to Wednesday 07:00 to 00:30 on the following day
 - (b) Thursday 07:00 to 01:30 on the following day
 - (c) Friday to Saturday 07:00 to 04:30 on the following day
 - (d) Sunday and Bank Holidays 07:00 to 01:30 on the following day

Reason: In order to safeguard the amenities of nearby residents 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.

- 4 The scheme of sound and vibration proofing measures detailed on plan reference AB/BL/03 Rev A shall be carried out before the premises is first brought into use and retained thereafter. The scheme shall include a self-closing door to the Abingdon Street elevation (which shall not be propped or held open), so that amplified music is not audible from the street.

Reason: In order to safeguard the amenities of nearby residents and visitors, 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.

- 5 No amusement only equipment/machines shall be installed on the premises.

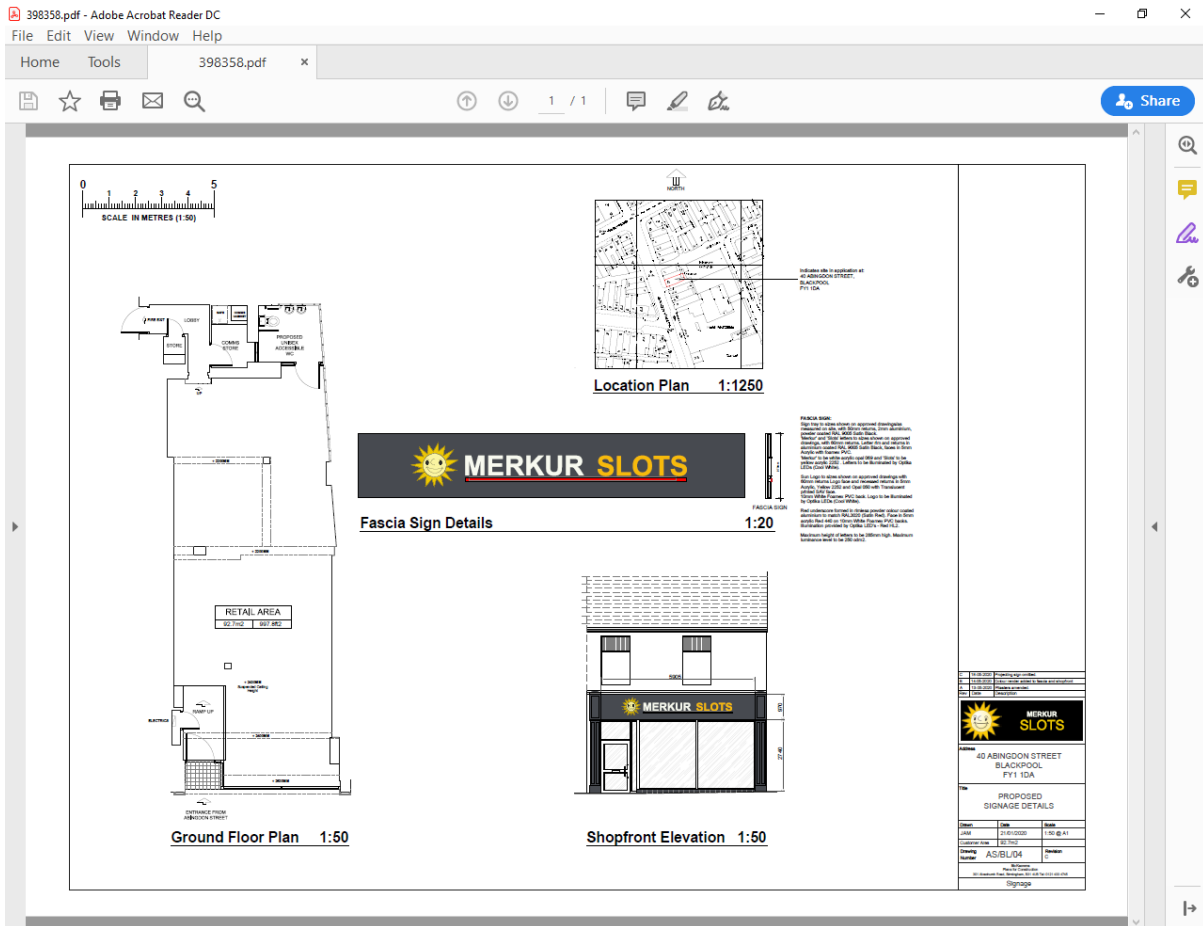
Reason: In order to safeguard the amenities of nearby residents and visitors, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 – 2027 and Policy BH3 of the Blackpool Local Plan 2001 – 2016.

- 6 A window display shall be maintained at all times in the ground floor windows to the Abingdon Street elevation.

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

Application 20/0187 - 40 ABINGDON STREET





**Blackpool Council
Development Management**

Officer Report to Committee

Application reference: 19/0803

Ward: Warbreck

Application type: Full planning permission

Location: 47-51 Shaftesbury Avenue, Blackpool

Proposal: Erection of a two-storey link extension, creation of additional car parking facilities and use of 51 Shaftesbury Avenue in conjunction with 47-49 Shaftesbury Avenue as an enlargement of existing care home.

Recommendation: Refuse

Case officer: Mark Shaw

Case officer contact: 01253 476345

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

1.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.

1.2 This application is considered to be in breach of the second Council priority relating to creating stronger communities and increasing resilience in terms of the home extending into a third residential property, sharing a party wall with a residential property and the resulting size and impact of the home on the adjoining house at 53 Shaftesbury Road and on the wider residential area.

2.0 SUMMARY OF RECOMMENDATION

2.1 The application is recommended for refusal on the basis of being contrary to Policy BH24 'Residential Institutions and Community Care Residential Use' which states care homes should occupy no more than about 10% of the block in order to limit their impact on the character and amenity of a residential area. The block has been defined as no more than 100 metres in either direction but may be less depending on clear breaks to the property frontage such as roads. It should, however, not be less than 10 properties or 75 metres.

2.2 In this instance the application property would occupy three out of six properties within a block of properties between Argyll Road and Gosforth Road, which is

60 metres wide (50% of the block). Applying the policy to include the two adjoining blocks between Cornwall Avenue and Cleator Avenue gives a length of 180 metres and three out of 15 properties in use as a care home, 20% of the 180 metre long block. The proposal is therefore contrary to Policy BH24.

- 2.3 There are also concerns regarding the physical link between the existing, already substantially extended home and the adjoining semi-detached house in terms of its design and appearance and impact on the adjoining house, which shares its party wall, and on the wider area.

3.0 INTRODUCTION

- 3.1 This application is before the Planning Committee because of the high level of public interest expressed both against and in favour of the proposal.

4.0 SITE DESCRIPTION

- 4.1 Golden Years Rest Home occupies a pair of two storey semi-detached properties at the junction of Shaftesbury Avenue and Argyll Road within a primarily residential area and sits opposite North Shore Golf Course. The Rest Home has capacity for 21 residents and is one of three pairs of semi-detached properties located between Argyll Road and Gosforth Road. The adjoining pair of semi-detached properties, 51 and 53 Shaftesbury Avenue, are single family dwellings. The Rest Home has been extended with two storey extensions to the rear and fronting onto Argyll Road occupying what most of what would have been the rear garden of 47 Shaftesbury Avenue. The Home also has a single storey extension onto the Argyll Road frontage.
- 4.2 The application property is located within flood zone 1 and is not subject to any constraints.

5. DETAILS OF PROPOSAL

- 5.1 The application involves the conversion of 51 Shaftesbury Avenue as an extension to the existing Rest Home at 47-49 with a two-storey rear link extension between the respective properties. The conversion and link extension would add five en-suite bedrooms, a wet room, visitor room and a salon to the Rest Home and increase the capacity from 21 residents to 26 residents. Eight car parking spaces are shown on the proposed layout plan, four to the front of the property and four spaces accessed from Argyll Road.
- 5.2 The application has been supported by:
- design and access statement
 - enquiries statistical analysis
 - planning statement
 - statement of purpose.

6.0 RELEVANT PLANNING HISTORY

6.1 19/0226- Pre application submission involving the expansion into N.51 with a link extension.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- Principle of extending the Rest Home into a third property and application of Policy BH24
- Design and visual impact of the link extension
- Impact of the proposal on residential amenity
- Car parking facilities and traffic generation
- Local need for additional care facilities
- Any other issues

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

8.0 CONSULTATION RESPONSES

8.1 **Head of Highways and Traffic Management:** I have no objection in principle to this proposal. The parking provision appears to be as required by the Council's standards and some degree of casual parking can be accommodated on adjacent highways.

However, the plans are unclear on where the existing six spaces are and the additional two are in tandem in front of the new extension/connection and the door. I am not convinced that the tandem spaces will all be used. Nevertheless, the number of spaces would be adequate at six.

I will need to see a plan with the parking spaces, together with changes to walls and footway crossings, suitably dimensioned. The applicant should also ensure that all parking spaces are drained within the site and not to the highway. A drainage detail will therefore also be required.

8.2 **Service Manager Public Protection:** requests a condition be included regarding a noise assessment and appropriate attenuation measures being installed to reduce the impact that could be caused by distressed patients to the adjoining property

9.0 REPRESENTATIONS

9.1 Press notice published: None

9.2 Site notice published: 16/12/19

9.3 Neighbours notified: 13/12/19

9.4 **13 letters of objection** have been received from the following properties:

- 44, 50, 53, 55, 57, 67 Shaftesbury Avenue, 78, 82 Argyll Road and 55 Gosforth Road, a petition has also been received signed by five local residents in support of the objections from 53 Shaftesbury Avenue.

9.5 These representations raise the following issues:

- Object in strongest terms to the conversion of No.51 into a commercial nursing home. It would have an unacceptable detrimental impact on their quality of life, enjoyment of their home and garden and would significantly harm the character and appearance of the local area.
- This area has an attractive, predominantly residential character and the application property is within what was originally three pairs of traditional, bay fronted semi-detached houses. The original pair of semi-detached properties have already been substantially altered to the rear and side with little regard to the appearance of the original houses.
- To link No.49 to No.51 would be an over-intensive use of the site and significantly detract from the established character creating an unbalanced, incongruous appearance. Furthermore, the amount of glazing would be out of character.
- The Blackpool Core Strategy states high quality design is central to the creation of attractive, successful and sustainable places and the Council expects high quality, well designed developments to contribute positively to the character and appearance of an area. The proposal is contrary to Policy CS7 of the Core Strategy, Local Plan polices LQ2 and LQ14 and the National Planning Policy Framework (NPPF), which states development of poor design, should be refused.
- The proposal is also contrary to Policy BH24, which states that no more than 10% of properties in any one block will be permitted in residential institution use.
- Policies CS7, BH24 and emerging Policy DM3 all refer to the scale and intensity of use and its effect on adjacent properties. This unsympathetic and ill-conceived proposal would turn their peaceful home into an end terrace property adjoining an over intensive commercial use.
- Four en-suite bedrooms would adjoin the party wall and the level of disturbance would be totally unacceptable. Residents would have televisions / music in their rooms and it is not good design practice to have ground floor bedrooms adjoining living rooms. One resident of No.53 works night shifts and requires daytime sleep. The disturbance during building works would be intense and unacceptable. Security lights would also cause disturbance.
- The increased activity from the larger premises would be incongruous in this quiet residential area. This includes ambulances arriving day and night, staff and visitors coming and going. Whilst this may be appropriate in a detached building, it would be totally unacceptable adjoining a house. The use of their garden would also be affected and is already disturbed by noise and music.
- The gardens of the Care Home will be closer to its neighbours and an existing garage and conservatory will be removed increasing the impact.
- There would be further loss of privacy by overlooking, particularly from the link extension.

- The proposal would result in 25 elderly residents on this relatively small site within a residential area.
- It is stated that two new parking spaces will be provided to give a total of eight spaces. These are not new spaces they are simply using the driveway of No.52 with tandem spaces, which is not a satisfactory arrangement and result in further disturbance particularly at night. Furthermore, eight spaces do not seem sufficient for the extended Rest Home as there would be 20 staff, albeit working shifts combined with visitors, ambulances, deliveries etc. thus increasing parking congestion in the area.
- There are several large detached care homes in the vicinity, none connected to the residential property. Belsfield Care Home is within 400m of this site.
- Surely the block consists of properties between Gosforth Road and Argyll Road making a total of 50% of the block.
- No one is questioning the quality of care at this home.
- Parking spaces off street rarely seem to be used and on street parking is seen as a convenient alternative. How can it be ensured that additional parking spaces will be used?
- When reversing from an adjoining driveway visibility is often blocked due to on street parking made worse by speeding traffic.
- This is ultimately a private business in the heart of a residential area

Paul Maynard MP objects to the application. In linking two semi-detached properties the proposal will form one large building occupying the footprint of three semi-detached homes. Such a development would be entirely unsuitable with regards to bulk and mass and be entirely out of character with the surrounding residential area. There is also a concern with additional traffic generated by the expanded business premises and the small number of parking spaces available to staff and visitors. It is asked that the application be refused.

A total of 22 letters of support have been received from the following properties:

- 51 Shaftesbury Avenue, 29 Pierston Avenue, St Pauls Medical Centre, Blackpool, Hardhorn Road General Medical Practice, Poulton, the Residents' Representative of the Home and a number of other Blackpool, Fylde Coast and nationwide addresses.

These representations raise the following issues:

- A number of supporters of the application have a family member resident or who have been resident in the Rest Home.
- The Rest Home appears to be a well-run establishment and the staff are all very professional, helpful and courteous and has the reputation as the best in Blackpool
- Shaftesbury Avenue is a wide road and at no time have they encountered parking problems.
- All external works will be carried out sympathetically with surrounding properties.
- Golden Years Rest Home is a quiet, comfortable and caring environment.
- The only noise is from the occasional passing vehicle. Noise from the home itself is far less than would be expected from a family home.

- There will be little or no change in traffic movement or noise. Most of the residents spend their time sleeping.
- The proposed link will enable elderly residents to move around without having to go outside.
- The benefits of the application will outweigh any complications. Golden Years Rest Home is known for providing excellent care and it would be a disappointment if it were not to expand to meet increasing demands.
- The proposal will provide a special dementia room and gardening facilities
- The Fylde has a large elderly population many with dementia which is rising all the time.
- A larger garden would mean more residents could exercise in safety, giving more independence and the Rest Home intend to put in raised planting beds which will enable residents' to do some gardening. This would be beneficial for their health and mental wellbeing.
- The extension would provide a specified visitors' room as not all residents want visitors in bedrooms. Nor is there a room where residents can be assessed by visiting professionals.
- The extension would mean additional residents could reside in a luxury environment.
- The Rest Home provides much needed employment.
- There are only 44 care homes in Blackpool and the town does not do enough to cater for the elderly.

53 Gosforth Road – (neutral comment) expresses worry regarding security and also concerns about overnight lighting given the proximity of their bedroom.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The National Planning Policy Framework (NPPF) was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Achieving Sustainable Development
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH24 Residential Institutions and Community Care Residential Use
- LQ1 Lifting the Quality of Design
- LQ4 Building Design
- LQ14 Extensions and Alterations
- AS1 General Development Requirement

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM3: Residential Institutions
- Policy DM19: Extensions and Alterations
- Policy DM21: Public Health and Safety
- Policy DM39: Transport Requirements for New Development

10.6 Other Relevant Policy Guidance- None

11.0 ASSESSMENT

11.1 Principle of extending the home into a third property and application of Policy BH24

11.1.1 Policy BH24 states that, in order to protect the character and amenities of residential areas and avoid undue concentrations of residential institutions, such uses must not exceed about 10% of a block. Community uses meeting specialist needs must not be

located within 400m of similar such uses. Whilst the latter does not apply in this instance, the proposal would result in some 20% of the defined 180 metre block (three of 15 properties) being in C2 use. This would clearly be contrary to the wording of the policy.

- 11.1.2 The intention behind the policy is to protect the overall character of the areas in which C2 uses are located. The supporting text acknowledges that, of all C2 uses, old people's homes are likely to be least problematic, although it is noted that this facility offers specialist dementia care which can generate noise issues. The fact that the use would be a single business operation rather than a number of separate businesses is also a consideration. Whereas separate businesses would generate their own independent activity relating to staff and visitor comings and goings, which cumulatively could be significant, this would be less likely with a single, extended business. Nevertheless, it must be acknowledged that Shaftesbury Avenue is a relatively quiet residential road and that the existing facility, and although already significantly extended, is free-standing and contained within a single pair of semi-detached properties.
- 11.1.3 The extension of the existing 21 bed Rest Home, at present occupying a substantially altered and extended pair of semi-detached properties, into a third semi-detached property to provide five additional en-suite bedrooms plus other facilities would over-dominate the block of six properties between Argyll Avenue and Gosforth Avenue, occupying three of six properties. The expansion and extension would significantly add to the impact the Rest Home has upon its immediate neighbours, particularly 53 Shaftesbury Avenue, which would share a party wall. One of the main aspects of Policy BH24 is to ensure that such Homes do not over-dominate a residential area detracting unduly from its residential character.
- 11.1.4 The definition of a block as set out in Policy BH24 had been the subject to differing interpretations and in 2008 the Development Control Committee, as was, agreed that a block should be defined as the "immediate adjoining property frontage in which a proposed development is itself located. No account should be taken of premises on streets to the rear or on other side streets unless a corner property itself is the proposal being considered".... A block "should not exceed beyond 100m in either direction... and should not be less than 10 properties or 75m". Whilst this resolution was not readily accessible on the Council's planning website at the time the application was submitted, the agent has been made aware of its existence to further explain the Council's approach and to date no response has been received.
- 11.1.5 The applicant's argument with regard to the legal interpretation of planning policy has been noted. However, Blackpool Council has consistently interpreted Policy BH24 as applying to the immediate frontage adjoining an application property, and indeed this was the foundation of the written advice offered to the applicant prior to submission. As such, the applicant was well aware of the Council's clear and long-standing interpretation of this policy and any claim of inconsistency is entirely refuted. It is considered entirely reasonable to consider the block containing the application property and those on either side, a distance of 180m that includes some

15 properties. The proposal would result in three or 20% of these properties falling within C2 use.

- 11.1.6 Given the quiet, residential nature of the area, and the fact that the proposal would include a large extension to physically connect two stand-alone pairs of semi-detached properties, it is considered that this would result in an over-concentration and over-domination of a C2 use in this locality contrary to Policy BH24 and be harmful to the character of the neighbourhood. As such, the proposal is considered to be unacceptable in principle.
- 11.1.7 The existing Rest Home is rated as good in all areas by the Care Quality Commission (CQC) and evidence has been submitted as part of the application to illustrate the unmet demand at the Rest Home and this is not disputed. However, the requirement for a demonstration of local need is fundamental to all applications for C2 uses within Blackpool. There is nothing within the policy or supporting text to suggest that local need could be a justification for departure from the criteria at the end of the policy seeking to avoid an undue concentration. Compliance with all elements of the policy must be secured in order for a proposal to be supported. Unfortunately, in this instance it is considered that the resulting harm to the character, appearance and residential amenity of the area from the expansion and extension of the Rest Home outweighs the benefits of providing a relatively small number of additional places at the application property.

11.2 Design and visual impact of the link extension

- 11.2.1 Care homes tend to occupy detached properties as does the present application property. The proposal seeks to extend the Rest Home with a two storey link extension setback from the frontage but still readily visible from Shaftesbury Avenue with a glazed ground floor treatment and more domestic appearance first floor and roof profile. The extension given its position and ground floor glazed treatment appears as an incongruous and insensitive addition to the properties. It would be over-bearing and unbalance the visual appearance of both pairs of semi-detached properties and be out of character with the host properties and with the wider area. Consequently, the link extension is considered to be contrary to Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy.

11.3 Impact of the proposal on residential amenity

- 11.3.1 The existing Rest Home is a free-standing, albeit fairly substantial, property whereby internal noise can be more easily limited within the confines of the building. This would inevitably be more difficult if the Rest Home is physically attached to 53 Shaftesbury Avenue, a dwellinghouse, via a two-storey link extension with four en-suite bedrooms sharing the party wall with No.53 directly abutting the two main living rooms and two principal bedrooms of the adjoining house. The Rest Home caters for dementia patients, who can get distressed and generate noise issues. Whilst noise levels can be reduced via an appropriate condition there will inevitably be additional impact from the activities of the expanded Rest Home into 51 Shaftesbury Avenue. This additional impact could also include the use of the garden

area, the off-street car parking facilities, which includes tandem parking meaning cars would be blocking in other cars, and additional visitors, staff and health professional visiting the premises.

11.3.2 Policy BH24 requires the submission of a management plan for the operation of the premises. Whilst a statement has been submitted setting out the approach to care provided by the business, no information has been provided relating to staffing levels, hours of shift-change over, visiting hours, security arrangements or the likely number/frequency of visiting professionals. Given the locational conflict with Policy BH24 set out above, this information has not been requested from the applicant as it would have been unreasonable to require potentially abortive work. However, an expansion of nearly 25% is highly likely to generate additional comings and goings and general noise and activity.

11.3.3 Given the existing quiet residential nature of the area, the likely impact from additional noise and activity weighs against the application.

11.4 Car parking facilities and traffic generation

11.4.1 Eight off street car parking spaces are shown for the expanded Rest Home. Four spaces located off Argyll Road to the side elevation and four tandem spaces utilising the driveways of No.s 49 and 51 meaning two spaces are blocking the other two spaces. Current maximum car parking standards for Care Homes require one space to be provided five residents which here would give a maximum requirement of five parking spaces. Reductions in parking provision can also be made in locations of greater accessibility. The Head of Highways and Traffic Management has requested further details but these matters could be conditioned on any approval. In terms of the proposed car parking facilities the application is considered acceptable in principle. In terms of traffic generation there would inevitably be a proportionate increase in traffic and visits to the site from family members, health care professionals and staff although this limited increase is not in itself considered sufficient to warrant a refusal of planning permission.

11.5 Any other issues

11.5.1 There are not considered to be any drainage or flood risk issues arising from the application nor would there be expected to be any significant biodiversity impact, or adverse impact on air, water and land quality. The security of the application property and that of its neighbours should not be unduly affected by the proposal.

11.5.2 The application has 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 (as amended).

11.5.3 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and

freedoms of others. This application does not raise any specific human rights issues over and above the matters already covered in this report. Refusal of planning permission would inevitably prevent additional elderly people residing at the Rest Home but this needs to be counter-balanced with considerations of the impact on the character and appearance of the surrounding area and the amenities of adjoining residents.

11.6 Sustainability and planning balance appraisal

11.6.1 Sustainability comprises economic, environmental and social components.

11.6.2 Economically the scheme would have a limited impact but the proposal would grow the business and some employment would be created during construction and extra staff would be employed once the expansion and the extension is complete.

11.6.3 Environmentally, biodiversity would not be materially affected, but there would be a significant detrimental impact on visual amenity and on the character of the area as a result of the link extension and further expansion of the Home into a third semi-detached property.

11.6.4 Socially, the scheme would provide additional capacity at this Home, which is rated as good in all areas by Care Quality Commission (CQC), however to counter balance this the proposal would have a detrimental impact on the character, appearance and amenity of the area.

11.6.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the environmental and social impact. No other material planning considerations have been identified that would outweigh this view.

12.0 CONCLUSION

12.1 The application is considered contrary to Policy BH24 aiming to prevent large care homes having an unacceptable impact on the character of a residential area. The proposed link extension into and use of 51 Shaftesbury Avenue is also considered to have an unacceptable impact on residential and visual amenity. Consequently, this application is recommended for refusal.

13.0 BACKGROUND PAPERS

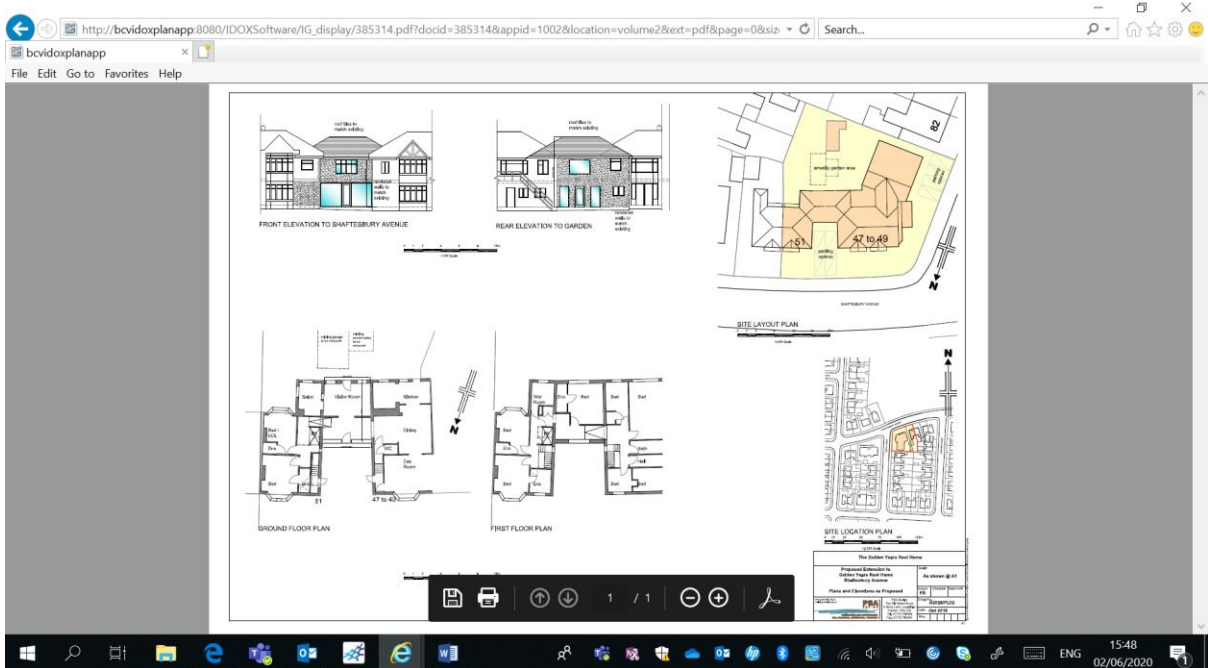
13.1 Planning Application File(s) 19/0803 which can be accessed via the link below:
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

14.0 RECOMMENDATION

14.1 Refuse for the following reasons:

- The proposed expansion and extension into 51 Shaftesbury Avenue would result in the Home occupying 50% of the block between Gosforth Avenue and Argyll Avenue and 20% of the block between Cornwall Avenue and Cleator Avenue which would have a significantly detrimental impact on the character, appearance and residential and visual amenities of the area by virtue of its size, close proximity to the common boundaries, use, layout and design. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3, BH4 and BH24 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
- The proposed two storey link extension would be visually over-dominating and out of character within the streetscene and significantly detrimental to the appearance of the property, the dwelling to which it would be attached and the wider area due to its size scale, design and position and would therefore be contrary to Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Application 19/0803 - 47-51 Shaftesbury Avenue



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**Blackpool Council
Development Management**

Officer Report to Committee

Application reference: 20/0038
Ward: STANLEY
Application type: Full Planning Permission
Location: LAND ADJACENT 433 MIDGELAND ROAD, BLACKPOOL

Proposal: Use of land for the keeping of horses and as a residential caravan site for two traveller families, each with two caravans (one static caravan/mobile home and one touring caravan), together with the erection of two ancillary amenity buildings and extension to hardstanding.

Recommendation: Refuse

Case officer: Pippa Greenway
Case officer contact: 01253 476222

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.
- 1.2 This application does not accord with any of the Priorities of the Plan and is considered to be at odds with the Council Plan with regards to sustainability.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application site falls within the designated Marton Moss Strategic Site and Marton Moss Conservation Area. Policy CS26 of the Core Strategy makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. The impact of the proposal on the character of the surrounding area and the amenities of the occupants and neighbours can be mitigated by suitable landscaping and conditions. Currently there is no unmet need for traveller sites, as that need was met by planning permission granted by Committee in a more sustainable location (19/0094 adjacent 161 School Road). The scheme the subject of this application would not directly contribute towards meeting an identified gypsy and traveller requirement and therefore the proposal does not outweigh the objection in principle. As such, Members are recommended to refuse the proposal. Part 2 of the Council's Local Plan has been subject to an informal consultation and

although it suggests some potential sites for travellers and travelling showpeople, the weight that can be attached to the plan at this stage is limited. Members will also be aware that work on the Neighbourhood Plan for the Marton Moss Strategic Site is ongoing, however the weight that can be attached to the plan at this stage is also limited.

3.0 INTRODUCTION

3.1 This application is before the Planning Committee because it constitutes a departure from the development plan and because the proposal is of interest to the wider public.

3.2 Members will be aware that the Government requires local authorities to undertake an assessment of the need for traveller and travelling showpersons sites in their area. This Council commissioned a joint study with Wyre and Fylde Councils and the initial report was published in 2014 and subsequently updated in 2016. The study sets out the requirements across the Fylde coast. For traveller sites this Council's need for sites over the period 2016-2031 is six pitches. However our neighbours Fylde Borough Council have over-provided by four pitches and, as the study considered the Fylde coast as a whole, this reduced the need in Blackpool to two pitches at the end of 2018. In February of 2019 the Planning Committee approved one pitch at 411 Midgeland Road (18/0156 refers) leaving a need for one pitch.

3.3 At Planning Committee on 31 July 2019, three applications were before Members relating to traveller sites:

- **19/0094 - LAND ADJACENT LAND ADJACENT TO GREENACRES, 161 SCHOOL ROAD**
- **19/0150 – LAND ADJACENT 433 MIDGELAND ROAD**
- **19/0317 - STATELEY LODGE, 41 SCHOOL ROAD**

3.4 The first proposal was recommended for approval, being in a more sustainable location than the second proposal, which was recommended for refusal, subject to the Committee granting approval of the first one. The Stately Lodge site (also approved) was an increase in numbers at an existing family plot. The current application is a resubmission of the second proposal (19/0150), which was withdrawn by the applicant just before it was due to be considered by Planning Committee.

4.0 SITE DESCRIPTION

4.1 The application site is 0.8 hectares of agricultural land with a derelict timber/corrugated building on part. To the rear (east) is the Midgeland Road tip (within Fylde), behind an open watercourse and belt of trees; and there is sporadic residential development in the vicinity. It is located within Marton Moss on the south eastern fringe of the borough, and shares a boundary with Fylde borough. The area has a distinctive semi-rural character formed by the mix of horticultural, equestrian, residential and other uses present, reflecting its historic past as a market

gardening area. While more development exists along the main highway frontages, the land behind these frontages retains an essentially rural character, although it is very different from typical more open countryside.

- 4.2 The site is located within Marton Moss Strategic Site as defined in the Blackpool Local Plan Part 1: Core Strategy, adopted January 2016; within Marton Moss Conservation Area and within the Marton Moss Neighbourhood Forum area.

5.0 DETAILS OF PROPOSAL

- 5.1 Planning permission was granted in 2018 (18/0123 refers) for the erection of a building to house four stables and one storage room and formation of paddock, hardstanding area and access road/track. The current proposal is to implement that permission, in addition to the use of the land as a traveller caravan site for two static caravans, two touring caravans and two amenity buildings. The development would be to the rear of the site in proximity to the borough boundary with Fylde; and an existing hedge would be to the front of the caravans, screening them from view. It also includes the provision of four car parking spaces and associated hardstanding. The development would not encroach onto the front of the site (to be a paddock), so the developed area would amount to approximately 1000 square metres.

- 5.2 The application has been supported by:

- Design and Access Statement
- Heritage Statement
- Planning Statement - an explanation of who the applicant is and their situation. The applicant is a Romany Gypsy, who still lives the nomadic way of life to earn a living from his work in the horse trade. This includes travelling the country to horse fairs such as Appleby in Cumbria, Stow on the Wold, Leigh Gap etc. He has done this for the last 50 years along with his family and is keen to continue to do so, although it has become harder because of health reasons and the lack of places to stop and rest on their travels. With regard to family and friends sites, they need the space to accommodate their own growing families, so it is harder to accommodate extra travellers. It is also more difficult to rest on traditional stopping grounds because of new legislation regarding gypsy and traveller stopping rights. The applicant is keen to carry on with his traditional way of life by continuing to attend horse fairs, but understands the importance of having a home for rest and recuperation, which would then allow him to carry on living the nomadic way of life for many years.

The statement goes on to say that the need for healthcare and education is paramount in the case of the applicant and his family. Living on the site would be the applicant and his wife, their son and daughter in law and two grandchildren. The applicant has three of his children and 15 grandchildren living on the Fylde coast. Both the applicant and his wife have recently undergone surgery and need easy access to healthcare; one of the grandchildren is a frequent visitor to

Blackpool Victoria Hospital and attends clinic once a week. The applicant is determined to give the youngest grandchild an education and to this end he attends a local nursery and is registered at St. Nicholas pre-school, which he can attend from 22 June 2020. The grandchild already has family and cousins who attend this school and this would help him be less isolated in society. Another grandchild is expected in June 2020 and a settled home with access to running services would be of great benefit, and would make access to GPs and midwives easier.

- Details of Gypsy Status - extracts are submitted from Circular 01/06 regarding Gypsy Status and the need to identify sufficient site provision through the production of a Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA). Other material considerations with regard to applications for planning permission include: gypsy status; the need for sites and the availability of alternative sites; the applicants need for a gypsy or traveller site; personal circumstances; and human rights [Circular 01/06 was replaced by guidance in the Planning Policy for Traveller Sites in March 2014].

A letter of support is included from Violet Cannon, an author and activist for the Gypsy and Traveller Communities and Director of York Traveller Trust. She confirms that the family are ethnic Romany Gypsies whose needs should be met under the requirements of the Equality Act. She considers them to be a well-respected and prominent Gypsy family with links to many other families, including hers. She considers that their presence would have a positive impact on the local area and they would be a great asset to the community.

A series of photographs shows the applicant and family members/relatives attending fairs etc. through the years.

- Personal Circumstances – extracts from Planning Law with regard to Gypsy and Traveller proposals have been submitted, particularly with regard to the Human Rights Act 1998 (HRA). Highlighted are paragraphs in relation to the education of children of preschool (nursery) age and raising the achievement of Gypsy and Traveller pupils. Article 2 of Protocol 1 of the HRA provides that no person shall be denied the right to education and the children of Gypsies and Travellers require a minimum of stability in order to be able to attend the same school and receive continuous education.

A letter from Durham County Council Gypsy and Traveller Education Advisor states that she has met the family several times (the applicants' son and daughter in law) particularly after the birth of their youngest son and advises they are keen to put down roots. Their plans to settle coincide with their son accessing early year's provision and subsequently primary education in the local area.

There is also a right to healthcare and the applicant has submitted details of his wife's South Tees hospital records and his grandson's clinic record book (currently registered at a home address in Thornton Cleveleys).

- The availability of alternative sites – the applicant has submitted a letter from the Council run gypsy/traveller site on Chapel Road, which states that they know of at least eight families looking to buy plots of land to develop for their own families. They state that as families grow it becomes increasingly harder to find space on relatives and friends sites because they need space for their own children who have married and had children of their own. They consider that although GTAA's are a good idea, they have limited information and are only a snapshot in time and not 100% accurate. They do not take account of health and personal circumstances. Gypsy/traveller life expectancy is poor and significantly less than the sedentary population; and health problems are between 2 – 5 times more common than the settled community. There has been nowhere identified as appropriate land suitable for gypsy/traveller sites in the Blackpool area.

A letter has been submitted from Kinross Caravan Park on Whalley Lane advising that the applicant had asked to pull on the site, but the site is full up.

- With regard to Sustainability, more planning law has been highlighted with regard to Circular 01/06, particularly that local authorities should take a holistic approach to the issue of sustainability when considering whether to grant planning permission for a Gypsy or Traveller site; and that a distance of two miles is reasonable walking distance to school for children.

In response to a questionnaire from the Council, the applicant states that in the last year, more than five trips (living in a caravan or trailer) have been made away from their permanent base by the whole family (except the grandson), for reasons of work visiting fairs and gatherings to ply their trade as horse traders. They travel all year and stay on the roadside, or with friends and family; and they intend to travel in the future, but realise the need for more rest, easier access to healthcare and education.

- Letters of support have been submitted from 417, 433 and 462 Midgeland Road. They consider that the land has been a dumping ground for fly tipping over many years and they would prefer to see it tidy and become a family home. The siting of two mobile homes is preferable to vandalism/drug use/fly tipping, with the ultimate preference for a permanent dwelling.

6.0 RELEVANT PLANNING HISTORY

- 6.1 19/0150 - Use of land for the keeping of horses and as a residential caravan site for two traveller families, each with two caravans (one static caravan/mobile home and one touring caravan), together with the erection of two ancillary amenity buildings and extension to hardstanding – APPLICATION WITHDRAWN.
- 6.2 18/0123 - Erection of a building to house four stables and one storage area and formation of paddock, hardstanding area and access road/track - APPLICATION GRANTED.

- 6.3 17/0763 - Erection of a building to house eight stables and two tack rooms and formation of paddock, hardstanding area and access road/track - APPLICATION REFUSED
- 6.4 76/0055 - Use of land for siting of caravan - APPLICATION REFUSED
- 6.5 75/1717 - Siting of one residential caravan. - APPLICATION REFUSED
- 6.6 75/0735 - Erection of temporary dwelling - APPLICATION REFUSED
- 6.7 74/0133 - Erection of dwelling house on smallholding - APPLICATION REFUSED

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- principle of the development
- need for the development
- personal circumstances of the applicants
- impact on the character and appearance of the Marton Moss Conservation Area
- impact on residential amenity
- impact on highway and pedestrian safety

8.0 CONSULTATION RESPONSES

- 8.1 **United Utilities:** Drainage In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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.
- 8.2 **NATS Safeguarding:** NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.
- 8.3 **Fylde Borough Council:** No specific observations to make.
- 8.4 **Blackpool Civic Trust:** The Council needs to consider the draft policy for traveller caravans across the Borough before accepting piece meal development such as this. A precedent will be set if permission is granted.
- 8.5 **Marton Moss Neighbourhood Forum:** Marton Moss Neighbourhood Forum objects, in principle, with any application for planning which has failed to observe correct procedure. This application falls into that category for the following reasons:
- The Marton Moss Neighbourhood Forum is, at present, writing the Neighbourhood Plan for the designated area and will be publishing the draft plan early in 2020. The policies CS16 and CS26 are at present in force in the Neighbourhood Area, also part of the Forum area to the South of Progress Way is

a designated Conservation Area. This effectively means there is no building or change of use in the Forum Area until the new Neighbourhood Plan is adopted.

- There have been several explicit examples in recent months which have demonstrated a disregard for the rules when applying for planning permission. Forum members have acknowledged that the Council had not made adequate provision for Traveller and Showpeople sites. The previous applications were therefore approved retrospectively even though work was started and in some cases completed, before planning permission was granted. However, Blackpool Planning subsequently assured the Forum residents that this would not happen again as the quota for Traveller sites was now fulfilled.
- The proposal is contrary to Policy CS26 in that it would cause an unacceptable environmental impact; it is not a brownfield site; the cumulative impact of other authorised sites in the vicinity would cause harm to the character of the area and the local settled community; it would not have good access to transport links, public transport or be close to shops, schools, jobs, health and local services and other community facilities; pedestrian access to the site is not safe and convenient.
- The Application is inconsistent with Policy CS26 as in advance of the neighbourhood planning process, no development will be permitted in the area unless it accords with the criteria set out in part 2 of the policy. This essentially prevents new residential accommodation and restricts development to agricultural or horticultural purposes or outdoor recreational uses appropriate to a rural area; so as not to undermine the outcome of the neighbourhood planning process for the enhancement of the Moss.
- The Applicant has cleared the land without due consideration on the impact on wildlife, and has not given required notice of work to the trees over 75mm in diameter which are protected by Tree Preservation Orders in the Conservation Area.
- Planning regulations rules need to be followed by all residents and no special status should be given to any group. In order to establish trust and certitude a 'level playing field' for all is essential. The Council establishes rules and procedures for an ordered society, allowing residents to live peacefully, knowing that their rights and those of their neighbours are protected by their elected representatives. These rules and procedures should be followed by all, without prejudice or favour.

8.6 **Conservation Officer:** The proposal represents a change from the historic use of the site. The Marton Moss Conservation Area was designated primarily for its traditional and long-standing agricultural and horticultural past, and the pattern and type of built environment which developed around this land use. Although the proposal will retain a large amount of undeveloped land, if it is approved it should not be seen as a precedent to encroach further by, for example, the extension of hard standing for

more caravans. The protection of the rural and semi-rural nature of the Conservation Area is paramount. Additional hard standing should be kept to a minimum, and grass reinforcement mesh used wherever possible instead of gravel or other surface material. No trees should be removed as part of the development, and additional screening should be provided if necessary.

- 8.7 **Environmental Protection (Contaminated Land)** - The site is located on the boundary of a historic landfill site which has been filled. A Phase 1 Desk Study is requested, if this shows that there is a significant likelihood of significant harm, it is to be followed by a Phase 2 study. If remediation is required, a remediation strategy is to be submitted to the Local Authority for approval prior to commencement of works. On completion of remediation a validation strategy is to be submitted for approval.
- 8.8 **Local Highway Authority:** No objection to the proposal.
- 8.9 **Environmental Protection (General comments):** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.
- 8.10 **Council Drainage Officer:** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

9.0 **REPRESENTATIONS**

- 9.1 Site notice published: 29/01/2019
- 9.3 Neighbours notified: 29/01/2019
- 9.4 No objections received.
- 9.5 One letter of support received from 463 Midgeland Road.

10.0 **RELEVANT PLANNING POLICY**

10.1 **National Planning Policy Framework (NPPF)**

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 11 - Making effective use of land
- 12 - Achieving well-designed places

- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Planning Policy for Traveller Sites (PPTS)

10.3.1 The August 2015 document sets out the Government's planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

10.3.2 To help achieve this, Government's aims in respect of traveller sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning.
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of sites.
- to encourage local planning authorities to plan for sites over a reasonable timescale.
- that plan-making and decision-taking should protect Green Belt from inappropriate development.
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites.
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- to reduce tensions between settled and traveller communities in plan-making and planning decisions.
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
- for local planning authorities to have due regard to the protection of local amenity and local environment.

10.3.3 Applications for new sites should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific

policies in the National Planning Policy Framework and this planning policy for traveller sites.

10.3.4 Local planning authorities should consider the following issues amongst other relevant matters when determining planning applications for traveller sites:

- a. the existing level of local provision and need for sites
- b. the availability (or lack) of alternative accommodation for the applicants
- c. other personal circumstances of the applicant
- d. that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e. that they should determine applications for sites from any travellers and not just those with local connections.

10.3.5 Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

10.3.6 When considering applications, local planning authorities should attach weight to the following matters:

- a. effective use of previously developed (brownfield), untidy or derelict land
- b. sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c. promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d. not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

10.3.7 Subject to the implementation arrangements, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

10.3.8 For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

10.4 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.4.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS5: Connectivity
- CS7: Quality of Design
- CS8: Heritage
- CS9: Water Management
- CS16: Traveller Sites
- CS26: Marton Moss
- CS27: South Blackpool Transport and Connectivity

10.5 Blackpool Local Plan 2011-2016 (saved policies)

10.5.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1: Lifting the quality of design
- LQ2: Site context
- LQ10: Conservation Areas
- BH3: Residential and visitor amenity
- BH4: Public health and safety
- AS1: General development requirements (transport)

10.6 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.6.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM20: Landscaping
- Policy DM27: Conservation Areas
- Policy DM33: Biodiversity
- Policy DM39: Transport Requirements for New Development

10.7 Other Relevant Policy Guidance

10.7.1 Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA)

10.7.2 In response to the Government's 'Planning Policy for Traveller Sites (PPTS) document and to inform future planning policy and planning decisions this Council in conjunction with our neighbours Wyre and Fylde commissioned a needs assessment for gypsies/travellers and travelling showpeople. The assessment, published in September 2014, recorded the situation in terms of provision within the three Council's areas and set out the need in the future, broken down into five-year periods as advocated by the Government's document. The GTAA was updated in 2016 as a result of a revised version of Planning Policy for Traveller Sites (PPTS) published in August 2015.

10.7.3 The revised version of PPTS now requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new "planning" definition of a Gypsy, Traveller or Travelling Showperson. The new definition now excludes those who have ceased to travel permanently. In terms of Blackpool, the previous GTAA identified a need for 38 additional Gypsy and Traveller pitches and two Travelling Showpeople plots. The updated GTAA (with the new definition of Gypsy or Traveller) indicates that there is a need for a maximum of six additional pitches in Blackpool over the 15-year GTAA period (2016 - 2031). A number of sites were subsequently approved in Fylde, which contributed towards our supply, and the outstanding requirement for one pitch was met by the grant of planning permission on the School Road site (19/0094).

11.0 ASSESSMENT

11.1 Principle of Development

11.1.1 The Planning Policy for Traveller Sites (PPTS) states that local planning authorities should consider the following issues (amongst other relevant matters) when determining planning applications for traveller sites:

- a) the existing level of local provision and need for sites

The PPTS requires Councils to have a five year supply of sites (and preferably more) if a need is identified. The Council's GTAA identified a need, but as indicated above, that need has been satisfied by the grant of recent planning permissions, until 2031.

- b) the availability (or lack) of alternative accommodation for the applicants

In terms of accommodation within Blackpool, the applicant shows that existing sites on Chapel Road and Whalley Lane are full and cannot take his family; however there is no analysis of why appropriate accommodation cannot be available in the adjacent borough of Fylde, the boundary of which is on the rear boundary of the site.

c) other personal circumstances of the applicant

The Public Sector Equality Duty (PSED) contained in the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The best interests of any child is also a primary Public Sector Equality Duty consideration. Since the application involves two gypsy families, they have protected characteristic for the purposes of the Public Sector Equality Duty.

In considering the aims of the Public Sector Equality Duty, the statement which accompanies the application attempts to provide over-riding personal circumstances as to why the applicant needs to be here. Strong family connections to Blackpool have been cited, as well as dependence on health services and for the education of children. The eldest grandchild is currently residing in Thornton (with his mother, I understand) and there is no obvious need for him to move onto a Gypsy/Traveller site in order to continue his health clinic appointments. The applicant cites his wife's ill health, but this is being managed at South Tees hospital in the North East; again, there is no obvious reason why this should transfer to Blackpool. In terms of education, this relates to the youngest grandchild, who at 18 months old is not yet at pre-school age and so there is currently no continuing education requirement. In human rights terms, I do not consider these to be factors sufficient to over-ride the normal application of Policy.

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.

As there is no identified need for further pitches/plots until 2031, the main policy which comes into play is Policy CS26 of the Core Strategy, which makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. The comments from the Marton Moss Neighbourhood Forum are relevant in this respect. Policy CS26 does not propose any housing development on the remaining lands on the Moss unless this emerges through the neighbourhood planning process from the community, in which case it will be set out in a Neighbourhood Plan or a Site Allocations Development Plan Document. In advance of that document, no development will be permitted in the area unless it accords with the criteria set out in part 2 of the policy (restricting to agriculture, horticulture etc). This restriction is so as not to undermine the neighbourhood planning process for the enhancement of the Moss. The proposal is therefore contrary to Policy CS26.

- e) that they should determine applications for sites from any travellers and not just those with local connections.

This requirement is noted but does not have particular bearing on this case.

11.1.2 Although Policy CS26 precludes the proposal, Policy CS16 of the Core Strategy directly relates to traveller sites and suggests that the target for new pitches established through the GTAA will be met through the next stage of the plan - the site allocations and development management development plan document (DPD). However, it also recognises that applications may come forward before the development plan document is adopted and sets out eight criteria against which applications should be judged:

- a. Be suitable in that it provides a good living environment for residents, including access to essential infrastructure and services and does not cause an unacceptable environmental impact;

In this case the application site fronts a narrow road along the eastern boundary of the Marton Moss area within Blackpool, and is remote from the School Road junction which provides links to south Blackpool, the M55 and Lytham St Annes. School Road no longer carries the no 10 bus route (which provided an hourly service to the new Co-op on Highfield Road and to the Town Centre) but there is a No.17 bus service from Common Edge Road which is 1.2 km to the west, and provides half hourly services to St Annes and to Blackpool Town Centre, and the closest train station is 4 km distant. The site is 1 km from St Nicholas' Primary School and almost 3 km remote from Highfield Humanities College on Highfield Road. The nearest local centres (Common Edge Road/Highfield Road junction and St Annes Road /Squires Gate Lane junction) are some 2.5 km away. Although there is an expectation that children can walk two miles to school, it is unrealistic on a narrow road with no footpaths in places. This would particularly be true in darker winter months. Given the lack of easy connectivity to local facilities, the site is not considered to be particularly sustainable.

- b. Be appropriately located taking into account surrounding uses, with preference given to sites being located on brownfield land;

The applicant is currently building stables on the site, however this does not put it in the category of a brownfield site as it is still a field.

- c. Not cause demonstrable harm to the quality, character and appearance of the landscape taking account of the cumulative impact of other authorised sites in the vicinity;

There are other gypsy/traveller accommodation sites along this section of Midgeland Road. There is a site at 411 Midgeland Road (18/0156 refers), which although was considered unsustainable, was approved because the unmet need (lack of five year supply of sites) at that time weighed significantly in the balance. The travelling showman's site across Midgeland Road (19/0010) was similarly approved, because although unsustainable, the unmet need for this type of site weighed significantly in favour of the application. The road is characterised by ribbon development interspersed with areas of open land, some of which previously housed greenhouses. It is more of an urban fringe area than an open countryside location and is characteristic of the many roads which cross Marton Moss. The restriction on the

siting of the caravans, amenity blocks and vehicles to the rear of the site, over 100 metres from the road and behind a substantial hedge, with a field to the front for the paddock, would mean less impact on the character and appearance of the Marton Moss Conservation Area.

- d. Be of a size and scale appropriate to the size and density of the local settled community;

The site is to accommodate two pitches and it is considered that this would not have any significant impact on the local community in terms of its size.

- e. Have good access to transport links, public transport and be close to shops, schools, jobs, health and local services and other community facilities;

See the comments in respect to (a) above. The site is not considered to be in a sustainable location, particularly in relation to public transport, shopping and other facilities and although there are some limited facilities in the area, the majority of journeys would have to be by car.

- f. Have safe and convenient vehicular and pedestrian access from the highway and provide adequate space for the provision of parking, turning, servicing, storage and land for associated livestock where appropriate;

The Head of Transportation has no objection to the proposal on highway safety grounds. There is space within the site for car parking and for vehicles to turn around and leave the site in forward gear. It is unlikely that the proposed development would generate a significant amount of traffic such as to have highway safety implications. However, if approval was being considered by Committee, a condition could be imposed limiting the use of the remainder of the site in order to limit the area of hardstanding and the numbers and sizes of vehicles accessing the site to that associated with what is currently proposed.

- g. Be well designed and landscaped to give privacy between pitches/plots, and between sites and neighbouring properties and to avoid harmful impacts by noise, light, vehicular movements and other activities;

Landscaping is proposed to be retained around the proposed amenity blocks and caravans in order to not impact on the appearance of the site and provide some privacy to neighbours. The caravans would be located so that any views into neighbouring gardens would be restricted by landscaping and the stable building. The caravans and chalet would be in close proximity to each other, but as it is anticipated that the two families would be related, privacy is not considered to be an issue.

In terms of the likely impact upon 433 Midgeland Road the caravans would be located well away from the dwelling. The proposed access road would run along the boundary with the dwelling, but it is considered that the impact of its use by two families should not adversely impact in terms of potential noise and disturbance.

- h. Provide soft landscaping and where appropriate communal recreational areas for children.

There is no need for communal recreational areas as it is anticipated that the proposal would be for two related families.

- 11.1.3 In terms of the impact on the character and appearance of the Marton Moss Countryside area, the Marton Moss Characterisation Study that forms part of the evidence base to the Core Strategy states that this area consists of the areas of small piecemeal post medieval enclosure along Division Lane, Midgeland Road up to Chapel Road and west to Common Edge Road, surrounding by busy arterial routes. It consists of the earliest cobbled buildings through to modern detached bungalows and is an enclosed leafy landscape based around lanes, rectangular fields and drains with views limited to gaps in hedgerows across open paddocks. The caravans would not be particularly visible from Midgeland Road behind the existing hedge and views through to the open countryside would be retained. The Marton Moss Neighbourhood Forum has concerns that all the trees are being removed from the site which is within a Conservation Area, this is a matter for the Council's enforcement team to address if considered appropriate.
- 11.1.4 With regard to the impact on residential amenity, the proposal should not have any significant impact on the amenities of the occupiers of the adjacent dwellings as the proposed siting of the caravans/amenity building and the retention of a landscaped buffer would help to reduce the impact, see section g. above. A planning condition could require a scheme of additional planting (including details of species etc.) if approval was considered appropriate. Use of the site could also be restricted to two related families living within two caravans and two amenity buildings limiting the level of activity.
- 11.1.5 The impact on highway and pedestrian safety is not considered an issue by the Head of Highways and Traffic Management. The footway is sporadic here, but as the lane is now effectively a cul-de-sac, the amount of traffic is minimal and likely to be mainly used by locals. As this proposal is for a maximum of two families, it is not considered that permission could be resisted on this ground.
- 11.1.6 The application has 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 (as amended).
- 11.1.7 Under Article 8 and Article 1 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. The Secretary of State recognises that these types of applications raise human rights issues but in this case, refusing the application would not be an interference of the applicant's rights as there is no home established on the site.

11.2 Sustainability and planning balance appraisal

- 11.2.1 Sustainability comprises economic, environmental and social components.
- 11.2.2 Economically the scheme would have a very limited impact but the creation of new residential units would help to support local shops and services.
- 11.2.3 Environmentally, the impact on the character and appearance of this conservation area and on the amenities of neighbours can be mitigated by appropriate landscaping and a restriction on the location and limitation on the number of caravans, amenity buildings and parking within the site.
- 11.2.4 Socially, the site is somewhat remote from St. Nicholas primary school on School Road, the No.17 bus service on Common Edge Road and other neighbourhood facilities, although it is clearly not an isolated site in the open countryside. There is no identified need for gypsy and traveller sites in the district, until at least 2031. There are no alternative pitches presently available within the borough, however the applicant has alternative accommodation in the north east which is available to meet the family's needs.
- 11.2.5 Representations have been made to the effect that there would be an interference with the human rights of the appellants under Article 8 of the Human Rights Act 2010 if the application was refused. For reasons outlined above, this situation would not arise - there is no significant personal need for accommodation for the two households within the borough. The applicants have a protected characteristic for the purposes of the Public Sector Equality Duty and this has been taken into account in assessing the proposal.
- 11.2.6 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the social component. No other material planning considerations have been identified that would outweigh this view.

13.0 CONCLUSION

- 13.1 The application site falls within the designated Marton Moss Strategic Site and Marton Moss Conservation Area. Policy CS26 of the Core Strategy makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. The impact of the proposal on the character of the surrounding area and the amenities of the occupants and neighbours can be mitigated by suitable landscaping and conditions. Currently there is no unmet need for traveller sites, as that need was met by a planning permission granted by Committee in a more sustainable location. The scheme the subject of this application would not directly contribute towards meeting an identified gypsy and traveller requirement and therefore the proposal does not outweigh the objection in principle.

14.0 BACKGROUND PAPERS

- 14.1 Planning Application File(s) 20/0038 which can be accessed via the link below:
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

15.0 RECOMMENDATION

- 15.1 Refuse for the following reasons:

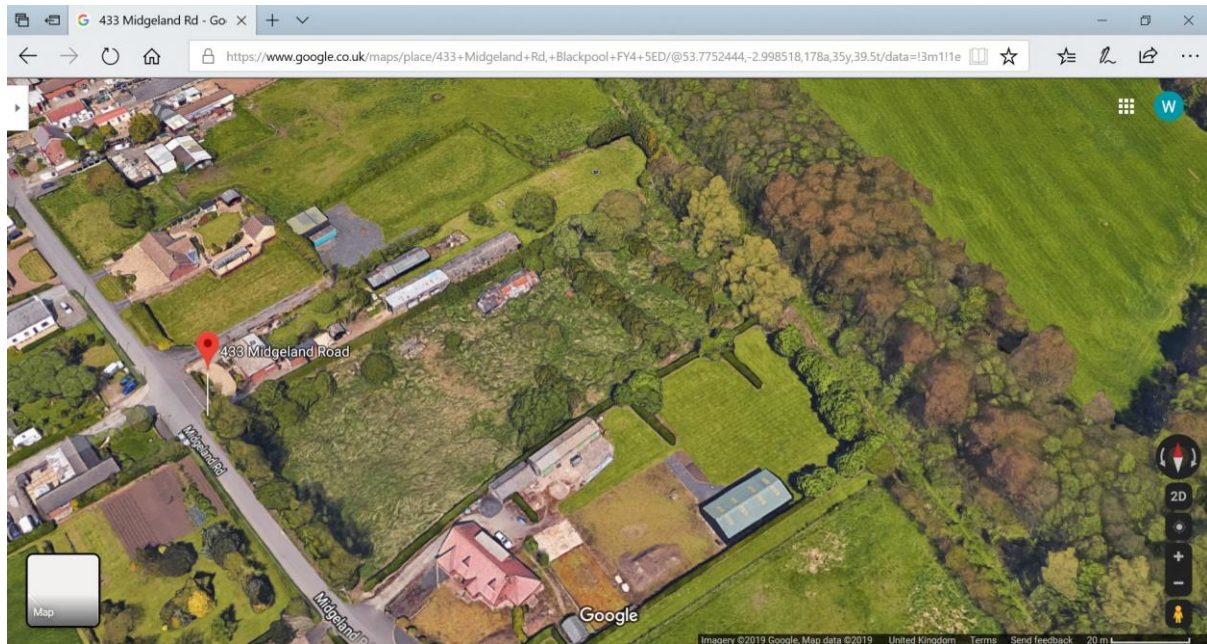
- 1 In the absence of any over-riding identified need for the development in terms of Policy CS16, the proposal is contrary to Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, which seeks to limit development in Marton Moss to the conversion or change of use of existing buildings for agricultural or horticultural purposes, or outdoor recreational uses appropriate to a rural area, in advance of the production of a Neighbourhood Plan for the area in order to safeguard the character and function of the wider area.

- 2 By virtue of the poor connectivity of the site to local amenities, the proposed use of the land as a traveller site for two gypsy families would not constitute sustainable development and would be contrary to Policy CS16 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 which requires traveller sites to have access to essential infrastructure and services, transport links, shops, schools, jobs, health services and community facilities. It would also be contrary to the central objective of sustainable development set out in the National Planning Policy Framework.

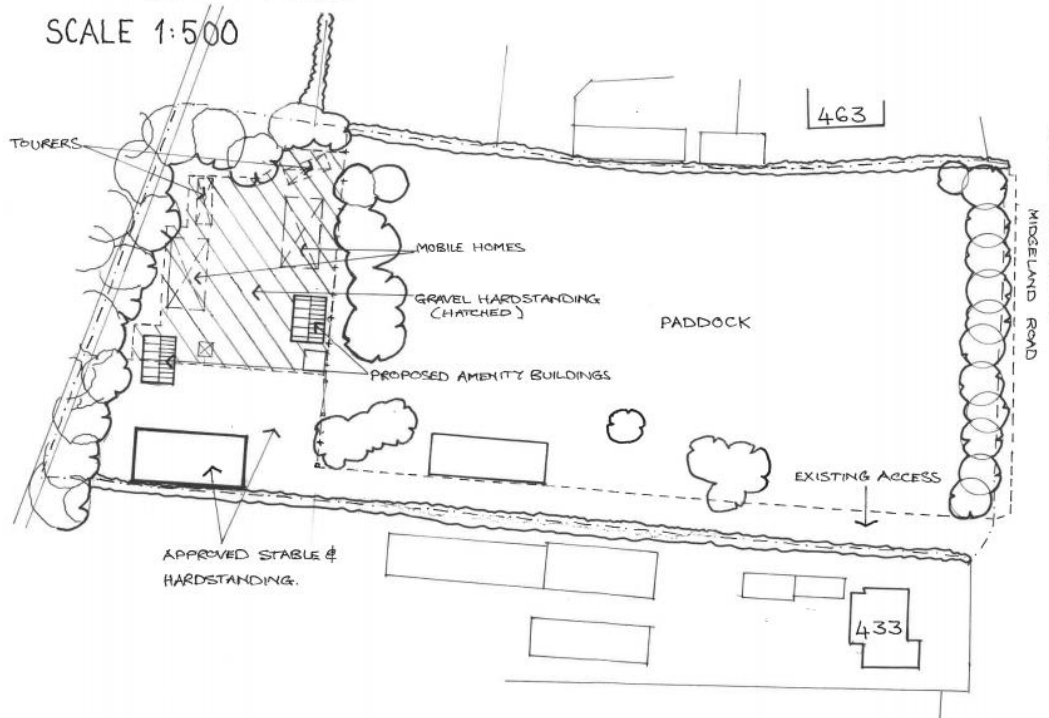
- 3 **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 38)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

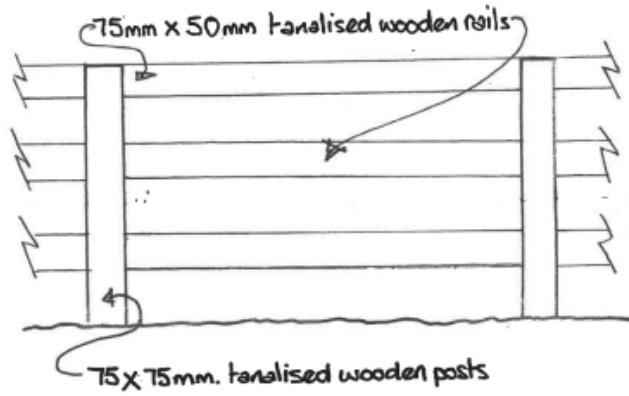
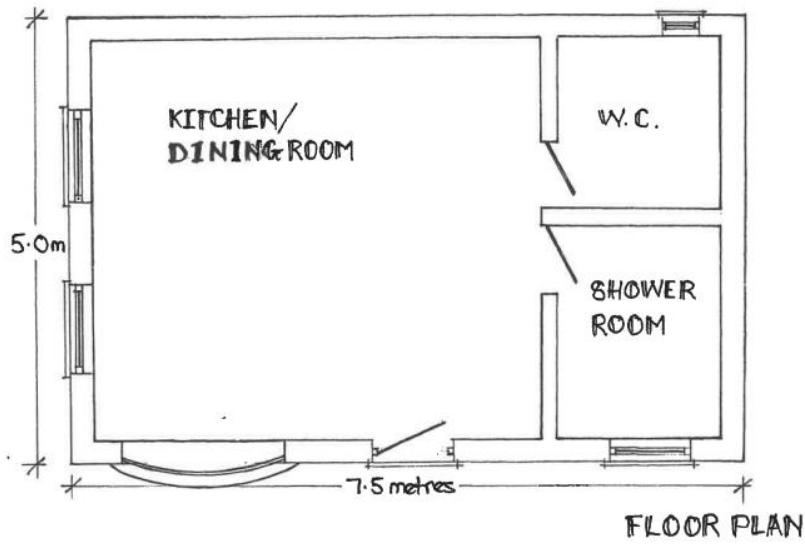
Application 20/0038 - 433 Midgeland Road



SITE LAYOUT PLAN
SCALE 1:500



FRONT ELEVATION



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**Blackpool Council
Development Management**

Officer Report to Committee

Application reference: 20/0119

Ward: LAYTON
Application type: Full Planning Permission
Location: 3-5 WESTCLIFFE DRIVE, BLACKPOOL, FY3 7BJ
Proposal: Erection of a first floor extension and use of first floor as two self-contained flats

Recommendation: **Grant Permission**

Case officer: Bethany Thornton
Case officer contact: 01253 476222

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application would create permanent residential accommodation in an appropriate location within a district centre. It would contribute towards creating a stronger community by providing permanent residential accommodation in an accessible location. As such it would accord with the Council’s second priority.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The principle of the creation of permanent residential units above a commercial unit within a district centre is considered acceptable. Amendments have been made to the scheme in response to officer concerns that improve the layout and appearance of the property. As such, and as will be set out below, Members are respectfully recommended to grant planning permission for the proposal.

3.0 INTRODUCTION

- 3.1 This application is before the Planning Committee in the interest of transparency because the Chairman of the Planning Committee is employed by the business occupying the site.

4.0 SITE DESCRIPTION

- 4.1 A part one-storey part two-storey building on the corner at the junction between Westcliffe Drive and Grenfell Avenue. The roofing at both levels is flat, with parapet walls on the roof of the ground floor. The walls are red brick and there is black panelling on the front elevation of the ground floor with a fascia sign above it.
- 4.2 Both floors are currently used as offices and the adjoining building on Westcliffe Drive is also used for offices. Immediately to the rear on Grenfell Avenue is a children's centre, which has been converted from a residential property. Across Grenfell Avenue on the opposite corner is a shop at ground floor level with a residential unit to the rear. Some other buildings on Westcliffe Drive have residential flats at first floor level.
- 4.3 The site is within a district centre and falls within the landfill gas consultation area. The site is not subject to any other designations or constraints.

5.0 DETAILS OF PROPOSAL

- 5.1 The proposal is for the erection of a first floor extension and use of the first floor as two self-contained residential flats. One of the flats would have one bedroom and the other would have two bedrooms. The development would include the demolition of part of the front of the first floor and the insertion of bay windows on the front elevation. The proposed first floor would be 13.7m wide at the front, 9.5m wide at the rear, and 14.7m in length with an extra 4.0m of balcony at the rear.
- 5.2 The roofing would be hipped at the front and on the side elevation facing onto Grenfell Avenue with a gabled end to the rear, projecting past the back of the roofing of the neighbouring property.
- 5.3 The existing fascia sign on the front elevation would be removed. The proposed first floor would have two bay windows and two regular windows on the front elevation. An existing sign would be removed from the side elevation and there would be three windows at first floor level and the three existing windows at ground floor level would be retained. There would be two windows and two doors on the rear elevation leading out onto the rear balcony. There would be two doors on the side elevation at ground floor level; one used to access the flats via a staircase that leads up to the rear balcony and the other used to access the downstairs offices.

6.0 RELEVANT PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 MAIN PLANNING ISSUES

- 7.1 The main planning issues are considered to be:
- the principle of permanent residential accommodation in the location

- impact on residential amenity
- visual impact
- highway impact and parking adequacy

8.0 CONSULTATION RESPONSES

8.1 **Environmental Protection** – There is an area identified for bin storage on the plans, however it is unclear if this will be for the commercial units or residential units. Confirmation on the storage of waste for commercial and residential will be required including whether all flats will have access to the bin store area and if it will be for the use of euro bins or for 240 litre wheeled bins.

8.2 **Local Highway Authority** – No objections to the proposal.

9.0 REPRESENTATIONS

- Press notice published: Not Applicable
- Site notice displayed: Not Applicable
- Neighbours notified: 27/02/2020

9.1 No representations have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The National Planning Policy Framework (NPPF) was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS2 Housing Provision
- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Density and Standards

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- LQ14 Extension and Alterations
- HN5 Conversions and Subdivisions
- BH3 Residential Amenity
- BH13 District Centres
- AS1 Access, Parking, and Highway Safety

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM6: Residential Conversions and Sub-Divisions
- Policy DM15: District and Local Centres
- Policy DM19: Extensions and Alterations
- Policy DM39: Transport Requirements for New Development

10.6 Other Relevant Policy Guidance

10.6.1 New Homes from Old Places – Adopted March 2011 – This SPD provides guidance and sets out standards for the conversion of commercial properties into residential.

10.6.2 Technical Housing Standards – March 2015 – This is a national document that sets out space and amenity standards for residential development.

11.0 ASSESSMENT

11.1 Principle

- 11.1.1 Policy BH13 of the Blackpool Local Plan does not permit the conversion of properties in district centres to residential and other non-active frontages. However, in this case it is only the upper floor of the property being converted and the building would retain the active frontage of the offices below.
- 11.1.2 The Council's New Homes from Old Places Supplementary Planning Document establishes a threshold of 160m² original floorspace below which subdivision is unacceptable; the aim of this threshold is to safeguard self-contained family accommodation units. The proposed floorspace being created would be 164.2m² and would be split into two flats. In this case the subdivision is considered acceptable as the dwellings would be at first floor level which, even with a large floorspace, would not lend itself well to family homes.
- 11.1.3 The application property falls within the 6.9% most deprived area in the country. Flats comprise 6.5% of the local housing stock. This compares with local, regional and national averages of 25%, 16% and 22% respectively and as such does not indicate an existing over-concentration. The housing stock is predominantly dwellings comprising of two-bed units. The proposed flats would not undermine the housing mix standards set out in Policy CS13 of the Core Strategy.
- 11.1.4 The scheme would make a quantitative contribution towards the borough's housing requirement. However the scale of this contribution would be negligible and, as the Council can demonstrate a five-year housing land supply, this carries little weight in the planning balance.
- 11.1.5 The development is not of sufficient scale to require provision of public open space or affordable housing, or contributions towards local education and health care provision.

11.2 Amenity

- 11.2.1 The Council's New Homes from Old Places Supplementary Planning Document establishes that when creating flats each dwelling must be self-contained and when development involves the creation of up to three flats within a building at least one of them should have two or more bedrooms. Two flats are proposed and one of them would have two double bedrooms.
- 11.2.2 To comply with the national technical housing standards, the two-bedroom flat would have to have a floorspace of 70m² and the one-bedroom flat would need a floorspace of 50m², and each of the bedrooms would have to be at least 11.5m². The proposed flats would be 70.9m² and 85.9² and the smallest bedroom would be 13.1m² and therefore the proposed development would comply with and exceed the technical housing standards. The proposed flats would also comply with the standards set out in the Council's Supplementary Planning Document, which

specifies the total living area must be at least 29m². The balconies to the rear would provide some outdoor amenity space.

- 11.2.3 None of the bedrooms would be against the wall separating the two flats and all three bedrooms would have at least one window to allow natural light. It is unfortunate that the bathrooms would lack natural ventilation, but this in isolation does not weigh significantly against the proposal. The use of the ground floor as office space means that no unacceptable noise issues are anticipated.
- 11.2.4 The rear extension would project around 2.8m behind the rear wall of the adjoining neighbour. Although not strictly relevant to this type of application, the Council's Extending Your Home Supplementary Planning Document is permissive of rear extensions up to 3m in length. This indicates that this level of projection does not unduly compromise neighbour amenity. It is noted that the extension would sit to the south of the neighbour but, as the nearest window is set somewhat away from the boundary, the level of projection is considered to be acceptable.
- 11.2.5 The Council's New Homes from Old Places states that for upper floor dwellings the use of roofs to create attractive terraces or balconies is encouraged as long as there are no adverse effects on the privacy or outlook of neighbours. The rear terrace would be used to access the external doors to the flats and would be opposite the side elevation of a children's centre that has one small window at first floor level, therefore any impact on privacy or outlook would be minimal.

11.3 Visual Impact

- 11.3.1 Reducing the front of the property and installing bay windows would allow for it to integrate well with the adjoining building and the other properties on Westcliffe Drive. The plans have been amended so that the front of the roof would also line up with the adjoining property and the existing parapet would be removed. The side elevation facing onto Grenfell Avenue would have a hipped roof which would appear more coherent with the building directly across the street and more sympathetic with the residential dwellings along Grenfell Avenue. Expanding the first floor would not make the property look out of place as the site is surrounded by other two-storey properties and part of the building would still be left as a single storey, meaning the building as a whole would not look overly dominant within with street scene of Grenfell Avenue. The nature of the ground floor frontage does not allow for the first floor fenestration to meaningfully align. The first floor arrangement is considered to be acceptable and to establish appropriate residential character.
- 11.3.2 Overall, the proposals would be visually sympathetic with the surrounding area and the design is appropriate for the proposed use.

11.4 Access, Highway Safety and Parking

- 11.4.1 An additional door would be inserted into the ground floor side elevation to provide a rear access point for the ground floor offices. Access to the proposed flats would be via an entrance on Grenfell Avenue, therefore no safety issues are anticipated.

The entrance area has also been marked up as a communal bin store but this would constitute an unacceptable arrival point. A condition would be imposed on any permission granted to require the agreement of bin storage arrangements at first floor level.

11.4.2 No parking is proposed as part of the scheme and there is no opportunity to create any. There is designated on-street parking on Grenfell Avenue for resident permit holders but nearby parking is otherwise restricted. However, the site is in an accessible location close to shops and services and the public transport network. As such, whilst the lack of parking is unfortunate, it is unavoidable and must therefore be accepted. The scheme is not anticipated to have any detrimental impacts on highway safety or function and Highways have raised no objections to the proposals.

11.5 Other issues

11.5.1 No drainage or flood risk issues identified.

11.5.2 No ecological impacts would result and no trees would be affected.

11.5.3 Air, land and water quality would be unaffected and the site would not be expected to be at undue risk from such.

11.5.4 The application has 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 (as amended).

11.5.5 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. This application does not raise any specific human rights issues.

11.6 Sustainability and planning balance appraisal

11.6.1 Sustainability comprises economic, environmental and social components.

11.6.2 Economically the scheme would have a very limited impact but the creation of new residential units would help to support local shops and services and some employment would be generated during conversion.

11.6.3 Environmentally, the external alterations would be acceptable, there would be no detrimental impact on drainage and environmental quality and biodiversity would not be materially affected. There is no reason to suppose that residents would be dependent upon private car use.

11.6.4 Socially, the scheme would make a positive contribution towards a more balanced housing stock in the local area. In this case, the creation of flats is acceptable as they would be located above a commercial unit and lend themselves best to this use. In

the relevant area 6.5% of residential units are flats and the minority are one bedroom, therefore the creation of these flats would not exacerbate any existing overconcentration of flats in the area. As such, the scheme would support the Council's regeneration objectives for the area and the flats would offer a reasonable standard of living. The scheme would contribute towards the borough's housing needs albeit to a negligible extent.

12.0 CONCLUSION

- 12..1 As set out above, the scheme is judged to represent sustainable development and offer quality residential units that would provide a reasonable standard of living. No other material planning considerations have been identified that would outweigh this assessment and on this basis, planning permission should be granted.

13.0 BACKGROUND PAPERS

- 13.1 Planning Application File(s) 20/0119 which can be accessed via the link below:
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

14.0 RECOMMENDATION

- 14.1 Approve subject to the following conditions:

- 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 including the following plans and information:
Location Plan received by the Council on 27/02/2020 and drawings;

Existing and Proposed Plans and Elevations - B/20/30/01-RevB

The development shall thereafter be retained and maintained in accordance with these approved details.

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

- 3 (a) The external materials to be used on the extension hereby approved shall match those of the main building in colour, size, texture and design unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction.

- (b) Prior to first occupation;
 - (i) the materials of the balustrade around the first floor terrace shall be submitted to and agreed in writing by the Local Planning Authority and
 - (ii) this agreed balustrade shall be provided and shall thereafter be retained and maintained as such.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ14 of the Blackpool Local Plan 2001-2016.

- 4 (a) No flat shall be occupied until all of the internal and external alterations shown on the approved plans have been carried out in full and in full accordance with the approved details.

Reason: In order to ensure that the accommodation provides an adequate standard of residential amenity to improve the external appearance of the property and ensure that it has appropriate residential character in accordance with Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016, and the Council's New Homes from Old Places Supplementary Planning Document 2011.

- 5 The accommodation shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose.

Reason: In order to safeguard the living conditions of the occupants of nearby residential properties and the character of the area in accordance with Policies CS7, CS12 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 of the Blackpool Local Plan 2001-2016.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no change of use from Use Class C3 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.

- 7 Notwithstanding the information shown on the approved plan and before the development hereby approved is first brought into use:

- (a) details of refuse storage provision to include location size, design and materials shall be submitted to and agreed in writing by the Local Planning Authority; and

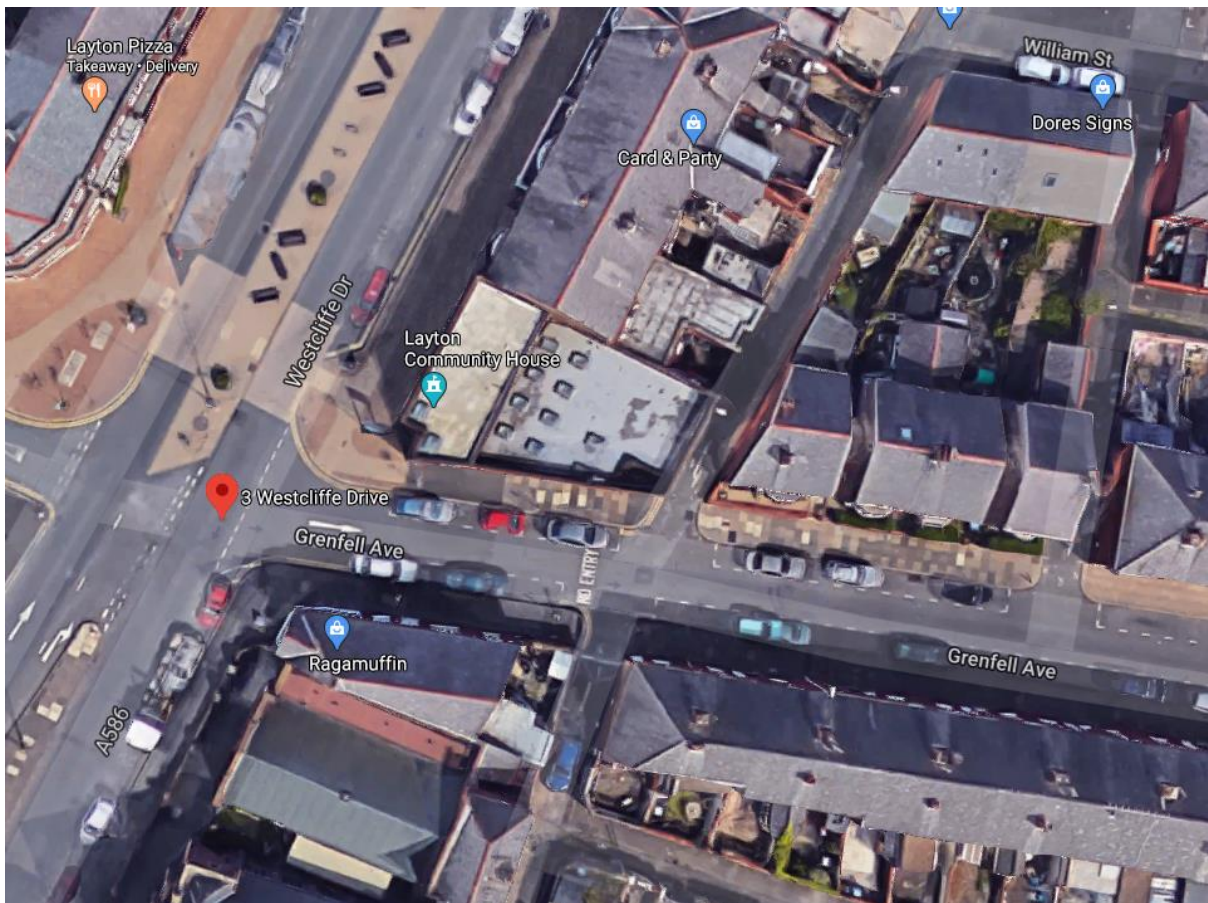
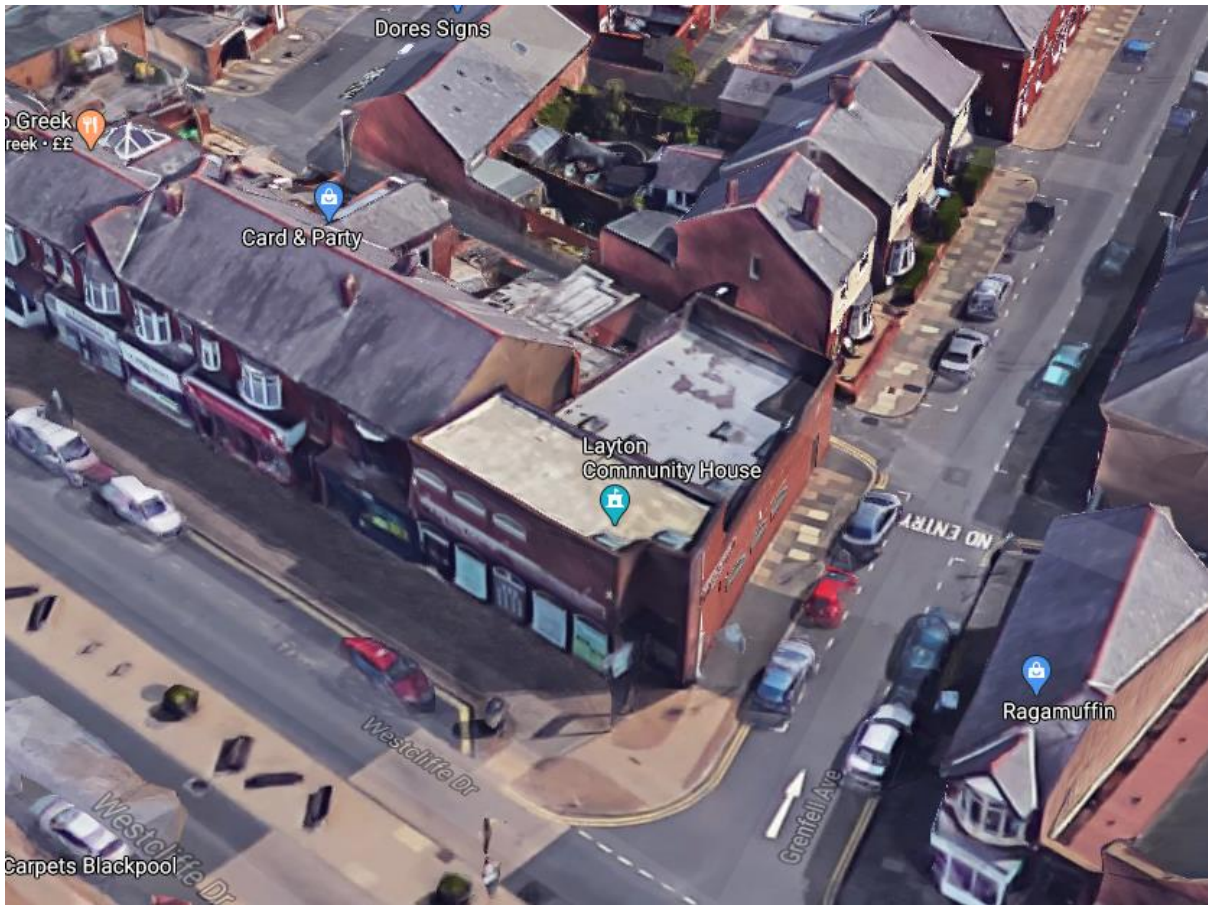
(b) the refuse storage agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents 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.

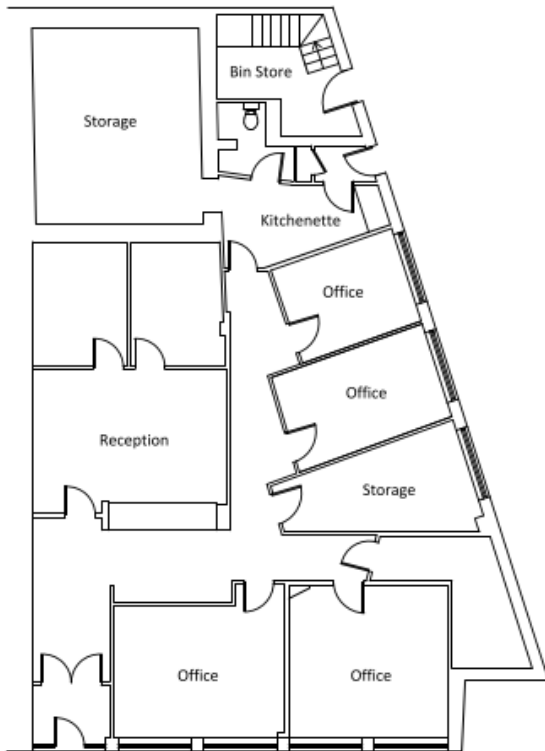
Application 20/0119 – 3-5 WESTCLIFFE DRIVE



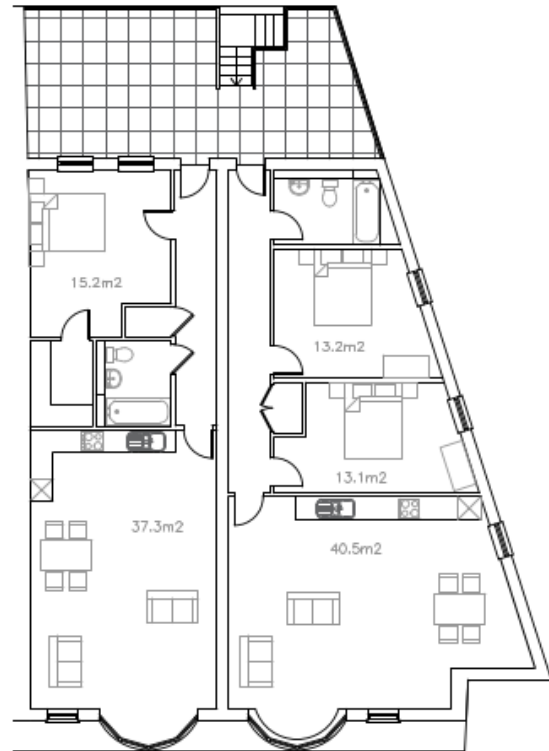
Application 20/0119 – 3-5 WESTCLIFFE DRIVE



Application 20/0119 – 3-5 WESTCLIFFE DRIVE



Proposed Ground
Floor Plan
1:100



Flat 1: Gross Internal
Floor Area: 70.9m²

Flat 2: Gross Internal
Floor Area: 85.9m²

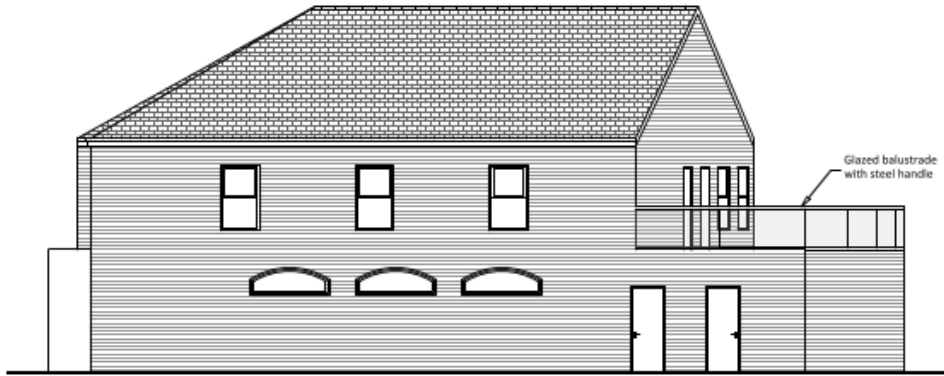
Proposed First
Floor Plan
1:100

Application 20/0119 – 3-5 WESTCLIFFE DRIVE



Proposed Front
Elevation

1:100



Proposed Side
Elevation

1:100



Proposed Rear
Elevation

1:100