

Blackpool Council

4 December 2020

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

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 15 December 2020 at 6.00 pm
via Zoom Meeting

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 17 NOVEMBER 2020 (Pages 1 - 4)

To agree the minutes of the last meeting held on 17 November 2020 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 5 - 8)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 9 - 12)

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

5 PLANNING APPLICATION 19/0679 LAND TO THE REAR OF MA KELLY'S SHOWBOAT 44-46 QUEENS PROMENADE (Pages 13 - 34)

To consider planning application 19/0679 for the erection of a four storey building of 20 apartments with basement plant, associated access and egress from Knowle Avenue and car parking for 26 vehicles, turning area, landscaping and boundary treatment, and provision of revised access and car parking layout to Ma Kelly's Showboat at rear of Ma Kelly's Showboat– 44-46 Queens Promenade.

6 PLANNING APPLICATION 20/4075 23 COOKSON STREET (Pages 35 - 44)

To consider planning application 20/4075 for external alterations and use of premises as a massage parlour at 23 Cookson Street.

7 PLANNING APPLICATION 20/0664- FOOTWAY OUTSIDE 10 TALBOT SQUARE (Pages 45 - 54)

To consider planning application 20/0664 for the erection of a mermaid statue on northern footway outside 10 Talbot Square.

8 DATE OF NEXT MEETING

To note the date of the next meeting as Wednesday 20 January 2021.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: (01253) 477157, e-mail lennox.beattie@blackpool.gov.uk

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

Present:

Councillor Owen (in the Chair)

Councillors

Baker	Farrell	Jackson	Robertson BEM
D Coleman	Hugo	O'Hara	Stansfield

In Attendance:

Mr Ian Curtis, Legal Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Ms Susan Parker, Head of Development Management

Mr Latif Patel, Network Planning and Projects Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 20 OCTOBER 2020

The Planning Committee considered the minutes of the last meeting held on 20 October 2020.

Resolved: That the minutes of the last meeting held on 20 October 2020 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee considered a report on the planning appeals lodged and determined since the last meeting.

The Committee noted that an appeal had been submitted against the Council's refusal of planning permission for the installation of seven dormers and five roof lights to Bond Street and Station Road elevations; reconfiguration of an approved flat and alterations to form three self-contained flats in the roof space at 92-100 Bond Street, Blackpool.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the summary of planning enforcement activity within Blackpool between 1 October 2020 and 31 October 2020.

The report stated that 32 new cases had been registered for investigation with 531 complaints remaining outstanding by the end of the period, 9 cases had been resolved by negotiation without recourse to formal action and 36 cases had been closed as there had either been no breach of planning control found, no action was appropriate or it had not been considered expedient to take action.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 17 NOVEMBER 2020

The report also stated that a Section 215 notice had been authorised and an enforcement notice issued between 1 October 2020 and 31 October 2020.

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

5 PLANNING APPLICATION 20/0021 - LAND EAST OF MARPLES DRIVE (PART OF FORMER N S & I SITE) OFF PRESTON NEW ROAD, BLACKPOOL.

The Committee considered planning application 20/0021 that sought permission for the erection of 90 x two storey detached, semi-detached and terraced dwellings with associated car parking, garages, boundary treatment, landscaping, including attenuation basin, and highway works.

Ms Parker, Head of Development Management, provided an overview of the application and presented the site location and layout plans and an aerial view of the site. She reminded the Committee that it had considered the application at its last meeting and reported on the key elements of the proposal that had been presented at that time. The application formed part of a previous hybrid application that had been granted planning permission for residential development on the northern part of the site and employment development to the south, which was the location of the current application. Ms Parker referred Members to the original officer report and Update Note that had been submitted at the last meeting and which was appended to the officer's current report. Ms Parker also drew Members' attention to the additional representations included in the recently circulated update note and the responses from the applicant and officers on the points raised in the representations.

Ms Parker advised that the officer recommendation remained that the Committee resolve to grant planning permission but defer the issuing of the decision notice to the Head of Development Management, subject to delegation from the Secretary of State, as it represented a departure from the Local Plan as the land was currently allocated for employment development. Ms Parker also reminded the Committee that the land had been proposed for allocation for housing development in the emerging Part 2 of the Local Plan and that the applicant's marketing of the land had demonstrated the lack of appetite for development of the land for employment use. Whilst Ms Parker acknowledged that the five year housing supply could currently be demonstrated she reported her view on the benefits of the current proposal in contributing to meeting future housing needs.

Ms Parker referred to Members' previous concerns that the proposal did not meet the Council's expectations for planning obligations and reported on the viability assessment, verified by independent consultants, that had demonstrated that the proposed financial contribution of £125,000 (which would be allocated towards improvements to off-site public open space and local healthcare provision) represented the maximum contribution consistent with the viability of the development. Ms Parker also reported on the alternative option that had been suggested by the applicant to provide more on-site public open space as detailed in the report, however, this would be at the expense of the £100,000 contribution towards improvements to off-site public open space. Ms Parker reported her view that the preferred option was the original recommendation which would retain the financial contribution towards improvements to the off-site public open space.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 17 NOVEMBER 2020

Ms Parker concluded by reporting her view that on balance the benefits of the development in terms of housing supply and contribution to green infrastructure were sufficient to outweigh the lack of contributions towards affordable housing provision and as such the recommendation remained to approve the application, subject to delegation from the Secretary of State and the signing of a Section 106 legal agreement to secure the financial contribution and subject to the proposed conditions.

Mr Daley, local resident, spoke in objection to the proposal. He referred to his written representations and advised on his view of the inappropriateness of the two options listed in the officer's report. He also reiterated his concerns which included the imposition of the restrictive covenant relating to solar panels and advised on his view of the impact on local residents from the lack of provision for affordable homes within the proposed development.

Ms Beardsall, applicant's agent, spoke in support of the application. She referred to a lack of interest in the site from prospective employment operators and the support for a housing development on the site in the emerging Local Plan. She acknowledged the inability of the scheme to meet the full planning obligations for affordable housing and public open space, however, in her view there was justification for this in both local and national policies in view of the viability assessment. The proportion of green infrastructure allocated across the site was highlighted along with an option for further on-site open space provision, however, this would be place of improvements towards off-site public open space. Ms Beardsall advised on her view of the benefits of the scheme which included the benefit to the local economy, provision of high quality accommodation and contribution to the housing supply.

The Committee considered the application and noted that some of the Committee's previous concerns had been addressed by the applicant. A further concern was raised regarding the security provision at Phase 1 of the site, however it was acknowledged that this was not a planning consideration for the current application. The Committee referred to the recommendation and options as detailed in the officer's report which included an alternative option suggested by the applicant to lose three houses to provide more on-site public open space but noted that this would be at the expense of a significant financial contribution towards improvements to off-site public open space.

Resolved: To grant planning permission in principle but defer the application to the Head of Development Management to issue the decision based on the originally submitted plans and subject to the conditions set out in the appended update note. This permission would be subject to delegation from the Secretary of State, and the signing of a Section 106 agreement to secure £125,000 of which £100,000 would contribute towards the improvement of off-site public open space and £25,000 would contribute towards local healthcare provision.

The decision notice, when available, can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63720>

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

6 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 15 December 2020 at 6pm.

Chairman

(The meeting ended 6.31 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:	15 December 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.

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

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

4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

5.0 Council Priority:

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

6.0 Planning Appeals Lodged

- 6.1.1 20/0287 – 37 Hodder Avenue, Blackpool, FY1 6NS - Use of premises as a residential care home for one young person aged 11 - 17 (Use Class C2).

An appeal has been lodged by Creative Living Care Limited against the imposition of conditions.

- 6.1.2 20/0425 – 7 Alwood Avenue, Blackpool, FY3 8NG - Removal of condition 1 (Temporary Permission) attached to planning permission 20/0096 to operate no later than 1 year from the date of permission.

An appeal has been lodged by Cherish Children's Care Ltd against refusal of planning permission.

6.2 Planning/Enforcement Appeals Determined

- 6.2.1 20/0257 – 23 Winsford Crescent, Blackpool, FY5 1PS. The erection of a single storey side/rear extension following demolition of garage to rear.

- 6.2.2 Appeal dismissed.

- 6.2.3 The Inspector noted that the single-storey side and rear wrap around extension had been built and that the application was retrospective, dealing with it on that basis. The main issues were the effect of the development on the character and appearance of the area and the effect of the development on the living conditions of occupiers of No. 21 Winsford Crescent with regard to outlook and light.

- 6.2.4 The Inspector concluded with regard to character and appearance, that overall the position, form and design of the side element of the extension is a discordant addition which adversely disrupts and diminishes the prevailing positive characteristics of the area, noting that its unduly conspicuous nature when viewed from the highway, along with the fact that it is the only extension of this type on the Crescent, exacerbates its harmful impact. The Inspector also noted that the extension's very close proximity to the shared boundary meant that if the same was repeated on the neighbouring property, it would effectively close the characteristic open space between the properties creating a linking effect. Furthermore, the Inspector stated that the monopitch roof does not reflect the hipped form and design of the roof of the main property and accordingly concluded that the scheme is contrary to the provisions of the development plan and guidance within the Extending your Home Supplementary Planning Document. The Inspector agreed with the Council that the rear element of the extension raised no issues.

- 6.2.5 Regarding the impact on No. 21 Winsford Crescent, the Inspector concluded that the close proximity of the side element of the extension, combined with its substantial length and overall massing, causes it to be a dominant and overbearing structure when viewed from the kitchen window of No. 21. The development therefore creates an oppressive and uncomfortable sense of enclosure. The Inspector also noted that whilst the reduction in sunlight and daylight received through the kitchen window is limited, the moderate loss of light still has a detrimental impact on the enjoyment of the use of the kitchen at No. 21. Overall, the Inspector agreed that the development would have a harmful effect on the residential amenity of No. 21. The Inspector agreed with the Council that the rear element raised no issues.
- 6.2.6 The Inspector rejected the appellants' argument referring them to other examples of similar extensions in the wider area, noting that the existence of apparently similar extensions is not a reason to allow unacceptable development. In addition, the Inspector dismissed the appellant's offer to change the form and design of the monopitch part of the extension roof, stating that the alteration of the monopitch roof alone would not address the fundamental issue of the very close proximity of the side element of the extension to the shared boundary.
- 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/onlineapplications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63960>

6.3 Does the information submitted include any exempt information? No

7.0 List of Appendices

7.1 None.

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk Management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	15 December 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 November 2020 and 30th November 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.

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

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

4.0 Other alternative options to be considered:

4.1 Not applicable.

5.0 Council priority:

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

6.0 Background information

6.1 Cases

New Cases

In total, 26 new cases were registered for investigation in November 2020.

As at 30 November 2020, there were 516 “live” complaints outstanding.

Resolved cases

In total, 7 cases were resolved by negotiation without recourse to formal action.

Closed cases

In total, 28 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.

Formal enforcement notices / s215 notices

- Two enforcement notices were authorised in November 2020;
- Two s215 notices were authorised in November 2020;
- One enforcement notice was issued in November 2020;
- One s215 notice was issued in November 2020;
- Two Community Protection Notices were issued in November 2020.

Notices authorised

Ref	Address	Case	Dates
17/825 1	21 Portland Road (FY1 4ED)	Unauthorised conversion from single private dwelling-house to two self-contained permanent flats	Enforcement Notice authorised 09/11/2020
19/840 8	55-57 Hornby Road (FY1 4QJ)	Unauthorised material change of use from a hotel to a house in multiple occupation	Enforcement Notice authorised 30/11/2020

17/862 7	27 Everest Drive (FY2 9DH)	Poor condition of property	S215 Notice authorised 16/11/2020
18/842 2	37 Albert Road (FY1 4TA)	Poor condition of property	S215 Notice authorised 16/11/2020

Notices issued

Ref	Address	Case	Dates
17/825 1	21 Portland Road (FY1 4ED)	Unauthorised conversion from single private dwelling-house to two self-contained permanent flats	Enforcement Notice issued 18/11/2020. Compliance is due by 28/03/2021 unless an appeal is lodged with PINS by 28/12/2020
19/834 9	101-103 Marton Drive (FY4 3EX)	Poor condition of property	S215 Notice issued 11/11/2020. Compliance is due by 22/04/2021 unless an appeal is lodged with the Magistrates Court by 22/12/2020
17/861 5	73 Bond Street (FY4 1BW)	Poor condition of property	Community Protection Notice issued 18/11/2020. Compliance is due by 01/03/2021
20/839 8	71 Bond Street (FY4 1BW)	Poor condition of property	Community Protection Notice issued 18/11/2020. Compliance is due by 01/03/2021

6.2 Does the information submitted include any exempt information?

No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

Blackpool Council Development Management

Officer Report to Committee

Application ref:	19/0679
Ward:	Warbreck
Application type:	FULL
Location:	Land to the rear of Ma Kelly's Showboat– 44-46 Queens Promenade, FY2 9RW
Proposal:	Erection of a four storey building of 20 apartments with basement plant, associated access and egress from Knowle Avenue and car parking for 26 vehicles, turning area, landscaping and boundary treatment, and provision of revised access and car parking layout to Ma Kelly's Showboat (Re submission of application 18/0471)
Recommendation:	Resolve to support the application in principal and delegate to the Head of Development Management to grant planning permission subject to conditions upon completion of a Section 106 legal agreement to secure the necessary planning obligations
Case officer:	Clare Johnson
Case officer tel. no.:	01253 476224

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. The application satisfies the second of these priorities.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The scheme would make a notable contribution towards meeting the Borough's identified housing requirement and would make efficient use of an existing brownfield site. It is considered that the development would have a positive impact on the quality of the streetscene and the setting of, and views from the North Promenade Conservation Area and no unacceptable impacts on residential amenity or highway safety are anticipated. The scheme is considered to represent sustainable development and so Members are respectfully recommended to resolve to support the application and defer it to the Head of Development Management to grant

planning permission, subject to conditions, following the completion of a S106 legal agreement to secure the necessary planning obligations.

3.0 INTRODUCTION

3.1 A previous application (18/0471 refers) was for a part four, part five storey building containing 30 apartments plus basement, parking for 25 vehicles and revisions to the car parking layout for to the public house fronting the Promenade (Ma Kelly's/former Uncle Tom's Cabin). The Planning Committee refused to grant planning permission for that scheme at their meeting on the 16/10/2018 for the following reasons:

- The proposal would result in an incongruous and visually intrusive addition to the Knowle Avenue streetscene and would be detrimental to the character of the street and of the surrounding area due to the size of the proposed apartment block, including its height and width and depth, its close proximity to two of the site boundaries and its cramped appearance, the intended materials palette, and the lack of space, including amenity space, around the building.
- The proposal would have an unacceptable impact on the future residential amenities of the apartments by virtue of the close proximity to the adjacent Ma Kelly's Showboat and the access arrangements, car parking, collection and pick up point, rear smoking area and late night opening and the levels of activity and entertainment associated with Ma Kelly's.
- The proposed development provides insufficient and unsatisfactory car parking facilities and vehicular access points for both the proposed apartment block and the adjacent Ma Kelly's Showboat and would therefore result in on-street parking and additional congestion in the surrounding area to the detriment of pedestrian and highway safety and the residential amenities of adjoining residents.
- The proposal would have an unacceptable impact on the residential amenities of occupants of properties on Northumberland Avenue with respect to overlooking, loss of privacy, an overbearing impact and visual intrusion by virtue of the close proximity of the building to its rear boundary, its height and layout and fenestration detailing.

3.2 After extensive negotiations with the agent and the submission of numerous amended plans and documents, it is considered that on balance, the revised scheme, has overcome the previous reasons for refusal.

4.0 SITE DESCRIPTION

- 4.1 The application relates to land to the rear of the former Uncle Tom's Cabin public house, which has recently undergone an extensive refurbishment and re-opened as Ma Kelly's Showboat cabaret bar. The venue provides live entertainment and is open until 3am. Ma Kelly's is a detached building situated to the south of the Queens Promenade and Knowle Avenue junction and has front and rear entrances, a smoking shelter and an extensive car parking area to the rear. At the front of the property the forecourt is set out as a seating area with an outdoor stage area and big screen TV.
- 4.2 The car park to the rear (the main subject of this application) has recently been cleared of various outbuildings and boundary treatments. The car park isn't formally marked out and has no areas of soft landscaping or green infrastructure. It has two access points onto Knowle Avenue. The site has a third access/ exit recently formed onto Northumberland Avenue via a service road.
- 4.3 The land also includes an electricity sub-station and a United Utilities underground pumping station which was granted planning permission in 2004 under reference 04/0916. Both these facilities are located at the eastern end of the site and they aren't included within the application site.
- 4.4 The Queens Promenade frontage consists primarily of hotels whilst Knowle Avenue, Holmfield Road and Northumberland Avenue have a more residential character, interspersed by ground floor commercial units in the local centre on Holmfield Road/Knowle Avenue junction to the east.
- 4.5 The Ma Kelly's building is within the North Promenade Conservation area, but the car park to the rear is not. However, any development on the car park will affect the setting of and views from the Conservation Area.
- 4.6 The site area (omitting the undevelopable area around the substation/pumping station and easements) is approximately 1660sqm or 0.166 Hectares. The application site is located within Flood Zone 1 and has a low risk of surface water or reservoir flooding.

5.0 DETAILS OF PROPOSAL

5.1 This is a full planning application involving the erection of a 4 storey detached building which would provide 20 apartments (6 x 1 bed and 14 x 2 bed), accessible by lift. The scheme would provide 26 off-street parking spaces and secure cycle storage for the apartments. The curtilage of Ma Kelly's would be re-defined and 22 car parking spaces would be marked out for use by Ma Kelly's staff and customers.

5.2 The application is accompanied by the following supporting documents:

- Planning Policy Statement Revised October 2019
- Design and Access Statement October 2019
- Acoustic Survey and Assessment Revised October 2019
- Acoustic Assessment dated April 2020
- Acoustic Assessment Addendum Report dated June 2020

6.0 RELEVANT PLANNING HISTORY

18/0471 - Erection of a part four/ part five storey building of 30 apartments plus basement with associated access and egress from Knowle Avenue, car parking for 25 vehicles, turning area, landscaping and boundary treatment, and provision of revised access and car parking layout to Ma Kelly's Showboat. Refused by the Planning Committee at their meeting on the 16th October 2018.

18/0442 - Erection of porch, ramp and steps to south side of building, and relocation of fire escape stairs. Refused 24th August 2018.

17/0640 – Erection of single storey side extension to form a sports bar. Planning Committee refused the application at their meeting on the 23rd January 2018 and the decision was upheld at appeal.

07/0781 - Retention of timber free-standing smoking shelter to Promenade elevation and freestanding shelter at rear.

04/0916 - Installation of a control kiosk and vent pipe, lowering of ground level and creation of a dropped pavement crossing (part of proposed installation of an underground pumping station and valve chamber to reduce flood risk).

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- The principle of residential development
- Design, scale and impact on the character of the area,
- Impact on the setting of the North Promenade Conservation Area
- Impact on residential amenity
- Site layout and housing mix
- Highway safety and car parking provision
- Planning contributions
- Other issues

8.0 CONSULTATION RESPONSES

8.1 **Blackpool Civic Trust** - This application is too large for the site given use and design and height of local buildings. Also the parking provision is inadequate for such an intense development. The design needs to ensure it is consistent with the conservation area status. *(The scheme has since been amended and reduced in size.)*

8.2 **Contaminated Land Officer:** - the land has not had any known historical land uses which would cause concern.

8.3 **Environmental Protection Manager:** I have been liaising with the Acoustician and have agreed that installing glass panels which have acoustic properties to balconies to the rear side of Ma Kelly's should mitigate noise levels from Ma Kelly's.

8.4 **Built Heritage Manager** - I refer to the application for land at the rear of Ma Kelly's, 44-46 Queen's Promenade. Although the development is immediately beyond the boundary of the North Promenade Conservation Area, the proposed apartment block will be highly visible from the Promenade at the junction with Knowle Avenue. I've no objection to the development in principle but, amongst other issues, the west elevation will be visible from the Promenade between the angles of Ma Kelly's single storey corner section and the splayed corner turret. If you are minded to approve the development careful consideration should be given to the materials on this elevation so that it complements rather than conflicts with this building.

8.5 The design currently has horizontal emphasis whereas the large hotels on the Promenade, which make a major contribution to the character of the Conservation Area, have vertical emphasis. It would be preferred therefore if the window design could be altered to change the emphasis. In addition the elevations appear to be completely flush; although the timber panelling is intended to create interest it

would be preferred if it was not set flush but added additional interest as shown in the submitted example.

- 8.6 Boundary walls make an important contribution to the character of conservation areas, and the development appears to propose removal of some of the wall to allow ease of parking at Ma Kelly's. However, I would not support this aspect of the application, and would prefer if parking for the pub is redesigned so that this will not be necessary. *(The scheme including the design has since been amended and boundary walls would be agreed by condition.)*
- 8.7 **Education – Property and Development 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.
- 8.8 **Electricity North West Ltd** – 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.
- 8.9 **NHS Blackpool Clinical Commissioning Group (CCG)** – requesting £5,513 towards the refurbishment and/or reconfiguration at St Paul's medical centre.
- 8.10 **Police Architectural Liaison Officer** – requiring 'Secured by Design' features such as CCTV, an external lighting scheme, anti-climb fencing during construction and gives general security advice regarding mail delivery, entrance doors and ground floor windows
- 8.11 **United Utilities Plc (Water)** – initially objected to the development as it encroached onto their operational land. However, the objection was withdrawn following amendments to the scheme, subject to conditions.
- 8.12 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.
- 8.13 We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:
- Condition 1 – Surface water
Condition 2 – Foul water
Condition 3 – Management and maintenance details for any sustainable drainage system
- 8.14 **Head of Transportation** – Raised issues with the scheme as originally submitted but has since confirmed that these concerns have been addressed in the amended plans.

- 8.15 **Fire Service** – responded requiring that the development meets the access requirements of Building Regulations Approved Document B.
- 8.16 **Waste - Residential** - 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**

Press notice published: 24/10/2019

Site notices displayed: 17/10/2019

Neighbours notified: 17/10/2019 and 25/08/2020 following the submission of amended plans.

- 9.1 Representations have been received from occupiers of 6 Knowle Avenue 64, 66, 68 and 70 Holmfield Road and 14 Northumberland Avenue. The issues raised are summarised below:

- Existing impact on noise and disturbance from the Showboat in what is a residential area;
- Noise and disturbance for future residents of the planned apartments from Ma Kelly's;
- Additional noise, disturbance and anti-social behaviour as a result of the development;
- The development would result in loss of light, overlooking and loss of privacy from rooms and balconies;
- Parking in the area is already unsafe with visitors to the pubs, local businesses and hotels taking over the area;
- The development would add to the current issues around highway safety;
- Cars driving over the pavement will damage the pavement;
- The rear exit on to Northumberland Avenue is a back street which is only used by surrounding properties and rear access to a hotel, not a general thoroughfare;
- No provision for delivery and refuse vehicles for Ma Kelly's, which currently use the car park;
- The development would result in further dropped curbs, reducing on-street parking capacity and taxi spaces;
- The building is an over development and is excessive and will block sunlight from the west, having a negative impact on health and wellbeing;
- The proposal is an overdevelopment of the land;
- Lack of landscaping/trees/greenery;
- The development isn't family accommodation and will attract transient renters;
- The building should be 3 storeys tall and in line with other buildings and closer to the hotels on the Promenade;
- Permit parking should be introduced in the area as well as double yellow lines;
- The development isn't in-keeping with the surrounding properties in the area which are 2/3 storeys and constructed from red brick;
- 26 parking spaces is inadequate for 20 apartments;

- There is United Utilities infrastructure and an electrical substation on the site and British Telecom and Virgin cabinets would need to relocate;
- There are plenty of other vacant properties that could be renovated to meet any need for additional apartments;
- Developing the car park would set a precedent for similar developments in car parks;
- The design and colour of the building will have an effect on the architectural and historic character of North Shore.
- There is a strong smell of sewers in the area in the summer and an additional 24 apartments will worsen the smells

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.2 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:

- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

10.3 National Planning Practice Guidance (NPPG)

10.4 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF and includes the National Design Guide and the Nationally Described Space Standards.

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

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

- CS1 - Strategic location for development
- CS2 - Housing provision
- CS5 – Connectivity
- CS6 - Green infrastructure
- CS7 - Quality of design
- CS8 - Heritage
- CS9 - Water management
- CS10 - Sustainable design

- CS11 – Planning Obligations
- CS12- Sustainable neighbourhoods
- CS13 - Housing mix density and standards
- CS14 - Affordable housing
- CS15 - Health and education
- CS24 - South Blackpool employment growth
- CS27 - South Blackpool connectivity and transport

10.7 Blackpool Local Plan 2011-2016 (saved policies)

10.8 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
- LQ3 - Layout of Streets and Spaces
- LQ4 - Building Design
- LQ5 - Public Realm Design
- LQ6 - Landscape Design and Biodiversity
- LQ7 – Strategic Views
- LQ10 – Conservation Areas
- BH3 - Residential Amenity
- BH4 - Public Health and Safety
- BH10 - Open Space in New Housing Developments
- HN4 - Windfall Sites (for housing development)
- AS1 - General Development Requirements

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

10.10 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:

- DM5: Design Requirements for New Build Housing Development
- DM20: Landscaping
- DM27: Conservation Areas
- Policy DM39: Transport Requirements for New Development

10.11 Other relevant documents

- Supplementary Planning Guidance 11: Open Space: provision for new residential development & the funding system

- Blackpool Council's Green and Blue Infrastructure Strategy

11.0 ASSESSMENT

11.1 The Principle of Residential Development

- 11.2 The site has no allocation in the Local Plan and isn't identified as a brownfield site appropriate for residential development on the Brownfield Register or in the Strategic Housing Land Availability Assessment. However, this is a brownfield site and it is acknowledged that redevelopment of brownfield sites have a critical role to play in regenerating the resort and widening its housing offer.
- 11.3 Core Strategy Policy CS1 states that to deliver the Core Strategy vision, the overarching spatial focus for Blackpool is regeneration and supporting growth. Blackpool's future growth, development and investment will be focused on the inner area regeneration, including mixed holiday and residential neighbourhoods adjacent to the seafront and predominantly residential neighbourhoods on the edge of the inner area. Policy CS2 confirms that provision for 4,200 new homes to 2027 includes windfall sites such as this one.
- 11.4 The scheme would make a quantitative contribution towards meeting Blackpool's housing requirement and provide a qualitative improvement to the housing stock by the addition of good quality 1 and 2 bedroom apartments. Whilst at present the Council is able to identify a five year supply of housing land, it must be acknowledged that Blackpool is a very tightly constrained, urban borough, with relatively little opportunity for major housing development. An approval in this instance would provide a valuable buffer and offer greater choice and availability in the market-place. This weighs heavily in favour of the scheme.
- 11.5 This site is on the edge of the inner area and adjacent to the seafront and therefore the Core Strategy supports housing regeneration on this site in principle.
- ### **11.6 Site layout and housing mix**
- 11.7 Policy CS12 relates to sustainable neighbourhoods and supports development that provides high quality housing and creates a healthy, safe, secure and attractive environment and public realm in the inner area.
- 11.8 In terms of site layout, the building's footprint has been reduced by nearly 40% compared to the previously refused scheme and the building has been moved away from the boundaries of the Ma Kelly's building and residential uses on Holmfield

Road and Northumberland Avenue to reduce impacts on the future occupants and neighbours and to avoid United Utilities operational land. This reduction in footprint enables more off-street car parking and green infrastructure around the site and it is considered that the layout of the development is the most efficient use of land, given the built up nature of the surrounding development and associated constraints.

11.9 In new flat development, Policy CS13 requires that 70% of the units should be 2 bedrooms or more. The proposal would provide 20 flats, 14 of which would have 2 bedrooms and 6 would have 1 bedroom and so the scheme meets the required housing mix.

11.10 Policy CS14 confirms that developments within the defined inner are exempt from the requirement to provide affordable housing.

11.11 Amenity

11.12 The building has been reduced in height by approximately 4m and would now stand at 11m, compared to the previously refused scheme which was approximately 15m tall. There would be windows serving both main living spaces and bedrooms on the south and east elevations facing rear elevations on Holmfield Road and Northumberland Avenue. However, there would be approximately 32m between the eastern elevation and the rear elevations of properties fronting Holmfield Road (this distance was 22m in the previously refused scheme) and approximately 30m between the southern elevation and rear elevations of properties fronting Northumberland Avenue (this distance was 22m in the previously refused scheme). These distances exceed the standard separation distances of around 21m. It is acknowledged that this standard relates to two-storey buildings and that this building would be four-storeys in height, but the separation distances are nevertheless considered to be acceptable.

11.13 The building would have a height of 11m and dwellings fronting Holmfield Road and Northumberland Avenue are typically between 8.5m and 10m tall. The height of the Ma Kelly's building is between 5.5m and 11m tall. Sun path analysis demonstrates that there would be some loss of direct sunlight on the rear elevations of properties fronting Holmfield Road, at the height of summer in June and July for a very limited time in the evenings as the sun sets. However, for vast majority of the time, there would be no noticeable impact in terms of loss of sunlight other than at the very height of summer. It is not considered that this minimal loss of light weighs heavily against the application in the planning balance.

11.14 Rather than creating additional noise nuisance, the presence of the proposed apartment block and acoustic fence would reduce noise nuisance for existing

residential property on Holmfield Road by forming a physical barrier between Ma Kelly's and the existing residential properties.

- 11.15 Considering the separation distances and for other reasons described above, no unacceptable impact on amenities in terms of loss of privacy, overlooking, noise or loss of light for neighbouring properties are anticipated.
- 11.16 In terms of the amenities of future occupants of the apartments, the main concern is noise emanating from Ma Kelly's, which operates until the early hours of the morning. The current pandemic has impacted on people's behaviour in terms of visiting establishments such as Ma Kelly's, so the previous noise studies which were undertaken in December 2017 and July 2018 when the venue was operating at normal capacity, have been used to inform the submitted Acoustic Assessments. Colleagues in Environmental Protection have worked with the Acoustician to find solutions to the issue of noise and the details are included in the Acoustic Assessment Addendum Report. The solutions to reduce noise include the provision of reinforced glass barriers on the western end of balconies closest to Ma Kelly's (5 units) and the use of enhanced glazing units throughout the development. The design of these glass barriers would be agreed by condition. In order to allow residents to keep windows closed, additional ventilation systems would be incorporated, the details of which would also be agreed by condition along with the detailed design and placement of a 1.8m high acoustic fence along the boundary with Ma Kelly's and the residential apartment block.
- 11.17 In terms of space standards, although there is no current requirement for new housing development to meet any prescribed space standards, 16 (or 80%) of the proposed apartments would exceed the nationally described space standards in terms of overall floor space. This is a good indicator that the apartments would offer good quality residential accommodation.
- 11.18 The apartments would have access to shared amenity space at the front and rear of the site and each of the five ground floor apartments would have patio door access to amenity space from the main living areas. Twelve of the apartments would have balconies which would provide some amenity space and only 3 of the apartments on the fourth floor would be without balcony provision. It is considered that the applicant has gone as far as they can in terms of providing amenity space whilst also protecting the amenities of the neighbouring residential uses.
- 11.19 Accessible and conveniently located refuse storage would be provided in front of United Utilities operational land and the details of the design and enclosure would be agreed by condition.
- 11.20 The development would include a lift to all floors making the building accessible in accordance with Policy CS7.

11.21 On balance, no unacceptable adverse impacts on the amenities of future occupiers are anticipated.

11.22 Visual Impact

11.23 Core Strategy Policy CS7 requires new development in Blackpool to be well designed and enhance the character and appearance of the local area. Development should be appropriate in terms of scale, mass, height, layout, appearance and materials and should not adversely affect amenities of nearby residents. Policy CS8 supports proposals that enhance the setting and views of heritage assets including conservation areas. Saved Policy LQ7 confirms that strategically important views include along the seafront and into and with conservation areas.

11.24 Case officers have worked with the applicant over the course of 12 months to achieve a well-designed building which would have a positive visual impact on the character of the area and that would enhance the setting of the North Promenade Conservation Area to the west.

11.25 Currently, views east from the conservation area along Knowle Avenue include a large grey void (the car park) and the rear of properties fronting Holmfield Road and Northumberland Avenue. This view is harmful to the setting and character of conservation area and to the appearance and character of the area generally. Introducing a well-designed and well-proportioned building and associated green infrastructure would enhance the setting of the North Promenade Conservation Area and improve the appearance of the area.

11.26 The apartment building proposed would be very modern and contemporary in design and the materials used will be key in ensuring that the building integrates well with the surrounding development. The Design and Access Statement confirms that materials would include traditional brick work, aluminium windows and doors and hardwood timber cladding infill panels. Details of the materials to be used, including colour, would be agreed by condition. Details of the boundary treatments would also be agreed by condition.

11.27 The fourth floor would be set back which reduces the visual bulk of the building. Two front gables are included on the front elevation and these are common design features in the area and would contribute positively towards local character. These gables also serve to visually break up the fourth floor.

11.28 Compared to the previously refused scheme, there is now plenty of space around the proposed building so it no longer feels cramped and hemmed in. Vertical elements have been introduced around windows and balconies and to define the entrance and a range of materials and design elements are proposed to add visual interest.

- 11.29 The proposed building is well proportioned and articulated and, subject to more detailed consideration of the facing materials to be used, is considered to be appropriate in the site context.
- 11.30 On balance, the overall design of the scheme is considered to be good and no undue visual impacts are anticipated.

11.31 Planning Obligations

- 11.32 Policy CS11 states that development will only be permitted where the developer enters into a legal undertaking or agreement to meet the additional needs arising from the development.
- 11.33 Policy CS6 requires development to incorporate new or enhance existing green infrastructure and confirms that financial contributions will be sought from development for open space and green infrastructure. Saved Policy BH10 states that all developments should provide open space on site where possible, but where constraints preclude the full rate of provision on-site, developers may instead pay a commuted sum to improve open space provision to meet the needs of the development. The Supplementary Planning Guidance 11: Open Space (SPG11) sets out the public open space requirements in new housing development, until it is replaced by the draft Greening Blackpool Supplementary Planning Document.
- 11.34 Whilst amenity space is provided on-site, no public open space would be provided.
- 11.35 According to the assumed occupancy levels in SPG11, the development would accommodate 37 people. SPG11 sets out that £344 would be required per person to provide new/upgrade existing open space off-site. This equates to a £12,728 contribution to off-site open space which would be secured by a S106 agreement.
- 11.36 Policy CS15 states that contributions will be sought from developers towards the provision of local education and health facilities where their development would impact on the capacity of existing education and healthcare facilities. To date no comment has been received from the Local Education Authority as to the need for a planning obligation to meet the needs generated by the development. The NHS Blackpool Clinical Commissioning Group has assessed the implications of the proposal on the delivery of general practice services and are requiring a £5,513 towards the upgrade and expansion of facilities at St Paul medical centre which falls within the catchment of the application site. The sum of £5,513 contribution could be secured in a Section 106 agreement.
- 11.37 It is noted that the applicant has submitted information seeking to demonstrate that the payment of planning obligations would compromise the financial viability of the scheme. However, no formal viability appraisal has been provided and the

justification for the applicant's claims are not considered to be sufficiently robust. As such, it is considered appropriate to secure the necessary planning obligations set out above through a S106 legal agreement.

11.37 Flooding and Drainage

11.38 The site is in Flood Zone 1 and so has a low risk of tidal or river flooding. The site also has low risk of ground water, surface water, sewer or reservoir flooding. As the development is not at any particular risk of flooding, the main issue is ensuring that the proposed development does not cause flooding elsewhere.

11.39 Despite its use as a car park, the majority of the surface of the site is made up of rubble and appears to be free-draining. The Design and Access Statement makes reference to the use of permeable paving on paths and roads and the plans show soft landscaping around the site. These details would be agreed by condition to ensure that surface water run-off is reduced as much as possible.

11.40 The standard drainage conditions would also be imposed to ensure that surface water from the development is managed and doesn't place additional pressures on the existing combined sewer network or increase flood risk elsewhere.

11.41 In terms of flood risk and the requirements of Policy CS9, it is not anticipated that the proposed development would cause flooding on site or elsewhere.

11.42 Ecology

11.43 No ecological features have been identified on the site but there are opportunities to improve biodiversity with the provision of good quality landscaping, using a mix of native shrubs and trees that are suitable in this exposed coastal location.

11.44 A condition requiring the agreement of other ecological enhancements around the site is considered necessary to ensure the development contributes towards habitats and foraging opportunities for birds and small mammals in accordance with policies CS6 and Saved LQ6 and the Council's adopted Green and Blue Infrastructure Strategy.

11.45 Highways

- 11.46 Saved Policy AS1 requires new development to have convenient, safe and pleasant pedestrian access, cycle parking and appropriate levels of car parking.
- 11.47 The site is very near Queens Promenade which is one of the main routes into Blackpool. The site is considered to have good accessibility close to bus and tram routes and close to schools and services.
- 11.48 The car park is associated with Ma Kelly's and should only be used by people visiting that establishment. Using the car park as a pay and display car park for general use would require planning permission and no planning permission is in place. As such, whilst it is acknowledged that on-street parking is at a premium, this development would not result in the loss of a valued public car park for people staying at hotels or using other facilities in the area.
- 11.49 Given that the site is accessible by public transport and cycle storage is proposed, 1.3 spaces per apartment is considered sufficient. 23 car parking spaces for Ma Kelly's is also considered to be sufficient and the Head of Transportation has confirmed that the all highways and car parking issues raised have been addressed. The details of the cycle storage area would be agreed by condition.
- 11.50 The NPPF states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. No details have been provided in the application and no local plan policies are currently in place to indicate how many charging points would be required. Details of how many charging points could be provided, their locations and on-going maintenance should be agreed by condition to encourage more sustainable car ownership and to ensure that residents are able to charge vehicles on-site. This is particularly important given the recent government announcement that petrol and diesel cars are to be phased out from 2030.
- 11.51 No undue impacts on parking or highway safety are anticipated.

11.52 Security

- 11.53 Details of lighting and CCTV around the development and particularly near entrance doors would be agreed by condition in order to reduce crime or the fear of crime.

11.54 Other issues

- 11.55 The scheme would not impact upon biodiversity. Air, land and water quality would be unaffected and the site would not be expected to be at undue risk from such.

11.56 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).

11.57 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.

11.58 The scheme would generate income to the Council from the collection of domestic council tax but this is not a consideration that carries any weight in the planning balance.

11.59 Sustainability and planning balance appraisal

11.60 Sustainability comprises economic, environmental and social components.

11.61 Economically, some limited employment would be generated through the construction process and future residents would help support local shops and services.

11.62 Environmentally, no adverse impacts on biodiversity have been identified and there is the potential to provide net gains to biodiversity through the agreement of a landscaping scheme which favours native species, and by requiring ecological enhancements around the site.

11.63 No unacceptable visual impacts have been identified and the development as shown is well designed and would enhance the setting of the North Promenade Conservation Area.

11.64 Socially, the development would deliver good quality homes including family homes in an attractive building, making a significant contribution towards Blackpool's housing requirements. No unacceptable amenity impacts are anticipated and no undue impacts on highway safety are expected.

11.65 The design of the scheme is acceptable and would enhance the character of the area and the setting of and views from the North Promenade Conservation Area, so the proposal is judged to constitute sustainable development. No other material planning considerations have been identified that would outweigh this view.

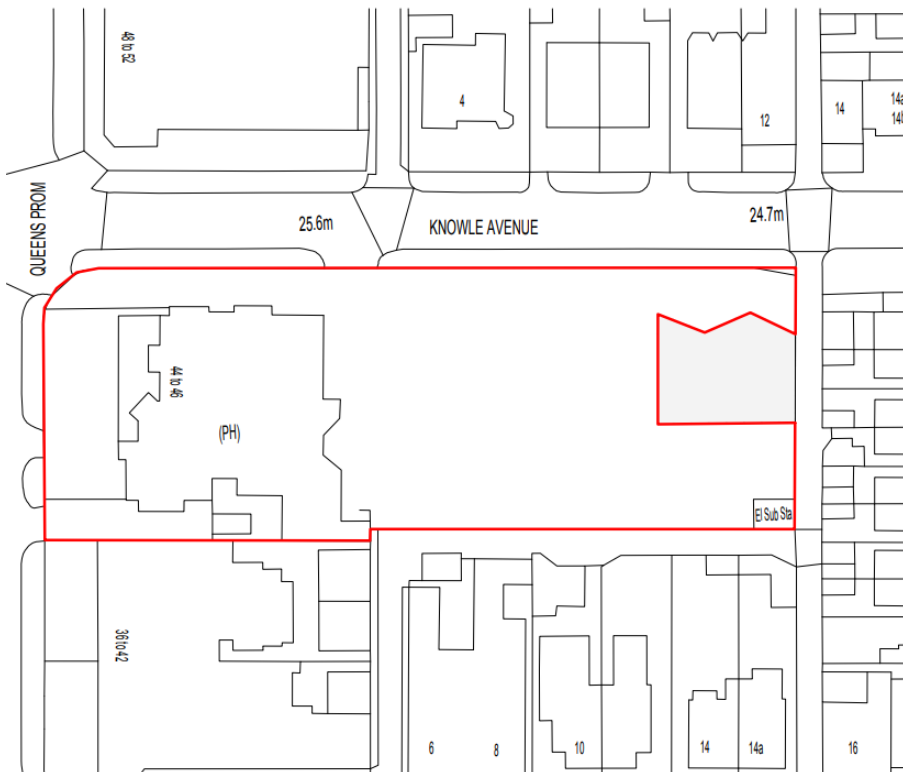
12 CONCLUSION

12.1 As set out above, the scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be granted.

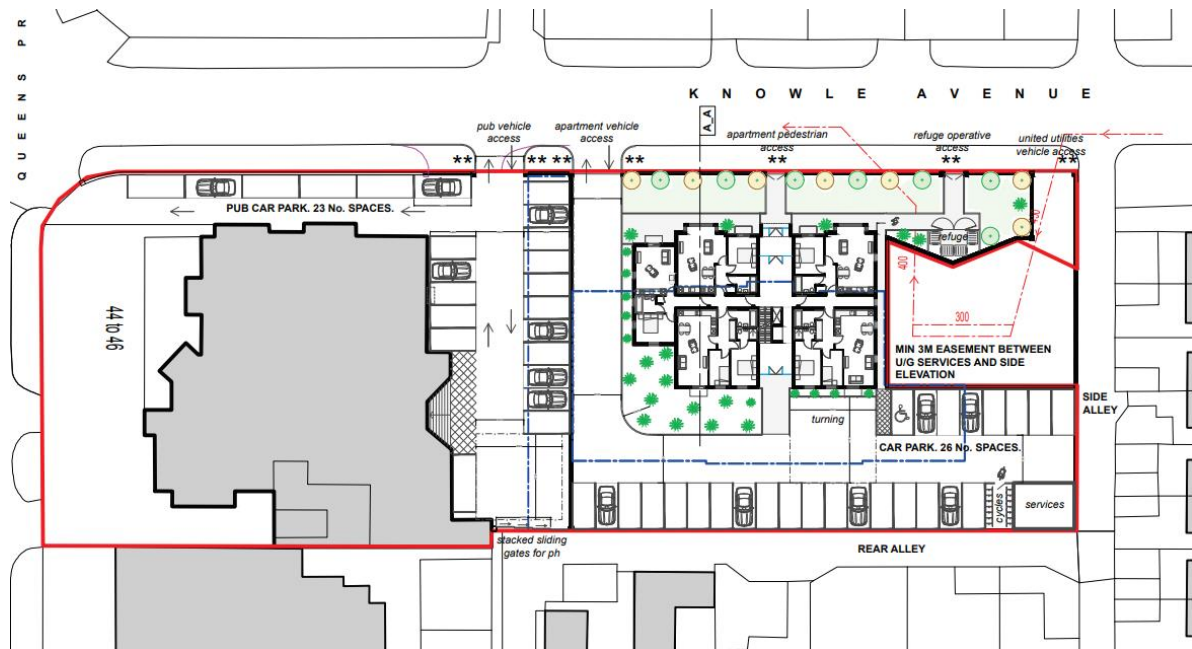
13.0 RECOMMENDATION

- 13.1 To support the proposal subject to conditions and defer the application to the Head of Development Management to grant permission on completion of a S106 legal agreement to secure the necessary planning obligations.
- 13.2 Full details of the conditions to be imposed on any permission granted are not yet available to be included in this report but will be provided through the Update Note in advance of the Committee meeting. It is anticipated that the conditions will relate to the following:
- Standard 3yr condition
 - Development to proceed in accordance with approved plans
 - Materials to be agreed
 - Profiling to be agreed
 - Landscaping to be agreed
 - Surfacing details to be agreed
 - Boundary treatment to be agreed
 - Refuse and cycle storage details to be agreed
 - Security lighting to be agreed
 - Ventilation and noise mitigation to be agreed
 - Ecological enhancements to be agreed
 - Parking to be provided
 - EV charging points to be agreed
 - Construction Management Plan to be agreed
 - Surface water drainage scheme to be agreed
 - Removing permitted development rights

Appendix 5a: Location plan:



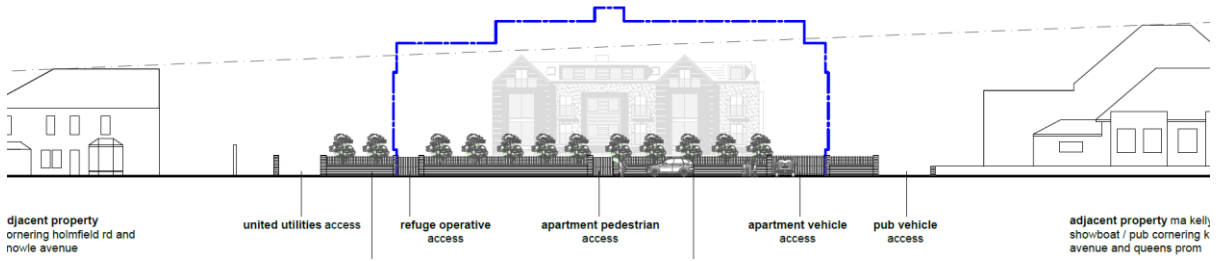
Proposed site layout plan:



Proposed elevations:



Streetscene showing the relationship with adjacent properties (the blue outline is the previously refused scheme):



Proposed visuals:





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**Blackpool Council
Development Management**

Officer Report to Committee

Application ref: 20/0475

Ward: Talbot

Application type: Full

Location: 23 Cookson street

Proposal: External alterations and use of premises as a massage parlour

Recommendation: Approve

Case officer: Susan Parker

Case officer contact: 01253 476228

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 maintain a town centre property in viable economic use and so, to that extent, would support priority one.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application is for the use of the premises as a massage parlour. The town centre is the focus for commercial and service uses within the borough. The provision of massage treatment is considered to be a main town centre use which should be directed to the centres of the established retail hierarchy, including the town centre. The proposal would maintain the property, which was previously vacant, in viable economic use. There are no planning policies that would preclude the development in principle. No material planning considerations have been identified that would weigh sufficiently against the application as to warrant refusal. As such, the Committee is respectfully recommended to grant planning permission subject to the conditions listed at the end of this report.

3.0 INTRODUCTION

3.1 This application is before Members because it is considered to be of general public interest.

4.0 SITE DESCRIPTION

4.1 The application relates to two-storey, mid-terrace property that has a front roof-lift to create a third storey in the roof space. It is on the western side of Cookson Street and is flanked by a residential use to the south and a commercial use to the north. Cookson Street as a whole has a predominantly commercial character. The ground floor of the premises has been used as a hot-food take-away. The upper floors are in residential use.

4.2 The site falls within the defined Inner Area and within the defined Town Centre boundary. No other relevant designations or constraints are identified.

5.0 DETAILS OF PROPOSAL

5.1 The application seeks planning permission for the use of the ground floor as a massage parlour. This would comprise a reception space to the front with four separate massage rooms behind with staff facilities at the back of the property. It is noted that the supporting statement makes reference to three treatment rooms, but the agent has confirmed that this is incorrect and that the plan correctly illustrates the proposed layout.

5.2 The supporting statement explains that the parlour would offer Thai massage treatments with the majority of custom on an appointment rather than walk-in basis. Only one walk-in customer would be permitted to wait at any time. The premises would open between 10:00 and 23:00.

5.3 A number of external alterations are proposed including the removal of the existing fascia panel covering the bottom of the first floor bay; the rendering of the existing stallriser; the replacement of the existing, solid picture panels beneath the fascia sign with clear glazing; and the replacement of the existing wooden frames of the shopfront with uPVC.

6.0 RELEVANT PLANNING HISTORY

6.1 88/0458 – permission granted for use as hot-food take-away.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of the use
- impact on residential amenity
- visual impact

8.0 CONSULTATION RESPONSES

8.1 None sought

9.0 REPRESENTATIONS

9.1 Press notice published: N/A

9.2 Site notice published: 08/09/20

9.3 Neighbours notified: 02/09/20

9.4 No representations have been received in time for inclusion in this report. Any comments that are received in advance of the meeting will be reported through the update note.

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:

- Section 7 - Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The 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 Main Town Centre Uses
- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- 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:

- LQ1 Lifting the Quality of Design
- BH3 Residential and Visitor Amenity
- AS1 General Development Requirements (Access and Transport)

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. There are no emerging planning policies that would relate specifically to this type of proposal.

11.0 ASSESSMENT

11.1 Principle

11.1.1 The application site falls within the designated boundary of Blackpool Town Centre. The massage parlour proposed would offer massage treatments to visiting members of the public. As such it would fall within class E(c)(iii) of the Use Classes Order as a service appropriate in a commercial, business or service locality.

11.1.2 It is understood that the Council's Community Safety team has intelligence that the premises is being used for prostitution. There is a concern that prostitution could continue as a part of the proposed use. As one would expect, there is nothing within the application to suggest that this would be the case. Massage is a legitimate form of therapy whether offered on a more medical basis to assist in recovery from injury, or on a more recreational basis as treatment to assist with relaxation. Such uses are entirely appropriate to a town centre location as they offer a service to visiting members of the public. It is noted that the proposed opening hours would extend until 23:00 and it is understood that this is intended to facilitate custom outside of the standard working day. This in itself is not unreasonable. Any use of the premises for prostitution following implementation of a planning permission would be a criminal matter for resolution by the police or the Council's Community Safety team as appropriate.

11.2 Amenity

11.2.1 The property is within the defined Town Centre boundary and on a street with a predominantly commercial character. Whilst there is residential accommodation to the south and at upper floor level, it is reasonable to expect residents to be more accustomed to higher levels of background noise and activity than would typically be expected in a more traditional residential setting. If continued, the existing, lawful hot-food take-away use would be expected to generate activity late into the evening, and would also have greater likelihood of generating odour nuisance. As such, given

the hours and limited scale of operation proposed, no detrimental impacts on residential amenity over and above the existing situation are anticipated.

11.3 Visual Impact

11.3.1 The applicant has agreed to make a number of changes to the frontage of the property to improve its appearance and impact upon the quality of the streetscene. These changes include the removal of the existing fascia panel at first floor level to reveal the bottom of the first floor bay. As the commercial element of the use is limited to the ground floor only, this amendment is a significant improvement. In order to improvement visual quality of the ground floor shopfront, it is proposed that the existing wooden frames, which are rotten in places, be replaced with uPVC. In addition, the solid picture panels below the main fascia sign would be replaced with clear glazing, the stall-riser would be rendered and two new doors would be provided. It is understood that these have been ordered but that the restrictions of Covid19 have delayed delivery and installation.

11.3.2 An elevation drawing detailing the works proposed has been requested and should be received by the date of the Committee meeting. If not, the necessary works can be secured by condition. The changes proposed should improve the appearance of the property and the quality of the streetscene and weigh in favour of the scheme.

11.4 Access, Highway Safety and Parking

11.4.1 The site is in an accessible location within the defined Town Centre and with ample public car parking in the vicinity. As such, no issues relating to access, parking or highway safety are identified.

11.5 Other Issues

11.5.1 Given the nature of the site and the proposed use, no issues relating to drainage, flood risk, biodiversity or environmental quality are identified.

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.

11.5.4 The scheme would delivery financial benefit in terms of business rates payment but this carries no weight in the planning balance.

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 very limited impact but would maintain a town centre commercial property in active use and generate some limited employment during construction and operation.
- 11.6.3 Environmentally, the scheme would not impact on environmental quality, drainage or biodiversity. The external alterations would offer a visual improvement.
- 11.6.4 Socially, the scheme would not have an unacceptable impact on residential amenity and would maintain a commercial premises in the town centre in active use. There would be no impact on highway safety or flood risk. Potential use of the property for any purpose beyond the scope of this planning application would be a matter for enforcement through the proper channel.
- 11.6.5 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12.0 FINANCIAL CONSIDERATIONS

- 12.1 The scheme would generate some business rates revenue but this carries no weight in the planning balance.

13.0 CONCLUSION

- 13.1 In light of the above, the proposal is considered to represent sustainable development. As no material planning considerations have been identified that would outweigh this view, planning permission should be granted.

14.0 RECOMMENDATION

- 14.1 Members are respectfully recommended to grant planning permission 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:

Proposed site layout plan recorded as received by the Council on 01 Sep 2020

Planning statement recorded as received by the Council on 13 Aug 2020 and email dated 07 Oct 2020 relating to the number of massage rooms.

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 10:00 to 23:00.

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 A window display in the ground floor windows fronting Cookson Street shall be maintained at all times. For the avoidance of doubt, at no time shall the windows be obscured either by the positioning of furniture or treatment to the glazing that would preclude a clear view through to the reception area.

Reason: In the interests of the appearance, character and function of the streetscene in accordance with Policies CS7 and CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ1 of the Blackpool Local Plan 2001-2016.

- 5 Any external lighting installed at the premises shall emit white light only and be restricted in luminance to 600 candela.

Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

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.

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Appendix 6a: 23 Cookson Street – plans



Frontage as was

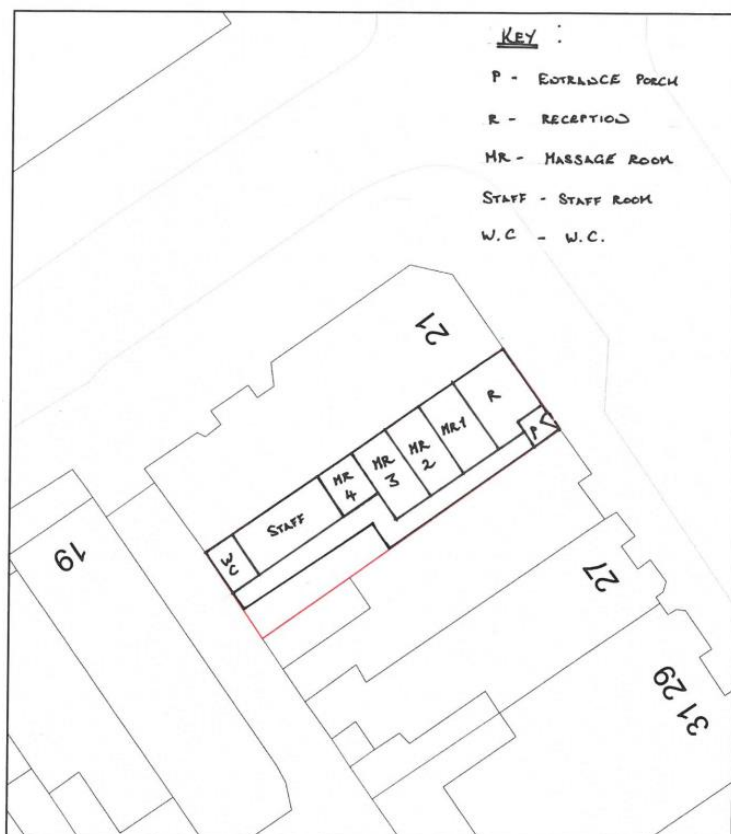


Frontage as is

Existing layout



Proposed layout



Blackpool Council - Development Management

Officer Report to Committee

Application ref:	20/0664
Ward:	Talbot
Application type:	Full
Location:	Talbot Square
Proposal:	Erection of mermaid statue on northern footway outside 10 Talbot Square (Counting House).
Recommendation:	Approve
Case officer:	Pippa Greenway
Case officer contact:	01253 47622

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 the second priority in that it adds to the cultural offer.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The location of the proposed sculpture is considered to be acceptable and its form has already been determined. As such, in land use planning terms, the proposal is acceptable and the recommendation is for approval.

3.0 INTRODUCTION

- 3.1 This application is before Members because it is a Council-led development and is of general public interest.

4.0 SITE DESCRIPTION

4.1 The sculpture would be located in Talbot Square on the northern footway outside 10 Talbot Square (The Counting House) on the corner with the Promenade.

4.2 The site is in the Resort core and within Leisure Zone of the Town Centre. It is also within the Town Centre Conservation Area and the setting of four Listed Buildings (the Town Hall, the former Clifton Hotel, North Pier and the Cenotaph).

5.0 DETAILS OF PROPOSAL

5.1 The proposal is for a 2 metre high, bronze (painted blue) mermaid statue, in the act of striding forward with one arm extended and holding a shell in the extended hand and with its back to the sea. It would stand on a rectangular concrete pad foundation (1.3 m x 1 m), with the original footway paving slabs reinstated after the foundation is installed.

5.2 The application has been supported by:

- Planning Statement

6.0 RELEVANT PLANNING HISTORY

6.1 None relevant.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of the public artwork
- visual and heritage impact in the Town Centre Conservation Area

8.0 CONSULTATION RESPONSES

8.1 **Blackpool Civic Trust:** No objections

8.2 **Conservation Officer:** This is in the heart of the oldest part of the Conservation Area, designated in 1984 to protect the historic civic core of the town. It is within the setting of four listed buildings including the grade II* cenotaph. There was no accompanying heritage statement setting out how the installation would impact on the significance of these buildings or the conservation area. Although it may have been the result of extensive consultation with the local community, it has not taken account of the heritage impact. The modern design of this statue will therefore cause an unacceptable level of harm to the setting of 4 listed buildings, and I strongly recommend refusal of the application.

8.3 **Local Highway Authority:** I have no objection to the proposal. It will require Highways Act and other permissions and I would expect that the exact location will be confirmed only by trial excavations. The installation can only be carried out by a suitably qualified contractor. I would suggest that you condition or request a proportionate CMP covering installation, preferably written by the installation contractor.

9.0 **REPRESENTATIONS**

9.1 Site notice published: 27/10/2020

9.2 Neighbours notified: 22/10/2020

9.3 No response to notification

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:

- Section 8 – Promoting healthy and safe communities
- Section 12 - Achieving well-designed places
- Section 14 - Conserving and enhancing the historic environment

10.2 **National Planning Practice Guidance (NPPG)**

10.2.1 The 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
- CS8 Heritage
- 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:

- SR8 Leisure Zone
- RR1 Visitor Attractions
- LQ1 Lifting the Quality of Design
- LQ10 Conservation Areas
- BH3 Residential Amenity
- BH4 Public Health & 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:

- DM25: Public Art

11.0 ASSESSMENT

11.1 Principle

11.1.1 The principle of public artwork is acceptable within the designated Town Centre.

11.2 Visual and heritage impact

11.2.1 The location proposed allows the “Call from the Sea” sculpture to be appreciated in 360 degrees and in full sunlight. The mermaid design links the sculpture to the sea (she is emerging from the sea and making her way up Talbot Road) and the colour is designed to make it stand out from a distance and be distinctive. The design has arisen from the artist’s commission to work with various community groups and college students and has been approved outside of the planning process. As such, the artistic interpretation and merit is not considered to be a planning consideration and, in planning policy terms, the location is acceptable for public artwork.

11.2.2 It is noted that the Conservation Officer has objected to the location of the statue due to its modern design. The statue has to be located within the Conservation Area as it is part of the Quality Corridors scheme and is funded by that project. As stated above, the artistic form of the installation of itself is not considered to be a matter of planning judgement. Although little weight can be attached to it at present, emerging Policy DM25 of the Local Plan Part 2 encourages the provision of public art, including within the defined Town Centre. The policy makes no attempt to be prescriptive with regard to the form of the public art or to suggest that installations of modern design would be inappropriate in areas of sensitive heritage value. The

juxtaposition of old and new is a feature of many visually sensitive urban streetscenes. As such, it is not considered that the proposal could reasonably be resisted on heritage grounds.

11.3 Other

11.3.1 No objections have been raised by the Head of highways, there is therefore no issue with highway or pedestrian safety.

11.3.2 There are no issues with drainage, flood risk or biodiversity. There is no environmental impact
With regard to air, water and land quality

11.3.3 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).

11.3.4 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.

11.4 Sustainability and planning balance appraisal

11.4.1 Sustainability comprises economic, environmental and social components.

11.4.2 Economically the scheme would have a very limited impact but might attract additional visitors into Talbot Square and some employment would be generated during construction.

11.4.3 Environmentally, environmental quality, drainage and biodiversity would not be materially affected.

11.4.4 Socially, the scheme would add to the cultural offer within the town centre and there would be no adverse impacts with regard to highway safety.

11.4.5 In terms of planning balance, the development proposed is considered to constitute sustainable development. No other material planning considerations have been identified that would outweigh this view.

12.0 FINANCIAL CONSIDERATIONS

12.1 The proposal is being grant funded under the Quality Corridors initiative.

13.0 CONCLUSION

13.1 The location is appropriate for public artwork

14.0 RECOMMENDATION

14.1 Members are respectfully recommended to grant planning permission 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 recorded as received by the Council on 28 October 2020

Drawing number 700-099-001 Rev A

Supporting information dated 21 October 2020.

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 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways

- measures to prevent contamination of surface and sub-surface water bodies during the construction period
- routing of construction traffic

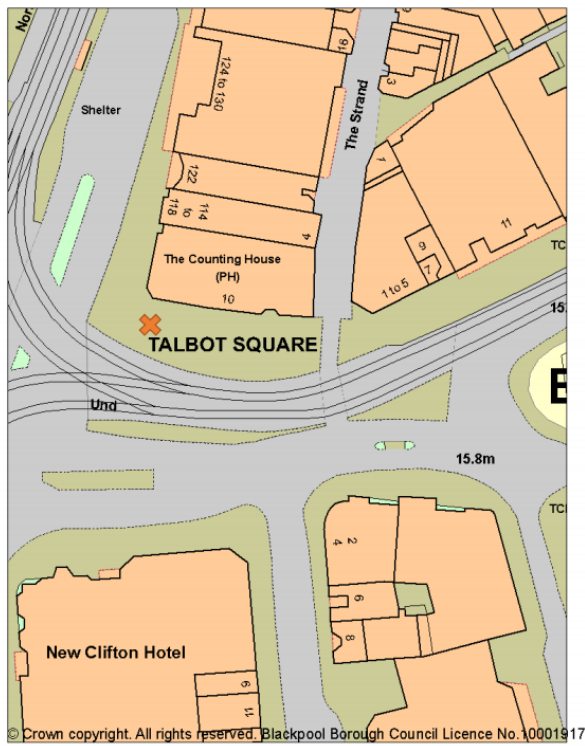
The construction of the development shall then proceed in full accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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Appendix 7a: 20/0664

Location plan:



Visual of proposal:

