

COMMITTEE DATE: [09/02/2016](#)

Application Reference: 15/0229

WARD: Warbreck
DATE REGISTERED: 31/07/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Belsfield Care

PROPOSAL: Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

LOCATION: REAR GARDEN AREA TO 6-8 CARLIN GATE, BLACKPOOL, FY2 9QX

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Gary Johnston

SUMMARY OF RECOMMENDATION

Whilst there are concerns that the use of this land in association with the existing care homes at 4 Carlin Gate and 4 St Stephens Avenue may lead to other things in the future this application has to be considered on its merits and on balance it is considered that it would not conflict with the intent of Policy BH24 of the Blackpool Local Plan in that residential frontages would remain to Carlin Gate and St Stephens Avenue to the east of the existing care homes and that the proposal would not significantly affect the amenities of local residents so as to be contrary to para 17 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Core Strategy. Approval is therefore recommended

INTRODUCTION

This application was deferred at the meeting of the Planning Committee on 12 January 2016 to enable officers to consider the suggested planning conditions and consider whether additional conditions may be necessary to ensure that the development is acceptable. The wording of condition 5 has been amended and an additional condition has been added (condition 6) as a result. These changes have been shared with the applicant's agent.

Some Members will recall that applications relating to 6-8 Carlin Gate, 4 Carlin Gate and 4 St Stephens Avenue have been before the Committee before (details are listed below). This

application is one of three applications for the properties which are owned by the applicants. The three applications are -

15/0227 -Erection of roof lift to existing rear extension to provide 5 additional bedrooms and lounge and provision of 3 additional car parking spaces to rear following demolition of existing lounge. **(4 St Stephens Avenue)**

15/0228 -Use of premises as 4 self contained permanent flats with associated landscaping and works following demolition of existing rear extensions and alteration to existing garage. **(6-8 Carlin Gate)**

15/0229 - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate. **(6-8 Carlin Gate and 4 Carlin Gate/4 St Stephens Avenue)**

These applications follow on from previous applications which sought to link 4 St Stephens Avenue to 4 Carlin Gate and redevelop 6-8 Carlin Gate. Outline planning applications with references 12/0700 and 13/0754 were withdrawn. Outline Planning Application reference 13/0301 for the erection of a two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 12 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with integral garages, with associated access, parking and landscaping to the rear for use by the extended rest homes following demolition of 6-8 Carlin Gate, was refused by the Planning Committee at its meeting on 22 July 2013 (a subsequent application 14/0150 - *Erection of two storey link extension to connect existing rest homes at 4 Carlin Gate and 4 St Stephens Avenue to form an additional lounge and 10 bedrooms, and erection of two semi-detached, two-storey dwellinghouses with associated vehicle access, parking and landscaping to rear for use by rest homes following demolition of 6-8 Carlin Gate was withdrawn*).

The reasons for refusal for 13/0301 are listed below:

1. The proposed extensions and alterations, linking 4 Carlin Gate and 4 St. Stephens Avenue and extending into residential gardens at the rear of 6-8 Carlin Gate would constitute an over-development of the plots and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the boundaries and fenestration resulting in, overlooking, visual intrusion and a development which is overly intensive and out of character within a residential setting. The proposed link extension would also be detrimental to future occupants by virtue of the proximity of windows to boundary walls resulting in lack of natural light and lack of outlook. The proposal would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.
2. The proposal would create an inadequate vehicle access off Carlin Gate to substandard parking facilities to the rear of 6-8 Carlin Gate which would result in vehicle conflict, leading to vehicles having to reverse out of Carlin Gate and around tight corners with poor visibility. This would be contrary to highway safety and the free flow of traffic within the site.

Furthermore the under-provision of useable parking spaces would lead to additional on street parking within the vicinity of the site which would lead to congestion and impede the free flow of traffic and would be detrimental to residential and visual amenity. The proposal would therefore be contrary to Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

3. It has not been demonstrated that 6-8 Carlin Gate could not be brought back into viable use and the demolition of 6-8 Carlin Gate is therefore unsustainable. Furthermore, the two-storey domestic scale of the replacement dwellings proposed at 6-8 Carlin Gate would be out of character with the neighbouring properties at 4 Carlin Gate and 10-12 Carlin Gate and would therefore be an incongruous feature in the streetscene. The proposal would therefore be contrary to Policies LQ1, LQ4 and LQ8 of the Blackpool Local Plan 2001-2016.

There have been numerous applications for the use/new build and extensions to 4 St Stephens Avenue, 4 Carlin Gate and 6 Carlin Gate in recent years and they are listed below:

4 St Stephens Avenue:

86/0420 – Use of premises as a rest home. Granted 22 April 1986.

86/0916 - Erection of two-storey side extension and extension to rear dormer and erection of external staircase. Granted 06 August 1986.

88/1571 - Erection of part two-storey and part single-storey rear extensions. Granted 29 November 1998.

92/0667 - Erection of first floor rear extension to rest home. Granted 20 October 1992.

93/0810 - Erection of first floor rear extension to rest home. Granted 19 October 1993.

95/0574 - Use of premises as a rest home and nursing home. Granted 11 October 1995.

98/0019 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities. Refused 06 April 1998 for the following reasons:

- The proposal would be contrary to the provisions of Policy E13 of the Blackpool Borough Local Plan, because the development, by reason of its size and site coverage is out of character with the surrounding area and the general residential scale of properties in St Stephens Avenue, Holmfield Road and Carlin Gate. Approval of the development would make it difficult for the Council to resist other similar extensions elsewhere in the vicinity, which cumulatively would have a seriously detrimental effect upon the character of the area by significantly reducing the space about properties.
- The proposal would be contrary to the provisions of Policy TR6 of the Blackpool Borough Local Plan because the development, by increasing demand for car parking whilst reducing the available parking spaces at the premises, would lead to an increase in on-street parking to the detriment of highway safety and residential amenity.

98/0319 - Erection of single storey rear extension to provide additional bedrooms with en-suite facilities and creation of vehicular access and car parking space to front. Refused 22 June 1998 but granted on appeal.

10/1309 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 32 en-suite bedrooms at existing care home. Granted 14 January 2011.

11/0510 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 38 en-suite bedrooms at existing care home. Refused 08 September 2011 for the following reason:

- The proposed extensions and alterations would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants and the visual amenities and character of the wider area by virtue of their size, scale, massing, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook, loss of car parking facilities and a lack of useable amenity space for the residents of the home. In addition it is considered that the proposals would lead to additional on street parking within the vicinity of the site which would lead to congestion and would be detrimental to residential and visual amenity. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3, BH24 and AS1 of the Blackpool Local Plan 2001-2016.

11/1000 - Erection of three storey side extension, first floor rear extension and alterations to main roof to create mansard roof with a gable to the front elevation, dormer windows to the front, sides and rear. Extensions and alterations will form 36 en-suite bedrooms at existing care home. Refused 19 January 2012 for the following reason:

- The proposed rear extension, when added to other constructed and approved extensions, would constitute an over-development of the plot and would have a significantly detrimental impact on the residential amenities of adjoining occupants by virtue of its size, close proximity to the common boundaries and fenestration resulting in an overbearing impact, overlooking, visual intrusion, loss of natural light, loss of outlook and a lack of useable amenity space for the residents of the home. The proposals would therefore be contrary to Policies LQ1, LQ14, BH3 and BH24 of the Blackpool Local Plan 2001-2016.

4 Carlin Gate:

06/0203 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/ care home with provision of 8 car parking spaces. Refused 12 June 2006 for the following reason:

- The proposal would be contrary to policies BH3 and BH24 of the Blackpool Local Plan 2001-2016 by reason of the intensity of development within the application site, the resultant number of properties in such use in the locality and impact on amenity of nearby residents.

06/0524 - Erection of three-storey detached building with basement, additional accommodation within the roofspace and two-storey section at the rear to form 37 bedroom nursing/care home with provision of car parking spaces at the front and rear. (Re-submission of application 06/0203). Granted 04 September 2006.

07/0998 - Erection of three-storey detached building with basement and two storey section at the rear, both incorporating accommodation within the roofspace, to form 40 bedroom nursing/ care home with provision of 6 car parking spaces at the front and rear. (Amendment to planning permission 06/0524). Granted 28 April 2008.

08/1198 - Elevational alterations to three storey detached care/nursing home (amendments to planning permission 07/0998). Granted 12 January 2009.

6-8 Carlin Gate:

04/0523 - Use of premises as single private dwellinghouse and conversion of rear extension to form additional living accommodation to provide guest facilities for private use. Granted 13 July 2004.

07/0593 - Use of premises as a single private dwellinghouse by no more than six residents living together as a single household (including a household where care may be provided for residents) (Certificate of Lawfulness for Proposed Use). Refused 18 October 2007 for the following reason:

- The applicant has failed to provide sufficient information, with particular reference to the intended future residents and the nature and extent of any care to be provided for those residents, to enable the Local Planning Authority to properly assess the application submission and to be in a satisfactory position to confirm whether the proposed use falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site has no allocation in the Blackpool Local Plan 2001-2016.

SITE DESCRIPTION

This application relates to part of the rear garden of 6-8 Carlin Gate. The area currently contains outbuildings and a tree. The area measures approximately 22 metres by 15 metres. It is bounded by the rear gardens of houses fronting St Stephens Avenue to the north, the rear garden of 10 Carlin Gate to the east and care homes owned by the applicants at 4 Carlin Gate and 4 St Stephens Avenue to the west.

DETAILS OF PROPOSAL

The proposal is to segregate part of the rear garden of 6-8 Carlin Gate and use it as an amenity/garden area for the homes at 4 Carlin Gate and 4 St Stephens Avenue. The application site would have a 15 metres boundary to 4 Carlin Gate. Access to it from 4 St Stephens Avenue would be via the rear area of 4 Carlin Gate. The outbuildings would be demolished and the area would be laid out as pathways, seating area and landscaped areas with the existing tree being retained.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The principle of the development
- The impact on residential amenity

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

CONSULTATIONS

Environmental Protection - We have never had a complaint from Carlin Gate and only one complaint in July 2014 about noise from the residents at St Stephens Avenue. This complaint was investigated but not substantiated and the job was closed down.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 6 August 2015

Neighbours notified: 6 August 2015 and 7 December 2015

Mrs M Singleton, 12 CARLIN GATE - objects very strongly to this application. By garden grabbing from 6-8 Carlin Gate this increases the footprint of the nursing home and we have no doubt that further plans will be submitted in the future for further extensions and redevelopment. Another major concern is the noise. We already suffer greatly from the noise from the residents. Due to the very nature of their conditions there is constant screaming and shouting for help and telling people to get off them/stay away from them. This is very upsetting in particular to my young children when they are playing outside. Ours is a family home and we should be able to use our garden in peace without having to come in to escape the noise. It is not fair to my children. To allow the gardens to creep even nearer to our property will make an already difficult situation unbearable. If outside space is an issue then this should have been thought about in the original plans. We strongly object to this application. In response to the re notification the following comments have been made -We still strongly object to the garden grabbing of 6-8 Carlin Gate for the use of communal gardens. Our original objections still stand. The nature of the patients who constantly shout, scream and cry would render our garden unusable. My children already find the constant shouts and screams very upsetting, to move the noises nearer would be unbearable.

Mrs Susan Giacomini, 3 CARLIN GATE - objects strongly to this planning application. By taking the garden areas from 6 and 8 Carlin Gate to increase the land area of no. 4 is against the 10% limit for the Care Home. Three Boundaries are being contravened. The impact on the surrounding residents and their properties would be horrendous. Already the shouting and screaming from the residents of 4 Carlin Gate and 4 St. Stephens Avenue is unbearable when the weather is good and the windows are open. Bringing this level of disturbance closer to private gardens is immoral and unacceptable. Last year the applicant was refused planning application for the back gardens of No. 6 and 8 Carlin Gate to be united with the Care Home at No. 4. Nothing has changed to alter this decision. NO should mean NO!!!!!!

Owner of 3 CARLIN GATE has made the following comments in response to the revised notification on 7 December 2015 - I object to No. 4 taking over the rear garden areas of No. 6 and 8 Carlin Gate. This is in contravention of planning laws and the 10% maximum development. This is effectively turning the care homes on St. Stephen's Ave and Carlin Gate into one huge nursing home complex and putting a car park into private garden areas. After nearly 10 years of planning being turned down for this encroachment I cannot see any reason for this application being granted.

FC Cove, 10 CARLIN GATE - objects to increased land area associated with the homes. The use of this land in association with the existing homes would bring noise and disturbance closer to neighbouring residents.

Owner of 10 CARLIN GATE maintains his objection to the proposal (in response to revised notification on 7 December 2015).

Mr B and Miss G Walsh and Laird, 10 ST STEPHENS AVENUE - objects to increasing the site area of the existing homes and is concerned that it would bring noise and disturbance closer to existing neighbouring residents. Concerned that it represents creeping development and could result in further expansion of the homes.

Mr M Farrell, 8 ST STEPHENS AVENUE - objects to this application as it would change the boundaries of three properties as registered with the Land Registry and would increase the footprint of the care homes at 4 St Stephens Avenue and 4 Carlin Gate. There are a number of dementia patients who shout loudly during the day, especially in the summer months when the windows are open. This noise is disturbing and upsetting and would increase. As far as improving the daily life of residents this should have been considered before the care homes were extended onto what were previously gardens of these two properties.

Owners of 8 and 10 ST STEPHENS AVENUE maintain their objection to the proposal (in response to revised notification on 7 December 2015).

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 establishes a presumption in favour of sustainable development.

Paragraph 17 sets out the core principles of which a good standard of design and amenity is one.

Paragraphs 56 – 65 deal with design.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy LQ1 - Lifting the quality of design
Policy LQ2 - Site Context
Policy LQ6 - Landscape design and biodiversity
Policy BH3 - Residential and Visitor amenity
Policy BH24 - Residential Homes

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

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

CS7 Quality of Design
CS12 Sustainable Neighbourhoods
CS15 Health and Education

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan

ASSESSMENT

• The principle of the development

The proposal would extend the care home usage further east along St Stephens Avenue/Carlin Gate. Currently that usage extends north - south through 3 St Stephens Avenue, 4 St Stephens Avenue and 4 Carlin Gate albeit that there is limited amenity space on any of the plots because of the site coverage of the built form. Policy BH24 of the Local Plan seeks to restrict care homes to represent no more than 10% of properties in any one block. It could be argued that the existence of three homes meets this requirement in terms of the respective blocks in which they are situated. The issue in this case is that the frontages to both Carlin Gate and St Stephens Avenue would remain unaltered by the current proposal i.e. they would remain residential. There are concerns that if this application is approved it could weaken the case for further extensions to the homes at 4 Carlin Gate and 4 St Stephens Avenue and weaken the case for further encroachment eastwards onto the remaining site of 6-8 Carlin Gate. It also seems a little perverse given the

extensive planning history for the properties at 4 St Stephens Avenue and 4 Carlin Gate that there is suddenly a concern regarding the lack of amenity space for the homes.

Notwithstanding these concerns, the application has to be considered on its merits and some of the issues identified may well result in applications in the future which will have to be judged on their own merits. The area is of a reasonable size but given it is set at right angles to the two homes it would have limited visual benefit for the occupants of the homes (six of the bedrooms at 4 Carlin Gate would overlook the area whilst none at 4 St Stephens Avenue would directly do so because the home at 4 St Stephens is offset relative to the application site) although it would offer a seating/walking area in the summer months. On balance it is felt that this proposal would not conflict with the intent of Policy BH24 of the Local Plan.

- **The impact on residential amenity**

The land is currently overgrown and in part occupied by buildings. It is obvious that it has not been used as a conventional garden area for some time. This is not in itself a reason to support the application as anyone could leave land or property to deteriorate in the hope of getting planning permission for an alternative proposal. Having said that the proposal would involve an enhancement of the land and an existing tree would be retained. The key issue is whether the usage of this area by the residents of the two homes would adversely affect the amenities of the occupiers of the houses which abut the application site. The two homes currently accommodate 71 residents, but not all of the residents would use the area at the same time. There is a clear intention that there would be a seating area and a circular walkway, although this would be set away from the boundaries with neighbouring properties. There is a perception amongst local residents that given the nature of the occupants of the homes there will be significant noise and disturbance through the use of this area. Given the use of the area would have to be managed by staff at the homes, it is not felt that this would be such a significant issue so as to warrant refusal of the application. On balance therefore it is felt that the proposal would not conflict with paragraph 17 of the National Planning Policy Framework, Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy.

CONCLUSION

Whilst there are concerns that this may lead to other things in the future this application has to be considered on its merits and on balance it is considered that it would not conflict with the intent of Policy BH24 in that residential frontages would remain to Carlin Gate and St Stephens Avenue to the east of the existing care homes and that the proposal would not significantly affect the amenities of local residents so as to be contrary to paragraph 17 of the National Planning Policy Framework, Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Core Strategy. Approval is therefore recommended

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File 15/0229 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 31 July 2015 including the following plans:

Location Plan stamped as received by the Council on 31 July 2015
Drawing numbered 2200.12 stamped as received by the Council on 3 December 2015

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

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, above ground structures, means of enclosure and boundary

treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. (a) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the existing tree on the application site has been submitted to and approved in writing by the Local Planning Authority.

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme are in place.

(d) The fencing or other works which are part of the approved protection scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior written agreement of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, having regards to Policy LQ6 of the

Blackpool Local Plan 2001-2016.

5. The garden area hereby approved shall only be used as garden area for the benefit of the residents of the homes at 4 Carlin Gate and 4 St Stephens Avenue and for no other purpose.

Reason: To safeguard the amenities of neighbouring residents and in the interests of the amenity of the occupiers of the two homes in accordance with Policies BH3 and BH24 of the Blackpool Local Plan 2001-2016

6. Before the garden area is first brought into use an acoustic wall or fence of a height and type to be agreed in writing by the Local Planning Authority shall be erected on the northern and eastern boundaries of the garden area and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the amenities of the residents of the surrounding properties in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.