

COMMITTEE DATE: 07/06/2016

Application Reference: 16/0105

WARD: Claremont
DATE REGISTERED: 24/02/16
LOCAL PLAN ALLOCATION: Resort Neighbourhood
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: The Ashley Foundation

PROPOSAL: External alterations to windows in side and rear elevations and use of premises as altered as three self-contained permanent flats with associated boundary walls and bike store, following demolition of single storey rear extension.

LOCATION: 38 BANKS STREET, BLACKPOOL, FY1 2AR

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

The proposal presents a number of issues to consider including the longstanding use of the property as flats/ multiple occupation, the quality of accommodation proposed, the level of occupancy and the potential impact on the adjoining holiday and residential area. Given that the property has a longstanding use as flats/multiple occupation and the fact that the proposal involves the renovation of the property which is an eyesore at present, and also improvement in the quality of accommodation being provided, it is considered that the proposal should be supported. However, given that the applicants house homeless, primarily single people, sometimes people who have chaotic and difficult lives it is considered necessary that a restriction be placed on each of the three x two bedroom flats that restricts each flat to one person to minimise the potential impact on the surrounding area, including a number of nearby holiday uses.

SITE DESCRIPTION

The property is a three storey end terrace close to junctions with Dickson Road to the west and Lord Street to the east. There is an access road to the side of the property which is alleygated and the main entrance to the property is on the side elevation behind the alleygates. There are domestic properties immediately to the rear of the application property

which front onto this access road and the immediately adjoining property is converted into flats. The application property has long established history of multiple occupation having had a Certificate of Lawfulness granted in 1989 for nine flatlets under reference: 89/0151 and the current layout is shown as four-five self-contained and non-contained flats. The application property is directly opposite one of the currently protected holiday accommodation areas, including a section of Lord Street, and the character of the area is mixed residential/ holiday uses.

DETAILS OF PROPOSAL

Conversion of currently vacant and boarded up property into three self-contained flats each with two bedrooms accessed from the side elevation behind the alleygates. A single storey rear outbuilding within the rear yard will be removed to provide cycle and refuse storage to the rear of the building.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Impact of residential amenity/ character of the area
- Quality of accommodation
- Other issues

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

CONSULTATIONS

Head of Transportation: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

Waste: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

PUBLICITY AND REPRESENTATIONS

Site notice posted: 3 March 2016

Neighbours notified: 29 February 2016

Six letters of objection and one comments letter have been received from local residents on the following grounds:-

32 Banks Street - I object to the proposal not on the grounds of the property being developed into three apartments, this can only be beneficial to the area, as the existing building is in disrepair and has been in such a state for many years. My objection, which I am not sure can

be relevant on planning grounds, is due to intended usage of the property. I am informed it will be used by the applicant as rehabilitation premises for disadvantaged and addiction treatment persons. Whilst the need for such places is overwhelming, a landlocked, town centre, mixed use location would not seem to be an ideal position. It may be that the Council has no jurisdiction or control of such a use being established or, that the use of the apartments is not relevant in the planning process. However should the Council have a mandate to control the use for such apartments I would feel it is in the interest of the area and general amenity of all existing residents that such influence is exercised in this application.

26 Lord Street - I have been made aware that you are bringing into the area, drug abusers, ex-prisoners etc. and people that will bring our area down, why are you doing this without giving us a voice in the matter? I wish to protest against your plan, did you not consider what it will do to our standard of living? Our quality of life will be disrupted and crime will escalate.

39 Lord Street - We feel we need to object to the planning for yet another House in Multiple Occupation (HMO) type building in what is supposed to be a holiday area. This type of property is not only detrimental to the area but also our business and other B and B's in this area. You only have to walk just round the corner to Lord Street where you will see that the Council has already allowed problematic residents to move into what was a very nice street. We now spend most days contacting the Council regarding these problems.

22 Lord Street - On receiving this notice regarding the use for flats for this charity are not in favour of a hotel area of which I am in and so is this property. I support the charity as I shop at their shop and have donated furniture to them in Talbot Road, however I don't want more trouble moving in, you only have to consult with the police to be told how many times they are called out to this road with trouble, we have enough trouble at a property in Lord Street, flats with dustbins on the front that apparently are not allowed in this holiday street, low life causing endless visits from the police, rags on the windows as curtains and this is what our hotel guests have to look at, well this sort of thing lowers the tone and is killing our businesses, and please don't let's have another one so please listen to the local business people as for without us and hotels going the town will become a total ghost town, it's common sense.

36A Banks Street - I live locally and own my home which is located almost directly opposite the proposed development. I wish to object to the application on three grounds:

The impact on the character of the area.

The inappropriateness of the planned facility.

The probability of more noise and disturbance.

My understanding is that the applicants, The Ashley Foundation, intend to use the property as a rehabilitation centre/move on flats for challenged individuals including ex-prisoners, drug and alcohol abusers, gamblers, homeless individuals and others with a history of anti-social behaviour. I believe that there will be six beds at the facility. As far as I can see, there are no constraints being placed on the Ashley Foundation as to the type of individual who could be housed in the property. This is extremely worrying. Presumably, in the absence of such

constraints, the Ashley Foundation could place anyone of their choice at this facility and that this could include ex-prisoners who have been convicted of any offence whatsoever or perhaps someone with a history of serious anti-social behaviour. Any assurance from the Ashley Foundation about the type of individual whom they would place at the property would be completely meaningless without legal constraints.

I believe the proposed development will seriously impact on the character of the area, particularly as this will be the Ashley Foundation's second such facility within a very small area. They are already preparing a facility at Cookson Street which is only approximately 500 metres from the site of this new proposal. I believe the Cookson Street facility will have 24 beds so, taken together with the six beds planned for this new proposal, the local area and residents are being asked to absorb up to 30, probably very challenged individuals within a very small area. I believe this concentration of such individuals is an unacceptable burden to ask local residents to accept, that it will undoubtedly have a serious negative impact on the character of the local area and, given the existence of a large facility of a similar nature in the immediate area, it is an inappropriate proposal for the location. Incidentally, my colleagues at work tell me that the Ashley Foundation has a third facility on Pleasant Street, within approximately 1000 metres of this new proposal.

I also consider that the siting of the property and its planned use makes it an inappropriate facility for the location. As you will know, this area of Blackpool is already troubled with anti-social behaviour. In particular, the population of the area already includes a large number of individuals who are struggling with drug and alcohol abuse issues. Also, given the large number of pubs and off licences in the area and the fact that drugs are very freely and obviously available in the immediate (very immediate) area, this is not a good location to site a facility for those who may already be struggling with substance abuse and alcohol misuse issues. I have personal experience of being offered drugs outside Ladbroke's Bookmakers which is approximately 20 metres from the front door of this property.

I am also concerned about a probable increase in the level of both noise and disturbance in the immediate area. Very often, individuals who are challenged with substance abuse issues live their lives in a very chaotic, hectic, animated and noisy way (It would be disingenuous of the Ashley Foundation or anyone else to deny that this is the case). Anyone who walks through central Blackpool will have encountered such individuals. Their behaviour can often be very intimidating and, frankly, annoying. The planning officers will already know that residents in the area of the proposal already live with a high level of noise and, sometimes anti-social behaviour connected to the holiday trade at the many hotels and bed and breakfast establishments in the area. Local residents accept this as part of living in a prime tourist location. However, I do not consider it reasonable to ask us to additionally cope with a very likely high increase in both noise and anti-social behaviour that this facility will bring. Given the nature of the intended use of this property and, in particular, the high concentration of such facilities that will arise in the immediate area if this proposal is approved there will be two facilities within approx. 500 metres with a third located within a further approximately 500 metres, I respectfully request that this application be placed before the full Planning Committee.

In summary, I object to the application on the basis that the proposed use of the development will undoubtedly have a serious negative impact on the character of the local area, particularly given that this would be the second such establishment operated by the Ashley Foundation within an approximate 500 metre distance and this would impose up to 30 individuals with potentially serious substance abuse, criminal record, homelessness or anti-social behaviour issues on a very compact area. The only fair approach is for these sort of facilities to be developed throughout the town rather than expecting small geographical areas to try and absorb and cope with the inevitable disruption that such facilities bring. To allow the development to go ahead would, in my opinion, represent the abandonment of the area on the part of the council.

The site of the proposed development is in an area with numerous pubs, clubs and off licences which affords easy access to cheap alcohol. It is also an area where drugs are openly and freely dealt (I know this from direct personal experience). This is a wholly inappropriate location for a facility where at least some of the residents are likely to be dealing with substance abuse issues. Presumably, the purpose of the facility is to help people deal with these misuse issues. The temptation to transgress would be immense with probable serious implications for both the users and for local residents. In fact, it is, to my mind, very surprising that the Ashley Foundation would consider this to be a suitable location. Users of the facilities planned for the development often lead chaotic, animated and noisy lives and they often befriend and mix with people with similar issues. To 'cram' potentially 30 individuals with these sorts of issues, not to mention their visitors and friends, into such a very small geographical area is unfair on the local residents.

Flat 2, 61 Dickson Road - I am a part time carer who looks after someone who lives just round the corner on Dickson Road from the proposed property and the rear of his property borders the gated section this proposed alteration is covered by. He would be most concerned for his safety if this application was granted and as one of his carers I would be prepared to take legal action in court against Blackpool Council and the Ashley Foundation to ensure his safety and also to my motor vehicle which parks in the gated section of Banks street this would cover. If a bike store was granted at the back of this building it would provide a very big safety and security risk to all who have access to/or have properties that have entranceways in this gated section as anyone would then have access instead of the gated section key holders who have paid to use the gated section. It is bad enough we have Ladbrokes, three public houses, two off licences and a supermarket that sells alcohol and all the associated problems such as noise and fights within 100 yards of the front door to his property without a half-way house for problem tenants that are on a curfew being unsupervised and left to their own devices just around the corner.

38A Banks Street - 38a Banks St is adjacent to the application site. After looking at the plans and talking with the Ashley Foundation I have no problems whatsoever with the development, conversion and future use of the building. My only concern which I have is the excess use of the alley gate where access to the property and to mine will become used at a higher frequency. The main reason is as I have lived at this property (five years) the gate is continually being broken and fixed, this is mainly due to the number of people parking their cars in the gated section and being continually slammed on closing. If there was a fire to

break out at the right hand side of my property and the gate is broken myself, 36a and soon to be 38 Banks Street would have no possible escape route. It is now more of a concern now that three flats could possibly be full with 6 people would be in the same position of being trapped. I have continually brought this to the attention of the Council, namely Health and Safety and Alleygate Management, at one point the gate was broken for over a month during the Christmas and New Year period which was not acceptable due to the Council offices being closed during this period. I'm sure you would agree that now the health and safety and fire risk situation is now paramount and should be re-assessed and a resolution to be found concerning the gates, either being changed or as I've suggested a small pedestrian gate at the side in the event the main gate is broken.

A letter of objection has been received from **Paul Maynard MP** as the surrounding area has long been established as a residential area for family units and holiday premises. Whilst largely supportive of the Ashley Foundation the organisation already has two hostels within Claremont ward and numerous hostels and 'move on' flats in the surrounding area. Although Claremont has good links to the job centre, council buildings and other amenities it is important that any future accommodation is situated in an ideal place to provide stability. Claremont is an area with numerous pubs, clubs, off licences and betting shops and is unfortunately one of the most deprived wards in Blackpool so may not be the ideal stepping stone for a person looking to re-establish themselves.

Everybody deserves a chance to find a quality, stable home, however residents have raised concerns over the potential backgrounds of people who may be moving in the proposed flats, including ex-offenders, people with addiction problems and mental health concerns and although the majority of residents are likely to be law abiding citizens who have fallen on hard times it should be noted there is genuine worry amongst residents that there may be increases in crime, anti-social behaviour and potential risks to children attending the nearby youth club.

The proposed bike store would be behind the alleygates which could create security issues as tenants would be expected to 'move on' regularly. Another concern is the nature of the area as Banks Street falls just outside the protected Holiday Accommodation area. It is important to keep in mind that the increase in small flats and HMOs has unfortunately had a negative impact on nearby guest houses and hotels. There is no exceptional need for additional flats in this area and the Council should respect the character of the area by not allowing this work to go ahead and concentrate on improving the quality of buildings in the area in line with the needs of the families and businesses nearby.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Of the 12 core planning principles those that are relevant to this proposal are

summarised below:

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

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

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

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

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

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

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

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

LQ1 - Lifting the Quality of Design
HN5 - Conversions and Sub-divisions
BH3 - Residential and Visitor Amenity
AS1 - General Development Requirements (Access and Parking)

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

Holiday Accommodation Supplementary Planning Document.

ASSESSMENT

Principle- It is important to note that this application is not for a residential institution, nor would any planning permission granted be personal to the applicants. The application, therefore, has to be assessed in land use terms with regards to both national and local planning policy and guidance on its merits taking into account matters including the impact on the character of the area and residential and visitor amenity, the quality of accommodation being proposed and also the existing/authorised use of the property.

In terms of the property already being in longstanding permanent residential use, a Certificate of Lawfulness has been granted for nine flatlets and more recently the property has been used as four-five permanent flats, not all of which appear to be self-contained, therefore the principle of converting the property into three self-contained flats is considered acceptable. Although given that the applicants, The Ashley Foundation, house primarily homeless single people, often with chaotic and difficult lives, it is considered necessary to restrict occupancy to one person per flat otherwise each flat may house unconnected/unrelated people resulting in three multiple occupied flats. This potential situation would potentially create much greater management issues and also potentially increase the impact on the surrounding area to an unacceptable level.

Impact of residential amenity/ character of the area- the character of the immediate area is mixed with permanent residential property and holiday accommodation being present in fairly equal measure. The two properties immediately to the east are sub-divided into flats, as is the application property, and the property immediately to the west across the access road is a hotel and there are hotels directly opposite which form part of a protected holiday area.

The fact that the property is being brought back into use and is currently boarded up and vacant and has a long established use as permanent flats with nine flatlets being granted a lawful use certificate in 1989 and more recently being used as four-five flats, not all of which are self-contained, it would be difficult to resist the application on the grounds that it is out of character or detrimental to residential amenity. The objectors' comments and concerns regarding the potential future tenants are noted but the application cannot be opposed on the basis of any alleged issues and problems they may have as what is being applied for is three flats not a residential institution. However in limiting the level of occupation to that stated by the applicants, that is one person per flat, the proposal is considered acceptable and takes due account of residents' expressed concerns.

Quality of accommodation- the proposal involves the creation of three self-contained flats, one on the ground floor and two further flats both occupying part of the first floor and part of the second floor and all accessed from the side elevation . A rear extension will be demolished to provide refuse and cycle storage within an enclosed rear yard. Each flat is shown as having two bedrooms and being able to accommodate three or four persons each and have a floor area of 61 sqm, 63 sqm and 71 sqm respectively. The National Technical Standards for Housing state that two bedroom, three person flats should be a minimum of 61 sqm and a two bedroom, four person flat should be a minimum of 79 sqm. Whilst two of the flats are therefore below the prescribed floorspace standards, given the fall back position of a much worse sub-standard residential layout and the intended imposition of a single person occupancy condition the proposal is considered acceptable.

Other issues- The issue of fire safety has been discussed with the Fire Officer and as there are alleygates at either end of the alley if one of the gates is broken there is still a means of escape. The security issue raised in terms of possession of alleygate keys is a management issue for the applicants with their future tenants as would be the return of keys to the property itself as and when residents move onto other accommodation. Cookson Street is nearer 600 metres from the application property and on the other side of the town centre and the proposal in planning terms has to be considered as three self-contained flats not as a 'halfway house' or a residential institution.

CONCLUSION

In land use planning terms the proposal is considered fairly straightforward and acceptable, the issues arise primarily from the applicants being involved in housing homeless persons who often have difficult and chaotic lifestyles but given the history and condition of the application property, the significant improvements to the standard of accommodation and the restriction to be placed on the occupancy of each flat that proposal is still considered acceptable and in accordance with local and national planning policy.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File 16/0105 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

2. 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 23 February 2016 including the following plans:

A015/201/P/01

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

3. No flat shall be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, LQ10, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority and each flat shall solely be occupied by one person unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and future occupants, and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, BH3 and HN5 of the Blackpool Local Plan 2001-2016 and the National Technical Housing Standards.

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.