

COMMITTEE DATE: [22/11/2016](#)

Application Reference: **16/0467**

WARD: Clifton
DATE REGISTERED: 22/07/16
LOCAL PLAN ALLOCATION: Main Industrial / Business Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Gilberts (Blackpool) Ltd

PROPOSAL: Erection of extension to create additional storage space for existing factory building, amendment to previously approved application 15/0141.

LOCATION: STANLEY HOUSE, CLIFTON ROAD, BLACKPOOL, FY4 4QF

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

SUMMARY OF RECOMMENDATION

This is a resubmission of planning permission 15/0141 for the erection of an extension to create additional storage space for an existing factory building. The proposal was approved last year by the Head of Development Management under delegated powers. The resubmission has arisen as a result of a proposed change to the shape of the roof. It is considered that the change in the roof has minimal impact on the amenities of surrounding residents.

SITE DESCRIPTION

The 0.82 hectare application site is within the Clifton Road Main Industrial / Business Area. The site is bounded by residential properties to the side and rear, and commercial properties adjoining the other side boundary and across Clifton Road. The premises comprise 3,350sq m of floorspace and are split into two separate units. The building broadly forms the shape of an elongated L with part of the front section of the building, amounting to 320sq m, in use by Speedy Hire Centre. The remaining space is occupied by Gilberts. There are substantial servicing areas to the front and side of the building and an informal parking area to the front adjacent to the access from Clifton Road. Gilbert's main offices are across Clifton Road on another site.

DETAILS OF PROPOSAL

Erection of an extension to create additional storage space for an existing factory building. The extension would be 14.2 metres wide by 47 metres long and would cover most of the rear external storage yard from the existing roller shutter door, rearwards. The extension is in the course of construction.

As originally approved last year, the extension had a monopitch roof between 5.4 metres and 7.6 metres high, the highest point being closest to the residential neighbours on Congleton Close and Tarnside Community Centre. The current proposal would be on the same footprint as approved last year, but with a traditional pitched roof with eaves at 5.4 metres and ridge at 9.8 metres.

MAIN PLANNING ISSUES

The main planning issue is considered to be:

- The impact on residential amenity of the change in roof shape.

This issue will be discussed in the assessment section of this report.

CONSULTATIONS

Head of Environmental Protection: A construction management plan to be submitted together with proposed hours of work.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 11 August 2016

Neighbours notified: 9 August 2016

Objection received from 6 Lindbeck Avenue:

We wish to again formally object to the above proposal.

The above proposal has only been lodged because we had complained about the steel framework of a nearly 10 metre high building with Apex roof being erected in direct contravention of the planning permission obtained for a 7.6 metre high building with sloping roof towards the existing building roof.

When the steel work for this building first went up we immediately contacted the construction manager, Mr John Smith, and we were told the extra height etc. was for our benefit. What possible benefit could there be to us, the home owners of the already de-valued house, of a 9.8 metre building virtually outside our back door? I feel pretty confident when I say that I'm sure Mr John Smith does not live in the surrounding area for the building to be 'of benefit' to him.

There was a large objection to the very first application which quoted working hours of 6am- 10pm Mon-Fri and 6am -12pm on Saturday, and that there would be no noise and no disturbance to residents but this has not been the case. We have a large amount of noise beginning at 6am through to 10pm every day from the already existing building, with this noise continuing way past the 12pm cut off on Saturdays. Obviously our concerns and objections even from the beginning do not seem to matter to the Council and definitely not to Gilberts!! Indeed Gilberts aren't even respecting the planning permissions already in place, therefore why should we be expected to believe that they will behave honourably throughout this latest process.

We are objecting to the latest proposal on all the grounds mentioned in all the previous written and verbal correspondence with Councillor Adrian Hutton, who has been involved from the outset. We would just like to mention that some people that have lived in properties adjacent to these buildings have sold up at a loss which according to your letter is of no consequence. Also people have left due to ill health caused by the stress of noise at all hours coming from the established industrial unit. How can loss of view not be taken into account, this must be because it's not in your back yard. Many of the residents that are left here feel that it is a pointless exercise to once again object as the framework for the building is already in place and as our views did not appear to be even considered for any previous planning applications which were granted.

We don't believe that any of this will matter to you sitting in your new Council building with nice views, plenty of light, and the ability to leave any stressful situation you may find yourself in none of which we can do as we live in the devalued home in the shadow of the now soon to be 9.8 metre high building with accompanying increased noise levels. Even though building and planning permissions have been changed at Governmental level, how is it that companies/people can build whatever they want whenever they want, ignoring legislation that is in place even after the changes.

We also have concern that should this application be granted, at some point in the near future this new building will also be used as an 'industrial unit' given the breaches already made by Gilberts and the Council. Oddly, since this new application has been made, noise levels from the existing factory have dropped. This would suggest that either they can operate without the usual large amount of disturbance all the time or something else is amiss.

Obviously you think that because we live on a Council estate that we do not have the brains to work out, even with pictures, the difference in two buildings that have differing height and aspect and also a difference in noise level while the application by this Company is being considered. We find it strange that according to your letter, the mixture of comments taken into account and not taken into account are a contradiction. For instance, the scale, appearance and design of the proposal can be taken into account, but loss of property value and loss of view not! This is just more of 'well it's not in my back yard'.

You can assume that we have a very strong objection to this the most recent planning permission and have had from the outset. It may be of some benefit for the planning and permissions officers and our elected Councillors to actually come and take a look at the

already erected framework that contravenes approved planning permission. We shall await the foregone conclusion to our objection.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or
 - specific policies in this Framework indicate development should be restricted.

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

Paragraph 19 - the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan Part 1: Core Strategy was adopted by the Council in January 2016.

The policy in the Core Strategy that is most relevant to this application is:

Policy CS7: Quality of Design

1. New development in Blackpool is required to be well designed and enhance the character and appearance of the local area and should:
 - b) Ensure that amenities of nearby residents and potential occupiers are not adversely affected.

To deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are

listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced. The following policies are most relevant to this application:

LQ14 Extensions and alterations
BH3 Residential and visitor amenity

ASSESSMENT

Principle

The principle of the development is not at issue here, permission having been granted for the extension last year.

Amenity

The 2015 approved extension is 14.2 metres wide by 47 metres long, with a monopitch roof between 5.4 metres and 7.6 metres high, the highest point being closest to the residential neighbours on Congleton Close and Tarnside Community Centre. With regard to the current proposal, the extension is the same footprint, except that the roof is now proposed as a ridged roof, so that the increased highest point of 9.8 metres is now no longer closest to the neighbours but forms the ridge in the middle of the roof. It should improve the situation for residential neighbours, as they will be looking at a lower eaves level of 5.4 metres rather than 7.6 metres approved. In terms of the impact on neighbours, and particularly 6 Lindbeck Gardens, the extension is approximately 30 metres distant from the boundary with their rear garden and whilst visible, the increased ridge height would have minimal impact in terms of light loss or privacy.

Other

The Head of Environmental Protection has requested that a Construction Management Plan be submitted. One has already been submitted and agreed/discharged with respect to planning permission reference 15/0141. Whilst we do not condone applicant's deviating from approved plans it is not an offence to do so and whilst the application is retrospective in that work has commenced we have to consider the revised roof profile on its merits and in terms of its relationship to neighbouring residential properties. Officers consider the proposal to be acceptable in terms of its design and impact on neighbouring residents.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

N/A

FINANCIAL BENEFITS

N/A

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful

enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s)16/0467, 15/0141 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 22nd July 2016 including the following plans:

Location Plan stamped as received by the Council on 22nd July 2016

Drawings showing floor layouts and elevations stamped as received by the Council on 22 July 2016 (4 drawings)

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

3. No goods or waste shall be stored other than within the building and refuse store shown on the approved plan.

Reason: In the interests of the appearance of the locality and the amenities of the occupants of nearby residential premises, in accordance with Policies BH3 and LQ1

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

4. Noise generated by activities at the site, when measured one metre from the access gates off Clifton Road, on any day, shall not exceed a one hour LAeq of:- a) 62dB(A) between 07.30 and 19.30 hours; b) 50dB(A) between 19.30 and midnight; c) 45dB(A) at any other time; and, when measured one metre from the boundary fence positioned along the northwest boundary of the site, on any day, shall not exceed a one hour LAeq of:- a) 55dB(A) between 07.30 and 19.30 hours, b) 50dB(A) between 19.30 and midnight; c) 45dB(A) at any other time.

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

5. The servicing areas shall not be used outside of the hours of 8am-6pm Mondays-Fridays and 8am-12 noon on Saturdays.

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

6. The premises shall not be used outside of the hours of 6am-10pm Mondays-Fridays and 6am-12 noon on Saturdays.

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

7. The external doors to the building hereby approved must be kept closed at all times when not in use for access to or egress from the building.

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

8. The extension hereby approved, shall only be used as warehousing/storage, ancillary to use of the main premises within Use Class B2.

Reason: To limit noise levels outside of the building and safeguard the living conditions of the occupants of nearby residential premises, in accordance with

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

Advice Notes to Developer

1. 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.