

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

Application Reference: 16/0469

WARD: Bispham
DATE REGISTERED: 08/08/16
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Famille Holiday Group

PROPOSAL: Use of part ground floor and part basement level of premises as a Cafe/Restaurant within Use Class A3.

LOCATION: 238 QUEENS PROMENADE, BLACKPOOL, FY2 9HA

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

As proposed, the additional use of existing hotel dining facilities on the basement and ground floor by non-resident guests, which is usually the way most of the medium and larger hotels already operate in Blackpool and elsewhere, is considered acceptable and will not generate the amenity problems or level of activity and disturbance anticipated by some of the objectors to the proposal that cannot be adequately controlled by conditions.

SITE DESCRIPTION

The application property is a four storey, end terraced hotel within a terrace of five properties, all of which are in use as holiday flats or hotels. Adjoining to the south is a detached two storey house and several other houses. The hotel has 16 rooms of varying size with a capacity for approximately 55 guests. The open forecourt to the front of the hotel can accommodate approximately six vehicles. There is also a ramped access into the building on the front elevation and at the time of my site visit three picnic tables were placed on the forecourt to be used by guests for sitting out and as a smoking area. To the rear of the hotel are staff parking facilities for approximately three vehicles.

The site has no allocation on the Proposals Map to the Local Plan although the property forms part of a Main Holiday Accommodation Promenade Frontage as part of the Holiday Accommodation Supplementary Planning Document. The application property is located 60 metres north of the Red Bank Road District Centre.

DETAILS OF PROPOSAL

Use of residents dining facilities on the ground floor and basement which has a combined total floorspace of 115 sqm as a public restaurant ie: opening the existing restaurant and dining facilities up to non-resident guests between suggested hours of 0800 hours and 2300 hours Sundays to Thursdays and 0800 hours and 2330 hours Fridays and Saturdays. The existing ground floor of the hotel has dining capacity for over 40 people. The basement was not in use during my site visit due to the on-going re-furbishment works but measures over 40 sqm.

The application is accompanied by a Supporting Planning Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Residential and Visual Amenity
- Highway Safety, Parking and Servicing Arrangements
- Other Issues

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

CONSULTATIONS

Head of Highways and Traffic Management: 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.

Service Manager Public Protection: no objections

Waste Services Manager: 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 displayed: 18 August 2016

Neighbours notified: 17 August 2016. 6 letters of objection have been received on the following grounds.

250 Queens Promenade - I am really not happy with the proposal. Every time you walk by cars are over the path as there is no parking. There will be lots of rubbish everywhere and lots of noise for all my neighbours. It is not the right place for something like this. The rear looks like a tip and needs sorting out and has been like this for months. The property is fine as a hotel but not as a cafe and restaurant.

236 Queens Promenade - have submitted three letters in opposition to the proposal.

I have raised a formal objection to the application, as the introduction of a café/restaurant next door to my residential home will significantly impact my home amenity in terms of loss of privacy, noise, smells and general increase to disturbance. If successful the planning application will have a significant impact on myself and family. The specific reasons and issues are outlined below along with a number of observations on the current application that I believe to be factually inaccurate or omissions pertinent to informing a decision.

Impact on Residential Amenity- The proposed establishment of a café/restaurant next to my property will significantly reduce the rightful enjoyment of the amenities of my home and specifically will significantly increase noise levels, loss of privacy and overlooking, levels of food preparation, odours and general disturbance caused by increased numbers of people walking along my property boundary line and eating and drinking in full view of my garden, outside sitting area and front room of my home.

Significant Loss of Privacy, Noise and Disturbance- My family have lived at our current home for over 13 years and in that time we have lived in harmony with the adjacent hotel business. The hotel is of modest size and its utilisation rate provided an acceptable level of disturbance. The main access door to the hotel is immediately adjacent to my boundary line and is in close proximity to my front door and lounge bay window. If the application was to be granted, the number of people entering and leaving the hotel premises is likely to increase significantly and could easily reach several hundred per day. In fact, it would be a business driver to encourage the use of the café/restaurant including the sale of ice creams and high turnover consumables to passing trade, who are likely to consume off-site or in the hotel car park area adjacent to my property. This would have significant implications for loss of privacy to my home with overlooking rates reaching unreasonably high levels for a residential property, substantial increase in noise and disturbance including groups of non-residents smoking next to my garden and additional littering.

Loss of Privacy, Garden Amenity, Overlooking of Whole Property frontage including my Living Room and the proximity of my front door to the to the proposed Café/Restaurant entrance- If this application was granted, it would have a devastating impact to the quality of life of my family and a significant loss of pleasure from our use of the garden and home amenity where we spend many hours sitting and relaxing and enjoying our outside space.

Increased Disturbance- The introduction of non-residents by necessity would require the front door of the property to remain open most of the time to encourage and allow access. This would result in any internal noise in the property including loud music, party noise etc. to travel unchecked over my boundary line and impact the normal residential amenity for reasonable peace and quiet. Increased numbers of people arriving by taxi, people slamming doors, cars trying to park in limited spaces provided, normal merriment after a night of drinking, near constant movement of people eating, drinking and smoking close to my home throughout the day and at night up to 23:30 hours, which will absolutely increase the degree of disturbance that my family shall be required to endure. The claim in the application that 'any non-resident patrons would be difficult to distinguish in terms of their use of the property' by way of mitigation for the likely increase in disturbance and noise to local residents is disputed. The volume and frequency of people will significantly increase

and patrons leaving premises after an evening of merriment is a well understood problem and is materially different from a limited number of hotel guests returning to a family hotel after an evening out where they naturally show more consideration to their other hotel patrons (including children) who may have retired early. A number of residential properties are in close proximity to the Hotel and it is noteworthy that the proposed Café/Restaurant would be within approximately 50 metres of a Residential Home for the Elderly, so any increased disturbance is likely to impact this elderly community.

Contrary to Policy BH17- This application is contrary to Policy BH17 of the adopted Blackpool Local Plan (2001-2016) that states that 'new restaurants will be directed to existing shopping frontages and will not be permitted where they would have adverse effects on the amenities of neighbouring premises or residents'. This application seeks to circumvent this policy by claiming that 'This is not a wholly new restaurant use. The proposal seeks to a dual use of existing facilities'. Policy BH17 should rightly apply to this proposal in full. The position that this is not a wholly new restaurant is incorrect and misleading and the claim is a clear attempt to circumvent planning policy.

This is a significant change of business use to allow an unspecified number of non-hotel guests to enter the hotel to wine and dine, to use its increased bar facilities, to consume alcohol, fast foods in the café and other beverages all of which could be consumed at the front of the hotel. There is a clear distinction between providing meals to hotel guests in a dining room with defined numbers and meal times and allowing unrestricted access to the general public to consume food and drink for the vast majority of the day and up to 23:30 hours seven days per week. Accordingly, if this application was granted it would significantly change the character and nature of the business next to my residential property and would severely impact on my home. Although within the current external boundary of the property the internal structure of the property has already been significantly altered to accommodate a new business venture that deliberately targets non-hotel residents to enter the property and use newly installed facilities for the consumption of food, alcoholic drinks and snacks starting from 8:00 hours and up to 23:30 hours seven days per week. Following discussions with the applicants it is also their stated intention to use the external frontage of the property as an outside eating, drinking and smoking space open to the general public. Consequently, I suggest that the claim that the application is simply an extension of the hotel's current capability is mis-leading.

Traffic concerns- There are approximately six dedicated parking spaces outside the front of the hotel. This car park facility is an essential facility if additional car park congestion of cars on local roads including the promenade frontage is to be avoided. The applicants have already placed seating and tables in the car park to support the café operation, forcing residents to encroach on to the pavement when parking and other cars have been parked outside the front of my property despite being a designated double yellow line area. This illegal parking is likely to increase with the proposal. This will present unnecessary hazards to pedestrians and road users given the close proximity of the hotel to the Promenade/ Red Bank Road traffic lights which already suffers from back up congestion. Access to my driveway is already often obscured by irresponsible parking by hotel residents on the pavement and designated double yellow line road along the length of the street. The introduction of the café/restaurant will further compound this problem. The intended

removal/restriction of the hotel car parking facility to enable café outside eating and drinking will increase the probability of illegal parking, bag drop-off whilst parked on the road, increased rates of taxi drop-off and deliveries to the hotel and, thus, amplifying hazards for road and pedestrians in the local area.

Further to my detailed objection I wish to respond to the comments made by the agent in respect of my objection. For the avoidance of any doubt, I dispute his over simplification of my objection to concern over the potential use of the forecourt. If this application was to be approved it would have a significant impact to my residential amenity. I suggest that notwithstanding the suggested amendment, the application would remain contrary to the current planning policy. The statement that the chairs and benches have been removed from the forecourt and have been disposed of as intended is disputed. The table and chairs have been stored to the rear of the hotel that is to the side of my property. The benches have been positioned as close as possible to my boundary line and in direct view of my front door, living room window and front garden. The positioning of these benches has effectively halved the hotel's car park facility for residents.

97 Ingleway, Blackpool - I wish to object to the planning application at 238 Queens Promenade. I am a regular user of the number 1 bus and I have noticed considerable traffic congestion and illegally parked vehicles outside the hotel in question which is being caused by the introduction of seating to support their intended cafe. These vehicles make it difficult for me to cross the road after leaving the bus because I have a restricted view and other vehicles are forced to overtake these parked vehicles, which is made worse as my bus often remains parked at the stop. If this application was allowed it would increase the number of vehicles parked illegally outside the hotel and make this situation worse. Accordingly, I believe this application should not be allowed, but if it is the bus stop should be relocated away from this problem area.

234 Queens Promenade - I would like to object to the above application at 238 Queens Promenade for use as a café/restaurant and bar. I don't mind if it is for hotel guests only but not for the general public. My main concern is the disturbance caused by the outside use of the forecourt. This would definitely cause me problems as it was full of tables and chairs. Most of the time it is half full and only three cars can use it. The rest of the cars have to park in the next street and many visitors have to pull on to the pavement to unload their cases causing a hazard and damage to the pavement.

There will be a lot of noise, overlooking and disturbance if the café uses the forecourt and there is a children's park opposite and I believe there will be a lot of swearing and disturbance. There are umpteen cafes on Red Bank Road and two public houses nearby but located away from the residential properties, so I believe there is no need for one more. My balcony overlooks their forecourt and it looks a right mess with mismatched tables and chairs and it should be a lot better if it was just used as a car park as it was intended.

Cllr Colin Maycock (Objects) I drive past this hotel on a regular basis and have seen the inconvenience this operation causes. I am happy to support this objection.

NATIONAL PLANNING POLICY FRAMEWORK

Para 7: There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Para 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 17: Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Para 56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are -

- CS3- Economic Development and Employment
- CS4- Retail and Other Town Centre Uses
- CS7- Quality of Design

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:

- LQ1 Lifting the Quality of Design
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH15 Change of Use of Premise Outside the Defined Centres
- BH17 Restaurants, Cafes, Public Houses, Hot Food Take Aways
- AS1 General Development Requirements

Supplementary Planning Document 'Holiday Accommodation'.

ASSESSMENT

Principle of Use - The applicants have been running the hotel since March this year and are currently renovating the hotel. The use of dining, bar and even leisure facilities by non-resident guests of hotels is a common occurrence in Blackpool and elsewhere and it is usually considered to be ancillary i.e. secondary, to the main function of the facilities for the use of the hotel guests and therefore does not need planning permission in its own right. The applicant is aware of this matter but nevertheless is seeking a formal approval of this intended additional use of the hotel facilities for non-resident guests. The principle of making additional use of the existing dining facilities is therefore considered acceptable in principle subject to conditions and subject to the impact on 236 Queens Promenade in particular being considered as acceptable. It should be noted that a similar proposal nearby at the former Belgrave Madison Hotel at 272-274 Queens Promenade (now the Stone Grill) was recently granted planning permission for use as a public restaurant under reference 16/0258.

The vitality and viability of existing shopping frontages

Core Strategy Policy CS4 permits town centre uses such as restaurants where it can be demonstrated that the proposal would not cause significant adverse impact on existing centres, it would not undermine the Council's strategies for regenerating its centres and the site is accessible by public transport and other sustainable transport modes.

Local Plan Policy BH17 directs restaurants to existing shopping frontages and indicates that they would not be permitted where they would have adverse effects on the amenities of neighbouring residents in the surrounding vicinity. However, Policy BH15 states that appropriate uses will be permitted outside defined centres where they are compatible with nearby uses and would have no adverse impact on residential amenities. This area has a mixed character with both hotels and residential uses in the immediate area and the more commercial character of Red Bank Road District Centre close by to the south. The property is currently under renovation and although the property is immediately adjoined to one side by residential uses, the property is a long established hotel within a long established hotel block. Given that the site will remain in hotel use and that the non-resident use will be

ancillary to the main hotel use, the principle of using the ground floor and basement as a restaurant is considered acceptable subject to neighbour amenity and highway safety considerations. It is not considered that this essentially ancillary facility will impact to any significant extent on the nearby district centre.

Residential and Visual Amenity The restaurant would be accessed off the Promenade for guests and a condition restricting the car parking area at the rear for use by staff only, should limit the number of comings and goings at the rear and keep impacts on neighbour amenity at their existing level. Therefore the neighbours' enjoyment of their rear garden should not be affected by the proposal. A no smoking area is shown on the plans but it is known that patrons smoke at the front of the building. The planning system does control loud music and noise, this would be controlled by licensing and if loud music becomes a problem by Environmental Protection. Hours of use of the dining facilities can be restricted by condition in order to protect neighbour amenity. It is clearly not in the applicants interests to run an unruly business given that any amenity impact would equally impact, if not more so, on their own guests. It is considered that the proposal would comply with paragraph 7 of the NPPF, Policy CS7 of the Core Strategy and Policy BH3 of the Local Plan in terms of amenity.

No additional cooking facilities are proposed as the applicant already has kitchens to the rear of the ground floor and basement and will be using these existing facilities. Whilst more meals are expected to be prepared it would be difficult to quantify the potential level of any additional odours. The capacity of the restaurant will not increase, and is proportionate to the size of the hotel and will itself limit the level of activity.

The common boundary between the hotel and the adjoining house at 236 Queens Promenade is fairly open and the front elevation of 236 Queens Promenade is setback 4 metres from the front elevation of the application property. It is considered that there may be benefit from some additional screening particularly given that the respective front doors are close to this common boundary. The layout of the forecourt could also be formally agreed as part of any planning permission to ensure it is used primarily for car parking and to limit the number of table and chairs outside. Although it should be noted that the application relates solely to the internal floorspace of the hotel and does not include outside seating.

Highway Safety, Parking and Servicing Arrangements - A condition requiring that the six parking spaces at the front of the building are to be marked out is considered necessary to ensure the existing number of spaces are retained. The restaurant has 40 plus covers on the ground floor plus whatever additional capacity is created in the basement. Queens Promenade is in a very accessible location, serviced by trams and buses and within close proximity to the Red Bank Road District Centre, and there is some on street parking available within the vicinity. It is considered that the development would comply with paragraphs 7 and 56 of the NPPF, Policy CS7 of the Core Strategy and Policy AS1 of the Local Plan in terms of access and highway safety. The comments of the Head of Highways and Transportation are awaited and will be reported prior to the meeting.

Other Issues- the hotel is undergoing refurbishment so comments about rubbish accumulating outside the hotel is to be expected and is only temporary.

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(s) 16/0469 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 25th July 2016 including the following plans:

Location Plan stamped as received by the Council on 25th July 2016.

Drawing showing floor layouts stamped as received by the Council on 25th July 2016.

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

3. Prior to the development hereby approved being first brought into use the forecourt, and specifically the car parking provision and outside seating area, shall be provided and shall thereafter be retained in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the locality, residential amenity and highway safety, in accordance with Policies BH3, LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The non-resident guest use of the premises shall not operate outside the hours of 0800 hours and 2300 hours Sundays to Thursdays and 0800 hours and 2330 hours Fridays and 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.

5. Before the restaurant is first open to non-residents a wall or fence along part of the common boundary with 236 Queens Promenade shall be erected in accordance with details to be agreed in writing by the Local Planning Authority and shall be thereafter retained.

Reason: In the interests of residential amenity, 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.

6. The car parking area to the rear of the building shall solely be used by the owners/ staff at the hotel.

Reason: In the interests of residential amenity the appearance of the locality and highway safety, in accordance with Policies BH3, LQ1 and AS1 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.