

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

Application Reference: 16/0567

WARD: Claremont
DATE REGISTERED: 02/09/16
LOCAL PLAN ALLOCATION: Neighbourhood action plans
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: THE MAGIC CLUB COMMUNITY GROUP

PROPOSAL: Use of premises as a youth club for children age 7-16 years.

LOCATION: REAR OF 1 SHERBOURNE ROAD, BLACKPOOL, FY1 2PW

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

The application is recommended for approval on the basis that it brings a vacant building back into use to provide a much needed local youth (ages 7 to 16) recreation, education and training facility. It is expected that a number of the young people using the premises will be on foot, and the use would not be expected to generate greater traffic levels than the former Magic Club. There are expressed concerns regarding noise and disturbance from the youth club but these matters can be controlled via good management of the facility and a limit on the hours of use which will be a condition of any planning permission.

SITE DESCRIPTION

The former Magic Club is a single storey building bounded by mainly terraced residential properties fronting Warley Road, Boothroyden, St Paul's Road and Sherbourne Road and can be accessed from Boothroyden, St Paul's Road and Sherbourne Road behind alleygates. The building is rectangular in shape and measures 32 metres by 7.5 metres.

DETAILS OF PROPOSAL

Conversion of former Magicians Social Club into a youth club for children from the Claremont area between 7 and 16 years old providing recreation, training and learning opportunities. The hours of opening are given as 10am to 8pm Mondays to Fridays. The application form states there will be one full time youth worker and two part time youth workers. No external alterations are proposed.

The application is accompanied by a supporting statement

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Use
- Impact on Residential Amenity
- Impact on Highway Safety/ Lack of Parking

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: The Council's anti-social behaviour officer for Claremont ward is behind this application (Mr Dave Fitch). He assures me it will be a tight run ship with fully trained staff and structured activities. I was worried about noise but he has confirmed that there will be firm and proper management of any issues and he has already talked to adjacent residents about the project. It should reduce youth nuisance in the area. I therefore have no objections.

Police Architectural Liaison Officer: as the building is at the end of a concealed alley it is recommended that the windows and doors are protected with shutters or grilles. The conversion should be carried out to Secure by Design standards with reference to physical security, lighting, CCTV and intruder attack alarm.

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

3 x site notices displayed: 21 September 2016

Neighbours notified: 15 September 2016. 10 letters of objection have been received on the following grounds:-

4 Boothroyden Blackpool- I wish to object to the above application based on the following points:

The proposal would affect the quiet enjoyment of my property due to disturbance caused by increased noise levels both by users of the youth club and by increased traffic levels brought about by people being dropped off and picked up. My property backs on to the premises and I feel there would be an impact on my privacy caused by people passing when

going to and leaving the club. There would be an impact on the character of the area; the surrounding area is completely residential and use as a youth club is inappropriate.

Effect on highway safety and parking: The entrances to the building are both close to the road junctions with Warley Road which would cause safety issues and traffic congestion. There is insufficient parking on Boothroyden and nearby roads and virtually all parking is taken by residents; it is already difficult being able to park close to home without increasing the volume of vehicles in the area.

There is a high possibility of more noise/disturbance; with no nearby parking available there is suspicion that motorists associated with the proposed club would resort to parking in the gated back roads behind Boothroyden which runs alongside the proposal building from Boothroyden to Sherbourne Road. Users of the club would have to pass down the gated back roads for access purposes. Blackpool Council has gated these roads to confine their use to residents whose properties back on to them and I do not wish to lose that amenity. Use of gated back roads for access and parking would cause further increased noise levels. These comments are re-iterated by 2 Boothroyden, Flats 1 and 2 in 4 St Paul's Road, Flats 1, 2, 4, 5, 6 and 7 in 10 Boothroyden.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

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, promote mixed use development and secure a high standard of design and a good standard of amenity.

Paragraph 21 requires authorities to set out a clear economic vision and strategy for their area.

Paragraph 22 suggests that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.

Paragraph 32 states that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major infrastructure; safe and suitable access to the site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

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 -

CS7- Quality of Design

CS12- Sustainable Neighbourhoods

CS15- Health and Education

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
BH19- Neighbourhood Community Facilities
AS1- General Development Requirements

ASSESSMENT

Principle of Use- this is considered to be an appropriate re-use of a vacant private members/ social club and constitutes sustainable development providing a much need local community facility. The potential issues arise from the backland location of the premises and are discussed below. In principle the application is therefore considered acceptable.

Impact on Residential Amenity- subject to the good management of the premises, which is expected, and subject to the restriction of hours the proposed use which are given as 10-00 to 20-00 Monday to Friday, the proposal is not anticipated to cause significant amenity problems for the nearby residential neighbours bounding the site. The proposed hours of use will ensure use of the building late into the evening does not become a problem and the fact that the building is located behind alleygates will provide some security for the building. The Police comments will be passed onto the applicants regarding the recommended security measures. The comments from Environmental Protection are noted.

Impact on Highway Safety/ Lack of Parking- there are no off-street car parking facilities associated with the premises which was the case with the previous Magicians Club occupants. As the use caters for children i.e. non-drivers it is expected that most young people using the proposed club will be local children and it will be within easy walking distance of their homes although some children will inevitably be dropped off/picked up depending upon distance and weather conditions. Drop offs and pick-ups will generate more traffic on adjoining roads but not necessarily additional on-street parking. Potential parking down on the alleys close to the building are considered to be a management problem and not something that can be conditioned, although if this a potential issue then it would have existed equally, if not more so, when the building was used as the Magicians Club.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

FINANCIAL BENEFITS

Not applicable

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) 16/0567 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 2 September 2016 including the following plans:

Location Plan stamped as received by the Council on 2nd September 2016.

Drawing showing floor layouts stamped as received by the Council on 2 September 2016.

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

3. The use of the premises shall not operate outside the hours of 10-00 to 20-00 Mondays to Fridays unless otherwise agreed in writing with the Local Planning Authority

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.

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.