

COMMITTEE DATE: 11/04/2017

Application Reference: 16/0797

WARD: Hawes Side
DATE REGISTERED: 23/11/16
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr S Hurst

PROPOSAL: Erection of 1 pair of two storey semi-detached dwellinghouses with integral car ports and associated landscaping and boundary treatment, following demolition of existing warehouse building.

LOCATION: LAND TO REAR OF 435-437 WATERLOO ROAD, BLACKPOOL, FY4 4BW

Summary of Recommendation: Grant Permission

CASE OFFICER

Gary Johnston

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool and **Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience

SUMMARY OF RECOMMENDATION

The loss of the business premises is not considered to be material in this case and there would be benefits to local residents in terms of the modern new properties. Whilst the design is modern it seeks to make best use of the site and reduce the potential for impact on the amenities of surrounding residents. The access is not ideal but would be upgraded and each house would have two off street car parking spaces and there would be a bin storage area within 25 metres of Ryburn Avenue. The fallback position that the building could be converted to residential use under permitted development rights is a key consideration in this case. On balance approval is recommended.

INTRODUCTION

The Town and Country Planning General Permitted Development Order 2015 introduced the ability to change the use of Class B8 premises to residential use subject to a number of criteria and subject to a prior approval process. This premises would fall under the 500 square metres threshold in the Order and would fulfil a number of the criteria in terms of the prior approval process - there would be no air quality issue, noise issue, flooding issue or contamination risk and the premises is not required to meet the need for storage premises. In addition the highway impacts could be less as a residential use. In the circumstances it is highly likely that

prior approval would be given for residential use of the site.

SITE DESCRIPTION

This application relates to a rectangular shaped site on southern side of Waterloo Road. The site is a backland site bounded by houses to south west fronting Rectory Road, south east fronting Ryburn Avenue and north west fronting Waterloo Road. There is a garage colony to north east. The site comprises two single storey pitched roof buildings and a two storey flat roofed building which have been used for storage purposes. The site is accessed by an unmade alleygated access which is some 3.7 metres wide with street lighting. The surrounding houses are red brick with a mixture of hipped and pitched roofs some slate and some red rosemary tiles

DETAILS OF PROPOSAL

The proposal is for the demolition of the existing building and the erection of a pair of semi-detached houses which would be T shaped with 2 car parking spaces each and small garden areas. The houses would be between 6.5 metres and 7 metres high and would be 11.8 metres from 435-437 Waterloo Road and 8.5 metres from the houses on Ryburn Avenue. However because of the T shape the houses would only be 5 metres wide at this point. The houses would be between 15 and 24 metres from the rear of the houses fronting Rectory Road. The design would be modern and would pay homage to the previous commercial use of the site. There has been a previous approval for residential use of the site (89/0281 - erection of a pair of semi-detached houses at rear of 6 and 8 Ryburn Avenue).

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- loss of industrial premises
- design of the proposal
- impact on the amenities of neighbouring residents
- adequacy of the access
- permitted development rights

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

CONSULTATIONS

Head of Highways and Traffic Management: I wish to object to this proposal as access is via an unmade, gated and unadopted alleyway which is considered sub-standard for access to resident houses. The width at approximately 3.7 metres is not sufficient for two-way traffic leading to possible conflict between vehicles travelling in opposite directions - residential units typically generate 8 vehicles movements per day. Added to this is the fact that on-street parking demand is present on Ryburn Avenue, vehicles parked on road are likely to impede visibility which will be detrimental to highway safety.

The alleyway is gated for a purpose, to prevent fly-tipping, crime and anti-social behaviour. This proposal will result in the gates being left open for the majority part of the day and could lead to issues that are currently not present.

Refuse vehicles would be unable to access the area for bin collection, bin drag distances are therefore likely to exceed the recommended 25m distance.

Waste - Residential: 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

United Utilities: With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region:

Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

It is recommended that the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Water Comments

The level of cover to the water mains and sewers must not be compromised either during or after construction. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0370 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further. If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this

application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

PUBLICITY AND REPRESENTATIONS

Site notice displayed : 6 December 2016
Neighbours notified : 29 November 2016

One representation has been received from the following -

Mr D Birtle, 8 Ryburn Avenue, Blackpool, FY4 4DY

Although we have no issues with the demolition of the current building, we are concerned with the close proximity a 2 storey property has to the rear of our property. This will reduce the natural light to our property we receive through the day as the current building at the rear of our property is only one storey. There is also the concern with a loss of privacy and noise disturbance. With two young children we would like to express our serious concern with a two storey property overlooking the rear of ours.

NATIONAL PLANNING POLICY FRAMEWORK

At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development (economic, social and environmental) which should not be taken in isolation, as they are mutually dependent. Paragraph 17 provides a set of 12 principles which should underpin the plan-making and decision-taking processes. The key elements of these which are relevant to this proposal are that “every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.” It is followed by another principle that explains that local authorities should “always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings;” and local authorities should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

In terms of delivering sustainable development, the most relevant parts of the NPPF are:

NPPF Part 4 - Promoting Sustainable Transport.

Identifies that any development that would generate significant amounts of traffic should be supported by a Transport Statement or Transport Assessment and states that decisions should take account of opportunities for sustainable transport modes.....depending on the nature and location of the site, to reduce the need for major transport infrastructure. Safe and suitable access to the site can be achieved for all people and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

NPPF 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. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. 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.

NPPF 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.

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 -

CS1: Strategic Location of Development - to create predominantly residential neighbourhoods on the edge of the Inner Areas. The focus of the Core Strategy is on regeneration of the Town Centre and Resort Core with supporting growth at South Blackpool. It recognises the important character and appearance of remaining lands at Marton Moss and the priority to retain and enhance its distinctive character.

CS2: Housing Provision - sets out Blackpool's housing provision with '*sites and opportunities identified to deliver around 4,200 new homes to meet Blackpool's housing need between 2012 and 2027.*'

CS7: Quality of Design - ensure amenities of nearby residents are not adversely affected by new development.

CS9: Water Management - all new developments should ensure buildings are located away from areas of flood risk, incorporate mitigation measures and SUDS **where possible, ensure there is no increase in the rate of run-off and reduce the volume of surface water run-off where possible.**

CS10: Sustainable Design and Renewable and Low Carbon Energy - all new developments should ensure buildings are located, designed and orientated to maximise passive environmental design for heating, cooling and natural day-lighting.

CS12: Sustainable Neighbourhoods - seeks to provide a better quality of life for residents, with high quality housing and enhancing the appearance of important existing buildings and their settings.

CS13: Housing Mix, Density and Standards - on sites where flats are permitted no more than 30% of the flats should be less than 2 bedroom flats

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
- LQ2 Site Context
- LQ4 Building design
- LQ6 Landscape Design and Biodiversity
- HN4 Windfall sites
- BH3 Residential and Visitor Amenity
- DE4 Industrial premises outside established areas
- AS1 General Development Requirements
- SPG11 Open Space: New Residential Development and the Funding System

ASSESSMENT

- **loss of industrial premises** - Policy DE4 of the Local Plan seeks to protect existing business uses outside established industrial estates unless it can be demonstrated that there would be environmental/community benefits resulting from the proposal which would outweigh the loss of the business floorspace. This premises is tucked behind residential properties and has access from a quiet residential road. The premises are in a reasonable state of repair but because of their location they are not ideal for modern needs. Since 2006 the Government has been keen to encourage residential use of industrial sites which do not offer the potential for beneficial long term use. The loss of the 333 square metres of floorspace would not be material in this case and in addition the fallback position of the possible 'permitted change' is a consideration in this case. The replacement of the older buildings with modern buildings would be a benefit to local residents
- **design of the proposal** - the design of the proposal is modern and is seeking to pay homage to the previous commercial use of the site. The design seeks to maximise the use of the site whilst seeking to protect the amenities of local residents. There would be 2 car parking spaces per property and a garden area for each property. The properties would be three bed roomed with an open plan kitchen/dining/lounge area on the ground floor and 3 bedrooms above
- **impact on the amenities of neighbouring residents** - the properties have been designed to reduce the potential for impacting on the amenities of surrounding residents. The overall height of the properties - between 6.5 metres and 7 metres would be lower than the properties on Ryburn Avenue and Rectory Road. The T shape of the properties would seek to limit the mass of the properties adjacent to neighbouring boundaries. Window positions and sizes would also seek to minimise the potential for overlooking of neighbouring residents houses and gardens. The properties would be 11.8 metres from 435-437 Waterloo Road and 8.5 metres from the houses on Ryburn Avenue. However because of the T shape the houses would only be 5 metres wide at this point. The houses would be between 15 and 24 metres from the rear of the houses fronting Rectory Road.

Given the constraints of the site it is considered that the design of the properties is acceptable and would not significantly impact on the amenities of surrounding residents

- **adequacy of the access** - the access at 3.7 metres wide is not ideal. It would not allow for two vehicles to pass. It would however be only 25 metres from Ryburn Avenue to the properties. The applicant is proposing to surface the alley and would provide two car parking spaces per property. This should reduce the potential for on street parking in Ryburn Avenue. At 25 metres the bin carry distance is acceptable. There is street lighting in the alley and with two houses the vehicle movements would not be so significant to cause pedestrian/vehicular conflict in terms of the use of the alley.
- **permitted development rights** - the fallback position in terms of potential use of permitted development rights and the lack of control over the quality of the development is a consideration in this case
- **other issues** - whilst it is not ideal having properties accessed off an alley there have been other cases where they have been approved where the benefits of the scheme outweigh the disadvantages

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) 16/0797 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=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 including the following plans:

Location Plan stamped as received by the Council on 23rd November 2016

Drawings numbered JBA220-P-002 Rev A, JBA220-P-003 Rev A

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

3. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4.
 - 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, 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 5 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

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

6. The roof of the building shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises, to safeguard the visual amenities of the area in accordance with Policy LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, 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.

8. 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.

Reason: To safeguard the living conditions of the occupants of nearby residential premises 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 BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the car ports shown on the approved plan shall not be used for any purpose which would preclude the parking of a motor car.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

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

12. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

13. Before the properties are first occupied the alley shall be surfaced in accordance with a scheme to be submitted to and approved by the Local Planning Authority

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

14. Before the development is commenced a scheme for partially obscuring the windows in the side elevations of the proposed properties shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented as part of the development.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 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.