

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

Present:

Councillor Owen (in the Chair)

Councillors

Baker	Hugo	O'Hara	Stansfield
G Coleman	Jackson	Robertson BEM	L Williams

In Attendance:

Mr Carl Carrington, Head of Planning, Quality and Control

Mr Ian Curtis, Legal Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Ms Susan Parker, Head of Development Management

Mr Mark Shaw, Principal Planning Officer

1 DECLARATIONS OF INTEREST

Councillor Owen declared a disclosable pecuniary interest in Agenda Item 10, Planning Application 20/0119, 3-5 Westcliffe Drive, Blackpool. The nature of the interest being that his place of employment was located at the same address as the application.

Councillor G Coleman declared a prejudicial interest in Agenda Item 6, Determination of Certificate of Lawfulness Applications relating to the proposed use of properties as residential childrens homes. The nature of the interest being the potential impact of any decision made by the Committee on his wife's employer.

2 MINUTES OF THE MEETING HELD ON 11 FEBRUARY 2020

The Planning Committee considered the minutes of the last meeting held on 11 February 2020.

Resolved: That the minutes of the meeting held on 11 February 2020 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee received a report on the planning appeals lodged and determined since the last meeting.

The report stated that five appeals had been lodged since the last meeting against the decision of the Council to refuse planning permission in respect of the following planning applications:

- Application 19/0686, 2 Woodmans Centre, Vicarage Lane, Blackpool.
- Application 20/0061, 41 Webster Avenue, Blackpool.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

- Application 19/0761, Palladium Buildings, Waterloo Road, Blackpool.
- Application 19.0749, 150 Bond Street, Blackpool.
- Application 19/0749, 19-21 Boscombe Road, Blackpool.

The report also confirmed that an appeal against the Council's decision to refuse the grant of a Certificate of Lawfulness in respect of a residential care home at 19-21 Boscombe Road Blackpool had been dismissed by the Planning Inspectorate.

A further appeal against the Council's decision to refuse the grant of a Certificate of Lawfulness for the existing house of the ground floor as two self-contained flats at 8 Yates Street, Blackpool had also been dismissed by the Planning Inspectorate.

The report also provided information on an appeal that had been allowed by the Planning Inspectorate against the Council's decision to refuse planning permission for the erection of a convenience store with associated access, parking and landscaping at Anchorsholme Methodist Church, North Drive, Blackpool.

Resolved: To note the report.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the summary of planning enforcement activity within Blackpool between 1 January 2020 and 31 May 2020.

The report stated that 194 new cases had been registered for investigation with 628 complaints remaining outstanding by the end of the period, 29 cases had been resolved by negotiation without recourse to formal action and 114 cases had been closed as there had either been no breach of planning control found, no action was appropriate or it had not been considered expedient to take action.

The report also stated that five Enforcement Notices and two Section 215 notices had been authorised between 1 January 2020 and 31 May 2020.

Resolved: To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department.

5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

The Committee considered the Planning Application and Appeals Performance Report that provided an update on the Council's performance in relation to Government targets.

The report outlined the performance for the quarter period from January 2020 to March 2020 as 100% for major development decisions determined within 13 weeks or an agreed extension of time against a target of 60% and 84% for non-major development decisions determined within eight weeks or an agreed extension of time against a target of 70%. It was noted that this exceeded the statutory targets for the period.

The report also stated that for the monitoring year 2019-2020 the Council had achieved a

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

performance of 94% determined for major applications and 91% determined for non-major applications, which had significantly exceeded the statutory targets for planning decision-making for the monitoring year.

The cessation of the Council's obligation to submit monitoring information in respect of appeal performance was also reported.

The Chairman acknowledged the efforts of the Planning Department in achieving the good performance as indicated by the results.

Resolved: To note the report.

6 DETERMINATION OF CERTIFICATE OF LAWFULNESS APPLICATIONS RELATING TO THE PROPOSED USE OF PROPERTIES AS RESIDENTIAL CHILDRENS HOMES

Ms Parker, Head of Development Management, reported on the Council's challenges in accommodating its own Looked After Children within the borough due to the significant number of Looked After Children being accommodated from outside of the area. In view of the characteristic of the town, she reported an additional concern in relation to bringing additional vulnerable children into the area. The Committee was advised on an increasing number of applications for a certificate of lawfulness for the use of properties as residential childrens homes.

Following discussions held with colleagues across the Council, Public Health and the NHS, Ms Parker reported on a much clearer understanding of the nature of a childrens home. It was now considered that a change of use from a Class Use C3, standard dwelling house, to a Class Use C2, childrens home, would be a material change which would generally require planning permission in ordinary circumstances. Ms Parker acknowledged the demand for the provision of childrens homes and advised on the intention to continue to grant planning permission for this type of use, provided that the proposal was in accordance with the Development Plan, particularly Policy BH24, and where the developer agreed to enter into a legal agreement that gave priority to Looked After Children within the borough. This would ensure that whilst out of area placements could still happen, priority would be given to local children which would ensure that local needs were met.

Members of the Committee were supportive of the proposal and acknowledged the need to prioritise local Looked After Children. It noted that each application would be determined on its own merits and could potentially be subject to appeal, similar to standard planning applications. The Committee also noted that the recommendation requested approval of the proposed approach for the determination of Certificates of Lawfulness applications.

Resolved: To approve the approach for the determination of Certificates of Lawfulness applications.

Note: Councillor G Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

7 PLANNING APPLICATION 20/0187 - 40 ABINGDON STREET, BLACKPOOL

The Planning Committee considered planning application 20/0187 that sought permission for alterations to the front elevation and use of ground floor premises as altered as an adult gaming centre.

Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She referred to the Update Note that included an additional objection received from the operator of the adjoining amusement centre and a brochure submitted by the applicant's agent.

The Committee was referred to a previous appeal decision that had granted planning permission for use of the adjoining property as an amusement centre as the Planning Inspector had concluded that it was in accordance with key policies in the Development Plan and was situated in an appropriate location. He also considered that it would not undermine the character and function of the secondary shopping area.

Ms Parker advised that the premises had been vacant since July 2017 and in her view bringing it back into beneficial use would weigh heavily in favour of the proposal. Ms Parker referred to emerging Policy DM13 that sought to prevent an overconcentration of this type of use but as this was in an early stage of development limited weight could be attached to it. Ms Parker referred to the objection regarding opening hours and advised that the hours had been agreed by the Council's Environmental Protection team and referred to conditions relating to noise that would be attached to the permission if granted. Ms Parker concluded by advising on her view that given the character of Abingdon Street there would be no adverse impact from the proposal, if granted, on the character of the Conservation Area.

Mr Etchells, Agent acting on behalf of several traders in the vicinity who had raised objections to the proposal, spoke against the application. He referred to Policy SR6, which in his view had failed to be given sufficient weight in the officer's report. He also presented his view on each of the material considerations contained within the officer's report and questioned the level of employment benefits that would be gained from the proposal. He also referred to the Inspector's conclusion in relation to the previous appeal decision that in his view did not support the recommendation being made to Committee on the current planning application.

Mr Deegan, Agent acting on behalf of the Applicant, spoke in support of the application. He referred to the location of the premises within the secondary shopping area and extended town centre conservation area and its Sui Generis lawful use. He also referred to the benefits of the proposal and confirmed the creation of a minimum of five jobs, should the application be granted. In his view, the proposal complied with all local policies, including Policy SR6.

Ms Parker reminded Members that issues of commercial competition were not relevant planning considerations.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

The Committee considered the application and raised several concerns with the proposal. It referred to the aim of emerging Policy DM13 that sought to prevent an over-concentration of adult gaming centres. Whilst acknowledging the limited weight that could be attached to an emerging policy, Members raised concerns regarding the potential impact on the area from an additional adult gaming centre, particularly in close proximity to nearby areas of deprivation. The Committee also questioned the level of security that would be in place, particularly in view of the location. It also considered the current regeneration of the area that was intended to provide a link to the town centre, increase footfall and encourage families back into the resort. With regards to the length of time that the unit had been vacant, the Committee noted the potential for this to have been caused in part due to the long-term redevelopment of the area.

Ms Parker, in response, clarified that the unit was located within the town centre boundary but identified as a secondary shopping area, however the adoption of Policy DM13 would result in a much stricter approach. She also referred to the safeguards that would be in place to prevent noise disturbance. In response to concerns raised by the Committee regarding the potential lack of opportunity for objections to have been raised Ms Parker advised on the notification of the planning application that had been undertaken which was in accordance with Government requirements.

In view of the concerns raised, the Committee was minded to refuse the application but requested that the decision be deferred to the next meeting to enable the Head of Development Management to submit a further report that included consideration of the possible reasons for refusal that had been raised at the meeting.

Resolved: That the Committee was minded to refuse the application but that the decision be deferred to the next meeting and that in the meantime the Head of Development Management be requested to submit a further report to include consideration of the possible reasons for refusal based on the Committee's concerns.

Background papers: Applications, plans and replies to consultations on the application.

8 PLANNING APPLICATION 19/0803 - 47- 51 SHAFTESBURY AVENUE, BLACKPOOL

The Planning Committee considered planning application 19/0803 that sought permission for the erection of a two-storey link extension, creation of additional car parking facilities and use of 51 Shaftesbury Avenue in conjunction with 47-49 Shaftesbury Avenue as an enlargement of existing care home.

Mr Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. He advised that the proposal, if granted, would increase the capacity of the care home to 26 residents, with an additional five en-suite bedrooms. He also reported on the design of the proposed extension. Mr Shaw referred to the objections to the proposal as detailed in the report. He also referred to the letters of support for the development, noting that these had been submitted predominantly on behalf of existing or previous care home residents.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

Mr Shaw reported on the interpretation of Policy BH24 of the Local Plan that sought to protect the character and amenity of a residential area and avoid undue concentration of rest homes. Policy BH24 restricted the occupancy level of residential institutions to approximately no more than 10% of a residential block. Mr Shaw advised the Committee that should the application be granted it would result in 20% of the defined block being residential institutions, which would be contrary to Policy BH24. Mr Shaw also reported on the design of the proposed extension, which in his view would impact on the amenity of residents of neighbouring properties.

Mr Thorne-Hebson, public objector, spoke against the application. His main concerns included his view of the impact on the character of the area from the over intensive development. Further concerns related to the potential increase in noise disturbance and parking issues, highway safety and his view of the adverse impact on the amenity of the residents of neighbouring properties.

Ms Herrington, Manager of the Care Home, spoke in support of the application. She reported on the challenges faced by the care sector, particularly in the current climate. She also referred to the lack of any complaints relating to noise disturbance and a limited increase in parking requirement. She also advised on her view of the benefits of the proposed development in terms of additional provision for elderly patients and increased amenities for the benefit of residents and their families.

Mr Weetman, Agent for the Applicant, also spoke in support of the application. He questioned the planning officer's interpretation of Policy BH24 and the appropriateness of the Policy in the current climate. He also disputed the percentage occupancy level of residential institutions detailed in the officer's report and presented his view that the development if granted would be in accordance with the Policy. He also presented his interpretations of the requirements for a C2 Use and presented his view that the proposed development would not adversely impact the streetscene.

Mr Shaw responded to comments made regarding the lack of noise disturbance by highlighting the proposed introduction of a party wall with a neighbouring property. He also clarified the officer's interpretation of Policy BH24.

The Committee considered the application and acknowledged the concerns regarding the need for care homes. However, it also noted the unsuitability of the proposed location and the adverse impact on the amenity of the residents of neighbouring properties. It was also satisfied that the proposed development was contrary to Policy BH24 of the Local Plan.

Resolved: To refuse the application for the reasons outlined in the decision notice which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval= blckp dcapr 63674>

Background papers: Applications, plans and replies to consultations on the application.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

9 PLANNING APPLICATION 20/0038 - 433 MIDGELAND ROAD BLACKPOOL

The Committee considered planning application 20/0038 that sought permission for the use of land for the keeping of horses and as a residential caravan site for two traveller families, each with two caravans (one static caravan/mobile home and one touring caravan), together with the erection of two ancillary amenity buildings and extension to hardstanding.

Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She advised that the application was considered a departure from Policy as the site was located within the Marton Moss Strategic Area and Marton Moss Conservation Area and was located on a greenfield site. Ms Parker reported on the Council's requirement to identify gypsy and traveller sites within the Borough and advised on the lack of unmet need for traveller sites within Blackpool. She referred to Policy CS26 of the Core Strategy, which precluded non-essential development on Marton Moss pending the production of a neighbourhood plan. She acknowledged the personal circumstances of the applicant's family as detailed in the report but considered that there were insufficient circumstances to outweigh the conflict with Policy.

The Committee considered the application and noted that Policy CS26, Marton Moss, took precedence over Policy CS16, Traveller Sites due to the application site being located within the Marton Moss Strategic Area and having no unmet need for traveller sites.

Resolved: To refuse the application for the reasons outlined in the decision notice which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63737>

Background papers: Applications, plans and replies to consultations on the application.

10 PLANNING APPLICATION 20/0119 - 3-5 WESTCLIFFE DRIVE, BLACKPOOL

The Committee considered application 20/119 for the erection of a first floor extension and use of first floor as two self-contained flats at 3-5 Westcliffe Drive, Blackpool.

Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She advised that the site was located within the Layton District Centre and that the proposed flats would meet the Council's minimum standard requirements for floor space and amenity. Ms Parker also reported her view of the acceptability of the first floor extension due to its accessible location and it being located outside of the defined inner area. In Ms Parker's view, the proposed use was also considered acceptable in principle.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 16 JUNE 2020

Resolved: That the application be approved, subject to the conditions, and for the reasons outlined in the decision notice, which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63819>

Background papers: Applications, plans and replies to consultations on the application.

NOTE: Councillor Owen, having declared a disclosable pecuniary interest, left the meeting and took no part in the discussion or voting on this item.

ADDITIONAL NOTE: Councillor O'Hara took the Chair during consideration of this item only.

11 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 7 July 2020.

Chairman

(The meeting ended 3.57pm)

Any queries regarding these minutes, please contact:
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