

Officer Report to Committee

Application ref: 20/0475

Ward: Talbot

Application type: Full

Location: 23 Cookson street

Proposal: External alterations and use of premises as a massage parlour

Recommendation: Approve

Case officer: Susan Parker

Case officer contact: 01253 476228

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application would maintain a town centre property in viable economic use and so, to that extent, would support priority one.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application is for the use of the premises as a massage parlour. The town centre is the focus for commercial and service uses within the borough. The provision of massage treatment is considered to be a main town centre use which should be directed to the centres of the established retail hierarchy, including the town centre. The proposal would maintain the property, which was previously vacant, in viable economic use. There are no planning policies that would preclude the development in principle. No material planning considerations have been identified that would weigh sufficiently against the application as to warrant refusal. As such, the Committee is respectfully recommended to grant planning permission subject to the conditions listed at the end of this report.

3.0 INTRODUCTION

3.1 This application is before Members because it is considered to be of general public interest.

4.0 SITE DESCRIPTION

4.1 The application relates to two-storey, mid-terrace property that has a front roof-lift to create a third storey in the roof space. It is on the western side of Cookson Street and is flanked by a residential use to the south and a commercial use to the north. Cookson Street as a whole has a predominantly commercial character. The ground floor of the premises has been used as a hot-food take-away. The upper floors are in residential use.

4.2 The site falls within the defined Inner Area and within the defined Town Centre boundary. No other relevant designations or constraints are identified.

5.0 DETAILS OF PROPOSAL

5.1 The application seeks planning permission for the use of the ground floor as a massage parlour. This would comprise a reception space to the front with four separate massage rooms behind with staff facilities at the back of the property. It is noted that the supporting statement makes reference to three treatment rooms, but the agent has confirmed that this is incorrect and that the plan correctly illustrates the proposed layout.

5.2 The supporting statement explains that the parlour would offer Thai massage treatments with the majority of custom on an appointment rather than walk-in basis. Only one walk-in customer would be permitted to wait at any time. The premises would open between 10:00 and 23:00.

5.3 A number of external alterations are proposed including the removal of the existing fascia panel covering the bottom of the first floor bay; the rendering of the existing stalleriser; the replacement of the existing, solid picture panels beneath the fascia sign with clear glazing; and the replacement of the existing wooden frames of the shopfront with uPVC.

6.0 RELEVANT PLANNING HISTORY

6.1 88/0458 – permission granted for use as hot-food take-away.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of the use
- impact on residential amenity
- visual impact

8.0 CONSULTATION RESPONSES

8.1 None sought

9.0 REPRESENTATIONS

9.1 Press notice published: N/A

9.2 Site notice published: 08/09/20

9.3 Neighbours notified: 02/09/20

9.4 No representations have been received in time for inclusion in this report. Any comments that are received in advance of the meeting will be reported through the update note.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 7 - Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS4 Main Town Centre Uses
- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS17 Blackpool Town Centre

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development

Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- BH3 Residential and Visitor Amenity
- AS1 General Development Requirements (Access and Transport)

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. There are no emerging planning policies that would relate specifically to this type of proposal.

11.0 ASSESSMENT

11.1 Principle

11.1.1 The application site falls within the designated boundary of Blackpool Town Centre. The massage parlour proposed would offer massage treatments to visiting members of the public. As such it would fall within class E(c)(iii) of the Use Classes Order as a service appropriate in a commercial, business or service locality.

11.1.2 It is understood that the Council's Community Safety team has intelligence that the premises is being used for prostitution. There is a concern that prostitution could continue as a part of the proposed use. As one would expect, there is nothing within the application to suggest that this would be the case. Massage is a legitimate form of therapy whether offered on a more medical basis to assist in recovery from injury, or on a more recreational basis as treatment to assist with relaxation. Such uses are entirely appropriate to a town centre location as they offer a service to visiting members of the public. It is noted that the proposed opening hours would extend until 23:00 and it is understood that this is intended to facilitate custom outside of the standard working day. This in itself is not unreasonable. Any use of the premises for prostitution following implementation of a planning permission would be a criminal matter for resolution by the police or the Council's Community Safety team as appropriate.

11.2 Amenity

11.2.1 The property is within the defined Town Centre boundary and on a street with a predominantly commercial character. Whilst there is residential accommodation to the south and at upper floor level, it is reasonable to expect residents to be more accustomed to higher levels of background noise and activity than would typically be expected in a more traditional residential setting. If continued, the existing, lawful hot-food take-away use would be expected to generate activity late into the evening, and would also have greater likelihood of generating odour nuisance. As such, given

the hours and limited scale of operation proposed, no detrimental impacts on residential amenity over and above the existing situation are anticipated.

11.3 Visual Impact

11.3.1 The applicant has agreed to make a number of changes to the frontage of the property to improve its appearance and impact upon the quality of the streetscene. These changes include the removal of the existing fascia panel at first floor level to reveal the bottom of the first floor bay. As the commercial element of the use is limited to the ground floor only, this amendment is a significant improvement. In order to improvement visual quality of the ground floor shopfront, it is proposed that the existing wooden frames, which are rotten in places, be replaced with uPVC. In addition, the solid picture panels below the main fascia sign would be replaced with clear glazing, the stall-riser would be rendered and two new doors would be provided. It is understood that these have been ordered but that the restrictions of Covid19 have delayed delivery and installation.

11.3.2 An elevation drawing detailing the works proposed has been requested and should be received by the date of the Committee meeting. If not, the necessary works can be secured by condition. The changes proposed should improve the appearance of the property and the quality of the streetscene and weigh in favour of the scheme.

11.4 Access, Highway Safety and Parking

11.4.1 The site is in an accessible location within the defined Town Centre and with ample public car parking in the vicinity. As such, no issues relating to access, parking or highway safety are identified.

11.5 Other Issues

11.5.1 Given the nature of the site and the proposed use, no issues relating to drainage, flood risk, biodiversity or environmental quality are identified.

11.5.2 The application has 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 (as amended).

11.5.3 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

11.5.4 The scheme would delivery financial benefit in terms of business rates payment but this carries no weight in the planning balance.

11.6 Sustainability and planning balance appraisal

- 11.6.1 Sustainability comprises economic, environmental and social components.
- 11.6.2 Economically the scheme would have very limited impact but would maintain a town centre commercial property in active use and generate some limited employment during construction and operation.
- 11.6.3 Environmentally, the scheme would not impact on environmental quality, drainage or biodiversity. The external alterations would offer a visual improvement.
- 11.6.4 Socially, the scheme would not have an unacceptable impact on residential amenity and would maintain a commercial premises in the town centre in active use. There would be no impact on highway safety or flood risk. Potential use of the property for any purpose beyond the scope of this planning application would be a matter for enforcement through the proper channel.
- 11.6.5 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12.0 FINANCIAL CONSIDERATIONS

- 12.1 The scheme would generate some business rates revenue but this carries no weight in the planning balance.

13.0 CONCLUSION

- 13.1 In light of the above, the proposal is considered to represent sustainable development. As no material planning considerations have been identified that would outweigh this view, planning permission should be granted.

14.0 RECOMMENDATION

- 14.1 Members are respectfully recommended to grant planning permission subject to the following conditions:

- 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 and information:

Proposed site layout plan recorded as received by the Council on 01 Sep 2020

Planning statement recorded as received by the Council on 13 Aug 2020 and email dated 07 Oct 2020 relating to the number of massage rooms.

The development shall thereafter be retained and maintained in accordance with these approved details.

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 hereby approved shall not operate outside of the hours of 10:00 to 23:00.

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.

- 4 A window display in the ground floor windows fronting Cookson Street shall be maintained at all times. For the avoidance of doubt, at no time shall the windows be obscured either by the positioning of furniture or treatment to the glazing that would preclude a clear view through to the reception area.

Reason: In the interests of the appearance, character and function of the streetscene in accordance with Policies CS7 and CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ1 of the Blackpool Local Plan 2001-2016.

- 5 Any external lighting installed at the premises shall emit white light only and be restricted in luminance to 600 candela.

Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.