

**COMMITTEE DATE:** [07/07/2015](#)

**Application Reference:** **15/0235**

**WARD:** Waterloo  
**DATE REGISTERED:** 12/05/15  
**LOCAL PLAN ALLOCATION:** Resort Core  
Resort Neighbourhood  
Defined Inner Area

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** Mr C Hardy

**PROPOSAL:** Erection of 3 x 10 metre high lighting and CCTV columns; construction of a 2.4m high timber fence to north and south boundaries and 2.4m high mesh fence to Lytham Road boundary and use of land as altered as a car park for 50 vehicles for a temporary period of five years.

**LOCATION:** 352-358 LYTHAM ROAD, BLACKPOOL, FY4 1DW

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**Summary of Recommendation:** Grant Permission

#### **CASE OFFICER**

Ms P Greenway

#### **INTRODUCTION**

In 2012, outline planning permission was sought (12/0368 refers) for the erection of ten dwellings (access, layout and scale) in two terraces of five units, with all access from the north end of the site. The application was agreed in principle by the Planning Committee and deferred pending the signing of a S106 agreement with regard to the payment of a commuted sum towards the public open space requirement generated by the development. Despite correspondence with the NHS, that agreement was never signed, so the planning permission has not been issued. The current proposal indicates that there is a new owner of the site, who does not wish to proceed with the residential development.

#### **SITE DESCRIPTION**

The application site is a cleared site located on Lytham Road, which was the former Lytham Road Health Centre. The ground has already been prepared (tarmac) and the parking spaces marked out, and the CCTV cameras have been erected. There is a timber fence to the front, set back from the site boundary and 2.4 m high timber fences to the north and south boundaries. There is no boundary to the rear of the car park - it is scrub through to the South Fylde railway line. The commercial property to the north appears vacant, and there is a flat in the rear of the property, close to the boundary with the application site. To the south are a mixture of holiday and permanent flats and a two storey coach house dwelling conversion at the rear adjacent the railway line. The site is located 50m from the South Shore District Centre boundary and is within the Inner Area and a Resort Neighbourhood in the Blackpool Local Plan 2001-2016.

## **DETAILS OF PROPOSAL**

The proposal is for the erection of 3 x 10 metre high lighting and CCTV columns and use of land as a car park for 50 vehicles, with 2.4m high timber fence to north and south boundaries and 2.4m high mesh fence to Lytham Road boundary.

The application is accompanied by a supporting statement, which includes the following comments: The same area used previously as car parking for NHS is intended to be upgraded, with improved surfaces, landscaping, lighting, CCTV surveillance and perimeter fencing. The car park is intended to be open for use from 8.00am to 8.00pm, 7 days per week. The car park capacity will allow 50 car parking spaces. An analysis of car parking in the area has indicated a limited car parking provision available to the site area, west of the Blackpool/Preston rail link. Large areas of car parking exist to the east of the site, notably off Yeadon Way towards Blackpool Football Club, however this provision is beyond reasonable access to the area to the west of the rail link. For car users, seasonal car parking demand is met by the larger car parking towards the centre of Blackpool and limited metered parking along the Promenade itself. The Enterprise Centre, directly opposite the application site generates a car parking demand for daily use for both employees and visitors. The applicant anticipates the car park will be required for up to 5 years. It is reasonable to also anticipate a demand for the car parking facilities during this time to serve the regular daily users and also occasional users of the area.

The use has already commenced and some of the alterations carried out.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- the principle of the use
- the impact on residential amenity
- the effect on highway safety

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

## **CONSULTATIONS**

**Head of Transportation:** No justification has been provided to confirm the need for an additional car park in this location but I do understand that the site has been derelict for some time. The width of the pedestrian route should be widened as 1000mm is considered sub-standard. Consideration should be given to splitting the car park machine positions and tariff boards should be provided, one at each car park machine location, if split. A lining scheme should be provided detailing one-way circulation and priority. Signage should be considered highlighting pedestrian routes and pedestrian routes should be clearly identified. The number of disability accessible spaces should be increased to three. The proposed double sided free-standing sign should be located centrally between the entry and exit point and be set back, in order to improve forward visibility.

**Head of Environmental Services:** Has no adverse comments to make. Looking at where the columns are positioned and the light distribution contours, although the luminaires will be noticeable as a new light source there should be no problems with them as regards light spill.

**Railtrack:** As there is a gap of approximately 35m from the red line boundary to our boundary – we have no comments.

**Police (Architectural Liaison Officer):** Within the last 12 months period, there has been a small number of vehicle crime recorded in the near vicinity of this location, this does not give cause for concern. In view of the above findings I do not believe that the car park necessitates the installation/continued installation of 2.4m high fencing. A lower boundary wall/fence would give an indication of private space and also give excellent natural surveillance. Along with the proposed lighting and a domed camera CCTV system the crime reduction measures proposed would be proportionate to the risk and contribute to reduction in crime, anti-social behaviour and public safety.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 15 May 2015

Neighbours notified: 14 May 2015

Objections received from Flat A Mabel Court (315-319) and 360A Lytham Road.

The main objections relate to:

- noise and disturbance
- the NHS car park was unobtrusive; this will over-dominate with its industrial appearance, retrograde step which will reduce the quality of the area which the Council has sought to uplift recently
- incongruous with its high fenced compound, neighbours will feel hemmed in
- the installation of a cash ticket machine will be conducive to criminals and add to the fear of crime
- does not safeguard or enhance the liveability of the area
- there will be considerable levels of noise and disturbance for neighbours, particularly at night
- the lack of toilet facilities and bins will have an adverse impact
- light pollution from high level lighting
- invasion of privacy from cctv cameras
- the high fencing already installed results in a concealed entrance to the neighbouring property
- plenty of car parks already in the area, no need for this one
- doubt that the number of vehicles would be restricted to 50, given the additional land at the rear.

### **NATIONAL PLANNING POLICY FRAMEWORK**

A core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; another is to support the transition to a low carbon future; to encourage the effective use of land by re-using land that has previously been developed (brownfield land); and make the fullest possible use of public transport, walking and cycling.

Paragraph 58 of the NPPF states that with regard to design, planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place to create attractive and comfortable places; respond to local character and history; create safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life; and, are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 69 reiterates the need for safe and accessible environments, free from the fear of crime and the need for high quality public space.

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- RR8 Neighbourhoods
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- AS1 General Development Requirements

### **EMERGING PLANNING POLICY**

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16 June 2014 and by full Council on 25 June 2014. The document was published for public consultation on 4 July 2014 for a period of eight weeks. After the consultation ended, the document was updated and was submitted to the Planning Inspectorate in December 2014 for examination in May 2015. The examination took place between 11 and 15 May and we are now awaiting the response from the Inspector.

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Revised Preferred Option that are most relevant to this application are:

- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS15 Health and Education
- CS22 Key Resort Gateways

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

### **ASSESSMENT**

#### **Principle**

In terms of the principle of the development, the use of the land as a permanent car park would not be in line with the NPPF and the presumption in favour of sustainable development as it would promote the reliance on car-borne traffic rather than sustainable transport and would not

contribute to meeting the challenge of climate change. In addition, it would run contrary to Policies CS5 and CS15 of the Council's emerging Core Strategy which aim to change travel behaviour by increasing the proportion of journeys that use sustainable transport, reducing car dependency and transport related emissions and encouraging healthy and active lifestyles. Policy CS22 deals specifically with Lytham Road and promotes proposals which would regenerate it by: replacing poor quality uses with more viable uses including quality residential uses outside the defined retail centre; requiring high quality public realm, landscaping, signage, lighting and security; and traffic calming and improved public transport, pedestrian and cycling provision.

The proposal is also an inefficient use of land, however, there does not appear to be the desire to pursue a built development on the site at the present time and the use as a temporary car park would allow some economic benefit to ensure and prevent an air of dereliction from pervading as the land gradually became more and more unkempt.

### **Amenity**

As submitted, the scheme does not satisfy Policy RR8 requiring all development to safeguard or enhance liveability and the character and appeal of the area as a visitor destination. The 2.4 m high mesh and wooden fencing is more appropriate to an industrial estate and would appear aggressive in what is a residential/shopping street and a local bus route; heavily trafficked by both pedestrians and vehicles. The landscaping proposed is poor, as it would consist of a number of trees in tubs, which would sit on the flagged frontage, behind existing concrete bollards and in front of the 2.4 m high weldmesh fence. The proposal would therefore be detrimental to the character of the area.

Policy BH3 reinforces the aims of Policy RR8 regarding the protection of residential and visitor amenity. The 2.4 m high fence would be detrimental to the occupiers of the side/rear dwellings in the adjacent property to the south, which would be over-dominated by the resultant long, narrow passageway formed to access the dwellings. The passageway would be particularly unappealing at night time. Visitors to those properties would also be affected.

However, given the levels of occupancy of the surrounding car parks, I doubt that this one would be used to capacity; and the impact of the car park, with its one-way system and closure at 8pm, would be unlikely to have any significant impact on the neighbours in terms of noise and disturbance. The Head of Environmental Services has indicated that although the light source would be visible, it would not result in any light spill to the neighbours.

### **Highway Safety**

The Head of Transportation has no objection in principle to the use as a car park on a temporary basis, as the site has been derelict for some while. He has suggested a number of amendments that would result in a more acceptable scheme. These have been transmitted to the applicant and a response is awaited.

### **Other Issues**

The fear of crime can also be a material consideration. In this instance, the Police consider that the security measures proposed go too far and the boundaries should be reduced in height in order to provide natural surveillance over the site and reduce the fear of crime.

### **CONCLUSION**

Although the proposal is acceptable in principle on a temporary basis only, the submitted scheme harms the amenity of residents and visitors, is out of keeping with the character of the area and does not safeguard or enhance the neighbourhood and is also contrary to the principles of good design in the NPPF and in its present, submitted form is considered unacceptable.

I have requested amendments to the design of the car park which would overcome those objections. I have suggested that the frontage to the site needs to be visually more appealing with a low brick wall or kick rail, with shrub planting in front and maybe a bench (as at the Council-owned car park to the south of this site) and the concrete bollards on the front edge of the site should also be removed. I have also suggested that the return fencing should be reduced significantly in height to match the adjacent boundary walls and stepped up a little towards the rear to no more than 1.4 m / 1.5 m in height, in order to encourage natural surveillance. The Head of Transportation's comments have also been incorporated into my comments. The recommendation is subject to the receipt of appropriately amended plans and I shall report further on the update note.

#### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

N/A

#### **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.

**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 use hereby permitted shall be discontinued and the associated structures removed on or before 7th July 2020.

Reason: The development is such that it would not be approved for permanent occupation of this location because it is not sustainable in terms of the NPPF, nor would it contribute to the health and well-being of residents and visitors, in accordance with Policies BH3, BH4 and RR8 of the Blackpool Local Plan 2001-2016 and Policies CS5, CS15 and CS22 of the emerging Core Strategy.

### **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 need 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.