

Officer Report to Committee

Application ref: 22/0498
Ward: Talbot
Application type: Full Application
Location: 58-60 Hornby Road, Blackpool, FY1 4QJ
Proposal: Erection of front terrace and installation of bi-fold doors at ground floor (resubmission of application 22/0243)
Recommendation: Approve subject to conditions
Case officer: Bethany Thornton
Case officer contact: 01253476312
Meeting date: 26/07/2022

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 accords with these priorities as it would allow for the development of an existing holiday use within a designated holiday accommodation area.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 This application addresses issues raised with the previous application in terms of appearance and impact on the street scene. As such, the appearance of the proposed development is considered acceptable and it is not considered that the development would have unacceptable impacts on amenity.
- 2.2 As such, the recommendation for this application is for approval.

3.0 INTRODUCTION

- 3.1 This application is before Members at the request of a ward councillor.

4.0 SITE DESCRIPTION

- 4.1 A two-storey mid-terrace property on the northern side of Hornby Road currently in use as a hotel. The forecourt is 4.5m deep and slopes slightly towards the highway and is marked out for parking, though has been used for external seating during the COVID 19 pandemic. There are dwarf walls on either side of the forecourt separating it from the neighbouring properties and an access ramp up to the main front entrance of the hotel. There is a second door on the other side of the frontage with a step down onto the forecourt, and large windows on the ground floor front elevation.
- 2.2 The site falls within a Main Holiday Accommodation Area, the Defined Inner Area, and the Airport Safeguarding Consultation Area.

5.0 **DETAILS OF PROPOSAL**

5.1 Installation of two sets of folding doors on the front elevation and erection of 3.5m x 9.2m decking occupying the forecourt with access ramps on either side of it and steps in the centre. Aside from the steps, there would be 1m left between the front of the decking and the boundary with the highway which would be occupied by planters on either side of the steps. The terrace would be 0.4m high from street level and would have a 1.1m high balustrade around the edges. The terrace would be used for external seating.

6.0 **RELEVANT PLANNING HISTORY**

6.1 **22/0243** – Erection of front terrace and installation of bi-fold doors at ground floor. – Refused

6.2 **06/0520** – External alterations to rear garage and use as altered as private store room. – Refused

6.3 **05/0891** – Erection of dormer windows to east and west elevation, Back Hornby Road. – Granted

6.4 **05/0512** – Raising height of existing roof and erection of front and rear dormers. – Refused

6.5 **86/1762** – Erection of a two storey extension to form bedrooms and WCs. – Granted

6.6 **86/0851** – Erection of a roof lift. – Granted

6.7 **82/1997** – Erection of a two-storey rear extension to existing bedrooms and kitchen to form WC. – Refused

Enforcement

6.8 **22/8072** – Use of hotel as a food and alcohol takeaway/delivery 24 hours.

6.9 **21/8499** – Certificate of Lawfulness for conversion of hotel to House in Multiple Occupation/permanent accommodation, use of part of hotel as restaurant and display of new signage.

7.0 **MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- Visual impact
- Impact on amenity

8.0 **CONSULTATION RESPONSES**

8.1 **Head of Highways and Traffic Management** – The proposal would not have any undesirable effect on highway safety and the cumulative impact on the road network will not be noticeable. The loss of a few parking spaces would not lead to a noticeable impact. The reduction in conflicts between pedestrians and those using the existing spaces would be welcomed.

8.2 **Environmental Protection** – No comments received.

9.0 **REPRESENTATIONS**

9.1 Neighbours notified: 15/06/2022

9.4 Three representations have been received from the following properties:

- 38 Hull Road
- 28 St Thomas Road, Lytham St Annes
- Flat 3, 9 Clifton Street, Lytham St Annes

9.5 One representation objects to the development whilst two support the development. The objection raises the following issues:

- Steps at the front of the decked area are not appropriate as access cannot be managed and it would be easy for children to run into the road or for passers-by to congregate.
- Litter could build up under the decking and if smoking is allowed could catch fire.
- The premises license requires the area to not be used after 10pm, however all furniture should also be taken in to stop it being used.
- Any designated smoking area should be away from the doorway to the east of the property.
- The property only has one WC with no wash basin which is not appropriate for the increased occupancy. It may mean people using the alley between 62 and 64 Hornby Road.
- There would be a loss of 4 parking spaces currently regularly used by the guests.

The supporting comments raise the following points:

- The terrace would be safer for children when being outside because of the balustrade.
- It would allow eating and drinking outside.
- The decking would level out the forecourt which is currently sloped.
- The forecourt is already used for seating and not parking.
- The property to the east would not be affected as there would be a 1.3m gap between the decking and the neighbouring forecourt.

10.0 **RELEVANT PLANNING POLICY**

10.1 **National Planning Policy Framework (NPPF)**

10.1.1 The NPPF was adopted in July 2021. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 6 – Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- 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:

- CS7 Quality of Design
- CS21 Leisure and Business Tourism
- CS23 Managing Holiday Bed Spaces

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
- LQ2 Site Context
- LQ14 Extensions and Alterations
- BH3 Residential and Visitor Amenity
- AS1 General Development Requirements (Access and Transport)
- AS7 Aerodrome Safeguarding

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

10.5.1 The Blackpool Local Plan Part 2 (Part 2) was subject to independent Examination in Public 6th-10th December 2021 and the Inspector has issued their comments. As such, weight can be afforded to the emerging policies in accordance with the provisions of paragraph 48 of the NPPF. The following draft policies are most relevant to this application:

- DM17 Design principles
- DM20 Extensions and alterations
- DM41 Transport requirements for new development
- DM42 Aerodrome safeguarding

10.6 Other Relevant Policy Guidance

10.6.1 Holiday Accommodation SPD – this updated document was adopted in November 2017. It identifies the protected holiday accommodation areas across the borough and sets out how proposals for change of use of holiday accommodation premises will be considered.

10.6.2 Blackpool Council declared a Climate Change Emergency in June 2019 and are committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.

10.6.3 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:

- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
- Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
- Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
- Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.

10.6.4 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.

10.6.5 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community and its ability to address the environmental issues affecting climate.

10.6.6 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, not requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

11.0 ASSESSMENT

11.1 Principle

11.1.1 There are no policies that would preclude the alteration of the property in principle. It is acknowledged that the increased seating area may facilitate the use of the ground floor as a restaurant no longer ancillary to the hotel use; however, as this application is for the erection of the terrace and does not include a change of use of the property, this cannot be taken into account. In any case, the forecourt as existing may be used for external seating. It is noted that should the ground floor be used as restaurant primarily serving members of the public as opposed to being ancillary to the hotel use, then planning permission for a change of use would be required and, if appropriate, formal planning enforcement action would be considered.

11.2 Amenity

11.2.1 The primary concern regarding outdoor seating is noise nuisance to neighbouring properties. The premises is already able to use the forecourt for seating, however it is acknowledged that granting the proposed development would encourage the use of the forecourt on a more frequent and permanent basis. Concerns have previously been raised by the residents/owners of neighbouring properties regarding antisocial behaviour and noise levels that could be generated by the development. Whilst the behaviour of guests and patrons are a matter for the manager of the site to address, it would be considered appropriate to restrict the use of the outdoor seating to before 10pm only to safeguard the occupants of neighbouring properties from unreasonable noise nuisance at unsociable hours.

11.2.2 As mentioned above, the forecourt can already be used for external seating. The erection of a terraced with a balustrade to enclose it would make it safer for guests and particularly children as there would be a clear separation from the road.

11.2.3 Subject to the imposition of conditions restricting the hours of use of the terrace, it is not considered that the proposed development would have any unacceptable material planning impacts on amenity.

11.2.4 It is not considered that the raised height of the decking or the provision of the balustrade would have a detrimental impact on neighbouring amenity through loss of privacy or light or through an over-bearing presence.

11.3 Appearance

11.3.1 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy states that new development is required to be well designed, and enhance the character and appearance of the local area. It states that development will not be permitted that causes unacceptable effects by reason of visual intrusion or any other adverse local impact on local character or amenity. Policy LQ1 of the Local Plan sets out that new development will be expected to make a positive contribution to the quality of its surroundings and Policy LQ2 sets out that new development will be considered in relation to the character and setting of the surrounding area.

11.3.2 The majority of the forecourts on Hornby Road are not built up; they have low walls along the side boundaries to separate the forecourts, and either flat or sloping surfaces frequently used for parking. Whilst use of the forecourt of the premises for seating would not in itself have an unacceptable impact on the appearance and character of the street scene, and would in fact help to make the frontage appear more engaging and reduce the parking-dominated frontages across the street, this should be done in a way that does not have an intrusive presence in the street scene.

11.3.3 Planning permission has recently been refused for a terrace at the property which extended up to the boundary with the highway, meaning there would have been a 1.5m high boundary treatment immediately adjacent to the pavement which would have had an overbearing and intrusive impact on the highway, in juxtaposition to the rest of the forecourts which in most cases have no front boundary treatment at all.

11.3.4 Following this refusal, amendments have been made to pull the edge of the decking 1m away from the boundary with the highway and instead use this space for planters at street level which would make for a softer transition between the street and the raised forecourt and balustrade. It is considered that these amendments would address the previous concerns with the relationship between the development and the street scene and would still allow for enhancement of the existing forecourt. As such, following these amendments, the appearance of the proposed terrace is considered acceptable.

11.3.5 The proposed bi-folding doors would be in the same position as the existing large rectangular windows on the front elevation and the plans indicate that the materials used would be grey and brown painted softwood and brown uPVC to match the existing windows and doors. It is not considered that changing the windows to doors would have an unacceptable impact on the appearance of the property and would remain in keeping with the character of other frontages in the street scene which have large windows and a lot of glazing.

11.4 Other Considerations

- 11.4.1 As existing, the forecourt has vehicle access and lines indicate that it is designated for parking. The proposals would result in the loss of parking provision on the forecourt which may increase pressure for on-street parking. However, Hornby Road is subject to parking restrictions, therefore parking cannot be displaced onto the road and patrons of the site will either need to use public transport use the parking facilities in the Town Centre and walk to the site. The site is an accessible location, and if the hotel owner considers that the loss of parking is in the best interests of their business there is no reason for the Council to object as the loss of parking would not have any unacceptable impact on highway safety or function, and would not inconvenience neighbours. The preclusion of the use of the forecourt for parking would also have a positive impact on highway safety as it would reduce conflict between vehicles accessing the forecourt and pedestrians using the footpath.
- 11.4.2 No drainage or flood risk issues identified.
- 11.4.3 The proposal would not affect any features of particular ecological interest or trees of significant value. As such, no unacceptable biodiversity impacts are anticipated.
- 11.4.4 The proposal would not have any impact on air, land or water quality and there is no reason to suppose that the development would be at undue risk from contamination.
- 11.4.5 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).
- 11.4.6 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.
- 11.4.7 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

11.5 Sustainability and planning balance appraisal

- 11.5.1 Sustainability comprises economic, environmental and social components.
- 11.5.2 Economically the scheme would have limited impact but would support an existing business.
- 11.5.3 Environmentally, the appearance of the scheme is considered acceptable and no unacceptable drainage, ecological, or environmental impacts are anticipated.
- 11.5.4 Socially, no unacceptable highway or flood risk impacts are identified. Conditions could be imposed on any permission in addition to licencing restrictions to limit the hours of use of external seating areas and safeguard the amenity of nearby residents and visitors as far as practicable.
- 11.5.5 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 CONCLUSION

12.1 As set out above, the scheme is considered to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be approved.

13.0 RECOMMENDATION

13.1 Approve 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:

Location Plan received by the Council on 14/06/2022 and drawings;
Proposed Floor Plan and Elevations - A022/031/P/01 Rev B

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 (a) The external terrace hereby approved all not be used outside of the hours of 0900-2200.

(b) At no time outside of the hours of 0900-2100 or when amplified music is being played internally shall the doors hereby approved be held, fixed, propped or otherwise kept open.

(c) No amplified music shall be played externally on the terrace hereby approved.

For the purpose of part (b) of this condition, amplified music would not include low-level, background music above which a conversation can be easily maintained.

Reason: In order to safeguard the amenities of nearby residents and visitors 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.