

**Officer Report to Committee**

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**Application ref:** 22/0135  
**Ward:** Warbreck  
**Application type:** Full  
**Location:** 64B Cornwall Avenue, Blackpool, FY2 9QW  
**Proposal:** Use of premises as a mortuary with associated parking to front with emergency staircase to rear.  
**Recommendation:** Approve  
**Case officer:** Caron Taylor  
**Case officer contact:** 01253 476221  
**Meeting date:** 6 September 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.

1.1.2 This application would bring an empty building back into a use that will have less impact on the surrounding residents than the current lawful use of the building and uses it could be put to without the need for planning permission.

1.1.3 All other aspects of the development are considered acceptable subject to conditions.

**2.0 SUMMARY OF RECOMMENDATION**

2.1 The site is not subject to any specific designations or constraints.

**3.0 INTRODUCTION**

3.1 This application is before Members because of the level of public interest.

3.1.2 Originally the application was for use of the premises as an embalming and mortuary science training college with associated student accommodation created on a new mezzanine floor. The application has been amended during the application process to remove the student accommodation at first floor. The application is now for use of the premises as a mortuary with associated parking to front with an emergency staircase to the rear. The first floor mezzanine would be used as storage associated with the ground floor use.

**4.0 SITE DESCRIPTION**

4.1 The application building was used in the past (along with the adjacent building to the south) as a club by Blackpool Fylde and Wyre Deaf Society. This consisted of two very different adjacent buildings linked together with extensions and included a self-contained flat, snooker room, hall and bar, chapel, function room and various ancillary offices and rooms. In 2016 an application was approved to separate the two buildings by demolishing the link (planning reference 16/0707) and the resulting southern building was given permission to be

used as two dwellings and the northern building was given permission to be used as a storage hall within Use Class B8 (storage and distribution).

4.1.2 The northern building, now known as 64B Cornwall Avenue is the subject of this application and has most recently been used as a food bank/warehouse.

4.1.3 Cornwall Avenue is residential in character, apart from the application building, with fairly dense terraced and semi-detached properties making up the majority of the housing stock.

4.1.4 The site is not subject to any specific designations or constraints.

## **5.0 DETAILS OF PROPOSAL**

5.1.1 The application is for change of use of 64B Cornwall Avenue to a mortuary with associated parking to front with emergency staircase to rear.

5.1.2 The application has been supported by:

- Planning Statement.

## **6.0 RELEVANT PLANNING HISTORY**

6.1 There have been various applications to extend the former club, however none are relevant to this application.

6.2 16/0707 – External alterations including removal of existing windows to north elevation, and use of premises as altered as 2 semi-detached dwelling houses and detached storage hall within Use Class B8, with associated bin and cycle stores and boundary treatment, following demolition of existing link building and rear outbuildings.

## **7.0 MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- the principle of development
- design, layout and visual impact
- impact on residential amenity
- highway impact etc.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Local Highway Authority**

8.1.1 The building's ground floor is of the order of 230 square metres. Assuming something like a B1 use, approximately six parking spaces and appropriate off street servicing space would be expected. The amended drawing shows a forecourt 4.6 metres deep with two cars at an angle. One is 3.6 metres long and the other is 4.1 metres long. As an example a Mini Countryman is 4.2 metres long - so the parking layout shown does not work.

8.1.2 Having the spaces at an angle means having a 4.8 x 2.4 metre space - which cannot be done here. The private ambulance shown in the garage is only 4.4 metres long - some 0.2 metres longer than a Mini Clubman. This does not appear realistic.

8.1.3 The amended planning statement indicates that there would be no vehicular access to the rear, but the bins and an access to the first floor storage space is at the rear [note: the first floor storage is accessed via an internal staircase at the front of the building, the rear staircase is for emergency escape]. It is not compatible with fire service guidance, being at the end of a long cul-de-sac back street. It also states that there would be two parking spaces but the forecourt is too shallow. Parking is apparently available on street, although from observations it is frequently fully parked up, often with vehicles partly on the footways and with other illegal parking too.

**8.2 Environmental Protection** - No response received at the time of writing, any received will be added to the Update Note.

## **9.0 REPRESENTATIONS**

9.1 Press notice published: N/A

9.2 Site notice published: 07/04/22

9.3 Neighbours notified: 07/04/22

9.4 36 objections were received to the application as originally proposed with the student accommodation above. These include objections from Paul Maynard MP and Cllr Michelle Scott and 34 objections from the following properties:

- Cornwall Avenue: 9, 23, 25, 27, 31, 35, 37, 39, 41, 47, 48, 52, 53, 55, 60, 64, 66, 64a, 52, 55, 70, 72, 76
- King Edward Avenue: 39
- Argyll Road: 3, 5, 37, 39, 41

9.5 These objections raised the following issues:

### Principle

- The use as a morgue is not appropriate in a family residential area.
- It will impact negatively on people's psychological health and the use will be distressing for neighbours and Blackpool already features amongst the worst area for living with mental health conditions.
- No business should be given planning permission in a residential area such as this.

### Traffic/parking

- Increase in traffic.
- Parking is already horrendous and there is not enough parking proposed for the use.
- The rear alleyway is quite long but narrow and residents use it to service their homes and gardens. It would be difficult if more vehicles used it and it is more likely that two vehicles would meet and not be able to pass.
- The parking bays at the front do not allow for more than two cars to be parked without overhanging the footway which would be unacceptable.
- One of the parking spaces would be in front of the garage so will not/cannot be used.
- Parking at the rear is through alley gates so with difficult access. It is often blocked by fly tipping, parked vehicles and tradesmen's vans. Therefore the rear access would not be used often and people would just use the front.
- A chapel in the building would result in visitors and therefore more people needing to park.

- There will be lots of other people other than those listed in the application submission that need to visit the building such as delivery of chemicals, waste removal, delivery of coffins, contract laundry etc. that will need to park.
- The food bank operating previously in this building proved that the street and private driveways were blocked on a daily basis by both employees/volunteers and customers, and that the street was repeatedly impassable.

#### Amenity

- Residents are worried that level of activity, comings and goings etc. that the development will give rise to have been grossly underestimated given that a previous application for a similar use by the same applicant in 2016 had significantly longer hours of opening quoted in the application.
- There is an 'emergency/late night receiving entrance' close to properties which will cause noise and disturbance.
- Vehicles will not be able to turn around in the alleyway and therefore will have to reserve out and commercial vehicles may 'bleep' as they do so causing noise in an otherwise quite area adjacent to gardens.
- The cooling generators will cause a noise nuisance.
- The roof lights in the side facing student bedrooms will cause light pollution to their property. They also have a side window level with the proposed student's room windows.
- It will result in noise and disturbance to properties including from students coming and going at all hours.
- Overlooking from windows, the rear staircase and the roof-lights in the southern elevation.
- The security of the rear alleyway would be compromised. The gates to the back alley are permanently locked, and it is questionable if this could remain the case with additional movement of people and vehicles –an increase in unknown individuals and vehicles in the area would also add to residents' perception of vulnerability to criminal activity.
- Children currently play in the rear alley way but cannot if traffic is constantly using it.

#### Environmental impact

- An increase in pollution from additional traffic.
- There could be smells from the chemicals used.
- Refuse could contain chemicals and human waste.
- The use, storage and disposal of formaldehyde can have detrimental effects on living individuals and on the environment.

#### Other issues

- The role and purpose of the infectious examination suite is a concern and there are no showing facilities shown.
- It will impact on nearby house prices.
- An alternative site would be better.
- They dispute that the use of the student accommodation will be ad hoc.
- The precedent quoted is in no way similar to this site.

9.6 The student accommodation has now been removed from the scheme and local residents have been re-consulted on the application. Any additional comments received will be reported through the Update Note.

9.8 Paul Maynard MP has reiterated his original objections as he still feels that the genuine concerns of residents regarding the parking congestion, noise pollution and the extraction for formaldehyde solution are all still valid reasons why this development is not suitable for a residential street regardless of whether the accommodation aspect has been removed.

9.9 The Committee are respectfully reminded that issues relating to potential impact on property prices and preference for an alternative site are not valid planning considerations. The detailed operation of the site in terms of the handling and storage of chemicals and potential disease control would be governed by other legislation.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework**

10.1.1 The National Planning Policy Framework 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 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places

### **10.2 National Planning Practice Guidance**

10.2.1 The National Planning Practice Guidance expands upon and offers clarity on the points of policy set out in the National Planning Policy Framework.

### **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:

- CS3 Economic Development and Employment
- CS7 Quality of Design

### **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:

- DE4 Outside the Defined Industrial/Business Estates
- LQ1 Lifting the Quality of Design
- AS1 General Development Requirements

### **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) went through Examination in Public in December 2021. The Inspector has issued his comments and the Council is currently consulting on minor modification. It is anticipated that Part 2 will be adopted early 2023. As such,

significant weight can be attached to the emerging policies in accordance with the provisions of paragraph 48 of the National Planning Policy Framework. The following emerging policies in Part 2 are most relevant to this application:

- DM20 Extensions and Alterations

## **10.6 Other Relevant Policy Guidance**

10.6.1 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, no 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.

10.6.2 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.

10.6.3 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.

## **11.0 ASSESSMENT**

### **11.1 Principle of Development**

11.1.2 The current lawful use of the property is for storage and warehousing (falling within the B8 Use class). The proposed use would be a mortuary. This use would be *sui generis*, that is, a use not falling within a defined class, a use on its own and therefore planning permission is required for the proposal.

11.1.3 Core Strategy Policy CS3 relates to Economic Development and Employment. This policy states that the Council will safeguard existing industrial and business premises for employment use and enhance the sites with new employment opportunities.

11.1.4 Saved Blackpool Local Plan policy DE4 covers business premises. It states that outside of the Defined Industrial/Business Estates (which this site is), the reuse of appropriate existing buildings or other small-scale industrial/business development will be permitted.

11.1.5 Although a *sui generis* use, a mortuary would create some, albeit limited, employment. The Planning Statement sets out there would be up to three employees on site (including a student). Therefore in principle the use of the building is considered to comply with the aims of the above policies.

11.1.6 The supporting text to Policy DE4 provides justification and recognises that, in Blackpool, many business and industrial premises are located in back street locations within residential or holiday areas. Mostly they are long established premises within the densely built older inner areas of the town and many have limited site space that can give rise to environmental problems.

11.1.7 The Council's policy recognises that such premises continue to provide important job opportunities to the town and the reuse of appropriate existing buildings and small-scale new businesses will be acceptable unless there are specific and significant noise, safety, traffic or other adverse effects. The acceptability of the reuse of the building for the proposed use is therefore down to its possible impacts on the immediate area, which are assessed below.

## **11.2 Design, Layout and Visual Impact**

11.2.1 The proposal will involve some alterations to the existing building, including repairing or replacing the roof, fascias, soffits and bargeboards and sectional garage door if necessary. A bulls-eye window will be added at first floor level on the front elevation, one of the pedestrian doors will be amended to a window and existing windows will be bricked up at first floor in the north elevation. At the rear an existing small lean-to will be removed and a staircase for fire escape from the first floor will be added, along with enclosure of the small rear yard with lockable steel gates. Significant internal alterations are proposed.

11.2.2 It is considered that these alterations are acceptable. Externally the main alterations to the building that will be visible from public vantage points will be extremely limited and in keeping with the character of the building. Removing one of the existing pedestrian doors on the front elevation will mean that visually the main entrance will be more legible and the addition of the bulls-eye window will add a design feature to what is a rather large expanse of brick above the main entrance.

## **11.3 Impact on residential amenity**

11.3.1 There have been a large number of objections to the proposal relating to the impact a mortuary use in this building could have on the surrounding area. These broadly relate to matters around:

- highway impacts
- neighbour amenity in terms of physical disturbance
- the psychological impact of such a use
- the use of chemicals at the site
- overlooking
- noise from chiller cabinets and comings and goings

11.3.2 The highway impacts of the proposal are covered in the next section.

11.3.3 In terms of disturbance to surrounding residents, it is important to note in considering this application, what the current lawful use of the building is and what uses could operate in the building without any planning permission being needed.

11.3.4 The current lawful use of the building is for any uses falling within Class B8 of the Use Classes Order (1987) (as amended), this relates to storage and distribution uses. Whilst some B8 uses can generate relatively little activity, others have a far greater impact. It is known that the previous, lawful, use of this building as a food bank generated very significant comings and goings and numerous complaints relating to parking and disturbance. It is possible that the building could be used in a similar way in future to the ongoing detriment of neighbourhood amenity through comings and goings, general noise such as loading and unloading, and inconvenience through a lack of parking.

- 11.3.5 In relation to the application proposal, the deceased would be delivered to and from the premises through the front garage door with all loading and unloading undertaken within the building. It is advised there would be up to three members of staff on site. The business would not provide funeral services and there would be no chapel of rest, this has now been removed from the proposal, so there would be no visiting members of the public to the building.
- 11.3.6 The agent advises that the site would generally be operated between 08.00 hours and 18.00 hours during weekdays. Although there may be some exceptions to this, it is not considered that the level of activity and the hours of operation would have an unacceptable impact on the amenities of neighbours.
- 11.3.7 There would be other comings and goings to the building associated with the use as with any business, including general deliveries, collection of clinical waste etc. However, as the originally proposed student accommodation has been removed from the proposal, it is considered that the proposed use would have relatively low impact on surrounding residents compared to the last use of the building and the uses the building could be put to without planning permission under Class B8. Therefore the proposed use is considered acceptable in the building and likely to have less impact in terms of physical disturbance than many uses falling within Class B8.
- 11.3.8 In addition, establishing a *sui generis* use would mean that planning permission would be required to change the use of the building in the future, allowing the council to have more control over the building and the possible impact future uses could have on surrounding residents.
- 11.3.9 Objections have been received on the basis of the psychological impact the use could have on surrounding residents, including children. Such concerns are understandable. However, mortuary services are a vital and integral part of any community, and any mortuary business would be expected to conduct their work with discretion and sensitivity. Young children are unlikely to be aware of the use unless they are told about it. It is not considered that possible psychological impacts, given its discrete nature could be a reason for refusal of an application.
- 11.3.10 Any mortuary use would involve chemicals. Where particular chemicals are stored in quantities over defined limits, Hazardous Substance Consent is required and the Health and Safety Executive must be consulted to assess potential risk. The agent advises that no chemicals would be stored on site in such quantities that there would be a need for Hazardous Substance Consent. The business would, of course, still be required to operate in line with relevant health and safety regulations. Therefore it is considered that the use of chemicals is controlled by other legislation.
- 11.3.11 The only additional windows to be added to the existing building would be a bulls-eye window at first floor and a ground floor window replacing an existing pedestrian door, both in the front elevation. These windows would serve storage and a stairwell/lobby and would look onto Cornwall Avenue. It is not considered they would result in unacceptable overlooking to any neighbouring properties. The only window on the north elevation at ground floor would serve a toilet cubicle and would therefore be obscure glazed. This can be controlled via a planning condition.
- 11.3.12 A new fire escape is proposed on the rear of the building from the first floor storage area into the rear yard. This would be visible from the properties that back onto the site on Argyll

Road which are separated from the application property by a rear alleyway. There would be approximately 7.5 metres from the top platform of the fire escape to the rear boundary of the properties on Argyll Road and approximately 20m between it and their first floor rear windows. This relationship is considered acceptable as the staircase would be used for emergency access only. The first floor storage is accessed on a day-to-day basis via a staircase inside the building to the front.

11.3.13 The mortuary would have a cold room which would be cooled by external wall mounted chiller cabinets. Given that the cabinets would be enclosed on three sides within the small rear yard and separated from the rear gardens of the properties of Argyll Avenue by an alleyway, it is not considered that they would have an unacceptable impact on the amenity of surrounding properties in relation to noise. However, a condition is proposed requiring full details, including specification in relation to noise to be submitted and agreed to ensure an appropriate model and specification is used.

#### **11.4 Access, highway impact and parking**

11.4.1 Highway and parking issues are one of the main issues of concern raised by residents. Cornwall Avenue is made up of fairly dense terraced and semi-detached properties. Only some of the properties have access to off-street parking and these are mainly the semi-detached properties to the north of the site on the eastern side of Cornwall Avenue. The majority of properties rely on on-street parking. This is the only building not in residential use in the immediate vicinity.

11.4.2 The forecourt in front of the property is laid to hardstanding and there is a dropped kerb that extends across the whole frontage.

11.4.3 Parking for two cars is shown indicated on the site layout plan at an angle. The forecourt has been measured on site and is 4.5 metres deep which is insufficient for a parking space perpendicular to the building. As such, parked cars would over-hang the public footpath. The Council's Highway Engineer has observed that cars parked in the front gardens of adjacent properties also overhang the footway which is further obstructed by others parking half on the footway and half on the road.

11.4.4 The problems caused to nearby residents by parking and deliveries to the previous use of the building as a food bank have been well documented by objectors to the scheme. Parking for residents within the vicinity of the application site is at a premium and, due to the narrow width of Cornwall Avenue, vehicles are forced to park halfway on the pavement to ensure other vehicles can pass.

11.4.5 Parking for any use of the application building has never been ideal. During the buildings previous use as a club for Blackpool Fylde and Wyre Deaf Society, a mini bus parked in front of the garage door, over-hanging the pavement.

11.4.6 The proposal is now for a mortuary only with a limited number of staff and no visiting members of the public (as there is no chapel of rest proposed). This is considered to be a relatively low key use in terms of staff and servicing, both on its own and when compared to a use the building could be put to without planning permission under the B8 Use Class.

11.4.7 The parking area cannot be extended given the constraints of the site. As such, a decision must be made on the acceptability of the current application based on the current parking situation. As noted by the Council's Highway Engineer, the spaces proposed would not meet

normal standards of 2.4 metres x 4.8 metres and would not be accepted if this was an application to build a new building.

11.4.8 If approved, it is likely that vehicles would park on the hard-surfaced forecourt in an informal manner, angled to fit as far as possible. However it is accepted that this may result in some vehicles over hanging the footway to a degree.

11.4.9 The parking deficiencies set out above must be weighed against the material consideration of the current lawful use of the building and the associated parking and highway issues that could arise and have manifested in the past. On balance it is considered the proposed use would have a reduced impact on the surrounding properties in terms of parking and servicing than the existing lawful use of the building and for this reason it is considered acceptable in highway terms.

11.4.10 In terms of parking within the garage, the illustrative private ambulance shown in the garage scales at approximately 4.5 metres long (4.4 metres is noted by the Highway Engineer). The internal length of the garage is 5.4 metres. Vehicles used as private ambulances can vary but are often vehicles such as a Mercedes Vito (4.9 metres long), Renault Trafic (5.1 metres) or an estate car such as a Ford Mondeo Estate (4.9 metres), to give length examples. Each of these would fit within the garage shown on the plans in terms of length. If a particularly long or high vehicle visited, the front garage door may need to be left open, but there are doors in the rear of the garage to allow vehicles doors to be opened and bodies taken into the building. As it is in the nature of a mortuary business to operate in as discreet a manner as possible, the arrangement on balance is considered to be acceptable.

11.4.11 The application originally proposed using the rear alleyway (adopted) for the collection and delivery of bodies. This was not considered acceptable given its length and the lack of a turning area and the significant possibility that greater use of it would likely result in the gates being left open giving rise to the fear of crime and anti-social behaviour by residents. In addition, the increased noise and activity would have a detrimental impact on the peace and quiet that nearby residents would expect have in their rear gardens.

11.4.12 The proposal would now use the front garage door of the building for collection and delivery which is considered acceptable. Bins would be stored at the rear of the building but, whilst refuse collection from the front would be preferable, it would not be unreasonable or unacceptable for refuse collection to take place at the rear of the premises.

## **11.5 Drainage and flood risk**

11.5.1 The site falls within flood zone 1 and is less than 1 hectare in area. As such there is no requirement for the applicant to provide a site-specific flood risk assessment or to demonstrate compliance with the sequential or exceptions tests.

11.5.2 As an existing building it would utilise the existing drainage.

## **11.6 Biodiversity and environmental impact**

11.6.1 The building is an empty warehouse but has been in recent use. For this reason it is not considered to be ecologically sensitive and so no ecological appraisal has been required.

11.6.2 No habitat or biodiversity value would be lost as a result of the development and, as a change of use of an existing building, nothing substantive could be built in.

## **11.7 Other issues**

- 11.7.1 The agent has quoted other planning applications in their Planning Statement, identifying them as precedent in the determination of this application. This issue has been picked up by objectors. This application has been determined on its own merits and no weight has been given to the outcome of other applications in the planning balance.
- 11.7.2 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).
- 11.7.3 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.
- 11.7.4 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.

## **11.8 Sustainability and planning balance appraisal**

- 11.8.1 Sustainability comprises economic, environmental and social components.
- 11.8.2 Economically the scheme would bring a vacant site back into use supporting a local businesses. Some employment would be generated during conversion and some limited employment when operating.
- 11.8.3 Environmentally, environmental quality and biodiversity would not be materially affected, and would bring a currently vacant building back in to use.
- 11.8.4 Socially, the scheme would not have an unacceptable impact on amenity when compared to the current lawful use of the building.
- 11.8.5 In terms of planning balance, the development proposed is considered to constitute sustainable development. No other material planning considerations have been identified that would outweigh this view.

## **12.0 FINANCIAL CONSIDERATIONS**

- 12.1 None identified.

## **13.0 CONCLUSION**

13.1 In light of the above and on balance, the development proposed is considered to constitute sustainable development and no other material planning considerations have been identified that would outweigh this view.

**14.0 RECOMMENDATION**

14.1 Approve subject to the conditions regarding materials, time limits, hours of operation, access and egress plans and the collection and delivery of bodies. These conditions will be listed in full in the Update Report.