
Officer Report to Committee

Application ref:	21/1013
Ward:	Bispham
Application type:	Full
Location:	
	BISPHAM TRAM SHELTER, QUEENS PROMENADE, BLACKPOOL, FY2 9JJ
Proposal:	Erection of external staircase to rear between tram shelter and sub-station buildings (to access previously approved cafe roof terrace) and installation of new windows to west elevation.
Recommendation:	Grant planning permission with the conditions listed.
Recommendation Summary:	<p>The application relates to the construction of a rear external staircase to provide access to a previously approved café roof terrace.</p> <p>The application proposal has been amended significantly since it was first submitted and it is considered the scheme would now have minimal impact on the locally listed building and is therefore considered acceptable subject to conditions.</p>
Meeting date:	
	7 March 2023
Reason for bringing to Committee:	The application is before Members because the applicant has raised concerns about the suitability of a condition imposed by the Planning Committee at the meeting on 15 November 2022 and has asked that this condition be reconsidered.
Case officer:	Caron Taylor
Case officer contact:	01253 476221

Update

Members will recall that this application was reported to the Planning Committee at its meeting on 15 November 2022 with a recommendation for approval.

At that meeting concerns were raised regarding potential conflict between users of the business and cyclists/pedestrians, whereby the door in the seaward elevation could be opened into the path of a pedestrian/cyclist without warning.

The potential to install a fixed guard rail at the rear was discussed, the intention being that pedestrians and cyclists would be guided away from the door so that it could not open out into their path. The Committee agreed that there could be some danger to pedestrians and cyclists on the Promenade and suggested that the guard rail be painted a brighter colour to improve visibility. In addition, it was requested that consideration be given to putting markings on the ground, to alert pedestrians and cyclists to the guard rail.

Planning Officers advised that the Committee could request a condition to secure these measures and that, if the applicant was not agreeable to this, the application could be brought back before the Committee for further consideration.

Officers have discussed the provision of the guard rail at length with the applicant.

The applicant does not accept the proposed planning conditions requiring a guard rail, that it should be painted in a bright colour to improve visibility, or the requirement to put markings on the ground.

The applicant has provided the following reasoning and have indicated an intention to present their case at the Committee meeting:

I really am struggling to accept the proposed planning conditions for the guardrail as it really doesn't solve any health and safety issues.

For a cyclist or pedestrian to be hit by the gate they would have to be physically riding/walking directly against the rear wall of the tram station due to the amount of the gate swing exposure into the path of cyclist walkers etc.

A member of the Planning Committee also raised concerns at the planning meeting regarding the Council's planning conditions. The recommendations for the gate to be painted a bright colour, reflective strips installed on the guardrail and markings painted on the floor would serve no purpose in the dark as they only work if the reflective strips react to light.

If the Council insists the guard rail needs to be a condition of planning, it will create further health and safety problems for pedestrians, dogs, cyclist etc not seeing the guardrail in the dark etc.

My biggest concern is that at the minute we are having a lot of problems with children climbing onto the roof. If the guardrail was to be a planning condition, it would just allow children to climb on by using it as a ladder to gain access to the roof more easily.

I would like to see if we can resolve these concerns without further delays to the Tram Station, but not withstanding planning permission was granted in 2017 for a change of use including a roof terrace.

The remainder of this report is as submitted in November 2022, with the exception of updates to the relevant planning policies in light of the adoption of the Local Plan Part 2: Site Allocations and Development Management Policies (2012-2027) at the full Council meeting on 22 February 2023. The officer recommendation remains one of approval subject to the conditions listed at the end of this report and without the previously agreed condition regarding the guardrail.

1.0 SITE DESCRIPTION

- 1.1 The application relates to Bispham Tram Station which is situated in a prominent location on the Promenade at its junction with Red Bank Road.
- 1.2 The building is locally listed.

2.0 PROPOSAL

- 2.1 The application is for the erection of an external staircase to the rear, in a recess between the tram shelter and attached sub-station buildings (to access a previously approved cafe roof terrace) and also for the installation of new windows to the west (rear) elevation. The new windows have already been inserted.
- 2.1.2 In 2017 planning permission was granted (ref: 17/0305) for external alterations including window alterations to the rear elevation and use of the premises as a cafe with associated roof terrace. The proposed staircase would give access to the roof terrace (rather than use an internal staircase approved under the 2017 permission in the northeast corner of the building that would have given access to the roof, but be open to the elements when in use).
- 2.1.3 Initially the application was for a glazed atrium roof on the top of the building to provide shelter from the weather above the internal staircase that emerged onto the roof. However, this was not considered acceptable as even though a glass structure was proposed it would have read in the streetscene as a solid addition to the roof. It would also have been sited to one side removing the symmetry of the building, which is considered central to its character.
- 2.1.4 As a result amended plans have been received altering the proposal so that an atrium to the roof is no longer proposed. Instead a staircase is now proposed at the rear of the building in a recess between the tram shelter building and the attached sub-station.
- 2.1.5 The proposal would also allow for some internal alterations to enlarge the dining area at ground floor.

3.0 RELEVANT PLANNING HISTORY

- 3.1 17/0305 – External alterations including window alterations to rear elevation and use of premises as a cafe with associated roof terrace – approved.
- 3.2 21/1014 – Discharge of conditions 3 (Servicing), 6 (Materials) and 9 (Building Recording) attached to planning permission 17/0305 – approved.

4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION

4.1 National Planning Policy Framework

- 4.1.1 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 6 – Building a Strong, Competitive Economy
- Section 12 - Achieving well-designed places
- Section 16 – Conserving and Enhancing the Historic Environment

4.2 National Planning Practice Guidance

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

4.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Part 1)

4.3.1 Part 1 was adopted in January 2016. The following policies are most relevant to this application:

- CS3 Economic Development and Employment
- CS7 Quality of Design
- CS8 Heritage

4.4 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (Part 2)

4.5.1 Part 2 was adopted in February 2023. The following policies are most relevant to this application:

- DM10 Promenade and Seafront
- DM20 Extensions and Alterations
- DM28 Non-Designated Heritage Assets

4.5 Other Relevant documents, guidance and legislation

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

4.5.2 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.

4.5.3 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.

4.5.4 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.

5.0 CONSULTEE RESPONSES

5.1 **Conservation Officer** – is now happy with the rear staircase as it will now be positioned in a recess at the rear of the building.

5.1.2 With regard to the windows on the west elevation, they state this elevation has relatively low significance and, although the main windows have aluminium frames and ideally the materials should be the same throughout the building, they have no particular objections if the windows have already been installed.

5.2 **Blackpool Civic Trust** – Objected to the application as originally proposed stating the proposed glass box addition on the roof of the tram shelter is not in character with the art nouveau design of the original structure. They feel a more sympathetic design is required to retain this important part of tram infrastructure. They support the application for going on the roof but a more substantial and sympathetic structure is needed to complement the design of properties on the east side of the tram track.

5.2.1 No further comments have been received from them following notification of the amended plans.

6.0 **REPRESENTATIONS**

6.1 One letter of objection has been received to the amended plans from the following address:

- Bispham and Cleveleys Kitchens Ltd. 14-22 Red Bank Road

6.1.1 This representation raises the following objections:

- The land between the tram station and sub-station is owned by the Council and does not form part of the applicant's lease;
- In order to satisfy building regulations the staircase would have to start on Council land (and is shown to do on the proposed plan). Therefore the permission of the Council would be needed to carry out the proposed works even if planning permission were granted;
- Members of the public descending the staircase would do so into the cycle path at a blind corner and a serious accident could occur;
- If the Council did not allow the staircase to be on their land then it would have to be started further back and therefore be steeper so it would not comply with the building regulations;
- The staircase would be too close to the door into the café which staff would use to take food and drink up to the roof terrace so therefore would be a danger of collision between staff and customers;
- If the door from the ground floor of the café to the staircase opened outwards it would block the means of escape through the gate at the bottom of the stairs;
- The gate would open outwards into the cycle path causing a danger.

6.1.2 The following representations were submitted in response to the original plans (proposing the atrium roof):

6.1.3 A petition signed by 142 people in favour of the application (as it was originally applied for with the atrium roof) has been submitted.

6.1.4 One letter of support has been received from the following address to the original scheme:

- 87 Poulton Road

6.1.5 This support is on the following grounds:

- The building will be improved by the proposal;
- It will improve and preserve a previously derelict building which has been used by drug users and a detriment to the Promenade;

- It has provided a service throughout the pandemic for those who used the Promenade without having to cross the tram tracks

6.1.6 Two objections have been received from the following addresses to the original scheme:

- 214-222 Queens Promenade
- Bispham and Cleveleys Kitchens Ltd. 14-22 Red Bank Road

6.1.7 These representations raise the following issues:

- The building is locally listed and the proposed structure would be highly visible and constructed of unsympathetic materials and out of character with the style of the building;
- With it being off-set to one side it is not in keeping with the architectural design of such a prominent symmetrical building;
- The proposal is contrary to Policy CS8;
- The material of the atrium would be of low-quality at odds with the existing building and contrary to Policy CS7 of the Core Strategy;
- The parking restrictions of the 2017 permission are being ignored.

7.0 ASSESSMENT

7.1 Principle

7.1.1 There are no constraints that would prevent alterations to the building in principle, the acceptability of the scheme hinges on whether it is appropriate in design terms or not, which is assessed below.

7.2 Amenity

7.2.1 The proposal would not have any impact on the amenity of residents or visitors. The staircase would be positioned to the rear of the building which stands on the sea side of the tram tracks away from any other buildings, other than a toilet block.

7.3 Visual Impact Including Impact on a Non-Designated Heritage Asset

7.3.1 The staircase would not have a detrimental impact on the streetscene given its location in a recess at the rear of the building. The windows that have already been fitted are grey aluminium with flush fitting casements and are considered acceptable in design terms in relation to the building.

7.3.2 In relation to the building as a non-designated heritage asset (a locally listed building) Core Strategy Policy CS8 states:

Proposals will be supported that:

- a. Retain, reuse or convert, whilst conserving and enhancing the significance of designated and non-designated heritage assets and their setting.
- b. Enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm.
- c. Strengthen the existing townscape character created by historic buildings.

- 7.3.3 The above is also reflected in emerging Local Plan Part 2 Policy DM 28 which now carries some weight in decision making.
- 7.3.4 It is considered that the alterations to the building as shown on the amended plans are acceptable. Following extensive negotiations it is considered a solution has been found that gives an appropriate access to the previously approved roof top café while also respecting the character of the tram station building. The position of the staircase would be discrete at the rear of the building and would not be readily visible due to its position in a recess. The impact of the stair case and windows on the non-designated heritage asset are considered acceptable and help to ensure that the building is retained in use. It is therefore considered that the proposal will conserve and enhance the building by allowing the café business to successfully access the roof terrace and therefore ensuring the building remains in constructive use, whilst also adding to the local economy in terms of employment and supporting the tourism industry.

7.4 **Access, Highway Safety and Parking**

- 7.4.1 Following re-notification on amended plans an objection was received regarding possible safety issues with the scheme.
- 7.4.2 At the bottom of the proposed staircase to the rear of the building a gate is shown on the plans. This is so customers on the roof terrace can exit onto the Promenade without having to go through the café at ground floor in an emergency. The gate would only be used by customers in an emergency, as normally customers would enter and exit through the café from the front and then go through it to gain access to the staircase up on to the roof. The gate would also prevent access to the roof terrace when the café is closed.
- 7.4.3 Concerns were raised about pedestrians emerging onto the Promenade through the gate into the path of cyclists and/or vehicles (Council service vehicles travel along it) at what is a 'pinch point' in the Promenade. It is accepted that there is a realistic possibility of this happening as customers exiting through the gate in an emergency would be unlikely to realise that the Promenade is a cycle route and used by limited vehicles as they emerge from the recess, and cyclists particularly could be travelling at some speed.
- 7.4.4 The gate is also proposed to open outwards and this could be into the path of a cyclist or service vehicle.
- 7.4.5 Discussions have taken place with the Council's Highway Engineer, Engineering Manager (responsible for the Promenade to the rear of the tram shelter) and Building Control (in relation to what is necessary in terms of emergency escape).
- 7.4.6 Building Control advises that it is not possible to have the gate opening inwards due to the number of people that could occupy the café. Therefore the gate has to open outwards for use in an emergency. However, a new guard rail would be placed on the Promenade, perpendicular to the building behind the swing of the gate, so that cyclists, vehicles and other pedestrians have to go around it, taking them away from the building and preventing the gate opening outwards into their path. Engineering Services are satisfied with this proposal.
- 7.4.7 The erection of the guard rail prior to the stair case being brought in to use, which has been shown on the plans will be the subject of a condition. Originally it was considered that the use of the gate should be for emergencies only, however after a further site visit and

discussions with occupier it is considered that the use of the rear access via the gate for deliveries too is acceptable. This will reduce deliveries to the front of the building close to the tram tracks and also deliveries via another door on side/north elevation (which may encourage delivery vehicles to drive along the Promenade to the rear of the building). Using the gate for deliveries would allow vehicles to park on the safer south side of the building with a short carry distance to the gate and then a door into the serving area of the cafe. A condition is therefore proposed that the gate at the bottom of the staircase should only be used for deliveries and in an emergency.

7.5 Other Issues

- 7.5.1 It is not considered the proposal will have any impact on drainage, biodiversity or environmental quality.
- 7.5.2 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).
- 7.5.3 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.
- 7.5.4 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.
- 7.5.5 To respond to other matters raised in representations: the applicant has served notice on the Council. The Estates Department advise the area between the tram station and sub-station buildings where the staircase would be positioned is in the red edge of the application but is not within the area covered by their lease, they will therefore need to update their lease to implement the permission. This is not a planning matter but an informative note will be placed on any permission granted advising the applicant of this.
- 7.5.6 A Building Control Officer has reviewed the plans and given advice to the case officer. If permission is granted the developer will also need to comply with the Building Regulations. If it emerges that as a result of the Building Regulations changes are needed to the plans then the applicant will need to seek any necessary amendments to the plans.
- 7.5.7 The need to serve notice on Electricity North West was also raised with the agent, but they advise that the new staircase will not to be attached to Electricity North West property at any point.

7.6 Sustainability and planning balance appraisal

- 7.6.1 Sustainability comprises economic, environmental and social components.

- 7.6.2 Economically the staircase will help expand the buildings use as a café, create a limited amount of employment and support the tourist economy.
- 7.6.3 Environmentally the proposal will have very little impact. Visually the staircase will be largely concealed from wider views due its position in a recess.
- 7.6.4 Socially it will not impact on the amenity of any properties and it will result in minimal impact on a non-designated heritage asset while helping to ensure that the building is retained in use contributing to the Council's regeneration objectives.
- 7.6.5 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.

8.0 FINANCIAL CONSIDERATIONS

- 8.1 Not applicable.

9.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 9.1 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.
- 9.2 This application accords with the first priority by supporting a local business.

10.0 CONCLUSION

- 10.1 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.

11.0 RECOMMENDATION

- 11.1 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 recorded as received by the Council on 10th June 2022

Plans and elevations ref. 21-89-1 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 The guard rail shown on approved plan ref: 21-89-1 Rev B shall be erected prior to the staircase hereby approved being brought into use.

Reason: To ensure the swing of the gate does not result in collision with a pedestrian, cyclist or vehicle and therefore to ensure safety of the general public in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 4 The gate shown on approved plan ref: 21-89-1 Rev B at the bottom of the staircase hereby approved, shall only be used as an emergency exit and for deliveries only and shall not be used for day-to-day access and/or egress from the building and/or roof terrace.

Reason: To reduce the number of pedestrians using the gate and therefore to minimise the risk of collision with a pedestrian, cyclist or vehicle to ensure safety of the general public in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

ADVICE NOTES TO DEVELOPERS

1. This planning permission does not grant or imply the permission of Blackpool Council to place structures or do works on their land. Their separate permission as landowner will be required. The developer must contact Blackpool Council Estates Department at estates.enquiries@blackpool.gov.uk before any works approved by this permission are started, to ensure they have the correct permissions/lease in place.
2. The erection of the guard rail will need to be discussed and agreed with Blackpool Council's Engineering Services. The developer is advised to contact the Engineering Services Manager at mark.anderson@blackpool.gov.uk or by telephone on 01253 476145 prior to installation of the guard rail.