
Officer Report to Committee

Application ref:	22/0991
Ward:	Talbot
Application type:	Full
Location: 32-34 VICTORIA STREET, BLACKPOOL, FY1 4RA	
Proposal:	Use of first and second floors as a serviced holiday flat (sui generis use) following replacement of external windows.
Recommendation:	APPROVE SUBJECT TO CONDITIONS
Recommendation Summary:	The scheme is considered to represent sustainable development and would create new holiday accommodation in the town centre in line with the Council's regeneration objectives. Subject to conditions it is not considered that the proposal would have an unacceptable impact on The Grand Theatre. The recommendation is therefore that planning permission be granted subject to condition
Meeting date: 13/06/23	
Reason for bringing to Committee:	The item is before the Committee at the request of the Ward Councillor.
Case officer:	Caron Taylor
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1.0 SITE DESCRIPTION

- 1.1 The application site is the first and second floors of 32-34 Victoria Street located in a prominent position on the corner with Corporation Street. At ground floor the property is currently trading as F. Hinds Jewellers, the upper floors are currently used as associated storage and office space.
- 1.2 The site is within the defined Inner Area and the Primary Shopping Area. The frontage of the building facing Victoria Street is part of the Primary Shopping Frontage and the frontage facing Corporation Street is in the Secondary Shopping Frontage.

2.0 PROPOSAL

- 2.1 The proposal is for use of the first and second floors as a serviced holiday flat (sui generis use) following replacement of external windows. The ground floor will remain as a commercial unit.
- 2.2 The application has been supported by:
- Design and Access Statement (including Heritage Assessment)

3.0 RELEVANT PLANNING HISTORY

3.1 There have been various applications over the years for signage and changes of use of the ground floor of the building, but none that have a bearing on the current application.

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 7 – Ensuring the Vitality of Town Centres
- Section 11 – Making Effective Use of Land
- 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 (Core Strategy)

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

- CS3 Economic Development and Employment
- CS4 Retail and Other Town Centre Uses
- CS7 Quality of Design
- CS8 Heritage
- CS13 Housing Mix, Standards, and Density
- CS17 Blackpool Town Centre
- CS21 Leisure and Business Tourism
- CS23 Managing Holiday Bed Spaces

4.4 Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027

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

- DM5 Residential Conversions and Sub-Divisions
- DM6 Residential Uses in the Town Centre
- DM17 Design Principles

4.5 Other Relevant documents, guidance and legislation

- 4.5.1 New Homes from Old Places Supplementary Planning Document – this document was adopted in March 2011 and sets out the Council’s minimum design and amenity standards for new homes created through conversion.
- 4.5.2 DCLG National Technical Housing Standards – this document was published in March 2015 and sets out the national minimum standards for new homes. This partially supersedes some of the standards in the Council’s New Homes from Old Places Supplementary Planning Document guidance.
- 4.5.3 Holiday Accommodation Supplementary Planning Document – 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.
- 4.5.4 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.
- 4.5.5 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.
- 4.5.6 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.
- 4.5.7 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 Theatres Trust

- 5.1.1 The Theatres Trust state the application has been brought to its attention because it is proposing conversion to short-term accommodation at a site directly adjacent to the Grand Theatre, a form of residential use.
- 5.1.2 Development of this nature is of great concern to the Trust because residential uses and noise generating cultural venues including theatres are not necessarily compatible, even when not for permanent residents. Such use has the potential to create negative impacts on the theatre and its operations which could be detrimental to its ability to function should new restrictions, or the threat of restrictions, be imposed. In turn the established activities of the theatre, and those which it could legitimately introduce in future, are likely to cause disturbance to future occupants leading to sub-optimal living conditions. This is particularly the case for the space shown as Bedroom 1 on the proposed first floor plan.
- 5.1.3 The theatre is a Grade II* listed heritage asset within the Town Centre Conservation Area, considered one of the finest works of renowned theatre architect Frank Matcham. It is an important and valued cultural venue for Blackpool, hosting a busy programme which both

meets the needs of local people as well as contributing to Blackpool's visitor offer. Paragraph 93 of the NPPF (2021) seeks planning decisions to plan positively for facilities of this nature and to avoid unnecessary loss. Paragraph 3.339 of the emerging Blackpool Local Plan Part 2 (2021) in support of Policy DM37 makes clear the plan seeks to ensure that facilities are protected.

- 5.1.4 The application site is currently in retail use with the upper levels providing ancillary storage and staff facilities. The Grand Theatre is just a few metres away from the north/north-west elevation of this unit across Matcham Court, a small passageway providing access to the theatre's Stage Door. This area is utilised for 'get-ins' and 'get-outs', in other words the delivery, set-up and removal of sets and equipment. By necessity, particularly where there are touring shows moving on to other locations, this can take place late at night, early in the morning and at weekends. This can be an unavoidably noisy undertaking, and introducing restrictions on hours of work would not be acceptable because it would mean the Grand being unable to accept many shows. This would cause significant harm to the venue's reputation and viability, and reduce access and provision of culture and the arts for local people.
- 5.1.5 Secondly, the proximity of this unit and the age of the theatre also mean there is potential for bleed of noise from performances as well as rehearsals which could also cause disturbance. There is also a risk of activities on the proposed roof terrace [now removed] in particular disrupting quieter performances at the theatre.
- 5.1.6 These issues can and have resulted in harmful restrictions and uncertainty being imposed where complaints have been received. At worst this can result in the complete closure of venues, something which has occurred in the past prior to legislation and planning policy in this respect being introduced.
- 5.1.7 Therefore our general position is to object to such development unless there are compelling circumstances to the contrary and sufficient mitigations are in place which extinguishes all reasonable doubt.
- 5.1.8 Policy at both local and national level supports and protects facilities such as theatres and states that development should be refused where acceptable living conditions cannot be reached. Paragraph 187 of the NPPF (2021) seeks to ensure that new development can be effectively integrated with existing facilities and that unreasonable restrictions should not be placed on them. It also makes clear that obligations to make development acceptable must fall to the applicant/developer.
- 5.1.9 Policy DM36.1 only permits development where it can be demonstrated it is compatible with existing adjacent uses and will not lead to adverse effects on health, amenity and operation.
- 5.1.10 Presently there is no assessment of the relationship between this proposal and the theatre, including acoustic surveys to ascertain what mitigations such as soundproofing would be required to make development acceptable, or if it would be acceptable at all. This should be undertaken, ensuring it reports on levels arising from different types of activities at the theatre including those which cause greatest disturbance. Without such assessment this application should not be permitted.
- 5.1.11 They note and provide examples of a number of decisions and judgements in favour of protecting the interests and operations of existing venues over introducing potentially

incompatible development such as this. These examples should afford the Council confidence that refusal of this application on the basis of noise and 'agent of change' concerns, if required, can be justified and defended.

- 5.1.12 As this application currently stands the Theatres Trust strongly objects to the granting of planning permission because it is contrary to relevant policies and has failed to demonstrate compatibility with the theatre in terms of noise or provision of appropriate living conditions for occupants. Therefore the future operation of the Grand Theatre as a community, cultural and social asset would be jeopardised in turn risking vacancy of a heritage asset of great importance and significance. In the event the Council is minded to grant permission against our advice despite such clear conflict with policy in the absence of sufficient information and assessment by the applicant, they ask that the Trust is notified in advance of a decision notice being issued and to communicate any date for Committee if relevant. It is essential that robust conditions are attached requiring approval of sufficient acoustic and design protections, and that the applicant or future developer must be responsible for any costs arising whether to the application site or to the theatre. There must also be limits on the maximum consecutive duration of occupancy by a single party to further mitigate against cumulative impact resulting in complaint. The Trust can advise and work with the Council on drafting appropriate wording for any conditions or agreements.
- 5.1.13 Furthermore, construction activity itself poses a risk to the theatre's performances and operations; whilst this is necessary we urge a condition to be in place requiring submission of a construction management plan agreed with the theatre. This would prevent intrusive works taking place during normal performance times to ensure shows and the experience of audiences is not negatively impacted.

5.2 Blackpool Civic Trust

- 5.2.1 The adjacent Grand Theatre is a Grade II* listed building which has been highly acclaimed as a classic piece of Matcham architecture and will be severely impacted by the application.
- 5.2.2 The proposed entrance to the development on the plans submitted does not meet building regulations standards as it is neither high nor wide enough.
- 5.2.3 Access to Matcham Court was restricted on the introduction of the town centre pedestrian zone some years ago and has facilitated the town centre changes over many years.
- 5.2.4 A detailed drawing is needed to show the adjacent properties, their legal boundaries, their fire routers for emergency evacuation. Also how their fire alarms will interlink in emergency.
- 5.2.5 No allowances have been allowed to control for noise penetration from the second floor open air entertainment terrace [now removed from the plans].
- 5.2.6 There are many potential issues with vehicular access/egress to all properties impacted by the development and existing occupiers need to ensure their access is in no way restricted.
- 5.2.7 The Civic Trust understands the Council are seeking an injunction against the numerous Airbnb developments being sought and to restrict further development in retail areas. They believe this application therefore should be refused on the basis of exiting planning guidelines.

5.3 Environmental Protection

- 5.3.1 Initially requested a noise survey. This was then submitted and having reviewed it they state the report has taken into account the activities of The Grand Theatre and shown that with the glazing specification this will prevent an adverse impact.

5.4 Local Highway Authority

- 5.4.1 Has no objection to the principle of the development, however, vehicular access to the area is limited to loading/unloading only and before 10.30am or after 6.00 pm. They would suggest that a Construction Management Plan is conditioned covering: Working hours and days; hoardings/fencing; loading and unloading of waste and materials; and requirements for standing plant or other occupation of parts of the highway.

5.5 Council's Conservation Officer

- 5.5.1 States they have no comments from a heritage perspective.

6.0 REPRESENTATIONS

- 6.1 Site notice published: 12/01/23

- 6.2 Neighbours notified: 22/12/2022

- 6.3 One objection has been received from a member of the public and one from The Grand Theatre.

6.3.1 The Grand Theatre

- 6.3.2 Object to the proposed development in the strongest possible terms, in particular because of:
- The close proximity to the Grand Theatre a Grade II* listed building;
 - The proposal to enter the premises via a side door from Matcham Court on the basis that:
 - a. this is their private road, it has not been a public thoroughfare for decades;
 - b. it is an emergency escape route from the theatre, Marks and Spencers and other retail units;
 - c. it forms part of their premises alcohol licence;
 - d. it is behind their security gates;
 - e. it is their only loading bay with large trucks arriving and leaving into the small hours;
 - It's location at the heart of the conservation area;
 - It's location in a pedestrian zone with vehicle access from Church Street restricted between 10:30 and 18:00 every day;
 - The lack of parking or offloading space;
 - The potential for noise from the roof terrace disrupting the theatre and, conversely, noise from theatre-goers using the bar outside area affecting holiday makers.

- 6.3.3 While they accept that the noise and dirt associated with construction work cannot in

themselves be grounds for objection, they state they are a live theatre venue with matinee and early evening performances that could be adversely affected by this.

6.3.4 Full access to Matcham Court for the operation of the Theatre is very important. They state have provided photos of a recent load-in/load-out of scenery, illustrating very clearly that the door to F. Hinds Jewellers that is proposed to be used becomes inaccessible during the day, late at night and in the early hours of the morning when a new production arrives and departs.

6.4 Public objection

6.4.1 A member of the public from Montpellier Avenue has raised the following objections to the proposal:

- The prospect of a property accommodating 10 people in 5 rooms with roof top communal area [please note the roof terrace has been removed from the plans] gives serious concerns about the potential for a party house. Something the documented management agent is renowned for, leaving the community, and blue light emergency services to pick up the pieces while the management agency withhold the security bond is beyond offensive;
- As well as CCTV in communal areas there would be a need to be able to monitor noise levels making the management agency immediately responsive to noise issues. Having the likes of a Ring doorbell in place as a back up to the traditional key code entry is also essential, having witnessed guests at another managed property being left out doors for an hour and a half, late afternoon in the drizzle bringing noise, anti-social behaviour and other negative issues in to the heart of the town. As it stands this application should not be supported.

7.0 ASSESSMENT

7.1 Principle

7.1.1 The proposal is for holiday accommodation. Policy CS21 of the Core Strategy covers Leisure and Business Tourism. This aims to regenerate Blackpool's resort core and town centre and states that proposals for new visitor accommodation will be focused on the town centre, resort core and defined holiday areas, unless exceptional circumstances justify a peripheral location outside these areas.

7.1.2 As the property is within the town centre (as designated on the Blackpool Local Plan 2012-2027 Policies Map) then the proposal to convert the upper floor to holiday accommodation would be in accordance with policy and therefore acceptable in principle.

7.2 Amenity

7.2.1 The proposal would be for one large holiday house with five bedrooms. Bedroom accommodation would be provided on the first floor with a large open plan kitchen/dining/living room on the second floor.

7.2.2 The overall Gross Internal Floor Area, bedroom sizes and kitchen/dining/living room would all exceed the relevant space standards set out in both the Government's Technical housing standards and the Council's New Homes from Old Places SPG as required by Core Strategy

Policy CS13 in relation to floor areas, which indicate a good standard of accommodation will be provided for occupiers.

- 7.2.3 The application building is attached to Marks and Spencer but also sits adjacent to The Grand Theatre, separated by Matcham Court, a covered pedestrianised area leading to the theatre's stage door.
- 7.2.4 A number of objections have been received to the application in relation to noise and how the current activities of The Grand could impact on the proposed holiday flat (and vice versa), which could ultimately lead to complaints from guests of the holiday flat resulting in restrictions being imposed the theatre.
- 7.2.5 Paragraph 185 of the Framework states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...
- 7.2.6 Paragraph 187 also makes clear that decisions should integrate effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.2.7 Policy DM36 of Part 2 of the Local Plan covers Controlling Pollution and Contamination and reflects the advice in the NPPF. Part 1 a) of this policy is relevant to this application. It states that development will be permitted where in isolation or in conjunction with other planned or committed developments it can be demonstrated that the development:
- a. Will be compatible with adjacent existing uses and would not lead to unacceptable adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants, users of the development itself or designated sites of importance for biodiversity, with reference to noise, vibration, odour, light, dust, other pollution or nuisance. Applications will be required to be accompanied, where appropriate by relevant impact assessments and mitigation proposals;
- 7.2.8 Further guidance is found at national level in the Planning Practice Guidance (PPG), including relating to the 'agent of change' principle. It states that development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.
- 7.2.9 It goes on to state that in these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of

change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

- 7.2.10 The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. The PPG states that adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).
- 7.2.11 The Grand Theatre and the Theatres Trust have objected to the application on the basis of noise from the theatre (including the changing over of sets and HGVs loading and unloading in Matcham Court) as well as possible noise from the holiday accommodation disrupting performances. Their concern over noise from the proposed holiday accommodation focusses on if complaints were made to the Council by the occupiers of the accommodation about noise from The Grand, then restrictions may be imposed on the theatre (or its loading/unloading) as a result, which they would not want as it would restrict their activities.
- 7.2.12 The importance of The Grand Theatre to the local community in terms of its social and economic benefits is acknowledged and it accepted that its use should not be prejudiced by the proposed development because of noise and disturbance issues.
- 7.2.13 As per the PPG, in this case the applicant for the holiday flat is the 'agent of change'. They have therefore submitted an Acoustic Survey and Assessment (herein referred to as the noise report) for the proposed holiday flat, which has been reviewed by the council's Environmental Protection team.
- 7.2.14 Monitoring was undertaken on between the 10th and 12th March. Looking at the theatre guide there were three shows on during those dates which would indicate that there were changeovers between shows on that weekend (it was not the same show each night):
10th Giovanni Pernice
11th The Carpenters Story
12th Beyond the Barricade
- 7.2.15 The results of the noise monitoring show that the maximum sound levels regularly exceeded 80dB(A) on one evening and 77.5dB(A) on the second. Therefore the sound levels that could be experienced by future occupiers of the holiday accommodation (as a result of external noise – not just from the theatre, but including other sources such as people passing and plant noise) could be above levels identified by relevant guidance. Therefore it concludes that further additional mitigation measures are required (above standard build). The noise report states that while standard double glazing would be sufficient to protect future occupiers of the flat from the average day and night-time sound levels, the guideline noise levels at night would be exceeded. As a result an enhanced glazing specification is proposed to bedrooms to ensure future occupants are adequately protected from the night-time regularly exceeded maximum sound levels that were identified.
- 7.2.16 To ensure this sound reduction could be met the windows would need to be kept shut. Therefore additional ventilation provision is proposed for the holiday accommodation by incorporating acoustic trickle ventilators for all windows to habitable rooms which would

achieve a similar or better performance to windows when open. The noise report specifies a number of suitable models that would achieve this available to the developer.

- 7.2.17 It is considered in permanent residential properties it would not normally be desirable in the Inner Area/Town Centre of Blackpool to require windows to be kept permanently closed even with alternative ventilation provided, as the opening of windows in a habitable room does not only serve the purpose of ventilation, but also has other purposes such as residents feeling in control of their environment, feeling connected to the outside and providing fresh air, so it also impacts on the living conditions of the occupiers and their mental health.
- 7.2.18 However, in this case the proposal is for a holiday flat, rather than permanent accommodation and therefore occupiers are not going to be living there on a long-term basis. Normally the same standards are required for both but consideration must be given to the benefits of securing efficient use of the space. On balance, therefore, the inability to open windows to ensure noise levels are not exceeded will not have an unacceptable impact on the long term health of occupiers and is considered acceptable. A condition is proposed that the property shall be used for serviced holiday accommodation only for this reason (where the duration of the stay does not exceed 30 days).
- 7.2.19 Environmental Protection has reviewed the noise report and considers that with the glazing specification this will prevent an adverse impact to the holiday flat. Therefore, it is considered that suitable mitigation measures can be put in place (and controlled by a planning condition) to ensure that noise from The Grand will not have an unacceptable adverse impact on the proposal and will achieve a satisfactory living environment for guests, to avoid statutory noise complaints being made against The Grand.
- 7.2.20 Originally the application proposed that a roof terrace at second floor for use by guests of the proposed holiday flat. Objectors raised concerns regarding this and the impact noise from the terrace could have on performances at The Grand Theatre. During the course of the application the terrace was removed from the application and is no longer proposed. The holiday flat will no longer therefore benefit from outside space, so guests will not have an outdoor area in which to congregate. The removal of this is looked upon favourably in terms of reducing possible noise disturbance to The Grand.

7.3 Visual impact

- 7.3.1 The application building is faced in concrete with concrete and red brick framing. The scheme proposes to replace the existing windows with aluminium frames, but no other external works to the building's façade are proposed.
- 7.3.2 An array of solar panels are proposed on the roof, but they will be positioned behind the parapet so will not be visible in the streetscene. In terms of design and the impact of the works on the building itself and the streetscene the proposal is considered acceptable, subject to a condition that the final details of the windows e.g. their colour are agreed.

7.4 Impact on Designated Heritage Assets

- 7.4.1 The application site is not within a Conservation Area, but lies just outside the Town Centre Conservation Area (Matcham Court being the boundary). The Grand Theatre is a Grade II* Listed Building. They are both designated heritage assets. Even though the application site is

outside the conservation area, whether the proposal would affect its setting or views into or out of the area must be considered.

- 7.4.2 Section 16 of the National Planning Policy Framework covers conserving and enhancing the historic environment and states Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. It goes on to state they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.4.3 Paragraph 199 of the National Planning Policy Framework states that in considering potential impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.4.4 Policy DM26 of the Local Plan Part 2 covers Listed Buildings and seeks to sustain and enhance the significance of the town's listed buildings including their settings. It states great weight will be given to the conservation of those elements that contribute to the significance of the listed building including its setting. It goes on to say that proposals which would cause harm to or loss of a listed building, will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a listed building will only be permitted in exceptional circumstances.
- 7.4.5 Similarly, Policy DM27 relates to Conservation Areas and seeks to preserve and enhance them.
- 7.4.6 The impact of the proposal on the setting of the adjacent Grade II* Grand Theatre must therefore be considered. The setting of a heritage asset is defined in the glossary to the NPPF as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*
- 7.4.7 The external works proposed are very limited. The windows will be replaced with new in aluminium frames but no other external façade works are proposed. Solar panels will be fitted to the flat roof of the building but these will sit behind a parapet wall so will not be visible from public vantage points. It is not therefore considered the external works will have an impact on the setting of The Grand Theatre or conservation area. The Council's Conservation Officer has reviewed the proposal and has no comments from a heritage perspective.
- 7.4.8 Guidance from Historic England on The Setting of Heritage Assets (Planning Note 3) states the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors (including noise) from other land uses in the vicinity.
- 7.4.9 In this case The Grand Theatre is located within the heart of the town centre on the corner of Corporation Street and Church Street, both busy routes including in the evenings with

high existing background noise levels. It is not considered that noise from within the holiday flat (which now has no outside space proposed), will harm the setting of The Grand or the conservation area as heritage assets.

7.5 Access, highway safety and parking (including active travel provision)

- 7.5.1 The Council's Highway Engineer has no objection to the principle of the development subject to a planning condition requiring a Construction Management Plan to be submitted and agreed. This is proposed.
- 7.5.2 As the holiday flat is within a pedestrianised area, as is the case with a lot of holiday accommodation in the town no parking is proposed on site and it is not possible to provide any. However it is located within the town centre, in a highly sustainable location within walking distance of town centre car parks and Blackpool North Station. The parking situation is therefore considered acceptable.
- 7.5.3 The Grand Theatre have also objected to the application on the basis that the holiday flat will cause problems for the theatre in terms of access to it. They state the door that will be used to access the flat (on the corner of Matcham Court and Corporation Street, on the ground floor to the rear of the jewellers) becomes inaccessible during the day, late at night and in the early hours of the morning when a new production arrives and departs.
- 7.5.4 Matcham Court is used for the loading and unloading of sets and equipment associated with performances at The Grand. Delivery vehicles including HGVs back into Matcham Court. Corporation Street and Matcham Court were pedestrianised in the 1980's but vehicular access to the area is allowed for loading/unloading only before 10.30am or after 6.00 pm. A decorative security gate was approved in 1998 (planning permission ref: 98/0477) which allows Matcham Court to be enclosed. There are two doors on the ground floor at the rear of the application property. One of these doors is behind the security gate if it is closed, however the other is in front of the gate and opens out onto the pedestrian area that remains as public highway. It is this door in front of the gate that will be used as access to the holiday flat.
- 7.5.5 HGVs back into Matcham Court to service The Grand and do protrude beyond the line of the security gate onto the public highway when parked, however they do not completely block or prevent access to Corporation Street or the door that will be used to access the holiday flat. It is therefore considered that access to the holiday flat will be maintained even during loading and unloading at the theatre.

7.6 Other Issues

- 7.6.1 No drainage or flood risk issues identified.
- 7.6.2 No ecological impacts would result and no trees would be affected.
- 7.6.3 Air, land and water quality would be unaffected and the site would not be expected to be at undue risk from such.
- 7.6.4 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).

- 7.6.5 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.
- 7.6.6 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.
- 7.6.7 As a holiday flat a contribution for trees is not required from this development.

7.7 Sustainability and planning balance appraisal

- 7.7.1 Sustainability comprises economic, environmental and social components.
- 7.7.2 Economically the scheme would have a very limited impact but a new holiday flat would help to support local shops, services and the tourism industry and some employment would be generated during conversion and through its servicing.
- 7.7.3 Environmentally, the external alterations would be minimal and acceptable, there would be no detrimental impact on drainage and environmental quality and biodiversity would not be materially affected.
- 7.6.4 Socially, the space standards are met in all areas and the proposal will support the Council’s regeneration objectives for the area. The proposals would offer an adequate level of amenity for occupants and would not compromise the continued occupation of the Grand Theatre as a valuable community facility. No impacts on highway safety or flood risk are anticipated.

8.0 FINANCIAL CONSIDERATIONS

- 8.1 This is not a material consideration in the planning balance.

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 priorities by creating new holiday accommodation in the town centre.

10.0 CONCLUSION

- 10.1 The proposal would provide new holiday accommodation within the town centre in accordance with the council’s regeneration aims. The accommodation would be of a good standard and subject to a condition requiring mitigation measures to be implemented in relation to noise it is not considered The Grand Theatre activities would have an

unacceptable impact on the use or vice versa. The scheme is therefore 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 20th December 2022

Proposed site layout plan ref. JBA611-PL-003

Proposed elevations plan ref. JBA611-PL-007 Rev B

Proposed site layout plan ref. JBA611-PL-006 Rev D

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 external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 4 (a) The holiday flat/maisonette shall be occupied until all of the internal and external alterations shown on the approved plans have been carried out in full and in full accordance with the approved details.

(b) The layout of the accommodation shall thereafter be retained as approved unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation provides an adequate standard of residential amenity to improve the external appearance of the property and ensure that it has appropriate residential character in accordance with Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies DM5 and DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027, and the Council's New Homes from Old Places Supplementary Planning Document 2011.

- 5 The accommodation shall be used for serviced holiday accommodation only within the category of sui generis and for no other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended. For the avoidance of doubt, the accommodation shall at no time be occupied on a permanent basis or by persons who are not on holiday. A person is considered to be on holiday where the duration of the stay does not exceed 30 days.

Reason: The accommodation is unsuitable for permanent occupation due to the necessity for noise mitigation measures that require alternative ventilation to opening windows. In addition the development lacks any outdoor space or storage space and no contribution towards public open space provision has been secured. As such this condition is necessary to accord with Policies CS7, CS12, CS13, CS21 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM5 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027, the Holiday Accommodation Supplementary Planning Document and the Council's New Homes from Old Places Supplementary Planning Document.

- 6 (a) The use hereby approved shall not commence until a board displaying management contact details for the property has been displayed in accordance with the submitted Management Plan. This board shall thereafter be retained and maintained for so long as the use hereby approved is operational.

(b) The use hereby approved shall at all times operate in full accordance with the approved Management Plan unless otherwise first submitted to and agreed in writing by the Local Planning Department.

Reason: In order to ensure that the accommodation is properly operated; to ensure that other visitors and local residents have a recourse in the event of any disturbance; and in order to safeguard nearby residential and visitor amenity and the character and function of the area. This is in accordance Policies CS7, CS12, CS17 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM5 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 7 The holiday flat hereby approved as marked on the approved plans, the following number of bed-spaces shall not at any time be exceeded other than through the provision of travel cots for infants:

Flat 1 – 10 bedspaces

For the avoidance of doubt, sofa-bed provision counts as a bed-space provision and lounge and kitchen spaces should not be used for sleeping.

Reason: The communal spaces serving the flats hereby approved are of insufficient size to support occupation beyond that listed above, the use of lounge and kitchen spaces for sleeping presents a fire safety risk for occupants, and occupation above that listed above would result in overly intensive use of the property to the detriment of the amenity of nearby neighbours and visitors and the character and function of the immediate area. As such this condition is required in accordance with the provisions of Policies CS7, CS12, CS21 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies DM5 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027, and the Council's New Homes from Old Places SPD.

- 8 The flat roofed section of the building shall not be used for any purpose other than for maintenance or as a means of escape in the event of an emergency. No part of it shall be used as a roof terrace at any time.

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 9 Notwithstanding any information shown on the approved plans the noise mitigation measures as detailed in the Acoustic Survey and Assessment (Report No: 2470-1 Dated May 2023) shall be implemented in full before the use hereby approved is first commenced and shall thereafter be retained and maintained as such.

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 10 Before the development hereby approved is first brought into use the refuse storage shown on plan ref. JBA611-PL-006 Rev D shall be provided and shall thereafter be retained and maintained as such.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 11 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- Working hours and days
- Hoardings/fencing
- Loading and unloading of waste and materials
- Any requirements for standing plant or other occupation of parts of the highway

The construction of the development shall then proceed in full accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This condition is required to be discharged prior to commencement in order to ensure that the development proceeds without causing undue harm to residential amenity, highway safety or the quality of the environment.