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Blackpool Council

26 February 2016

To: Councillors I Coleman, Critchley, Elmes, Hutton, Maycock, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 8 March 2016 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2016 (Pages 1 - 14)

To agree the minutes of the last meeting held on 9 February 2016 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 15 - 22)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 23 - 26)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager – Public Protection.

5 PLANNING APPLICATION 15/ 0702 - LIDL UK GMBH, 4 ANCHORSHOLME LANE WEST
(Pages 27 - 36)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

6 PLANNING APPLICATION 15/0842 - LAND BOUNDED BY STIRLING ROAD, MATHER STREET, COLLINGWOOD AVENUE AND REAR OF ADDISON CRESCENT (QUEENS PARK AND LAYTON RECREATION GROUND)
(Pages 37 - 58)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

7 PLANNING APPLICATION 15/0859 - LAND BOUNDED BY CORONATION STREET, ADELAIDE STREET AND TOWER STREET
(Pages 59 - 82)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

8 PLANNING APPLICATION 15/0868 - BLACKPOOL ZOO, EAST PARK DRIVE (Pages 83 - 98)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman
Critchley

Elmes
Hutton

Maycock
Stansfield

In Attendance:

Mr Gary Johnston, Head of Development Management

Mrs Carmel White, Chief Corporate Solicitor

Mrs Bernadette Jarvis, Senior Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 12 JANUARY 2016

Resolved: That the minutes of the meeting held on 12 January 2016 be signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee considered a report outlining details of planning and enforcement appeals lodged and determined since the last meeting.

Resolved: To note the planning and enforcement appeals lodged and determined.

Background papers: (1) Letter from the Planning Inspectorate dated 8th January 2016.
(2) Letter from the Planning Inspectorate dated 20th January 2016.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report summarising planning and enforcement activity within Blackpool during December 2015.

Resolved: To note the outcomes of the cases set out in the report and to support the actions of the Service Manager, Public Protection in authorising the notices.

5 PLANNING APPLICATION 15/0228 - 6-8 CARLIN GATE

The Committee considered application 15/0228 for the use of premises as four self contained permanent flats with associated landscaping/car parking and works following demolition of existing rear extensions and alteration to existing garage.

Mr Johnston, Head of Development Management presented the Committee with a brief

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outline of the application and site layout plans for the proposed development. He reminded Members that the Committee, at its last meeting, had agreed to defer consideration of the application until this meeting to allow the Head of Development Management to consider and formulate any conditions which might address the concerns that had been raised by the Committee. Mr Johnston advised that amendments had been made to the wording of proposed conditions 7, 8 and 11 and referred Members to the applicant's agent's response to the amended conditions that had been included in the Update Note.

Mr Johnston confirmed his view that the principle of the conversion as outlined in the application was acceptable. He also considered that the flats would not have a significantly detrimental impact on the amenity of the nearby residents.

Mr Cove, public objector, spoke in objection to the application.

Following invitation by the Chairman, Mr Johnston responded to the objector's disagreement of his interpretation of Policy BH24 by accepting that whilst Policy BH24 did limit the properties for C2 Use to no more than 10%, the clear inference of the Policy was to protect the character and amenities of the street frontage and in his opinion the proposed development would not conflict with this aim.

Several Members also expressed concerns at the potential for the development to be used by residents of the nearby nursing home and requested assurances that if permission was granted for the development that the boundary wall separating the proposed development from 4 Carlin Gate would be retained at its current height and not be breached and that no gates or steps would be provided to allow access between the two properties. Mr Johnston confirmed that a condition to prevent the breach of the boundary wall between the proposed development and 4 Carlin Gate could be imposed should permission be granted and referred Members to suggested condition 11.

Resolved: That the application be approved, subject to the conditions contained in the report and an additional condition being imposed to prevent a breach of the boundary wall between 4 and 6 Carlin Gate, for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

6 PLANNING APPLICATION 15/0229 - REAR GARDEN AREA TO 6-8 CARLIN GATE

The Committee considered application 15/0229 for the use of land as a communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

Mr Johnston, Head of Development Management presented the Committee with a brief outline of the application and site layout plans for the proposed development. He confirmed his view that the proposed development was in accordance with the intent of Policy BH24 of the Blackpool Local Plan which sought to retain the residential character of the street frontage. He reminded Members that the Committee, at its last meeting, had agreed to defer consideration of the application until this meeting to allow the Head of Development Management to consider and formulate any conditions which might address the concerns that had been raised by the Committee. He advised Members of an

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amendment to condition 5 and a further condition added as Condition 6 and referred to the applicant's agent's response to the amended conditions that had been included in the Update Note. Mr Johnston also referred Members to the response from Environmental Protection regarding complaints relating to the noise from the residents of St Stephens Avenue.

Mr Cove and Mrs Singleton, public objectors, spoke in objection to the application.

The Committee noted the concerns raised by the public objectors which included a conflict with Policy BH24 of the Local Plan, an enlargement of the nursing home and the impact on neighbouring residents. They also noted the objectors' comments relating to numerous complaints made by residents to the Care Quality Commission and the Police regarding the noise from the nursing home. On invitation by the Chairman, Mr Johnston outlined the distances between the application site and neighbouring properties. He reiterated his view that the proposed development would not conflict with Policy BH24 of the Local Plan as its intent was to ensure that care homes would be distributed throughout the Borough to best meet the needs of residents and to retain the residential character of the street frontage.

The Committee considered the merits of the application and the representations made by all parties. It had regard to Mr Johnston's view that the proposed development, if approved, would not impact significantly on the amenities of nearby residents and would retain the character of the street frontage and therefore not conflict with Policies BH24 and BH3 of the Blackpool Local Plan. However, the Committee was satisfied that on balance, and notwithstanding the information provided by Environmental Protection, nearby residents were already impacted by noise generated from the residents of the neighbouring care home and that the proposed development, if approved, would further and significantly increase this impact.

The Committee concluded that the proposed development would conflict with Policies BH24 and BH3 of the Blackpool Local Plan in respect of its impact on the amenities of the nearby residents and that this conflict would outweigh any potential benefits from the development.

Resolved: That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

7 PLANNING APPLICATION 15/0394 - 138 STONY HILL AVENUE

The Committee considered application 15/0394 for the erection of eight two-storey semi detached dwelling houses and one detached bungalow with associated access road, car parking, landscaping and boundary treatment, following demolition of existing building.

Mr Johnston, Head of Development Management presented the Committee with a brief outline of the application and site layout plans for the proposed development. He reported on pre-application discussions with the applicant during which he had suggested that the applicant consult with local residents. He also advised Members that outline planning permission had been granted previously for the redevelopment of the site for six

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houses which had received no objections. Mr Johnston reminded Members that the Committee, at its meeting in December 2015, had deferred consideration of the application following a late submission of comments from the Highways department. He reported on amendments to the scheme that had been made by the applicant since then which included a reduction in the number of properties from 10 to 9 and changes to the design of the properties and a widening of the access road.

Mrs Lavelle, public objector spoke in objection to the application.

Mr Hadwin, the applicant's agent, spoke in favour of the application.

Councillor Humphreys, Ward Councillor, spoke in objection to the application.

The Committee considered the merits of the application and the representations made by all parties. In response to a request from the Chairman, Mr Johnston clarified the distances between the properties in the proposed development to neighbouring properties. He also confirmed that each property would have a driveway which could accommodate two cars with the potential for additional parking spaces if required and as such his view was that the level of parking associated with the development was considered acceptable.

A Member of the Committee raised concerns that the presence of an undercroft between two properties and the principle of building properties to the rear of other properties was not in keeping with the character of the area and represented an overintensive development for the size of the site. Further concerns raised included an increase in parking problems due to the potential number of cars that would result from the properties.

The Committee noted that the existing trees were not the subject of a Tree Preservation Order and therefore any comments relating to their removal were irrelevant to the application and should be disregarded. The Committee also disregarded all claims made surrounding work previously undertaken to trees at the site.

Resolved: That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

8 PLANNING APPLICATION 15/0747 - 170 PRESTON NEW ROAD

The Committee considered application 15/0747 for the erection of residential development in the rear garden of 170 Preston New Road.

Mr Johnston, Head of Development Management presented the Committee with a brief outline of the application and site layout plans for the proposed development. He advised Members that the principle of developing the site for residential purposes had been established in the past but that the planning permission had since lapsed. A recent application for 13 dwellings had been withdrawn prior to Committee following a recommendation for refusal and as a result the applicant had submitted a subsequent outline application which sought to re-establish the principle of residential development

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on the site. Mr Johnston advised the Committee that the property was a locally listed building and contained a number of trees which were the subject of a Tree Preservation Order, although permission had been given for some of the trees to be removed and re-planted. He confirmed that the layout and number of properties would be dealt with at Reserved Matters stage.

A Member of Committee voiced the concerns raised by residents of Carson Road regarding the potential impact of any proposed development, particularly in relation to increased highway and parking issues. Other Committee Members raised similar concerns although it was accepted that these issues could be dealt with at Reserved Matters stage.

The Committee agreed that they had no objection in principle to the development providing that any future application that dealt with Reserved Matters would be brought back to Committee for its consideration.

Resolved:

1. That the application be approved, subject to the conditions contained in the report and for the reasons set out in the appendix to the minutes.
2. That any subsequent application for Reserved Matters approval at the site be submitted to the Committee for consideration.

Background papers: Applications, plans and replies to consultations on the application.

Chairman

(The meeting ended 7.18 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Adviser
Tel: (01253) 477212
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Application Number: 15/0228 – 6-8 Carlin Gate, Blackpool- Use of premises as four self contained permanent flats with associated landscaping/car parking and works following demolition of existing rear extensions and alteration to existing garage.

Decision: Grant Permission

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 on 31 July 2015 including the following plans:

- Location Plan stamped as received by the Council on 31 July 2015
- Drawing numbered 2200.12 stamped as received by the Council on 03 December 2015

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3.
 - a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.
 - b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)
 - c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

5. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

6. Prior to the development hereby approved being first brought into use the secure cycle storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

7. No flat shall be occupied until all of the external alterations (including car parking, cycle storage, bin storage, garden area for the flats, fencing, dwarf wall, landscaping) and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and all of the external alterations (including car parking, cycle storage, bin storage, garden area for the flats, fencing, dwarf wall, landscaping) hereby approved shall thereafter be retained for the benefit of the occupiers of the flats.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential

premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

9. A dwarf wall or other means of enclosure shall be retained or erected along the frontage of the premises and details of materials and design of such means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details prior to the development hereby permitted being first brought into use. Such means of enclosure shall thereafter be retained.

Reason: In the interests of appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

10. Before the flats are first occupied an acoustic wall or fence of a location, extent, height and type to be agreed in writing by the Local Planning Authority shall be erected on the northern boundary of the garden area/car parking area for the flats and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the amenities of the residents of the flats in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

11. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the flats hereby approved shall only be occupied by people for whom it is their sole or main residence and shall not be used for staff accommodation in association with the care homes at 4 Carlin Gate, 4 St Stephens Avenue and 3 St Stephens Avenue nor for any other purpose within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: To safeguard the character and appearance of the area and the amenities of the occupiers of neighbouring properties in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016

12. The wall along the boundary with 4 Carlin Gate shall be retained at its current height and at no time shall any gate or opening be created in the wall.

Reason: To retain the separation between the care home and residential uses in Carlin Gate in accordance with Policy BH24 of the Blackpool Local Plan 2001-2016.

Application Number: 15/0229 – Rear Garden Area to 6-8 Carlin Gate, Blackpool - Use of land as communal garden in association with existing rest homes at 4 St Stephens Avenue and 4 Carlin Gate following demolition of existing rear extensions at 6-8 Carlin Gate.

Decision: Refuse

Reasons:

1. The proposed development would be contrary to paragraph 17 of the National Planning Policy Framework and Policy BH24 of the Blackpool Local Plan 2001-2016 in that it would lead to an extension of the care home uses at 4 Carlin Gate and 4 St Stephens Avenue onto adjacent residential land and the extent of that encroachment would be detrimental to the character, appearance and amenity of the surrounding area.
2. The proposed use of the land as a garden area for the care homes at 4 Carlin Gate and 4 St Stephens Avenue, which have some 71 residents, would be detrimental to the amenities of the surrounding residential occupiers by reason of noise and disturbance associated with the use. As such the proposed use would be contrary to paragraph 17 of the National Planning Policy Framework and Policies BH3 and BH24 of the Blackpool Local Plan 2001-2016
3. ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 - which justify refusal

Application Number: 15/0394 – 138 Stony Hill Avenue, Blackpool - Erection of eight two storey semi detached dwellinghouses and one detached bungalow with associated access road, car parking, landscaping and boundary treatment, following demolition of existing building.

Decision: Refuse

Reasons:

1. The proposed development is considered to be overintensive for the size of the site and out of character with the area in which the site is located. As such the proposed development would be contrary to paras 17 and 58 of the National Planning Policy Framework, Policies LQ2 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy.

2. ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework and National Planning Policy Framework, Policies LQ2, BH3 and HN7 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan: Part 1 - Core Strategy which justify refusal.

Application Number: 15/0747 – 170 Preston New Road, Blackpool - Erection of residential development in rear garden.

Decision: Grant Permission

Conditions:

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
 - Layout
 - Scale
 - Appearance
 - Access
 - Landscaping
- ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 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 on 24 November 2016 including the following plans: Drawing number B14-1438.01 (site location plan).

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. No vehicular or pedestrian access/egress shall be obtained from/to Preston New Road.

Reason: In the interests of highway safety and in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016.

4. The reserved matters application(s) pursuant to this outline planning permission shall include a scheme to secure the provision of on-site open space, or improvements to off-site open space, together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policies BH3 and BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

5. 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:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways, including a hard standing area of 15 m for wheel washing facilities.
- the routeing of construction traffic.

The construction of the development shall then proceed in 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 Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. No site clearance, preparation or development work shall take place until a fully detailed scheme for the identification and protection of wildlife species, hedges and Tree Preservation Order'd trees has been submitted to and agreed in writing by the Local Planning Authority. No clearance shall be carried out between 1st March and 31st October inclusive in any one year unless surveys by a competent ecologist show that nesting birds would not be affected. Development shall be

carried out in accordance with the approved scheme.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife & Countryside Act 1981 (as amended).

7. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system to surface water. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure proper drainage and to manage the risk of flooding and pollution to water resources and in accordance with Policies BH4 and NE10 of the Blackpool Local Plan 2001-2016.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy NE10 of the Blackpool Local Plan 2001 – 2016 and the National Planning Policy Framework.

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Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	8 th March 2016

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 12-26 BACK LORD STREET, BLACKPOOL, FY1 2BG (15/0085)

5.2.1 An Appeal by Mr Stephen Mulberry against the Council's refusal to grant outline

planning permission for residential development of 3 dwellings at 12-26 Back Lord Street. Appeal dismissed.

5.2.2 The Inspector considered the main issues to be:

- The effect of the proposed development on the living conditions of nearby residential occupiers and future occupiers of the dwellings in terms of light, privacy and outlook;
- Whether adequate parking provision would be made to meet the needs of the development;
- Whether the proposal would provide acceptable access for future occupiers.

5.2.3 Living Conditions

The proposed dwellings would be three storeys high and the Inspector considered that the new buildings would appear higher and more overbearing to the occupiers of the existing properties facing onto the proposed dwellings and the houses in High Street in particular would be quite close to the new structures. Because of the height and mass of the new houses and the orientation of the properties, the occupiers of some of the nearby dwellings close to the appeal site would experience an unacceptable loss of light and outlook. With regards to privacy, there would be oblique views from the first and second floor window of the proposed dwellings to the windows of the adjoining houses and vice-versa. Similarly, the gardens of the two end houses would be overlooked from the surrounding dwellings. There is generally a certain amount of inter-visibility between properties in close knit urban situations such as this. However, in this case it would be at close quarters such that he felt there would be an unacceptable sense of being overlooked for both existing residents and future occupiers of the new houses. He concluded that the proposed development would offer unsatisfactory living conditions for existing and future occupiers in terms of light, outlook and privacy.

5.2.4 Parking

Overall, he considered that the level of parking proposed would be acceptable to serve the needs of the proposed development.

5.2.5 Access for Future Occupiers

From the representations it was evident to the Inspector that the gates are closed at night for security. Also they are not electronically operated and the appellant has no control over them. He considered that the current arrangement would be unsatisfactory as the only means of access to the proposed houses as it would be difficult for visitors or delivery personnel to get access to the dwellings, especially during the evenings, and access could also be difficult for disabled people and young

children.

5.2.6 The Inspector accepted that the gates were put in because of persistent issues of crime and disorder (the Police Architectural Liaison Officer provided some figures to support this). Nearby residents were concerned about increased crime if the gates were to be removed or left open at night. The Council stated that Under the Clean Neighbourhood and Environment Act, a local authority is restricted from pursuing a gating order where a property's primary means of access is through a gated alley and the gates would have to be removed if houses were developed in the street. The Inspector had nothing before him to show that this would not be so and considered that the likely increase in crime as a result would be to the detriment of the amenity of both the nearby residents and the future occupiers. He concluded that the proposed development would not provide safe and convenient access for future occupiers.

5.3 **LAND AT FERNBANK, DIVISION LANE, BLACKPOOL, FY4 5DZ (14/0866)**

5.3.1 An Appeal by Mr Phil Hough against the refusal of planning permission for the use of disused storage building as a single dwelling on land adjacent to Fernbank, Division Lane. Appeal dismissed.

5.3.2 An application for costs was made by Mr Phil Hough against the Council. This application is the subject of a separate decision.

The Inspector considered the main issues to be:

- Whether the residential use would constitute sustainable development in the context of local and national planning policies; and,
- The effects of the appeal scheme on the character and appearance of the area.

5.3.3 Residential use

As the proposed dwelling would not be attached to any existing or proposed agricultural or horticultural uses, he considered it would be at variance with both Policies NE2 and CS26. Whilst the appeal site is in a location that is not particularly accessible by means other than the private car, he did not feel that it was an isolated location and so did not consider it an exception in terms of paragraph 55 of the NPPF regarding policies on isolated dwellings.

5.3.4 Moreover, it was unclear whether the building has ever actually been in an authorised use for it to be redundant from, as the building only had permission for

stables; but both internally and externally, it had the character of a residential structure. He was not persuaded, in any event, that any of the exceptions in paragraph 55 would apply even if he was to consider it an isolated site within the countryside.

5.3.5 He also considered the wider rural policies in the NPPF in paragraph 28. However, there was no evidence submitted by the appellant to show how a proposal of this scale would have a significantly beneficial effect on the rural economy, tourism or services, which would outweigh the conflicts with the development plan.

5.3.6 On the principle of residential use, he concluded that the appeal scheme's minimal effects in terms of the rural economy; the site's limited accessibility indicative of a low level of environmental and social sustainability; and its variance with Policies NE2 and CS26 meant that the proposal would not constitute sustainable development and thus would be at odds with the objectives of local and national planning policy.

5.3.7 Character and appearance

The Inspector considered that the development would introduce a scale of domestic use that would be wholly unusual in the immediate surrounding area, which is characterised by larger dwellings in generous plots and would constitute an incongruous feature in the immediate surroundings. He felt that its character would change from that of an ancillary building serving an equestrian use, to a small dwelling in a plot size unlike any other in the immediate surroundings, with its attendant domestic paraphernalia. He considered that the orientation and relationship with its surrounding buildings would be incongruous and unsympathetic to the wider character of the area, and would constitute the ad hoc and sporadic residential development that local policies seek to control. The proposal would thus be harmful to the wider character of the area.

5.4 LAND BOUNDED BY FISHERS LANE, COMMON EDGE ROAD AND ECCLESGATE ROAD, BLACKPOOL (14/0723)

5.4.1 An Appeal by Newfield Construction Ltd against the refusal of planning permission for residential development of eight detached and semi-detached dwellings and associated infrastructure on land adjoining Fishers Lane and Common Edge Road. Appeal dismissed.

5.4.2 An application for costs was made by Newfield Construction Ltd against the Council. This application is the subject of a separate decision.

5.4.3 The Inspector considered the main issues to be:

- The effect of the proposed development on the setting of the listed buildings

at 1 and 2 Fishers Lane and whether the proposal would harmfully affect the structural integrity of those buildings;

- The effect of the proposal on the character and appearance of the surrounding area;
- Whether the proposed development would have any impact on flooding;
- The planning balance.

5.4.4 Impact on listed buildings and their setting

The Inspector considered that the appeal scheme would introduce a suburban form of development on this open land in front of the cottages and would erode some of the significance imparted by the link between the cottages and their original purpose in farming the land. He felt that the introduction of new two storey houses in close proximity would harm the significance of the link between buildings and land in a way which would cause harm to the setting of the buildings. However, he felt that the harm was not substantial as some open land would be retained and some views towards the cottages would still be possible from the south.

5.4.5 Nonetheless, he found the suburban two storey nature of the proposed development would be at odds with the single storey simplicity of the cottages. The interrelationship would be uncomfortable and, in his judgement, too close to be successful. The facing gables of the semi detached houses would interfere with the open aspect of the cottages in a way which would reduce the significance of the relationship between the cottages and the Moss.

5.4.6 Overall he considered that the proposal would impart less than substantial harm to the setting of the listed buildings in that it would interfere with the relationship between the cottages and the remnant of the Moss to the south, thereby reducing the significance of that relationship. Although the level of harm would not fall into the category of substantial it would still be considerable. This level of harm must carry substantial importance and weight.

5.4.7 He also noted the concerns expressed in relation to the possibility of harm being caused by the installation of pile foundations, any vibration or ground disturbance. However he was satisfied that the expert reports gave sufficient comfort to reach a conclusion that this is an unlikely eventuality.

5.4.8 Character and Appearance

The Inspector found that the appeal site was within an area of transition between purely urban form (to the west) and the increasing openness of the Moss (to the east). In the context of the sporadic development nearby, the small housing estates to north and west, and the generally urban feel adjacent to Common Edge Road, he felt that some development of the appeal site would not be incongruous. The land

beyond and further into the Moss would be unaffected and would retain the character of the Moss. Views towards the Moss are already restricted and the development would make little difference in that respect. He considered that there would be no more than a slight to moderate impact on the existing character of the area and a similar magnitude of visual impact and was satisfied that, taken on its own, the proposed development would not be unacceptably harmful to the character and appearance of the area and the retained open space would be a beneficial feature of the development. In reaching this conclusion, he considered it separately and in isolation from his conclusions on the setting of the listed buildings.

5.4.9 Flooding

Whilst he paid due respect to the local knowledge of Councillors and local residents, there were no objections from the relevant authorities to the proposal on the basis that it had been agreed that a drainage scheme could be designed to adequately serve the development. He was satisfied that it would be possible to avoid any unacceptable flooding issues as a result of this development.

5.4.10 The Planning Balance/Conclusion

The Inspector found harm to the setting of listed buildings and this matter carries considerable importance and weight even though the harm would be less than substantial. His duty under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required him to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. The NPPF makes it clear that great weight should attach to the conservation of a heritage asset and that significance can be harmed through alteration or destruction of the asset or its setting. Any harm or loss should require clear and convincing justification.

5.4.11 The NPPF makes clear that sustainable development has three strands. There is no real dispute about the economic and social strands in this case – the proposal would provide some economic benefit and the benefit of new housing. However, he could not find that the development would meet the terms of the environmental strand. The harm to the setting of the listed buildings precludes such a finding. He concluded therefore, that the proposal did not benefit from being sustainable development in NPPF terms. Taking the case in the round, whilst he was satisfied that the lack of harm to the character and appearance of the area, and the reassurance on technical matters such as flooding, foundation piling and traffic is important, in his judgement the great weight attaching to the harm to the setting of the listed buildings is not outweighed by the merits or benefits of this proposal.

6.0 Planning/Enforcement Appeals Lodged

6.1 15 KING STREET, BLACKPOOL, FY1 3EJ (15/0345)

6.2 An appeal has been submitted by Mr F Omasan against the Council's refusal of planning permission for the use of first floor of premises as a restaurant/bar within Use Class A3.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 **Background papers:**

13.1 None

Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Cogan, Service Manager, Public Protection
Date of Meeting:	8 th March 2016

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during January 2016.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Cases

5.2 New cases

In total, 33 new cases were registered for investigation, compared to 77 received in January 2015.

5.3 Resolved cases

In January 2016, 18 cases were resolved by negotiation without recourse to formal action, compared with 13 in January 2015.

5.4 Closed cases

In total, 29 cases were closed during the month (22 in January 2015). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

5.5 Formal enforcement notices / s215 notices / BCNs

- One enforcement notice authorised in January 2016 (one in January 2015);
- No s215 notices authorised in January 2016 (five in January 2015);
- No Breach of Condition notices authorised in January 2016 (one in January 2015).

- One enforcement notice served in January 2016 (two in January 2015);
- Eight s215 notices served in January 2016 (four in January 2015);
- No Breach of Condition notices served in January 2016 (none in January 2015);

relating to those cases set out in the tables below:

5.6 Enforcement notices / S215 notices authorised in January 2016

Ref	Address	Case	Dates
15/8411	151 Reads Avenue	Unauthorised sub-division of former single ground floor flat used for permanent residential use and its amalgamation with the former ground floor storage area to create 2 no. self-contained flats and use as permanent residential accommodation	Enforcement action authorised 18/01/2016

5.7

Enforcement notices / S215 notices served in January 2016

Ref	Address	Case	Dates
15/8094	19 Wall Street	Poor condition	Section 215 notice issued 18/01/2016. Compliance due 26/05/2016 unless an appeal is lodged with the Magistrates Court by 26/02/2016
15/8288	233-235 Dickson Road	Poor condition	Section 215 notice issued 18/01/2016. Compliance due 26/05/2016 unless an appeal is lodged with the Magistrates Court by 26/02/2016
15/8370	81 Annesley Avenue	Poor condition	Section 215 notice issued 18/01/2016. Compliance due 26/05/2016 unless an appeal is lodged with the Magistrates Court by 26/02/2016
15/8534	17 Bryan Road	Poor condition	Section 215 notice issued 18/01/2016. Compliance due 26/05/2016 unless an appeal is lodged with the Magistrates Court by 26/02/2016
14/8378	247 Central Drive	Poor condition	Section 215 notice issued 20/01/2016. Compliance due 01/06/2016 unless an appeal is lodged with the Magistrates Court by 01/03/2016
15/8212	53a Albert Road	Poor condition	Section 215 notice issued 20/01/2016. Owners complied immediately
15/8586	First Floor Flat, 70 St Annes Road	Poor condition	Section 215 notice issued 20/01/2016. Compliance due 29/03/2016 unless an appeal is lodged with the Magistrates Court by 29/02/2016
14/8664	14a Miller Street	Poor condition	Section 215 notice issued 29/01/2016. Compliance due 07/06/2016 unless an appeal is lodged with the Magistrates Court by 07/03/2016
15/8399	35 Maplewood Drive	Unauthorised erection of a boundary treatment consisting of close boarded wooden fencing adjacent to a highway, namely Melton Place, exceeding one metre in height	Enforcement notice issued 25/01/2016. Compliance due 07/05/2016 unless an appeal is lodged with the Planning Inspectorate by 07/03/2016

Does the information submitted include any exempt information?

No

5.8 List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

COMMITTEE DATE: [08/03/2016](#)

Application Reference: 15/0702

WARD: Anchorsholme
DATE REGISTERED: 12/11/15
LOCAL PLAN ALLOCATION: Main local centre

APPLICATION TYPE: Full Planning Permission
APPLICANT: Lidl

PROPOSAL: Use of existing temporary egress and servicing access/exit onto Fleetwood Road as permanent egress from amended supermarket car park.

LOCATION: LIDL UK GMBH, 4 ANCHORSHOLME LANE WEST, BLACKPOOL, FY5 1LY

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

SUMMARY OF RECOMMENDATION

Approval is recommended to allow permanent use of the egress onto Fleetwood Road by customers using the store. This current application also originally sought permanent use as an access as well as egress by store customers although this was subsequently removed from the application due to highways concerns.

INTRODUCTION

A temporary planning permission was granted in October 2014 until October 2016 under planning permission 14/0519 for the use of the servicing access from Fleetwood Road as an egress from the car park for customers in order to relieve congestion at the junction of Anchorsholme Lane West and Fleetwood Road.

In addition to providing customer access/ egress to the store, Anchorsholme Lane West also serves surrounding residential property and is used by construction vehicles undertaking sea defence works and the current works within Anchorsholme Park being undertaken by United Utilities.

SITE DESCRIPTION

The single storey Lidl store is located adjacent the junction of Fleetwood Road (A587) and Anchorsholme Lane West forming part of a Local Centre as designated within the Blackpool

Local Plan. The store was constructed following the granting of planning permission (reference 95/0019 on 31 July 1995) and had been previously extended on the Fleetwood Road elevation under planning permission 09/1302 adding a further 250sqm of floorspace to give an extended store size of 1349sqm. A much more recent planning permission reference: 14/0827 involved a further extension to the Fleetwood Road elevation of the building to form additional 'back of house' facilities (bakery preparation, freezer compartment and warehouse) measuring 50 metres by 5 metres which resulted in the re-arrangement of the car parking area to accommodate the extension with the loss of one of the parking aisles. Although there was no net loss of parking spaces from the car parking area as part of this application with a total of 81 spaces shown as being available for staff and customers of the store. The recently completed extension gives a total floorspace of 1594 sqm within the store. The car park is actually laid out slightly differently from the approved layout and includes seven spaces adjacent the side boundary of 6 Anchorsholme Lane West rather than the six spaces shown on the approved plan.

The store is bounded to the side and rear by residential properties fronting Fleetwood Road and Cherrywood Avenue and has access/ egress to and from the customer car park from Anchorsholme Lane West and access to the service area from Fleetwood Road. The servicing access/egress is also being used temporarily until October 2016 as a customer egress for a period of two years whilst sea defence and flood prevention works at Anchorsholme are underway to reduce pressure off the junction of Fleetwood Road and Anchorsholme Lane West created by construction vehicles.

DETAILS OF PROPOSAL

Continued use of existing temporary customer egress onto Fleetwood Road as a permanent arrangement. An application for the proposed demolition of 6 Anchorsholme Lane West, which is a two storey detached house located immediately to the west of the store access, and re-configuration of the parking spaces within this area to provide an additional 10 spaces to give a total of 91 car parking spaces for the Lidl store reference: 15/0702 has recently been withdrawn.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Impact on Residential Amenity
- Highway Safety, Parking and Servicing Arrangements
- Any Other Issues

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

CONSULTATIONS

Head of Transportation: I see little point in converting this to one that gives as an additional access point into the car park as users are unlikely to go past the existing access

only to come back on themselves. Regarding the egress I can see the merits and no strong objection in making this permanent.

I would like to understand better how servicing will be managed (if this proposal goes ahead) due to the movement of private vehicles in opposite directions. A rationale to be provided for the installation of the drop-down bollards and the use. A review of the existing signage to be undertaken, within the car park and for the signage installed when the temporary egress point was constructed.

Agents Response: In connection with the application to make the temporary egress onto Fleetwood Road permanent. I have responded to your comments in the order provided, as follows:

- We agree that the secondary access point is most suitable for an egress only for customers onto Fleetwood Road
- Since there is no intention to allow customers to enter the site from Fleetwood Road from the secondary access point, there can be no risk of cars following an HGV and having to stop and wait for the vehicle to manoeuvre. A Lidl store typically generates around two to three HGV movements per day maximum. The threat to the operation of Fleetwood Road if an HGV needs to slow and allow a customer to exit the site before entering is negligible.
- The bollards have been left on the plan in error. The revised plan is attached at SCP/15125/E01/Rev A
- There are currently no entry signs painted on the car park at the secondary access to prevent customers from accessing the car park from Fleetwood Road. The client is open to suggestions for any additional signage required to prevent customers from turning in to the site.

Latest highway comments: The temporary egress point for private vehicles onto Fleetwood Road has been in place for some time, it works with the existing set-up. The current signage available is sufficient as private vehicles will not be accessing the site from this point. If the foodstore operator finds there is a problem with this in the future, he can, at his discretion, place additional signage/markings within the car park.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 20 November 2015

Neighbours notified: 13 November 2015 and 26 January 2016

Letters of objection have been received from 350, 354 and 360 Fleetwood Road on the following grounds:-

- We were promised this customer exit would only be a temporary arrangement and retractable bollards would be in place when the store was closed to prevent rat running. When cars are exiting the car park they only look right on Fleetwood Road they are not looking for cars reversing out of their driveways. It's a pity Lidl do not consider their neighbours for once.

- This permission was only granted on a temporary basis whilst the building work was taking place, and the road safety concerns around the use of the exit on Fleetwood Road which we have raised on several previous occasions still remain; indeed, they have grown significantly worse since more shoppers who are unfamiliar with the area have started visiting the expanded store.
- I would ask you to consider the significant dangers which the ability of cars to exit from the car park directly on to Fleetwood Road now poses for ourselves and our near neighbours at 350, 352, 356 and 358. On several occasions when we have slowed down to enter our drives, vehicles have sped out of the exit after checking for traffic coming on their right and almost driven into the back of our cars, as they clearly do not expect to encounter very slow moving traffic turning right immediately in front of them and this is obviously much worse in the dark winter months. Likewise, there are now times over the weekend when we almost find it impossible to leave our drives due to their no longer being any break in the flow of traffic when the lights at the junction with Anchorsholme Lane are on red, because this just allows a stream of shoppers from Lidl to exit on to Fleetwood Road.
- Should these arrangements remain in place then you will just be allowing an accident to happen at some point in the near future and I would ask you to investigate and consider the significant road safety problems this poses for those of us who live adjacent to the Fleetwood Road car park exit which should be an entrance only for non-HGV delivery vehicles, with all car park traffic having to exit on to Anchorsholme Lane.
- As a local resident who lives close to the proposed new access, I am concerned that this will cause increased constant traffic (as opposed to being controlled by the current traffic lights at the junction). I already have difficulty in getting in and out of my drive with my car and only today was narrowly missed by another car trying to overtake when I was indicating to pull in. Having an additional junction will only make matters worse.
- Other issues are that there will be increased noise levels as a result of the traffic becoming constant, instead of controlled by traffic lights and there will be added risks to local pedestrians trying to cross an already busy main road.

Cllr Tony Williams: My grounds are that Lidl have a clear record of being un-cooperative and have not upheld stipulations made in their original planning application for this site. They have a history disregarding planning regulations including the large sign erected without permission. I also uphold Cllr Galley's concerns in regard to additional traffic problems at an already busy and congested junction.

Cllr Paul Galley: My objections are these plans will increase the increased vehicle numbers pulling out in Fleetwood Road will make it dangerous for the residents pulling out of their houses on Fleetwood Road as I have already received a number of complaints about a number of near misses from those residents.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 establishes a presumption in favour of sustainable development.

Paragraph 17 sets out the core principles which includes sustainable transport and ensuring the vitality of town centres/ retail areas.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

Policy LQ1 Lifting the Quality of Design states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

Policy BH3 Residential and Visitor Amenity states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;
and/or
- (ii) the use of and activity associated with the proposed development;
or by
- (iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

Policy AS1 General Development Requirements states that development will be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards.

Where the above requires the undertaking of off site works or the provision of particular services, these must be provided before any part of the development comes into use.

BLACKPOOL LOCAL PLAN PART 1- CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in

the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

CS3 Economic Development and Employment

CS4 Retail and Other Town Centre Uses

CS5 Connectivity

None of the policies listed conflict with the provisions of the policies in the Saved Blackpool Local Plan

ASSESSMENT

Principle- the use of the egress has been already been established on a temporary basis by planning permission 14/0519 and has been in use for nearly 18 months to relieve pressure on the junction of Anchorsholme Lane West and Fleetwood Road. The issue is whether this arrangement has brought to light any particular issues which would prevent the granting of a permanent approval or whether the access should revert back to solely being used by servicing vehicles at the store. This will be discussed in more detail below.

Impact on Residential Amenity- the issue here is primarily one of assessing the impact of vehicles exiting the store and accelerating northwards along Fleetwood Road upon the houses closest to the egress, which are 350-360 Fleetwood Road inclusive (even numbers only). These houses are two storey detached properties with front gardens of a depth of approximately 8 metres and the store egress is approximately 5 metres from side boundary with 350 Fleetwood Road, which is at present screened with close boarded fencing and some landscaping. The greatest impact is upon this particular house with the impact gradually lessening further northwards from the store.

It is not considered that a refusal of planning permission can be substantiated from a noise and disturbance perspective given Fleetwood Road (A587) is a busy dual carriageway with two lanes in either direction and has trams running between the north and southbound traffic. There are bus stops and tram stops within the vicinity, a northbound bus stop is positioned outside the Lidl site and there is also a pedestrian crossing outside the Lidl site. The Lidl store sits adjacent the junction of Fleetwood Road and Anchorsholme Lane West and East and there is an Esso petrol filling station south of this junction. Therefore, Fleetwood Road is a busy road in a busy area with significant road traffic noise. In this context the additional traffic using the Fleetwood Road to exit the site is not considered sufficient to warrant a refusal of planning permission on residential amenity grounds.

Highway Safety, Parking and Servicing Arrangements - The Head of Transportation has no objections to the use of this egress being made a permanent arrangement although there was opposition to the use of this as an access into the store. The use of this egress does take some of the store traffic away from the junction of Anchorsholme Lane West and Fleetwood Road and in this respect the egress is considered a significant benefit in reducing some of

the congestion at this junction.

This egress is to the north of both a traffic signal junction and also a signal control pedestrian crossing which should give sufficient opportunity for vehicles to safely exit the site. The comments from neighbours regarding potential conflicts with vehicles entering or exiting their driveways are understood although this potential is considered to be relatively small and vehicles exiting the store on Fleetwood Road can also choose the outside lane to pass.

Any Other Issues- there have been on going issues with Lidl regarding various matters including landscaping, servicing times and advertisements although these matters cannot be used against this current application which must be assessed on its own merits.

CONCLUSION

The proposal is considered to be in accordance with the relevant policies of the Local Plan and Core Strategy and is also in compliance with the National Planning Policy Framework and is considered to be a significant improvement in the flow of traffic out of the application site taking some of the pressure off the junction of Anchorsholme Lane West and Fleetwood Road.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File(s) 15/0703, 14/0872 and 14/0519 which can be assessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.doaction=weeklyList>

Recommended Decision: Grant Permission

Conditions and Reasons

1. None

Advice Notes to Developer

Not applicable



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COMMITTEE DATE: 08/03/2016

Application Reference: 15/0842

WARD: Claremont
DATE REGISTERED: 14/12/15
LOCAL PLAN ALLOCATION: Protection of Public Open Space

APPLICATION TYPE: Full Planning Permission
APPLICANT:

PROPOSAL: Erection of two and three storey development comprising 81 dwelling houses and 18 self-contained permanent flats, with associated public open space, play areas, car parking, with accesses from Stirling Road, Laycock Gate and Phase 1, boundary treatment and landscaping works (Phase 2 of Queens Park Redevelopment) following the demolition of existing buildings (including Churchill Court, Walter Robinson Court and Elizabeth Court high-rise flats and Boys and Girls Club).

LOCATION: LAND BOUNDED BY STIRLING ROAD, MATHER STREET, COLLINGWOOD AVENUE AND REAR OF ADDISON CRESCENT (QUEENS PARK AND LAYTON RECREATION GROUND), BLACKPOOL

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

SUMMARY OF RECOMMENDATION

The principle of residential development has already been accepted on this site in 2011. The housing mix is considered to reflect the Council's aspirations to rebalance the housing market, regenerate a priority neighbourhood and support more sustainable communities. Policy requires a mix of social rented and intermediate affordable housing for sale and for rent in this location. The proposed tenure is 100% social rented tenure; however as this is replacing existing social rented provision, it is considered acceptable in this instance. There would be some loss of open space but this would be compensated for by a significant qualitative uplift to the remaining open space for the wider public to enjoy. The loss of a community facility (Boys and Girls Club) would not weigh against the proposal as the Council is committed to relocating the facility. The impact on protected species can be mitigated and biodiversity enhanced through the landscaping proposals. The proposals would have a positive impact on the public sewer and would not increase the flood risk. The recommendation is therefore for approval.

INTRODUCTION

This site is Phase 2 of two phases immediately adjacent to each other in Queenstown, where the Council is undertaking a major redevelopment scheme in conjunction with Lovell Homes. Full planning permission was granted for residential development of Phase 1, which has been completed and comprises 92 new build dwellings. Members may recall that the Planning Committee granted outline planning permission for this second phase of the Queens Park redevelopment in 2013 (planning permission 13/0309 refers). The permission was for the demolition of existing buildings (including Churchill Court, Walter Robinson Court and Elizabeth Court high-rise flats and Boys and Girls Club) and erection of up to 106 dwellings (flats and houses) in two and three-storey blocks, with associated access from Stirling Road, Laycock Gate and Phase 1 of development, and new/improved public realm. Following the grant of planning permission, it was discovered that a pipeline easement ran across the site and the scheme has had to be redesigned to take this into account. As the revised layout differed from the outline permission, reserved matters could not be sought and a new permission was required.

SITE DESCRIPTION

This specific application relates to the southerly site of 4.6 hectares, of which 2.53 hectares is to be developed. Stirling Road and Laycock Gate form the northern boundary, with Counce Street and the rear of Addison Crescent properties to the south; Mather Street and Collingwood Avenue to the east; and the rear of Lidl (Devonshire Road) to the west. The land is currently occupied by 319 social rented housing units in seven blocks of three storey maisonettes; three blocks of 1960's high-rise flats (Walter Robinson Court, Churchill Court and Elizabeth Court); a number of garages; and, the Boys and Girls Club. All the built development is concentrated towards the west of the site (and is currently being demolished); with Layton Recreation Ground occupying the whole of the eastern part of the site. Outside the site, are mainly areas of high density, terraced housing; with a number of commercial and retail uses scattered around. Phase 1, which contains vacant properties, is to the north of the site.

DETAILS OF PROPOSAL

The proposal is for the erection of two and three storey development comprising 99 dwellings (81 houses and 18 self-contained permanent flats), with associated public open space, play areas and car parking, with accesses from Stirling Road, Laycock Gate and Phase 1, boundary treatment and landscaping works following the demolition of existing buildings (including Churchill Court, Walter Robinson Court and Elizabeth Court high-rise flats and Boys and Girls Club). The Layton Recreation Ground is shown as outside the "red edge" of the application site for Phase 2 but is intended to be improved as a separate scheme of works in addition to the new homes.

The scale of the proposal would be restricted to two and three storeys as for Phase 1. The design, layout and palette of materials would follow on from Phase 1, terminating in a softer broken crescent of terraces where the developed site meets the green space. In terms of massing, the majority of the site would comprise two storey development, except for seven

three storey dwellings which would bookend the terraced crescents forming the eastern boundary of the built development, looking out over the recreation ground. All 99 housing units would be social rented and managed by Blackpool Coastal Housing. A number of the units would have a flexible structure, comprising two one-bedroomed flats in the first instance to cater for existing tenants who don't want to move out of the area, with the option of conversion into a three bedroomed family house on vacation by those tenants.

There would be three vehicular access points into the site: from the west via a continuation of Laycock Gate, with an enhancement of surface and landscape treatment; from the east, through a new junction on Stirling Road; and, from Healey Street/Cresswell Street in Phase 1 of the development. The internal layout would be designed on the Homezone principles and there would be good pedestrian permeability. As part of the scheme, 97 car parking spaces and there would be good pedestrian and cycle links.

In order to facilitate the wider proposals, 0.73 hectares of the total of 2.85 hectares of Layton Recreation Ground have been appropriated for use following statutory advertisement. An area within the estate would be set out as recreation space for juniors, toddlers and other areas to partly offset that amount. Works to improve the quality of the public open space would be carried out after the housing development (as an additional scheme of works) and following consultation to include improved pathways to pick up desire lines, if required, and improvements to supplement the children's play space and the attractiveness of Layton Recreation Ground to the wider community. These improvements would be delivered as part of a package worth up to £600,000, the principle of this investment already having been agreed by the Council's Executive.

The application is accompanied by:

- Design and Access Statement
- Topographic Survey
- Landscape Master Plan
- Traffic Management Plan
- Transport Statement and Travel Plan Framework
- Highway Tracking Plan
- Arboricultural Impact Assessment
- Bat Assessment
- Ecological Assessment
- Flood Risk Assessment
- Desk Top Study and Remediation Statement
- Project Management Plan
- Community Consultation Statement

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Residential Development
- Housing Mix/ Density/ Affordable Housing

- Loss of Public Open Space
- Loss of Community Facilities
- Means of Access/ Car Parking
- Potential impacts on protected species (bats and birds)
- Other Matters

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

CONSULTATIONS

Environment Agency: The Environment Agency has no comment to make on the above application.

Head of Transportation: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Environmental Services: We require the developers to submit a construction management plan giving details of hours of work and how they are going to control / manage issues such as noise , vibration, dust, odour, waste etc.

Contaminated Land Officer: Due to the elevated concentrations of Lead, BaP, Benzo(a)anthracene, Benzo(b)fluoranthene, Dibenzo(ah)anthracene, Indeno(123-cd)pyrene, Napthalene and that excavation of the open land will be required in order for site levels, additional remediation work will be required to ensure the safety of site workers and site users.

Waste (Residential): No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

United Utilities: United Utilities has no objection subject to the following condition:

- The drainage for the development hereby approved, shall be carried out in accordance with principles set out the submitted Flood Risk Assessment which was prepared by Betts Associates in April 2013 Ref No.:LPL35_FRA and the Foul and Surface Water Drainage Strategy which was prepared by Lovells Ref:LPL35/PH2 100 rev B. Any variation to the discharge of foul and surface water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.

Blackpool International Airport: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Electricity North West Ltd: We have considered the above planning application submitted on 21/12/15 and find it could have an impact on our infrastructure:

- There are ENWL 6600 and 400 volt cables crossing the proposed development site.
- There are three ENWL distribution substations on the proposed site :-
 - Stirling Court – 420134
 - Stirling Road – 423506
 - Laycock Gate – 423716

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant.

Assistant Director for Transforming Schools (Residential Development): No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Police Architectural Liaison Officer: Having looked at the plans (pre-application) I am satisfied that it will meet the requirement of Part 1 Secured by Design. Discussion took place in respect of Part 2 Security and I am satisfied that this will follow the same criteria as Phase 1. Consultation will continue throughout the development phase I am sure that the new development will contribute significantly to the reduction of crime and a safe environment for all residents and visitors and achieve Secured by Design Certification.

Sustainability Manager: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

PUBLICITY AND REPRESENTATIONS

Press notice published: 24 January 2016

Site notice displayed: 07 January 2016

Neighbours notified: 21 December 2015

No representations have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

EUROPEAN AND NATIONAL LEGISLATION

The Conservation of Habitats and Species Regulations 2010 (as amended).

The Wildlife and Countryside Act 1981 (as amended)

The Natural Environment and Rural Communities Act 2006.

Government Circular: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System (DEFRA 01/2005, ODPM 06/2005).

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental, which are mutually dependent. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 6 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the NPPF there is a presumption in favour of sustainable development, which is the 'golden thread' running through both plan-making and decision-taking. This means:

- (i) local planning authorities (LPAs) should positively seek opportunities to meet the development needs of their area;
- (ii) Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change;
- (iii) approving development proposals that accord with the development plan without delay; and
- (iv) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 17 of the NPPF sets out 12 core planning principles, stating that amongst other things planning should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- encourage the effective use of land by reusing land that has been previously developed; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Paragraph 49 of the NPPF makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 goes on to state that local planning authorities should deliver a wide choice of high quality homes,

widen opportunities for home ownership, and create sustainable, inclusive and mixed communities. The NPPF also aims to ensure that development responds to local character and history (paragraph 58) and seeks to achieve good design which promotes local distinctiveness (paragraph 60). Decisions should address the connections between people and places and the integration into the natural, built and historic environment. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as older people and people with disabilities), and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

With regard to the environmental strand, pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF paragraphs 6 - 10). Paragraph 61 states that planning decisions should address the integration of new development into the natural environment; paragraph 109 requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity; and, paragraph 118 encourages opportunities to incorporate biodiversity in and around developments. Paragraph 125 states that decisions should limit the impact of pollution from artificial light on nature conservation. Lighting proposals must avoid illumination of replacement wildlife habitat (eg replacement bird nesting habitat).

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council at its meeting on 20 January 2016 and the document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework, significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

Policies contained in the Core Strategy Revised Preferred Option relevant to this application are:

- CS1- Strategic Location of Development
- CS2- Housing Provision
- CS6- Green Infrastructure
- CS7- Quality of Design
- CS9- Water Management
- CS11- Planning Obligations
- CS12- Sustainable Neighbourhoods
- CS13- Housing Mix, Density and Standards
- CS14- Affordable Housing

CS15 - Health Facilities and School Places

None of these policies conflict with or outweigh the provisions of the saved Local Plan policies listed below.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

BH3- Residential and Visitor Amenity
BH4- Public Health and Safety
BH5- Protection of Public Open Space
BH10- Open Space in New Housing Developments
BH21- Protection of Community Facilities
HN6- Housing Mix
HN7- Density
HN8- Affordable and Specialist Needs Housing
LQ1- Lifting the Quality of Design
LQ2- Site Context
LQ3- Layout of Streets and Spaces
LQ4- Building Design
LQ5- Public Realm Design
LQ6- Landscape Design and Biodiversity
LQ7 - Strategic Views
LQ8- Energy and Resource Conservation
NE10- Flood Risk
AS1- General Development Requirements
AS2- New Development with Significant Transport Implications
AS5 - Traffic Management
SPG 11 - Open Space: Provision for New Residential Development and the Funding System
Lancashire Minerals and Waste Development Framework (including the 'Managing and Minimising Waste in New Developments SPD')

ASSESSMENT

Principle of Residential Development

The emerging Core Strategy identifies sites and opportunities to deliver around 4,200 new homes between 2012 and 2027 to meet Blackpool's future housing need (Policy CS2). This includes opportunities within the existing urban area in line with the Core Strategy focus on regeneration and supporting growth (Policy CS1), to help rebalance the housing market and deliver a choice of quality homes across the Borough. Focusing on the existing urban area and on priority neighbourhoods in particular will also help to deliver sustainable communities through neighbourhood regeneration. Queens Park is identified as an outer estate priority neighbourhood where development which provides high quality homes and community facilities within an attractive environment will be supported to promote local pride and a sense of place (Policy CS12). This policy goes on to say that the Council will

facilitate major redevelopment schemes by providing assistance with site assembly. In recognition of the development opportunity presented by the comprehensive redevelopment of Queens Park, the site is identified in the Council’s Strategic Housing Land Availability Assessment (SHLAA).

Whilst comprehensively redeveloping Queens Park will not help to increase Blackpool’s housing supply, providing a better choice of quality homes within an attractive residential environment will help towards rebalancing the housing market, regenerating a priority neighbourhood and supporting more sustainable communities, and so the principle of comprehensive residential development is supported by policy.

Housing Mix, Density and Affordable Housing Provision

Saved Policy HN6 of the adopted Local Plan and emerging Core Strategy policy CS13 requires a mix of house types and sizes within the site. Policy CS13 requires this mix to comprise 20% of two bed units (minimum), 20% of three bed+ units (minimum) and 10% of one bed units (maximum).

The proposed housing mix comprises:

	1 bed	2 bed	3 bed	4 bed+
Social Rented	18	46	25	10
Market	0	0	0	0
Total %	18	46	25	10

This proposal does not strictly accord with Policy CS13 however, taking into account the previous mix of dwelling sizes on this site (209 one bedroom units out of a total 319 dwellings – 65%), this is a considerable improvement. In addition, some of the one bed units are designed to be capable of conversion into larger units. This approach provides flexibility to accommodate the short, medium and long term needs of existing and future tenants, which is considered acceptable in this instance.

Saved Policy HN7 and emerging Policy CS13 require new housing developments to make efficient use of land, with higher densities permitted along public transport corridors and within/close to main centres. The site is well-located in close proximity to Talbot Road and Collingwood Avenue (primary and local distributor routes) and therefore a density of around 60 dwellings per hectare is supported by the policy.

Saved Policy HN8 and emerging Policy CS14 (Core Strategy) require new housing developments on sites greater than 0.5ha to provide a minimum affordable housing provision of 30%. This proposal is for 100% affordable housing, which is well above this requirement. In terms of tenure, proposed Policy CS14 requires a mix of social rented and intermediate affordable housing for sale and for rent in this location. Whilst the proposed tenure is 100% social rented tenure, as this is replacing existing social rented provision, this is considered acceptable in this instance.

Loss of Public Open Space

Policy BH5 is relevant and states ‘Development of public open space will not be permitted unless:

- (a) the proposal would support existing sport or recreational uses, or would provide facilities for new sports or recreational uses; and
- (b) it is incorporated sensitively into its surroundings, maintaining or enhancing the character of the open space; or
- (c) provision is made for a replacement area of open space that is at least as accessible to current and potential users, and is at least equivalent in terms of size, usefulness, attractiveness and quality.'

Saved Policy BH10 requires all new housing development to provide open space, or if that is not possible, a commuted sum towards the provision / enhancement of facilities in the area. In this instance, a scheme based on the number of houses/bedrooms in the table above, would require a commuted sum of £80,496 to be invested in facilities.

During the design phase (pre-application) the density of development was increased in order to minimise the incursion into Layton Recreation Ground. The outline approval for Phase 2 encroached on 0.72 hectares of the existing 2.85 hectares of open space; 0.5 hectares of which was scheduled to be replaced within the application site, including a children's play area, resulting in a net loss of approximately 0.22 hectares of allocated public open space (approximately 7.7 %). The current proposal would encroach into less (0.69 hectares) of the open space comprising Layton Recreation Ground; but with less (0.42 hectares) open space being provided inside the site, the total net loss of public open space in the current proposal would be greater (0.27 hectares or approximately 9.4 %). To compensate for this, the Council is committed to providing significant qualitative improvements, up to a value of around £600,000 (i.e. significantly more than the commuted sum requirement which would be generated by the scheme itself) to the existing public open space to make it more attractive and functional. The development is also designed with good access to this space to encourage community use. On balance the net loss of public open space provision can, in this instance, be justified as an exception to the policy.

Loss of Community Facilities

Policy BH21 is relevant and states 'Proposals which would lead to the loss of a community facility will not be permitted unless:

- (a) the facility is appropriately replaced; or
- (b) the applicant can demonstrate that there is no longer a need for the facility or its alternative use to meet other community needs.'

The proposal involves the demolition of the existing Blackpool Boys and Girls Club and the loss of the current Queens Park Community Centre. Although the information has not been submitted with the application, I am aware that the Council is working closely with the Boys and Girls Club to explore options to relocate the facility and as an interim measure has temporarily located them in the Victory Road neighbourhood offices.

In significantly changing the demographic of the estate, the need for a community support facility is reduced. The Council is currently reviewing the Borough's community facilities and exploring the potential for the amalgamation of uses. Devonshire Road School is located within walking distance and provides a modern facility appropriate for a wide range of community uses.

Means of Access/ Car Parking

The vehicular accesses into the site would be from Stirling Road in the north-east and from a continuation of Laycock Gate in the west; there would also be a vehicular link into Phase 1 through Healey Street. The location of the vehicular access points would be in close proximity to the main roads into town. There would also be improved permeability through the site by bicycle and foot. The Head of Transportation has not made comments on the current scheme as yet and any comments will be reported in the update note.

The internal road layout endeavours to discourage non-resident traffic through the use of right-angled bends and slow speeds in the main road through the site. The streets within the development are designed to be shared spaces similar to the Homezones on and around Oxford and Cambridge Road in Talbot and Brunswick wards. Typically, Homezones have a shared surface finish, with raised junction tables, squares and landscaped areas. Car parking spaces (off-street drive parking and on-street parallel parking) would be provided at almost 100% (99 dwellings with 97 spaces in total) in this highly accessible location.

A Residential Travel Plan would be instigated by Blackpool Coastal Housing, in order to encourage residents to travel to work by public transport, on foot and by bicycle. The principle measure would consist of a Residents Travel Pack, issued to each new occupier, containing relevant material to promote non-car modes of travel and the provision of certain physical measures. It would also inform residents of the existing long-term strategy for reducing the dependence of residents and visitors on travel by private car.

Potential impacts on protected species (bats and birds)

On the previous outline proposal, the County Ecologist raised a number of issues with the proposal in respect of protected species and reminds the Council that DEFRA Circular 01/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The submitted bat survey recommends that during demolition of buildings 1 to 7 bat friendly features including areas around slipped and missing roof tiles and soffit boards with gaps should be removed under the supervision of a licensed bat ecologist. Buildings 1 to 7 must have the roof and eaves removed before April 2016. If this has not been undertaken then the buildings will be subject to a single dawn survey. If at any time during demolition bats are found then works will need to cease and a licence sought from Natural England to permit demolition.

Prior to demolition of building 12, and once it comes into the ownership of Lovell, internal survey of this building will be required to ascertain presence or likely absence of roosting bats. In the unlikely event that bats are found a licence from Natural England will be required to permit demolition of this building.

If demolition works take place during the nesting bird season (March to August) inclusive then a nesting bird check by a licensed ecologist must take place within 24 hours of the

building(s) being demolished. If nesting birds are found then the building will have to remain in place until the young have fledged and left the nest.

These matters were addressed on the previous outline proposal and can be covered by condition.

Other Matters

Given the current condition of the site with previous land uses and significant areas of hardsurfacing, there is potential for the land to be contaminated. It will be important to remediate the site and this can be dealt with by condition. With regard to landscaping, a number of existing trees would be retained, as identified in the arboricultural report, and a condition would be appropriate to require their protection during demolition and redevelopment. As this is a Council driven development, I do not consider that Secured by Design standards need to be required by condition as the physical security and layout standards have already been factored into the design; however the Police Architectural Liaison Officer has confirmed that he is satisfied with the standards. As the proposal would be mainly two storeys in height (with a maximum of three storeys), the impact of the scale on the surrounding residents would be minimal, particularly when compared to the existing 23 and 17 storey blocks of flats. The detailed design of the scheme is not considered to adversely impact on the amenity of existing residents and future occupiers of the site.

With regard to drainage, the existing impermeable area that is positively drained to the public sewer network is currently 45% of the total site area (Phases 1 and 2), this would reduce to 34% post-development; which would be an 11% reduction and betterment in terms of the impermeable area that would be drained to the public sewer network i.e. there would be less hard surface than at the pre-development stage. The surface water drainage system would also have capacity for storage within it, so that in the event of a flood, the discharge rate would remain the same and not result in flooding of the site, nor downstream. In this circumstance, the Environment Agency has no objection to the development.

The development will inevitably add to the demand for services in the area, including additional demand for school places, medical services and leisure/ retail services. Emerging Policy CS15 (Core Strategy) requires contributions towards the provision of health facilities and school places where the development would impact on the capacity of existing schools and healthcare provision. Whilst the phases 1 and 2 development would constitute a net reduction in dwellings, it would deliver a different housing mix and provide larger family units which may create additional school places. Any comments from colleagues in Education/Asset Management will be reported in the update note.

Within the immediate catchment area, it is anticipated that Devonshire Primary School would provide junior places, with Collegiate High School and St Mary's High School being the closest secondary schools, although there are a large number of other nurseries, schools and colleges within a wider catchment area. Layton Medical Centre on Kingscote Drive is the closest medical centre. Layton recreation ground within the application site is the closest park and there is a library in Layton District Centre. There is a parade of shops on Talbot Road and another on Devonshire Road (including Lidl and Farmfoods) and other

shops in the local centre based on Layton Road, which together with the district centre provides local day to day shopping facilities within easy reach. The site is well located and accessible to local services and facilities and future residents will have the choice of walking and using public transport should they not have a car or wish to use it.

CONCLUSION

The Committee is requested to approve this proposal.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Public realm improvements (principally to Layton Recreation Ground) will be achieved via a planning condition.

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others.

It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File(s) 13/0309 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=weeklyList>

Recommended Decision: Grant Permission

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The 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 on 14 December 2015, including the following plans and reports:

Drawing no. 12-062-P2-01 Existing Site Location Plan; Drawing no. 12-062-P2-360 Existing Site Sections A-A, B-B, C-C and D-D; Drawing no. 12-062-P2-361 Existing Site Sections E1-E1, E2-E2, F1-F1, F2-F2; Drawing no. 13B212/001 Topographical Survey (5 sheets); Drawing no. LPL35/PH2 002 Rev E Phase 2 Indicative Finished Floor Levels; Drawing no. 12-062-P2-50 Rev C House Type 4A; Drawing no. 12-062-P2-20 Rev A House Type 1F; Drawing no. 12-062-P2-20 Rev A House Type 1F; Drawing no. 12-062-P2-21 Rev A House Type 1G; Drawing no. 12-062-P2-22 Rev B House Type 1H; Drawing no. 12-062-P2-23 Rev B House Type 1J, Drawing no. 12-062-P2-30 Rev C House Type 2A; Drawing no. 12-062-P2-31 Rev C House Type 2B; Drawing no. 12-062-P2-32 Rev D House Type 2C; Drawing no. 12-062-P2-33 Rev B House Type 2D; Drawing no. 12-062-P2-34 Rev B House Type 2E; Drawing no. 12-062-P2-30 Rev C House Type 2A; Drawing no. 12-062-P2-40 Rev D House Type 3A; Drawing no. 12-062-P2-41 Rev C House Type 3B; Drawing no. 12-062-P2-42 Rev C House Type 3C; Drawing no. 12-062-P2-43 Rev A House Type 3D; Drawing no. D3945. 101 Phase 2 – Landscape Masterplan; Drawing no. D3945. 102 Phase 2 – Surfacing Plan; Drawing no. 0389-SP01 Swept Path Analysis; Drawing no. 12-062-P2-301 Rev L Proposed Site Plan; Drawing no. 12-062-P2-311 Rev A Proposed Demolition Plan; Drawing no. 12-062-P2-312 Rev A Proposed Boundary treatments; Drawing no. 12-062-P2-314 Rev A Proposed Glazed Brick Plot Allocation; Drawing no. 12-062-P2-365 Rev A Proposed Site Sections and Streetscenes A-A, J-J; Drawing number 12-062-P2-366 Rev A Proposed Site Sections and Streetscenes K-K, P-P; Queens Park Phase 2 Traffic Management Plan - Lovell; Queens Park Redevelopment Design Statement December 2015; Queens Park Redevelopment Access Statement December 2015; Phase 2 Arboricultural Impact Assessment TEP.3945.03.002 December 2015; Phase 2 and 3 Bat Assessment TEP December 2015; Phase 2 and 3 Ecological Assessment TEP December 2015; Desk Study Report No 12LPL019/DS May 2013; Flood Risk Assessment April 2013 and Addendum November 2015; Ground Investigation Report No 13/LPL019/GI August 2013; Project Management Plan HSE 047 October 2015 Lovell; Drawing no. LPL35/PH3 100 Rev B Phase 2 Foul and Surface Water Drainage Strategy; Remediation Statement (Contamination) Report No 13/LPL019/RS2 December 2015; and, Transport Statement – Croft December 2015.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

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

- vehicle access to, from and between both sites

- dust mitigation measures as a result of the works
- control of noise emanating from the sites as a result of the works
- hours of construction work for the works
- the locations of contractors' compounds, site buildings and other storage arrangements
- enclosure of the development sites
- provision for all site operatives, visitors and waste loading, off loading, transfer, parking and turning within/between the sites during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highway, and
- the routeing agreement of works traffic

The works shall then be carried out in accordance with the approved Management Plan.

Reason: In the interests of the amenities of surrounding residents, to ensure there is no unacceptable risk of pollution to water resources or to human health, to safeguard the character and appearance of the area and in the interests of highway safety in accordance with Policy CS9 of the Core Strategy and Policies LQ1, AS1, BH3 and BH4 of the saved Blackpool Local Plan 2001-2016.

4. Prior to first occupation of any dwelling hereby approved, a scheme to secure improvements to on-site play / open space provision within the red edge of the approved plan, and a timescale for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. That scheme shall thereafter be implemented in accordance with the approved timescale, in accordance with Policies BH5 and BH10 of the Blackpool Local Plan 2001 - 2016.

Reason: To compensate for the loss of part of the Public Open Space within the site as a result of the development and provide sufficient improvements to open space provision to serve the dwellings, having regard to Policies BH5 and BH10 of the Blackpool Local Plan 2001 - 2016, coupled with the requirements of paragraph 73 of the National Planning Policy Framework 2012.

Note: The development is of a scale to warrant open space improvement / play space provision to the value of not less than the £85,000 required by POS commutation and up to a maximum of £600,000 to compensate for the loss of Public Open Space and in accordance with Policy CS11 of the Core Strategy and Policies BH5 and BH10 of the Blackpool Local Plan 2001 - 2016.

5. Before development is commenced, a Site Waste Management Plan (including recycling) shall be submitted to and approved by the Local Planning Authority. The works shall then proceed in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

Reason; To assist in securing safe waste minimisation, re-cycling and energy conservation in accordance with Policy CS10 of the Core Strategy.

6. If any demolition works take place during the nesting bird season (March - August inclusive) a nesting bird check shall be carried out within the 24 hour period prior to demolition of the building(s) by a licensed ecologist. If nesting birds are found then the building will have to remain in place until the young have fledged and left the nest.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development, in accordance with Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife and Countryside Act 1981 (as amended).

7. (a) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until a Construction Exclusion Zone and tree protection works for the retained trees, as detailed in the Arboricultural Impact Assessment Report (TEP.3945.03.002) submitted with the application, are in place. Any construction activities within the root protection areas of those trees (in particular T2 and T8) shall be carried out in accordance with an Arboricultural Method Statement, which shall first be submitted to and agreed in writing with the Local Planning Authority.

(b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme are in place.

(c) The fencing or other works which are part of the approved protection scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior written agreement of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, having regards to Policy CS6 of the Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001-2016.

8. No construction of the dwellings hereby approved shall commence until details of the provision to be made for bat roosting opportunities as recommended in the Additional Bat Survey Reports by TEP (July 2013) and replacement nesting bird habitat (including vegetation, nest boxes and details of siting of these) have been submitted and approved by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority and maintained

thereafter.

Reason: To ensure that bat and bird species are protected and their habitat enhanced in, accordance with the Wildlife and Countryside Act 1981, as amended, the Conservation [Natural Habitats &c] Regulations 1994, Policy CS6 of the Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001 - 2016.

9. Prior to commencement of any demolition of buildings 1 - 7 (as identified in the Phase 2 and 3 Bat Assessment TEP December 2015), any features which are suitable for roosting bats (eg the roof tiles and eaves) must be removed under the supervision of a licensed bat ecologist. If the roofs and eaves are not removed before April 2016, a single dawn survey for bats must be carried out. Prior to demolition of building 12 a bat survey must be carried out internally and the recommendations in the survey carried out. If the presence of roosting bats is detected or suspected at any stage before or during the proposed development, then works shall not proceed until it has been established whether or not a Natural England licence is required.

Reason: To ensure that there are no adverse effects on the favourable conservation status of bats, in accordance with Policy CS6 of the Core Strategy, Policy LQ6 of the Blackpool Local Plan 2001 - 2016 and The Wildlife and Countryside Act 1981 (as amended).

10. The landscaping works shall be carried out in accordance with the approved details, within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy CS6 of the Core Strategy and Policy LQ6 of the Blackpool Local Plan 2001-2016.

11. Due to the elevated concentrations of Lead, BaP, Benzo(a)anthracene, Benzo(b)fluoranthene, Dibenzo(ah)anthracene Indeno(123-cd)pyrene and Napthalene; no construction of the dwellings hereby approved shall be commenced until a scheme for decontamination of the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local

Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy CS9 of the Core Strategy and Policy BH4 of the Blackpool Local Plan 2001-2016.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policy CS13 of the Core Strategy and Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

13. The drainage for the development hereby approved, shall be carried out in accordance with principles set out the submitted Flood Risk Assessment which was prepared by Betts Associates in April 2013 Ref No.: LPL35_FRA and the Foul and Surface Water Drainage Strategy which was prepared by Lovells Ref:LPL35/PH2 100 rev B. Any variation to the discharge of foul and surface water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding, in accordance with Policy CS9 of the Core Strategy and BH4 of the Blackpool Local Plan 2001 - 2016.

Advice Notes to Developer

1. At least 30 days before commencement of the development, the developer must contact the Safeguarding Team, Squires Gate Airport Operations Ltd, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472527 ATC or by email to safeguarding@blackpoolairport.com if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. cranes, piling rigs). Notification of the equipment shall be made in writing and include:
- its position (OSGB grid coordinates to 6 figures each of Eastings and

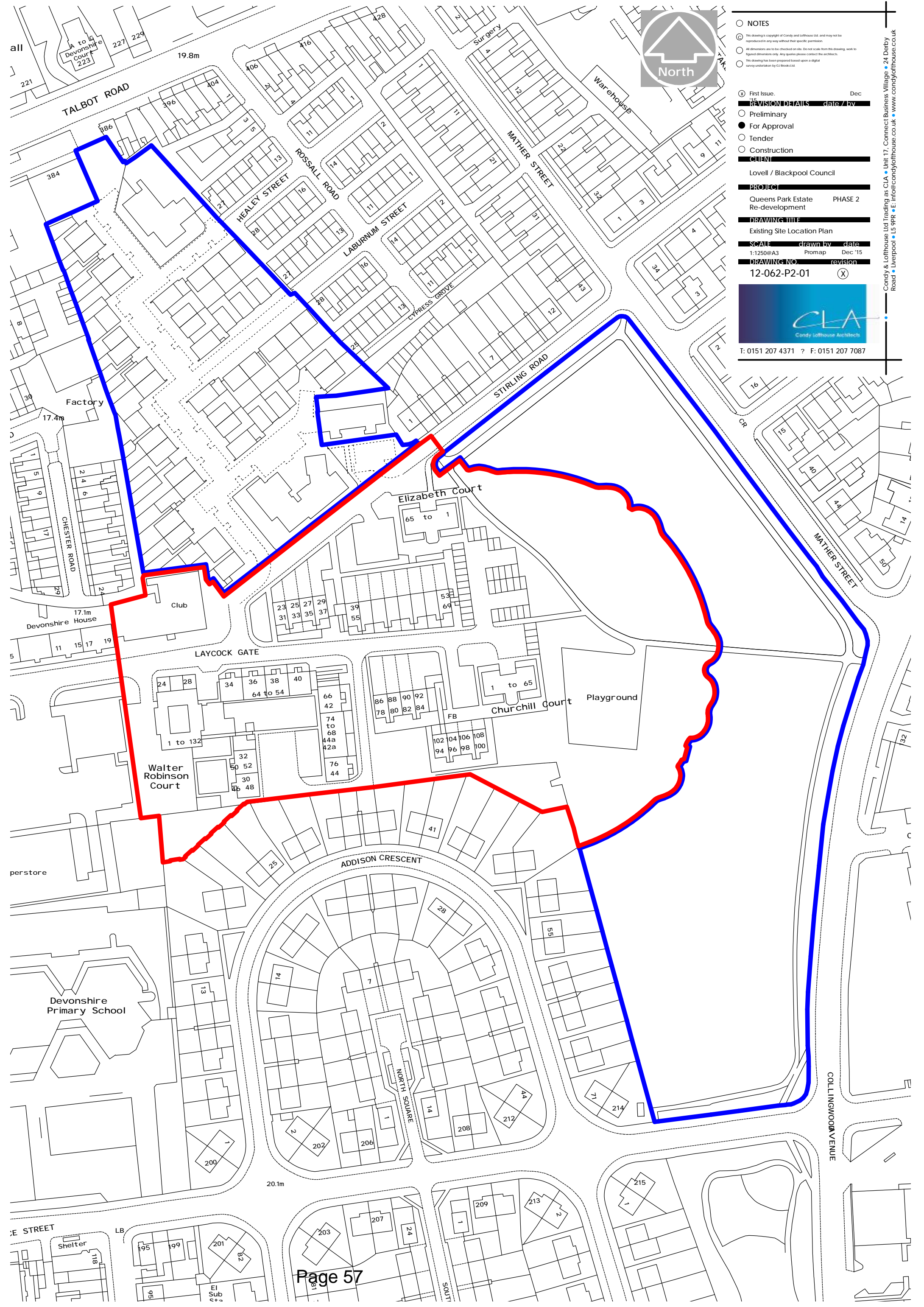
Northings);

- height above ordnance datum;
- anticipated dates on site;
- emergency contact numbers for the crane operator and site manager.

The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 'Cranes and Other Construction Issues'.

2. The scheme of site lighting shall demonstrate avoidance of artificial illumination of wildlife habitat (including replacement bird nesting opportunities and bat roosting opportunities). The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and lighting in the UK, 2009), to ensure that bat and bird species are protected and their habitat enhanced in accordance with the Wildlife and Countryside Act 1981, as amended, the Conservation [Natural Habitats &c] Regulations 1994.

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NOTES

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- All dimensions are to be checked on site. Do not scale from this drawing, work to figured dimensions only. Any queries please contact the architect.
- This drawing has been prepared based upon a digital survey undertaken by CL Architects Ltd.

First Issue. Dec 15
 REVISIONS **DATE** **BY**
 Preliminary
 For Approval
 Tender
 Construction
 CLIENT
 Lovell / Blackpool Council

PROJECT
 Queens Park Estate PHASE 2
 Re-development

DRAWING TITLE
 Existing Site Location Plan

SCALE drawn by date
 1:1250@A3 Promap Dec '15

DRAWING NO. revision
 12-062-P2-01 (X)


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COMMITTEE DATE: [08/03/2016](#)

Application Reference: 15/0859

WARD: Talbot
DATE REGISTERED: 18/12/15
LOCAL PLAN ALLOCATION: Hounds Hill
Town Centre Boundary
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Coolsilk Property Investment Ltd

PROPOSAL: Erection of a four storey mixed use (retail, food and leisure) development on existing surface level car park. (Outline application)

LOCATION: LAND BOUNDED BY CORONATION STREET, ADELAIDE STREET AND TOWER STREET, BLACKPOOL, FY1 4LA

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms C Johnson

SUMMARY OF RECOMMENDATION

It is considered that a four storey building offering a mix of retail, food and leisure uses in this location, within the Town Centre is acceptable in principle and constitutes sustainable economic development in accordance with the National Planning Policy Framework (NPPF), the recently adopted Core Strategy and the saved policies in the Blackpool Local Plan 2001-2016. Matters relating to layout, design and appearance, scale, access and landscaping will be the subject of a future reserved matters application and a detailed assessment on the impact of the development on the Winter Gardens and the Town Centre Conservation Area will take place at that point.

INTRODUCTION

In 2006, the Council's Development Control Committee approved a part four/ part five-storey building to form 4,127 sqm of retail floorspace over two levels with a 63 bedroom hotel on upper levels, and 32 car parking spaces and a drop off zone on level 2 accessed from existing Hounds Hill Centre car park. (reference 05/0777). This permission has now lapsed.

Prior to the site clearance in 2011, there was a mix of two, three and four-storey buildings on the site. Following the demolition of the buildings on the site, the Council's Planning

Committee approved the use of the land as a temporary car park for a period of three years in July 2011. However, re-development of the site has yet to move forward and the site remains in use as a car park.

It is understood that the applicant and the management of the Hounds Hill Shopping Centre (Hounds Hill Shopping Centre) are working towards developing detailed plans for the site and it is anticipated that the two sites will integrate physically and in terms of their uses. Securing outline planning permission will facilitate the formulation of a detailed scheme.

SITE DESCRIPTION

The 3148 square metre (0.31 hectare) site is bounded by a vehicle ramp to the north which provides access to the multi-storey car park above the Hounds Hill Shopping Centre (Hounds Hill Shopping Centre), Coronation Street to the east and the Hounds Hill Shopping Centre to the south and west. The site incorporates all of Tower Street and the most westerly part of Adelaide Street which links Coronation Street to the Hounds Hill Shopping Centre.

Currently hard surfaced and used as a temporary car park with 75 spaces, the lack of built form reveals a 'back of house' elevation of the Hounds Hill Shopping Centre, which is a 3-4 storeys tall red brick wall to the west of the site and an adjacent modern six storey (in scale), tiled lift shaft. At the southern end of the site is a secondary entrance to Hounds Hill Shopping Centre and the Hounds Hill extension, which is three-four storeys high in scale.

The site is opposite the Coronation Street elevation of the Grade II* listed Winter Gardens (between three and six storeys in scale) and abuts the Town Centre Conservation Area.

There are what appear to be accesses to a substation/underground storage/utilities to the north of the site on Tower Street, under the ramp to the Hounds Hill Shopping Centre car park.

The land levels are uneven and the land slopes down from the north east corner to the south with an approximate difference in levels of 1 metre. Coronation Street (including pedestrian footpaths) is between 13 and 14 metres wide (the road widens to the south).

The site is within the Town Centre Boundary and the Principle Retail Core on the Proposals Map to the Local Plan and is identified as a proposed Hounds Hill extension site.

DETAILS OF PROPOSAL

The application is a major application for outline permission with all matters reserved involving the erection of a building up to four storeys in scale providing a mix of retail, food and leisure uses. The applicant has applied for an 'in principle' decision only. Matters relating to layout, design and appearance, scale, access and landscaping will form a future reserved matters application, should this application be successful.

The application is accompanied by a Design, Access and Heritage Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The principle of a four-storey building with mixed retail, food and leisure use in this location.
- Potential impact on the Town Centre Conservation Area and the Grade II Winter Gardens.

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

CONSULTATIONS

Built Heritage Manager:

I have no objection in principle to the development providing all reserved matters are agreed in detail with us in due course.

Head of Transportation:

The principle of development is accepted.

The following will require further consideration.

- Stopping-up of Tower Street.
- Car parking provision.
- Servicing requirements and restrictions.
- Scheme for off-site highway works, drawing no. 5587-op102 indicates enhancement to the footway along Coronation Street fronting the proposal site.
- Landscaping can be supported but not on the public highway.

With regards to servicing and restrictions, please be aware that a scheme is proposed to convert Hornby Road (between Park Road and Coronation Street) and Coronation Street (between Hornby Road and Adelaide Street) from one-way streets to allow a two-way flow. Flows along Coronation Street northbound are likely to increase. Movements into the ground floor loading area (reversing vehicles) will conflict with other road users, which is why a restriction should be placed for servicing vehicles. If the servicing is done from the first floor level, the problem may not be as severe. The scheme will be implemented between 4 April 2016 and 30 June 2016.

Historic England:

The current application is for outline planning permission with all matters reserved for the construction of a four storey, mixed use building. The site is located in the setting of the grade II* listed Winter Gardens and on the axis between the Gardens and the grade I listed Blackpool Tower and it is for these reasons the proposal falls within our remit for consideration. Having viewed the proposals, we have concluded that whilst the site is suitable for some form of development, the outline nature of the application means it is not possible to establish the impacts of the proposal on the surrounding heritage assets and as such, we cannot be supportive of the scheme at present.

Blackpool is recognised as being the quintessential Victorian seaside resort, built to cater for the working class communities of the surrounding districts. The success of the town as a holiday resort is many fold, however fundamental to it are Blackpool's iconic buildings, developed for the sole purpose of entertaining the masses who flocked to the area.

Both the grade I listed Blackpool Tower and the grade II listed Winter Gardens, demonstrate the innovative approach taken to providing entertainment facilities, such as the provision of the country's only permanent circus arena at the Tower and the sheer size of the Winter Gardens complex which includes two theatres, a huge ballroom known as the Empress Ballroom, conference suites, as well as bars and cafes. The structures are not only pioneering in concept, but are achieved to the highest standard of architecture and interior decoration. The Winter Gardens and Tower, along with Blackpool's piers, promenade and Pleasure Gardens form the heart of the most significant seaside resort in the country.

The current application site is positioned between the Tower and the Winter Gardens, sitting directly opposite the latter. The application seeks outline permission, with all matters reserved, for the erection of a four storey mixed use building on an existing gap site, currently consisting of surfacing car parking.

It is our view that the redevelopment of the site is appropriate as a principle, however, given its highly sensitive location in the setting of a grade II listed building, the suitability of the proposals will be dictated by a sensitively massed and well detailed building, which respects its setting.

Unfortunately, because the current application is in outline, with all matters reserved, it is not possible to establish what the implications on the setting of the Winter Gardens would be as the form, scale, mass and material choice of the proposed building is not indicated. This is contrary to paragraph 131 or 132 of the National Planning Policy Framework (NPPF), which state that great weight should be given to an asset's conservation.

Paragraphs 131 and 57 of the NPPF also state that local authorities should take account of the desirability of new development to make a positive contribution to local character, history and distinctiveness; again the outline nature of the application makes it impossible to establish whether this would be achieved by the proposals.

It is therefore our view that an outline application is not the correct approach for this site, as it is not possible to establish the impacts of the proposal on the surrounding heritage assets. As such, we cannot support the scheme at present and would request that a fully worked up scheme is submitted, which clearly demonstrates the impact of the proposal on the surrounding heritage assets.

Police:

The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social

behaviour in the immediate area of the development.

Crime Risks - Within the last 12 months period, there have been 186 recorded crimes including assault, robbery, burglary and shop lifting. Also 562 incidents are recorded requesting police assistance. This is a concern and should be considered.

Observations - I note in the Design and Access statement detailed attention is given in Part 6 to a Crime Prevention Strategy. It is clear that the designer has taken into account the principles of Secured by Design physical security for a commercial building. I note that the applicant has the intention to discuss security of the proposed building with myself should planning permission be granted.

As this is an Outline Planning Application there is insufficient detail available to comment in detail at this time. It may be possible to make more detailed recommendation should the application be granted at Reserved Matters stage.

Recommendations:

1. In order to provide a safe, secure and sustainable environment for residents, it is recommended that this development should be built in accordance with Secured by Design Standards. In particular Part 2 of Secured by Design - physical security should be incorporated into the scheme. Design Guides –are available at www.securedbydesign.com.
2. Landscaping across the site should be carefully considered so that it is low level particularly on and around the public green open spaces e.g. no higher than 1 metre so that it does not reduce the opportunity for natural surveillance across the site or create areas of concealment for potential offenders.

Further advice on the requirements of Secured by Design is available from this office or at www.securedbydesign.com

United Utilities:

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage Comments - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. A modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Given the location of the site, United Utilities would encourage the developer to consider installing permeable paving and potentially a green roof to reduce the volume of surface water discharging from the site. In addition we would encourage the planning authority to reduce the rate of surface water discharging from the site to 5 l/s which would be equivalent to the Greenfield runoff rate of a similar sized development. This approach will ensure that the site is developed in the most sustainable way and the impact to bathing water quality issues will be minimized.

Drainage Conditions - United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

Water Comments - A trunk main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. You will need an access strip of no less than 10 metres, measuring at least 5 metres either side of the centre line of the pipe.

Water pressures in the area are known to be generally low and I recommend that the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 and 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

General comments - According to our records there is a 4m easement/building over agreement (Z2489B) clipping the top of the development by the ramp. Under no circumstances should anything be erected, planted or stored over the easement width, nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24hr access.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

PUBLICITY AND REPRESENTATIONS

Press notice published: 24 December 2015

Site notice displayed: 22 December 2015
Neighbours notified: 21 December 2015

No representations have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 7 explains that the three dimensions to sustainable development including economic, social and environmental roles.

Paragraph 11 reiterates the requirement of paragraph 2.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole;
 - or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable economic development and encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 23 recognises town centres as the heart of communities and policies should support their viability and vitality. Local authorities should define the extent of town centres and primary shopping areas and set policies that make clear which uses will be permitted in such locations.

Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 103 confirms that when considering applications for new development, local planning authorities should ensure flood risk is not increased elsewhere.

Paragraph 109 confirms that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129 confirms that 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 any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets' conservation and any aspect of the proposal.

Paragraph 131 state that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and

- putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II* listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 137 confirms that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

Policy CS1: Strategic Location of Development

1. To deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.

2. Blackpool's future growth, development and investment will be focused on inner area regeneration, comprising:
 - a. Blackpool Town Centre, including the three strategic sites of Central Business district, Winter Gardens and Leisure Quarter.

Policy CS4: Retail and Other Town Centre Uses

1. In order to strengthen the Town Centre's role as the sub-regional centre for retail on the Fylde Coast, its vitality and viability will be safeguarded and improved by:
 - a. Focusing new major retail development in the town centre to strengthen the offer and improve the quality of the shopping experience.

2. For Town, District and Local Centres within the Borough, retail and other town centre uses will be supported where they are appropriate to the scale, role and function of the centre.

Policy CS7: Quality of Design

1. New development in Blackpool is required to be well designed, and enhance the character and appearance of the local area and should:
 - a. Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings.
 - b. Ensure that amenities of nearby residents and potential occupiers are not adversely affected.
 - c. Provide public and private spaces that are well-designed, safe, attractive, and complement the built form.
 - d. Be accessible to special groups in the community such as those with disabilities and the elderly.
 - e. Maximise natural surveillance and active frontages, minimising opportunities for anti-social and criminal behaviour.
 - f. Incorporate well integrated car parking, pedestrian routes and cycle routes and facilities.
 - g. Provide appropriate green infrastructure including green spaces, landscaping and quality public realm as an integral part of the development.
 - h. Be flexible to respond to future social, technological and economic needs.

2. Development will not be permitted that causes unacceptable effects by reason of visual intrusion, overlooking, shading, noise and light pollution or any other adverse local impact on local character or amenity.

3. Contemporary and innovative expressions of design will be supported, where appropriate.

Policy CS8: Heritage

1. Development proposals will be supported which respect and draw inspiration from Blackpool's built, social and cultural heritage, complementing its rich history with new development to widen its appeal to residents and visitors.
2. Proposals will be supported that:
 - c. Enhance the setting and views of heritage buildings through appropriate layout of new development and design of public realm.
 - d. Strengthen the existing character created by historic buildings.
3. Developers must demonstrate how the development will complement and enhance existing features of heritage significance including their wider setting, particularly for those developments affecting conservation areas, listed buildings and other identified heritage assets.
4. The Council will seek to safeguard heritage assets from inappropriate development.

Policy CS9: Water Management

1. To reduce flood risk, manage the impacts of flooding and mitigate the effects of climate change, all new development must:
 1. incorporate appropriate mitigation and resilience measures to minimise the risk and impact of flooding from all sources;
 2. ensure that there is no increase in the rate of surface water run-off from the site as a result of development;
 3. reduce the volume of surface water run-off discharging from the existing site in to the combined sewer system by as much as is reasonably practicable;
 - make efficient use of water resources; and
 - not cause a deterioration of water quality.
2. Where appropriate, the retro-fitting of SuDS will be supported in locations that generate surface water run-off.

Policy CS17: Blackpool Town Centre

1. To re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors, new development, investment and enhancement will be supported which helps to re-brand the town centre by:
 - a. Strengthening the retail offer with new retail development, with the principal retail core being the main focus for major retail development.
 - c. Exploiting key heritage and entertainment assets within the town centre and complementing these with new innovative development.
2. Assistance will be provided to assemble sites and properties where required to facilitate major redevelopment.

Policy CS18: Winter Gardens

2. Proposals must be presented in the context of a comprehensive approach, respect the character and heritage of the Grade 2* Listed Building and conform to the Winter Gardens Conservation Statement.

None of these policies conflict with or outweigh the provisions of the saved Local Plan policies listed below.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

Policy SR1: Hounds Hill

The Hounds Hill site is proposed as an extension to the Principal Retail Core. The redevelopment of this site for non-food retailing including multi storey public car parking will be permitted. Other supporting development could integrate appropriate leisure and hotel accommodation uses at upper floor level.

Rather than looking inward, any proposals for redevelopment should look outwards and create high street frontages that fully integrate with the surrounding shopping streets and the adjacent Grade II* listed Winter Gardens.

Policy SR5: Principal Retail Core

Proposals for uses other than the following will not be permitted within the Principal Retail Core:

- (a) retail uses; financial and professional services; restaurants and cafes
- (b) appropriate leisure, residential, hotel or office uses at upper floor level
- (c) civic space/open space

Proposals, which would be detrimental to the retail function/character of these main shopping streets, will not be permitted. Public realm improvements in the area will be promoted and where appropriate contributions secured from development.

Policy BH3: Residential and Visitor Amenity

(A) Developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight; and/or
- (ii) the use of and activity associated with the proposed development; or by
- (iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

Policy BH4 Public Health and Safety

Developments which are considered likely to be detrimental to public health and safety will not be permitted. Developers must demonstrate that development will not cause or increase pollution of water or groundwater resources.

Policy LQ1: Lifting the Quality of Design

All new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

All planning applications for large-scale developments or smaller developments occupying prominent and/or sensitive locations, such as gateways and activity nodes must be accompanied by an 'Urban Design Statement'. This statement will need to set out the design principles of the development covering the following:

- (a) site appraisal and context
- (b) layout of street and spaces
- (c) activity and movement patterns
- (d) building design
- (e) public realm design
- (f) landscape design, including wildlife and biodiversity issues
- (g) energy and resource conservation
- (h) other relevant design issues

For the purposes of this policy, large-scale developments are defined as non-residential proposals in excess of 500 sqms. Sensitive and prominent locations are considered to be those within or adjacent to Conservation Areas, those directly affecting the fabric or setting of a Listed Building, those sites occupying landmark or nodal locations with the Town Centre, and any site within the Resort Core or Resort Neighbourhoods with any elevation fronting onto the Promenade.

Policy LQ4: Building Design

In order to lift the quality of new building design and ensure that it provides positive reference points for future proposals, new development should satisfy the following criteria:

Scale - The scale, massing and height of new buildings should be appropriate for their use and location and be related to the width and importance of the street or space and the scale, massing and height of neighbouring buildings. Buildings of a larger scale and height will be encouraged in the Town Centre. New buildings less than four storeys or equivalent in height will not be permitted within the Town Centre.

Policy LQ9: Listed Buildings

Development which adversely affects the character or appearance of a listed building, or its setting will not be permitted.

Policy LQ10: Conservation Areas

Applications for development in Conservation Areas will be considered against the following criteria:

- (i) the development must preserve or enhance the character and appearance of the Conservation Area.
- (ii) the development will need to respect the scale, massing, proportions, materials and detailing of similar building forms within the Conservation Area.

Policy NE10: Flood Risk

Development in areas at risk from flooding (including tidal inundation) will only be permitted where appropriate flood alleviation measures already exist or are provided by the developer. Developments will not be permitted which would increase run-off that would overload storm drains or watercourses. Sustainable drainage systems will be used in new developments unless it can be demonstrated to the Council's satisfaction that such a scheme is impractical.

Policy AS1: General Development Requirements

New development will only be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided

Where the above requires the undertaking of offsite works or the provision of particular services, these must be provided before any part of the development comes into use.

(Policies BH11 Shopping and Supporting Uses and BH12 Retail Development and Supporting Town Centre Uses have been superseded by Core Strategy Policy CS4).

ASSESSMENT

The principle of a four-storey building with mixed retail, food and leisure use in this location.

The Council as Local Planning Authority consistently seeks to work proactively with developers to deliver sustainable development which brings positive environmental benefits and underpins wider regeneration strategies.

The site is a brownfield site which is currently being used as a car park, until the site can be comprehensively re-developed. The site is within the Town Centre boundary and the Principle Retail Core and has been identified in the Local Plan for expansion of the Hounds Hill Shopping Centre.

The proposed mix of uses would have numerous economic benefits for the town as well as

bringing a prime Town Centre site back into a long term sustainable use. The proposal is considered to be sustainable development in the context of local and national planning policies.

The principle of a mixed retail, food and leisure use is acceptable and in accordance with paragraphs 17, 19 and 187 of the National Planning Policy Framework, Core Strategy Policies CS1, CS4 and CS17 and Local Plan Policies SR1 and SR5, which seek new investment to revitalise and improve the Town Centre as an attractive shopping and leisure destination.

Potential impact of the Town Centre Conservation Area and the Grade II* Winter Gardens

Historic England has confirmed that the site is suitable for development, and the re-development of the site is appropriate in principle. Historic England is concerned that as all matters are reserved, it is not possible to fully assess the impacts of the proposal on setting of the surrounding heritage assets and the lack of detail makes the application contrary to paragraphs 131 and 132 of the National Planning Policy Framework. It is agreed that the impacts of a building on this, particularly sensitive site, need to be carefully assessed and this isn't possible without a detailed scheme. However, the detailed reserved matters will be assessed at a later date. The agent has already submitted details to Historic England for pre-application advice and is committed to continue to work on the scheme in conjunction with advice from Historic England, the Built Heritage Manager and the Local Planning Authority, as the detailed scheme develops.

It should be noted that Historic England does not object to the application and the Built Heritage Manager has no objections providing all reserved matters are agreed in detail with him in due course.

The application is supported by a Heritage Statement, which needs to be updated, but provides a comprehensive background of the development of the Winter Gardens. As the detailed design develops, it is anticipated that the Heritage Statement will be updated to include details of the significance of the Coronation Street elevation and 'turret' on the corner of Coronation Street and Adelaide Street, as it is the character and setting of this elevation which is of the greatest concern. It is anticipated that the design of the new building will take design cues from Winter Gardens in terms of the materials palette, and key design principles including having a strong vertical emphasis with soft edges and corner entrance features.

The agent has confirmed that the building will be set back from the original Adelaide Street building line to improve views of the corner of the Winter Gardens and the Town Centre Conservation Area from the Hounds Hill Shopping Centre and providing the opportunity for soft landscaping to improve the public realm and enhance the setting of the Winter Gardens and the Conservation Area.

Although the matter of the scale of the building hasn't been formally applied for, the application indicates that the building would be four storeys tall with a maximum height of 18 metres. This is very similar in scale to the previously approved scheme (reference 05/0777) and is considered appropriate in principle. Furthermore, saved Policy LQ4 of the

Local Plan confirms that new buildings less than four storeys or equivalent in height will not be permitted within the Town Centre. Details of the design and how it relates to the Winter Gardens and the Conservation Area will be assessed at a later date. Granting an outline planning permission at this stage in no way prejudices the Council and the reserved matters details will come under the same scrutiny as a full planning application and will be subject to full consultations.

Other issues.

The agent has confirmed that a detailed scheme will be developed in consultation with the Police Architectural Liaison Officer in order to ensure that the Secured by Design principles are met. Stopping up Tower Street and building over it, joining the development with Hounds Hill rather than it being physically isolated from it, will reduce the risk of anti-social behaviour around the development and provide opportunities to improve access to and share facilities with the shopping centre.

The comments from United Utilities have been forwarded to the agent so that the detailed scheme can be developed in accordance with the drainage and water management requirements.

CONCLUSION

The proposed development would meet the economic and social dimensions of the National Planning Policy Framework and it is considered that the environmental dimension could be adequately covered at the reserved matters stage.

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998.

BACKGROUND PAPERS

Planning Application File 15/0859 can be assessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Recommended Decision: Grant Permission

Conditions and Reasons

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:

- Layout
- Scale
- Appearance
- Access
- Landscaping

- ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. On the south east corner of the application site the approved development shall have a minimum height of 18 metres and/or be four storeys in height.

Reason: In the interests of visual amenity and to ensure that the building is of an appropriate scale compared to the scale and height of the adjacent Winter Gardens and Hounds Hill Shopping Centre, in accordance with Paragraphs 23, 56, 57, 129 and 131 of the National Planning Policy Framework, Policies CS4, CS7, CS8 and CS17 of the Blackpool Local Plan: Part 1 - Core Strategy and Saved Policies SR1, LQ1, LQ4, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016.

3. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and

109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan: Part 1 - Core Strategy and Policies BH4 and NE10 of the Blackpool Local Plan 2001-2016.

4. 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:
- dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period
 - hours and days of construction work for the development
 - contractors' compounds and other storage arrangements
 - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
 - the routeing of construction traffic.

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

Reason: In the interests of the amenities of surrounding residents and hotels and to safeguard the character and appearance of the Town Centre Conservation Area and the Winter Gardens in accordance with Policies CS7 and CS8 of the Blackpool Local Plan: Part 1 - Core Strategy and LQ1, LQ9, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until details of the finished floor levels of the proposed buildings and any alterations to existing land levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved levels unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of surrounding residents and hotels and to safeguard the character and appearance of the Town Centre Conservation Area and the Winter Gardens in accordance with Policies CS7 and CS8 of the Blackpool Local Plan: Part 1 - Core Strategy and LQ1, LQ9, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

6. The ground floor of the premises shall be used for A1 retail (non food) and A3 restaurant/cafe purposes only as defined in the Town and Country Planning Use Classes Order 1987 (as amended) and for no other purpose.

Reason: In the interests maintaining and enhancing the retail function and character of the Town Centre in accordance with paragraphs 19, 23 and 150 of the National Planning Policy Framework, Policies CS4 and CS17 of the Blackpool Local Plan: Part 1 - Core Strategy and Policies SR1 and SR5 of the Blackpool Local Plan 2001-2016.

7. 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 on including the following plans:

Location Plan stamped as received by the Council on 18th December 2015.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

8. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

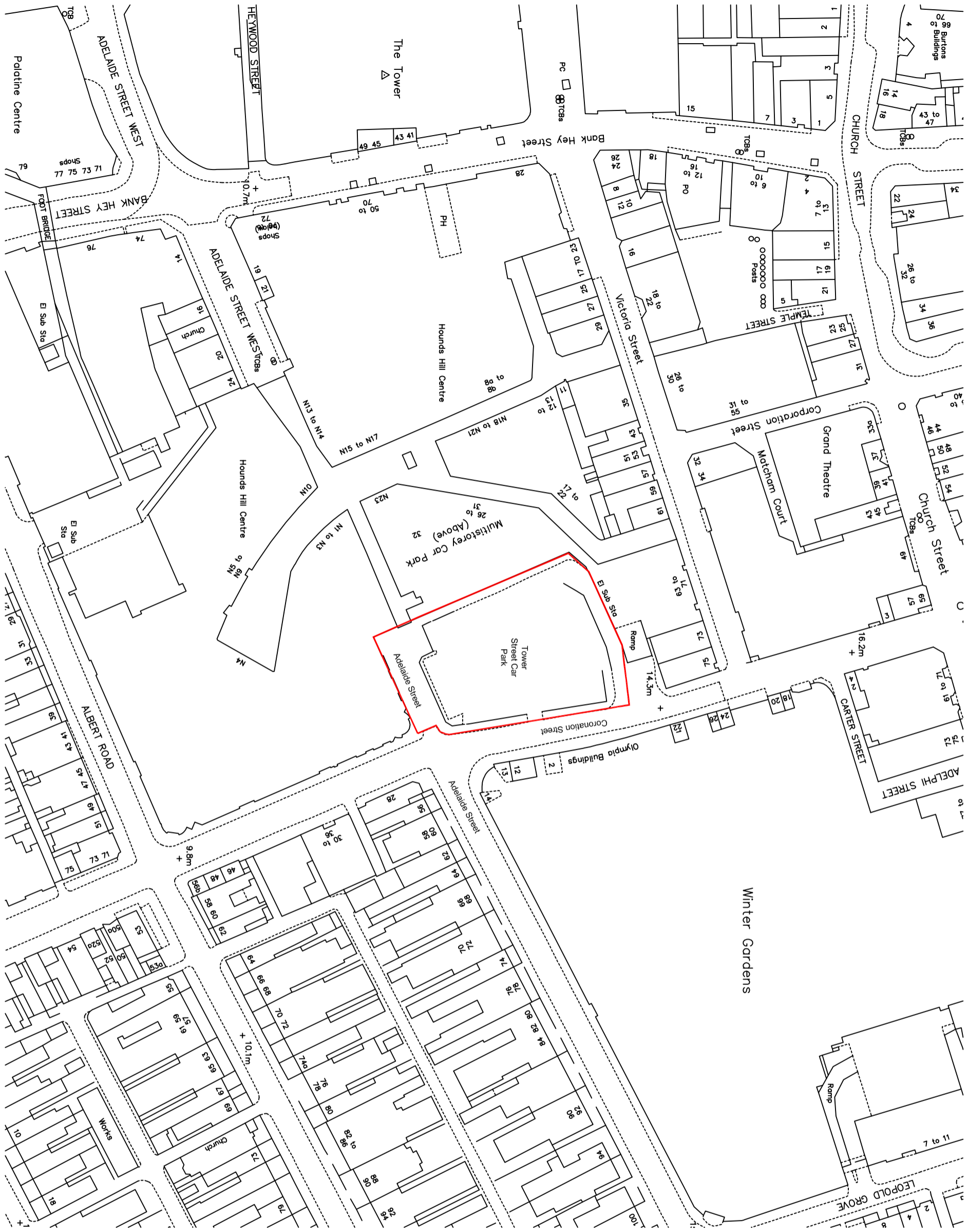
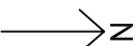
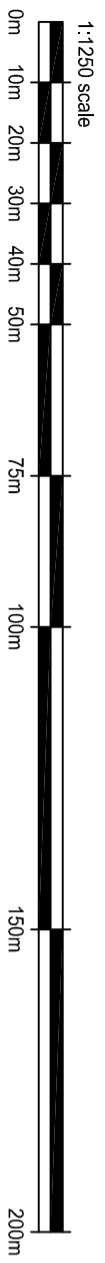
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and 109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan: Part 1 - Core Strategy and Policies BH4 and NE10 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

1. An Order for the stopping up of the public highway (Tower Street) may be required. The applicant is advised to contact the Head of Transportation on 01253 477477 or at Number One, Bickerstaffe Square, Talbot Road, Blackpool FY1 3AS in the first instance for further guidance.

2. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

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IMPORTANT

- > This drawing is copy/right and remains the property of this practice
- > Do not scale this drawing
- > All dimensions to be checked on site
- > Positions of existing services to be confirmed prior to proceeding

REVISION STATUS

- S Information issued for feasibility or scheme design.
 - T Information issued for tender purposes only.
 - C Information issued for Construction.
 - NB: Only those drawings containing a C revision to be used for construction.
- > NOTES

REVISION	DATE	DESCRIPTION

CLIENT
Coolisik Property & Investment Ltd

PROJECT
Proposed Mixed Use Retail Development at Tower Street Car Park, Blackpool

DRAWING TITLE
Site Location Plan

SCALE	DATE	DRAWN	CHECKED
1:1250	Dec' 2015	SS	

DRG NO. 5587_OP100_Site Location Plan

REVISION

FWP
6 & 7 RIBBLESDALE PLACE
PRESTON PR1 3NA
T (01772) 289824
F (01772) 203375
E mail@fwp.co.uk
www.fwpgroup.co.uk



Frank Whittle Partnership Group

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COMMITTEE DATE: 08/03/2016

Application Reference: 15/0868

WARD: Marton
DATE REGISTERED: 23/12/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: BLACKPOOL ZOO

PROPOSAL: Erection of 12.6 metre high building to form new elephant house with enclosure, hay store, landscaping, viewing platform and associated ramped access.

LOCATION: BLACKPOOL ZOO, EAST PARK DRIVE, BLACKPOOL, FY3 8PP

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms C Johnson

SUMMARY OF RECOMMENDATION

The proposal is considered to be sustainable economic development in accordance with the National Planning Policy Framework (NPPF) and which accords with the recently adopted Core Strategy and saved policies in the Blackpool Local Plan 2001-2016. The site is within the grounds of the existing Zoo and erecting a building to house animals (in this case, elephants) and associated access ramps and viewing platforms is consistent with Local Plan Policy RR15 which relates specifically to the Zoo and Core Strategy Policy CS21 which relates more generally to leisure and tourism. As such, the officer recommendation is that the application is approved.

INTRODUCTION

Blackpool Zoo is on 13 hectares of parkland and opened in 1972 on the former Blackpool Municipal Airport (closed in 1936) and then Stanley Park Aerodrome.

The existing elephant house is a former aeroplane hanger and it is on the Council's Local List along with adjacent hangers as they have a group value for their historic interest. The elephant house is occupied by a female Indian elephant.

The Zoo is a member of the British and Irish Association of Zoos and Aquariums (BIAZA) and is licensed under Zoo Licensing Act [(Amendment England and Wales) Regulations 2002] which is regulated by Defra.

SITE DESCRIPTION

The application site is a 1.2 hectare site located on the east side of the Zoo and is bounded by existing large zoo buildings, service roads and car park to the north, public open space and golf course to the south and east, a hotel and leisure complex to the south on Herons Reach and the Zoo "Dinosaur Safari" to the west. The site is a relatively flat field surrounded by trees, tall vegetation and scrub with a ditch on the western boundary and large mounds of earth adjacent to the north boundary which are approximately five metres tall at their tallest point. The application site isn't currently used but in the past, it has been used to exercise elephants.

DETAILS OF PROPOSAL

The application is a major application for full planning permission for the erection of a 12.6 metre high building at the north end of the site, to form new elephant house with enclosure, hay store, landscaping, viewing platform and associated ramped access. At the southern end of the site there would be a sand paddock, a grass paddock and a bull paddock.

The application is accompanied by:

- A Design and Access Statement
- Background Document
- Ecological Impact Assessment
- Extract from a Feasibility Study
- Blackpool Zoo Tree Planting Policy
- A Screening Opinion confirming that an Environmental Impact Assessment is not required.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

The principle of development

- Design
- Ecology
- Flood risk

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

CONSULTATIONS

Built Heritage Manager: The proposed building would be 12.6 metres high but, given its distance from East Park Drive and the screening afforded by the trees, its impact on the conservation area is likely to be minimal. I'm pleased to note that the existing elephant house, which is in the locally listed former hangar, is to be retained and re-used to house other animals, and therefore I've no objection to the development.

PUBLICITY AND REPRESENTATIONS

Press notice published: 14 January 2016
Site notice displayed: 19 January 2016

As a result of the public consultation, 73 letters of objection have been lodged and one letter of support.

The objections are summarised below:

- Elephants suffer and die in zoos from diseases and disorders caused by their confinement in a zoo.
- Majestic animals like elephants are not meant for our entertainment.
- Elephants in the wild live in large social groups which can't be artificially created in a zoo.
- It would be better to re home the existing solitary elephant to an elephant sanctuary where it can have a better quality of life.
- Unless these animals are being rescued from an already unhappy life, this application should be rejected.
- Captive elephants often display stereotypic behaviour, known as "zoochosis", because of boredom and frustration.
- Elephant displays should be phased out altogether.
- There is no evidence that Blackpool Zoo is performing meaningful conservation work.
- I'm all for enrichment for existing animals but these sorts of investments means this org will be looking to see a return on their money and likely looking to bring in more captive animals in the future, this just isn't acceptable anymore.
- The RSPCA commissioned a Review of the Welfare of Zoo Elephants in Europe (2002) which confirms that zoos in Europe must phase out elephant exhibits and gives recommendations on animal welfare.
- Elephants are dangerous (A list has been provided of 129 captive elephant attacks and accidents over the last 10 years which have caused death or injury to keepers or the public).

The letter of support simply said "Fantastic!".

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 7 explains that the three dimensions to sustainable development include economic, social and environmental roles.

Paragraph 11 reiterates the requirement of paragraph 2.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an

up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole;
 - or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable economic development and to always seek to secure high quality design and take account of flood risk.

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 56 confirms that good design is a key aspect of sustainable development and is indivisible from good planning.

Paragraph 103 confirms that when considering applications for new development, local planning authorities should ensure flood risk is not increased elsewhere.

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 187 states that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively

with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

Policy CS1: Strategic Location of Development

1. To deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.
2. Blackpool's future growth, development and investment will be focused on inner area regeneration, comprising:
 - a. Blackpool Town Centre, including the three strategic sites of Central Business district, Winter Gardens and Leisure Quarter.

Policy CS6: Green Infrastructure

International, national and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designated sites and the potential for appropriate mitigation. Measures that seek to preserve, restore and enhance local ecological networks and priority habitats/species will be required where necessary.

Policy CS7: Quality of Design

1. New development in Blackpool is required to be well designed, and enhance the character and appearance of the local area and should:
 - Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings.
 - Provide public and private spaces that are well-designed, safe, attractive, and complement the built form.
 - Be accessible to special groups in the community such as those with disabilities and the elderly.
 - Provide appropriate green infrastructure including green spaces, landscaping and quality public realm as an integral part of the development.

- Be flexible to respond to future social, technological and economic needs.

2. Development will not be permitted that causes unacceptable effects by reason of visual intrusion, overlooking, shading, noise and light pollution or any other adverse local impact on local character or amenity.

Policy CS9: Water Management

To reduce flood risk, manage the impacts of flooding and mitigate the effects of climate change, all new development must:

- Incorporate appropriate Sustainable Drainage Systems (SuDS) where surface water run-off will be generated;
- Ensure that there is no increase in the rate of surface water run-off from the site as a result of development;
- Reduce the volume of surface water run-off discharging from the existing site in to the combined sewer system by as much as is reasonably practicable;
- Make efficient use of water resources; and
- Not cause a deterioration of water quality.

Policy CS21: Leisure and Business Tourism

1. In order to physically and economically regenerate Blackpool’s resort core and town centre, the focus will be on strengthening the resort’s appeal to attract new audiences year round. This will be achieved by supporting the improvement and enhancement of important existing tourist attractions.

2. Outside the resort core and town centre, the Council will support new tourism investment that is predominantly focused on existing outdoor leisure and recreation facilities which strengthens the wider resort offer and does not undermine resort regeneration.

None of these policies conflict with or outweigh the provisions of the saved Local Plan policies listed below.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

RR1: Visitor Attractions

Visitor Attractions proposed in locations outside the Resort Core will be permitted only:

- (a) where a site is specifically allocated for this purpose or where it can be demonstrated that all the criteria (b) to (e) below are satisfied:
- (b) the use or uses making up the proposed development could not reasonably be accommodated collectively or individually on a site or sites within the Resort Core.
- (c) good public transport facilities are available or can be provided between the development site, Town Centre and the Resort Core.
- (d) the proposed development would be complementary to existing and proposed attractions within the Resort Core and be likely to generate additional trips thereto

- (e) the proposed development would not undermine the pace and extent of regeneration within the Resort Core.

RR15: Blackpool Zoo

Development proposals for lands within or adjoining Blackpool Zoo will only be permitted if they maintain or enhance the visual appeal, character and amenity of the parkland setting of the Zoo grounds and of the adjoining Stanley Park Conservation area.

The Council will promote and encourage proposals for the Zoo which provide:

- an improved setting and facilities for the viewing of zoo animals
- for the proper care and welfare of zoo animals
- for the development of the site as a combined zoo and botanical gardens
- for visitor car parking, and ancillary visitor facilities including refreshment and small-scale retail outlets selling zoo related merchandise

LQ1: Quality of Design

All new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

LQ2: Site Context

The design of new development proposals will be considered in relation to the character and setting of the surrounding area.

LQ4: Building Design

In order to lift the quality of new building design and ensure that it provides positive reference points for future proposals, the scale, massing and height of new buildings should be appropriate for their use and location and be related to the scale, massing and height of neighbouring buildings.

BH4: Public Health and Safety

Developers must demonstrate that development will not cause or increase pollution of water or groundwater resources.

NE5: Other Sites of Nature Conservation Value

Development will not be permitted that would destroy or adversely affect County Heritage Sites – biological or geological - and other sites of importance to nature conservation interests, including all ponds in the Borough.

Where in exceptional circumstances the benefits of development proposals clearly outweigh the extent of ecological or geological harm, developers will be required to compensate for such harm to the fullest practicable extent compatible with the conservation interests of the site.

NE6: Protected Species

Development will not be permitted if it would have an adverse impact on animal or plant species protected under national or international legislation.

Development proposals should ensure that species and habitats set out in the UK and Local Biodiversity Action Plans will be protected and where possible enhanced.

Where development is permitted, adequate compensatory measures must be undertaken to sustain and enhance the species and its habitat.

NE10: Flood Risk

Developments will not be permitted which would increase run-off that would overload storm drains or watercourses. Sustainable drainage systems will be used in new developments unless it can be demonstrated to the Council's satisfaction that such a scheme is impractical.

AS1: General Development Requirements

New development will only be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- convenient, safe and pleasant pedestrian access is provided.
- appropriate provision exists or is made for cycle access.
- appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided.
- appropriate provision exists or is made for public transport.
- safe and appropriate access to the road network is secured for all transport modes requiring access to the development.
- appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport.
- appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

ASSESSMENT

The principle of development

The NPPF directs local planning authorities to approve sustainable economic development if it complies with up-to-date policies, unless there are other material considerations.

The proposal is considered to be sustainable economic development in accordance with the NPPF and which accords with the recently adopted Core Strategy and saved policies in the Blackpool Local Plan 2001-2016.

The site is within the grounds of the existing Zoo and erecting an elephant house on redundant land with associated paddocks and other works, is consistent with Local Plan Policy RR15 which relates specifically to the Zoo. The proposal is in accordance with Core Strategy Policy CS21, which relates more generally to leisure and tourism.

In terms of the principle of the development, the proposal is considered to be in accordance with paragraphs 2, 11, 12, 14, 17, 19, 150 and 196 of the NPPF, Policies CS1 and CS21 of the

Core Strategy and Policies RR1 and RR15 of the Local Plan and is therefore considered to be acceptable in principle.

Design

The proposed elephant house will be a steel framed portal building to provide a large volume of space with a clear span and would be located close to existing Zoo buildings of a similar scale, near the main entrance to the north.

The roof of the building would be coated steel composite insulated profile sheeting and the walls on three sides would be composite insulated profile sheets on metal rails fixed to the structure. The wall facing the paddocks to the south would be concrete and themed.

The building would have high level windows and roof lights. Internally, heating, lighting and ventilation will be in accordance with British and Irish Association of Zoos and Aquariums (BIAZA) recommendations. There would be a lean-to hay store on the north elevation which would be visible from the south side of the car park.

Access to the elephant enclosure would be through the Dinosaur Safari exhibit, via a ramp and timber walkway which would rise from ground level to a maximum height of 4.5 metres with 1.1 metre high balustrade, allowing elevated views over the paddocks and over an internal public viewing pen. Pedestrian access could also be taken from the Dinosaur Safari along the western edge of the grass paddock.

Perimeter fencing around the paddocks would be steel and timber, built to the required height and safety specifications for elephants.

Adjacent to the elephant house it is proposed to form a sand paddock with pool and waterfall and a bull paddock. The remainder of the area would be left as a grass paddock (6,130 square metres). Currently, there are two large mounds at the north of the site and it is proposed that they will be re-distributed around the paddocks.

The ditch to the west of the site would be re-modelled to form a ha ha (a recessed landscape design element that creates a vertical barrier while preserving an uninterrupted view of the landscape beyond.)

The design of the building, ramp and paddock arrangement is considered to be acceptable from a visual amenity perspective and would be in character with nearby buildings to the north and the open parkland character to the south, east and west.

In terms of design, it is considered that the proposal accords with paragraph 56 of the NPPF, Policy CS7 of the Core Strategy and Policies LQ1, LQ2, LQ4 and AS1 of the Local Plan.

Flood risk

There is no reference in the application with regards to the treatment of surface water drainage other than question 12 on the application form, which states that surface water

will be disposed of in the main sewer.

NPPF paragraph 103 requires local planning authorities to ensure flood risk is not increased elsewhere as a result of the development. Core Strategy Policy CS9 states that new developments should incorporate appropriate Sustainable Drainage Systems (SuDS) where surface water run-off will be generated and that there should be no increase in the rate of surface water run-off from the site as a result of the development. Local Plan Policies BH4 and NE10 confirms that development should not cause or increase pollution of water and groundwater resources or increase surface water run-off that would overload storm drains or watercourses and that SuDS should be used where practical.

The site is currently un-developed and so erecting a large building on the site will generate surface water which previously wouldn't have been generated as rainwater would have soaked away naturally. The disposal of surface water into foul sewers is not ideal, especially where there are opportunities to include SuDS, grey water harvesting, water butts for watering plants etc. As such, a condition requiring the submission of a Surface Water Drainage Strategy is considered necessary to ensure any discharge into foul sewers is controlled.

Ecology

The application is accompanied by a comprehensive Ecological Impact Assessment which makes the following recommendations:

Mixed woodland/scattered trees - The mixed woodland and scattered trees on site comprise young trees, of a lower ecological value than mature trees, however it is recommended that as many trees are retained as possible as part of the development. Mitigation for the loss of trees on site, and also for any impacts on the adjacent deciduous woodland, should be on a 2:1 basis and incorporated into the landscaping proposals for the site where feasible or within a suitable area off site. Planting should use native, locally appropriate species with some tree and shrub species bearing berries/fruits. In addition to the planting of new trees, many of the existing scattered tree specimens to be removed may be young enough to translocate. Mitigation for the loss of this habitat should include re-planting these trees in suitable areas. As these areas provide bird nesting habitat, the relevant guidelines outlined below for birds must also be followed.

Bats - No roosting opportunities for bats were identified during the survey. The site does offer suitable foraging habitats for bat species. Mitigation for the loss of foraging habitat should take the form of planting trees/hedgerow in a suitable area close by to ensure the loss of habitats within the site boundaries is not detrimental to foraging bats. Any lighting required during the construction works/resulting from the development should be sensitivity designed to minimise impacts on bats.

Birds - Any tree and scrub removal works should take place outside the breeding bird season which runs from late February until September, in order to prevent any impacts upon nesting birds. Any vegetation/tree clearance that must be carried out within the bird breeding season should be subject to a pre-clearance bird survey carried out by a suitably

experienced ecologist. No works will be carried out within 5m of an identified nest until the young have fledged and are no longer returning to the nest site. Works will only be undertaken once a scheme ecologist has declared the nest to be no longer in use.

Mitigation for the loss of breeding bird habitat should include the planting of native species of trees and shrubs. The provision of alternative nesting opportunities in the form of nest boxes on trees/woodland within the new development site or off site is also a suitable form of mitigation for loss of nesting habitat.

Reptiles - The potential impact to reptiles is perceived to be low risk, however, during works all construction staff should maintain a watching brief for reptiles, and if a reptile is seen at any point the animal should be either allowed time to disperse of its own accord, or moved in a safe manner to a location away from the working area. Works to remove rubble/wood piles along the south facing side of the mounds should be carried out by hand to avoid any risk of injury to sheltering reptiles.

Amphibians -It is considered a possibility that great crested newts are present on site, due to the close proximity of ponds on the adjacent golf course, the records returned by the desk study and the availability of suitable terrestrial habitats on site. As a result, works within suitable habitat (scrub, woodland, tall ruderal vegetation and unmanaged grassland) could lead to the disturbance, injury and/or mortality of amphibians (including great crested newts).

It is recommended that the four ponds; P1, P2, P3 and P9 within 0.25 km of the site are subject to presence/absence surveys for great crested newts (Appendix C). Although the species may use suitable terrestrial habitat up to 0.5 km from a breeding pond, in this instance a 0.25 km radius is considered appropriate due to the relatively small footprint of the works. These surveys can only be completed between mid-March and mid-June. Four visits are required, with a combination of survey techniques used at each survey visit; with a further two visits if great crested newts are found during any of the initial four visits. Should great crested newts be discovered during these additional surveys, it may be necessary to seek a licence from Natural England and implement appropriate mitigation for the works.

Enhancement - A key element of the Natural Environment and Rural Communities (NERC) Act 2006 is a duty placed upon every public authority to conserve biodiversity. Part 3.40 of the document states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

Measures to enhance the biodiversity of the site include:

- a) Seeking the advice of a professionally/suitably qualified ecologist throughout the progress of the development in order to maximise ecological and biodiversity gains at each stage.
- b) Installation of bird nesting boxes within woodland areas and on trees.
- c) Any plantings resulting from the new development would provide foraging habitat for bats, and therefore have the potential to increase the value of the site. Nectar rich plants

that attract insects would be recommended as they would enhance foraging opportunities for bats in the local area.

d) Create more diversity on site/in a suitable area off site by leaving more areas of unmown grassland or creating a wildflower area or pond.

e) The installation of artificial hibernacula/refugia for reptiles and amphibians (e.g. piles of stones/logs).

Re-survey of the Site - If no works are undertaken on site within 12 months of this survey or if any changes to the proposals are made, a further ecological survey may be necessary (because of the mobility of animals and the potential for colonisation of the site).

It is considered necessary to impose a condition requiring that the development proceeds in accordance with the recommendations and mitigation measures in the Ecological Impact Assessment, in accordance with paragraph 109 of the National Planning Policy Framework, Policy CS6 of the Core Strategy and Policies NE5 and NE6 of the Blackpool Local Plan 2001-2016, to ensure the ecology of the site and surrounding areas is protected and enhanced.

OTHER ISSUES

The objections to this proposal are based on animal welfare, which is an issue beyond the planning remit and controlled under a zoo license and other national and EU legislation. The debate on whether elephants should be kept in zoos or not, is not a planning and land-use debate. The zoo exists, the site is within the zoo and there are no planning restrictions on the site preventing its use to house elephants.

In any case, the new building would have a footprint of approximately 1900 square metres compared to the existing building, which has a footprint of approximately 1400 square metres and which is also shared 50/50 with insect and reptile exhibits.

The existing sand paddock is approximately 1300 square metres. The proposed outside space for the new elephant house would have a 6130 square metre grass paddock, a 1260 square metre sand paddock and a 500 square metre bull paddock.

The new elephant house will meet/exceed current BIAZA standards of elephant welfare and management and provide more space than was achievable in re-modelling the existing elephant house.

Floorspace would be significantly increased and the new building and outside areas would meet the current animal welfare requirements under other, non-planning related legislation. As such, it is considered that the new elephant house and enclosure would be a significant improvement when compared to the existing facilities.

CONCLUSION

The proposed development would meet the social, economic and environmental dimensions of the National Planning Policy Framework and is considered to be sustainable development and no other material planning related issues have been identified to suggest

that the proposal would not be sustainable development.

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others.

It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File 15/0868 can be assessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Recommended Decision: Grant Permission

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall proceed in accordance with the recommendations and mitigation measures outlined in the submitted Ecological Impact Statement.

Reason: To protect, sustain and enhance endangered species and their habitats in accordance with Policies NE5 and NE6 of the Blackpool Local Plan 2001-2016.

3. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the

Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and 109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan: Part 1 - Core Strategy and Policies BH4 and NE10 of the Blackpool Local Plan 2001-2016.

4. 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 on including the following plans:

Location Plan stamped as received by the Council on 21st December 2015

Drawings numbered 1989/P/04, 1989/P/05, 1989/P/06, 1989/P/07, 1989/P/08

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval need to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

Notes

PROPOSED NEW ELEPHANT FACILITY
BLACKPOOL ZOO

job

LOCATION PLAN

detail

scale 1:2500 @ A3

drawn

rsi

05/11/15

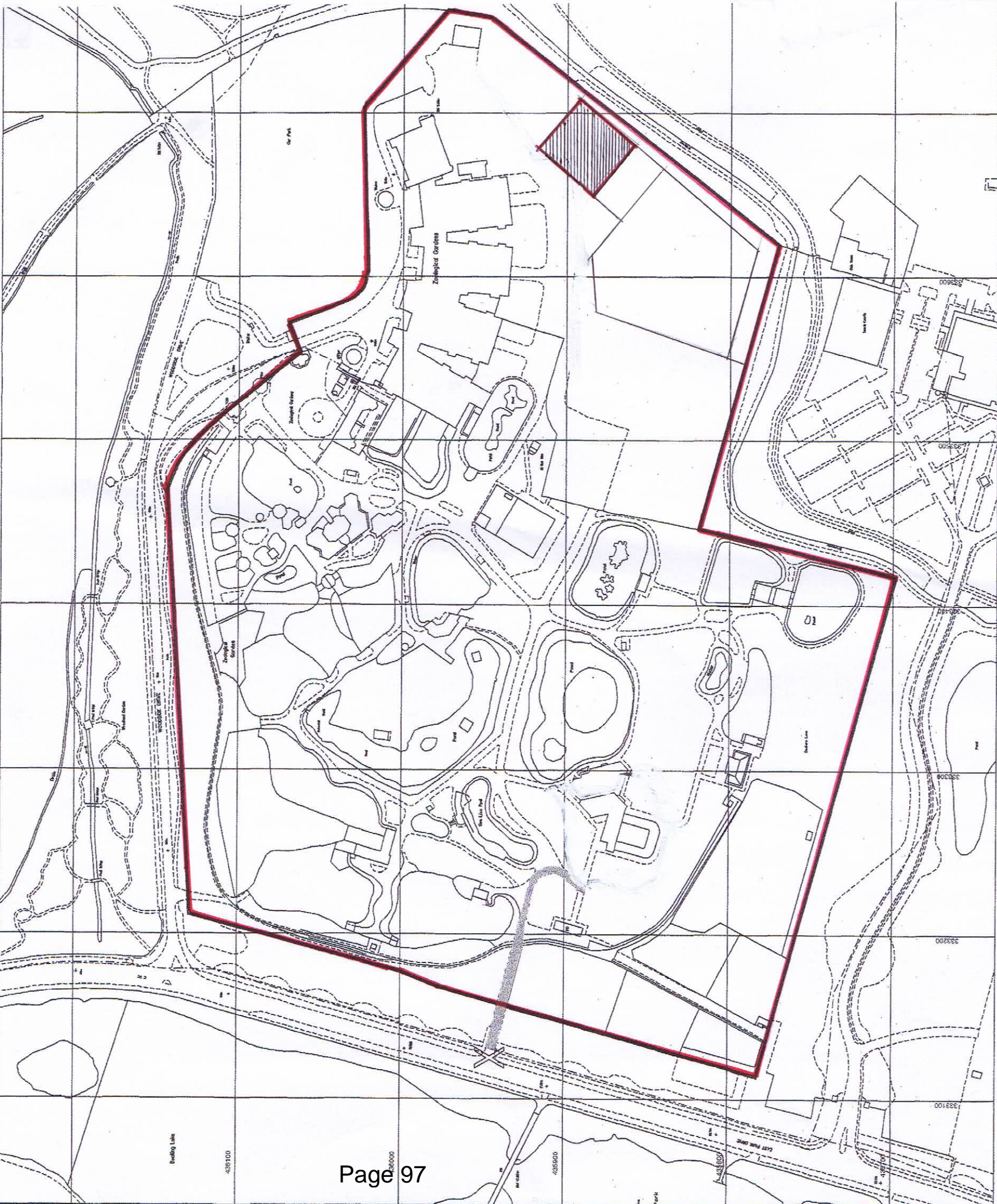
drawing number 1989/P/01

rev

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