

Blackpool Council

3 August 2018

To: Councillors D Coleman, Humphreys, Hutton, Jackson, O'Hara, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 14 August 2018 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.

1a Update Note and Public Speakers List (Pages 1 - 6)

2 MINUTES OF THE MEETING HELD ON 17 JULY 2018 (Pages 7 - 12)

To agree the minutes of the last meeting held on 17 July 2018 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 13 - 14)

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

4 PLANNING ENFORCEMENT UPDATE REPORT - JUNE 2018 (Pages 15 - 18)

The Committee will be asked to note the outcomes of the cases and support the

actions of the Service Manager, Public Protection.

5 PLANNING ENFORCEMENT AND UPDATE REPORT - JULY 2018 (Pages 19 - 22)

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

6 PLANNING APPLICATIONS AND APPEALS PERFORMANCE (Pages 23 - 26)

To update the Planning Committee of the Council's performance in relation to Government targets.

7 REVISED MEMBER AND OFFICER PROTOCOL (Pages 27 - 40)

To consider a revised draft member and officer protocol for planning for recommendation to Council.

8 PLANNING APPLICATION 18/0333 - SOUTH PIER, PROMENADE, BLACKPOOL (Pages 41 - 64)

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

9 PLANNING APPLICATION 18/0077 - LAND ADJACENT 27 STOCKYDALE ROAD, BLACKPOOL (Pages 65 - 92)

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 Governance 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.

Blackpool Council

Planning Committee:

14 August 2018

Planning Application Reports – Update Notes

Listed below are changes to the planning reports made as a result of additional information received since the publication of the agenda for this meeting.

Case:	Address:	Update:
Agenda Item 6	Planning applications and appeals performance	<p>In terms of the Government targets for performance on major and minor applications since 1 October 2016</p> <p>The figures are –</p> <p>Major Applications - 91% within 13 weeks or an agreed extension of time</p> <p>Minor Applications - 92% within 8 weeks or an agreed extension of time</p> <p>(TARGETS -Speed of major development decisions – 60% within 13 weeks or an agreed Extension of Time – for the period October 2016 to September 2018</p> <p>Speed of minor development decisions – 70% within 8 weeks or an agreed Extension of Time – for the period October 2016 to September 2018)</p> <p>The figures for July 2018 are</p> <p>Major Applications -100%</p> <p>Minor Applications – 100%</p>
18/0333	South Pier, Promenade, Blackpool	An email has been received from the applicants requesting deferral of the application as their agent is on holiday and cannot attend the meeting to put forward their case for the retention of the log flume ride
18/0077	Land adjacent to no. 27 Stockydale Road, Blackpool	The officer report was finalised and issued to Democratic Services on 02/08/18 in order for the meeting agenda to be prepared in accordance with standard timetables. The report stated that notice was served on the adjoining land owner at no. 23 Stockydale Road on 03/08/18. This information was included in the report in good faith on the advice of the applicant's agent.

		<p>On 03/08/18 the agent advised that the applicant refused to serve the notice referred to in the officer report. This is because the applicant does not believe that any encroachment would occur. As such, no notice has been served on the adjoining land-owner. The adjoining land-owner considers that formal notice should be served. The Council, in accordance with the precautionary principle, has recommended that notice be served but accepts that the ownership boundary is not clear. This is due to the presence of a hedgerow along the boundary. Whilst there is a fence within the hedgerow, it is unclear which feature marks the boundary of the site. The only way to resolve this issue would be through a detailed and independent topographic survey.</p> <p>As set out in the officer report, land-ownership is not a valid planning consideration. In this case, the adjoining owner at no. 23 Stockydale Road was advised that the application had been submitted to the Council on 14/02/18. This neighbour has therefore been aware of the proposal for longer than the requisite 21 day period that would have accompanied any notice served by the applicant. As such, it is felt that the adjoining neighbour has not been unduly compromised by the applicant's failure to serve legal notice. On this basis, and as land-ownership is not a valid planning consideration, it has not been considered reasonable to require independent legal resolution of the issue prior to determination.</p> <p>The grant of planning permission does not confer any rights of access or development on third party land. If this dispute between the applicant and the adjoining land-owner persists, it would have to be resolved privately before any development could commence.</p> <p>Condition 18 to be amended as follows:</p> <p>No development shall be commenced on site before:</p> <p>(a) a detailed scheme of off-site highway improvement works has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include;</p> <ul style="list-style-type: none">• the provision of pedestrian footpath links to the existing pavements on Stockydale Road to the south;• the upgrade and widening of the carriageway <u>including associated drainage works.</u>• the removal and relocation of any street-lighting columns affected by the works.
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		<ul style="list-style-type: none">• <u>All necessary works to Utility Apparatus.</u> <p>(b) the scheme agreed pursuant to part (a) of this condition has been implemented in full and in full accordance with the approved details.</p> <p>Reason: In the interests of highway safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.</p> <p>Condition 20 to be amended as follows:</p> <p>(a) No construction of the flat-block properties hereby approved shall commence until details of the proposed bin store have been submitted to and agreed in writing by the Local Planning Authority.</p> <p>(b) The bin storage agreed pursuant to part (a) of this condition shall be provided before any of the units properties hereby approved are first occupied and shall thereafter be retained and maintained as such.</p> <p>Reason: In the interests of the appearance of the locality and the amenities of residents, in accordance with the provisions of Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.</p> <p>Seven additional representations have been received from nos. 20, 23, 30 and 38 Stockydale Road; no. 1 New Hall Lane; no. 14 Dunes Avenue; and no. 7 Moor View Close in Cumbria. These do not raise any new issues to those considered in the officer report.</p> <p>The representation from no. 23 again contends that the development would encroach on his land. As discussed in the report, land ownership issues are not a valid planning consideration. It is also claimed that the position of the hedgerow and garage to no. 23 are not shown correctly but the plan submitted would appear to correlate with the positions of these features as viewed on Google aerial photographs.</p>
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**PLANNING COMMITTEE
14 AUGUST 2018 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
Agenda Item 8 Application 18/0333 Officer's recommend: Defer (note amended recommendation) Pages 35 to 58	Retention of log flume ride on land to the north of the pier SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB	INFORMATION FROM OFFICERS	
		OBJECTORS	Mr Nick Laister, RPS, on behalf of Blackpool Pleasure Beach
		APPLICANT/AGENT/SUPPORTER	
		WARD COUNCILLOR	
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	

**PLANNING COMMITTEE
14 AUGUST 2018 – ORDER OF BUSINESS**

APPLICATION No/Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
Agenda Item 9 Application 18/0077 Officer's recommend: Defer for Delegation Pages 59 to 86	Erection of four detached dwellinghouses, two with integral garages and two with detached garages, with associated landscaping and access from Stockydale Road. LAND ADJACENT 27 STOCKYDALE ROAD, BLACKPOOL, FY4 5HP	INFORMATION FROM OFFICERS	
		OBJECTORS	Ms Christine Baron – public objector
		APPLICANT/AGENT/SUPPORTER	Mr Joseph Boniface, agent
		WARD COUNCILLOR	
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	

Present:

Councillor L Williams (in the Chair)

Councillors

D Coleman
Humphreys

Hutton
Jackson

O'Hara
Robertson BEM

Stansfield

In Attendance:

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mr Gary Johnston, Head of Development Management

Mrs Clare Lord, Legal Officer

Miss Susan Parker, Senior Planning Officer

Mr Latif Patel, Network Planning and Projects Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 20 JUNE 2018

The Committee considered the minutes of the last meeting held on 20 June 2018.

Resolved: That the minutes of the meeting held on 20 June 2018 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee noted that an appeal has been lodged by Lovell Partnerships Limited against the refusal of planning permission for the erection of 86 dwellings with associated open space and landscaping and formation of new access to Warren Drive.

Mr Johnston advised the Committee that the neighbours of Warren Drive and Ward Councillors of Anchorsholme and Norbreck Wards had been notified of the appeal. No date had yet been arranged for the Public Inquiry but it was anticipated that it would be held in October 2018. Mr Johnston agreed to notify Committee Members of the date of the Public Inquiry at the earliest opportunity.

In response to a question from the Chairman, Mr Johnston confirmed that Committee Members were able to attend the Public Inquiry.

Resolved: To note the planning appeal lodged.

4 PLANNING ENFORCEMENT UPDATE REPORT - MAY 2018

The Committee considered a report detailing the planning enforcement activity

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 17 JULY 2018

undertaken within Blackpool during May 2018.

The report stated that 47 new cases had been registered for investigation, 12 cases had been resolved by negotiation without recourse to formal action and 17 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action.

There had also been one s215 notice served during the period.

The report also provided comparative information for the same period last year.

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

5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

Mr Johnston reported on a slightly poorer performance against the Government target in respect of speed of major development decisions. There had been two major development decisions in June, one of which related to permission for a development at Whyndyke Farm which had not been issued within the target deadline due to awaiting a Section 106 agreement and the absence of an extension of time agreement. The other major development had been determined within the target deadline.

Resolved: To note the report.

6 PLANNING APPLICATION 18/0202 LAND AT ODEON CINEMA, RIGBY ROAD, BLACKPOOL

The Committee considered planning application 18/0202 seeking permission for the demolition of the existing public house, relocation of the vehicular access and erection of a bingo hall (Use Class D2) and a drive-thru cafe/restaurant (Use Class A3) with associated reconfiguration of the existing car park and provision of new landscaping on the land at Odeon Cinema, Rigby Road, Blackpool.

Miss Parker, Senior Planning Officer, provided the Committee with an overview of the application and presented the site location, layout and elevational plans for the proposed development and an aerial view of the site. She also circulated computer generated images of the proposed development to Members. The Committee was reminded that the application had been deferred from the last meeting to allow the applicant the opportunity to address outstanding concerns relating to the design of the building and compliance with the sequential test. Miss Parker reported that the applicant had demonstrated that the sequential test had been met and that the amended design had now been considered acceptable and therefore the application had now been recommended for approval.

Mr Smith, the applicant's agent, spoke in support of the application. He reported his view on the benefits of the development in terms of employment opportunities and investment in the town. He also reported on the amendments to the building design to

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 17 JULY 2018

address concerns and referred to the reports submitted that demonstrated in his view that there would be no impact on the amenity of neighbouring residents from the proposed development.

The Committee considered the application and raised concerns regarding the impact on the amenity of local residents due to the reduction in parking spaces, the increased traffic flow and additional noise that would be generated due to the number of vehicles accessing/exiting the site. Further concerns were raised relating to the impact on the amenity of residents due to the size, scale and design of the proposed development and the inappropriateness of the location, particularly in relation to its close proximity to residential properties. Members also expressed concerns at the loss of a community facility in terms of the loss of the public house.

The Committee discussed the proposal made by the Head of Highways and Traffic as detailed in the Update Note for £10,000 funding to be secured and held for a period of three years to address future potential parking issues but did not consider that this would be adequate to alleviate the parking concerns.

Whilst the Committee acknowledged the benefits of the scheme in terms of providing employment opportunities, it considered that this did not outweigh the disadvantages of the proposal in terms of its impact on the amenity of local residents, on highway safety, design and loss of the public house. It considered that the proposed development conflicted with Policies LQ1, LQ4, BH3, BH21 and AS1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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 18/0214 - LAND AT 64 PRESTON OLD ROAD, BLACKPOOL

The Committee considered planning application 18/0214 that sought outline planning permission for the erection of a single dwelling and associated detached garage with pedestrian access from Preston Old Road and vehicular access from Crosby Grove on the land at 64 Preston Old Road, Blackpool.

Mr Johnston, Head of Development Management, provided the Committee with an overview of the application, site location plans and an aerial view of the site. He advised that outline permission was being sought for access and layout of the proposed development. Mr Johnston reported on the proposed development in relation to the neighbouring properties. He acknowledged the parking concerns raised by the objectors to the application but highlighted the provision of the double garage and associated parking provision at the rear which could accommodate parking for four vehicles.

Mrs Sexton, a member of the public, spoke in objection to the application. She raised concerns on the impact of the proposal in terms of exacerbating the existing parking

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issues in the area, impact on her privacy and disruption from the construction of the development.

The Committee considered the application and questioned the adequacy of the parking provision for the number of cars stated in the officer's report and the suitability of the proposed turning circle. Concerns were raised in respect of the impact on the amenities of residents of nearby properties due to the potential increase in the existing parking issues on Crosby Grove. The Committee raised further concerns regarding the impact on the amenities of the residents of nearby properties due to the close proximity of the proposed dwelling to neighbouring properties. Members felt that the proposal would conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies AS1 and BH3 of the Blackpool Local Plan 2001-2026

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.

Chairman

(The meeting ended 7.00pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Governance Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

Application Number 18/0202 – Land at Odeon Cinema, Rigby Road, Blackpool, FY1 5EP

Demolition of the existing public house, relocation of the vehicular access and erection of a bingo hall (Use Class D2) and a drive-thru cafe/restaurant (Use Class A3) with associated reconfiguration of the existing car park and provision of new landscaping.

Decision: Refuse

Reasons:

1. It is considered that insufficient car parking provision would be available on site to meet the needs of the uses proposed at peak periods. It is considered that this would result in patrons seeking to park on-street to the detriment of the amenities of nearby neighbours and highway safety. It is also considered that the variety of uses that would result on the site would generate additional traffic and that delays in leaving the site at peak times would lead to use of excessive speed on Rigby Road and Princess Street and that this would have a detrimental impact on highway safety. As such, the proposal would be contrary to the provisions of paragraphs 17 and 32 of the National Planning Policy Framework, Policy CS7 of the Local Plan Part 1: Core Strategy 2012-2027, and saved Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.
2. It is considered that the noise that would result from the operation of the uses proposed and from associated traffic and use of the car park would have an unacceptable impact on the amenities of nearby neighbours. As such, the proposal would be contrary to the provisions of paragraphs 17 and 123 of the National Planning Policy Framework, Policy CS7 of the Local Plan Part 1: Core Strategy 2012-2027, and saved Policy BH3 of the Blackpool Local Plan 2001-2016.
3. By virtue of the scale of the bingo hall building proposed in terms of its footprint, height and proximity to nearby residential properties, it is considered that this building would have an unacceptably over-bearing impact upon the occupants of these properties and thereby have an unacceptable impact upon their residential amenities. As such, the proposal would be contrary to the provisions of paragraphs 17 of the National Planning Policy Framework, Policy CS7 of the Local Plan Part 1: Core Strategy 2012-2027, and saved Policy BH3 of the Blackpool Local Plan 2001-2016.
4. The design, scale and detailing of the proposed bingo hall building is considered to be unacceptable in the context of the other commercial buildings on the Festival Leisure Park and the residential properties in the vicinity. As such, the proposal would be contrary to the provisions of paragraphs 17 and 64 of the National Planning Policy Framework, Policy CS7 of the Local Plan Part 1: Core Strategy 2012-2027, and saved Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

5. It is considered that the loss of the Swift Hound public house as a community facility would be unacceptable in the context of recent development in the immediate vicinity and the Council's strategic plans and objectives for the regeneration of the wider area as a more balanced and healthy local community. As such, the proposal would be contrary to the provisions of paragraphs 17 and 70 of the National Planning Policy Framework, Policy CS12 of the Local Plan Part 1: Core Strategy 2012-2027, and saved Policy BH21 of the Blackpool Local Plan 2001-2016.

6. 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 which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Application Number 18/0214– Land at 64 Preston Old Road, Blackpool, FY3 9PL

Erection of single dwelling and associated detached garage with pedestrian access from Preston Old Road and vehicular access from Crosby Grove.

Decision: Refuse

Conditions and Reasons:

1. The proposed development would have an adverse effect on the amenities of the occupiers of properties on Preston Old Road and Crosby Grove by virtue of its proximity to the site boundaries and by virtue of increased comings and goings with the access being off Crosby Grove which is a narrow cul-de-sac which already experiences on street parking. As such the proposed development would be contrary to paragraph 17 of the National Planning Policy Framework, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.

2. The proposed development would mean that vehicles associated with 64 Preston Old Road would have to park in the highway to the detriment of highway and pedestrian safety and as such the proposed development would be contrary to Policy AS1 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 which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	14 August 2018

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:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'.

5.0 Background Information

5.1 Planning/Enforcement Appeals Lodged

5.1.1 **Cardtronics UK Ltd, trading as CASHZONE, Cafe 15, 15 Cocker Street, Blackpool, FY1 2BY (17/0787)**

5.1.2 An appeal has been lodged by Cardtronics UK Ltd against the refusal of planning

permission for the retention of an ATM on the Dickson Road frontage of the premises.

5.3 Planning/Enforcement Appeals Determined

5.3.1 None

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 Coglan, Service Manager, Public Protection
Date of Meeting:	14 August 2018

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 June 2018.

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, 53 new cases were registered for investigation, compared to 96 received in June 2017.

5.3 Resolved cases

In June 2018, 12 cases were resolved by negotiation without recourse to formal action, compared with five in June 2017.

5.4 Closed cases

In total, 18 cases were closed during the month (42 in June 2017). 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

- No enforcement notices authorised in June 2018 (none in June 2017);
- No s215 notices authorised in June 2018 (none in June 2017);
- No Breach of Condition notices authorised in June 2018 (none in June 2017).

- No enforcement notices served in June 2018 (none in June 2017);
- No s215 notices served in June 2018 (none in June 2017);
- No Breach of Condition notices served in June 2018 (none in June 2017)
- No Community Protection Notice served in June 2018 (one in June 2017)

Does the information submitted include any exempt information? No

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

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting	14 August 2018

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 July 2018.

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 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool.'

5.0 Background Information

5.1 Cases

5.2 New cases

In total, 44 new cases were registered for investigation, compared to 71 received in July 2017.

5.3 Resolved cases

In July 2018, 16 cases were resolved by negotiation without recourse to formal action, compared with six in July 2017.

5.4 Closed cases

In total, 18 cases were closed during the month (49 in July 2017). 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

- No enforcement notices authorised in July 2018 (one in July 2017);
- No s215 notice authorised in July 2018 (one in July 2017);
- No Breach of Condition notices authorised in July 2018 (none in July 2017);

- No enforcement notices served in July 2018 (two in July 2017);
- No s215 notices served in July 2018 (two in July 2017);
- No Breach of Condition notices served in July 2018 (none in July 2017);
- No Community Protection Notice served in July 2018 (one in July 2017).

5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

5.7.1 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

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Report to:	PLANNING COMMITTEE
Relevant Officer :	Gary Johnston ,Head of Development Management
Date of Meeting:	14 August 2018

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

1.1 To update members of the Planning Committee of the Council's performance in relation to Government targets.

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 current performance.

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 The relevant Council Priority is both:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 Members of Planning Committee will be aware that the Government has set targets for the determination of major and minor category planning applications and major and minor category appeals.

5.2 These are speed and quality of decision targets and are currently –

Speed of major development decisions – 60% within 13 weeks or an agreed Extension of Time – for the period October 2016 to September 2018

Speed of minor development decisions – 70% within 8 weeks or an agreed Extension of Time – for the period October 2016 to September 2018

Quality of major development decisions – Loss of more than 10% of appeals – for the period April 2016 – March 2018

Quality of non major development decisions – Loss of more than 10% of appeals – for the period April 2016 – March 2018

5.3 Figures are submitted quarterly to the Ministry of Communities and Local Government. Performance is shown in this case for the first quarter of this year (2018-2019) (April to June 2018). Details of performance for July 2018 will be provided as part of the Update Note.

5.4 The last annual performance figures for applications for the year 2017-2018 was:

Majors 96% within 13 weeks or an agreed extension of time
 Minors 97% within 8 weeks or an agreed extension of time

5.5 In terms of appeals for the period April 2016 – March 2018 :

There were 28 decisions of which six non major appeals were lost (21% of the total)
 Note: there were no major appeal decisions.

	Government Target	Performance July 2018	Performance April –June 2018
Major development decisions	>60%	Not available at the time of this report	67%
Minor development decisions	>70%	Not available at the time of this report	96%
Quality of major development decisions	<10%	None	None
Quality of non major development decisions	<10%	No appeal decisions in July	2 appeal decisions- one allowed and one dismissed

Does the information submitted include any exempt information? No

5.6 List of Appendices

5.6.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 Performance is influenced by staffing numbers, sickness and leave.

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.

10.0 Risk management considerations:

10.1 Under resourcing the service could lead to inability to respond to peaks in workload.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Not applicable

13.0 Background Papers

13.1 None

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting	14 August 2018

REVISED MEMBER AND OFFICER PROTOCOL AND REVISIONS TO THE PUBLIC SPEAKING PROCEDURE FOR PLANNING

1.0 Purpose of the report:

- 1.1 To consider a revised draft Member and Officer Protocol for Planning for recommendation to Council and amendments to the Public Speaking arrangements for the Committee.

2.0 Recommendation(s):

- 2.1 To recommend Council to approve as part of the Council's constitution the revised Member and Officer Protocol for Planning as attached at Appendix 7a.
- 2.2 To recommend Council to adopt the revised public speaking arrangements outlined in the report namely that the period for objectors and applicants be increased to seven minutes and the period for ward councillors be similarly limited to seven minutes.

3.0 Reasons for recommendation(s):

- 3.1 The revisions of the member and officer protocol for planning have resulted from the previous peer review of planning and are intended to provide clarity for members.

The amendments to the public speaking have been requested by members of the Committee.

- 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 previous protocol is out of date so the approval of a revised version is

necessary.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'.

5.0 Background Information

5.1 For a number of years the Council has had as part of its constitution a protocol on member and officer relationship in respect of planning matters. The aim of the document is to provide an easy to read document that defined the different roles and responsibilities of both Councillors and Officers. The document has not been updated for a number of years and it had been noted that the current practice differed from the protocol. Equally the planning peer review identified a number of areas of best practice.

5.2 Following on from the peer review, a discussion session was held on the 8 March 2018, arising from that a draft protocol has been produced based on the broad principles agreed at that meeting and as attached at Appendix 7a.

5.3 Also at the training session, members expressed concern as to the times allocated for public speaking and expressed a wish to increase the time limit for members of the public but also to introduce an element of consistency by also adding this limit to apply to Ward Councillors. The aim being to allow sufficient time for representations but avoid significant levels of repetition. Currently the Council allows one speaker for and one against with a limit of five minutes and an unlimited period for Ward Councillors. Following research it is clear that while the Council is in line with other Councils in terms of time limits some Councils do allow multiple speakers both for and against and some do not differentiate for Ward Councillors in their schemes. It is therefore proposed that the Council be recommended if the Committee is so minded to amend the public speaking rules for planning to extend the limit for members of the public to seven minutes for both those speaking for and against and additionally for this limit to also apply for Ward Councillors.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 Appendix 7a: Revised Member and Officer Protocol for Planning

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.

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Part 5d

Member and Officer Protocol for Planning

Member and Officer Protocol for Planning Matters	
Effective from	Approved by Council

1. Introduction

- 1.1 The role of the planning system is to regulate the use and development of land in the best interests of Blackpool both immediately and in the future. It can affect the private lives of individuals, the interests of landowners and developers but also the future of the town. It is essential that the Council should make such decisions openly, impartially with sound judgement and for justifiable reasons.
- 1.2 Councillors and Officers are both involved in operating the planning system although they have different yet complementary roles. The successful operation of the planning process relies on mutual trust and understanding of each other's roles. It also relies on both groups ensuring that they act in such a way which is not only fair and impartial but is also clearly seen to be.
- 1.3 The protocol outlines the requirements of all parties. It should be read in conjunction with the Council's Constitution, in particular the relevant Codes of Conduct for both officers and members as well as the Royal Town Planning Institute Code of Conduct which sets out the professional conduct for officers.

1. INTRODUCTION**2.**

- ~~1.1 This Protocol forms part of the Council's Constitution and should be read in conjunction with the Constitution, in particular the Members' Code of Conduct including the section on the declaration of interests and so both should be borne in mind when considering planning applications.~~
- ~~1.2 This Protocol particularly applies to members of the Planning Committee but it also applies to other members when involved in the planning process for example as applicants, objectors or interested parties.~~
- ~~1.3 This Protocol also applies to officers and where it does, officers are also bound by the Council's Code of Conduct for Employees and if they are members of the Royal Town Planning Institute, that organisation's code of professional conduct.~~
- ~~1.4 It should be noted that the role of the planning system is to regulate the use and development of land in the public interest. Accordingly, planning decisions must be seen to be impartial and properly justified. The planning system can only operate effectively if there is trust among the various stakeholders: the public, applicants, developers, elected members and officers.~~

2. Role and conduct of Members and Officers

Role of Members

2.1 When Councillors come to make a decision on a planning matter they must:

- Act fairly and openly
- Approach each case with an open mind
- Read the reports and any additional information such as viewing photographs, video footage in advance of the meeting and prepare for the Committee meeting
- Pay attention to representations received
- Use the Council's planning policy and guidance as their basis for making a decision
- Consider national planning policy and guidance
- Consider whether the application could contribute to a solution to a social, economic or environmental challenge within Blackpool
- Carefully weigh up all relevant issues before reaching a view on a particular case
- Determine each case on its merits
- Ensure that there are clear and substantial reasons for their decisions and that those reasons are clearly stated.

2.2 Councillors should remember that while acting as a member of the Planning Committee that they have a responsibility to ensure planning policies are equitably and evenly applied. Councillors will find that decision making can be difficult as it may often be forced to balance competing demands (for example the prosperity of the wider town with the objections of residents neighbouring the proposed development or equally the benefits that might accrue in the future).

Role of Officers

2.3 The function of officers is to advise and assist Councillors in matters of planning policy and in their determination of planning applications and enforcement issues by:

- Providing impartial professional advice
- Use adopted Council policies as the basis for decision making
- Ensure that all available information relevant for the decision to be made is given including details of representations and rationale for the recommendation to the Committee
- Outline the material considerations and highlight where representations include matters relevant to a planning decision.
- Providing a clear, logical and accurate analysis of the issues
- Implement the decisions of the Planning Committee.
- Determine which applications under the Council's scheme of delegation are to be considered by Committee or by the Head of Development Management under delegated powers.

~~Role and conduct of members and officers~~

~~2.4 Elected members and officers have different but complementary roles. Both serve the public but members are accountable to their electorate and officers accountable to the Council as a whole, as their employer.~~

~~2.5 The main duty of elected members is to represent their constituents as a whole, including those who did not vote for them. This is especially relevant to planning matters where~~

~~often those decisions are taken against the interests of individuals, but for the benefit of the wider community.~~

- ~~2.6 Officers who are chartered town planners must act in accordance with the Royal Town Planning Institute's (RTPI) Code of Professional Conduct and breaches of that code will be subject to separate disciplinary action by the Institute. All officers are expected to follow the Council's Code of Conduct for Employees, or any other relevant code.~~
- ~~2.7 Elected members are free not to follow the advice of the professional officers. Professional officers may also have a change of opinion but this must be based on a professional judgement and they must not be allowed to be influenced by elected members or other officers to change their opinion where this does not genuinely represent their professional view.~~
- ~~2.8 The Council has a designated Head of Development Management who has direct access to elected members as their professional adviser on planning matters.~~

3. Training on planning matters

- 3.1 All members of Planning Committee are required to receive training on planning and conduct matters prior to being involved in the work of the Committee. This will help members undertake their role in as a professional manner as possible.
- 3.2 The Head of Democratic Governance will set a training plan for all members after consultation with the Chairman and the Head of Development Management and in accordance with the priorities in the Member Development Plan.
- 3.3 Members of the Committee should raise topics that they wish to covered by such training and their feedback on training will requested regularly.
- 3.4 The names of members who do not attend such training will be reported to the relevant Group Leaders with a clear recommendation that such members who have not attended training regularly be removed by their party from the Planning Committee.
- 3.5 Councillors who are not members of the Planning Committee are also able to attend such training if they wish to develop their knowledge of the process.

4. Declarations of Interest

- 4.1 Councillors must consider all the material planning considerations before them with open minds (and appear as so) at the time of determination of the application.
- 4.2 While it is for the individual Councillors to decide whether there is an interest to declare, the potential consequences of a failure to declare an interest should always be borne in mind as should personal bias and a closed mind as these can have serious consequences for the elected member, the decision and the Council. Failure to observe this Planning Protocol could result in the Councillor being reported to the Council's Monitoring Officer.
- 4.3 Councillors must declare all interests in the matter for consideration and where appropriate withdraw from the meeting. The nature and the existence of the interest should be clearly declared. Further information is available on the code of conduct which applies to all Council meetings.
- 4.4 The Head of Democratic Governance can provide advice and guidance on potential interests. Where Councillors are unclear they should contact the Head of Democratic

Governance or another member of the Democratic Governance team as early as possible in advance of the meeting to assist the Councillor in making their decision whether they have an interest.

- ~~4.5 Failure to declare an interest could result in the decision being judicially reviewed by the courts and revoked. The costs of defending a decision in a court can be significant. It can also lead to a successful appeal against refusal of planning permission and the failure of an elected member to correctly declare an interest could be used to support an appellant's case that the refusal was unreasonable. This could have consequences for the appeal against the Council and the chance of costs being awarded against the Council.~~
- ~~4.6 Failure to declare an interest could also lead to a complaint being made to the Local Government Ombudsman which can recommend the making of a financial payment if a finding of maladministration is made.~~

5. Bias

- 5.1 It is important that Councillors who are making decisions approach any decisions with an open mind. This rule applies whether the Councillor does or does not have an interest in the matter. Decisions must be made strictly on planning grounds and have considered all relevant factors outlined in the officer's report. The appearance of bias is particularly likely where a member has expressed a settled view on a planning matter in advance of a meeting.
- 5.2 The Localism Act has clarified that there is a difference between '**predisposition**' and '**predetermination**'.
- 5.3 A Councillor is biased if they have or appear to have **predetermined** a planning application in so much that they have made up their minds before considering all the evidence or if they choose to ignore some evidence.
- 5.4 A Councillor can express a **predisposition** in favour or against a planning application without being biased, so long as the Councillor has not closed their mind and this is clear to those involved.
- 5.5 It should be noted that perception is equally important so Councillors should clearly avoid giving the appearance both by verbal and non-verbal communication that they have closed their minds to an issue.
- 5.6 Where it is agreed to defer a matter to a future meeting, issues raised in debate prior to the deferral do not indicate necessarily that a Councillor will be biased when the matter is reconsidered unless this is expressly stated.
- 5.7 Councillors cannot accept an instruction from anyone to determine an application in a particular way. It is not appropriate for any party or group of members to apply a whip or other formal or informal instruction to vote in a certain way.

6. Role as a ward councillor

- 6.1 Members have an important role as ward councillors in representing those living in their ward's views on planning applications.
- 6.2 There is a procedure in place so that members can request that an application is considered by the Planning Committee rather than dealt with under delegated powers and this is outlined at Appendix A to this protocol.
- 6.3 Ward Councillors can also make representations to the Planning Committee by applying in

writing or by email by 12 Noon the day before the meeting.

- 6.4 Where the Ward Councillor is also a member of the Planning Committee they can either choose to refer those interested in the application to their ward colleague or they can choose to remove themselves from the Committee to make representations to it. They can also submit any views in writing.

7. Development proposed by the Council or a Council owned or controlled company

- 7.1 Planning legislation allows Councils and bodies controlled by them to submit and determine development proposals which they intend to carry out themselves. These shall be considered in the same way as those put forward by private developers.
- 7.2 Members of the Planning Committee who are also Board members of Council-owned companies will have a prejudicial interest in planning applications submitted by or on behalf of which affect the Company and should not take part in the consideration of the application.
- 7.3 The Council should treat such applications on an equal basis with all other applications.

8. Development proposed by individual members or officers or persons related to them

- 8.1 Councillors or officers should never act as agents for another person in pursuing planning applications within the Borough or which materially affect the Borough. If members or officers submit their own proposal to the Council they should take no part in the processing and determination of that proposal and they should not be involved in the processing and determination of applications submitted by close family, personal friends or business associates. The Council's Head of Development Management should be informed of all such proposals as soon as they are submitted.
- 8.2 These applications will be determined in line with the processing of all other applications but with the relevant elected member or officer excluded from the process.
- 8.3 Officers must not deal with development proposals and planning applications in which they have any form of interest.

9. Lobbying of and by members

- 9.1 Lobbying is a necessary and legitimate part of the democratic and planning process. Those affected or who have strong views on a proposal for development will often try to canvass the Planning Committee to get members of the Committee to share those views. The time though for individual members of the Planning Committee to make a decision on a proposal is at the Committee meeting when all the relevant information is available and has been properly considered.
- 9.2 Councillors are free to listen to a point of view about a particular proposal and to provide basic advice on how the application will be processed (details of relevant contact officers, how to register to speak etc). They should be careful however to reserve their own final judgement until the Planning Committee meeting and to make it clear that this is the case.
- 9.3 Councillors should not circulate information to other members of the Planning Committee and instead refer such submissions to the Head of Development Management for assessment and/or inclusion in the report to the Committee or Update Note.

10. Pre- and post- application discussions

- 10.1 Councillors on the Planning Committee need to uphold their position as impartial decision makers and it would not be appropriate for them to take part in pre or post application discussions with applicants regarding a proposed development.
- 10.2 It is reasonable for Councillors to refer such discussions to the Head of Development Management who can arrange a factual discussion of whether the application as proposed appears to be in line with the Council's approved planning policies.
- 10.3 During any pre-application discussions or meetings with the applicant, it will be made clear at the outset the Council will not as a result of such discussion be bound to make a particular decision and such views are provisional and not the formal decision of the Committee.

Major applications submitted may make use of information sessions for members. The purpose of such sessions is to allow members to gain a broad understanding of the application and to request further information.

11. Officers' reports to Committee

- 11.1 The officer's report to Committee will include the following information:
 - A professional appraisal and balanced presentation of the application.
 - A clear recommendation including justification for the recommendation.
 - Where an application is recommended for approval - reasons for the approval, relevant conditions and the reasons for those conditions.
 - Where an application is recommended for refusal - reasons for that refusal and why in the opinion of the officer conditions could not mitigate these issues.
 - A history of the site
 - The proposal
 - The substance of any representations received
 - The relevant policies applicable
 - Any other material considerations
 - A view as to why alternative options have not been considered suitable.
 - Any material considerations that would justify a departure from the development plan.
 - A plan of the site.
 - Suitable photographs and other visual material eg video footage.
 - A link to the online planning file where the full details of the representations and other relevant information referred to in the report can be found.
- 11.2 An update note is produced containing any new information submitted after the agenda is published and will be circulated in advance of the meeting. If additional information is submitted after the compilation of the update note that is relevant to the discussion, it may be necessary to defer consideration of the planning application to a future meeting or adjourn the Committee briefly to enable proper consideration of the additional information.
- 11.3 Councillors should read carefully the officer's report in advance of the Committee meeting and where necessary seek clarification at the meeting of the information contained within. If Councillors wish additional information or photographs/video footage to be added to the report they should contact the Case Officer to request that these be circulated with the update note. It is however perfectly proper for a member to ask the planning officer to ensure that a particular issue is dealt with in the presentation to Committee in advance of the meeting.

12. Decisions contrary to officer recommendation

- 12.1 The decisions at Planning Committee (as outlined previously in paragraph 2.1) can only be made in reference to the Local Plan and other material planning considerations. Decisions can however be made against officer recommendation so long as a reason is given which is clear and convincing. Councillors should in making a decision outline their good and valid planning reasons for departing from the officer's recommendation.
- 12.2 However, it should be noted that the correct place to seek changes to the Local Plan is through a review of the plan at full Council - the Committee cannot seek to amend Council policy at Planning Committee meetings.
- 12.3 Where Councillors wish to make a decision to refuse a planning application against officer recommendation they should seek outline reasons for that decisions. The following courses of action can be undertaken to assist this process:
- A Councillor should approach the Head of Development Management in advance of the Committee meeting and ask to assist in translating the preliminary view of the member into sustainable reasons for refusal with reference to planning policy.
 - Councillors can seek a brief adjournment of the meeting to allow officers to assist in the formulation of such reasons.
- 12.4 Where Councillors wish to make a decision to grant planning permission against officer recommendation they should outline a reason for the decision and if applicable propose conditions. Members should remember that if no conditions are proposed then the application would be granted without restrictions and should consider carefully the implications for a planning permission granted in such a way. The following courses of action can be undertaken to assist this process:
- A Councillor should approach the Head of Development Management in advance of the Committee meeting and ask to assist in translating the preliminary view of the member into sustainable reasons for approval and identify suitable conditions with reference to planning policy.
 - Councillors can seek a brief adjournment of the meeting to allow officers to assist in the formulation of conditions

13. Viewing sites

13.1 The report, the update note and presentation at Committee will contain suitable photographs, videos, images and plans to assist Councillors in making their decision. In line with paragraph 11.3, having viewed the agenda, if Councillors wish additional information or photographs to be added to the report they should contact the Case Officer to request that these be circulated with the update note.

13.2 It has been agreed site visits do not need to take place for planning applications apart from in exceptional circumstances. Councillors of course remain able to use their local knowledge to assist in the decision making and can visit the site independently so long as they do not engage with any other parties.

- 1 In light of this when a member of the Committee considers that there are exceptional circumstances to warrant a site visit, they should it would require the member to contact the Head of Development Management and explain in writing why such a visit was essential. This statement would include the exceptional circumstances of the application and why it was not possible to source the required photographs, images and videos. This would then be considered by the Head of Planning Quality Control after consultation with the Chairman. **SITE VISITS**
 - 1.1 ~~The council's code of conduct applies as much to site visits as to any other area of conduct.~~
 - 1.2 ~~Organised committee site visits to application sites will be held where the committee has, by a majority, requested such a visit or where requested by officers, in consultation with the chairman or vice chairman of the committee.~~
 - 1.3 Site visits should only be held:
 - 1.3.1 ~~Where the expected benefit is substantial; and/or~~
 - 1.3.2 ~~The impact of the proposed development is difficult to visualise from the plans and supporting material, including photographs/video footage taken by officers.~~
 - 1.4 ~~Site visits will be primarily to view the site and appreciate how the proposed development relates to the site and its surroundings. An officer(s) would be in attendance with the members. No discussion of the merits of the proposal will take place as the site visit is purely to assess the effect of the proposed development on the surroundings. However, members may ask factual questions to confirm their understanding of physical features of the site or its surroundings.~~
 - 1.5 ~~Planning applications will not be determined at site visits but will be reported back to the Development Management Committee (following the site visit) for determination in the normal way.~~
 - 1.6 ~~If an applicant/agent or objector is present at the time of the visit, members should explain the purpose is to see the site and surroundings, and not to hear representations, and should not offer any opinion whatsoever and in particular should not indicate that they have already made up their mind on the application/issue.~~
 - 1.7 ~~It is not expected that members will make personal site visits which would result in contact with an applicant, agent or objector. Exceptionally, members who wish to view sites prior to a meeting of a committee, other than authorised and arranged visits in accordance with 11.2 to 11.6 should bear in mind at all times that the sole purpose is to view the site and its surroundings.~~
 - 1.8 ~~A member should declare at the Development Management committee at which the application is considered that a personal site visit has been made by them which has resulted in contact with the applicant, agent or objector.~~

14. Complaints

- 14.1 Any complaints made about the planning process should be recorded and would normally be dealt with in the Council's Complaints Procedure. Where it is a complaint relating to standards or conduct it should be reported to the Council's Monitoring Officer.

Schedule A – Ward Referral Procedure	
Effective from	Approved by Council on

1.1 Where an application is proposed to be determined by the Head of Development Management under delegated powers, the relevant ward councillor can request that the application be referred to the Planning Committee for further consideration. This is subject to the following:

- The request must be submitted in writing to the Head of Development Management
- The request must be received no later than 10 clear working days from the validation of the application and its publication on the Council's website.
- The request should specify one or more reasons why he or she believes the application should be considered by the Planning Committee, this should normally highlight issues raised by their local residents. The ward councillor would normally be expected to make representations to this effect to the Committee
- The application itself should not be one submitted by the ward councillor nor should the councillor have a Disclosable Pecuniary Interest or an interest in the matter which in accordance with the Code of Conduct for Members, requires them to withdraw from the meeting.

1.2 This scheme applies only to original planning applications and not to re-submitted applications where no substantial change has been made to the original application. It also does not apply to prior approval, certificates of lawfulness, advertisement consent, listed building consent and tree applications. This scheme also only applies where the Council is the body to determine the planning application and not where the Council merely must receive notification and does not determine the planning application.

COMMITTEE DATE: [14/08/2018](#)

Application Reference: 18/0333

WARD: Waterloo
DATE REGISTERED: 17/05/18
LOCAL PLAN ALLOCATION: Resort Core
Central Promenade and Seafront
Coast and foreshore
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: The Blackpool Pier Company

PROPOSAL: Retention of log flume ride on land to the north of the pier

LOCATION: SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB

Summary of Recommendation: Refuse

CASE OFFICER

Mr Gary Johnston

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool but conflicts with policies in the Blackpool Local Plan Part 1: Core Strategy 2012-2027 which was adopted by the Council in January 2016 and saved policies in the Blackpool Local Plan 2001-2016 (adopted June 2006).

SUMMARY OF RECOMMENDATION

The proposal has a number of tensions with policies in the Blackpool Local Plan (LQ1, RR1, RR4 and RR11) and the Blackpool Local Plan Part 1: Core Strategy (CS7, CS8 and CS21). When it was originally approved on a temporary basis it was felt that the proposed improvements to the western end of the existing pier justified supporting the temporary relocation of ride for a period of 18 months. In addition it was felt that a restriction on the hours of operation of the ride (10am to 10pm) would mitigate the concerns raised by a local resident and a local hotelier (Policy BH3 of the Blackpool Local Plan and Policy CS7 the Blackpool Local Plan Part 1: Core Strategy). However in the absence of the improvements to the western end of the pier it is felt that there is no justification for the retention of the ride in this location. Given there have not been any improvements to the western end of the pier this key material

consideration no longer weighs in favour of the proposal and it is considered that it is contrary to paragraphs 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016

INTRODUCTION

There are areas of land to the north and south of both Central Pier and South Pier that fall within the ownership of the owners of the piers. The use of these areas of land is always going to require planning permission because of the existence of an Article 4 Direction relating to the Promenade. In the past rides have appeared on the land to the north of South Pier and have been the subject of enforcement investigations in 2010 and more recently in 2016. In both cases the rides were removed from the site and no further action was necessary. In 2013 the Council renewed the planning permission for the erection of a new pier head building at South Pier (13/0668 refers), although this has now expired. South Pier is a locally listed building.

SITE DESCRIPTION

This application relates to a site immediately to the north of South Pier. The site is an irregular rectangular shape with dimensions of 46 metres by 21.5 metres and is part of a larger area. The site is set back approximately 15 metres from the frontage of the pier and approximately 20 metres from the sea defences. The site is tarmaced to distinguish it from the refurbished sea defences and promenade. To the south of the pier is a go kart track.

DETAILS OF PROPOSAL

This application is for the retention of a log flume ride which was originally sited at the western end of the pier. The ride occupies the bulk of the application site and has an overall height of some 12 metres. The 12 metres height is some 45 metres to the west of the frontage of South Pier. The ride is enclosed with 1 metre high timber palisade fencing. At the time of the original application, reference 16/0171, the applicant's agent suggested the ride needed to be relocated to allow the pier deck at the western end of the pier to be removed and replaced with more traditional timber decking.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- **Principle of the proposal**
- **Design**
- **Amenity**
- **Parking and Servicing Arrangements**
- **Impact on setting of South Pier**

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

CONSULTATIONS

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.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 31 May 2018

Neighbours notified: 22 May 2018

Letter from RPS on behalf of Blackpool Pleasure Beach objecting to the retention of the log flume ride in this location is attached at Appendix 8(a).

NATIONAL PLANNING POLICY FRAMEWORK

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

Paragraph 11 states - 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 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.

Paragraphs 124-131 state that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 197 states that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are -

CS1 - strategic location for development

CS5 - connectivity

CS7 - quality of design

CS8 - heritage

CS10 - sustainable design

CS21 - Leisure and business tourism

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

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 LQ2 Site Context states that the design of new development proposals will be considered in relation to the character and setting of the surrounding area. New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. These locations include locations affecting the setting of a Listed Building or should be a high quality contemporary and individual expression of design.

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 BH4 - Public Safety - seeks to ensure air quality is not prejudiced, noise and vibration is minimised, light pollution is minimised, contaminated land is remediated and groundwater is not polluted.

Policy RR1 - Visitor Attractions - Within the defined Resort Core the Council will permit and encourage proposals for the development, extension or improvement of tourism attractions that draw large numbers of visitors provided that such development meets all of the following criteria:

- a) the proposal makes a strong positive contribution to the physical and economic regeneration of the Resort Core, targeting, as far as possible, those areas/sites in greatest need of investment and renewal
- b) the proposal would increase the range and/or quality of facilities available to the visitor and contribute to safeguarding and growing Blackpool's visitor market
- c) the development proposal and associated activities including trip generation can be accommodated satisfactorily in a manner that relates well to adjoining uses; other existing visitor attractions and facilities, holiday and residential accommodation
- d) new attractions should reinforce the existing concentrations of such uses rather than leading to a dispersed distribution.

Policy RR11 - Central Promenade and Seafront -The Central Seafront from the Pleasure Beach to North Pier will be comprehensively improved and managed as an area for active leisure, in conjunction with the promotion of appropriate investment and development in adjoining Promenade frontages and the Piers. Improvements will establish a high quality public realm and include:

- new sea defences incorporating improved beach access facilities
- a renewed and extended Tramway system
- a cycleway
- landscaping and public art
- a new Illuminations spectacle
- festival event areas
- improved information, toilet, seating and refreshment facilities
- limited provision of ancillary small-scale retail outlets
- traffic calming measures and improved pedestrian crossing arrangements
- a new Public/Private Quality Management Initiative.

Development that would prejudice the implementation of these improvements or undermine the comprehensive improvement of the Central Promenade/Seafront Area will not be permitted.

Policy RR4 - Amusement arcades and Funfairs - Development proposals comprising or including Arcade Amusement Centres and Funfair rides will only be permitted:

1. In the following locations:
 - a) Blackpool Pleasure Beach
 - b) the Piers (excluding the Promenade deck of North Pier)

c) the Promenade frontage between its junctions with Adelaide Street and Princess Street.

or

2. As part of planned comprehensive development proposals elsewhere within the Resort Core.

or

3. In the context of improvements to existing amusement centres.

ASSESSMENT

Principle of the proposal

Members will be aware that an application to redevelop the pier head building was approved in 2013 but that this has now lapsed. Members will also be aware of the benefits that have followed the redevelopment of the sea defences and Promenade in terms of their visual impact and as a visitor experience. There is no doubt that the Promenade is the showcase for the town and is a means of linking the various attractions in the town with areas of holiday accommodation. This is a prominent site immediately to the north of South Pier although views from the south are largely obscured by the bulk of the existing pier head building (overall height of some 15 metres).

Policy RR1 of the Blackpool Local Plan seeks to encourage visitor attractions within the resort core subject to a number of criteria. The ride does not make a strong positive contribution to the physical regeneration of the resort core but it does reinforce existing concentrations of attractions - South Pier, Go Karts, Sandcastle. It does not increase the range of facilities as it is a retention of an existing ride. It does relate well to other uses and is well located for tram services and in relation to areas of holiday accommodation. It was not felt that a temporary relocation of the ride would conflict with the policy but it is considered that retention of the ride would conflict with the policy.

Policy RR4 of the Blackpool Local Plan is prescriptive in terms of where funfair rides should be located and this location is contrary to the policy as the land north of South Pier is not named in the policy. In this case the proposal was previously supported as it involved the relocation of an existing ride rather than a new ride and the proposed relocation was to facilitate some improvements to the existing pier structure. It is felt that retention of the ride would conflict with the policy.

Policy RR11 of the Blackpool Local Plan has been partially implemented through the provision of the new sea defences, festival event areas, tramway and cycleway and it is felt that the retention of the ride does conflict with the aims of the policy.

Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy seeks to strengthen the resort's appeal and part of this is to improve and enhance existing attractions (**part c** of the policy) which technically the previous application was seeking to achieve in terms of the upgrading of the western end of South Pier but this has not happened. **Part e** of the policy is clearly seeking to enhance the appearance of the promenade and complement the recent investment in the

sea defences, headlands and promenade which because of its functional appearance the ride does not achieve.

Given the tension with policies of the Blackpool Local Plan and of the Blackpool Local Plan Part 1: Core Strategy it is not felt that the proposal could be supported on a long term basis but previously a temporary relocation of the ride was justified to allow for the upgrading of the existing pier deck and this was deemed to be consistent with Policy CS21. It was felt that a period of 18 months was reasonable to allow for the work to be undertaken. The work has not been undertaken and another ride has been erected in place of the log flume ride at the western end of the pier. These are considerations which weigh against the retention of the ride on the land to the north of South Pier.

Design

The design/appearance of the ride is fairly functional reflecting its purpose. It could not be described as high quality design but given the context it is viewed against the backdrop of the existing pier building from the north and is largely hidden from view by the existing pier building when viewed from the south. The eastern part of the ride is some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part is some 80 metres away. Given these circumstances the design was considered acceptable in this location on a temporary basis only. It is not considered acceptable on a permanent basis.

Amenity

The eastern part of the ride is some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part is some 80 metres away. In between there is the tramway, the Promenade and Promenade footways. On the eastern side of the Promenade directly opposite the application site is Pablos, to the north of which is a retail unit with vacant upper floors and beyond that is 485 Promenade. It is not considered that the retention of the ride affects direct sea views from the front bedrooms of 485 Promenade but it does alter views when looking south. This is not in itself a reason to refuse planning permission. It is acknowledged that the ride has increased activity in the area to the north of South Pier and could if amplified music is used in association with the ride be a source of nuisance to local hoteliers, their customers and local residents. In addition illumination of the ride could be an issue. It was felt that an hours of operation condition for the ride would help to mitigate these concerns and 10am to 10pm was the approved hours of operation. It was felt that this condition would mean that the application would be consistent with Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy.

Highway Safety

The ride is set back from the Promenade by some 40 metres and hence it is not considered that it is a distraction to motorists and hence is not detrimental to highway safety. It is felt that it does not conflict with Policy AS1 of the Blackpool Local Plan.

Parking and Servicing Arrangements

There is space to the front and rear of the ride for staff to park. The ride is close to a tram stop and bus routes and forms part of a cluster of attractions in this area. It is not considered

that the provision of a dedicated customer parking area is warranted given the sustainable location of the site.

Impact on setting of South Pier

Paragraph 197 of the National Planning Policy Framework (NPPF) states that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This approach is echoed in Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy.

The principle of redeveloping the pier head has been established through the grant of planning permission reference 13/0668 (valid for three years from 13 January 2014). The previous application was supported on the basis that it would allow for the upgrading of the pier structure to allow the pier deck at the western end of the pier to be removed and replaced with more traditional timber decking. In this respect the proposal was considered to be enhancing the locally listed pier. This improvement to the pier structure has to be weighed against the negative impact the ride would have on the setting of the pier. However, this negative impact is mitigated by the bulk of the existing pier head building and the fact that the majority of the ride would be subservient to it. In addition it was felt that if it was approved on a temporary basis this impact would have a limited lifespan. Overall it was felt that the physical enhancement of the pier structure outweighed the temporary harm in locating the ride adjacent to the pier. However without the public benefit of the improvement to the western end of the pier it is considered that the proposal is contrary to paragraph 135 of the NPPF and Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy.

CONCLUSION

The proposal has a number of tensions with policies in the Blackpool Local Plan (LQ1, RR1, RR4 and RR11) and the Blackpool Local Plan Part 1: Core Strategy (CS7, CS8 and CS21). When it was originally approved on a temporary basis it was felt that the proposed improvements to the western end of the existing pier justified supporting the temporary relocation of ride for a period of 18 months. In addition it was felt that a restriction on the hours of operation of the ride (10 am to 10pm) would mitigate the concerns raised by a local resident and a local hotelier (Policy BH3 of the Blackpool Local Plan and Policy CS7 the Blackpool Local Plan Part 1: Core Strategy). However in the absence of the improvements to the western end of the pier it is felt that there is no justification for the retention of the ride in this location. Given there have not been any improvements to the western end of the pier this key material consideration no longer weighs in favour of the proposal and it is considered that it is contrary to paragraphs 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None relevant

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) 18/0333 which can be accessed via the link below:

Recommended Decision: Refuse

Conditions and Reasons

1. The retention of the log flume ride in this prominent location adjacent to a Locally Listed Building would detract from the character and appearance of the Promenade and the setting of the Locally Listed Building by reason of its height, bulk and appearance. As such the retention of the log flume ride is contrary to paragraphs 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016.

2. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 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 which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Advice Notes to Developer

Not applicable

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Date: 8 June 2018

Blackpool Council
 PO Box 17
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 FY1 1LZ

Dear Sir/Madam

**Planning Application 18/0333: Retention of log flume ride on land to the north of the Pier.
 SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB**

RPS is making these representations on the above planning application behalf of its client Blackpool Pleasure Beach Ltd (BPB). BPB wishes to **object** to this planning application, and we set out the reasons for this objection below.

A planning application was submitted to site a log flume ride on the Promenade adjacent to the South Pier entrance building (Planning Application 16/0171, validated on 18th April 2016). The Officer's Report to Planning Committee (hereafter referred to as "the 2016 Committee Report") noted that the proposal had a number of tensions with policies in the Blackpool Local Plan (RR1 and RR4) and the Blackpool Local Plan Part 1: Core Strategy (CS21). However, it was felt that improvements to the existing pier justified supporting a temporary relocation of the ride for a period of 18 months. Planning permission was therefore granted in July 2016 on a temporary basis, until April 2018. The log flume remains in breach of this condition.

This current application now proposes to retain the log flume on a permanent basis, which would have the effect of extending the pier deck amusement park onto the Promenade, in conflict with the above policies, and would set a longer-term precedent that would be of great concern to BPB, and in particular affect BPB's long-term contribution to Blackpool's tourism economy, the generation of jobs and its ability to continue to maintain the level of large-scale infrastructure (including a number of nationally-important listed buildings) on the site.

BPB therefore objects to this planning application for the following reasons:

- Principle;
- Visual impact and design;
- Residential and business amenity; and
- Heritage impact.

We deal with each of these below in turn.

Principle

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

The Blackpool Local Plan Part 1: Core Strategy (2012-2027) was adopted in January 2016 (hereafter referred to as the 'Core Strategy') and sets out the Vision for Blackpool, which is to offer ***“a high quality visitor experience attracting new audiences and creating new reasons to visit Blackpool year-round”*** with the Promenade being ***“...revitalised, with quality development providing excellent attractions...and public realm enhancements supporting an exciting cultural programme of events and festivals”*** (page 23).

Key objective 14 (page 25) is to: ***“Sustain a high quality, year-round visitor offer by growing and promoting our tourism, arts, heritage and cultural offer including new high quality attractions, accommodation and conferencing facilities and an exciting programme of national events and festivals.”***

The South Pier log flume is a portable ride, similar to log flumes that appear at a number of the larger travelling fairs around Britain. We do not consider that the erection of travelling funfair rides in such a prime location on Blackpool seafront meets the Council's objectives and aspirations for this prominent part of the Resort Core. As stated in Paragraph 4.7 of the Core Strategy, ***“...large parts of the Resort Core have become associated with a poor quality, low-value offer which does not appeal to a 21st century tourist market”***. BPB does not consider that the siting of funfair rides in this location will assist in improving the quality of the offer on this part of the seafront, especially when there are two lawful amusement parks (Blackpool Pleasure Beach and South Pier itself) on which rides can currently be located within defined boundaries, where the visual and noise impacts can be better managed, and where a better visitor experience can be provided.

Located outside of a defined amusement park boundary, the log flume will have an unacceptable, permanent impact upon the town's existing amusement park attractions, which will in turn potentially have a substantial and long-term impact on the attractions' ability to create jobs and on their contribution to the local economy. The log flume is located very close to the main entrance of BPB, so will have particularly negative consequences for the park.

BPB has invested significantly in the future of Blackpool after a number of difficult years. It has substantial infrastructure to operate and maintain, including a number of listed structures, and large annual costs to stay in operation. These recent investments, along with those of Blackpool Council elsewhere in the town, have seen a gradual improvement in the performance of the resort. For 2018, BPB has opened a new 'first-of-its-kind' £16M roller coaster to attract the 16 to 25-year-old thrill seekers to its Park and to the resort. Notwithstanding this, the economic climate remains very challenging, and likewise how to ensure this group make the decision to visit. This position is in stark contrast to the siting of a low grade portable ride, the subject of this planning application.

The permanent location of a log flume, being located outside an amusement park, and so close to the entrance to an established and important amusement park attraction, will significantly undermine BPB's confidence in making these investments, and possibly even its ability to make these investments.

Policy CS21: Leisure and Business Tourism incorporates these quality objectives into a clear statement of policy, stating that the focus will be on ***“strengthening the resort's appeal to attract new audiences year round”***. This will be achieved by supporting, inter alia:

“a. Proposals for new high quality tourism attractions focused on the town centre and resort core, including major development opportunities which have the potential to become wider catalysts for regeneration to improve the visitor experience.”

...

“e. New development along the promenade’s built frontage which complements the high quality public realm investment along the promenade to enhance the appearance of Blackpool’s seafront.”

It is clear from this policy, and in particular (a) that the Council is looking for high quality attractions that will assist in wider resort regeneration. Part (e) of the policy relates specifically to the promenade and refers to development complementing the high quality public realm investments that have been made along the promenade.

The supporting text (para 7.28) emphasises the ***“overriding”*** need to raise quality in all aspects of the visitor experience in Blackpool.

And Paragraph 7.31 refers to Blackpool’s ***“well-known visitor attractions which make an important contribution to the overall resort offer”*** and ***“seeks to complement and reinforce the role of these existing important attractions, securing their long-term future”***. This application would have exactly the opposite effect, by undermining the viability of the Pleasure Beach by allowing permanent fairground rides to be located on the promenade outside of an amusement park. This is not an issue of one business competing with another. The importance of Blackpool Pleasure Beach, its attractiveness to visitors, its overall appeal, its contribution to jobs and the economy and its role in managing an internationally important historic environment, takes it well beyond being a matter as narrow as competition. This is why certain key attractions are recognised in the Local Plan; the future of Blackpool partly depends on the long-term sustainability and attractiveness of these key attractions.

Similarly, Paragraph 7.33 refers specifically to the promenade and describes it as ***“one of Blackpool’s key visitor assets and is considered to be the ‘shop window’ of the resort”***. It refers to the multi-million pound investment that has transformed the seafront, including the new sea wall, enhanced public realm, improved access onto the beach and a new tramway. It states that: ***“To complement this recent investment, the Council will support new high quality development that builds upon the success of the seafront.”***

This proposal would be a significant backwards step for Blackpool, undermining the Pleasure Beach visitor attraction that the Local Plan seeks to support and undermining the public realm improvements that have transformed this part of the town.

The 2016 Committee Report identified a clear conflict with Policy CS21. It stated: ***“...part e of the policy is clearly seeking to enhance the appearance of the Promenade and complement the recent investment in the sea defences, headlands and Promenade which because of its functional appearance the ride would not achieve.”***

For this reason (and its non-compliance with policies in the 2001-2016 Local Plan that remain part of the Development Plan, which I deal with below), officers concluded:

“Given the tension between aspects of Policy RR4 of the Blackpool Local Plan and Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy, it is not felt that the proposal could be supported on a long term basis but a temporary relocation of the ride could be justified to allow for the upgrading of the existing pier which would be consistent with Policy CS21. It is felt that a period of 18 months is reasonable to allow for the work to be undertaken.” (RPS emphasis)

There has been no material change in circumstances that would provide a reason for the Council to take a different view now, as this policy remains unchanged. In addition, we understand from discussions with Carl Carrington at Blackpool Council that works have been undertaken on the Pier structure, so the reason for the Council allowing this ride on a temporary basis has now been discharged. Of course, there is always the need for ongoing repairs and maintenance to all of Blackpool’s piers, but this should not be at the expense of a permanent conflict with recently adopted Development Plan policies and harm to businesses that the Local Plan is seeking to support and enhance (namely BPB itself).

Blackpool Local Plan 2001-2016

As set out in the 2016 Committee Report, the proposed log flume would also be contrary to saved policies in those parts of the Blackpool Local Plan 2001-2016 (adopted June 2006, hereafter referred to as ‘the Local Plan’). The relevance of these policies was reaffirmed when the Core Strategy was adopted in 2016, so these policies remain relevant and carry full weight.

Local Plan Policy RR1 relates to visitor attractions and adopts a presumption in favour of tourism attractions within the defined Resort Core that draw large numbers of visitors providing they meet, *inter alia*, the following criteria:

- a) The proposal makes a strong positive contribution to the physical and economic regeneration of the Resort Core, targeting, as far as possible, those areas/sites in greatest need of investment and renewal;
- b) The proposal would increase the range and/or quality of facilities available to the visitor and contribute to safeguarding and growing Blackpool’s visitor market.

For the reasons set out above in respect of economic impact, the permanent retention of the log flume ride would meet neither of these criteria, and would be contrary to this policy. In terms of criterion (a), the retention of a large travelling funfair ride on this prominent part of the promenade, outside of an amusement park, would not make a strong positive contribution to the physical and economic regeneration of the resort, either in terms of the development itself (which offers little in the way of permanent landscape and infrastructure improvement – merely a perimeter fence) or in terms of the economic impacts of the ride, which would be in direct competition with a number of existing attractions which the Local Plan seeks to protect and enhance. In terms of criterion (b), the log flume will not increase the range and/or quality of facilities as it will be providing something that has already existed on the South Pier for many years and is similar to other attractions in the town (such as the Rugsrats Lost River log flume and Valhalla at the Pleasure Beach) and will draw tourists away from these existing permanent attractions, potentially harming their viability.

Of further significance, we note that the explanatory text to this policy acknowledges the importance of the continuing investment at Blackpool Pleasure Beach and the need for quality visitor attractions as being the key to Blackpool’s future as a major resort.

Officers agreed with this position when considering the original planning application. The 2016 Committee Report stated:

“The ride would not make a strong positive contribution to the physical regeneration of the resort core but it would reinforce existing concentrations of attractions - South Pier, Go Karts and the Sandcastle. It would not increase the range of facilities as it would be a relocation of an existing ride but it would allow for the safeguarding of the existing pier... It is not felt that a temporary relocation of the ride would conflict with the policy.”

The clear implication here is that a permanent permission would conflict, particularly in that it will undermine the physical regeneration of the resort and would not increase the range of attractions available in the town. BPB would agree entirely with the Council, and again we not aware of any material change in circumstances that would suggest a different view should be taken now to that taken in 2016.

Local Plan Policy RR4 sets out that funfair rides such as that proposed will only be permitted at Blackpool Pleasure Beach, the Piers, and the Promenade between its junctions with Adelaide Street and Princess Street, unless they are part of comprehensive development proposals or as part of improvements to existing amusement centres. Clearly, none of these locations are relevant to the log flume and as such, the proposal would not be in accordance with this policy. As stated above, the log flume does not form part of a comprehensive development proposal, nor is it part of the improvement of an existing amusement centre, as it is located outside of the curtilage of the Pier and the existing amusement arcade.

The Council was very clear about this in its 2016 Committee Report, stating:

“Policy RR4 of the Blackpool Local Plan is prescriptive in terms where funfair rides should be located and technically this location would be contrary to the policy as the land north of South Pier is not named in the policy. In this case, the proposal involves the relocation of an existing ride rather than a new ride and the proposed relocation is to facilitate some improvements to the existing pier structure. It is not felt that a temporary relocation of the ride would conflict with the policy.”

Again, the clear implication of this is that a permanent relocation would conflict with the policy. This must be the case because this site is not one that is listed in the Local Plan as an acceptable location for a funfair ride. This policy provides no exceptions. It would be extremely concerning if Blackpool Council took a different view in 2018 as this would set a precedent that could have far-reaching implications for the future viability of BPB, including its ability to invest, and therefore for the resort as a whole.

Visual impact and design

The ride is 12m high and is now a significant landmark on the seafront, and is much more visible on the landward end of the Pier than it was at the end of the Pier. In terms of visual impact, Core Strategy Policy CS21 provides clear guidelines on how development must complement the high quality public realm along the promenade, particularly given the significant investment in the improvement of this area. The proposal before the Council is to retain a portable travelling funfair ride, which has no foundations and stands on the existing tarmac surface, and the only public realm improvement was a perimeter fence, which is

required for health and safety. This is a stark contrast to the rides within Blackpool Pleasure Beach, all of which are landscaped and are in a high-quality amusement park setting, a good example of this being the new roller coaster Icon, which opened in May 2018 and is a bespoke design, built into the landscape of the park.

Core Strategy Policy CS7 (Quality of Design) states that new development in Blackpool is required to be **“well designed, and enhance the character and appearance of the local area”** and sets out a number of criteria, including, *inter alia*: **“a. Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings”**.

Local Plan policy LQ4 relates to building design, and sets out, *inter alia*, that tall buildings will only be acceptable where the scale, mass and height is appropriate taking into account the width and importance of the street or space; takes into account the scale, mass and height of neighbouring buildings; creates a landmark only where one is required; and does not detract from existing views of landmark buildings.

This 12m tall structure has not been designed with any consideration of its setting, as it is an ‘off the shelf’ portable funfair ride, manufactured rather than designed for its location. This proposal has not been designed taking into account the scale, mass and height of surrounding buildings and harms the setting and appearance of the South Pier entrance building. This type of ride would be entirely appropriate inside an amusement park, which is the correct location for this type of structure. Outside of an amusement park it is necessary for development to consider its setting, using all the criteria in the policies listed above, and that simply cannot be achieved with a ride such as this. Despite this, no attempt has even been made to improve its appearance through landscaping or other public realm improvements. It simply looks like a funfair ride standing on tarmac.

It is clear from policies in both the Core Strategy and Local Plan that the promenade areas are not a suitable place for funfair rides. Given the extent of investment made to the promenade in this area and the introduction of policies to ensure that development complements this investment, we consider that the permanent retention of this log flume ride in this location will be significantly detrimental to this important part of Blackpool and will undermine the efforts to regenerate the resort.

The 2016 Committee Report concluded that the ride is functional and **“could not be described as high quality design”**, but noted that it would be viewed with the South Pier as a backdrop. It concluded that the design was **“considered acceptable in this location on a temporary basis”**. As with the above policies, there is a clear implication that it would not be acceptable on a permanent basis, and BPB concurs with this view. There has been no material change in circumstances that would suggest that the Council should take a different view now.

Residential and business amenity

Core Strategy Policy CS7, referred to above, also states that new development in Blackpool is required to: **“Ensure that amenities of nearby residents and potential occupiers are not adversely affected” (criterion b of the Policy).**”

Part 2 of the Policy states: ***“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.”***

Local Plan Policy BH4 also adopts a presumption against development which creates or worsens noise levels above acceptable standards.

The ‘drops’ on this ride, where the boats travel down the steep inclines, face inland towards the frontage of properties lining the Promenade. This means that the screams from riders, and other mechanical noise, is directed at these properties. No noise report has been submitted with the application and it is therefore not possible to verify whether this would indeed be the case, but on planning applications for log flume rides in other parts of the UK that RPS has been involved with on behalf of other amusement park operators, we have been required to submit a noise impact assessment. These assessments have sometimes revealed that properties directly facing the drop on a log flume can suffer noise impacts that would materially harm the amenities of occupiers, and mitigation measures have been proposed. Some of these rides were further from residential properties than the ride proposed in this location. Whilst it was considered to be acceptable to site the ride on a temporary basis without a noise report, we do not consider that an application for the permanent siting of the ride should be determined without the usual noise impact assessment being submitted. This should be relatively straightforward given that the ride is already in operation.

Any noise assessment would need to be bespoke to the development and the site, as the ride is not located within an amusement park, in order to demonstrate that it would satisfy Core Strategy Policy CS7 and Local Plan policy BH4 and the provisions of the more recent NPPF.

The log flume has also introduced new views into nearby residential properties, and the effects on residential amenity will need to be carefully considered to ensure that the ride does not give rise to concerns in this regard.

Heritage

Whilst we note that the South Pier is only a locally listed structure, the impact of the proposed log flume upon the setting of other designated heritage assets is of substantial weight in the balance of considerations. The applicant’s submission only addresses the possible impact on the Pier itself, not other heritage assets which are of greater importance.

The designated heritage assets affected could include the White Tower/Casino building at Blackpool Pleasure Beach (a Grade II Listed Building), which close to the site.

Core Strategy Policy CS8 (Heritage) states that: ***“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.”*** It also states that proposals will be supported that ***“enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm”*** and ***“strengthen the existing townscape character created by historic buildings”***.

Local Plan policies LQ7 (Strategic Views), LQ9 (Listed Buildings) and LQ10 (Conservation Areas) seek to preserve or enhance the setting of these designated heritage assets.

The proposed development has not been conceived with any regard for the above considerations. It is difficult to see how a travelling log flume ride stationed on the promenade adjacent to South Pier will in any way enhance the setting and views of heritage assets. The policy also references appropriately designed public realm, but the application proposes no improvements to public realm, other than some fencing for health and safety reasons.

In addition, the NPPF sets out that:

“135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The 2016 Committee Report balanced these issues, noting that the improvements to the pier structure that were proposed by the applicant had to be weighed against “the negative impact the ride would have on the setting of the pier.” The officer concluded that:

“However, this negative impact is mitigated by the bulk of the existing pier head building and the fact that the majority of the ride would be subservient to it. In addition, if approved on a temporary basis, this impact would have a limited lifespan. Overall it is felt that the physical enhancement of the pier structure outweighs the temporary harm in locating the ride adjacent to the pier.”

It is clear from this assessment that locating the log flume in this location on a permanent basis would have a very different impact that may not be acceptable. For the reasons we set out above, we do not consider that it would be acceptable.

Comments on the Applicant's Statement

The Applicant has submitted a document called ‘Planning, Design & Access and Heritage Statement’ by Shepherd Planning, dated May 2018. There are a number points made in this report that we wish to respond to:

- Paragraph 2.1 concludes by stating that this is, “in effect, a totally reversible development”. This is a somewhat disingenuous statement, as our client's worry is that, whether or not it can be reversed, it will not in practice be reversed. There would be no requirement to remove it and, even if the owners of the Pier decided to replace the ride, it would be highly unlikely that they would not be permitted to change the ride to another similar travelling ride, such as a portable roller coaster. Given the size of the log flume, the area could even accommodate a number of smaller replacement rides, which the Council would find it very difficult to refuse. In effect, a small amusement park will have been created. (If the Council does decide to grant a permanent permission, it is essential that permitted development rights set out in Class B, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are removed, otherwise the owners could submit an application under Section 191 of the Town and Country Planning Act

1990 (as amended) to claim an amusement park and utilise the permitted development rights in Part 18 to erect funfair rides without any further express planning permission).

- Paragraph 6.1 states that the NPPF has greater weight in terms of decision making than the saved policies in the Blackpool Local Plan. Shepherd Planning may not be aware that Paragraph 1.10 of the Core Strategy states that a number of policies in the Blackpool Local Plan will continue to be saved and considered alongside Core Strategy policies when determining planning applications. Appendix B of the Core Strategy withdraws a number of the saved policies in the Local Plan, and those which remain are still relevant. This document was subject to an Examination at which soundness was tested, as well as compliance with the NPPF. These policies cannot therefore be considered “out of date” and their inclusion in an up-to-date Core Strategy increases the weight that would be given to these policies in determining planning applications.
- Paragraph 6.3 considers the proposal against Policy RR1 of the Blackpool Local Plan, but does not assess the proposal against each of the criteria. BPB and the Council (in its 2016 Committee Report) have done that and found that the retention of the log flume would not comply with Criteria a) and b).
- Paragraph 6.4 considers the proposal against Policy RR4. The applicant appears to have misunderstood this policy. The applicant states: “It is suggested that the proposed ride does NOT constitute an amusement arcade. It is *one* ride that *could* be seen on a funfair, but one ride (of itself) would not constitute a funfair.” This ignores the fact that the policy actually states: “Development proposals comprising or including Arcade Amusement Centres and Funfair rides” (our emphasis). The policy therefore applies to individual rides as well as complete funfairs.
- In Paragraph 6.4, the applicant also claims that as the land on which the ride is located was acquired by the owners at the same time as the Pier (“The land came with the pier”) it falls within the curtilage of the Pier. We can be very clear about this. The land adjacent to the Pier does not fall within the planning unit or curtilage of the Pier. There are no physical boundaries ‘on the ground’ that would make it fall within the planning unit of the pier. Even if the siting of the log flume could be claimed to now bring this land into the same planning unit or curtilage, this could only take place after a period of 10 years. In planning, a new curtilage cannot be claimed over a shorter period. Therefore although the land now does have a functional relationship with the Pier through the siting of the log flume, it has no physical relationship, and in any event this relationship (which is a use of land) has not taken place for long enough to be lawful. The Council needs to be aware that the permanent siting of this log flume will ultimately have the effect of bringing the land into the curtilage of the Pier, or into its planning unit, and eventually Policy RR4 will apply. This is another good reason to refuse this application.
- Paragraphs 6.5 and 6.6 of the Applicant’s statement review Local Plan policies RR7 and RR8. However, Appendix B of the Core Strategy states that these policies are now superseded by policies in the Core Strategy. These policies are therefore withdrawn and irrelevant to this application.



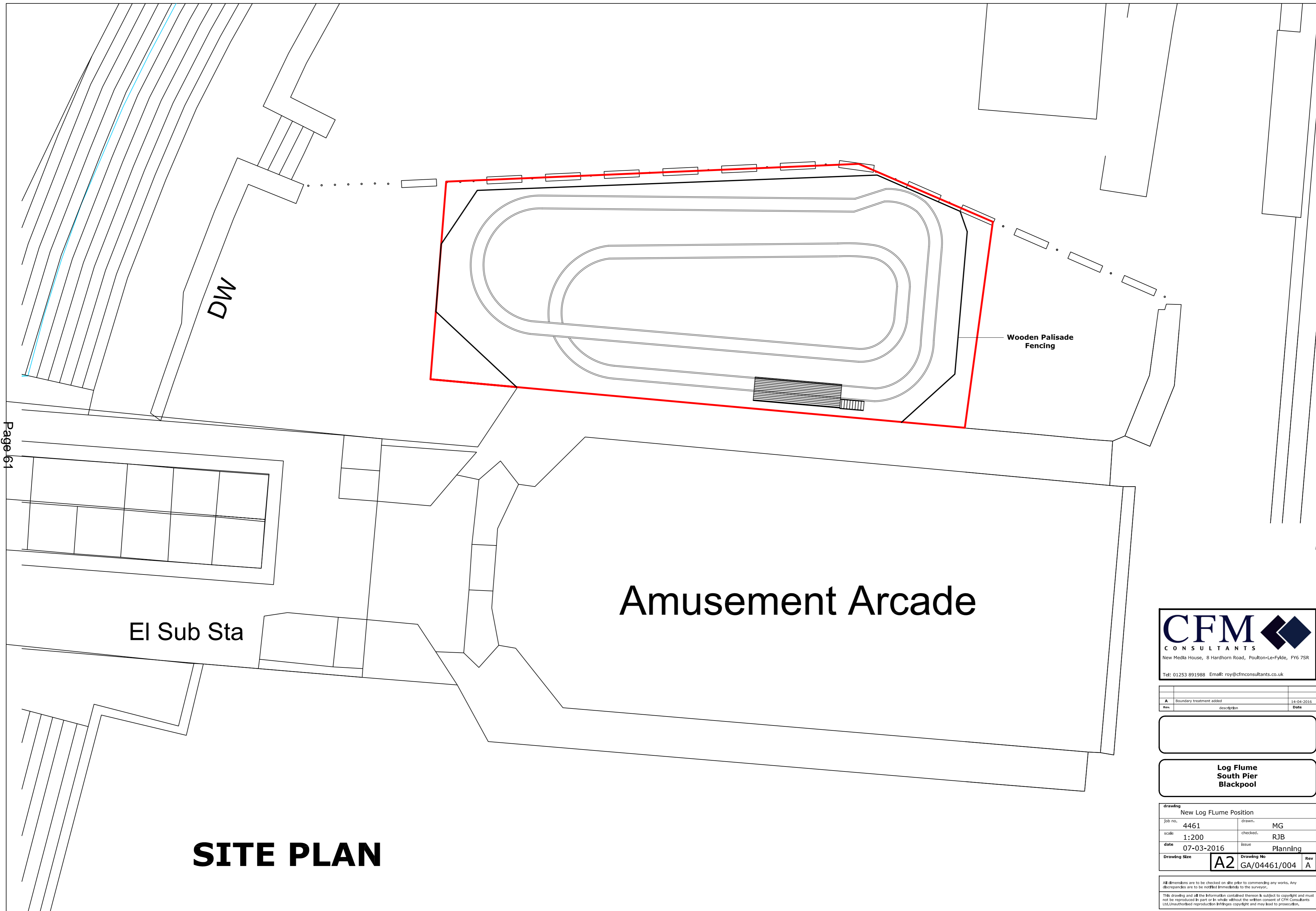
- Paragraph 7.6 considers Policy CS21 of the Core Strategy, but does not assess the proposal against each of the criteria. BPB and the Council (in its 2016 Committee Report) have done that and found that the retention of the log flume would not comply with Criteria a) and e).

For the reasons set out in this letter, we hope that officers take the same position that they did in the 2016 Committee Report and recommend refusal of the permanent siting of the log flume.

Yours sincerely
For RPS

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Nick Laister
Operational Director



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SITE PLAN

Amusement Arcade

El Sub Sta

DW

Wooden Palisade Fencing

CFM
CONSULTANTS

New Media House, 8 Hardhorn Road, Poulton-Le-Flyde, FY6 7SR
Tel: 01253 891988 Email: roy@cfmconsultants.co.uk

Rev.	description	Date
A	Boundary treatment added	14-04-2016

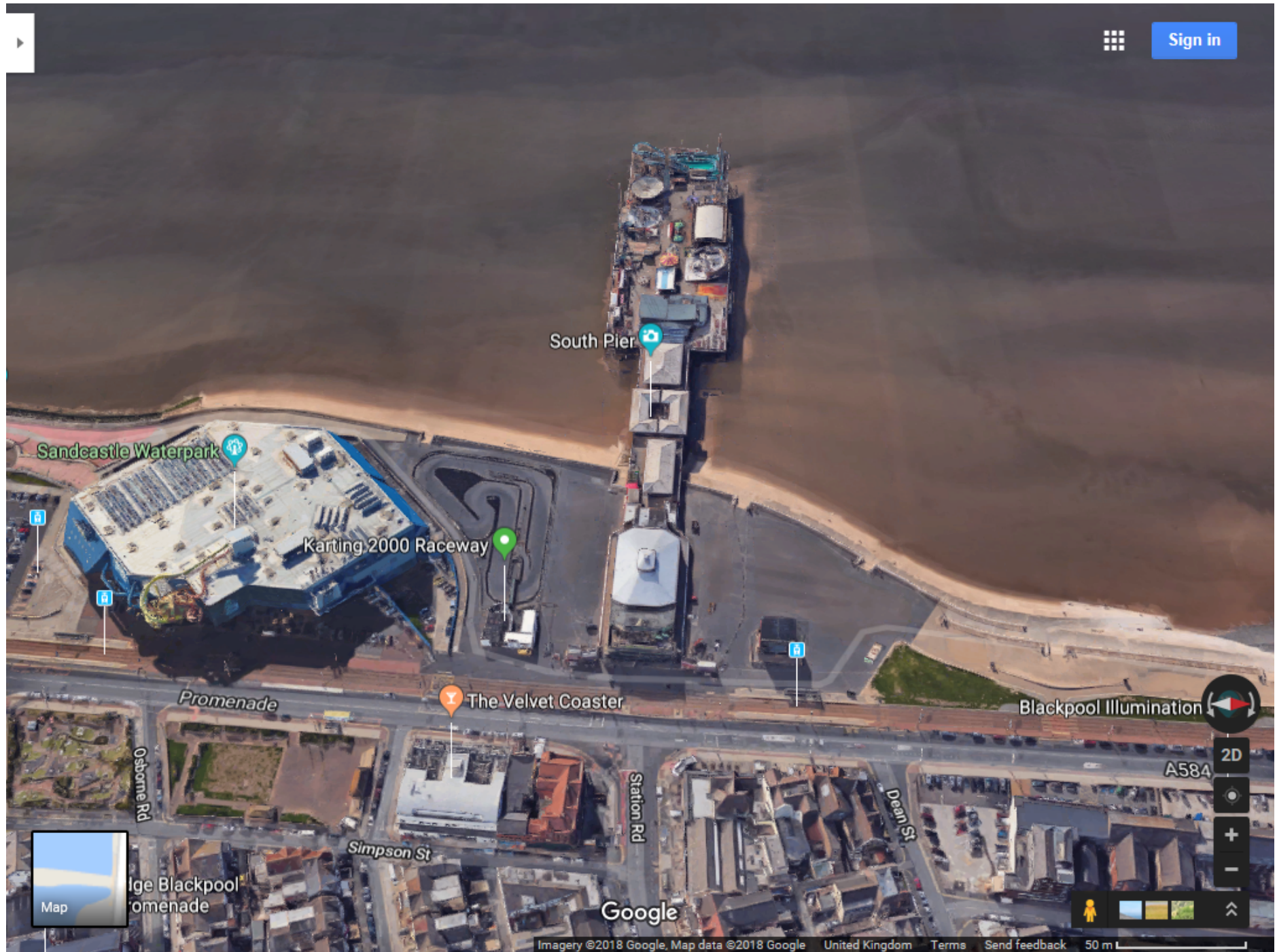
Log Flume South Pier Blackpool

drawing			
New Log Flume Position			
job no.	4461	drawn.	MG
scale	1:200	checked.	RJB
date	07-03-2016	issue	Planning
Drawing Size	A2	Drawing No	GA/04461/004
		Rev	A

All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor.

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COMMITTEE DATE: 14/08/2018

Application Reference: 18/0077

WARD: Stanley
DATE REGISTERED: 07/02/18
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Denmack Holdings

PROPOSAL: Erection of four detached dwellinghouses, two with integral garages and two with detached garages, with associated landscaping and access from Stockydale Road.

LOCATION: LAND ADJACENT 27 STOCKYDALE ROAD, BLACKPOOL, FY4 5HP

Summary of Recommendation: Defer for delegation

CASE OFFICER

Miss. Susan Parker

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool and **Priority two** of the Plan - Communities: Creating stronger communities and increasing resilience.

SUMMARY OF RECOMMENDATION

The proposal is considered to be acceptable and so it is recommended that planning permission be granted. However, it is considered that the off-site highway works that are needed to make the scheme acceptable would require third party land. Appropriate legal notice should be served on any land-owners whose land would be affected by a development proposal. The correct notice was not served when the application was first submitted but has since been served on 3 August 2018. The notice period is 21 days and will end on 24 August 2018. The Committee is therefore respectfully recommended to defer the application for approval by the Head of Development Management under delegated powers subject to the conditions set out below and only once the relevant legal notice period has elapsed.

INTRODUCTION

This application is a resubmission of application reference 17/0301 which was refused by the Planning Committee at its meeting on 30 August 2017 contrary to officer recommendation for the following reason:

"The proposed development would involve access onto a narrow country lane with limited lengths of footpaths and sharp bends where visibility is obscured by hedgerows. As such the proposed development would exacerbate existing issues of pedestrian and vehicular conflict, it would be detrimental to highway safety and it would conflict with paragraphs 17 and 32 of the National Planning Policy Framework and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy AS1 of the Blackpool Local Plan 2001-2016".

SITE DESCRIPTION

The application relates to a 0.37ha site on the western side of Stockydale Road. The site is roughly rectangular in shape with a frontage of some 75m and is around 60m in depth. Work has commenced on a residential development to the north-west and west of the site and there are residential properties to the south fronting Stockydale Road as it turns a corner. There is ribbon development along Stockydale Road and new housing estates are being developed further to the north and west meaning that the road effectively delineates the current urban boundary of Blackpool.

The site falls within the Marton Moss Strategic Site as defined under Policy CS26 of the Core Strategy and illustrated in the associated Policies Maps document. It falls outside of flood zones 2 and 3 and is not subject to any other designations or constraints. At present the site comprises unmanaged vegetation including some trees.

DETAILS OF PROPOSAL

The application seeks planning permission for the erection of four detached dormer bungalows. The scheme has been amended since first submission when four detached two-storey houses were proposed but the layout has remained largely the same. All properties would offer four bedrooms and two of the properties would provide an integral double garage. The properties would be arranged in a row facing towards Stockydale Road and the two end properties without integral garages would have detached garages set to the side. These garages would sit forward of the houses on the same building line as no. 27 Stockydale Road. Each property would have a driveway to the front capable of accommodating three cars. Communal refuse stores would be provided on either side of the site access from Stockydale Road. The properties would all have sizeable gardens to the rear and landscaping would be provided along the Stockydale Road frontage.

With regard to design, two property types are proposed. Both would have a pyramidal roof with a single, central dormer to the front elevation and two dormers to the rear. These dormers would be small and traditional in design with dual-pitched roofs. Both property types would have a dual-pitched forward projection to the front. This would house an integral garage for two of the bungalows and a second lounge for the others. Overall the design is relatively simple, the front dormer would sit over the main entrance doors and the rear dormers would sit over patio doors opening onto the gardens. The windows would have stone headers and cills. It is proposed that the bungalows have a brick plinth with render above. The roofs would be finished in concrete tile.

This application varies from the previous submission by providing additional details of works to the bend in Stockydale Road around no. 23 to the south. The plan now shows that a strip of land would be taken from the eastern side of the road to enable the provision of a new, repositioned road around the corner with a pedestrian footpath on the inside curve of the corner. These works would require the removal of a section of hedgerow. The area that would be affected by these highway works falls within the red edge of the application site as shown on the submitted location plan.

The application has been accompanied by a Design and Access Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of residential development
- amenity
- design and visual impact
- access, parking and highway safety
- drainage and flood risk
- ecological and arboricultural impact
- environmental impact
- sustainability appraisal and planning balance

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

RELEVANT PLANNING HISTORY

08/1181 – outline planning permission refused for the erection of a residential development on land that included the application site and the former Baguley's Garden Centre.

10/0220 - outline planning permission refused for the erection of a residential development on land that included the application site and the former Baguley's Garden Centre.

12/0264 – outline planning permission granted for the erection of up to 36 dwellings on land that included the application site and the former Baguley's Garden Centre with vehicular access from Midgeland Road.

16/0196 – reserved matters approval granted for the erection of 22 houses on land that included the application site and the former Baguley's Garden Centre with vehicular access from Midgeland Road.

17/0301 – planning permission refused for the erection of four houses on the application site.

CONSULTATIONS

Head of Highways and Traffic Management (initial comments): there appears to be some debate relating to the extent of the public highway. An AutoCAD scheme drawing should be provided so that the highway extents can be confirmed. Ordnance Survey maps contain inherent discrepancies and cannot be relied upon. The current scheme improves upon the previous proposal in terms of connectivity through footpaths and a widening of the road in the immediate vicinity of the site. The other off-site highway works proposed rely upon third-party land and would have to be properly secured through condition or legal agreement. The extent of public highway must be established. Any new highway would have to be dedicated as such for ongoing public maintenance. Visibility at the corner of Stockydale Road would be improved under this scheme but only slightly and regular maintenance of the set-back hedge would be required to maintain adequate visibility. The visibility splay to the north currently includes third-party land. The internal site layout does not appear to have changed and so previous comments stand. These previous comments concluded that better access for future occupants and refuse vehicles had been achieved through amendments to the scheme and withdrew the previous objection. Blackpool Council as Local Highway Authority would not adopt the new infrastructure and so a Management Company would have to be established.

Head of Highways and Traffic Management (follow-up comments): due to an error with the drawing previously requested, it has not been possible to overlay it with the OS plan. The extents of land ownership and boundaries remains an issue. A sketch plan has revealed that the highways scheme proposed could only be delivered through encroachment onto neighbouring land (no. 23 Stockydale Road). It is noted that a landowner on the opposite side of the road has consented to encroachment onto his land but it must be acknowledged that this consent could be withdrawn at any time. It has not been clearly demonstrated that the off-site highway works proposed can be implemented within existing highway limits. As there is no agreement between all relevant landowners in the area, there is no guarantee that the highway works could be delivered and so the scheme cannot be supported.

Head of Highways and Traffic Management (further comments): following the submission of amended drawings, the revised site and highway layout has again been overlaid onto the public highway adoption register which is based on an OS plan. These overlays show that the off-site highway scheme would continue to encroach onto third party land. As such, the situation has not changed from initial submission. On this basis, the proposal cannot be supported.

Head of Highways and Traffic Management (final comments): the issues initially raised relating to the visibility splay crossing third party land have been resolved. It is understood that a condition could be imposed to prevent development until the highway works have been delivered and this would overcome the ownership issues previously identified. It is recommended that consideration should be given to an amended off-site highway scheme and this could be secured through the condition process. On this basis, notwithstanding the land ownership, and subject to conditions preventing development until a scheme of off-site highway works has been agreed and implemented, no objection is now raised.

United Utilities: No objection subject to the imposition of three conditions. These would require foul and surface water to be drained separately; require agreement of a surface-water drainage strategy based on sustainable drainage principles and in accordance with the established sustainable drainage hierarchy; and require agreement of a lifetime management and maintenance plan for this system. The developer should contact United Utilities regarding supply and connection. All fittings must meet current standards. In the event that a sewer is discovered during construction, a Building Control body should be consulted. Any drainage system proposed for adoption by United Utilities must be appraised and agreed by them and the developer would be expected to enter into a Section 104 legal agreement.

Head of Environmental Protection (Amenity): A Construction Management Plan is required.

Waste Services 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.

Electricity North West Ltd: 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 Protection (Land Contamination): the site has a long history of horticultural use. A phase 1 desk study of the ground conditions is required to determine. If this shows there to be a possibility of contamination, a phase 2 investigation would be required along with any necessary remediation. All details to be submitted to and agreed by the Council prior to the commencement of work.

Fire Service: The development must comply with Building Regulations requirements relating to access and an adequate water supply must be ensured. Officer comment - compliance with these requirements would be the developer's responsibility and would go beyond the planning remit. The developer is advised to contact a Building Control body or the Fire Service for more guidance.

PUBLICITY AND REPRESENTATIONS

Site notice displayed 6 March 2018 and again on 27 July 2018 following revisions to correct the red edge on the location plan.

Neighbours notified on 14 February 2018 and again on 26 July 2018 as above.

Eighteen representations have been received, including one to the second round of publicity. These representations have come from the occupants of the following properties:

Dunes Avenue, no. 14 (x2)

Stockydale Road, nos. 18, 20, 23, 27, 30, 38, 40 (x2), 46 and 50

Common Edge Road, no. 211

New Hall Avenue North, no. 1, 14

Ecclesgate Road, no. 3
George Avenue, no. 6a

An objection has also been received from no. 4 Moorclose Road, Harrington, Cumbria.

These representations raise the following issues:

- Increase in traffic
- Stockydale Road is narrow and winding and it is difficult for cars to pass
- Stockydale Road cannot accommodate additional traffic
- Potential for precedent to be set for other developments with access onto Stockydale Road
- Access should be taken from Midgeland Road
- Adequate visibility splays cannot be achieved
- The necessary visibility splays would require third-party land
- The road is used as a rat-run and by HGVs
- Vehicle speeds need to be controlled
- If pavements are provided they will be used for parking
- Increase in parking pressure
- The road is in poor condition and would get worse
- Recent increases in traffic have worsened the road condition
- The road works do not address other issues on the road that should be rectified
- The red edge of the application site is not accurate and other properties are not shown accurately
- The dimensions of Stockydale Road and the existing highway verges are not accurate

Ecology

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was adopted in July 2018 and sets out a presumption in favour of sustainable development. The following sections of the NPPF are most relevant to this application:

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. For the purpose of this application the section on design is most relevant.

Blackpool Local Plan Part 1: Core Strategy 2012-2027

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016.

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

- CS1 - Strategic Location of Development
- CS2 - Housing Provision
- CS7 - Quality of Design
- CS9 - Water Management
- CS11 - Planning Obligations
- CS12 - Sustainable Neighbourhoods
- CS13 - Housing Mix, Density and Standards
- CS14 - Affordable Housing
- CS26 - Marton Moss

Saved Blackpool Local Plan 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- LQ1 - Lifting the Quality of Design
- LQ2 - Site Context
- LQ3 - Layout of Streets and Spaces
- LQ4 - Building Design
- LQ6 - Landscape Design and Biodiversity
- BH3 - Residential and Visitor Amenity
- BH10 - Open Space in New Housing Developments
- AS1 - General Development Requirements (Access and Transport)

Extending Your Home Supplementary Planning Document (November 2007)

Although not strictly applicable to this proposal, this document contains a section on roof extensions, this is relevant in terms of what can be considered to be suitable design. The guidance expects dormers to occupy no more than 35% of a roof-plane, be well-contained

within that roof-plane, and have a pitched roof and be and finished in materials to match those of the host dwelling.

ASSESSMENT

Principle

The principle of residential development on the application site has been established as acceptable through the grant of outline planning permission and reserved matters approval for a new housing estate on the land at the former Baguley's Garden Centre and the application site. This wider site incorporated the application site. As this development has been commenced, the planning permission is extant. As such, whilst local resident concerns relating to compliance with planning policy, the impact on the character of the area, the need for housing and the loss of greenspace are noted, the proposal could not reasonably be resisted on the matter of principle. The reserved matters approval for the wider site included the provision of five detached houses along the Stockydale Road frontage, albeit without any vehicular access onto that road. The highways implications of the current scheme will be considered below but the residential development of the site is considered to be acceptable in principle.

The application would result in a quantitative reduction in unit numbers on the site from seven as approved under reference 16/0196 to four as proposed now. The reduction in the density of development would arguably be more appropriate in this rural fringe locality.

Housing Mix

The site is some 0.37ha in area. As such, no specific housing mix is required on site but the development must contribute towards a balanced mix in the local area. The available census information reveals that 5% of properties in the area offer a single bedroom, 29% offer two bedrooms, 40% three bedrooms and 26% four bedrooms or more. The application proposes four four-bedroomed houses. It is recognised that the recent housing developments approved at Runnell Farm and Moss House Road predominantly comprise larger properties. Nevertheless, the scheme proposed would not result in an unacceptable imbalance in the local housing market and the provision of larger homes is considered to be acceptable in this area.

Visual impact

The four properties proposed would be 10.9m in width and between 14.8m and 17.7m in depth. The houses initially proposed would have been 12.8m in width and around 10.8m in depth with eaves and ridge heights of 4.9m and 8.5m respectively. The bungalows would have an eaves height of 3.8m and the roof would rise to an apex of 7.7m. The reduction in the width and height of the properties is considered to be a significant visual improvement. Whilst it is recognised that the properties would be notably longer, the reduction in built form when viewed from the road would help to maintain some feeling of openness appropriate to a semi-rural location. The reduced building height in conjunction with the degree of set-back

from the road frontage would prevent the properties from having an overbearing impact on the streetscene.

Stockydale Road is characterised by a variety of house types, sizes, forms and ages and so there is no dominant architectural vernacular. Paragraph 127 of the NPPF requires new developments to be sympathetic to local character and history. It is noted that the properties already approved along the Stockydale Road frontage under application reference 16/0196 vary between 10.5m and 11m in width and there are a couple of existing properties of similar widths evident along this stretch of the road.

The houses would be set back from the highway by between 20m-25m with hedgerow and tree planting proposed along the front boundary on either side of the site access. The properties have been designed to minimise massing with the forward projection intended to break-up the frontage and provide some depth and visual interest. The pyramidal roofs effectively reduce scale. The dormer windows would be traditional in form with a dual-pitch roof finished in tiles to match the main roof. The cheeks and face of the dormers would be rendered to match the main walls. They would be well contained within the roof planes and would otherwise accord with the requirements set out in the Extending Your Home Supplementary Planning Document (SPD). Whilst this document does not specifically apply to new-build properties the design principles contained within it are nonetheless relevant and applicable.

Overall the design of the properties is relatively simplistic. The use of a brick plinth with render above would introduce some variety and visual interest, as would the use of stone headers and cills to the lintels. The alignment of the dormers over the entrance doors to the front help to give some prominence to the point of access and create a visual focus. Again the alignment of the dormers to the rear over the patio doors provides some verticality and a strong symmetry and balance. The design now proposed is considered to be a significant improvement over that initially suggested as the simplicity is felt to be more appropriate to the wider character of the Moss and the semi-rural location of the site. On this basis, the design is considered to be acceptable.

Within the site, two detached, dual-pitched garages are proposed. These would sit forward of the houses but roughly in line with the building line created by the side elevation of no. 23 Stockydale Road and the front elevation of no. 27. These garages would be screened by hedgerow and tree planting from the main road and so would not appear overly obtrusive. Two communal bin storage areas are also proposed on either side of the vehicular access point. Again these would be screened from Stockydale Road. Detail of the materials and design of the garages, the refuse store and the solid boundary treatments could be agreed through condition. Similarly conditions could be imposed to require the agreement of the materials of the properties, the surfacing of the site and landscape planting. Subject to these conditions and based on the assessment above, no unacceptable visual impact is anticipated.

Amenity Impact

The Council expects modern housing developments to meet minimum separation distances of 21m front/rear-to-front/rear and 13m front/rear-to-side. Rear gardens should be 10.5m in length and the side elevations of properties should be separated by at least 2m. These standards would be met between the proposed properties and those existing. Since first submission, the internal layout of the properties has been amended such that the former day-rooms of the two properties with detached garages would be used as en-suite bedrooms, with the rooms previously marked as second bedrooms used as studies. This would enable all side windows in these properties to be obscure glazed to protect privacy. Notwithstanding this change, the windows of the second bedrooms would sit around 5m from the side wall of the neighbour and this proximity is not ideal. However, whilst the rooms are marked as being second bedrooms, they would in fact be the smallest bedrooms in the property. On this basis, and as the larger rooms are likely to be more intensively occupied, this relationship is considered to be acceptable.

The roof-lights would allow additional light into the bedrooms in the roof-spaces but would not allow outlook. These rooms would be served by the front and rear dormers and so would obtain their outlook from these windows. As such, subject to the imposition of conditions requiring the side glazing to be obscured where appropriate, no unacceptable loss or privacy is expected. Given the scale of the buildings proposed and the separation distances shown, no unacceptable impact arising from loss of daylight, sunlight or an over-bearing presence is anticipated.

The rear gardens would be large enough for the storage of refuse and cycles, the drying of clothes and the enjoyment of occupants. All residents would have access to communal refuse stores on either side of the vehicular access to present their bins for collection.

Access, Highway Safety and Parking

The highway implications of this proposal are a key issue. Stockydale Road is very rural in character. The road runs roughly eastwards from Midgeland Road before a sharp bend takes it north towards the application site. There are footpaths along either side of the road up to this bend but none thereafter. In the interests of pedestrian safety and to ensure that the site is adequately connected to nearby shops and facilities, it is considered necessary for a pedestrian footpath to be provided to link the site to the pavements along Stockydale Road to the south. The necessary footpath must be 1.2m in width. Alongside this footpath, a vehicle carriageway of 5.5m width must be achieved.

Beyond the sharp bend, Stockydale Road is bound on either side by hedgerow. It is understood that there are boundary fences within or behind these hedgerows. The highway has been measured at 6.7m in width between the fence-lines. Whilst this would be sufficient to accommodate the requisite footpath and carriageway, it would make no allowance for the hedgerows. The complete removal of the hedgerows would be unacceptable on visual and ecological grounds. It is considered that the removal and replacement of the hedgerows would require encroachment onto neighbouring land and this would need third party consent

and the serving of an appropriate legal notice. This notice was served on 3 August 2018. The period of notice is 21 days and so the notice will expire on 24 August 2018.

It is recognised that the Head of Highways and Traffic Management has raised objection to the scheme on the basis of the land ownership issues outlined above. However, land ownership is not a valid planning consideration. As long as the appropriate legal notice is served, planning permission cannot be withheld on land ownership grounds, regardless of whether or not the third party is likely to consent to development on their land. Instead, and in order to ensure that the necessary highway works would be in place to serve the proposed housing, it would be appropriate to impose a Grampian style planning condition. This condition would prevent the development of the site until a detailed scheme of off-site highway works had been agreed and implemented. The grant of planning permission does not grant a developer right of access. If the third party land-owners did not consent to the use of their land, the off-site highway scheme could not be implemented and so the development of the application site could not commence.

In his initial response to the application, the Head of Highways and Traffic Management noted that the visibility splays required to serve the site access would cross third party land. Since then the site access has been pulled back slightly and the visibility splays would no longer cross private third party land. The Head of Highways and Traffic Management has confirmed that he now has no objection on this point. Although an amended off-site highway scheme is now considered to be more appropriate, this could be agreed and secured through condition. On this basis, notwithstanding the land ownership issues and subject to the conditions proposed, the Head of Highways and Traffic Management is now satisfied with the proposal and no unacceptable highway impacts are anticipated.

Each property would have a wide driveway capable of accommodating three cars. In addition, two of the properties would have integral double garages and two would have free-standing double garages. The integral garages do not meet the minimum internal space standards of 6m by 6m for a garage but would nevertheless be capable of accommodating two average cars. As these garages would provide secondary spaces, they are considered to be acceptable. The Council's maximum parking standards require up to three parking spaces for a four bedroom house. These maximum standards are exceeded but it is accepted that the site is in a less accessible location on the rural fringe and that no safe on-street parking exists on Stockydale Road. On this basis the level of parking provision is considered to be acceptable. The gardens to the properties are of sufficient size to accommodate secure cycle storage if desired.

Ecological and Arboricultural Impact

The development and the carriageway works and footpath creation would result in the loss of some hedgerow to enable the provision of the access point, the visibility splays and adequate connectivity. Hedgerows provide important habitat and are valuable local ecological features. Any loss of hedgerow would have to be compensated for by replacement planting of native species and this could be secured through a condition attached to any permission granted.

There are some trees along the site boundaries but these are relatively small in scale and their loss would be considered acceptable subject to a high quality replacement planting scheme. It is recommended that a condition be attached to any permission granted to require the agreement of a formal tree survey, a planting plan for the site and an Arboricultural Method Statement and Tree Protection Plan for any trees to be retained. A condition would also be required to prevent tree or vegetation clearance during bird nesting season unless the absence of nesting birds has been confirmed by an ecologist.

No ecological appraisal has been submitted as part of the application but it is acknowledged that the site does not include any ponds or watercourses or other features of notable ecological value. As such it is considered to have low habitat value and is unlikely to provide key support to protected species. It is considered that the imposition of relevant advice notes to inform the developer of their responsibilities and obligations with regard to protected species would be sufficient to discharge the Council's duty as a Responsible Authority with regard to biodiversity.

Drainage and Flood Risk

The site falls within flood zone 1 and is less than 1 hectare in area. As such there is no requirement for a site-specific Flood Risk Assessment and the applicant does not need to demonstrate compliance with the sequential or exceptions tests. Conditions could be attached to any permission granted to require foul and surface water to be drained separately, and to require surface water to be drained in the most sustainable way according to the established sustainable drainage hierarchy. The details of a surface water drainage strategy and a plan for its lifetime management and maintenance could be agreed through condition. Subject to these conditions, no unacceptable drainage or flood risk issues would be anticipated.

Environmental Quality

The site is not close to an Air Quality Management Area and there is no reason to suppose that the development would have an unacceptable impact on air quality during its operational phase. A dust management plan could be secured through condition to avoid any undue impacts during the construction phase. As such no issues are anticipated.

A Construction Management Plan could be secured through condition to ensure that the development would not have an unacceptable impact on water quality. Similarly any drainage system would be expected to incorporate measures to prevent potential contamination of surface or ground water. As such no issues are anticipated.

It is recommended that a condition be attached to any permission granted to require a phase 1 land contamination study. If this reveals a potential for contamination on site then a scheme of investigation would have to be agreed and implemented. If this survey finds contamination then a scheme of remediation would have to be agreed and carried out and a validation report then submitted to the Council to demonstrate that the land no longer poses

a threat to human health or the environment. Subject to this condition, no unacceptable impacts are anticipated.

Other Issues

No other material planning considerations have been identified.

Planning Obligations

Policy CS14 of the Core Strategy requires proposals for more than three new dwellings to make a financial contribution towards off-site provision of affordable housing. The policy states that an Affordable Housing SPD will be produced to set out how this contribution will be calculated. At the time of writing there is no such Affordable Housing SPD in place. As such, it is not considered that a financial contribution towards off-site affordable housing provision can be justified at this time.

Saved policy BH10 of the Local Plan requires developments of three or more residential units to make a financial contribution towards the provision or improvement of off-site public open space. SPG Note 11 sets out the basis on which such contributions are calculated. The contribution for a property offering four or more bedrooms is £1,376. As four such houses are proposed, the total required would be £5,504. This would be secured through condition.

As the proposal is for less than 10 dwellings, no contributions would be sought towards local education provision.

Sustainability and Planning Balance Appraisal

Sustainability comprises economic, environmental and social dimensions.

Economically the site does not make a meaningful contribution to agriculture or any other rural operation and, given its size, has negligible potential to. Some employment would be generated during construction and future residents would help to support local shops and services, although the relatively low accessibility of site is acknowledged. Nevertheless on balance the scheme is considered to be economically sustainable.

Environmentally it is considered that conditions could be used to prevent any unacceptable impacts on air, land or water quality. Similarly no unacceptable impacts on trees or biodiversity are anticipated subject to the conditions recommended. It is accepted that the development of the site would have a localised visual impact and that the dwellings proposed are large in scale in the surrounding context. However, planning permission is already in place for residential development of the land and the design of the properties is considered sufficient to mitigate their scale. As such and on balance the proposal is judged to be environmentally sustainable.

Socially the proposal would make a marginal contribution towards meeting the borough's housing requirement and the house types are considered acceptable. No amenity impacts on

existing or future residents are anticipated. The development would not be at risk of flooding and would not exacerbate flood risk off site. No unacceptable impacts on highway safety are identified. Planning permission is already in place for residential development on the site and so the scheme cannot be considered premature and does not compromise goals for neighbourhood planning on the wider Marton Moss area. On this basis and on balance, the application is considered to be socially sustainable.

In terms of the planning balance, the NPPF sets out a strong presumption in favour of sustainable development. The scheme does not present any issues or impacts that would weigh sufficiently against it as to warrant refusal. The conditions recommended would adequately mitigate the impacts that are identified above. The scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this view.

CONCLUSION

As set out above, the scheme is considered to represent sustainable development. The site has already been approved for residential development and the houses now proposed are considered to be acceptable in terms of design, scale and format. No unacceptable amenity, highway safety or environmental impacts are anticipated. The scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this view. On this basis, Members are respectfully recommended to agree to the development in principle subject to the conditions set out below and delegate the issuing of the decision notice to the Head of Development Management upon the expiry of the notice (after 24 August 2018).

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

A financial contribution of £5,504 is required in accordance with the provisions of saved Policy BH10 of the Local Plan towards the off-site provision or improvement of public open space.

The scheme would require the agreement and implementation of a scheme of off-site highway improvement works. These works would be secured through a S278 legal agreement under the Highways Act.

FINANCIAL BENEFITS

The Council would benefit financially from the development through the receipt of Council Tax payments. However, this consideration has no weight in the planning balance and does not influence the recommendation to Members. It should be noted that the development proposed would result in a lesser number of houses on the land than that approved through application reference 16/0196. Thus whilst this application considered in isolation would deliver a Council Tax gain, cumulatively it would equate to a reduction in income. Again this has no weight in the planning balance and does not influence the recommendation to Members.

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 reference is 18/0077. The application can be accessed via the following link by inserting the reference 18/0077:

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

Recommended Decision: Defer for delegation

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 including the following plans:

Site location plan ref. JBA348-PL-002 Rev C

Proposed site plan ref. JBA348-PL-001 Rev /

Internal layout plans ref. 1701/02/02 Rev B and 1701/02/04

Elevations drawing ref. 1701/02/03 REV A

Proposed highway works, access and swept paths plan reference T2841/001 dated 18/07/18

The development shall thereafter be retained and maintained in full accordance

with these agreed details.

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

3. Prior to the commencement of construction of the houses and garages hereby approved, details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Before any final surface finishes are laid, details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Notwithstanding the information shown on the approved plans, the windows and doorways of the properties hereby approved shall be inset from the face of the elevation in which they are set by no less than one brick width.

Reason: In order to ensure visual depth in the interests of the appearance of the property and locality in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, and saved Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

6. (a) Prior to the commencement of development, the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- (i) a tree survey appraising the quality of the trees and hedgerows on site and identifying those trees and hedgerows proposed for removal and retention;
- (ii) a tree protection plan including an arboricultural method statement to set out how those trees proposed for retention would be protected during development.

(b) The development hereby approved shall then proceed in full accordance with the tree survey and tree protection plan agreed pursuant to part (a) of this condition.

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 LQ6 of the Blackpool Local Plan 2001-2016 and Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. a) No development shall take place until full details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include;
- (i) the areas of soft landscaping to be controlled by private householders and those to be managed communally;
 - (ii) management arrangements for the areas of communal landscaping;
 - (iii) areas of soft landscaping and planting plans, specifications and schedules, including plant size, species and numbers/densities. The proposed soft landscaping scheme shall include the provision of replacement hedgerow and enhancement of existing hedgerow to compensate for any loss of hedgerow.
- 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 five 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. No boundary treatment shall be erected until the details of position, scale, design and materials of the boundary treatment have been submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the site and locality and the amenities of neighbours, in accordance with the provisions saved Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016, and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. (a) Before any property hereby approved is first occupied, the garage and driveway car parking provision shown on the approved layout plan as relating to

that property shall be provided and shall thereafter be retained as such.

(b) Notwithstanding the definition of development set out under Section 55 of the Town and Country Planning Act 1990 (as amended) or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the garages and driveways hereby approved shall at all times when the associated property is occupied be kept available for use for the parking of motor vehicles.

Reason: In order to ensure that adequate parking provision is available to meet the needs of residents in the interests of the appearance of the site, residential amenity and highway safety in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, and saved Policies LQ1, BH3 and AS1 of the Blackpool Local Plan 2001-2016.

10. Prior to the commencement of development, a scheme of biodiversity enhancement for the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with this agreed scheme. For the purpose of this condition, the scheme shall include the provision of bird and bat bricks or boxes on properties and on trees on the site.

Reason: In order to safeguard and enhance biodiversity on the site in accordance with the provisions of paragraph 170 of the National Planning Policy Framework.

11. No trees or vegetation shall be cleared during the main bird nesting season (March to August inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard protected species and biodiversity in accordance with the provisions of paragraph 170 of the National Planning Policy Framework.

12. Foul and surface water from the site shall be drained on separate systems.

Reason: In order to secure proper drainage and manage the risk of flooding and pollution in accordance with the provisions of paragraph 163 of the National Planning Policy Framework and Policy CS9 of the Local Plan Part 1: Core Strategy 2012-2027.

13. (a) 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 shall be submitted to and approved in writing by the Local Planning Authority.

(b) 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 shall include the following:

(i) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

(ii) A demonstration that the surface water run-off would not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

(iii) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

(iv) Flood water exceedance routes, both on and off site;

(v) A timetable for implementation, including phasing where applicable;

(vi) Site investigation and test results to confirm infiltrations rates;

(vii) Details of water quality controls, where applicable.

(c) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(d) The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details including any timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the National Planning Policy Framework (paragraph 163) and National Planning Practice Guidance and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments;
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with the provisions of paragraph 163 of the National Planning Policy Framework and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

15. No development shall be commenced until:
- (a) a scheme of site investigation in respect of potential land contamination has been submitted to and agreed in writing by the Local Planning Authority;
 - (b) scheme of investigation agreed pursuant to part (a) of this condition has been carried out in full and in full accordance with the approved details;
 - (c) a report of the results of the site investigation has been submitted to and agreed in writing by the Local Planning Authority;
 - (d) If the report required pursuant to part (c) of this condition reveals that remediation measures are necessary then a scheme for decontamination of the site shall be submitted to and agreed in writing by the Local Planning Authority;
 - (e) any agreed remediation shall be carried out in full and in full accordance with the approved details and a validation report submitted to and agreed in writing by 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 BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

16. 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 routing 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 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

17. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of 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 Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £5,504 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

18. No development shall be commenced on site before:

(a) a detailed scheme of off-site highway improvement works has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include;

- the provision of pedestrian footpath links to the existing pavements on Stockydale Road to the south;
- the upgrade and widening of the carriageway
- the removal and relocation of any street-lighting columns affected by the works.

(b) the scheme agreed pursuant to part (a) of this condition has been implemented in full and in full accordance with the approved details.

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

19. (a) No works shall commence until;

(i) a detailed scheme for the provision of a site access has been submitted to and agreed in writing by the Local Planning Authority; and

(ii) the access agreed pursuant to part (a)(i) of this condition has been provided to at least base course level in full accordance with the approved details.

(b) No works shall commence until full details of the sub-surface construction and surfacing of the internal estate road hereby approved have been submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the details provided shall demonstrate that the road structure and surface would be adequate to support the loading of a refuse wagon or fire appliance.

(c) No unit hereby approved shall be occupied until;

(i) the access agreed pursuant to part (a) of this condition has been finished in full and in full accordance with the approved details; and

(ii) the estate road has been installed and finished in full and in full accordance with the details agreed pursuant to part (b) of this condition.

(d) No unit hereby approved shall be occupied until a plan for the lifetime management and maintenance of the estate road has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with this agreed plan. For the purpose of this condition, as the estate road is not to be adopted by the Council as Local Highway Authority, it is recommended that a designated management company be established.

Reason: In the interests of the amenities of residents and in order to ensure that safe and satisfactory access exists to the properties during the lifetime of the development in accordance with the provisions of Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

20. (a) No construction of the flat block hereby approved shall commence until details of the proposed bin store have been submitted to and agreed in writing by the Local Planning Authority.

(b) The bin storage agreed pursuant to part (a) of this condition shall be provided before any of the units hereby approved are first occupied and shall thereafter be retained and maintained as such.

Reason: In the interests of the appearance of the locality and the amenities of residents, in accordance with the provisions of Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

21. All glazing to the side elevations of the properties, with the exception of the room marked as 'Bedroom 2' on the plan of the properties with integral garages (ref. 1701/02/02B) shall be at all times obscure glazed and fixed permanently closed.

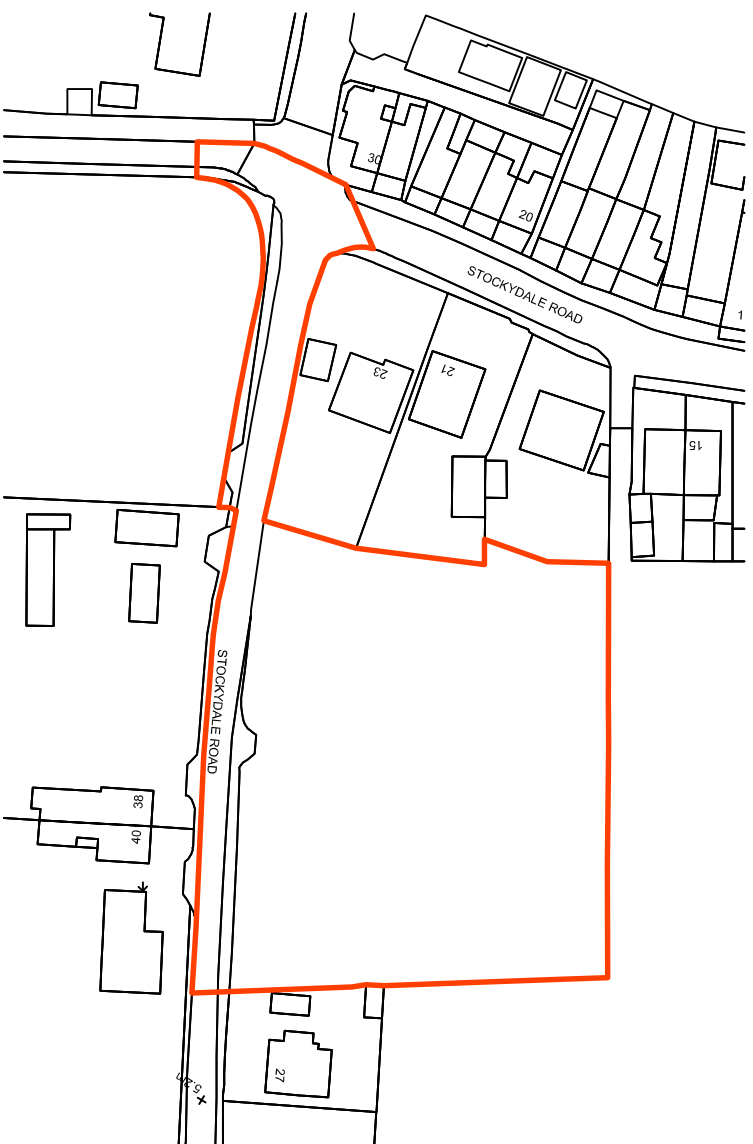
Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Built Environment Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.

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C	- Red line amended.	26/07/18	JB / NW
B	- Red line amended.	25/07/18	JB / NW
A	- Road names added.	20/07/18	JB / NW
V	- Initial issue.	20/07/18	JB / NW
Rev.	Amendment	Date	By / Chk

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Project
 Proposed Housing
 Development,
 Land at Stockydale Road,
 Blackpool.

Client
 Mr. D. Mackay

Drawing Title
 Site Location Plan

Status
 PLANNING

Scale
 1:1250 @ A3

Drawn By
 JB

Date
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Revision
 C

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