

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017**

### **Present:**

Councillor L Williams (in the Chair)

Councillors

Humphreys	O'Hara	Stansfield
Matthews	D Scott	

### **In Attendance:**

Mr Ian Curtis, Legal Adviser

Mr James Holmes, Legal Officer (for Agenda Item 3 only)

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Group Engineer, Traffic Management

### **1 DECLARATIONS OF INTEREST**

Councillor O'Hara declared that he had been involved in pre-application discussions with the applicant of Planning Application 17/0193 – 585-593 Promenade and 1 Wimbourne Place.

### **2 MINUTES OF THE MEETING HELD ON 11 APRIL 2017**

The Committee considered the minutes of the Planning Committee held on 11 April 2017.

### **Resolved:**

That the minutes of the meeting held on 11 April 2017 be approved and signed by the Chairman as a correct record.

### **3 DEFINITIVE MAP AND STATEMENT MODIFICATION APPLICATION TO ADD A PASSAGE BETWEEN WHITTAM AVENUE AND RYBURN AVENUE**

The Committee considered an application that had been received by the Council under Section 53 (2) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement to add a passage between Whittam Avenue and Ryburn Avenue as a byway open to all traffic (BOAT).

Mr Holmes, Legal Officer, Blackpool Council, advised the Committee of the Council's duty to maintain a Definitive Map and Statement of public paths and byways. He reported that the application related to an unadopted alleyway that had been subject to a Gating Order made by the Council in 2006. The Committee was advised that the Council was prevented from modifying the Definitive Map and Statement due to Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006, which prohibited the creation of new public rights of way for mechanically propelled vehicles after 2006 and extinguished (with certain exceptions) any then existing rights of way for mechanically propelled

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

vehicles other than those shown in the definitive map. Opinion previously sought from Counsel also supported this view. Mr Holmes reported that, should the Council grant the application, it would be acting contrary to legislation and as such the Committee was asked to approve the recommendation not to modify the Definitive Map and Statement.

Mr Boileau, Applicant, spoke in support of the application. He disputed the Legal Officer's view of the restrictions imposed by Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006. He referred to the historic use of the alleyway and suggested that a right of way already existed and should be recorded as such in the Definitive Map and Statement. He made reference to the Gating Order regulations and confirmed that he had no objection to the alleyways remaining in place.

In response to the Applicant's comments regarding the short notice he had received to make representations, the Chairman received confirmation that he was satisfied that the Committee continued to consider the application at this meeting. The Chairman also asked the Applicant what he hoped could be achieved in practical terms by the application and Mr Boileau confirmed that he was asking that the existing right of way be recorded in the Definitive Map and Statement.

Mr Curtis, Legal Adviser to the Committee, provided clarification that the Committee was being asked to approve the recommendation not to modify the Definitive Map and Statement which would then be included in the representations made to the Secretary of State. He reported on the exceptions to the extinguishment of rights of way for mechanically propelled vehicles provided for in the Natural Environment and Rural Communities Act 2006 and his view that there was insufficient evidence to show that any of the exceptions applied.

During consideration of the application the Committee was satisfied on the evidence before it that legislation prevented the modification of the Definitive Map and Statement for the reasons set out in the report.

**Resolved:** To approve the recommendation that no modification be made to the Definitive Map and Statement.

Background papers: Application with supporting evidence.

### 4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during March 2017.

The report stated that 42 new cases had been registered for investigation, 18 cases had been resolved by negotiation without recourse to formal action and 26 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. An enforcement notice and three s215 notices had been authorised during March 2017. An s215 notice and a Community Protection Notice had also been served during the same period.

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

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017**

**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 APPLICATION AND APPEALS PERFORMANCE REPORT**

The Committee considered an update report on the Council's performance in relation to Government targets.

Mr Johnston, Head of Development Management, referred Members to the performance statistics contained within the report. He advised of an amendment to the report in that the performance for March 2017 relating to major development decisions should be zero as there had been no major development decisions taken during that period.

In response to a question from a Member of the Committee, Mr Johnston agreed to investigate the legal position regarding the imposition of covenants by developers following the granting of planning permission.

**Resolved:** To note the report on planning applications and appeals performance.

### **6 PLANNING APPLICATION 17/0105 - LAND TO REAR OF 71 MOSS HOUSE ROAD, BLACKPOOL**

The Committee considered planning application 17/0105 for the formation of an attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments.

Mr Johnston presented the Committee with a brief overview of the application and the site location and layout plans. He explained that the proposal was for the construction of an attenuation basin for the storage of surface water during periods of heavy rainfall as part of the Surface Water Separation Scheme to improve the quality of the bathing water along the Fylde Coast. The basin would be a grassed depression enclosed by post and rail fencing. During the construction phase Florence Street and Moss House Road would be used for access and that, following completion of the construction works, vehicles would only require access a few times a year for general maintenance work.

Mr Johnston referred Members to the information contained within the Update Note and Additional Update Note regarding the requirement to determine if the proposed development was an appropriate use of land in this location taking into account relevant planning considerations.

Ms Mattin, public objector spoke against the application. She reported on the main reasons for the objection which included access to the development, safety concerns and the potential impact on the quality of life of the residents of neighbouring properties.

Ms Allen, on behalf of the Applicant and accompanied by Mr Edwards and Mr Jones, spoke in support of the application and the benefits it would bring in terms of improvements in the quality of the bathing water. She did not consider that there would

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

be an increased risk to public safety or flooding as a result of the development. She also reported on similar schemes that had been undertaken in different locations by other water companies.

In response to concerns raised by the Committee, it was confirmed that a Construction Management Plan was being developed that would be covered by a condition should permission be granted. Mr Patel, Group Engineer, Traffic Management, reported that although discussions had been held regarding a Construction Management Plan, the detail had still to be finalised.

Mr Johnston reminded the Committee that if it was so minded it could approve the application subject to an appropriate condition being attached to the permission relating to a Construction Management Plan. Mr Curtis provided legal advice on the benefit of a pre-commencement condition being attached to the granting of planning permission.

The Committee noted the concerns raised by residents during the construction phase. On balance, in the absence of a Construction Management Plan, the Committee was not satisfied that it had all relevant information to determine the application.

**Resolved:** That the application be deferred to a future meeting to allow the opportunity for a Construction Management Plan to be submitted.

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

### **7 PLANNING APPLICATION 17/0118 - LAND TO REAR OF CHAPEL HOUSE, CHAPEL ROAD, BLACKPOOL**

The Committee considered planning application 17/0118 for the construction of an attenuation basin, inlet weir and outlet structures, headwall structure and access road off Chapel Road with associated landscaping and boundary treatments.

Mr Johnston presented the Committee with a brief overview of the application and the site location and layout plans. He explained that the proposal was similar to the previous application as it related to the construction of an attenuation basin for the storage of surface water during periods of heavy rainfall as part of the Surface Water Separation Scheme to improve the quality of the bathing water along the Fylde Coast. The basin would be a grassed depression enclosed by post and rail fencing. He confirmed that once the development was operational it would only need to be accessed a few times a year for general maintenance work.

He reported on the receipt of a further representation from a nearby resident whose principle concern related to the impact of the proposed development on the highway and as such had asked for consideration to be given to implementing traffic calming measures around the development.

Mr Patel reported that a Construction Management Plan would be attached as a condition to any planning permission and that the details of the Plan had yet to be finalised. In response to the request for traffic calming measures, Mr Patel stated his

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

view that there would be minimal impact on the highway once the development was operational and hence it was not reasonable to require traffic calming as part of this development.

Ms Allen, on behalf of the Applicant and accompanied by Mr Edwards and Mr Jones, stated that as this was a similar scheme to the previous planning application she had nothing further to add to her earlier comments regarding the benefits that the proposed development would bring in terms of improvements in the quality of the bathing water, no increase in the risk to public safety or flooding and the fact that similar schemes had been undertaken in different locations by other water companies.

The Committee considered the application and on balance, without sight of the Construction Management Plan, the Committee was not satisfied that it had all relevant information to determine the application.

**Resolved:** That the application be deferred to a future meeting to allow the opportunity for a Construction Management Plan to be submitted.

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

### **8 PLANNING APPLICATION 17/0128 - LAND AT TAYBANK AVENUE AND LIVET AVENUE, BLACKPOOL**

The Committee considered planning application 17/0128 for the erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and car parking.

Mr Johnston presented the Committee with a brief overview of the application and the site location, site layout and layout/elevation plans for the proposed properties. He reported on the character of the area in terms of mixed property style. He reminded the Committee that the principle of developing three properties on the site had been established following the granting of outline planning permission for three detached bungalows in 2013. He reported on the main differences between the current proposal and the previously approved application. He also reported his view that the potential for overlooking a neighbouring garden would be prevented due to obscured glazing of the bathroom windows on the rear elevation.

Mr Walsh, public objector, spoke against the application. His main concerns related to the impact on the character of the area and loss of green space, highway safety and parking issues, and the impact on the amenity of the residents of neighbouring properties.

Mr Johnston confirmed that the land was not protected open space and reported on the Council's requirement to demonstrate a five-year housing supply.

During consideration of the application, the Committee noted the mixed character of the area in terms of style of buildings and that the principle of a residential development on the site had been established through the granting of a previous application.

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017**

**Resolved:** That the application be approved, subject to the conditions, and for the reasons set out in the appendix to the minutes.

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

### **9 PLANNING APPLICATION 17/0193 - 585-593 PROMENADE AND 1 WIMBOURNE PLACE, BLACKPOOL**

The Committee considered planning application 17/0193 for outline planning permission for the erection of part 3 / part 4 / part 5 / part 6 storey block of 88 self-contained permanent flats with car parking for 88 vehicles, access and associated works, following demolition of existing hotels.

Mr Johnston presented the Committee with an overview of the application and the site location, layout plans. He reminded Members that this was the third application submitted for this development, following the Committee's refusal of the previous two applications. The key differences between the current and previous applications were reported which included a reduction in the number of flats, an increase in the number of car parking spaces which now represented one per flat which in his view was adequate, and the removal of the penthouse floor. Mr Johnston presented Members with visual images of the proposed development and reported on its size, scale and comparison with the previously approved Hampton by Hilton development and other neighbouring properties. He reported on the significant investment in holiday accommodation in the area from the Hampton by Hilton development and the difficulties in attracting further holiday investment in the area. In his view, the proposal provided for a new residential offer in the area envisaged by Policies CS2 and CS23 of the Blackpool Local Plan Part 1: Core Strategy.

Ms Harrison, public objector, spoke against the application. Her main concerns included the impact on the amenity of the occupiers of neighbouring properties due to the scale, mass and height of the proposed development. Further concerns related to the width of adjacent roads and the lack of a sunpath and daylight analysis. Additional photographs submitted by Ms Harrison at the meeting were circulated to the Committee for consideration.

Mr Richardson spoke in support of the application on behalf of the Applicant. He referred to the changes made to the previous applications and his view that the current proposal represented the only viable option for development of the site and addressed the issues previously raised in relation to the mass and intensity of the proposed development. He referred to the significant changes to the area around the proposed development since 2011.

In response to questions from the Committee relating to access for emergency vehicles, Mr Patel confirmed that although the building regulation guidelines recommended a minimum distance of approximately 20 metres, discussions held with representatives from the emergency services had raised no objections to the proposal.

During consideration of the application, the Committee acknowledged the changes made by the Applicants to address the issues raised in the reasons for refusal of the previous

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017**

applications and the lack of alternative viable options for development of the site.

**Resolved:** That the application be approved, subject to the conditions, and for the reasons set out in the appendix to the minutes.

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

**NOTE:** Councillor O'Hara, having been involved in pre-application discussions with the Applicant, left the room whilst the application was being discussed and did not speak or vote on the application.

### **Chairman**

(The meeting ended 7.52 pm)

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