

16/0421 Amendment - 647/651 New South Promenade and 2/4 Harrow Place

Letter to the Planning Committee submitted by Ronald and David Richardson

1. Committee unanimously passed this £15m application on 23 August 2016 with authority delegated to Mr Johnston for the provision of a Section 106 car parking scheme. The Council have spent an enormous amount of time assisting us with this landmark project especially the Head of Development Management, Mr Johnston, the architect Mr Stephen Tortely, Mr Alan Cavill, Highways, Parking and Legal.

We have met the Committee's main requirement of providing one parking space per apartment.

2. We have also worked with the local residents committee and any objections they had (mainly relating to balconies) have been resolved and subsequently withdrawn.

3. We have had enthusiastic support from local ward councillors Mr Alistair Humphreys and Mr Christian Cox as well as Gordon Marsden MP.

4. Now the only person objecting to this amendment is Mr Banks, owner of 6/8 Harrow Place who has produced a list of issues. These issues are either incorrect or not relevant to this amendment and have been dealt with and have been addressed below.

5. Initially Mr Banks was an enthusiastic part of the scheme, and indeed led the consortium, stressing the importance of the development to the area and the re-generational benefits to the town as a whole. However, the moment Committee resolved to grant planning permission, he totally changed his approach and this is why we have had to submit an amended application.

6. Despite initially promising to grant access across a small piece of his land (to provide access to the rear parking area for the scheme) Mr Banks informed us that he would not sign the Section106 agreement with the Council for the parking scheme unless payment of £60,000 was made to him.

He took the view that if he did not sign the Section106 agreement then there would be no parking scheme, and without a parking scheme there would be no planning permission. **(please see email 1 below).**

For the last 18 months we have tried to reach an agreement to progress the development but it has proved to be an impossible task. Each time we thought we were there, another demand would appear, resulting in yet more legal costs and lengthy delays. In the last correspondence with our legal team Mr Banks was demanding £100,000 for access across his land **(please see email extract 2 below).**

7. Working with the Council we have tried to find a way forward with Mr Banks but we can't delay any longer. Back in January 2017 the Council asked him whether he still wanted to be part of the scheme and he said he did. But he has delayed and delayed increasing his demands each time. So in the end we have had no alternative but to amend the application.

8. Essentially the amended scheme is the same as the one Committee passed nearly 2 years ago without 6/8 Harrow Place. 6/8 always was such a small part of the overall development, accounting for approximately 10% of the total frontage of the development and is furthest away from the promenade.

There are no changes to the development on the New South Promenade side and no changes to the feature celebration corner (the most important parts as far as visual impact for the area is concerned) and only minor changes to the Harrow Place elevation.

Firstly, we have worked with Development Management and Highways and have created a passageway in number 2 Harrow Place to access the rear parking area.

Secondly, to balance the development and after consulting Mr Johnston, the elevation on number 2/4 Harrow Place now matches the elevation on the promenade and promotes the transition from existing to new.

Thirdly, again following advice from Mr Johnston, we are not adding the extra storey at 4 Harrow Place. The residents at 10 Harrow Place and Clifton Drive are very pleased that we are not adding the additional storey.

We have kept the number of apartments in our part of the scheme the same and added additional facilities such as a fitness room, changing facilities and a residents lounge.

9. We have worked meticulously with Mr Johnston and have satisfied all his queries and his report supports the amended application. We have worked with local residents, listened to their concerns and acted upon them, and they now either support the scheme or have withdrawn any initial objections they had. We have the full support of our closest neighbours on both sides, Mr David and Mrs Paula Storton at number 10 Harrow Place and Mr Ken Hoskins, the Carn Brae Hotel, 657/659 New South Promenade.

10. There is only one person who is objecting to the amended scheme and that is the owner of number 6/8 Harrow Place. Mr Banks is not a resident but owns the empty 6/8 Harrow Place.

Our response to the objections from Mr Banks

Mr Banks has come up with a long list of objections which are either not relevant to the planning application process, incorrect or are issues relating to the adjoining building at 653/655 New South Promenade, which was passed under previous separate planning applications. Mr Banks appears to be confusing the two.

Mr Banks property 6/8 Harrow Place is a derelict building and the amended scheme has been redesigned so that it does not impact on his property e.g. no additional storey on 4 Harrow Place. It should be noted that it was Mr Banks decision not to be part of the scheme and he withdrew from the development, forcing us to submit this amendment.

Nevertheless we have worked through the list with Mr Johnston and he is satisfied with our responses. Mr Johnson has summarised the list of objections from Mr Banks and our responses are noted below.

A. Quality of the build

This is incorrect according to the professionals involved in the scheme.

- We have used top quality materials (e.g. composite decking for the roof terrace at £42 per metre plus labour cost, marine grade steel for the balustrades).
- All the work has been passed and signed off by Building Control, Ball and Berry Ltd.
- All structural work has been supervised by Mr Bruce Scott our structural engineer.
- We have structural warranties for all the apartments we have completed in 653/655 NSP. (please see **Email 3 below** - response from Mr Paul McNeil, Ball & Berry Ltd, our building control inspectors).

B. Quality of drawings

This is not relevant to this amendment.

- There are no changes to the elevation on New South Promenade or the celebration corner.
- The changes on the Harrow Place elevation have been necessitated by number 6/8 no longer being part of the scheme (e.g. a passage created through no.2 Harrow Place to create additional parking). We amended these in-house due to time constraints at the architects.
- New floor plans were professionally produced by Mr Chris Sinkinson, architectural consultant.
- Mr Johnston is satisfied that the quality of the submitted drawings depict what is proposed as they are based on the original drawings.

C. Red edge/site drawings are incorrect

This is incorrect.

We have discussed this with Mr Johnston and he is satisfied that the red edge and site drawings are correct.

D. Change of materials

This is not relevant to this amendment.

- Any changes to the materials in the application have been discussed with Mr Johnston. We will be using top quality grade materials e.g. K-rend to match the original 'colour' scheme on the outside walls, using different colouring to provide a strong base, a middle and a top, as requested by the Council's architect and Mr Johnston.

E. Lack of Computer Generated Image

This is not relevant to this amendment.

- We have checked with Mr Johnston and this is not a planning requirement especially in light of the fact that the main elevation on New South Promenade remains the same.

F. Validation of application

This is incorrect.

- Mr Johnston has followed policy procedures. We have been informed by Mr Johnston that an amendment is the correct procedure as the red edge of the proposed development is smaller than the original red edge and the original planning application hasn't been determined yet. If the red edge had been larger than the original application or the original planning application had been determined then a new planning application would have been the correct procedure.

G. Quality of supporting information

This is incorrect.

- Mr Johnston is satisfied with any additional supporting evidence and the source of this information.

H. DDA to communal areas

This is incorrect.

- DDA has been discussed with Mr Johnston and has been indicated on the amended plans. (DDA was in fact not shown on the original application in 2016).

I. Undercroft/passage to rear parking - width/supporting columns issues

This is not relevant to this amendment.

- Both Highways and Development Management are satisfied with the width of the access and the support columns. Also it is common practice in apartment blocks to use an undercroft/ passage to access the rear.

J. Increased Sales Values compared to 2016 viability

This is incorrect.

- Supplementary supporting evidence has been presented to the Council and shows that the proposal does not support an affordable housing contribution, only an Open Spaces contribution.

K. Light levels/light wells

This is not relevant to this amendment.

- There is no national or local policy in regards to light wells and Mr Johnston is satisfied with the use of light wells in the development. Indeed some were proposed as part of the original application.

L. Shareholder of original application and he believes amended application to be void

This is incorrect.

- The original application was made in the name of Ronald Richardson, Harrow House Construction Ltd. Ronald Richardson is the only shareholder in Harrow House Construction Ltd.
- The Confirmation Statement downloaded from Companies House clearly shows (on the Full Details of Shareholders page) that Ronald Richardson is the only shareholder in Harrow House Construction Ltd. Mr Banks is not a shareholder but is a director only. Ronald and David Richardson are also directors. **(please see attachment 4 below)**

M. Mention of 653/655 NSP in relation to this amendment

This is not relevant to this amendment.

-653/655 comprised of 3 earlier planning applications, all of which have been passed without the need for parking spaces to be provided. The three applications do not have any connection to 16/0421 application or indeed the amendment to 16/0421.

Email 1.

From:

Sent: 18 October 2016 15:46

To: Joseph Boniface

Cc:

Subject: Re: Acolaid Case 16/0421

Hi Joe

With regards to extension, I was made aware of the meeting yesterday.

I will meet and discuss with Ron and dave next week upon Rons return, as you may already be aware the partnership between myself, Ron and dave is in the process of being dissolved and therefore the planning application will become null and void as we have failed to agree terms going forward, I intend to sell or mothball the scheme for 6-8 Harrow place, i will not be agreeing to any parking scheme that involves access over 6-8 boundary.

Should you wish to discuss the above please call me to discuss.

Kind Regards

Tony Banks

Email 2.

From:

Sent: 10 January 2018 20:20

To: Paul Hardy

Cc:

Subject: Re: ***SPAM*** Deed Of Easement - Harrow Place - 196964-002

Hi Paul

If these terms are not adhered to then the right of access is withdrawn.

I go away on 15th Jan, therefore if this is not agreed and paid before this date then this will result in either full withdrawal from deed or an increase in the price for a new deed to £100,000.

It is your clients decision, for the avoidance of any doubt, if agreed is not meet then I will also withdraw my acceptance of the S106 and with immediate affect restrict all access across over my property

Your clients have until 10.00 on Friday 12th Jan 2018 to confirm their acceptance of the above and until Monday 16.00 on Monday 15Th Jan 2018 to complete terms of the agreement.

Kind Regards

Tony Banks

Email 3.

From: Paul McNeill

Date: 4 May 2018 at 14:50:22 BST

To:

Subject: RE: New South Promenade

Hi Ron.

It is our considered opinion that the works are being carried out in accordance with the Building Regulations 2010.

We have received sufficient structural information, to date, and have also carried out statutory consultations with Lancashire Fire & Rescue Service.

Approved Inspectors are required to carry out their work with reasonable skill, care, and judgement.

Approved Inspectors are independently regulated by the Construction Industry Council Approved Inspectors Register.

It would appear that such an objection on these grounds are folly and the council should disregard them.

We trust that this will be sufficient for you to robustly contest this unfounded objection.

Kind regards,

Paul McNeill

Director

Attachment 4 (2 pages) - Companies House information regarding the shareholding of Harrow House Construction Ltd. This confirms that Ronald Richardson is the only shareholder.



Companies House

CS01 (ef)

Confirmation Statement

Company Name: **Harrow House Construction Limited**
Company Number: **09896875**



Received for filing in Electronic Format on the: **03/01/2018**

X6WUQTOB

Company Name: **Harrow House Construction Limited**

Company Number: **09896875**

Confirmation Statement date: **01/12/2017**

Statement date:

Full details of Shareholders

The details below relate to individuals/corporate bodies that were shareholders during the review period or that had ceased to be shareholders since the date of the previous confirmation statement.

Shareholder information for a non-traded company as at the confirmation statement date is shown below

Shareholding 1: **1 ORDINARY shares held as at the date of this confirmation statement**
Name: **MR RONALD RICHARDSON**