

**COMMITTEE DATE:** 05/03/2019

**Application Reference:** 19/0083

**WARD:** Talbot  
**DATE REGISTERED:** 13/02/19  
**LOCAL PLAN ALLOCATION:** Resort Core  
Key Tourism Investment Site  
Central Promenade and Seafront  
Hounds Hill  
Town Centre Boundary  
Leisure Zone / Resort Core  
Defined Inner Area

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** The Sands Venue

**PROPOSAL:** External alterations and erection of a two-storey side extension and a two-storey extension to the roof to create a 3rd and 4th floor and use of the premises as altered to provide a restaurant , hotel reception and museum reception, themed bar at ground floor level, a museum and associated facilities at first floor and hotel accommodation on the upper three floors comprising 91 en-suite bedrooms and suites and associated facilities in the basement, including meeting rooms and a spa and a rooftop plant area.  
( Resubmission of application Ref 18/0818)

**LOCATION:** THE SANDS VENUE PALATINE BUILDINGS, PROMENADE, BLACKPOOL, FY1 4TQ

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**Summary of Recommendation:** Defer (recommendation may be amended if further information is received)

### **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool in so far as the proposal will create a new museum and new hotel on a prominent site on the Promenade but at the time of writing this report not in terms of the colour of the building given its context

### **SUMMARY OF RECOMMENDATION**

The application raises a number of issues as there are economic, social and regeneration benefits with the proposal. The proposal would create jobs, it would provide an additional attraction for the town and the town centre through the provision of the museum, it would add to the hotel offer of the town and the hotel would be supported by ancillary facilities, it

would regenerate a key Promenade site with Blackpool's first 5 star hotel and it would enhance the public realm in the vicinity of the site. These factors weigh in favour of the proposal. There is no issue with the reduced height of the building as it would sit comfortably alongside the Woolworth building and the Tower. Although reduced in height the design ethos of the building would be the same as the approved (apart from the colour scheme) and hence this is acceptable. The removal of the 55 car parking spaces weighs against the proposal but given the Town Centre location and the potential for up to 80 spaces to be provided at Chapel Street this is not felt to be a determining factor nor is the reduction in the number of bed spaces nor the omission of the retail unit from the scheme. The benefits of the proposal support a key goal of the Core Strategy and Policies CS1, CS17 and CS21 of the Core Strategy.

Set against the benefits of the proposal is the issue of the colour of the materials for the building. In this case this is considered to be a key determining factor because of the setting of the building immediately to the south of the Tower, Woolworth building and southern boundary of the Town Centre Conservation Area. In addition the site has a frontage of some 45 metres to the Promenade and the building would be 20 metres tall so it would be an imposing building on the Promenade frontage. National and local policy emphasise the need for good design and colour is an integral part of design. National and local policy also emphasise the importance of context which in this case includes the setting of the Tower, Woolworth building and the Town Centre Conservation Area. Members will recall that at the last meeting of the Committee a largely black building which would not enhance or preserve the setting of the Tower, Woolworth building and the Town Centre Conservation Area was refused. This weighed heavily against the proposal at that time. It is acknowledged that Historic England did not make any comments on the matter but referred the matter to your Built Heritage Manager, who did not support the application. Given the conflict with elements of National guidance (paras 124,127, 130, 185, 192 and 193) and Local Policy ( Policies CS7 and CS8 of the Core Strategy and Policies LQ1- LQ4, LQ7, LQ9 and LQ10 the application was refused. Given colour is a central component of the design of the building and given the sensitive nature of the site's location it was not considered that the issue of the colour of the materials could be conditioned without the applicant's agreement.

This application seeks to address the reasons for refusal although at the time of writing this report other than a commitment to provide colours and samples or swatches of the proposed materials no details have been provided. In addition the publicity and consultation for the application has not expired

Consultations were sent on 13 February 2019  
Neighbour Notifications were sent on 13 February 2019  
Site Notices were posted on 15 February 2019  
Press Notice 18 February 2019

The earliest decision date would therefore be Monday 11 March 2019. Given these circumstances it recommended that the application is deferred

a) to allow for the consultation and publicity period to expire

b) subject to an appropriate material palette and colour scheme for the building

If the required amendments are received and the Committee is then subsequently minded to approve the application it would be possible to approve subject to there being no objections prior to the expiry of the consultation/notification period and to delegate to the Head of Development Management to issue the decision notice after the expiry of the consultation period on 11 March 2019

## **INTRODUCTION**

Members will recall that application 18/0818 was refused for the following reasons

***1 The proposed development would by reason of the proposed colour palette of materials be contrary to paras 124,127, 130, 185, 192 and 193 of the National Planning Policy Framework, Policies CS7 and CS8 of the Blackpool Local Plan Part1: Core Strategy 2012-2027 and Policies LQ1, LQ2, LQ4, LQ7, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016 given the size of the building, the width of the site frontage and its prominent position on the Promenade.***

***2 The proposed development would by reason of the proposed colour palette of materials be contrary to paras 124,127, 130, 185, 192 and 193 of the National Planning Policy Framework, Policies CS7 and CS8 of the Blackpool Local Plan Part1: Core Strategy 2012-2027 and Policies LQ1, LQ2, LQ4, LQ7, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016 given its setting immediately to the south of the Grade 1 Listed Blackpool Tower, the locally listed Woolworth building and the Town Centre Conservation Area and the adverse effect it would have on the setting of these heritage assets.***

This application is the same as the previous application save that the applicant has confirmed that in view of the discussions held at the February Planning Committee he is seeking to address the reasons for refusal through the provision of:

- Further clarification of the colour scheme and the façade treatment
- Samples of materials and colour swatches

Although at the time of writing the report no further details have yet been provided and an update will be given at the Planning Committee.

In addition the applicant has confirmed that:

- They have an agreement with the Council for the proposed car parking facilities due to the omission of their proposed basement car park with c 80no spaces on Chapel Street, and
- They intend to amend the South East Promenade corner to include a themed bar which will extend beyond the existing footprint into the proposed side extension

In view of the timetabling issues discussed at the last meeting the applicant has requested that this matter is referred to the next Planning Committee. However, the publicity and consultation for the application has not expired

Members will recall that there was considerable discussion on the previous refused application and this is recorded below

**Extract from Planning Committee Minutes of 5 February 2019**

*The Committee considered the application at length during which concerns were raised regarding the colour scheme in view of the setting of the proposed development in close proximity to the Promenade and adjacent to heritage buildings and bordering the Town Centre Conservation Area. Mr Walker was invited to expand on the reasons for the change in colour from the originally approved scheme and he reported on the benefits of the new colour scheme in terms of providing privacy for guests and the provision of a quality modern building. Responding to further concerns from the Committee, Mr Walker stated that in reality the proposed development could potentially be lighter than the colour palette depicted in the photographs but in the interests of integrity the photographs submitted depicted the darkest possible shade of the proposed materials. The Committee acknowledged this but noted that it had to determine the application based on the information before it.*

*The Agent was asked by the Committee if the Applicant would be willing to negotiate on the colour scheme in an attempt to reach a compromise with the planning officers, which would not necessarily require a change in colour but could provide increased differential between the black and silver areas and thereby potentially address the Committee's concerns. Mr Walker reported on the extensive discussions that had already taken place with planning officers and advised on the Applicant's reasons for requiring the development to progress as quickly as possible. He stated that the Applicant had confirmed that he would not be prepared to compromise on the colour scheme, for all the reasons already stated. He also expressed the Applicant's preference for the application to be determined at this meeting and not deferred to a future meeting and reported on his view of the adverse impact of a delay, which included the timescale for the opening of the development.*

*The Committee acknowledged the social and economic benefits of the proposed development and its importance for the area and town and expressed regret that a compromise could not be reached on the colour scheme which it considered was inappropriate given the setting of the proposed development. The Committee considered that the design of the building in terms of the colour scheme in the context of the setting of the proposed development conflicted with local and national policies and outweighed the benefits of the proposal and agreed with the officer's recommendation and reasons for refusal.*

Further information regarding the proposed changes will be provided in the update note

An outline application (reference 15/0523) was granted permission by the Planning Committee at its meeting on 5 April 2016 for the erection of a single storey side extension and a three-storey extension to the roof to create 3rd, 4th and 5th floors and use of premises as altered to provide a Class A1 retail unit and hotel reception at ground floor level, with hotel accommodation above comprising 96 en-suite bedrooms and associated facilities, with associated rooftop plant area and basement car park for 55 cars and demolition of foot bridge over Bank Hey Street.

Subsequently an approval of reserved matters application was approved on 18 January 2017

Work has commenced on site but this application has been submitted to take account of changes to the proposal. The description of the previous application was -

*Erection of single storey side extension and a three-storey extension to the roof to create 3rd, 4th and 5th floors and use of premises as altered to provide an A1 retail unit and hotel reception at ground floor level, with hotel accommodation above comprising 96 en-suite bedrooms and associated facilities, with associated rooftop plant area and basement car park for 55 cars and demolition of foot bridge over Bank Hey Street.*

The current application is described as follows

*External alterations and erection of a two-storey side extension and a two-storey extension to the roof to create a 3rd and 4th floor and use of the premises as altered to provide a restaurant, hotel reception, themed bar and museum reception at ground floor level, a museum and associated facilities at first floor and hotel accommodation on the upper three floors comprising 91 en-suite bedrooms and suites and associated facilities in the basement, including meeting rooms and a spa and a rooftop plant area.*

The key changes are -

- reduction in the height of the building by some 8 metres (28 metres to 20 metres)
- reduction in the number of bedrooms from 96 to 91
- introduction of the museum on the first floor
- omission of the retail use
- omission of the car parking
- change in the colour scheme for the building. The originally approved palette of materials - cream, bronze and green was specifically chosen to reference the Woolworth building immediately to the north of the site and in the report on 16/0674 your officers commented - ***The proposal reuses the existing building and over-clads it with glazed walls, broken up by projecting columns and external bracing, taking design cues from both the Woolworth building and the structure of Blackpool Tower in terms of design and materials. The design will harmonise with the historic buildings and whilst being taller than both, wouldn't over dominate them given the lightness of the elevations. The glazed elevations on the sides and rear would be broken up by tall sections of cladding which would give the building much needed articulation and vertical emphasis, with some cladding set back and some set forward of the main elevations.*** The proposal is for a reduced monochromatic colour palette - blacks, greys and silver.

## **SITE DESCRIPTION**

The application property, the Palatine building, was a large three-storey detached building with road frontages onto the Promenade to the west, Bank Hey Street to the east and Adelaide Street West to the north. The building is in a very prominent location on the Golden Mile within 45 metres of Blackpool Tower, which is one of the most well-known landmark buildings in the Country.

The Palatine building was a brutalist structure constructed in the 1970's. At its highest point, (the tallest of the rectangular extrusions) the building was approximately 20 metres tall, although the vast majority of the building's bulk was no taller than approximately 13.6 metres tall (when viewed from the Promenade). It had recently undergone some improvements externally when the current operators opened the 'Sands Venue' which is a music/show bar and restaurant. Formerly the building operated as various nightclubs with retail uses on ground floor. Recently the ground floor on the Promenade side was a restaurant and the main entrance into the Sands Venue and there was a large discount retail shop which occupied all of the ground floor on the south side of the building, with a presence on the Promenade and Bank Hey Street. A second large discount retail unit fronted Bank Hey Street and Adelaide Street West and there is a disused nightclub in the basement, accessed from the southern side of the Palatine building. The buildings main service areas are accessed from Adelaide Street West.

To the south of the building, there was an external staircase in a pedestrianised area between the Promenade and Bank Hey Street, giving access to the first floor of the Palatine Buildings and to a walkway and bridge over Bank Hey Street. The bridge connected to businesses on the east of Bank Hey Street, although the access was only currently used in emergencies and was not publicly accessible. To the south of the pedestrianised area case, is Coral Island amusement centre which is largely one/two storeys in scale.

In the wider area, the Promenade has recently been regenerated, extended and landscaped and the area has received significant investment to upgrade, improve and enhance the visitor offer and visual amenity. Similarly at Blackpool Tower, significant restoration, repair and regeneration works are on-going and the restoration of the Tower Promenade elevation has recently won a commendation by the Royal Town Planning Institute.

The Palatine building stands within the Town Centre and Resort Core on the Proposals Map to the Local Plan. The Promenade frontage is within the Leisure Zone and the Bank Hey Street frontage within the Principal Retail Core on the Proposals Map to the Local Plan. The Town Centre Conservation Area lies to the north of the building.

## **DETAILS OF PROPOSAL**

This is an amended full application for external alterations and erection of a two-storey side extension and a two-storey extension to the roof to create a 3rd and 4th floor and use of the premises as altered to provide a restaurant, hotel reception, themed bar and museum reception at ground floor level, a museum and associated facilities at first floor and hotel accommodation on the upper three floors comprising 91 en-suite bedrooms and suites and associated facilities in the basement, including meeting rooms and a spa and a rooftop plant area (with a different external colour to the scheme approved under outline planning permission 15/0523 and approval of reserved matters 16/0674)

The building would be set out as follows

#### **Basement Level**

- Lettable space
- Hotel facilities, including Business Centre and Spa
- Additional plant, extracts required etc

#### **Ground Floor**

- New hotel reception lobby area with ancillary accommodation
- Associated hotel restaurant
- Expansion to the existing Wild West Diner fronting the Promenade
- New museum entrance
- Service and delivery zone

#### **First Floor**

- Approximately 840m<sup>2</sup> of existing Class A1 retail storage area to be converted into a new museum use
- Hotel café overlooking the ground floor reception lobby area

#### **Second Floor**

- Approximately 830m<sup>2</sup> of vacant former nightclub to be converted into Class C1 hotel use
- Seating/café area located at the foot of a three-storey atrium
- 5no. Seafront hotel suites
- 5no. Seaview hotel suites
- 10no. Town Centre aspect rooms
- 11no. Internal atrium aspect rooms

#### **Third Floor**

- 5no. Seafront hotel suites
- 5no. Seaview hotel suites
- 10no. Town Centre aspect rooms
- 11no. Internal atrium aspect rooms

#### **Fourth Floor**

- 3no. Seafront hotel suites, including large deluxe suite
- 5no. Seaview hotel suites
- 10no. Town Centre aspect rooms
- 11no. Internal atrium aspect rooms

The application is accompanied by a design and access and heritage statement and a supplementary statement seeking to justify the colour scheme for the building.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- The principle of the development
- The design and appearance of the development
- Parking and Servicing Arrangements

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

### **CONSULTATIONS**

**Built Heritage Manager:** No comments received at the time of writing this report. Any comments received will be reported in the update note

**Blackpool Civic Trust:** No comments received at the time of writing this report. Any comments received will be reported in the update note

**Head of Highways and Traffic Management:** A meeting has been held with the applicant and the agent and a number of matters were discussed. None of the matters raised are insurmountable. The agent is to respond to the matters raised and comments will appear in the update note

**Service Manager Public Protection:** No comments received at the time of writing this report. Any comments received will be reported in the update note

**Blackpool International Airport:** No comments received at the time of writing this report. Any comments received will be reported in the update note

**Waste Services Manager:** No comments received at the time of writing this report. Any comments received will be reported in the update note

**Historic England:** No comments received at the time of writing this report. Any comments received will be reported in the update note

**Police Architectural Liaison Officer:** No comments received at the time of writing this report. Any comments received will be reported in the update note.

### **PUBLICITY AND REPRESENTATIONS**

Press notice published: 18 February 2019

Site notices displayed: 15 February 2019

Neighbours notified: 13 February 2019



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

## **NATIONAL PLANNING POLICY FRAMEWORK(NPPF)**

A revised version of the NPPF was published in July 2018 (NPPF2) and a slightly amended version providing some additional clarification was published in February 2019. NPPF2 retains the key objective of achieving sustainable development and hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The parts most relevant to this application are -

- 2. Achieving sustainable development**
- 3. Plan-making**
- 4. Decision-making**
- 6. Building a strong, competitive economy**

### ***Paragraph 80 states***

*Planning policies and decisions should help create conditions in which businesses can invest, expand and adapt*

- 7. Ensuring the vitality of town centres**

### ***Paragraph 85 states***

*planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation*

- 8. Promoting healthy and safe communities**
- 9. Promoting sustainable transport**
- 11. Making effective use of land**
- 12. Achieving well-designed places**

***Paragraphs 124, 127 and 130 are particularly relevant and will be discussed in more detail in the assessment section of this report***

- 14. Meeting the challenge of climate change, flooding and coastal change**
- 16. Conserving and enhancing the historic environment**

***Paragraphs 185, 192 and 193 are particularly relevant***

## **PLANNING PRACTICE GUIDANCE (NPPG)**

There is a section of the guidance devoted to design and the following extracts from the guidance are considered relevant-

**Paragraph 004** - Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of

planning proposals against their Local Plan policies, national policies and other material considerations.

Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques. Planning permission should not be refused for buildings and infrastructure that promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)

**Paragraph 007** - Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

**Paragraph 020** - Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

- the local pattern of street blocks and plots;
- building forms;
- details and materials;
- style and vernacular;

Distinctiveness is not solely about the built environment – it also reflects an area's function, history, culture and its potential need for change.

**Paragraph 021** - The way a place looks, sounds, feels, and even smells, affects its attractiveness and long term success. Streetscapes, landscapes, buildings and elements within them all have an influence. So too can more transient elements – such as the way sunshine and shadows move across an area or the way it is maintained and cleaned. Composition of elements and the relationship between colours, textures, shapes and patterns are all important, as is the depth of views, particularly across roofscapes or between buildings.

**Paragraph 028** - Materials should be practical, durable, affordable and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They may not have to match, but colour, texture, grain and reflectivity can all support harmony.

## **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 -

### **Policy CS1: Strategic Location of Development**

- To deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.
  1. Blackpool's future growth, development and investment will be focused on inner area regeneration, comprising:
    2. Blackpool Town Centre, including the three strategic sites of Central Business District, Winter Gardens and Leisure Quarter .
      - a. The Resort Core, containing the promenade and the majority of resort attractions and facilities, holiday accommodation and major points of arrival.

### **Policy CS6: Green Infrastructure**

High-quality and well connected networks of green infrastructure in Blackpool will be achieved by:

- b. Enhancing the quality, accessibility and functionality of green infrastructure and where possible providing net gains in biodiversity.
  - Creating new accessible green infrastructure as part of new development and supporting urban greening measures within the built environment.
  - Connecting green infrastructure with the built environment and with other open space including the creation, extension or enhancement of greenways, green corridors and public rights of way.
  - All development should incorporate new or enhance existing green infrastructure of an appropriate size, type and standard.

### **Policy CS7: Quality of Design**

New development in Blackpool is required to be well designed, and enhance the character and appearance of the local area and should:

- Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings
- Incorporate well integrated car parking, pedestrian routes and cycle routes and facilities
- Provide appropriate green infrastructure including green spaces, landscaping and quality public realm as an integral part of the development

Development will not be permitted that causes unacceptable effects by reason of visual intrusion or any other adverse local impact on local character or amenity.

**Policy CS8: Heritage**

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.

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
- Strengthen the existing townscape character created by historic buildings

Developers must demonstrate how any development affecting heritage assets (including conservation areas) will conserve and enhance the asset, its significance and its setting.

**Policy CS17: Blackpool Town Centre**

To re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors, new development, investment and enhancement will be supported which helps to re-brand the town centre by

- Strengthening the retail offer with new retail development, with the principal retail core being the main focus for major retail development
- Conserving and enhancing key heritage and entertainment assets within the town centre and complementing these with new innovative development

**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**

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

All planning applications for large-scale developments or smaller developments occupying prominent and/or sensitive locations, such as gateways and activity nodes must be accompanied by an 'Urban Design Statement'.

*Sensitive and prominent locations are considered to be those within or adjacent to Conservation Areas, those directly affecting the fabric or setting of a Listed Building, those sites occupying landmark or nodal locations with the Town Centre, and any site within the Resort Core or Resort Neighbourhoods with any elevation fronting onto the Promenade.*

**Policy LQ2: Site Context**

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

(A) New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. These locations include:

- (i) affecting the setting of a Listed Building
- (ii) Conservation Areas

**Policy LQ3: Layout of Streets and Spaces**

(A) The layout of all new development will be expected to create or positively contribute towards a connected network of streets and spaces that:

- (i) creates direct and integrated routes through the site which provide well signed and easy access to the existing street network, nearby facilities and public transport
- (iii) creates distinctive useable spaces, including public open spaces, which are well-defined by buildings, boundary treatments and landscaping creating a structure for habitat generation and migration
- (vi) provides or enhances a visually interesting environment through the creation of new landmarks, views and vistas
- (vii) assimilates sensitively into the surrounding built form and/or landscape context
- (viii) where possible, incorporates drainage requirements as features within the design in conjunction with sustainable drainage (SUDS) technology

**Policy LQ4: Building Design**

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

- (i) the width and importance of the street or space
- (ii) the scale, massing and height of neighbouring buildings.

Design of Facades - The detailed appearance of facades will need to create visual interest and must be appropriate to the use of the building. New buildings must have a connecting structure between ground and upper floors composed of:

- (i) a base, of human scale that addresses the street
- (ii) a middle, of definite rhythm, proportions and patterns, normally with a vertical emphasis on the design and positioning of windows and other architectural elements
- (iii) a roof, which adds further interest and variety
- (iv) a depth of profile providing texture to the elevation.

Materials - will need to be of a high quality and durability and in a form, texture and colour that is complementary to the surrounding area.

**Policy LQ5: Public Realm Design**

New developments creating outdoor areas that will be used by the public will be expected to provide or enhance a co-ordinated, uncluttered and visually interesting public realm that is convenient for all its users. The design of the public realm must enhance the setting of surrounding buildings and will be expected to:

- (a) use materials, such as paving, which are robust, attractive and appropriate to the location
- (b) provide adequate lighting designed for the needs of pedestrians
- (c) include clear and distinct signage
- (d) provide a variety of places for people to sit
- (e) include other appropriate landscaping and street furniture.

In major developments, the provision of public art will be encouraged.

**Policy LQ6: Landscape Design and Biodiversity**

New development will be required to incorporate appropriate landscaping and benefits to biodiversity wherever possible, that:

- enhances the spaces between and around buildings, including new streets provides new planting of appropriate specification, including the use of indigenous species and semi-mature planting, where appropriate
- avoids the creation of left over spaces

**Policy LQ7: Strategic Views**

Development that has a detrimental impact on strategic views will not be permitted.

Views of the following features and buildings are considered to be of strategic importance:

- (a) Blackpool Tower – views from the seafront and along main transport corridors leading into the Town Centre
- (b) along the seafront and coastline
- (c) into and within Conservation Areas
- (d) local views of other Listed Buildings.

**Policy LQ9: Listed Buildings**

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

**Policy LQ10: Conservation Areas**

Development must preserve or enhance the character and appearance of the Conservation Area. The development will need to respect the scale, massing, proportions, materials and detailing of similar building forms within the Conservation Area .

**Policy LQ11: Shopfronts**

Applications for new or alterations to existing shop fronts will be considered having regard to the character of the building and the street scene. Particular attention will be paid to the relationship of the ground floor with the upper floors of the property.

### **Policy LQ14: Extensions and Alterations**

Applications for extensions or alterations will be considered in relation to the existing building, adjoining properties and to the surrounding area. Extensions and alterations must be well designed, sited and detailed in relation to the original building and adjoining properties. Past, unsympathetic alterations and extensions of adjoining properties should not be regarded as a precedent for further similar proposals. Materials will need to match or be complementary to the original building.

## **BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies.

The policies in Part 2 that are most relevant to this application are -

Policy DM18: Tall Buildings and Strategic Views

Policy DM19: Extensions and Alterations

Policy DM20: Landscaping

Policy DM21: Public Health and Safety

Policy DM22: Shopfronts

Policy DM23: Security Shutters

Policy DM24: Advertisements

Policy DM25: Public Art

Policy DM26: Listed Buildings

Policy DM27: Conservation Areas

Policy DM28: Locally Listed Buildings and Other Non-Designated Heritage Assets

Policy DM39: Transport Requirements for New Development

**BLACKPOOL RETAIL, LEISURE AND HOTEL STUDY 2018** - Members will be aware that the Council has to have a robust evidence base to underpin its Local Plan. To assist with the preparation of Part 2 of the Local Plan the Council commissioned the preparation of a new retail, leisure and hotel study. The findings and recommendations of the Study were endorsed by the Council's Executive at its meeting on 16 July 2018. The study recognises that the proposed hotel is one of a number of commitments in the Town Centre and will qualitatively add to the overall stock of hotel accommodation in the town.

## **ASSESSMENT**

The assessment below has been reproduced from the refused application with the exception that the parking and servicing section has been updated. Further commentary will be provided in the update note on the following

- clarification of the colour scheme and facade treatment
- details of samples of the materials and colour swatches
- the exact nature of the agreement which has been made with the Council for the provision of up to 80 car parking spaces at Chapel Street

Following a recent meeting involving officers and the agents the following details are also awaited:-

- servicing statement
- amended site layout/ground floor plan/ elevations
- a materials list with RAL numbers clearly indicated and an annotated plan of the proposed elevations indicating which material would go where on the building.
- an updated copy of the document 'supplementary statement on materials and colour palette
- samples of the proposed materials and colour swatches
- details of the agreement for off site car parking

An up-date on these matters will be given prior to the meeting

- **Principle**

The principle of altering and extending the property, improving the existing restaurant and creating a hotel and museum is consistent with Policies CS1, CS17 and CS21 of the Core Strategy. The proposal would offer a number of benefits and these are summarised as follows - it would provide employment opportunities through the improved restaurant, the hotel (directly and indirectly) and the museum (although there are no figures provided for the restaurant and hotel the museum would provide in the region of 40 jobs), the hotel would offer quality accommodation with ancillary facilities and would support the Council's desire to provide a greater range of hotel offer in the town, the improved restaurant would also add to the qualitative offer in the town, the museum would provide an added attraction for residents and visitors and would sit in an area of other attractions and would be an added attraction within the Town Centre, the proposal would enhance the area around the building and it would regenerate a key site on the Promenade. These economic and social benefits weigh in favour of the proposal

- **Design**

The reduced height of the building would not be an issue. Your Built Heritage Manager has raised the issue that in reducing the height of the building and adopting a darker palette of materials the design features of the building are less obvious. Policy LQ4 seeks to achieve developments of a minimum of 4 storeys on the Promenade. This would achieve this and the building would not compete with the Tower and Woolworth building in terms of its height. The



design of the building with its vertical and horizontal features and bracing which pays homage to its siting close to Blackpool Tower has been previously accepted through outline planning permission 15/0523 and approval of reserved matters 16/0674 but would be less apparent with the darker palette of materials proposed.

The key consideration in this case is the proposed colour of the materials. Members will be aware that they approved a building with bronze and cream materials and green tinted glazing as the primary colours. Members will also be aware that the application building occupies a prominent position on the Promenade immediately to the south of a block which contains the Grade 1 Listed Blackpool Tower and the Locally Listed Woolworth building and is also immediately to the south of the Town Centre Conservation Area boundary. This is recognised by the applicant's agent in the Design and Access Statement -

*The proposed development lies on the boundary of the Town Centre Conservation Area and is neighbour to both the tower and the Grade II listed, Art Deco style Adelaide Place. The prominence of the site also has an impact on views along the seafront and coastline as well as along main transport corridors leading into the town centre.*

The starting point in terms of determination of applications and the discharge of conditions is the Development Plan which is your 2016 Core Strategy and the 2006 Local Plan. The NPPF and NPPG are material considerations. The fact that the 2006 Local Plan has a chapter on design (LQ policies) demonstrates the concern the Council has had with design since 2006. The 2016 Core Strategy re emphasises the importance of design. For the purposes of this application the Core Strategy is up to date having been adopted in the last 5 years

The relevant policies are -

Core Strategy - Policies CS7 and CS8

Local Plan - Policies LQ1-4 and LQ9, LQ10

The relevant sections of the NPPF are 12 and 15

**Policy CS7** seeks to ensure new development enhances the character and appearance of the local area. It seeks to ensure new development is appropriate in terms of a range of considerations including *appearance, materials and relationship to adjoining buildings*

*The justification to the policy states -*

*High quality design is central to the creation of attractive, successful and sustainable places, which in turn has a positive effect on the health and well being of the communities who live there. The Council expects high quality, well designed developments that contribute positively to the character and appearance of the local, natural and built environment ( para 5.116)*

*it is important that all new development takes account of layout, density, appearance, **materials** and landscaping in order to be sympathetic to their location (para 5.118)*

**Policy CS8** seeks to enhance the setting and views of Listed Buildings, Conservation Areas and Locally Listed Buildings through appropriate design ( design includes the colour of materials)

*The justification to the policy states any new development will be required to protect and enhance the character, quality and setting of Conservation Areas and Heritage Assets ( Listed Buildings and Locally Listed Buildings) ( para 5.128)*

**Policy LQ1** requires all new development to be of a high standard of design and make a **positive contribution** to the quality of its surrounding environment.

*The justification to the policy states -*

*There is a clear need to promote higher standards of design across Blackpool. Good design not only improves the appearance of a place but also attracts and retains investment and visitors and promotes civic pride. In Blackpool, a significant amount of past development has not met these standards and there are relatively few good quality reference points. (para 4.8)*

**Policy LQ2** deals with site context and requires new development to **respond to and enhance the existing character**

The justification to the policy states that consideration should be given to respecting and enhancing a number of criteria including the materials of neighbouring buildings (para 4.11)

**Policy LQ3** deals with the layout of streets and spaces and has 3 criteria (A) to (C). As part of (A) there is a requirement that **new development assimilates sensitively into the surrounding built form**

**Policy LQ4** deals with the specific design of buildings and has 4 criteria (A) to (D) . (D) relates to materials and states that they will need to be of high quality and durability and in a form, texture and **colour** that is complementary to the surrounding area.

**Policy LQ9** relates to Listed Buildings and part B of the policy states that development which **adversely affects the character or appearance of a listed building or its setting will not be permitted**

**Policy LQ10** deals with development within Conservation Areas. There is however a widely held view that development on the boundary of a Conservation Area can affect its character and appearance

It is acknowledged that policies LQ9 and LQ10 pre date the NPPF and hence do not align with paras 196-197 of the NPPF. Nevertheless the policies still attract some weight

The NPPF has 3 strands to sustainable development - economic, social and environmental. Whilst we recognise the economic and social benefits of the proposal this does not mean we have to set aside the environmental strand. The importance of design is recognised in that section 12 of the NPPF is devoted to design. The importance of the historic environment is recognised in section 15 of the NPPF and this includes locally listed buildings as well as Listed Buildings and Conservation Areas.

There is a common theme in section 12 regarding context of a development and integration. In this respect the weight attached to the setting of the site adjacent to the Tower and the Woolworth building is greater than that attached to relationship to Coral Island. This is why the colour and quality of the materials is so important in this case.

**Paragraph 124 states**

*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*

## **Paragraph 127 states**

*Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are **sympathetic to local character and history, including the surrounding built environment** and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit*

## **In addition paragraph 130 states**

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

and

*Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).*

## **Paragraphs 185 and 192 deal with context in terms of the setting of Listed and Locally Listed Buildings and state -**

***the desirability of new development making a positive contribution to local character and distinctiveness***

In this case the context of the Building is particularly sensitive, with three heritage assets in close proximity and the proposed development being located on a prominent and busy frontage onto the Promenade. The issue is whether the design is good enough to approve in this sensitive location;

The appearance of a building is influenced by its colour and materials. Colour is therefore an integral part of the design of a building. National and local policy each require a judgment to be made as to whether the proposed colour and materials are sympathetic to the site's context and whether the design response takes the opportunities to improve the character and appearance of an area. In this case, it is noteworthy that the previous application was found to be acceptable by your officers and Members of the Planning Committee alike since it reflected and was sensitive to the architecture in its immediate context. The colour palette of the previous approval is sympathetic to the Woolworth building. The question with the current proposal is whether the new black design draws its cue from the local context and whether it is sympathetic to it. National policy makes it very clear that 'poor design' should

not be approved. In this case it is considered that the revised design with its largely black facades represents poor design and hence the instruction from national policy is clear

In addition there is a statutory duty (s.66(1) Listed Buildings Act 1990) to give considerable importance and weight to the desirability of preserving the setting of listed buildings. The building proposed on the application site falls within the setting of Blackpool Tower. It is considered that there would be an adverse effect on the setting of the Tower and hence its setting would not be preserved.

The rationale for the change in colour of the building is not explained in the Design and Access Statement which was submitted with the application. The applicant's agent has therefore been asked to provide justification for the change from the approved colour scheme and has submitted a supplementary statement. The document includes text and photographs of sections of the Promenade and areas of the Town Centre. Unfortunately the photographs show that buildings are primarily red brick, white or cream (render or faience tiles) and hence reinforce the view that a largely black building would be out of context. The statement explains the rationale for the approved colour scheme but does not justify the choice of black for the proposed scheme, other than to say it would be in keeping with a modern building and in particular with the style of building proposed.

The statement comments (in terms of the original approval) -

***The proposal reuses the existing building and over-clads it with glazed walls, broken up by projecting columns and external bracing, taking design cues from both the Woolworth building and the structure of Blackpool Tower in terms of design and materials. The design will harmonise with the historic buildings and whilst being taller than both, wouldn't over dominate them given the lightness of the elevations. The glazed elevations on the sides and rear would be broken up by tall sections of cladding which would give the building much needed articulation and vertical emphasis, with some cladding set back and some set forward of the main elevations. These material and colour choices were intended to allow the proposed building to sit alongside the conservation area adjacent to the north of the site, by replicating an art deco colour scheme and visually linking the building specifically to its northernmost neighbour.***

and in terms of the current proposal -

***The proposed glazing system will have black aluminium frames which sit between the external vertical columns. The use of black exterior cladding panels and black-painted cross bracing will visually emphasise the vertical lines. The reduced monochromatic colour palette has been proposed to be simpler than the previous colour palette and is in-keeping with the contemporary structure proposed and is appropriate to its building type. Whereas the previous design and colour palette aimed to visually link the building specifically with its art deco neighbour the current proposal aims to integrate the building into its context by the use of contemporary design and materials which will significantly improve the appearance of the building itself and the immediate surroundings. Considering the multitude of architectural styles, materials, lighting and signage that prevail along the promenade and in the surrounding town centre context, it is appropriate that the proposed building creates its own identity as a flagship leisure destination.***

Clearly the context referred to in the first statement above has disappeared in the second statement above. It is not considered that the submitted statement does adequately justify the choice of black, greys and silver for the materials palette.

Overall your officers' view is that a largely black building would be contrary to the policies listed above and would be contrary to the paragraphs of the NPPF quoted and this conflict outweighs the other material considerations. It is considered that the weight of the policies and relevant paragraphs of the NPPF would justify refusal of the application.

As the colour of the building is the only area of contention your officers have considered whether it would be possible to condition the materials for the development. There are a number of difficulties with this approach -

- The applicant has made it clear that it is his desire for the building to be built in the colours shown in the application and hence there would appear to be no realistic prospect of agreeing an alternative colour scheme
- Colour is a central component of the design of the building and the sensitive nature of the site's location is highlighted above
- Work has commenced on site (albeit pursuant to the earlier outline approval/approval of reserved matters) and hence there would be difficulty in framing a condition in terms of timing - normally it is prior to the commencement of development or prior to any above ground structures being erected. Neither would apply in this case.

The Council would be happy to negotiate on the colour scheme for the building but this needs to recognise the setting of the building.

- **Parking and Servicing Arrangements**

The previous approved scheme proposed 55 car parking spaces in the basement of the building which would have required two hydraulic lifts to provide access and egress. This provision has been omitted from the current scheme and the basement would provide the spa to the hotel and plant facilities for the various uses in the building. Whilst the loss of on site car parking is regrettable it should be noted that replacement car parking is to be made available at Chapel Street and the site is close to the tram services on the Promenade, there is a dropping off area provided close to the hotel entrance and there is a taxi rank on Adelaide Street West/Bank Hey Street. There are also bus services on the Promenade and Bank Hey Street. Servicing would be from Adelaide Street West for all uses via the existing covered servicing bay.

- **Other Issues**

There would not be a significant change in terms of drainage and hence this is not considered to be an issue

## **CONCLUSION**

The application raises a number of issues as there are economic, social and regeneration benefits with the proposal. The proposal would create jobs, it would provide an additional attraction for the town and the town centre through the provision of the museum, it would add to the hotel offer of the town and the hotel would be supported by ancillary facilities, it would regenerate a key Promenade site with Blackpool's first 5 star hotel and it would enhance the public realm in the vicinity of the site. These factors weigh in favour of the proposal. There is no issue with the reduced height of the building as it would sit comfortably alongside the Woolworth building and the Tower. Although reduced in height the design ethos of the building would be the same as the approved (apart from the colour scheme) and hence this is acceptable. The removal of the 55 car parking spaces weighs against the proposal but given the Town Centre location this is not felt to be a determining factor nor is the reduction in the number of bed spaces nor the omission of the retail unit from the scheme. The benefits of the proposal support a key goal of the Core Strategy and Policies CS1, CS17 and CS21 of the Core Strategy

Set against the benefits of the proposal is the issue of the colour of the materials for the building. In this case this is considered to be a key determining factor because of the setting of the building immediately to the south of the Tower, Woolworth building and southern boundary of the Town Centre Conservation Area. In addition the site has a frontage of some 45 metres to the Promenade and the building would be 20 metres tall so it would be an imposing building on the Promenade frontage. National and local policy emphasise the need for good design and colour is an integral part of design. National and local policy also emphasise the importance of context which in this case includes the setting of the Tower, Woolworth building and the Town Centre Conservation Area. Members will recall that at the last meeting of the Committee a largely black building which would not enhance or preserve the setting of the Tower, Woolworth building and the Town Centre Conservation Area was refused. This weighed heavily against the proposal at that time. It is acknowledged that Historic England did not make any comments on the matter but referred the matter to the Council's Built Heritage Manager, who did not support the application. Given the conflict with elements of National guidance ( paras 124,127, 130, 185, 192 and 193) and Local Policy ( Policies CS7 and CS8 of the Core Strategy and Policies LQ1- LQ4, LQ7, LQ9 and LQ10 the application was refused. Given colour is a central component of the design of the building and given the sensitive nature of the site's location it was not considered that the issue of the colour of the materials could be conditioned without the applicant's agreement.

This application seeks to address the reasons for refusal although at the time of writing this report other than a commitment to provide colours and samples or swatches of the proposed materials no details have been provided. In addition the publicity and consultation for the application has not expired

Consultations were sent on 13 February 2019

Neighbour Notifications were sent on 13 February 2019

Site Notices were posted on 15 February 2019

Press Notice 18 February 2019

The earliest decision date would therefore be Monday 11 March 2019. Given these circumstances it recommended that the application is deferred

- a) to allow for the consultation and publicity period to expire
- b) subject to an appropriate material palette and colour scheme for the building

If the required amendments are received and the Committee is then subsequently minded to approve the application it would be possible to approve subject to there being no objections prior to the expiry of the consultation/notification period and to delegate to the Head of Development Management to issue the decision notice after the expiry of the consultation period on 11 March 2019

#### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

#### **FINANCIAL BENEFITS**

None relevant to the consideration of this application

#### **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) 16/0674, 18/0818 and 19/0083 which can be accessed via the link below:

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

**Recommended Decision: Defer (recommendation may be amended if further information is received)**

**Reasons:**

To allow for the consultation and publicity period to expire

**Advice Notes to Developer**

Not applicable



