

Blackpool Council

1 April 2015

To: Councillors Brown, I Coleman, Elmes, Hutton, Mrs Jackson, Matthews, Owen, Robertson BEM, Smith and Stansfield

The above members are requested to attend the:

PLANNING COMMITTEE

Monday, 13 April 2015 at 5.00 pm
in the Council Chamber, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

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

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

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

2 MINUTES OF THE MEETING HELD ON 9 MARCH 2015 (Pages 1 - 14)

To agree the minutes of the last meeting held on 9 March 2015 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 15 - 20)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 21 - 24)

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

**5 PLANNING APPLICATION 14/0827 - SITE OF FORMER YATES BROS WINE LODGES PLC,
2-10 TALBOT ROAD** (Pages 25 - 38)

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

Venue information:

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

Other information:

For queries regarding this agenda please contact Chris Kelly, Senior Democratic Services Adviser, Tel: (01253) 477164, e-mail chris.kelly@blackpool.gov.uk

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

Present:

Councillor Owen (in the Chair)

Councillors

Brown
Elmes

Hutton
Mrs Jackson

Matthews
Robertson BEM

Smith
Stansfield

In Attendance:

Gary Johnston, Head of Development Management
Carmel White, Chief Corporate Solicitor
Karen Galloway, Principal Engineer Transportation
Mark Shaw, Principal Planning Officer
Chris Kelly, Senior Democratic Governance Adviser

1 DECLARATIONS OF INTEREST

Councillor Mrs Jackson declared a prejudicial interest in that one of the objectors for application 14/0892, was a close family friend. As such she would leave the room for the duration of the item and take no part in the decision making.

2 MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2015

Resolved: That the minutes of the meeting held on 9 February, be signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

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

Background papers: (1) letter from the planning inspectorate dated 18 February 2015. (2) letter from the planning inspectorate dated 18 February 2015 (3) letter from the planning inspectorate dated 18 February 2015. (4) letter from the planning inspectorate dated 20 February 2015. (5) letter from the planning inspectorate dated 24 February 2015.

4 PLANNING ENFORCEMENT UPDATE REPORT

Resolved: To note the outcomes of the cases set out in the report and to support the actions of the head of enforcement and quality standards in authorising the notices.

5 PLANNING APPLICATION 15/0002 - SITE OF FORMER NORBRECK CASTLE FILLING STATION, QUEENS PROMENADE

The Committee considered application 15/0002 for the erection of a part two, part four and part five storey building to form 15 self-contained permanent flats with associated

MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 9 MARCH 2015

balconies, roof gardens, landscaping and boundary treatment, vehicle access and car parking facilities for 23 vehicles.

Mr Shaw, Principal Planning Officer, advised the Committee that the site had been the subject of several planning applications for residential redevelopment dating back to 2002 and that the 2010 planning permission that had been granted for the site under planning reference 10/0635 had expired on 22 December 2014. It was noted that the current application was identical to that previous application, which had been approved.

Members considered the suggested conditions to be attached to the application and Mr Shaw recommended an additional condition in relation to off-site highway works.

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

Background papers: Applications, plans and replies to consultations upon the applications.

6 PLANNING APPLICATION 14/0892 - LAND ADJACENT TO 39 SCHOOL ROAD

The Committee considered application 14/0892 for use of land as a gypsy caravan site for up to three caravans (one static and two tourers), erection of one single storey utility building, creation of a hardstanding and new boundary treatment including two metre high fence and landscaping to site frontage.

Mr Lancaster addressed the Committee and spoke in objection to the application.

Mr Brown, the agent for the applicant spoke in support of the application.

Councillor Evans, ward councillor for Stanley ward, addressed the Committee and spoke against the application.

Mr Johnston addressed the issues that had been raised by the Committee when considering the application at its last meeting, which had been deferred to enable additional clarity to be provided for Members on the details of the proposed development. He advised the Committee that it could not take into account private matters between neighbours, such as covenants and potential damage to property.

Mr Johnston explained that the current application was for the siting of up to three caravans with one amenity building and he provided the Committee with a plan of the proposed layout of the site.

The Committee was advised that since 2002 there had not been any traveller sites provided in the town and the recent Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment demonstrated a need for 21 pitches in the 2014-2019 period. Mr Johnston explained that the existence of the need for sites and the lack of sites to meet that need weighed heavily in favour of the application.

The Committee considered that the concerns it had raised when considering the previous application received from the applicant, which related to the intensity of the

MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 9 MARCH 2015

development, the impact on the character of the area and the impact on residential amenity, had been mitigated and that no concerns pertained to outweigh the benefits of the proposal.

Members' attention was drawn to the proposed conditions, which included an additional condition for the applicant not to commence development until details of the finished site levels for the development had been submitted to and approved by the Local Authority, which would safeguard the amenities of existing residents and prevent flooding in accordance with policies BH3 and NE10 of the Blackpool Local Plan 2001-2006.

The Committee also noted one of the other conditions would prevent commercial activities taking place on the land, including the storage of materials. It was considered that the condition would safeguard the character and appearance of the area and amenities of local residents.

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

Background papers: Applications, plans and replies to consultations upon the applications.

(Note - Councillor Mrs Jackson, having declared a prejudicial interest left the meeting room for the duration of this item).

Chairman

(The meeting ended 5.55 pm)

Any queries regarding these minutes, please contact:
Chris Kelly Senior Democratic Governance Adviser
Tel: (01253) 477164
E-mail: chris.kelly@blackpool.gov.uk

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Application Number: 15/0002 Erection of a part two, part four and part five storey building to form 15 self-contained permanent flats with associated balconies, roof gardens, landscaping and boundary treatment, vehicle access and car parking facilities for 23 vehicles at site of former Norbreck Castle filling station, Queens Promenade.

Decision: Grant Permission

Conditions:

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

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

2. Notwithstanding the submitted plans, details of the materials to be used on the external elevations including all facing material to external walls, roofing and glazing materials, window frames, balconies, fascias and rainwater goods shall be submitted to and agreed in writing by the Local Planning Authority prior to the development hereby approved being commenced. The approved details shall then be implemented as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1 and LQ4 of the Blackpool Local Plan 2001- 2016.

3. Notwithstanding details on the approved plans, details of the main entrance to the building shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ4 of the Blackpool Local Plan 2001-2016.

4. Prior to the commencement of the development a noise report should be submitted to the Local Planning Authority to assess potential noise levels related to various activities associated with the hotel. The report should include appropriate sound attenuation measures were required to the approved scheme. These works shall then be carried out in accordance with the recommendations.

Reason: To the interests of residential and visitor amenity in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016.

5. Notwithstanding the approved plans, details of an external illumination scheme to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority and such scheme shall be implemented prior to the first occupation of the development hereby approved.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

6. Prior to the development hereby approved being first occupied the cycle parking provision shown on the deposited plans shall be provided and shall thereafter be retained.

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

7. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

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

8. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner).

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

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

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

10. Notwithstanding details on the approved plans, details of the layout of the car park shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced. The agreed layout shall then be provided and thereafter be retained.

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

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

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

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

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

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

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

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

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016

14. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

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

NOTE – The development is of a scale to warrant a contribution of £10,664 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

15. A scheme for associated off-site highway works to serve the proposed development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Those works shall include principally:-

- The implementation of a right turning lane on Queens Promenade.
- The upgrading of nearby bus stops on the eastern and western sides of Queens Promenade.
- The making up of the Queens Promenade footway in front of the application site to adoptable standards.

The agreed off-site highway works shall be completed prior to the development first being brought into use.

Reason: In the interests of highway safety and to ensure that safe, appropriate and convenient access to the site is made available via public transport and other sustainable modes of transport in accordance with Policies LQ1, AS1 and AS2 of the Blackpool Local Plan 2001-2016.

Application Number: 14/0892 Use of land as a gypsy caravan site for up to three caravans (one static and two tourers), erection of one single storey amenity building, creation of a hardstanding and new boundary treatment including 2 metre high fence and landscaping to site frontage at land adjacent to 39 School Road.

Decision: Grant Permission

Conditions:

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

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

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 of Annex 1 of the DCLG document ' Planning policy for traveller sites ' (March 2012).

Reason: Planning permission is being granted on the basis that there is a need for the site as part of the Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2014) and in accordance with Policy CS16 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission.

3. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) (of which no more than one shall be a static caravan) shall be stationed on the site at any one time.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

4. Details of materials to be used on the external elevations of the amenity building shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ4 of the Blackpool Local Plan 2001-2016.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. Before the development is commenced refuse storage arrangements for the three caravans shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall then be provided within one month of the date of written approval by the Local Planning Authority and shall thereafter be retained. If the refuse storage arrangements are not in place in accordance with the timetable outlined above the use of the site shall cease until they are provided.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

8. a) No development shall take place until full details of both hard and soft landscaping works (for the buffer adjacent to no 39 School Road and the site frontage) have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure, boundary treatment to School Road and to no 39 School Road, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species

and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner).

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

9. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

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

10. Details of the surfacing materials to be used including those to be used for the access from School Road shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The agreed surfacing materials shall then be used as part of the development.

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

11. Before the development is commenced the foul and surface water drainage arrangements for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall then be provided within one month of the date of written approval by the Local Planning Authority and shall thereafter be retained. If the drainage arrangements are not in place in accordance with the timetable outlined above the use of the site shall cease until they are provided

Reason: To ensure that the site is not at risk of flooding and does not cause flooding elsewhere in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

12. No external lighting shall be provided on the site without details having been first submitted to and approved by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

13. The development shall not be brought into use until the access, visibility splay and turning area shown on the approved plan have been provided. The access, visibility splay and turning area shall thereafter be retained.

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

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

Reason: To safeguard the amenities of existing residents and to prevent flooding in accordance with Policies BH3 and NE10 of the Blackpool Local Plan 2001-2016.

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MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 9 MARCH 2015

Present:

Councillor Owen (in the Chair)

Councillors

Brown
Elmes

Hutton
Mrs Jackson

Matthews
Robertson BEM

Smith
Stansfield

In Attendance:

Mark Shaw, Principal Planning Officer
Karen Galloway, Principal Engineer Transportation
Chris Kelly, Senior Democratic Governance Adviser

1 SITE VISITS

1. Site of former Norbreck Castle filling station, Queens Promenade.
2. Land adjacent to 39 School Road.

Chairman

(The meeting ended 3.25 pm)

Any queries regarding these minutes, please contact:
Chris Kelly Senior Democratic Services Adviser
Tel: (01253) 477164
E-mail: chris.kelly@blackpool.gov.uk

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Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	13 April 2015

PLANNING/ENFORCEMENT APPEALS DETERMINED/LODGED

1.0 Purpose of the report:

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

2.0 Recommendation(s):

- 2.1 To note the report.

3.0 Reasons for recommendation(s):

The Committee is provided with a summary of planning and enforcement appeals, lodged and determined for its information.

4.0 Council Priority:

- 4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 **Wilkinsons, Dickson Road, Blackpool, FY1 2 LF Application ref 14/0423**

Appeal by Wilkinsons against the refusal of advertisement consent for the display of three internally illuminated high level signs and two non-illuminated high level signs. **Appeal dismissed for four signs and upheld for one sign.**

This application was refused under delegated powers on the basis that the proposed signs would be significantly detrimental to the visual amenities of the area by virtue of their size, design, height, prominence, long range visibility, location, illumination and the number of signs resulting in visual clutter.

The Inspector visited the site and surrounding area and noted that the signs had already been erected.

He noted that the two large signs to the Dickson Road/ Talbot Road frontage are very large "flex signs" which allow for rippling movement of the surface, giving a visual impression of impermanence. He stated that the sheer scale and height of the two signs together with their construction and materials, given their great prominence and internal illumination, causes significant harm to visual amenity.

The two other signs are large horizontal PVC banner signs, simply fixed to the concrete surface of the splayed Talbot Road/ High Street corner. He noted that although they are not illuminated they are sited at the top of the facades and are highly prominent from the intersecting roads and new public square. He stated they are large and poorly positioned creating a cluttered effect. Due to these factors, together with their impermanent materials and fixing, they are significantly detrimental to visual amenity.

The remaining sign is mounted on the High Street elevation, smaller than the sign it replaced and is reasonably well positioned and proportioned in relation to the building. It is more substantial than the other signs, in terms of materials and construction. It is very prominent, but not appropriately so.

He concluded that for the above reasons, the first four signs be **dismissed** and the last one **allowed**.

5.2 **239-241 Lytham Road, Blackpool. FY1 6ET (13/8255)**

Appeal by Mr Paul Kelly against the service of an Enforcement Notice relating to the failure to comply with conditions 2 and 4 of planning permission 13/0119. The Notice alleges that condition 2 has not been complied with in that the premises are in use and the approved external alterations have not been carried out. The Notice also alleges that condition 4 has not been complied with in that the premises are in use but no application has been made to discharge the condition to the Local Planning Authority nor have any plans been submitted. **Appeal dismissed**

The Inspector pointed out that the approved scheme for the change of use of the appeal building to a public house and cabaret bar involved significant alterations to the appearance of the building, and that whilst he doubted that it could ever become an architectural gem, the approved alterations would have provided a main elevation to Lytham Road that would have had a vertical emphasis at ground floor level. As undertaken, the alterations to the shop front have resulted in a building of very poor appearance. The main entrance is not balanced with the centre of the first floor windows; the fascia does not align with the bottom of the fascia of The Auctioneer and the high stall riser and lack of detail and contrasting panels in the fascia have resulted in squat, horizontally emphasised ground floor windows. The shortcomings of the design have been carried round to a much more extensive frontage to Bagot Street than was permitted, with resultant harmful impact on the street scene. In short, the Inspector stated that it represents a poor design and a missed opportunity to improve the appearance of the building and its surroundings.

The Inspector stated that the building adjoins and is close to residential properties on Bagot Street and it is reasonable to expect that, for a use likely to involve amplified sounds, a scheme for sound and vibration attenuation would have been submitted and implemented. Although the letter from a resident on Bagot Street is not specific, it does appear that there is some potential for noise disturbance to be created by the public house and cabaret bar use, suggesting that the condition is not redundant.

The Inspector concluded that planning permission should not be granted for the development as carried out or that the sound and vibration proofing condition should be discharged. Therefore the appeal was dismissed and the Enforcement Notice upheld. The requirements of the notice are therefore:

- i) Cease use of premises as a public house and cabaret bar by 25/03/2015; and
- ii) Reinststate the previous shop front by 25/04/2015 or;
- iii) Carry out external alterations to comply with drawing no. 013/033/P/01 Rev H by 25/04/2015, and;
- iv) (i) Submit plans to the Local Planning Authority for sound and vibration proofing by 25/03/2015 and (ii) once agreed in writing by the Local Planning Authority, install and retain agreed sound and vibration proofing by 25/04/2015.

5.3 10 South Park Drive, Blackpool. FY1 6ET (14/8059)

Appeal by Mr D Meehan against the service of an Enforcement Notice relating to the formation, laying out and construction of a means of access to a classified road, namely the A587, by the removal of the front boundary wall and gatepost. **Appeal dismissed.**

The Inspector stated that the main issue in the ground (a) appeal is the effect of the removal of the frontage boundary wall and the relocation of the gatepost on the character and appearance of the street-scene.

The Inspector stated that the removal of the frontage boundary wall and the relocation of the gatepost at the appeal property constitute a poor standard of design and have had a significant adverse effect on the character and appearance of the street-scene. The unauthorised development conflicts with saved policies BH3, LQ1 and LQ14 of the Blackpool Local Plan. South Park Drive is a busy main distributor road and turning into the property, given the proximity of traffic lights at a T-junction and the confusion caused to other drivers when indicating to do so, has previously resulted in a traffic accident. The wider access at the appeal property does not, in itself, alter the confusion that is caused by the proximity of the junction though it does allow vehicles to be maneuvered to enter and leave the property in forward gear. This benefit, however, does not outweigh the harm that has been caused to the character and appearance of the street-scene.

Therefore the appeal was dismissed and the Enforcement Notice upheld. The requirements of the notice are therefore to re-build in its entirety the front boundary wall and gatepost in materials identical to those removed and to the identical design of the front boundary wall and gatepost removed, by 10 May 2015.

Does the information submitted include any exempt information?

No

6.0 Planning/Enforcement Appeals lodged

6.1 288 Newton Drive, Blackpool, FY3 8PZ (14/0658)

An appeal has been submitted by Mrs Faye Parker against the Council's refusal of planning permission for the erection of first floor rear extension.

6.2 60 Tyldesley Road, Blackpool, FY1 5DF (14/0439)

An appeal has been submitted by Mr Robert Taylor against the Council's refusal of planning permission for the use of premises as single private dwelling house.

6.3 Layton Institute, Westcliffe Drive, Blackpool, FY3 7HG (14/0465)

An appeal has been submitted by Minotaur Limited against the Council's refusal of planning permission for the External alterations include two new doors to rear and provision of eight car parking spaces to rear and use of ground floor as altered as retail unit (Use Class A1).

Does the information submitted include any exempt information? No

List of appendices

None

7.0 Legal considerations:

7.1 None

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 None

14.0 Background papers:

14.1 None

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Report to:	Planning Committee
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	13 April 2015

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during February 2015.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Cases

New cases

In total, 57 new cases were registered for investigation, compared to 44 received in February 2014.

Resolved cases

In February 2015, fourteen cases were resolved by negotiation without recourse to formal action, compared with eight in February 2014.

Closed cases

In total, 35 cases were closed during the month (12 in February 2014). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in February 2015 (two in February 2014);
- One s215 notice authorised in February 2015 (two in February 2014);
- No Breach of Condition notices authorised in February 2015 (none in February 2014).

- No enforcement notices served in February 2015 (none in February 2014);
- No s215 notices served in February 2015 (two in February 2014);
- No Breach of Condition notices served in February 2015 (none in February 2014);

relating to those cases set out in the table below.

Enforcement notices / S215 notices authorised in February 2015

Ref	Address	Case	Dates
13/8300	Uncle Peter Webster's PH, 123 Promenade	Poor condition	Section 215 Notice authorised 20/02/2015

Does the information submitted include any exempt information?

No

List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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COMMITTEE DATE: [13/04/2015](#)

Application Reference: 14/0827

WARD: Talbot
DATE REGISTERED: 25/11/14
LOCAL PLAN ALLOCATION: Town Centre Boundary
Retail Cafe Zone
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Shlomo Memorial Fund Ltd

PROPOSAL: Erection of a six storey building to provide a bar/restaurant use and hotel reception at ground floor level, with hotel accommodation above comprising 150 en-suite bedrooms, with associated rooftop plant deck, ground level plant, yard and sub-station.

LOCATION: SITE OF FORMER YATES BROS WINE LODGES PLC, 2-10 TALBOT ROAD,
BLACKPOOL, FY1 1LF

Summary of Recommendation: Grant Permission

CASE OFFICER

M Shaw

INTRODUCTION

A detailed planning permission was granted by the Planning Committee on 12 May 2012 under application reference 12/0141 for the erection of a two storey building with part mezzanine floor level comprising two restaurant uses and a retail/ office use within Use Classes A1-A3 with a total of 2,235 square metres of floorspace. Having had the permission granted the applicant entered into negotiations with a hotel chain regarding the possibility of adding a hotel into an amended scheme and this current application is a direct result of those discussions.

SITE DESCRIPTION

Site of the former Yates Wine Lodge is 0.11 hectares (1,100 square metres) in area and lies adjacent the junction of Talbot Road and Clifton Street within the heart of the town centre and within the Town Centre Conservation Area occupying a prominent position facing onto Talbot Square and towards the Promenade.

The former Yates building which was previously on this site, whilst not listed, was nevertheless an important local landmark and housed the town's first free library. The building was three storeys in scale with a four storey rotunda feature occupying the corner where the two roads meet. At first floor level attached to the rotunda was a glazed conservatory type structure and at ground level was an open canopy which wrapped around the building. The building was demolished approximately six years ago following an arson attack and the site has been boarded off since demolition awaiting re-

development. The Yates building had a 50 metre frontage to both Talbot Road and Clifton Street and was of brick construction with stone detailing and whilst the Talbot Road elevation was ornate the Clifton Street elevation was less attractive and had a more solid brick appearance. Both Talbot Road and Clifton Street slope from east to west towards the Promenade.

The site is within the designated retail/ cafe zone as part of the Blackpool Local Plan and is positioned between the Grade II Listed Sacred Heart Church on Talbot Road and the Grade II Town Hall on Talbot Square.

DETAILS OF PROPOSAL

This is a detailed planning application involving the erection of a 6 storey, three sided building with a corner clock tower feature onto Talbot Square. The top floor of the hotel is incorporated within the roofspace. The ground floor has a restaurant/ bar (723sqm) and a hotel reception area (140sqm) and a ground floor plant and yard area (94sqm). Above the ground floor would be a 150 bedroom hotel (5,485 sqm). Two entrances to the restaurant/ bar are shown from Talbot Road and Talbot Square respectively, and the entrance to the hotel is also shown from Talbot Road. There are also two service entrances/ fire escape to the building on Clifton Street adjacent to the existing loading bay which at present permits loading between 8am and 6pm being used by taxis at other times. Access to the yard and sub-station is shown from Clifton Street and an emergency exit from the hotel is shown from the access road between Talbot Road and Clifton Street.

Amended plans have been submitted showing changes to the detailing and scale of the proposal following discussions between the applicants and officers. The elevations have been revised and the building has been reduced in height by an average of 2 metres. The clock tower feature has a wrought iron balcony at first floor level below the clock acting as a focal point and the building incorporates art deco detailing to give the building an appropriate level of architectural interest given its key location. The proposed building has also been shown alongside existing buildings to demonstrate its scale and context.

The building varies in height between 18.4 metres to the parapet level and 26 metres high on the clock tower (the office building on the opposite corner of Clifton Street is approximately 13.9 metres high at its highest point). The town hall building is approximately 14 metres to the ridge of the main roof and 23 metres to the top of the clock tower. The proposed building would be constructed of brick, glazing and re-constituted stone with the clock tower and first floor balcony features facing onto Talbot Square forming the largest element and main focal point of the development in a similar manner to the rotunda on the former Yates building. There would be regular interval of pillars on both the main elevations and the projection of the pillars from the face of the building and recessing of glazing will give the building a better profile and the amount of glazing and setback of the roof level helps reduce the bulk of the building.

The application is accompanied by a design and access statement.

The Committee will have visited the site on 13 April 2015.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Design of the building and its impact on the Town Centre Conservation and adjacent Listed Buildings
- Access, Parking and Servicing Arrangements
- Economy/ Employment
- Other Issues

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

CONSULTATIONS

Environment Agency: 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.

Built Heritage Manager: No representations have been received at the time of preparing this report, although the Built Heritage Manager has discussed the scheme with Development Management officers. Any comments that are received before the Committee meeting will be reported in the update note.

Blackpool Civic Trust: 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.

Town Centre Forum: 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.

Head of Transportation: 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.

Head of Environmental Services: No concerns in principle but require a construction management plan together with details of any plant site externally at roof level as there is residential accommodation on Clifton Street.

Contaminated Land Officer: Due to the age of the building destroyed by arson there is a likelihood that asbestos may be within the ground. Confirmation is required, by way of a desktop study, that there is no risk.

United Utilities: Wish to draw attention to the following as a means to facilitate sustainable development. Drainage Comments In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority: an adequate soak away or some other adequate infiltration system, or, where that is not reasonably practical a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable a sewer. To

reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas. Drainage Conditions United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water Condition 1- Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Surface Water Condition 2- Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

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

Electricity North West Ltd- We have considered the application and find it could have an impact on our infrastructure.

- LV service to existing buildings - The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, and advised to follow the guidance given. The documents are as follows:-
HS(G)47 – Avoiding danger from underground services.
GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. It is the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Police Architectural Liaison Officer -the development is for a 150 en-suite bedroom Premier Inn Hotel and Beefeater Restaurant/bar, similar developments are well established across the UK. Whilst there is no problem with the intended design. The applicant has given no information in respect of security to be installed in the development, i.e. CCTV, access control, alarm etc. although it is sure that should the development be approved such matters will be addressed. However for more detailed comments to be provided the applicant is requested to supply details of the intended security arrangements for the development. This is an important part of the design due to the crime risks in this location at certain times of year.

Waste 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.

PUBLICITY AND REPRESENTATIONS

Press notice published: 11 December 2014

Site notices displayed: 03 December 2014

Neighbours notified: 01 December 2014

A local architect based at **62 Counce Street** objects to the above scheme on the following grounds:-

Makes reference to Blackpool's Local Plan which states: 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 LQ9 Listed Buildings states 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.

He also makes reference to The Planning (Listed Buildings and Conservation Areas) Act 1990 Act which states 'In the exercise with respect to any building or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It also states 'Special regard to desirability to preserving the building or its setting or any features special architectural or historic interest which it possesses.'

Taking the above into account, the proposed development adversely affects the character of its setting. The proposed architecture is confusing in that it poorly imitates a style of architecture which died out after the Second World War. The design neither complements the area nor is it of a high quality contemporary design. Its proximity to Listed Buildings of the Town Hall, New Clifton Hotel and Sacred Heart Church will have a detrimental impact on their setting and the Conservation Area as a whole. The Department for Communities and Local Government National Planning Policy Framework (NPPF) states: Para 133 Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Although I do not object to the use or massing as proposed I appreciate that if a developer is to develop a site in the first instance then it must be viable although the proposed development in terms of design, appearance, materials and character will lead to substantial harm to the Conservation Area. As can be appreciated, this site is a significant and historical site. The building lacks any architectural integrity and is a poor reflection of other genuine art-deco buildings in the town and will ultimately be detrimental to the heritage asset of the Conservation Area at Talbot Square. Blackpool has built some fantastic award winning buildings over the past few years which have resulted in a great amount of advertising for the town in the architectural press. This building will be a step backwards and in such a location will be a huge error. We absolutely have to move forward as a town and be forward thinking. This building is a backwards step.

The Director of Betawell Limited, the freehold owners of **11 Talbot Road** and operators of Rumours and Hush Nightclub states we are directly opposite the site of the former Yates Bros Wine Lodge, also on Talbot Road. It is now approaching six years since fire destroyed Yates Bros Wine Lodge. The site has an important location on Talbot Square close to the Grade II listed buildings of the Town Hall and Sacred Heart Church and is within a designated Conservation Area. Since the fire the site can only be described as an eyesore which substantially diminishes the amenity of the area. It has recently worsened with the blowing down of a number of hoardings. I am informed that there is no funding to

replace these. I hope it will be accepted that the regeneration of this site is urgent and is essential to the improvement of the area. There is confidence that an appropriate scheme for this site will lead to other investment in Talbot Road and Clifton Street. The present planning consent is for a two storey building with part mezzanine floor for restaurant, retail and office use with an area of 2238 sq.m. In my respectful submission that scheme was never financially viable and I am not surprised that work has not commenced despite a number of promises that this would happen. It was my understanding, at the time that this consent was granted, that the development could only proceed if there was a full pre let which would allow the appropriate funding to be put in place. Although there was interest in the site I regarded the rentals being quoted as unsustainable. The new scheme is for a much larger property with six floors totalling 6210 sq.m plus an Art Deco clock elevation for restaurant and hotel use. Whilst I regard the use as appropriate to the area and do not object to the scheme I do have concerns that the building will completely dominate this important area and that this will be regarded by many as unacceptable. My hope is that consent will be granted for a slightly reduced scheme that is acceptable to the planners but is also financially attractive to the developers so that work can finally commence on the regeneration of this important site.

18 Clifton Street - Surprised to see the entrance to the restaurant and hotel is from Talbot Road with no entrance from Clifton Street additionally the service bay and delivery area of the proposal is adjacent their premises. As the Council has sought to regenerate Clifton Street this is too good an opportunity to miss in orientating the development towards Clifton Street.

There is concern regarding large delivery vehicles using Clifton Street regularly which already has a congestion problem with buses and vehicles servicing other premises. Talbot Road is much quieter from this point of view and would be better to provide the servicing access.

The three objectors to the application have been re- notified regarding the amended plans and any further comments received will be reported in the update note

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework was published on 27 March 2012
It contains 12 core planning principles including:-

- 1- 'building a strong, competitive economy'-ensure the planning system does everything it can to support sustainable economic growth
- 2-'ensuring the vitality of town centres'-recognise town centres as the heart of their communities and pursue policies to support their viability and vitality
- 7- 'requiring good design'.....good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people
- 12-'conserving and enhancing the historic environment'.....the desirability of new development making a positive contribution to local character and distinctiveness

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning

authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The National Planning Practice Guidance- 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.

Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process. Local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be used in more contemporary design. However, innovative design should not be discouraged.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

RR2	Visitor Accommodation
LQ1	Lifting the Quality of Design
LQ2	Site Context
LQ3	Layout of Streets and Spaces
LQ4	Building Design
LQ7	Strategic Views
LQ8	Energy and Resource Conservation
LQ9	Listed Buildings
LQ10	Conservation Areas
LQ11	Shop Fronts
SR6	Retail/ Cafe Zone
BH3	Residential and Visitor Amenity
BH4	Public Health and Safety
BH11	Shopping and Supporting Uses- Overall Approach
BH12	Retail Development and Supporting Town Centre Uses
AS1	General Development Requirements

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the full Council on 25th June 2014. The document was published for public consultation on 4th July 2014 for a period of eight weeks. The consultation has now ended and the document has been updated and was submitted to the Planning Inspectorate on 19 December 2014 for examination in Spring 2015. Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more

advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

CS1- Strategic location for development
CS3- Economic Development and Employment
CS4- Retail and Other Town Centre Uses
CS5 - Connectivity
CS7 - Quality of design
CS8 - Heritage
CS10 - Sustainable Design and Low Carbon and Renewable Energy
CS17- Blackpool Town Centre
CS21- Leisure and Business Tourism

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

Principle- the longstanding and primary former use of the site was as a public house falling within Class A4 of the Use Classes Order although there was also a lap dancing club (outside use classes) and pet shop on Clifton Street, and newsagents on Talbot Road (both Class A1 retail uses) and a small shopping arcade connecting Clifton Street and Talbot Road which were all lost as a result of the fire.

The site is located within the designated Retail/ Cafe Zone under Policy SR6 of the Local Plan which states that comprehensive improvement comprising major redevelopment will be supported and proposals which are detrimental to the character of the area as one that caters primarily for the pedestrian shopper/ cafe will not be permitted. It goes on to state that ground floor offices, public houses, bars and nightclubs will not be permitted.

The proposal seeks approval for a Class A3/ A4 use (restaurant/ drinking establishment) which has been identified as a befeater restaurant and will provide further choice of eating establishments enhancing the attractiveness of the town centre for locals and visitors alike. Bearing in mind the previous long established Class A4 use a mixed Class A3/ A4 use is considered to be acceptable in principle. The inclusion of a 150 bedroom hotel within the scheme on this key town centre site close to the Promenade is also considered acceptable in increasing the town's stock of modern hotel accommodation. The inclusion of a hotel as part of the re-development of the site is therefore consistent with Policy RR2 of the Local Plan and Policy CS21 of the Core Strategy.

Design of the Building and its Impact on the Town Centre Conservation and adjacent Listed Buildings- the current vacant site detracts significantly from the setting and character of the

Conservation Area which would benefit considerably from a quality re-development of the site and assist the on-going regeneration of the town centre and of the resort itself. Although there are issues regarding the appropriateness of the scale of development and the level of detailing which will help to break up the massing and add visual interest.

Policy LQ2 states new development will be considered in relation to the character and setting of the surrounding area, and should respond to and enhance the character where affecting the setting of a Listed Building and in Conservation Areas.

Policy LQ4 of the Local Plan states that new buildings less than four storeys or equivalent in height will not be permitted in the town centre and tall buildings rising above the predominant height will be acceptable creating a landmark where one is required. The proposed building is six storey in scale, the amended plans attempt to demonstrate a scale of building appropriate to those adjoining on Talbot Road and Clifton Street, and the proposal includes a landmark type feature which is considered to be appropriate on this site given its prominence and given what was on the site previously.

Policy LQ9 states development affecting the character or appearance of a listed building, or its setting will not be permitted and Policy LQ10 states new development must preserve or enhance the character and appearance of the Conservation Area, and respect the scale, massing, proportions, materials and detailing of similar building forms within the Conservation Area.

Core Strategy Policy CS8 states developers must demonstrate how the development will complement and enhance existing features particularly where affecting Conservation Areas and Listed Buildings. The National Planning Policy Framework (NPPF) states where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The proposal has been amended since submission and changes have been made adding architectural interest incorporating additional detailing and the proposal is now considered to be a more appropriate design solution for the development of this important site within the town centre and within a Conservation Area adjacent to two Listed Buildings. The height of the proposal has been reduced by approximately 2 metres and although the proposal is considerably larger in scale than the previous approved scheme, being approximately double the height, and is also larger than adjoining buildings, it is nevertheless considered to be an acceptable scheme subject to the approval of external materials. The building has also been designed to give it profile so that it doesn't appear as a 'flat' building, this too will add visual interest and help break up the massing. The architect has shown the top floor of the building within the roofspace set in from the face of the building to reduce the bulk of the building and its scale relative to those within the surrounding area. The amendments attempt to address a number of the comments from the local architect at 62 Caunce Street and the owner of 11 Talbot Road. The site is considered appropriate for a large landmark building and in accordance with Policy LQ4 and the site is largely offset from the two closest Listed Buildings, namely the town hall and the Sacred Heart which will reduce its direct impact. In addition the building would have a base /middle and top as required by Policy LQ4, it would have some art deco features and detailing and it would comprise materials which are sympathetic to those in this part of the Conservation Area.

The proposal is considered to accord with the NPPF, Policy LQ2 of the Local Plan, Policy CS8 of the Core Strategy in terms of responding to and enhancing the Conservation Area and there will be substantial benefits resulting from the proposal in terms of the built environment and also economically.

In terms of Policy LQ10 of the Local Plan the application represents a good opportunity to bring this disused site which has been vacant for six years back into beneficial use further helping to regenerate the town centre and adding additional quality to both the restaurant and hotel offer available within the town. It is considered that the proposed development would preserve the character and appearance of the Conservation Area and whilst the scale is large the nature of the site - a triangular site at the junction of two roads facing onto Talbot Square and the Promenade - means that it can support a taller building than other more constrained sites in the Conservation Area. The massing, proportions, materials and detailing would be similar to other buildings in the Conservation Area.

Access, Parking and Servicing Arrangements - the comments of the Head of Transportation are awaited and will be reported in the update note. However it is considered, given the loading restrictions, existing road layout and location of the site adjacent a busy junction, that servicing details in terms of arrangements and delivery times will need to be agreed by condition.

Whilst the site is highly accessible by public transport a travel plan condition is considered necessary given the size of the development and likely employment levels. A condition requiring the approval and implementation of a Construction Management Plan will also be included on any approval of the development to minimise disruption during the construction works from delivery vehicles etc.

There are no off street parking facilities associated with the proposal although historically that has always been the case. There are however public car parking facilities and pay and display facilities on street which would accommodate the traffic generated by the development.

In terms of the access into the building being from Talbot Road as opposed to Clifton Street, Talbot Road is considered preferable given the connection to both Blackpool North Station and also better connecting to the Central Business District, further east on Talbot Road and acting as a counter-balance to the regeneration of that part of Talbot Road. It is unfortunate that Clifton Street would appear more as a secondary elevation but given that this is where the servicing bay is located this is perhaps unavoidable. Nevertheless there will be large windows serving the restaurant onto Clifton Street which should mean that it does not appear as a 'dead' frontage.

Economy/ Employment- re-development of the site will bring with it construction employment during the building works and employment within the accommodation upon completion although details as to the exact number of jobs being created is as of yet unknown. The regeneration and bringing of this site back into beneficial use will benefit the local economy and strengthen and enhance the town centre offer.

Other Issues- The approval of this proposal will require the imposition of a large number of conditions relating to a diverse number of matters including contaminated land, drainage, facing materials, servicing arrangements, construction management plan, plant and ventilation equipment although this is to be expected with a development of this scale and in a sensitive location within the Town Centre Conservation Area.

CONCLUSION

The current proposal in design terms is based on the previous approval albeit on a much larger scale going from a two storey building with mezzanine floor level between 11 and 13.5 metres high to a six storey building which measures between 18.4 and 26 metres high with the top floor of the hotel incorporated within the roofspace and with the aim of reducing its visual impact. Amended plans have

been received which have added in further detailing and also reducing the height of the building by an average of 2 metres. Subject to these amendments and the agreement of external facing materials the application is considered to be acceptable.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None.

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

Recommended Decision: Grant Permission

Conditions and Reasons

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

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

2. Notwithstanding the submitted plans details of materials to be used including brick, stone, mortar, glazing and window/ door frames, metalwork and rain water pipes to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ2, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

3. Details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

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

4. A window display shall be maintained at all times in the ground floor windows of the premises to the Clifton Street and Talbot Road elevations as indicated on the approved plans.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ10 and LQ11 of the Blackpool Local Plan 2001-2016.

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

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

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period
 - hours and days of construction work for the development
 - contractors' compounds and other storage arrangements
 - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
 - the routeing of construction traffic.

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

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. Details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby residential and business premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016.

8. The building/use hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas, have been provided in accordance with details to be submitted and agreed in writing with the Local Planning Authority; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016.

9. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016

10. Notwithstanding the information shown on the approved plan 1:50 scale sections showing the elevational detailing of the building on each of the three elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement, and the development shall subsequently be constructed in accordance with these agreed details.

Reason: In the interests of the appearance of the premises and locality in accordance with Policies LQ1, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

11. Details of an external lighting scheme to the building to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority and such scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

12. All windows and doors on the development hereby approved shall be recessed 50mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building and the locality, in accordance with Policies LQ1, LQ2, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

13. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be

agreed in writing with the Local Planning Authority.

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

14. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

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

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

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