

Blackpool Council

27 April 2017

To: Councillors Humphreys, Hutton, Matthews, Maycock, O'Hara, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 9 May 2017 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

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

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

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

2 MINUTES OF THE MEETING HELD ON 11 APRIL 2017 (Pages 1 - 12)

To agree the minutes of the last meeting held on 11 April 2017 as a true and correct record.

3 DEFINITIVE MAP AND STATEMENT MODIFICATION APPLICATION TO ADD A PASSAGE BETWEEN WHITTAM AVENUE AND RYBURN AVENUE (Pages 13 - 50)

To consider an application for a modification to the Definitive Map and Statement to add a passage between Whittam Avenue and Ryburn Avenue.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 51 - 54)

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

5 PLANNING APPLICATION AND APPEALS PERFORMANCE REPORT (Pages 55 - 58)

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

6 PLANNING APPLICATION 17/0105 - LAND TO REAR OF 71 MOSS HOUSE ROAD, BLACKPOOL (Pages 59 - 72)

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

7 PLANNING APPLICATION 17/0118 - LAND TO REAR OF CHAPEL HOUSE, CHAPEL ROAD, BLACKPOOL (Pages 73 - 86)

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

8 PLANNING APPLICATION 17/0128 - LAND AT TAYBANK AVENUE AND LIVET AVENUE, BLACKPOOL (Pages 87 - 100)

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

9 PLANNING APPLICATION 17/0193 - 585-593 PROMENADE AND 1 WIMBOURNE PLACE, BLACKPOOL (Pages 101 - 140)

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

Venue information:

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

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Governance Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

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

Present:

Councillor L Williams (in the Chair)

Councillors

Humphreys	Matthews	Robertson BEM
Hutton	O'Hara	Stansfield

In Attendance:

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser
Mr Gary Johnston, Head of Development Management
Mrs Clare Lord, Legal Officer
Mr Latif Patel, Group Engineer, Traffic Management
Mr Mark Shaw, Principal Planning Officer

Also Present:

Councillors Galley and T Williams

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 14 MARCH 2017

The Committee considered the minutes of the Planning Committee held on 14 March 2017.

Resolved:

That the minutes of the meeting held on 14 March 2017 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

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

The report stated that an appeal that had been lodged by DY Property Services Ltd in respect of 253 Promenade against the issue of an Enforcement Notice regarding the change of use from the land affected from a hotel to two self-contained permanent flats without planning permission.

It also noted that two further appeals had been lodged against the Council's refusal to

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grant planning permission in respect of the following:

1. the erection of an extension at second floor level on top of the roof at 1 St Luke's Road, Blackpool.
2. part refusal to grant advertisement consent for the display of one double sided internally illuminated totem sign, one non-illuminated free standing sign, three non-illuminated fascia signs, one internally illuminated fascia sign and one internally illuminated projecting sign at J Sainsbury PLC, 80 Red Bank Road.

The Committee further noted that there had been no planning and enforcement appeals determined since its last meeting.

Resolved: To note the planning appeals lodged and determined.

Background papers: Letters from the Planning Inspectorate dated 2 March 2017, 7 March 2017 and 27 March 2017.

4 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

Mr Johnston, Head of Development Management advised Members that it was considered best practice to provide regular reports to the Committee on the Council's performance against Government targets relating to the determination of planning applications and appeals.

He referred Members to the performance statistics contained within the report for the first two months of 2017. The Committee was advised of the performance for March 2017 during which no major applications had been determined and the performance for minor development application decisions was 100% against a target of 70%.

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

5 PLANNING APPLICATION 16/0797- LAND TO REAR OF 435-437 WATERLOO ROAD

The Committee considered planning application 16/0797 that sought planning permission for the erection of one pair of two storey semi-detached dwellinghouses with integral car ports and associated landscaping and boundary treatment, following demolition of the existing warehouse building at the land to the rear of 435-437 Waterloo Road.

Mr Johnston presented the Committee with a brief overview of the application and the site location, elevation and layout plans. He advised Members of a previous planning permission for residential development at the site that had been granted in 1989. He referred Members to the public representation from a nearby resident contained within the report and reported his view of the improvements in relation to the outlook and lighting on the rear garden of the objector's property from the proposed removal of the two storey element of the current building. Whilst he accepted that the access route via an unmade track was not ideal, in his view it was considered acceptable given the relatively short distance from the site to Ryburn Avenue. Mr Johnston concluded by

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reminding the Committee of the provisions within current legislation that could permit the conversion to residential use under permitted development rights without the need for relevant conditions to be imposed.

Mr Boniface, the applicant's Agent, spoke on behalf of the applicant in support of the application and reported on the disrepair of the current building and the lack of a viable option to convert it to residential use. He also reported his view of the positive impact on the area from the proposed development and confirmed the applicant's intention to resurface the existing access road.

The Committee questioned the appropriateness of siting the proposed dwelling houses behind the alleygates and Mr Johnston reported on other areas that had properties located to the rear of alleygates. The Committee raised concerns regarding the potential for the subsequent removal of the alleygates and the impact that this could have on residents of neighbouring properties. It requested assurances that the alleygates would remain in place should planning permission be granted. Mr Boniface confirmed the applicant's intention to retain the existing alleygates.

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

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

6 PLANNING APPLICATION 17/0060- ANCHORSHOLME PARK, ANCHORSHOLME LANE EAST

The Committee considered planning application 17/0060 relating to a resubmission of planning application 15/0820 for the re-development of Anchorsholme Park to include new pumping station and associated buildings, storage tank control building, six vent stacks, erection of cafe and bowling club/ maintenance building, re-contouring and landscaping of park, new amphitheatre feature, new footpaths, provision of MUGA (multi-use games area), trim trail, and children's playground, new access from Princes Way, new walls and fencing.

Mr Shaw, Principal Planning Officer, presented the Committee with an overview of the application and the changes compared with application 15/0820 and the site layout, elevation and location plans.

Mr Shaw advised Members that confirmation had been received from Lancashire Archaeological Advisory Service that there was no longer a requirement for the proposed condition relating to a programme of Archaeological work to be submitted. He referred Members to the appendices to the report which listed the applicant's responses to the concerns raised by the planning officer, Ward Councillors and local residents.

The Committee was advised that this application was a resubmission of a previous application for which planning permission had been granted in April 2016. Mr Shaw reported on the main changes between the previous and current applications and showed Members visual images of the main differences between the two applications.

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The main proposed change related to the pumping station being positioned largely above ground level in a larger building but within a smaller compound area. Other proposed changes included alterations to the design and appearance of the storage tank and café buildings, an increase of half a metre in the overall height of the Park and alterations to the landscaping and surfacing materials. Mr Shaw reported on the applicant's consent to the landscaping, boundary treatments, retaining walls and surfacing materials being dealt with by the imposition of conditions, should the application be approved.

Mr Patel, Group Engineer, Traffic Management, confirmed that the comments made by the Head of Highways and Traffic Management in the Update Note would be resolved through discussions with the applicant. Following a question by a Member of the Committee, Mr Shaw confirmed that a new Construction Management Plan would be required as a condition of any new planning permission.

Ms Firth, public objector, spoke in objection to the application on behalf of a number of local residents. She referred to presentation slides which had been circulated to the Committee and the applicant during the meeting and raised concerns which included the potential impact on nearby residents due to the proposed siting of the pumping station above ground. Further concerns related to the increase in the height of the Park and the negative impact on the appearance of the Park due to the change to gabion walls and steel fencing. She also questioned the reasons behind the changes from the original application which in her view had been designed to reduce the cost of the development.

Mr Watson, Applicant, spoke in support of the application and reported on his view of the benefits of the scheme in delivering an enhanced Park and an improvement in water protection. He reported that the changes in the current application had resulted from the contractor's detailed design following the approval of the previous planning application and that the increased size of the building had been balanced against the benefits of an increase in the Park's green areas. He acknowledged the queries raised by the Ward Councillors and local residents and referred to the responses contained within the appendices to the report. He confirmed that there would be no change from the original application in terms of noise and odour and that the fencing and landscaping could be reviewed and subject to appropriate conditions should the application be approved. Responding to a question from the Committee regarding the reasons for the pumping station to be above ground, Mr Sharp, Project Manager, and Mr Watson reported on the initial basic design of the first application which in their view had been necessary to meet required timescales.

Cllr T Williams, Ward Councillor, reported on concerns with the proposed changes from the initial planning permission for the development, particularly in relation to an increase in the building footprint and the size of the café which in his view had been designed to reduce the overall cost of the proposed development. Further concerns included a lack of recent consultation with local residents and a lack of confidence in the applicant's ability to deliver on its commitment to local residents. He asked the Committee to reject the application.

Cllr Galley, Ward Councillor, also spoke on the application and requested the Committee to consider the imposition of a number of conditions to be attached to the planning

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permission if granted to provide reassurance that the applicant would deliver on its original commitment to local residents. The suggested conditions related to the installation of lighting and CCTV to improve security within the Park and enable the café to be used in the evening, the use of sandstone surfacing as originally agreed to make the Park more aesthetically pleasing and improve connectivity between the promenade and the park. Whilst he acknowledged the comments from Lancashire Constabulary regarding the lack of crime in the area, this was in the context of the Park being closed for a number of months. He requested that the Committee considered the acceptability of the planning application in relation to its proximity to adjacent properties.

Mr Shaw responded to concerns raised by reporting on the emphasis of the report in the recommendation for approval being based on the agreement of an improved quality of landscaping, hardstanding and boundary treatments and the potential for further conditions to be added relating to the installation of lighting and CCTV if the Committee was minded to approve the application. He reassured Members of the Council's powers to enforce against unacceptable levels of noise and odour. In response to a question from the Committee, Ms Farley, Parks Operation Manager, reported on ongoing discussions with relevant parties to produce the best viable option for the Park.

The Committee also questioned the reasons for the pumping station being located above ground and Mr Sharp confirmed that this was a design choice to facilitate the maintenance of the pumping station and confirmed that the pumps would be used relatively infrequently to prevent flooding during severe storms although the ventilation system would be used constantly with the noise contained within the building fabric.

The Committee held a lengthy discussion on the merits of the application, during which it raised concerns regarding the potential impact on the appearance and character of the Park as a result of the proposed changes in terms of the design of the development and quality of materials used. It was not satisfied as to the necessity of the changes from the original approved scheme and considered that further consultation on the revised application was required to address the concerns raised.

Resolved: That the application be deferred to a future meeting to allow the opportunity for discussions to take place between the applicant, Council officers and other interested parties.

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

7 PLANNING APPLICATION 17/0104- MUNICIPAL BUILDING, CORPORATION STREET

The Committee considered planning application 17/0104 for the erection of a four storey extension to Corporation Street elevation of the Municipal Building to form an external lift shaft.

Mr Johnston presented the Committee with a brief overview of the application and the site location, elevation and layout plans. He reported that the proposal was located within the Town Centre Conservation Area and that the extension would not affect the friezes on the façade but would impact on the external appearance of the Locally Listed

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building. He reported on the lack of acceptable alternative locations for the lift shaft that had resulted in the current proposal. Mr Johnston reminded the Committee of its obligation to consider the impact of the proposed development on the Locally Listed building and the Conservation Area. He referred Members to paragraph 135 of the National Planning Policy Framework and CS8 of the Core Strategy and reported his view that on balance the proposal was weighted in favour of recommending approval.

Mr Jones, on behalf of the Applicant, spoke in favour of the application, stating that the proposal had been the subject of negotiations to enable the Job Centre to relocate into Municipal Buildings. He reported on the financial benefits of the relocation for the Council and the benefits to customers from more collaborative working between the Job Centre and the Council. He confirmed that the Job Centre would cover the financial costs of the proposal. He reported on the consideration of alternative locations for the lift shaft which had not been deemed feasible and the efforts made to ensure that the structure was in keeping with the streetscene.

During consideration of the application, the Committee questioned the location of the lift shaft and on invitation from the Chairman, Mr Jones expanded on the reasons why it had been deemed the only suitable location in terms of secure and accessible access to the Job Centre. Mr Nixon, Senior Project Manager, Blackpool Council reported on the difficulties in locating the lift shaft internally within the building. Following concerns raised by the Committee, it was noted that there would be an appropriate lease agreement in place.

Mr Patel referred the Committee to the Head of Highways and Traffic Management objection to the proposal as detailed in the report. He confirmed that, as the lift shaft would be located on the public highway, a decision would need to be taken by the Department of Transport on the acceptability of the proposal prior to any work commencing. He also referred to section 247 of the Town and Country Planning Act 1990 stating that all highway rights would have to be removed as the development would be on what was currently a public highway.

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

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

Chairman

(The meeting ended 7.43 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Governance Adviser
Tel: (01253) 477212
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Application Number 16/0797 – Land to Rear of 435-437 Waterloo Road, Blackpool, FY4 4BW - Erection of one pair of two storey semi-detached dwellinghouses with integral car ports and associated landscaping and boundary treatment, following demolition of existing warehouse building.

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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

- Location Plan stamped as received by the Council on 23rd November 2016
- Drawings numbered JBA220-P-002 Rev A, JBA220-P-003 Rev A

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

3. Details of materials 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 Policy LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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

6. The roof of the building shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises, to safeguard the visual amenities of the area in accordance with Policy LQ4 and BH3 of the Blackpool Local Plan 2001-2016 and Policy of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and

Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the car ports shown on the approved plan shall not be used for any purpose which would preclude the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Prior to the development hereby approved being first brought into use the car parking 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 highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

12. 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 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Before the properties are first occupied the alley serving the proposed properties shall be surfaced in accordance with a scheme to be submitted to and approved by the Local Planning Authority

Reason: In the interests of the appearance of the locality and highway/pedestrian safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. Before the development is commenced a scheme for partially obscuring the windows in the side elevations of the proposed properties shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented as part of the development.

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

Application Number 17/0104 – Municipal Building, Corporation Street, Blackpool, FY1 1EJ
- Erection of 4 storey extension to Corporation Street elevation of building to form external lift shaft.

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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

- Location Plan stamped as received by the Council on 13th February 2017
- Drawings numbered JCP 07566 (2-)108, JCP 07566 (2-)109

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

3. Details of materials, including window frames/glazing, 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. The agreed materials shall then be used as part of the development

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ10 and LQ14 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The dummy windows to the elevations of lift shaft shall be recessed (set back in the reveals) in accordance with details to be submitted to and approved by the Local Planning Authority before the development commences.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ10 and LQ14 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Will Britain, Head of Highways and Traffic Management
Date of Meeting:	9 May 2017

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

1.0 Purpose of the report:

- 1.1 To consider an application received by the Council for an Order under Section 53 (2) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement to add a passage between Whittam Avenue and Ryburn Avenue as a byway open to all traffic (BOAT).

2.0 Recommendation(s):

- 2.1 That no modification is made to the Definitive Map and Statement.

3.0 Reasons for recommendation(s):

- 3.1 The Council is prevented by Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006 from making an Order in the terms sought by the applicant since any public rights of way for mechanically propelled vehicles of a kind otherwise capable of being recorded in the Definitive Map and Statement that were not so recorded by 2 May 2006 are extinguished from that date and no new public rights of way of that kind may be created after that date. The information provided as part of the application does not indicate that any other modification of the Definitive Map and Statement should be made.

- 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:

To recommend that the Council makes the Order to modify the Definitive map and statement.

4.0 Council Priority:

4.1 The relevant Council Priority is

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

5.0 Background Information

5.1 The Council as surveying authority has a duty to maintain a Definitive Map and Statement of public paths and byways and to keep the Map and Statement under continuous review.

5.2 On discovering evidence of the existence of a public path or byway over land not shown in the Definitive Map and Statement the Council must make requisite modifications to the map and statement.

5.3 The Council’s powers to modify the Definitive Map and Statement are subject to sections 66 and 67 of the Natural Environment and Rural Communities Act 2006 which prohibit the creation of any new public rights of way by mechanically propelled vehicles (unless created on express terms) after 2 May 2006 and (with certain exceptions) extinguish any public rights of way by mechanically propelled vehicles not already shown in a map and statement with effect from 2 May 2006.

5.4 In deciding whether any modification is required it is necessary to have in mind that the purpose of the Definitive Map and Statement is to record public rights of way used mainly for the purpose for which footpaths and bridleways are used and not carriageway highways or public rights to use carriageway highways on horse or foot (such rights to use carriageway highways are normally presumed).

5.5 In this case the passage has never been shown in the Definitive Map and Statement and does not appear in the Council’s list of highways maintainable at public expense. There is no evidence of the passage ever being offered for adoption under the procedures in either the Highways Act 1980 or its predecessors or of the passage having been expressly dedicated as a public right of way. Nonetheless, in 2006 the Council made a Gating Order to regulate the use of the passage as a highway, including by vehicles and pedestrians using powers in the Highways Act 1980 applicable to highways. In 2015 the applicant asserted a private right of way “for all purposes” over parts of the passage.

5.6 The current claim is supported by evidence of use by local people over periods of between 32 and 57 years including by mechanically propelled vehicles (cars, motorcycles and service vehicles), bicycles and on foot. The claim is for the passage to be recorded in the map and statement as a ‘byway open to all traffic’ (BOAT) i.e. including a right of way for vehicular traffic but for which the main use is “for the purpose for which footpaths and bridleways are so used”.

5.7 The effect of the 2006 Act is that even if the Council was satisfied about the nature and extent of public use as claimed (i.e. through use by mechanically propelled

vehicle, bicycle and on foot) it could not make an Order to add the passage to the map and statement as a BOAT. The Council could nevertheless modify the map and statement if the evidence submitted as part of the application demonstrated the existence of a public right of way on foot or horseback (or for vehicles other than mechanically propelled vehicles) which is not currently shown on the map and statement.

5.8 In the officer's view, the evidence in this case does not indicate the existence of such a right of way, i.e. a right of way as a footpath or bridleway or used mainly for the purpose for which footpaths and bridleways are used.

5.9 Does the information submitted include any exempt information? No

5.10 List of Appendices

Appendix 3a – Application and supporting evidence

6.0 Legal considerations:

6.1 Where the Council receives an application it must normally determine it within 12 months after which the applicant may refer the matter to the Secretary of State who may then direct the Council to take a decision. In this case the applicant has referred the matter to the Secretary of State who, through the Planning Inspectorate, has invited the Council to make representations before coming to a decision on whether to make a direction for the Council to make a decision.

The Planning Inspectorate has asked that the Council make representations before 30 May 2017. The Council intends to determine the application before the end of the period for representations.

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 Making an Order would be contrary to the terms of Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background Papers

13.1 Application with supporting evidence

FORM OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE BOROUGH OF BLACKPOOL

TO: Chief Corporate Solicitor, Blackpool Borough Council

OF: P O Box 11, Town Hall, Blackpool, FY1 1NB.

I/We Mr L Boileau & Mrs S Boileau

of 5 Whittam Ave, Blackpool, FY4 4BU

hereby apply for an Order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by

1. ~~[(deleting the {footpath} {bridleway} {restricted byway} {byway open to all traffic})~~

from

to

2. ~~[(adding the {footpath} {bridleway} {restricted byway} {byway open to all traffic})~~

From Whittam Ave, FY4 4BU

to Ryburn Ave

3. ~~[(upgrading) {downgrading} to a {footpath} {bridleway} {restricted byway} {byway open to all traffic} the {footpath} {bridleway} {restricted byway} {byway open to all traffic}]~~

from

to

4. ~~[(varying) {adding to} the particulars relating to the {footpath} {bridleway} {restricted byway} {byway open to all traffic}]~~

from

to

by providing that

and shown on the map accompanying this application.

Continued overleaf....

WCAS

We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of Documents

witness statements of
Mr L D Bouleau
Miss D Hardman
Miss A Talbot
Mrs K Trafford.

2 x Aerial Images of Highway 2000 and 2005

EMAIL AND Council map indicating status AS Highway.
Declaration of notice (WCAT)

Dated:

12/3/16

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to: Chief Corporate Solicitor, Blackpool Borough Council, P O Box 11, Town Hall, Blackpool, FY1 1NB

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under Statute and will not be confidential and may be disclosed to third parties. Those supplying evidence should be informed of this.

NOTE: The Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicant's name and address would, or would be likely to, cause substantial damage or distress to the applicant or to another person and such damage would be or would be unwarranted, please contact the Council who may remove these details from the register and any documents contained on the register.

WCAS

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:1250
COUNTY LANCASHIRE	DISTRICT BLACKPOOL	© Crown copyright 1995	



BLACKPOOL BOROUGH COUNCIL

FORM W.C.A.7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A
MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993 (Schedule 9)

DEFINITIVE MAP AND STATEMENT

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF.....BLACKPOOL.....

COMMUNITY

We.....Mr & Mrs Boileau.....

Of.....5 WHITTAM AVE BLACKPOOL, FY4 4BU.....

Telephone N° (Home) (Business).....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed below).

Details of Modification.....Adding the byway open to all traffic leading from...WHITTAM AVE to.....
RYBURN AVE.....BLACPOOL.....

List of Owners and Occupiers Notified:- by using WCA6

MICHAEL HAITH.(Smiley). Smiley's One Stop Shop 439 Waterloo Road, Blackpool FY4 4BW.(By Hand).

LAND OWNER..OF HIGHWAY LEADING FROM WHITTAM AVE TO RYBURN AVE, posted on land
After enquiring with Land Registry (unregistered+no.....quires with people living
in area.

Dated.....21.MARCH.....2016..... Signer.....

WILDLIFE AND COUNTRYSIDE ACT 1981
Schedule 14 Paragraph 2

- (1) Subject to sub-paragraph (2), the applicant shall serve a notice (W.C.A.6.) stating that the application has been made on every owner and occupier of any land to which the application relates.
- (2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description "owner" or "occupier" of the land (describing it) and by affixing it to some conspicuous object or objects on the land.
- (3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.
- (4) Every notice or certificate under this paragraph shall be in the prescribed form.

Public Rights of Way Evidence Form (Use on foot)

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: ...MR L D BOILEAU.....

Address ...5 WHITTAM AVE, BLACKPOOL, FY4 4BU.....

Date of Birth .....

Occupation ...ELECTRICAL ENGINEER.....

Description of Claimed Way:

From ...HIGHWAY TO SIDE OF 3 WHITTAM AVE, FY4 4BU.....

Grid Reference ...SD323344.....

ToRYBURN AVE.....

Grid ReferenceSD323344.....

Width 12 feet at side of 3 Whittam and 22 feet at rear of 3 - 13 Whittam ave

1. How long have you known the route? 32 YEARS, I HAVE USED IT SINCE 1984 BUT BACK ROAD IS ON A 1910 PLAN OF LAND.....

2. Have you used the above way on foot? YES/NO

If so:-

(a) During which years?1984-2016.....

(b) Where were you going to and from... Ryburn ave as well as local shops and amenities to Whittam Ave.....

(c) For what purpose?...

ALL PURPOSES BOTH BUSINESS AND PLEASURE

(d) How many times a year?DAILY.....

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... 1984-2010.....

On horseback.....

Other (please specify) Cycle 1984-1994.....

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

SAME ROUTE SINCE 1950/60's WHEN ROUTE WAS MADE WIDER FROM 12 FOOT TO 22 FOOT.

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

...COUNCIL GATES AT EACH END SINCE 2006.....

(b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

GATES CAN BE LOCKED BUT ARE USUALLY OPEN AND I HAVE A KEY

(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

.....NEVER.....

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

.....NO.....

(b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

.....NO.....

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

N/A.....
.....
.....

7. (a) Have you ever been stopped or turned back when using this way on foot?

.....NEVER.....
.....

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

.....NEVER.....
.....

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

NEVER.....
.....
.....

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

NEVER.....
.....

10. Have you ever asked permission to use the way? If so, whom did you ask?

.....NEVER.....
.....

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

... THIS HIGHWAY HAS BEEN IN USE SINCE 1910 UNTIL 2008 WITHOUT ANY RISTRATION AT ALL, AND BY ALL.

ONCE THE GATING ORDER IN 2008 HAD BEEN PLACED, ALL RESIDENTS AND OTHER PEOPLE WITH REASON TO USE HAVE HAD CONTINUED UNINTERUPTED USE OF THEIR PUBLIC RIGHT OF WAY.

THE ORIGINAL DEVELOPER HAD INTENDED THE ROAD TO BE OPEN FOR COUNCIL ADOPTION AND THE ROAD TO BE A COMMON HIGHWAY AS STATED ON DOCUMENTS FROM 1910.

THE COUNCIL HAS HAD THIS ROAD CLASSSED AS A HIGHWAY FOR DECADES, I BELIEVE SINCE BEFORE THE 1970'S AND WAS USED FOR DUSTMEN, COAL DELIVERIES, ACCESS TO GARAGES, OFF STREET PARKING BAYS AND MANY OTHER USES.

.....
THIS ROUTE HAS BENIFITED FROM PUBLIC STEET LIGHTING SINCE AT LEAST 1984 THAT I KNOW OF AND HAS BEEN RENEWED IN 2013. THESE STREETLAMPS AND REPLACEMENT STREETLAMPS AND ALL RUNNING COSTS ARE PAYED BY THE PUBLIC.....

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature.....



..... Dated.....

12/3/16.....

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:1250
COUNTY LANCASHIRE		DISTRICT BLACKPOOL	© Crown copyright 1975



Public Rights of Way Evidence Form (Use on foot)

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: KAREN TRAFFORD

Address 18 WHITTAM AVENUE
BLACKPOOL FY4 4BU

Date of Birth: 

Occupation: TYRUS WIFE

Description of Claimed Way:

From THE ALLEYWAY AT SIDE OF NO 3 WHITTAM

Grid Reference

To RYBURN AVENUE

Grid Reference

Width SIDE 12' WIDE REAR ALLEYWAY 22' WIDE

1. How long have you known the route? 57 years

2. Have you used the above way on foot? YES ~~NO~~

If so:-

(a) During which years? 1967 - 2006

(b) Where were you going to and from WHITTAM AVE TO LOCAL STOPS & FRIENDS LIVING IN RYBURN AVE

(c) For what purpose? SOCIAL & SHOPPING - DOG WALKING TO LOCAL PARK

(d) How many times a year? ALL THE TIME - USUALLY DAILY

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... CUT THROUGH

On horseback..... NO

Other (please specify)

BIKE & CAR. 1967 - 2006.

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

YES

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

COUNCIL GATES 2006.

- (b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

LOCKED AT RYBURN

WHITTAM ALWAYS OPEN - BACK WHITTAM ALWAYS

- (c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

NEVER (GOT KEY)

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

NO

- (b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

NO

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

N/A.

7. (a) Have you ever been stopped or turned back when using this way on foot?

No.

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

No.

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

No

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

No

10. Have you ever asked permission to use the way? If so, whom did you ask?

No

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

NEVER BEEN RESTRICTED IN YEARS THAT I
HAVE LIVED IN WHITTMAN AVE = 1957 MY FAMILY
HAS BEEN IN WHITTMAN AVE - No 18 & No 14.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature..



Dated

29/2/16

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:250
COUNTY LANCASHIRE	DISTRICT BLACKPOOL		(c) Crown copyright 1975



Public Rights of Way Evidence Form (Use on foot)

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: DEBRA HARDMAN

Address: 9 WHITTAM AVENUE BLACKPOOL FY4 4SU

Date of Birth: 

Occupation: MEDICAL SECRETARY

Description of Claimed Way:

From: HIGHWAY TO SIDE OF 3 WHITTAM AVE

Grid Reference: SD 323344

To: RYBURN AVE

Grid Reference: SD 323344

Width: 12' AT SIDE 3 WHITTAM AVE + 22' REAR 3-13

1. How long have you known the route? 39 YEARS SINCE 1977

2. Have you used the above way on foot? YES NO

If so:-

(a) During which years? 1977 - 2016

(b) Where were you going to and from RYBURN AVE -
WHITTAM AVENUE

(c) For what purpose? PLEASURE

(d) How many times a year? DAILY

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... 1977 - 2016

On horseback..... 1979 - 1982

Other (please specify)

CYCLE 1977 - 1986

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

SAME ROUTE

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

GATES SINCE 2006

- (b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

USUALLY OPEN - LOCKABLE

- (c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

NO

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

NO

- (b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

NO

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

N/A

7. (a) Have you ever been stopped or turned back when using this way on foot?

NO

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

NO

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

NO

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

NO

10. Have you ever asked permission to use the way? If so, whom did you ask?

NO

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

THIS ROUTE HAS BEEN OPEN/UNRESTRICTED FROM 1977 UNTIL 2006 TO MY KNOWLEDGE. IT HAS ALWAYS HAD LIGHTING AND SINCE BEING GATED IN 2006 CONTINUES TO BE USED AS THE GATES ARE MOSTLY UNLOCKED & OPEN.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I can/am not willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature...

Dated 6/3/16

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:1250
COUNTY LANCASHIRE	DISTRICT BLACKPOOL	(c) Crown copyright 1975	



Public Rights of Way Evidence Form (Use on foot)

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: Alison Talbot

Address: 30 FAIRWAY RD

BLACKPOOL

RYUBURN AVE

Date of Birth: 

Occupation: Pharmacy technician

Description of Claimed Way:

From: HIGHWAY TO SIDE OF 3 WHITTAM AVENUE

Grid Reference: SD 323344

To: RYBURN AVENUE

Grid Reference: SD 323344

Width: 12 FEET AT 3 WHITTAM AVE 22 FEET REAR 3-13

1. How long have you known the route? Since 1979

2. Have you used the above way on foot? YES

If so:-

(a) During which years? 1979 till Present

(b) Where were you going to and from From Whittam Ave to Ryburn Ave

(c) For what purpose? All purposes

(d) How many times a year? DAILY

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... DAILY

On horseback.....

Other (please specify)
.....
.....

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

YES
.....
.....

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

Gated in 2006
.....
.....

- (b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

2006 Gated
.....
.....

- (c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

No
.....
.....

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

No
.....
.....

- (b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

No
.....
.....

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

No

7. (a) Have you ever been stopped or turned back when using this way on foot?

No

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

No .

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

No

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

No

10. Have you ever asked permission to use the way? If so, whom did you ask?

No

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

THIS HAS ALWAYS BEEN A WAY THROUGH ROAD AND HAVE ALWAYS USED IT

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature.

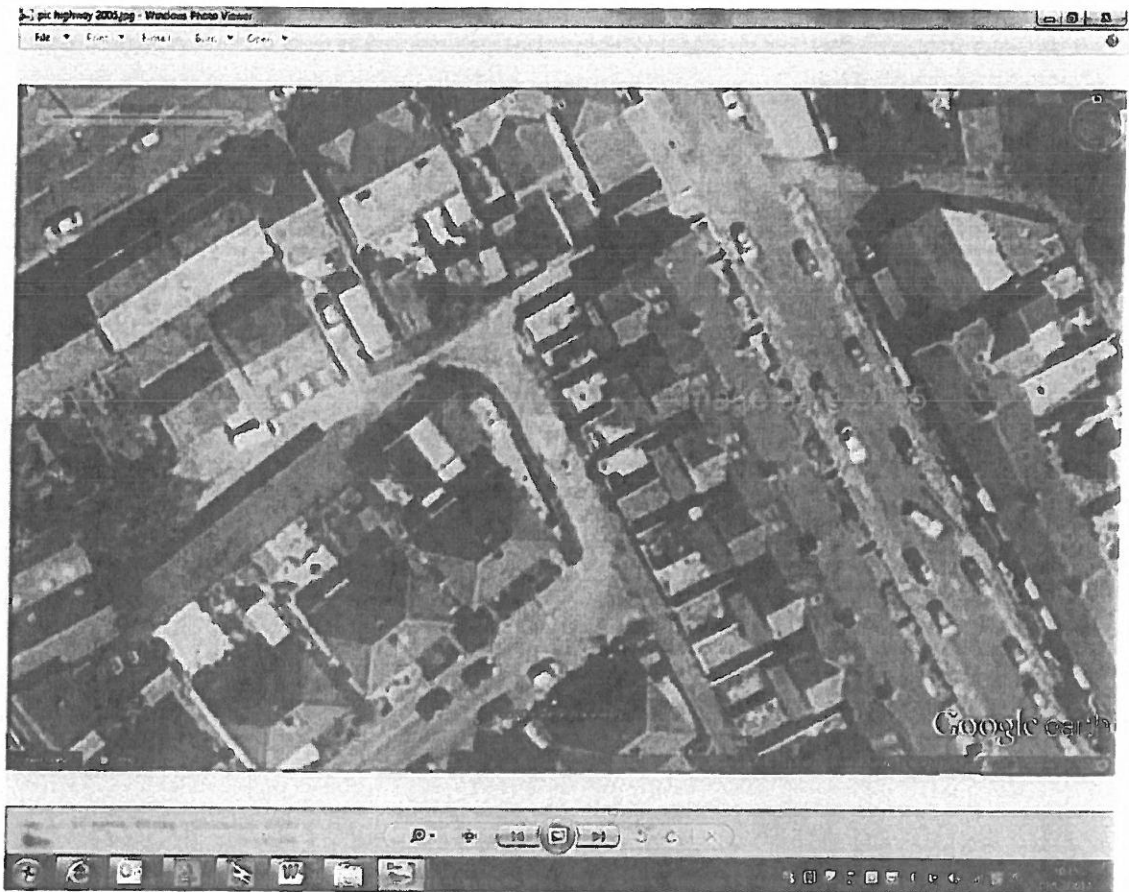
Dated

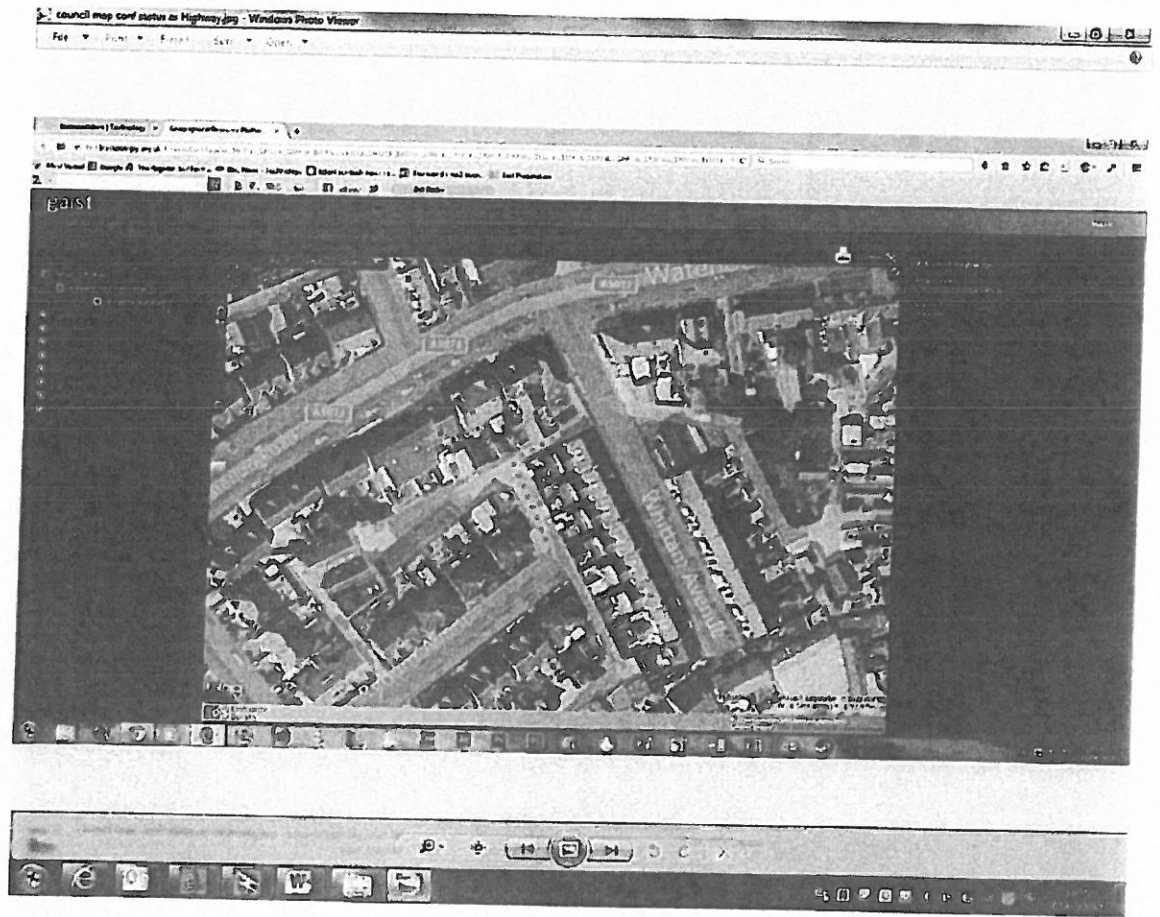
7.3.16

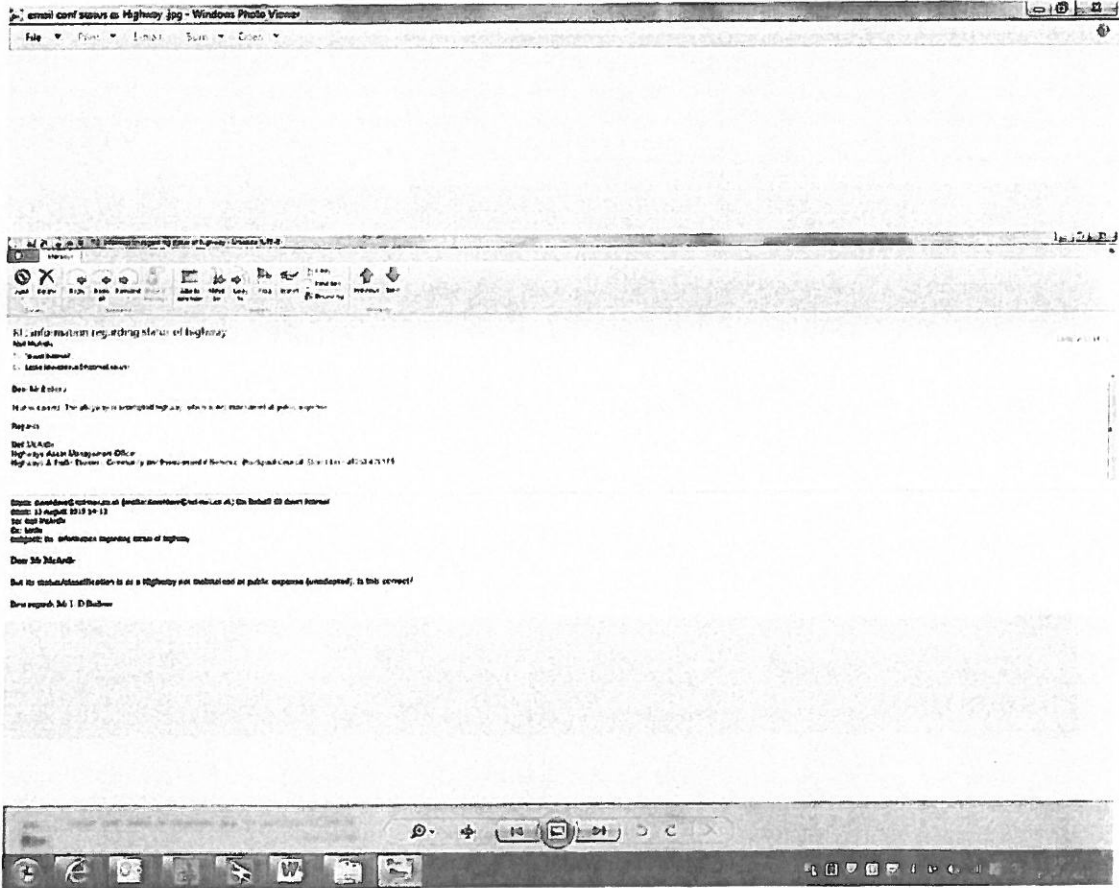
H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:1250
COUNTY LANCASHIRE		DISTRICT BLACKPOOL	
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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	9 May 2017

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 March 2017.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

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

5.0 Background Information

5.1 Cases

5.1.1 New cases

In total, 42 new cases were registered for investigation, compared to 51 received in March 2016.

5.1.2 Resolved cases

In March 2017, 18 cases were resolved by negotiation without recourse to formal action, compared with 10 in March 2016.

5.1.3 Closed cases

In total, 26 cases were closed during the month (17 in March 2016). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

5.1.4 Formal enforcement notices / s215 notices / BCNs

- One enforcement notice authorised in March 2017 (two in March 2016);
- Three s215 notices authorised in March 2017 (three in March 2016);
- No Breach of Condition notices authorised in March 2017 (none in March 2016)

- No enforcement notices served in March 2017 (none in March 2016);
- One s215 notice served in March 2017 (one in March 2016);
- No Breach of Condition notices served in March 2017 (none in March 2016);
- One Community Protection Notice served in March 2017 (one in March 2016).

relating to those cases set out in the table overleaf.

Notices authorised in March 2017

Reference	Address	Case	Dates
16/8442	253 Fleetwood Road	Unauthorised formation, laying out and construction of a means of access on a classified road (A587) by removal of the front boundary wall and gatepost	Enforcement notice authorised 22/03/2017
16/8063	123/125 Church Street and 2a/4a/6a/8a Alfred Street	Poor condition of property	S215 notice authorised 22/03/2017
16/8077	30 Coop Street	Poor condition of property	S215 notice authorised 22/03/2017
16/8078	26 Coop Street	Poor condition of property	S215 notice authorised 23/03/2017

Notices served in March 2017

Reference	Address	Case	Dates
15/8751	10 Boome Street	Poor condition of property	S215 notice issued 09/03/2017. Notice due for compliance by 13/05/2017
16/8159	Telephone Exchange, Torsway Ave	Poor condition of boundary fencing	CPN issued 21/03/2017, complied with by 29/03/2017

Does the information submitted include any exempt information?

No

5.2 List of Appendices:

5.2.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	9 May 2017

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of current performance

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

3.2b Is the recommendation in accordance with the Council's approved budget? No

3.3 Other alternative options to be considered:

None the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is both

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

5.0 Background Information

5.1 Members of Planning Committee will be aware that the Government has set targets for the determination of major and minor category planning applications and major and minor category appeals. These are speed and quality of decision targets and are currently –

Speed of major development decisions – 60% within 13 weeks or an agreed

Extension of Time – for the period October 2015 to September 2017

Speed of minor development decisions – 70% within 8 weeks or an agreed Extension of Time – for the period October 2015 to September 2017

Quality of major development decisions – Loss of more than 10% of appeals – for the period April 2015 – March 2017

Quality of non major development decisions – Loss of more than 10% of appeals – for the period April 2015 – March 2017

5.2 Figures are submitted quarterly to the Department of Communities and Local Government.

5.3 Performance is shown the first three months of 2017 and will in the future be reported monthly for the Committee

	Government Target	Performance Mar 2017	Performance Jan-Mar 2017
Major development decisions	>60%	0%	100%
Minor development decisions	>70%	100%	86%
Quality of major development decisions	>10%	n/a	n/a
Quality of non major development decisions	> 10%	n/a	0%

Does the information submitted include any exempt information? No

5.4 **List of Appendices**

5.4.1 None

6.0 **Legal considerations:**

6.1 None

7.0 Human Resources considerations:

7.1 Performance is influenced by staffing numbers, sickness and leave

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

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

10.0 Risk management considerations:

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

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Not applicable

13.0 Background Papers

13.1 None

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COMMITTEE DATE: [09/05/2017](#)

Application Reference: 17/0105

WARD: Stanley
DATE REGISTERED: 24/02/17
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: United Utilities

PROPOSAL: Formation of attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments.

LOCATION: LAND TO REAR OF 71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms C Johnson

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool in terms of providing the needed infrastructure to support growth and make improvements to the environment, including improving the quality of bathing waters along the Fylde Coast.

SUMMARY OF RECOMMENDATION

This proposal involves the removal of four trees, two tree groups and smaller woody vegetation in order to construct the basin. An Arboricultural Report confirms that all of these trees are Category C (of low quality) trees. In its favour, a replacement landscaping scheme would include a hedgerow comprising native species and the planting of shrubs and a significant number of trees (including Hazel, Hawthorn, Holly and Field Maple). On balance, it is considered that there would be a net benefit to biodiversity and the benefits of preventing surface water from entering and potentially surcharging the foul sewer system and the associated improvements to bathing waters weigh significantly in favour of the proposal.

INTRODUCTION

The application site is the north east corner of a large housing site (applications 09/0740 and 13/0378 refer) but has been removed from the scheme following the purchase of the

land by United Utilities (UU). A housing scheme for 422 houses has recently been approved to the south and west of the site (application 17/0095 refers).

Members will be aware that United Utilities is working along the Fylde Coast to improve the quality of the bathing water by removing large volumes of clean surface water from the foul sewer system, to ensure that spills of untreated foul water into the sea are minimised. The scheme is known as the Surface Water Separation Scheme. This is a requirement of the Environment Agency's National Environment Programme (NEP) and the European Union Bathing Waters' Directive.

A number of surface water attenuation basins are proposed around Marton Moss to store surface water during periods of heavy rainfall. The water would then discharge to the new Magnolia Pumping Station (application reference 16/0860) and into the sea via the existing Harrowside Outfall. A similar scheme proposed for land at the rear of Chapel House, Chapel Road is subject to a separate planning application and is listed at Item 7 of the Agenda (application reference 17/0118).

SITE DESCRIPTION

The application site comprises of connected green fields, previously used as allotments/ residential/ pasture/ grazing land which run between Moss House Road to the south, Kincardine Avenue and Florence Street and Harold Street to the north, Midgeland Road to the east and Docky Pool Lane to the west.

The site has an area of approximately 8840sqm and is largely undeveloped although there are some disused buildings and animal shelters on the north of the site and a bungalow on the south of the site has prior approval to be removed (application 17/0033 refers).

The site is currently accessed between 71 and 73 Moss House Road.

The area is part residential with detached, semi-detached and terraced houses interspersed with former small scale nurseries and stables/ grazing land.

The site is allocated Countryside Area on the Proposals Map to the Local Plan and Marton Moss on the Policies Maps to the Core Strategy.

DETAILS OF PROPOSAL

The application is for the construction of an attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments. The attenuation basin would be in two connected, roughly rectangular blocks, the plot to the north measuring approximately 215metres x 120metres and the plot to the south measuring approximately 125metres x 430metres. It would be a 1.5m-1.9m deep grassed depression and it would be enclosed by 1.4metres post and rail fencing.

The application is accompanied by an Ecological Report, and Arboricultural Report and a Design and Access and Planning Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of development
- impact on biodiversity and flood risk
- impact on residential amenity
- impact on highway safety

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

CONSULTATIONS

Head of Highways and Traffic Management:

The principle of permanent access is accepted for this proposal, however the concern lies with temporary access and vehicle movements.

For Florence Street, the applicant will be expected to discuss and agree requirements with officers from Traffic and Highways to mitigate the impact of the temporary use/access. This will include Traffic Regulation Orders, supplemented with appropriate signage, the public highway to be left in the state it is found (this may require remedial works following completion of the basin) etc.

For Moss House Road, there must be a clear understanding of what access will be required during construction. Kensington's is in the process of developing land off Moss House Road and they may require access from Moss House Road for part of their site south of Moss House Road and Traffic and Highways cannot be in a situation where the fabric of the highway is affected (due to construction vehicles) with no-one taking responsibility. We expect a joint dilapidation survey to be undertaken prior to actual works commencing – site clearance has already commenced.

A meeting is scheduled with the applicants on Thursday 4 May 2017. An update will be provided following on from the meeting.

Service Manager Public Protection:

Please condition that a construction management plan is required.

Samples have been taken by United Utilities showing that there is no risk of soil contamination being present. As stated within the report, if at any time during construction contamination is identified, works shall cease and samples taken. The Local Authority shall be informed of any possible contamination sources and linkages.

Lancashire Archaeological Advisory Service:

The proposed development site lies within an area that has been the subject of a series of planning applications which the Lancashire County Archaeology Service (LCAS) and

subsequently the Lancashire Archaeological Advisory Service (LAAS) have provided comments on. The current development site was also included within an Archaeological Desk-based Assessment as part of the 2009 Environmental Impact Statement for the whole of the Moss House Road project. A number of mitigation measures were recommended (see Chapter 14, p. 195, table 4), which Lancashire County Archaeology Service agreed would be an appropriate means of assessing the archaeological importance of the site and mitigating the effects of the development.

LAAS provided comments on application 16/0678 (a site on Progress Way that forms the southern boundary of the whole Moss House Road site area), suggesting further archaeological mitigation works in relation to Condition No. 11 of the outline planning permission (09/0740) were required. Application 16/0678 was granted Planning Permission with Condition No. 3 applied requiring the implementation of a programme of archaeological work.

Given that the proposed development site is incorporated within the north-west corner of the Moss House Road site area, the mitigation measures recommended for the whole site remain an appropriate means of assessing the archaeological importance of the site and mitigating the effects of the development. For the avoidance of doubt we would therefore recommend that a condition, similar to the one discussed above is applied to the current application.

This is in accordance with National Planning Policy Framework paragraph 141: "Local planning authorities should ... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

Sustainability Manager: No comments have been received at the time of writing this report. Any comments received will be reported in the Update Note

Coastal and Environmental Partnership Investments: No comments have been received at the time of writing this report. Any comments received will be reported in the Update Note.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 06 March 2017
Neighbours notified: 01 March 2017

Objections have been received from residents at 3 and 4 Florence Street. The comments are summarised below:

- Florence Street is not fit for heavy machinery and large vehicle access. It is a small quite narrow street. Previous applications to develop land adjacent to Florence

Street were denied any vehicle access for the very reason it is not a suitable access road. Kensington's application for housing to land behind Moss House Road (had it gone ahead) would only be allowed foot access on to Florence Street, I would like you to explain what has changed? If it wasn't suitable for domestic vehicles when the Kensington housing plans were considered, it certainly is not suitable for heavy vehicles and plant machinery.

- Clearing the site is already noisy and disruptive. My quality of life during construction phase will be significantly affected by noise, vibration, dust, vehicles moving back and forth and heavy machinery passing by my home many times a day, for possibly many months, this disruption will also affect the other neighbours who have property immediately bordering the basin site.
- Properties may suffer structural damage, particularly when the street is dug up to accommodate a large drain. I can feel vibration already in my home when the diggers are digging and moving during the clearing.
- Before the clearance works started the area at the rear of our property was very secure as there was an abundance of overgrown brambles which would prevent anyone accessing the rear of our property, these brambles have now been cut away and we only have a 1m high fence along the boundary.
- Our driveway also has the same 1m high fencing along the boundary with the field where the basin is to be sited and during the past there have only been horses in the field and the low fencing was ideal. Now that we have seen the plans for the works and found out that the boundary fencing is to be 1.4m high which would not give us any privacy to the side of our property or security to the rear of our property at that height, whilst any future maintenance or works are carried out on the attenuation basin.
- We are asking for the fencing that runs along our boundaries to be raised to a height of 1.8m. In order to give us some form of security to the rear of our property and privacy along the side whilst we sit out and enjoy our garden area.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) came into force in March 2012 and constitutes guidance for local planning authorities and decision-takers as a material consideration in determining applications.

The core planning principles in the NPPF include:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
- local authorities should encourage effective use of land by re-using land that has previously been developed provided that it is not of high environmental value.

- local authorities should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118, 123 and 141 are considered to be most relevant to this application.

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 CS6: Green Infrastructure
 Policy CS7: Design
 Policy CS9: Water Management
 Policy CS12: Sustainable Neighbourhoods
 Policy CS26: Marton Moss

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
 Policy LQ6: Landscape Design and Biodiversity
 Policy BH3: Residential and Visitor Amenity
 Policy AS1: General Development Requirements
 Policy NE2: Countryside Areas
 Policy NE6: Protected Species
 Policy NE7: Sites and Features of Landscape, Nature Conservation and Environmental Value

OTHER RELEVANT/BACKGROUND DOCUMENTS:

Lancashire and Blackpool Local Flood Risk Management Strategy 2014
 Marton Moss Characterisation Study 2009

ASSESSMENT:

Principle of Development:

Marton Moss is characterised by small agricultural plots, grazing land and rural housing and is semi-rural in nature.

The location of the proposed development was selected based on site availability, its capacity to hold a basin of the required size, its position north of Progress Way and following the results of network modelling, its demonstrable ability to provide a hydraulically viable solution.

Core Strategy Policy CS26 and Saved Local Plan Policy NE2 seek to retain the existing rural character of Marton Moss and prevent peripheral urban expansion and it is considered that the proposal would achieve those objectives. Although not an agricultural/horticultural use or outdoor recreational use, the proposal is considered appropriate for a rural area.

The finished and landscaped attenuation basin would be well screened and grassed over and would not form an incongruous feature in the landscape.

Impact on Biodiversity and Flood risk:

There are four trees, two tree groups and smaller woody vegetation including bramble and shrubs on the site. An Arboricultural Report confirms that all of these trees are Category C (of low quality) trees. It is proposed to fell all trees/tree groups whilst retaining and pruning a tree group to the north of 71 Moss House Road along the western perimeter of the site. The removal of the trees and vegetation will result in small-scale locally negative ecological impact. This is unfortunate but their removal has already been agreed in principle by the granting of permission 13/0378, which would have resulted in this site being cleared for housing development.

However, the NPPF states that development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. As part of a replacement landscaping scheme, a substantial number of trees would be planted, along with native shrubs and hedgerow. It is considered that the replacement scheme, which includes all native species, would be far superior to the currently un-managed nature of the existing land in terms of visual amenity, habitat and would result in net gains to biodiversity which would outweigh the minimal losses. The submitted Design and Access Statement confirms that all landscaping and tree removal/protection of trees on neighbouring land will accord with the recommendations in the submitted Arboricultural Report.

The Contractor and Developer will be responsible under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitat Regulations 2010 (as amended), and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice and reptiles in the works area/surroundings, and comply fully with the law in relation to impacts associated with any works associated with the development.

Towards Moss House Road, the land is approximately 4.3metres Above Ordnance Datum (AOD) and the land slopes down to 4metres AOD to the north towards Florence Street. The proposed basin would be excavated to a finished level of 2.7metres AOD with a fall of approximately 1 in 500 towards the outlet structure at the northern end of the basin.

The basin would be grassed over and landscaped and the site would be enclosed by a 1.4metres high fence. Trees on the south west of the site would be pruned and retained but other trees would be removed.

The proposal would reduce the potential for flooding by removing surface water from the foul sewer network and pumping it away, reducing the risk of foul sewers surcharging.

Impact on Residential Amenity:

United Utilities has stated that the company has fully engaged landowners in discussions and feedback has been incorporated into the design where possible. There have also been three public consultation events and it has undertaken a leaflet drop around the area.

Noise levels and disturbances during construction work and maintenance work (estimated 3-4 visits a year) are not strictly material planning considerations. However, a Construction Management Plan should be required by condition which would seek to limit noise, disturbance and nuisance during construction. Loss of privacy during the construction period is not a material consideration.

Subsidence and damage to property is a private matter and not a planning consideration in this instance.

When the pumping station at Magnolia Point is at capacity during periods of heavy rainfall, the basin will hold the surface water until the demand on the pumping station eases and the stored water will then be processed though the pumping station in the normal way. As such, the basin would not normally be full of water and there should be no stagnating water causing smells or attracting vermin.

In terms of the request for a 1.8metres high fence to be erected at the side/rear of 4 Florence Street, it is considered that it would be unreasonable to require this by condition. There is a low fence around the site now which affords no privacy to the occupiers of 4 Florence Street. Once the works on site are completed, the use of the land as an attenuation basin will not lead to increased incidences of loss of privacy. The removal of brambles from land at the rear of 4 Florence Street does not need planning permission and cannot be controlled in this instance and any loss of security as a result is a private matter.

Impact on Highway Safety:

The Moss House Road access point would be upgraded and would serve as the main site entrance for access and maintenance purposes. The new access point off Florence Street, adjacent to 28 Harold Street would only be used during the construction period and when the Moss House Road access cannot be used. The Florence Street access wouldn't be used routinely.

The applicant would need to enter into a legal agreement with joint dilapidation surveys of the existing highways concerned, the required Traffic Regulation Orders, provision of signage and detailed design of access points and alterations to the highways.

Traffic will increase during the construction period (anticipated to take place between May and September 2017) but thereafter, there will be no material impact on traffic given that the site should only need maintaining 3-4 times a year and this would normally be undertaken via the access off Moss House Road.

CONCLUSION:

On balance, it is considered that the benefits of the scheme in terms of improving the way that surface water is dealt with, improving bathing waters, reducing the potential for foul sewer surcharging and the native landscaping scheme proposed outweigh concerns regarding the loss of the existing landscaping and trees and other fears raised by objectors, most of which are not material planning considerations.

It is considered that the proposal would comply with paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118, 123 and 141 of the NPPF, Policies CS7, CS9, CS12 and CS26 of the Core Strategy and Policies LQ1, BH3, NE2, NE6, NE7 and AS1 of the Local Plan in terms of sustainability, design, biodiversity, landscaping, amenity and access and highway safety.

These recommendations are in accordance with the development plan and it is considered that the proposed development would meet the three dimensions of sustainable development as outlined in paragraph 7 of the NPPF. There are no other material considerations which would warrant refusal of the proposed development.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal.

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) 17/0105 can be accessed via the link below:

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

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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 14th February 2017

Drawings numbered

80041518-01-MMB-MISCE-96-DR-C-90014 Rev P02
80041518-01-MMB-PSB-97-DR-T-97101 Rev P03
80041518-01-MMB-PSB-97-DR-T-97102 Rev P03
80041518-01-MMB-PSB-97-DR-T-97103 Rev P03
80041518-01-MMB-PSB-97-DR-T-97104 Rev P03
80041518-01-MMB-PSB-97-DR-T-97105 Rev P02
80041518-01-MMB-MISCE-97-DR-L-00004 Rev P01.1

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

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period
 - hours and days of construction work for the development
 - contractors' compounds and other storage arrangements

- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic.

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

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work for the development hereby approved. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site in accordance with the provisions of the National Planning Policy Framework and Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The landscaping works shown on the submitted plans 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.)

Any trees, hedgerow 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, hedgerow 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 that the development provides net gains in biodiversity and to ensure the site is satisfactorily landscaped in the interests of visual amenity with regards to Policies LQ1, LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

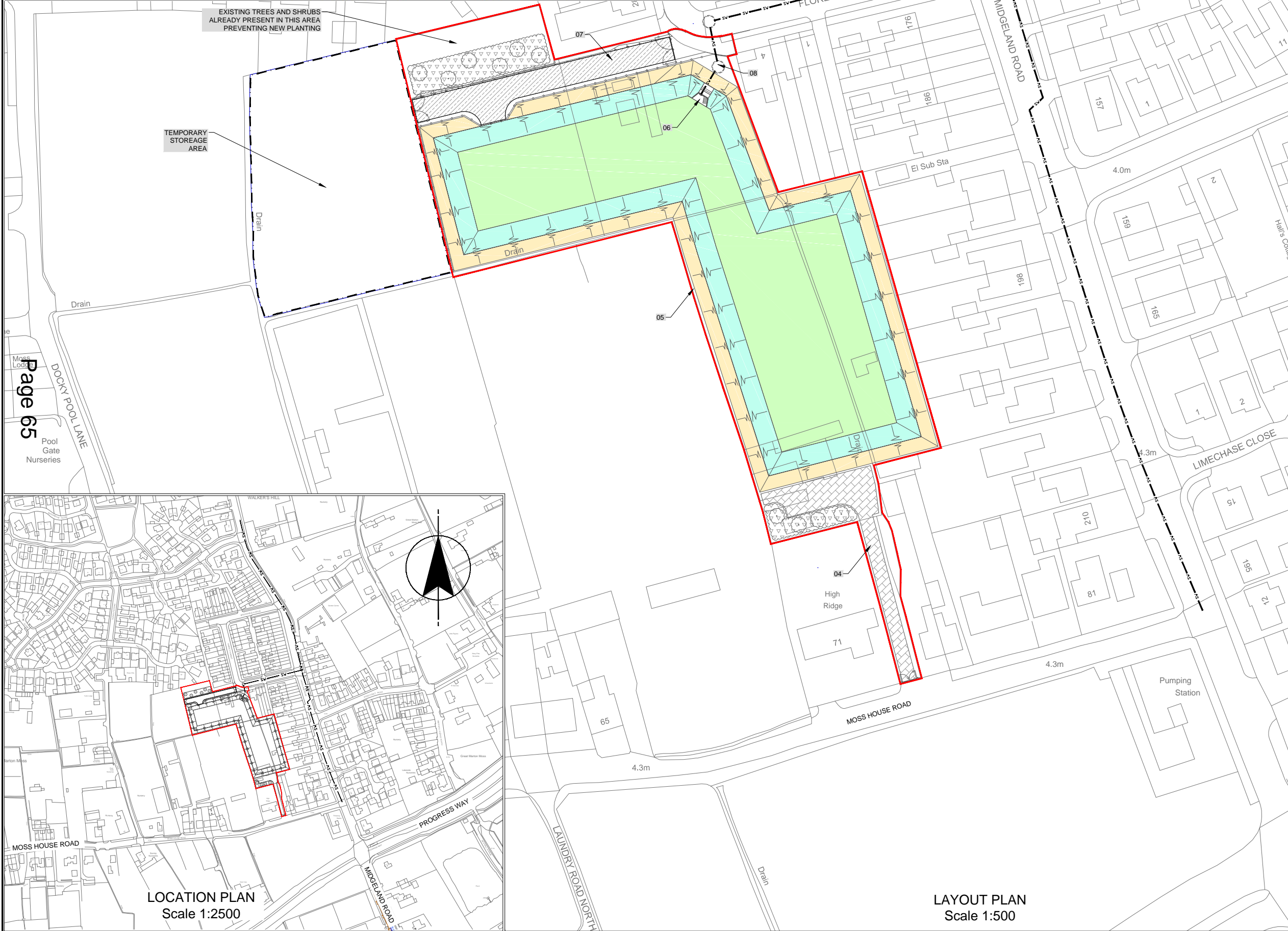
6. The development hereby approved shall be implemented in accordance with the recommendations in the Bowland Ecology, Ecological Appraisal , BOW17/707 Blackpool South document dated January 2017.

Reason: To safeguard and enhance biodiversity on and around the site in accordance with Policies LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Highways and Traffic Management Services, 3rd floor, Number One, Bickerstaffe Square (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
2. The Developer and their Contractors should be aware of their responsibilities under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitat Regulations 2010 (as amended) and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice, amphibians and reptiles in the works area/surroundings and comply fully with the law in relation to impacts associated with the approved development.
3. 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.

REFERENCE	DETAILS / DESCRIPTION	WORK REQUIRED
01	NEW ATTENUATION BASIN - BASE	EXISTING AREA TO BE EXCAVATED TO FORMATION LEVELS SHOWN WITH FALLS - APPROX 1 IN 200 - TO PROPOSED OUTLET STRUCTURE - WHOLE AREA TO BE PLANTED WITH GRASS
02	NEW ATTENUATION BASIN - INTERNAL SIDE SLOPES	EXCAVATE AND FILL TO FORM ATTENUATION BASIN. SIDE SLOPE MAXIMUM 1 IN 3. WHOLE AREA TO BE PLANTED WITH GRASS
03	NEW ATTENUATION BASIN - EXTERNAL SIDE SLOPES	EXCAVATED MATERIAL USED TO CONTINUE ATTENUATION BASIN SIDE SLOPES UP TO MINIMUM PERIMETER LEVEL AND FORM PERIMETER BUND AT A MINIMUM LEVEL 4.000m AOD. WHOLE AREA TO BE PLANTED WITH GRASS
04	ACCESS TRACK	PERMANENT STONE TRACK FOR ACCESS TO ATTENUATION BASIN TO PROVIDE ACCESS FOR MAINTENANCE
05	NEW FENCING	NEW PERMANENT STOCKPROOF POST AND RAIL FENCE
06	NEW OUTFALL STRUCTURE	NEW PRE-CAST CONCRETE OUTFALL STRUCTURE WITH GALVANISED GRILLE OVER PIPE AND HANDRAIL PROTECTION
07	ACCESS TRACK	PERMANENT STONE TRACK FOR ACCESS TO NORTH OF ATTENUATION BASIN
08	NEW VORTEX SEPERATOR MANHOLE	PROPRIETARY VORTEX SEPARATOR TO CAPTURE AND RETAIN SEDIMENT, OILS AND FLOTABLES FROM STORM WATER. HOUSED IN BURED STRUCTURE - EXPOSED ACCESS COVERS AT GROUND LEVEL



NOTES
 1. ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES AOD UNLESS NOTED OTHERWISE.

LEGEND

- PLANNING APPLICATION BOUNDARY AREA = 8842 sq.m.
- 01 NEW ATTENUATION BASIN - BASE AREA = 3371 sq.m.
- 02 NEW ATTENUATION BASIN - INTERNAL SIDE SLOPES - MAXIMUM 1 In 3. AREA = 1946 sq.m.
- 03 NEW ATTENUATION BASIN - EXTERNAL SIDE SLOPES
- 04 NEW ACCESS TRACK CONNECTING BASIN AREA TO MOSS HOUSE ROAD. AREA = 392 sq.m.
- 07 NEW STONED ACCESS TRACK TO NORTH OF PROPOSED BASIN. AREA = 452 sq.m.
- AREA ALLOCATED FOR TREE PLANTING - TOTAL AREA APPROX 400 sq.m.
- NEW FENCING 05
- NEW SURFACE WATER SEWER
- NEW STRUCTURE - ABOVE GROUND
- NEW STRUCTURE - BELOW GROUND
- NEW MANHOLE - BELOW GROUND
- TEMPORARY STORAGE AREA AREA = 2842 sq.m.

SCALE 1 : 2500 (When plotted at A1 size) 100m
 SCALE 1 : 500 (When plotted at A1 size) 40m

CURRENT ISSUE INFORMATION

P03	PC	KC	CMC	Issued for Project Review	01/02/17
VERSION	AUTH	CHKD	REVD	REASON FOR ISSUE	DATE
S2	Issued for Information				
SUITABILITY CODE	SUITABILITY DESCRIPTION				



BLACKPOOL SOUTH STRATEGY LENNOX GATE PS & SUR WAT

MARTON MOSS 3
 ATTENUATION BASIN MM3-AB01
 PLANNING DRAWING
 OVERALL SITE LAYOUT

SCALE	1:1250	SHEET SIZE	A1
DRAWING NUMBER	80041518-01-MMB-PSB-97-DR-T-97101	REVISION	P03

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COMMITTEE DATE: [09/05/2017](#)

Application Reference: 17/0118

WARD: Stanley
DATE REGISTERED: 21/02/17
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: United Utilities

PROPOSAL: Construction of an attenuation basin, inlet weir and outlet structures, headwall structure and access road off Chapel Road with associated landscaping and boundary treatments.

LOCATION: LAND TO REAR OF CHAPEL HOUSE, CHAPEL ROAD, BLACKPOOL, FY4 5HU

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms C Johnson

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool in terms of providing the needed infrastructure to support growth and make improvements to the environment, including improving the quality of bathing waters along the Fylde Coast.

SUMMARY OF RECOMMENDATION

This proposal involves the removal of seven trees, four tree groups (and part of a fifth tree group) and a hedgerow in order to construct the basin. An Arboricultural Report confirms that only one of these trees is a Grade B tree (of moderate quality) and that the rest are either Category C (of low quality) or Category U (requires felling) and that the hedgerow is species poor, non-native ornamental privet which is in poor condition. In its favour, part of one tree group would be retained and a replacement landscaping scheme would include a hedgerow comprising native species and the planting of shrubs and trees (including Silver Birch, Field Maple and Crab Apple). On balance, it is considered that there would be a net benefit to biodiversity and the benefits of preventing surface water from entering and potentially surcharging the foul sewer system and the associated improvements to bathing waters weigh significantly in favour of the proposal.

INTRODUCTION

Members will be aware that United Utilities is working along the Fylde Coast to improve the quality of the bathing water by removing large volumes of clean surface water from the foul sewer system, to ensure that spills of untreated foul water into the sea are minimised. The scheme is known as the Surface Water Separation Scheme. This is a requirement by the Environment Agency's National Environment Programme (NEP) and the European Union Bathing Waters' Directive.

A number of surface water attenuation basins are proposed around Marton Moss to store surface water during periods of heavy rainfall. The water would then discharge to the new Magnolia Pumping Station (application ref 16/0860) and into the sea via the existing Harrowside Outfall. A similar scheme proposed for land at the rear of 71 Moss House Road is subject to a separate planning application and is listed at Item 6 of the Agenda. (application reference 17/0105).

SITE DESCRIPTION

The application site is a green field previously used as nurseries (Chapel Road/Sunny View nurseries) on the south side of Chapel Road.

The site has an area of 9970sqm and is largely undeveloped although there are various containers/ramshackle sheds on the land, concentrated around the western boundary. To the north is Chapel House, to the east is Pen-y-Bont (mixed residential and commercial stables), to the south is the rear garden associated with The Swifts on Jubilee Lane North and Chapel Road Nurseries to the west. There is a wet ditch which runs along the middle of the site which is approximately 1 metre wide. The site is accessed informally off Chapel Road between Chapel House and Chapel Road Nurseries.

The area is part residential with larger houses on large plots, small scale nurseries and stables/ paddocks/grazing land.

The site is allocated Countryside Area on the Proposals Map to the Local Plan and Marton Moss on the Policies Maps to the Core Strategy. To the north of the site, there is the Chapel Road Field Biological Heritage Site (strip of hedgerow along the southern boundary of the field).

DETAILS OF PROPOSAL

The application is for the construction of an attenuation basin, inlet weir and outlet structures, headwall structure and access road off Chapel Road with associated landscaping and boundary treatments. The attenuation basin would be roughly square with dimensions of approximately 95metres x 120metres. It would be a 1.5metres-1.9metres deep grassed depression and would be enclosed by 1.4metres high post and rail fencing.

The application is accompanied by an Arboricultural Report, an Ecology Report and a Design and Access and Planning Statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of development
- impact on biodiversity and flood risk
- impact on residential amenity
- impact on highway safety

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

CONSULTATIONS

Head of Highways and Traffic Management:

I have no objection to this proposal. Discussions have been ongoing with NRSWA Officers, the proposal is as per their conversations. The applicant should contact Highways and Transportation for the provision of the vehicle access.

Service Manager Public Protection:

Please condition that a construction management plan is required.

Testing has been carried out on the site it and shows that there is no elevated level of contamination. Therefore no further information is requested in relation to land contamination.

Sustainability Manager:

I would like to see the addition of a small percentage of Alder Buckthorn (*Frangula alnus*) into the native hedgerow planting specification. This would encourage the further spread of Brimstone butterflies into the Fylde coast area.

(Amended plans have been received and include Alder Buckthorn as requested)

Coastal and Environmental Partnership Investments: No comments have been received at the time of writing this report. Any comments received will be reported in the Update Note.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 06 March 2017

Neighbours notified: 27 February 2017

Objections have been received from residents at Runnel Nurseries, Chapel Road, Chapel House, Chapel Road, Sunnyview, Chapel Road and Arfryn, Aberarth, Aberaeron. The comments are summarised below:

- The proposed basin is an open structure. This could attract children to play, explore or bathe in the area.

- This structure has not been tried or tested elsewhere and is a first time design by United Utilities.
- The close proximity to dwellings poses a risk to land movement and we are concerned regarding the risk of subsidence.
- There is no evidence that this construction will not pose a risk of flooding to the area. This is an open construction where will the excess rain water flow? Can United Utilities confirm that this will not result in posing a risk to flooding our dwellings.
- We are extremely concerned regarding the smell and pest infestations that will occur due to stagnant dirty water and the increase of rats in the area, beyond the control of United Utilities.
- The noise levels and disturbances during construction work and maintenance of the SUD thereafter, by maintenance vehicles entering the area, and the possibility of more noise thereafter.
- Risk of Subsidence or flooding having an impact on property insurance.
- The effect of highway safety and parking. Chapel Road has now developed into an extremely busy road due to the increased volume of traffic structures and new development within the area.
- Noise from the site will disrupt and frighten nearby stabled horses or horses in the adjacent paddock.
- Workers will be able to see over fences and directly into residential properties leading to a loss of privacy.
- Driveways will be blocked or destroyed by vans and machinery being parked or driven over.
- The loss of trees and other nature being destroyed will cause of loss of privacy.
- Vermin from the land will be displaced, infesting neighbouring land if they have nowhere to go.
- The smell of the water may also attract vermin towards property.
- Will the water be fenced off safely and securely to prevent young children accessing the site?
- The siting and design of the proposed United Utilities SUD is completely inappropriate to the health and safety of residential occupants.
- Land will be statutorily acquired which will at periods during each year cause undue nuisance, smell, pest infestation and other unforeseen problems which are beyond the control of United Utilities.
- The close proximity to dwellings should require the proposed SUD to at least be covered with a suitable dome type cover to prevent unauthorised access, significantly reduce smells and pest infestations, together with unnecessary additional rainfall entering the holding lagoon.
- We consider that there are suitable alternative locations to site the proposed structure which is away from dwelling houses.
- There has been a complete lack of consultation with the affected property owners.
- United Utilities has only sought to make offers to acquire the subject land, without addressing any legitimate concerns or proposals to alter their scheme.
- The location is not suitable for such a required volume of storage.
- We seek a refusal of the submitted application until proper neighbour consultation has taken place to address all concerns.

- Construction should be carried out between 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 on a Saturday and not at all on Sundays and bank holidays.
- Measures should be implemented to calm traffic during the construction phase but not sleeping policemen.
- Residents should be consulted on a Traffic Management Plan which should be required by condition.
- Access should be kept free outside Runnell Nurseries, particularly when works to lay buried sewers are being carried out.
- Signage informing drivers of a concealed entrance is necessary.
- Dust during construction would damage amenity and health.
- Excavated soils should not be stored against boundary fences and should not be allowed to migrate to neighbouring properties.
- It is unclear whether the entire site is to be secured.
- A condition requiring the upkeep of the access road post-construction is necessary.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

United Utilities has responded to some of these concerns and the response is summarised below:

- The attenuation basin will only ever store flows arising from surface water runoff, which does not require treatment, for short periods of time during storm events and will not therefore pose any risk to human health or safety or attract pests or vermin.
- Hydraulic modelling of the system demonstrates that for more than 95% of the time, the basins will be empty. At basin MM2 (south of Chapel Road), there is a probability that the basin may partially fill for short periods during any given year but will only reach maximum capacity once in every thirty years.
- The system has been designed to meet the future capacity requirements with the provision of approximately 20,000m³ of additional storage via a number of basins which is sufficient to ensure that the flood risk in the area will not increase.
- Due to the proposed basin being in a predominantly rural location, the fencing has been designed to be in keeping with the character of the area. Also, as there will be no dangerous moving parts within the construction compound or application site, the 1.4m high post and rail fencing will provide a suitable level of security, with no requirement for industrial security fencing over 1.8m in height. This is how we also treat fencing at our Reservoir sites.
- the maximum depth of material to be excavated, will be in the region of 1.5metres, (with falls to the outlet structure), this is not a sufficient amount of excavation to impact on the integrity of surrounding structures. The entire basin areas will be seeded in grass to prevent soil erosion, maintaining the integrity of the basin and surrounding land.
- The existing vegetation will be retained and screen planting will be used where possible to ensure, (as a minimum), the standard level of privacy and security is maintained for the residents of neighbouring land.
- Once the site becomes operational, the site will be visited infrequently (3-4 times a year) for site maintenance to ensure any adverse effects on the local amenity are minimised.

- Every effort will be made to limit the impact of construction on the local community;
- Construction hours will be limited to between 07:30 and 19:00 Monday to Friday and between 08:00 and 13:00 on Saturdays;
- All sites have an allocated contractors compound, providing adequate off-road parking and storage areas for plant and machinery, limiting the impacts of construction traffic on local roads and ensuring highway safety; and
- Additional mitigation measures will be included in the Construction Environmental Management Plan (CEMP) which will be produced for each site.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) came into force in March 2012 and constitutes guidance for local planning authorities and decision-takers as a material consideration in determining applications.

The core planning principles in the NPPF include:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
- local authorities should encourage effective use of land by re-using land that has previously been developed provided that it is not of high environmental value.
- local authorities should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118 and 123 are considered to be most relevant to this application.

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 CS6: Green Infrastructure**
- Policy CS7: Design**
- Policy CS9: Water Management**
- Policy CS12: Sustainable Neighbourhoods**
- Policy CS26: Marton Moss**

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**
- Policy LQ6: Landscape Design and Biodiversity**
- Policy BH3: Residential and Visitor Amenity**
- Policy AS1: General Development Requirements**
- Policy NE2: Countryside Areas**
- Policy NE6: Protected Species**
- Policy NE7: Sites and Features of Landscape, Nature Conservation and Environmental Value**

OTHER RELEVANT/BACKGROUND DOCUMENTS:

Lancashire and Blackpool Local Flood Risk Management Strategy 2014
Marton Moss Characterisation Study 2009

ASSESSMENT

Principle of Development:

Marton Moss is characterised by small agricultural plots, grazing land and rural housing and is semi-rural in nature.

The location of the proposed development was selected based on site availability, its capacity to hold a basin of the required size, its position north of Progress Way and following the results of network modelling, its demonstrable ability to provide a hydraulically viable solution.

Core Strategy Policy CS26 and Saved Local Plan Policy NE2 seek to retain the existing rural character of Marton Moss and prevent peripheral urban expansion and it is considered that the proposal would achieve those objectives. Although not an agricultural/horticultural use or outdoor recreational use, the proposal is considered appropriate for a rural area.

The finished and landscaped attenuation basin would be well screened and grassed over and would not form an incongruous feature in the landscape.

Impact on Biodiversity and Flood risk:

There are seven individual trees, five tree groups and one hedgerow on and around the site along with bramble and shrubs. With the exception of one Grade B tree on the eastern boundary, the rest are poor quality with one which requires felling whether the development goes ahead or not. With the exception of part of a tree group to the south of the site boundary, it is proposed to fell all trees/tree groups and the hedgerow in order to construct the basin. The hedgerow marks the boundary Pen-y-Bont to the east of the site and therefore doesn't receive statutory protection under The Hedgerow Regulations 1997. In any case, the hedgerow is species poor, non-native ornamental privet and is either outgrown or in poor condition due to intensive management or livestock grazing. The hedgerow does however provide a valuable habitat corridor and its removal will result in

small-scale locally negative ecological impact. A replacement landscaping scheme is required to mitigate the loss of the hedgerow and a Grade B tree.

The NPPF states that development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. As part of a replacement landscaping scheme, trees would be planted, along with native shrubs and hedgerow. It is considered that the replacement scheme, which includes all native species, would be far superior to the currently un-managed nature of the existing land in terms of visual amenity, habitat and would result in net gains to biodiversity which would outweigh the minimal losses. The submitted Design and Access Statement confirms that all landscaping and tree removal/protection of trees on neighbouring land will accord with the recommendations in the submitted Arboricultural Report.

The Contractor and Developer will be responsible under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitat Regulations 2010 (as amended), and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice and reptiles in the works area/surroundings, and comply fully with the law in relation to impacts associated with any works associated with the development.

The land is approximately 4.6metres Above Ordnance Datum (AOD) and the proposed basin would be excavated to a finished level of 2.7metres AOD with a fall of approximately 1 in 500 towards the outlet structure at the southern end of the basin.

The basin would be grassed over and landscaped and the site would be enclosed by a 1.4metres high fence, behind which will be trees, shrubs or hedgerow and this should deter unauthorised access on to the land and would help screen the site. This fencing detail is similar to fencing used around reservoirs.

The proposal would reduce the potential for flooding by removing surface water from the foul sewer network and pumping it away, reducing the risk of foul sewers surcharging.

When the pumping station at Magnolia Point is at capacity during periods of heavy rainfall, the basin will hold the surface water until the demand on the pumping station eases and the stored water will then be processed through the pumping station in the normal way. As such, the basin would not normally be full of water and there should be no stagnating water causing smells or attracting vermin.

One of the objections suggests covering the basin with a dome to prevent unauthorised access, reduce smells and pest infestations and prevent unnecessary rainfall entering the basin. However, this would increase surface water runoff and would have potential to cause localised flooding to surrounding property. Rainwater falling in to the basin would be pumped away along with surface water from the surrounding area which would normally be directed into the combined sewer.

Impact on residential amenity:

United Utilities has stated that the company has fully engaged landowners in discussions and feedback has been incorporated into the design where possible. There have also been three public consultation events and it has undertaken a leaflet drop around the area.

Noise levels and disturbances during construction work and maintenance work (estimated 3-4 visits a year) are not strictly material planning considerations. However, a Construction Management Plan should be required by condition which would seek to limit noise, disturbance and nuisance during construction. Loss of privacy during the construction period is not a material consideration.

Subsidence and damage to property is a private matter and not a planning consideration in this instance.

Impact on highway safety:

The gates to the site would be set in to the site along a new access road, by approximately 40metres. This is considered sufficient for cars/vans to pull in off Chapel Road and park whilst the gates are opened. Traffic will increase during the construction period (anticipated to take place over the summer 2017) but thereafter, there will be no material impact on traffic given that the site should only need maintaining 3-4 times a year.

CONCLUSION

On balance, it is considered that the benefits of the scheme in terms of improving the way that surface water is dealt with, improving bathing waters, reducing the potential for foul sewer surcharging and the native landscaping scheme proposed outweigh concerns regarding the loss of the existing landscaping and trees and other fears raised by objectors, most of which are not material planning considerations.

It is considered that the proposal would comply with paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118 and 123 of the NPPF, Policies CS7, CS9, CS12 and CS26 of the Core Strategy and Policies LQ1, BH3, NE2, NE6, NE7 and AS1 of the Local Plan in terms of sustainability, design, biodiversity, landscaping, amenity and access and highway safety.

These recommendations are in accordance with the development plan and it is considered that the proposed development would meet the three dimensions of sustainable development as outlined in paragraph 7 of the NPPF. There are no other material considerations which would warrant refusal of the proposed development.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

The grant of planning permission may require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal.

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) 17/0118 can be accessed via the link below:

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

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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 21/02/2017

Drawings numbered

80041518-01-MMB-PSB-97-DR-T-97003 REV P02

80041518-01-MMB-PSB-97-DR-T-97004 REV P03

80041518-01-MMB-PSB-97-DR-T-97005 REV P02

80041518-01-MMB-PSB-97-DR-T-97006 REV P02

80041518-01-MMB-PSB-97-DR-T-97007 REV P02

80041518-01-MMB-PSB-97-DR-T-97001 REV P02
80041518-01-MMB-PSB-97-DR-T-97002 REV P02
80041518-01-MMB-MISCE-97-DR-L-00011 REV P01.2
80041518-01-MMB-MISCE-97-DR-L-00011 REV P01.1
80041518-01-MMB-MISCE-97-DR-L-00003 REV P02

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

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

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

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

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The landscaping works shown on the submitted plans 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.)

Any trees, hedgerow or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, hedgerow 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.

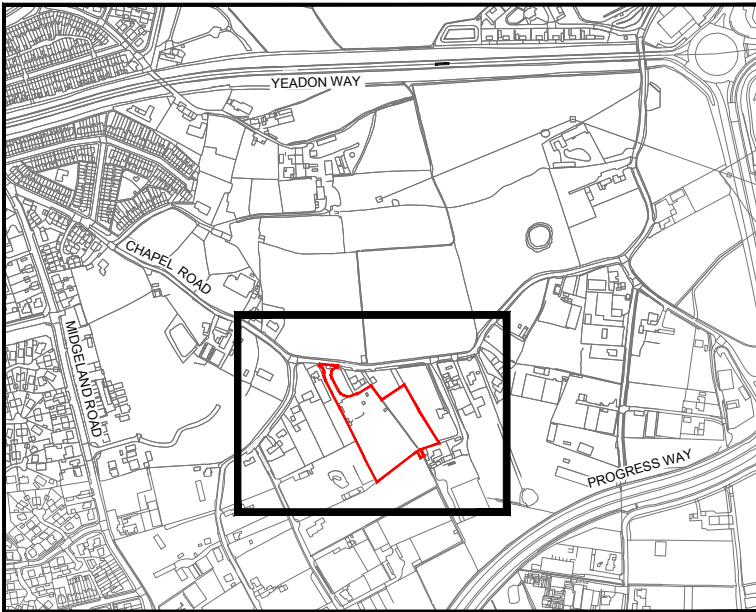
Reason: To ensure that the development provides net gains in biodiversity and to ensure the site is satisfactorily landscaped in the interests of visual amenity with regards to Policies LQ1, LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The development hereby approved shall be implemented in accordance with the recommendations in the Bowland Ecology, Ecological Appraisal, BOW17/707 Blackpool South document dated January 2017.

Reason: To safeguard and enhance biodiversity on and around the site in accordance with Policies LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. The grant of planning permission may require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Highways and Traffic Management Services, 3rd floor, Number One, Bickerstaffe Square (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
2. The Developer and their Contractors should be aware of their responsibilities under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitat Regulations 2010 (as amended) and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice, amphibians and reptiles in the works area/surroundings and comply fully with the law in relation to impacts associated with the approved development.
3. 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.



LOCATION PLAN
SCALE 1:5000



NOTES

- All dimensions in millimetres and all levels in metres AOD unless noted otherwise.
- No dimensions are to be scaled from this drawing.
- To be read in conjunction with Blackpool South, Surface Water Management Attenuation Basin MM2 AB01 Arboricultural Report, February 2017.

LEGEND

- 90 Tree reference
- Approximate extent of canopy
- Tree Root Protection Area (RPA)
- Tree to be removed
- Temporary Protection Barrier

Individual Trees

- Ungraded
- Grade A Trees
- Grade B Trees
- Grade C Trees
- Grade U Trees to be removed for reasons of sound arboricultural management

Tree Groups and Hedges

- ▨ Grade A trees
- ▨ Grade B trees
- ▨ Grade C trees
- Temporary working area boundary

SCALE 1:500
m10 0 50m

CURRENT ISSUE INFORMATION

P01.2	PW	CU	DL	Group 4 and 5 added	10/02/17
VERSION	AUTH	CHKD	REVD	REASON FOR ISSUE	DATE
S2	Issued for Information				
SUITABILITY CODE	SUITABILITY DESCRIPTION				



BLACKPOOL SOUTH STRATEGY LENNOX GATE PS & SUR WAT
MARTON MOSS 2 ATTENUATION BASIN 01
TREE PROTECTION PLAN

SCALE 1:500	SHEET SIZE A1
DRAWING NUMBER 80041518-01-MMB-MISCE-97-DR-L-00011	REVISION P01.2

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COMMITTEE DATE: [09/05/2017](#)

Application Reference: 17/0128

WARD: Highfield

DATE REGISTERED: 27/02/17

LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission

APPLICANT: Mr Holloway

PROPOSAL: Erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and car parking.

LOCATION: LAND AT TAYBANK AVENUE AND LIVET AVENUE, BLACKPOOL

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

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

SUMMARY OF RECOMMENDATION

The site is appropriate for residential development. There is sufficient off-street parking for each dwelling and there are no significant amenity or privacy issues. The density and form of the development is acceptable in this location. The recommendation is therefore for approval.

INTRODUCTION

Variations of this proposal have been submitted a number of times and have either been refused, or been withdrawn, each time since it was originally granted approval for three detached bungalows in 2013:

13/0037 - Erection of three detached bungalows with private garages and associated access works. **Granted Permission.**

14/0842 - Erection of three pairs of semi-detached dwellinghouses fronting Taybank Avenue with associated car parking, landscaping and boundary treatment. The properties would be two bed roomed. **Withdrawn.**

15/0107 Erection of three pairs of semi-detached dwellinghouses fronting Taybank Avenue with associated car parking, landscaping and boundary treatment. **Refused.**

15/0658 Erection of four, two-storey detached dwellinghouses fronting Taybank Avenue, with associated car parking. **Refused.**

15/0609 Erection of four detached dwellinghouses fronting Taybank Avenue with associated car parking, landscaping and boundary treatment. **Withdrawn.**

The most recent refusal being:

16/0231 Erection of four, two-storey detached dwellinghouses fronting Taybank Avenue with associated car parking. **Refused** for the following reasons:

1 The proposed development would be overintensive and out of keeping with the streetscene/character of the area due to the high density of the proposed development, its scale, its massing and the design of the properties. As such it would be contrary to Policies HN7, LQ1, LQ2, LQ4 and BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission and paragraph 17 of the National Planning Policy Framework.

2 The proposed development would have a significantly detrimental impact on the residential amenities of the surrounding occupants by virtue of the massing, design and close proximity to the common boundaries resulting in an overbearing impact, overlooking and loss of outlook and would therefore be contrary to Policies LQ4 and BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission and paragraph 17 of the National Planning Policy Framework.

3 The proposed development would have a significantly detrimental impact on the residential amenities of potential future occupiers by virtue of overlooking by the occupants of surrounding properties and would therefore be contrary to Policy BH3 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission and paragraph 17 of the National Planning Policy Framework.

The current proposal attempts to overcome the objections to the previous schemes by reducing the number of dwellings from four to three.

SITE DESCRIPTION

The area is residential in character. Pedders Lane comprises mainly terraced, two-storey dwellings, but the area behind and surrounding the rest of the application site comprises true and dormer bungalows. This 0.95 ha plot of land was previously used as a market garden but is now unused and just kept mown. A vehicular access runs behind the Pedders Lane houses and gives access to a garage in the ownership of 47 Pedders Lane and a workshop/shed.

DETAILS OF PROPOSAL

The proposal is for the erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and driveway car parking.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of residential development
- design
- residential amenity
- highway safety

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

CONSULTATIONS

Head of Highways and Traffic Management: I have no objection to this proposal. Off-street parking is provided to each property. The current on-street parking is both unrestricted and under-subscribed. The applicant should contact Highways and Transportation for the provision of the vehicle crossings. An existing Lighting Column may be in conflict with one of the proposed vehicle accesses. If this is to be moved, the applicant should contact Eon via Highways and Transportation.

United Utilities: No objection on drainage grounds, therefore no drainage conditions are necessary. 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. A public sewer runs close to this site and we may not permit building over it. A modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. Each unit will require a separate metered water supply. The level of cover to the water mains and sewers must not be compromised either during or after construction. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records. If a sewer is discovered during construction, the developer should contact a Building Control Body to discuss further.

Electricity North West Ltd: The proposal could have an impact on our infrastructure (there is a low voltage service to a street lamp which may be affected by the proposed access to the properties and may require diverting. Additionally there is a substation to the rear of the development which might be affected).

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. The applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting

Electricity North West. Great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

Waste Services Manager: No response has been received to date. Any comments received prior to the meeting will be reported in the Update Note.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 2nd March 2017

Neighbours notified: 2nd March 2017

Objections from: 5, 7 Livet Avenue; 55, 57 and 66 Pedders Lane; 6 Taybank Avenue. They consider the scheme to be:

- over intensive
- out of keeping with the character of the area due to high density, scale, massing and design
- should be true bungalows with detached garages rather than houses with integral garages
- loss of privacy/overlooking
- overshadowing/loss of light
- will add to parking congestion and be detrimental to highway safety

In response, there would be three properties on the site, with similar plot widths to other properties in the area. There would be no clear glazed windows on the first floor rear elevations which would cause overlooking and the height of the development would be similar to the terrace of properties on Pedders Lane. There would be three on-site parking spaces per property and the Head of Highways and Traffic Management has confirmed that he has no objections on highway safety grounds.

NATIONAL PLANNING POLICY FRAMEWORK

There is a presumption in favour of sustainable development; which has three strands - economic, social and environmental, which are mutually dependent. Paragraph 6 of the National Planning Policy Framework (NPPF) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the NPPF there is a presumption in favour of sustainable development, which is the 'golden thread' running through both plan-making and decision-taking. This means:

- (i) local planning authorities (LPAs) should positively seek opportunities to meet the development needs of their area;
- (ii) Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change;

- (iii) approving development proposals that accord with the development plan without delay; and
- (iv) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 17 of the NPPF sets out 12 core planning principles, stating that amongst other things planning should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- encourage the effective use of land by reusing land that has been previously developed; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Paragraph 49 of the NPPF makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development, however paragraph 48 states that windfall sites.....should not include residential gardens. Paragraph 50 goes on to state that LPAs should deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities. Paragraph 53 states that the local planning authority should set out policies to resist inappropriate development of residential gardens, e.g. where it would cause harm to the local area. The NPPF also aims to ensure that development responds to local character and history (paragraph 58) and seeks to achieve good design which promotes local distinctiveness (paragraph 60). Decisions should address the connections between people and places and the integrationinto the natural, built and historic environment.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

CS1: Strategic Location of Development - to deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.

CS2: Housing Provision - sets out Blackpool's housing provision with '*sites and opportunities identified to deliver around 4,500 new homes to meet Blackpool's housing need between 2012 and 2027.*'

CS6: Green Infrastructure - protect and enhance the quality, accessibility and functionality of green infrastructure.

CS7: Quality of Design - ensure amenities of nearby residents are not adversely affected by new development.

CS10: Sustainable Design and Renewable and Low Carbon Energy - mitigate the impacts of climate change where possible.

CS13: Housing Mix, Density and Standards – point 3....optimum density appropriate to the characteristics of the site and its surrounding area.

CS14: Affordable Housing - where developments comprise 3-14 dwellings then a financial contribution towards off-site affordable housing is required. The contribution will be set out in a Supplementary Planning Document (SPD).

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:

- LQ1 Lifting the quality of design
- LQ2 Site Context
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- AS1 General Development Requirements
- BH3 Residential and Visitor Amenity
- BH10 Open Space
- HN4 Windfall sites

ASSESSMENT

Principle

The proposal accords with Policies CS1 and CS2 and residential development is an appropriate use for this windfall site.

Design

The house form is appropriate as there is no prevalent style and character in this area. There are houses on Pedders Lane itself and dormer bungalows and true bungalows on the side roads. The elevation to Livet Avenue of the corner property has been improved from previous submissions and now has some interest, with windows etc. The elevations result in house-sized properties rather than bungalows and this is the reason for only proposing three units on the land. The driveways could accommodate two cars and as a result the front gardens would have a small area of greenery. The design is unusual and seems slightly top heavy, but this has been discussed with the agent and he is of the opinion that it is satisfactory and does not want to change it and the officers' view is that it is acceptable in this location. The proposal is therefore mainly in keeping with the character of the area.

Amenity

The application site is approximately 1167 sq. m. in area, with three properties proposed on it; the four detached bungalows at 11-19 Taybank Avenue occupy 1145 sq. m. of land i.e.

the proposal is slightly less dense than existing development in the area; but it would be in keeping with the character of the area. The density is 26 dwellings per hectare and Policy CS13 seeks to optimise density and make efficient use of land. Officers have suggested that there might have been an opportunity to increase the density to four smaller units i.e. true bungalows on the land, but the agent has not pursued that option. The three properties would be on similar plots to other properties in the area and are therefore considered acceptable.

The properties meet the National Technical Space Standards in terms of gross internal floor area (GIFA) and bedroom sizes. These three bedroom, four person, dwellings require a minimum of 84 sq. metres. gross internal floor area; 85 sq. metres. is provided. The garages are 5.9 metres deep, with room to store bicycles. There are no windows facing the houses on Pedders Lane and only one first floor rear bathroom window in each of the properties would face the bungalow at 5 Livet Avenue at 9.3 metres. distant, so would not affect their privacy (subject to an obscure glazing condition). Also, there is a private workshop to the rear which would be unlikely to result in noise issues. The most southerly of the properties would not over-dominate 55 and 57 Pedders Lane, as even though it is almost on the boundary with the back street, the first floor is a hipped roof, sloping away from the Pedders Lane properties.

There would be the loss of three trees around the front boundary, which could not be offset by new landscaping/ planting within front gardens as the gardens would not be that deep and any trees would be too close to the dwellings in terms of roots. The trees shown as retained on the Livet Avenue frontage of the site have little chance of survival; however they are not subject to a Tree Preservation Order (TPO) and are in a relatively poor condition.

Highway Safety

The access through Taybank Avenue ends in a number of cul-de sacs i.e. all vehicular traffic has to exit via Taybank Avenue and onto the main highway network at Pedders Lane. All properties have resident/visitor parking within curtilage and space for bicycles within the garage - the Head of Highways and Traffic Management has no objection to this.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Policy BH10 - since the proposal is for residential development of three houses, a commuted sum is required to offset the Public Open Space requirement as none is provided on site. Calculated in accordance with Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development", the amount is £3,096, to be secured by condition.

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 Files 16/0231; 15/0658; 15/0107; 13/0037 which can be accessed via the link:

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

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. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: Location Plan stamped as received by the Council on 27/02/2017; Drawing No.s A939/4, A939/3, A939/2.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the integral garages shall not be used for any purpose which would preclude their use for the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Details of materials 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 Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

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

6. All glazing to the first floor of the west (rear) elevation of each property shall be at all times obscure glazed and fixed permanently closed.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. 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 £3,096 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.

9. No property shall be occupied until such time as the appropriate dropped kerb has been provided between the footway and the carriageway.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. 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 need 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.
2. Policy BH10 of the Blackpool Local Plan states that new residential developments will need to provide sufficient open space to meet the needs of its residents in accordance with the Council's approved standards. The policy goes on to say that where it is not possible to provide the full requirement of public open space on site, developers may pay a commuted sum to cover the provision or improvement of public open space off site. Details of the Council's standards and calculated commuted sum rates are set out in Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development". In accordance with this document, and given that no public open space can be provided on site, the commuted sum required in respect of this development would be $£1,032 \times 3 = £3,096$.

3. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Built Environment Department in the first instance to ascertain the details of such an agreement and the information provided. An existing Lighting Column and electricity cable may be in conflict with the proposed vehicle access. If this is to be moved, the applicant should contact Eon via the Head of Highways and Transportation, and Electricity North West.

4. A public sewer runs close this site and United Utilities may not permit building over it; therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

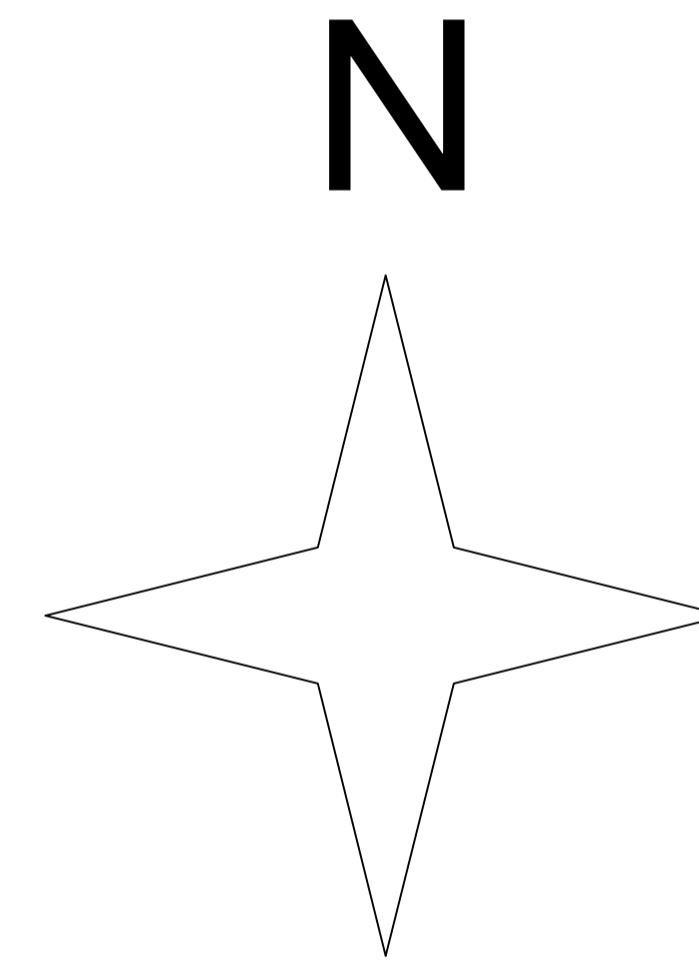
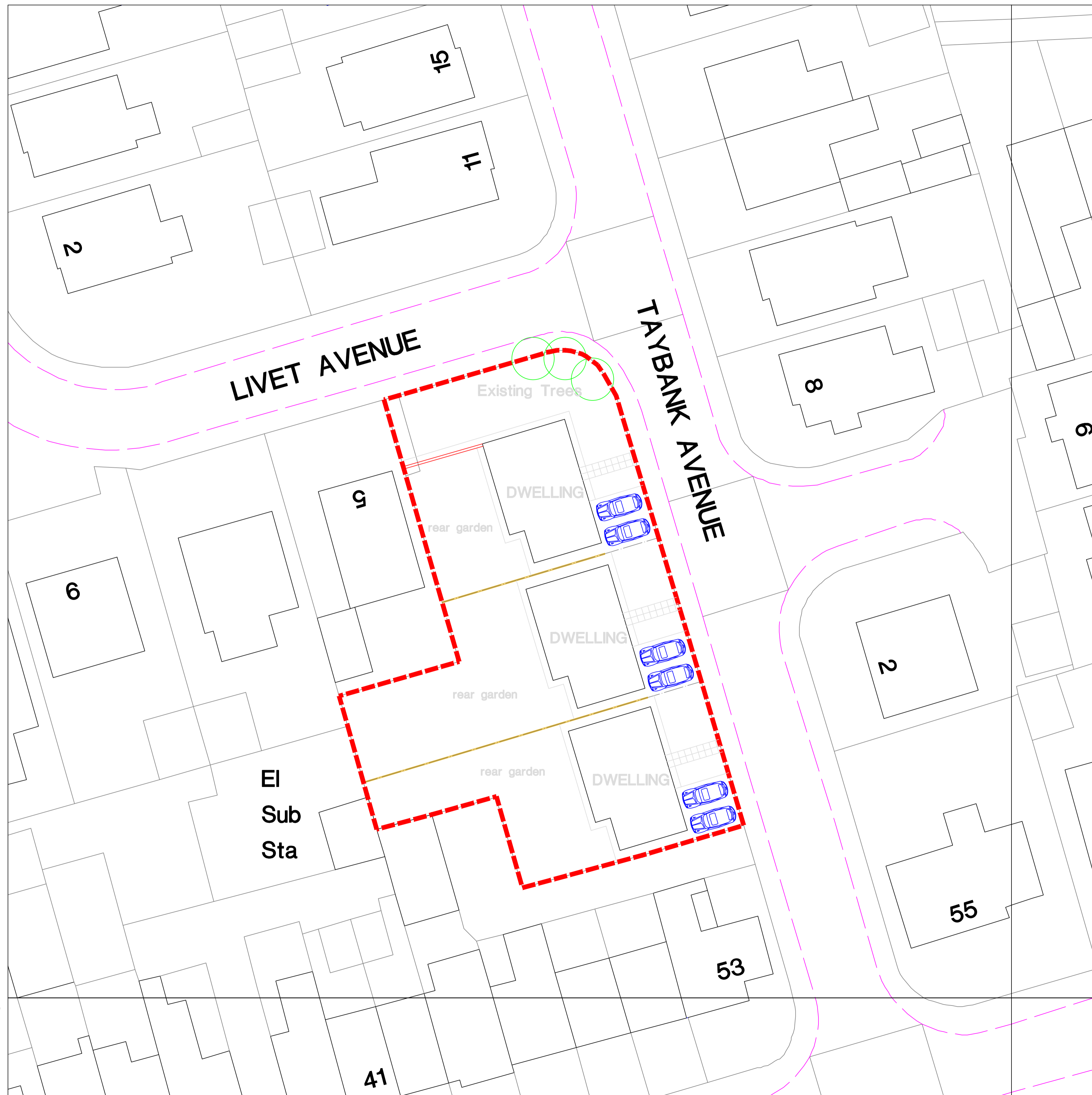
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Page 93



TAYBANK AVENUE / LIVET AVENUE

Revision	Chkd.	Date

Issued for :
 Client-Scheme
MR. A. HOLLOWAY.
LAND AT TAYBANK AVENUE/LIVET AVENUE,
BLACKPOOL.

Drawing Title
Proposed Site Plan.
 .
LAND AT TAYBANK AVENUE/LIVET AVENUE,
BLACKPOOL.

NTJ Design
 11 Speyside,
 Blackpool,
 FY4 2BS



Tel : 01253 406549
 E-mail : ntjdesign@aol.com
 Mobile : 07761394652

Date : Feb 2017
 Scale : 1 : 200
 Drawn : ntj
 Checked :
 Drawing No. A939/2

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COMMITTEE DATE: [09/05/2017](#)

Application Reference: 17/0193

WARD: Waterloo

DATE REGISTERED: 17/03/17

LOCAL PLAN ALLOCATION: Resort Neighbourhood

APPLICATION TYPE: Outline Planning Permission

APPLICANT: Waldorf, Kimberley and Henderson Hotels

PROPOSAL: Erection of part 3 / part 4 / part 5 / part 6 storey block of 88 self-contained permanent flats with car parking for 88 vehicles, access and associated works, following demolition of existing hotels.

LOCATION: 585-593 PROMENADE AND 1 WIMBOURNE PLACE, BLACKPOOL, FY4 1NQ

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr G Johnston

BLACKPOOL COUNCIL PLAN 2015 -2020

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

SUMMARY OF RECOMMENDATION

The application proposes a loss of holiday accommodation in area of protected holiday accommodation and its replacement with permanent accommodation - a mixture of one bed, two bed and three bed flats. The protection was first instigated in 2006 through the Blackpool Local Plan and subsequently in 2011 through the Holiday Accommodation Supplementary Planning Document (SPD). Since 2011 the Crescent has been significantly affected by the closure and boarding up of hotels and the fire damage at the Palm Beach Hotel. The Palm Beach and Warwick hotels have subsequently been demolished. This represents a significant material change in circumstances since 2011. The replacement of the Palm Beach Hotel with a Hampton by Hilton Hotel will represent significant holiday accommodation investment in the area and whilst it is not directly linked to that proposal, this proposal would provide for a new residential offer envisaged by Policies CS2 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

INTRODUCTION

This application is an amended application following the refusal of planning application 16/0473 for the erection of a part 6 /part 7 storey block of 91 self-contained permanent flats with car parking for 84 vehicles, access and associated works following demolition of the existing hotels. The application was refused for the following reasons -

The proposed development would represent an over intensive use of the site by virtue of its scale, the number of flats proposed and its mass. As such it would be out of character with the area in which the site is located and it would be detrimental to the amenities of residents in Clifton Drive The proposed development would therefore be contrary to paragraph 17 of the National Planning Policy Framework, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001- 2016.

The proposed development would represent an over intensive use of the site in that there would be insufficient car parking spaces (84) to serve the proposed flats (91). This is likely to lead to additional on street car parking to the detriment of highway and pedestrian safety. As such the proposed development would be contrary to paragraph 17 of the National Planning Policy Framework and Policy AS1 of the Blackpool Local Plan 2001-2016.

The key changes compared to the previous application are -

- a reduction in the number of flats from 91 to 88
- the removal of the penthouse floor (7th floor)
- increase in the number of car parking spaces so that there would be one space per flat
- the proposed inclusion of mobility parking spaces within the car park
- the retention of a right of way for rear pedestrian access from the Ocean Bay Hotel to the north of the site to the back street

Members will be aware that a report was presented to the Council's Executive on 24 April 2017 regarding a review of the Holiday Accommodation SPD and the changes to the document will be subject to public consultation in due course. Members will also be aware that a planning application has been submitted for the temporary use of the site of the former Warwick Hotel as a car park for 110 vehicles for a period of three years (application reference 17/0194).

SITE DESCRIPTION

This 0.4 hectare site is on New South Promenade to the south of Blackpool Pleasure Beach, and consists of a block of holiday accommodation premises comprising the Henderson (not trading), Waldorf (trading) and Kimberley (boarded up) hotels, immediately to the north of Wimbourne Place. The Palm Beach Hotel and Warwick Hotel were to the south (across Wimbourne Place) but have recently been demolished and there are other hotels to the north. The properties were built in the 1920s / 1930s within a uniform terraced arc, set back behind Bourne Crescent, to the front of which is a walled area of public open space directly

on the Promenade frontage. To the rear of the existing hotels is a back street, across which are two storey houses and flats fronting Clifton Drive.

The Crescent is within the Pleasure Beach Promenade Frontage (Main Holiday Accommodation Promenade Frontage) in the Holiday Accommodation Supplementary Planning Document.

DETAILS OF PROPOSAL

The submitted proposal is in outline with access, layout, appearance and scale currently applied for; landscaping is a reserved matter. The application is for demolition of the existing buildings within the application site and replacement with 88 residential apartments spread over between three and six storeys.

Over the whole development, the height would gradually increase towards the south end of the site and would taper towards the properties to the rear. The building would have a distinct base and there would be two entrances to the flats on the New South Promenade frontage. There would be a curved glazed elevation to the New South Promenade/Wimbourne Place corner of the building. The top floor would be glazed to give the building a lighter appearance. A high proportion of the flats would have balconies to make the most of the sea view. The building would project 1.8 metres in front of the existing main building line to the existing Crescent (there are single storey projections and two storey bay projections to the existing crescent) although it would taper in terms of its relationship to the Ocean Bay Hotel to the north. The projecting wings at the rear of the building would taper to three storeys and one wing would extend to the back street and one would be offset by some 8 to 10 metres from the back street. The flats would comprise 21 one bed flats, 59 two bed flats and 8 three bed flats.

Vehicular access to the site is proposed from new accesses formed to the back street, which would lead into the car parking spaces, although a bank of eight spaces would be accessed directly off the back street. The total parking on site would amount to 88 spaces including mobility spaces. In addition, cycle and motor cycle parking would be provided. Bin storage would also be provided to the rear of the building adjacent to the back street. A delivery bay would be provided within the site frontage to Bourne Crescent and the pavement in Wimbourne Place would be widened to 2 metres along the site frontage (between Bourne Crescent and the back street). A right of way would be retained in the north east corner of the site to enable pedestrian access from the Ocean Bay Hotel to the back street.

The proposal is supported by a Design and Access Statement, Flood Risk Assessment, Transport Statement, Bat Survey and viability report regarding the hotels

MAIN PLANNING ISSUES

The key issues relate to the principle of the development in terms of managing holiday bed spaces in the town (Policy CS23 of the Blackpool Local Plan Part 1: Core Strategy) and the Holiday Accommodation SPD ; design Policies LQ1, LQ2, LQ3 and LQ4 (and CS7 of the

Blackpool Local Plan Part 1: Core Strategy) amenity policy BH3; and accessibility Policies AS1 and AS2.

Key specific issues relate to:

- principle of the proposal
- comprehensive redevelopment of the site
- scale and impact on residential amenity
- traffic/transportation issues

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

CONSULTATIONS

Head of Highways and Traffic Management: 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.

Service Manager Public Protection: 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.

United Utilities: United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

(The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. For the avoidance of doubt no surface water shall drain to the public foul or combined sewer but in the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to existing rates with a 30% reduction).

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). The applicant can discuss any of the above with Developer Engineer, Graham Perry, by email at wastewaterdeveloperservices@uuplc.co.uk.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Water Comments

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 and 43 of the Water Industry Act 1991. As a multi-storey development is proposed we recommend that the applicant provides pump and storage to guarantee an adequate and constant supply. The level of cover to the water mains and sewers must not be compromised either during or after construction. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456723723 regarding connection to the water mains or public sewers.

General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team at Property.Searches@uuplc.co.uk to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Supporting information

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Site drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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. The NPPG 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:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Justification for Pre-commencement condition

As a 'pre-commencement' condition has been requested in this correspondence, please consider the following information as justification of this request.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal. The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows. As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences. Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

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.

Waste Services Manager: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

Police Architectural Liaison Officer: Has the following comments -

Crime Impact Statement

This Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. The security measures are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Crime Risks

Designing out future crime in real terms, means that for some people you are **preventing** their home being broken into, **preventing** their car being damaged or preventing an elderly resident being victim of a bogus official burglary. Therefore, considering crime, anti-social behaviour and security at an early stage of a development can make it less attractive to potential intruders. Minor changes can make a real difference to residents and the overall sustainability of communities.

In the last 12 month period there have been high levels of crime committed within this incident location including burglary, vehicle crime and criminal damage.

Due to the volume of crime in the area I recommend that the following security measures are attached to a security condition that forms part of any planning approval:-

Security Recommendations

- The apartments should be to the Police Crime Prevention Initiative, Secured By Design. Application forms and design guides for Secured by Design Homes 2016 for residential premises are available from www.securedbydesign.com or from this office.

- All doorsets should be certificated to PAS 24/2012 (16) or an alternative accepted security standard such as LPS 1175 as they now must comply with Building Regulations Approved Document Q. This includes the doorsets for the individual apartment doorsets and the communal entrance to the apartments. These doors should be fitted with a sensor linked to an intruder attack alarm.

- Entrance doorsets for the apartments should be fitted with a door viewer and security bar/chain.

- Windows should be PAS 24/2012 (16) certificated as they now must comply with Building Regulations Approved Document Q. Ground floor glazing should be laminated. Opening windows should be fitted with restrictors.

-The communal entrances to the apartment block should be fitted with an anti-vandal proof access control system such as keyfob/keypad or similar. It is important that these entrances

to the building are tightly controlled so as to reduce the risk of tailgating which in turn compromises the security of the proposed apartments.

- The entrance lobbies for the apartments should be covered by a HD CCTV system. Digital CCTV cameras should be positioned to provide clear head and shoulders images of all persons entering the apartment block.

- 24 hour lighting (switched using a photoelectric cell) to communal parts of the apartments will be required to deter potential offenders and reduce the fear of crime. This will normally include the communal entrance hall, lobbies, landings, corridors and stairwells and entrance/exit points.

- the communal car parking areas should be in small groups, close and adjacent to apartments and must be within view of the "active" rooms within the apartments with lighting levels to BS 5489:2013.

- External containers for the secure storage of bicycles must be certificated to LPS 1175 SR 1 or Sold Secure. Communal bicycle stores with individual stands or multiple storage racks for securing bicycles should be as close to the building as possible. They should be within 50 metres of the primary entrance to the premises and located in view of two "active" rooms. The bicycle store must be lit at night using vandal resistant, light fittings and energy efficient photoelectric cell lamps.

- Bin Stores should be secure to reduce the risk of arson and nuisance caused by bins being removed. Any boundary treatments to the bins store/service areas should allow some natural surveillance into these areas to reduce the risk of them being targeted for burglary, damage and nuisance.

- Unfortunately, there have been a large number of reported thefts and burglaries at construction sites across all areas of Lancashire. High value plant and machinery and white goods and boilers are targeted as the dwellings are nearing completion. This is placing additional demand on local policing resources. Therefore, the site must be secured throughout the construction phase to include robust perimeter fencing and a monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored. Condition: The site must be secured throughout the construction phase as part of the construction management plan. The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored digital CCTV accredited with either National Security inspectorate (NSI) or Security Systems and Alarm inspection Board (SSAIB).

Rationale for the recommendations: to reduce crime, anti-social behaviour and to protect the amenity and privacy of new occupants in accordance with

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

- b. Ensure that amenities of nearby residents and potential occupiers are not adversely affected
- c. Provide public and private spaces that are well-designed, safe, attractive, and complement the built form
- e. Maximise natural surveillance and active frontages, minimising opportunities for anti-social and criminal behaviour

5.121 It is important that new development is well designed in order to prevent crime and antisocial behaviour. The Council will therefore promote „Secured by Design“ principles in new developments in order to create safer and secure environments.

- *National Planning Policy Framework, Paragraph 58*

Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”.

PUBLICITY AND REPRESENTATIONS

Press notice published: 30 March 2017

Site notice displayed: 3 April 2017

Neighbours notified: 27 March 2017

Ms S Whadcock, OCEAN BAY HOTEL, 583 NEW SOUTH PROMENADE, BLACKPOOL, FY4 1NG
From all of the previous plans I do not consider that the views of the owners of the Ocean Bay Hotel have been taken into account

10 centimetre gap to build at front of property... cannot be done!.. At least one metre gap has to be left for maintenance for both properties. So these plans are not true, as the sizes of the rooms will have to be smaller, plans should be to scale as will be misleading to future developer. ***Not acceptable.***

1.8 metres build in front of main building line.... Well! who wants to look out at a 5 storey solid brick wall, this should not come forward of the building line, this should follow the line of the crescent. ***Not acceptable.***

Back elevation, again five storeys of solid brick wall to look out on, from four metres and spanning to four and half metres away from windows which will affect three guest bedrooms and two private bed/living areas. This will affect the light to these rooms in a major way - ***I do have a right to light and it will be compromised...***This needs to be addressed now as future developer will have the problem later. ***Not acceptable.***

Parking is a big issue and will have a big impact on my business, e.g. amount of traffic coming and going at all times day and night, whilst I have paying guests that pay to get a good night's sleep, a total of 34 parking spaces used the grounds of these three hotels before their demise,

back then it was not an issue as they were also used for guests who usually arrive by car and do not use the car again during their stay and now it will be used by workers having to leave home early in the morning even before my guests wake, engines, headlights, fumes, chat etc. early in the morning and late at night which will have a bad effect on my business! This area is only a back street -***Not a main thoroughfare. Not acceptable***

Mr Franks, 30 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

The removal of only three apartments is not enough to make this proposed development acceptable, the scale and height is still out of keeping with the area and especially the two storey housing which is situated to the rear. On the plan of the rear elevation there is no drawing of the three storey rear wing which crosses the car park replacing a garage or its relationship to the residential housing which is very misleading as the side elevation on Wimbourne Place is clearly shown. We believe this in combination with the six storeys will lead to a loss of daylight to the rear of our properties and it should be investigated before this proceeds any further. The balconies shown on the rear elevation will greatly reduce any privacy that we have previously enjoyed. The access roads are too narrow to cope with the large amount of traffic this development would produce, the rear walls to some of the residential properties having already suffered damage over the years. With the back street narrowing to a one car width at the northern end, then Wimbourne Place would be the main entrance/ exit which is too narrow and has housing on either side. A smaller development with no rear wing crossing the car park, four storeys in height would blend into the area would be a much better proposition.

Mrs J Ladkin, 38 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

I am writing once again to object to the proposed plans for the redevelopment. My house is situated on the corner of Clifton Drive and Wimbourne Place. My driveway and garage are on the corner of Wimbourne Place and the back street. The proposal of such a large development and the amount of traffic it will generate will make the entering/exiting of my driveway extremely hazardous as Wimbourne Place and the back street are narrow and has very restricted visibility. I have already had a car drive through my garden wall a couple of years ago. The balconies to the rear will encroach on my privacy to the side and rear of my house and all the additional traffic will generate noise and disturbance. The proposed development is just too large and too high to fit in with the surrounding area and the impact will overshadow the two storey residential housing to the rear, especially as the rear of the houses face direct west. This will destroy any enjoyment that we should have in respect of privacy and light.

Mrs M Harrison, 28 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

As the last proposal was refused due to scale massing and height the question to be asked is does the removal of only three apartments make it sufficient to be allowed? My view and the other residents feel the answer has to be no it has not gone far enough and the reasons for the last refusal are still valid, not only the density of the development but the increase in population in such a small area. This proposal will still have a dominating effect, impact on the residential community in terms of light and a total loss of privacy. There is still the problem of road access and due to the scale of the building car parking, as this area is at saturation point for on street car parking.

The rear balconies which were removed on the last set of plans have now reappeared which will lead to a total loss of privacy for residents at the rear of their properties. The rear elevation plan shows in details the main building and the side wing extending down Wimbourne Place. There is no drawing at all of the three storey elevation extending across the car park towards the two storey residential housing. This does not present a true picture of the development. This elevation ends approximately 20 metres away from residents' rear windows (***the measurements taken from the plan are between 24 and 27 metres from the end of the proposed wing to the main rear elevation of properties in Clifton Drive***). Mr Johnston believes this to be acceptable however many councils require a wider distance and we believe that this must be viewed in the context of a three storey building which replaces a garage connected to the six storey building directly behind it. The total refusal of the proposers to give information regarding sunpath/daylight analysis gives the residents no idea of the effect this will have on their living space and so has to be viewed in a negative manner and legal advice regarding right of light accrued over more than 20 years may have to be sought.

No changes have been made to the access, although on the application form it states that changes have been made. Wimbourne Place is still the main access route and at 4.2. metres wide is totally unacceptable for the amount of car movement this would generate. The eastern end is landlocked due to residential housing. To the front of the development there are well used parking bays which leaves a one car width space on the road. At the northern end of the back street it reduces to a one car width and the entrance/exit is not visible to pedestrians on Burlington Road West due to the frontages of the hotels and the forecourt parking. The pavement would have to be crossed by any vehicle trying to use this entrance/exit.

Although extra spaces have been added to the car park it is of poor design (as stated by your transport department) with some cars having to use the right of way to enter/leave the car park. Some bays do not appear to have the minimum width for manoeuvrability and there is no through access around the car park. A fire engine for example would have to reverse more than 20 metres a distance which Manual for Streets says is unacceptable. By deleting these badly planned spaces we are more or less back to the original amount of car parking. Still no car parking spaces for visitors. The supporting design statement is misleading " the layout reflects the essentials of the existing development...main buildings to the front.short return to Wimbourne Place." The rear wing at the back of three storeys is not even mentioned. "Proposal is significantly larger mainly by way of its height, can accommodate ...because of location ...open aspect" May I politely remind any person reading this letter that there is no open aspect to the rear only residential housing or are we totally invisible as no one appears to listen to us as every time an application is submitted this statement is used as part of their reasoning to gain approval for their plans.

This saga is now in its ninth year, the owners have left these properties to deteriorate to the extent that the only option is to demolish them, especially the Kimberley. They have to relinquish their grandiose ideas and realise they own three run down hotels in a seaside resort in the north west and submit plans relevant to this.

Mrs J Benson, 91 Clifton Drive, Blackpool, FY4 1RS

This property is still too high; it will still be higher than its new neighbour- the Hampton by Hilton currently being built by Create Construct. The number of parking spaces is still not enough, as there are a number of 2 and 3 bedroom flats which will require more spaces; there are already parking problems in the area, which will only be exacerbated. The nearby properties will be significantly overlooked, and the residential nature of the area will be diminished.

Mr Arthur Fenton, 22 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

We object to these plans as they have not addressed the problems submitted on previous plans, when they were turned down. We object to the scale and height which is not in keeping with area. Footprint which the wings are too close to other properties invading privacy and taking light. There are not enough parking spaces, the entrance to the car park is narrow. There are no turning places so when these cars exit the car park, they will have to reverse out into the alleyway and into Wimbourne Place which is also narrow, this may cause accidents when the children are playing.

Mrs Patricia Greenberg, 24 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

The last application was turned down on the grounds of the scale and height, the proposed new application doesn't go near addressing this problem. The additional wing to the rear is far too close to the two storey houses on Clifton Drive and would invade our privacy and affect our light. The access to the rear is from Wimbourne Place and is only suitable for single file traffic and leads to the back street for access to the parking area which again is not wide enough and unsuitable for the utility vehicles especially refuse vehicles. They would have to reverse out as there is no access from the Burlington Road West end as it would entail driving over a public footpath. The parking spaces do not seem feasible for the amount drawn on the plans, no turning circles and some even look impossible to access. As most apartments are 2/3 bedrooms in size some would need two spaces this would cause more problems in this area, especially during the long season.

Although this is only for outline planning application I feel these issues need to be addressed at this stage so that at least the height and footprint are acceptable for any future developer to adhere to. This has now been going on for nine years and I feel the applicants are trying to force through a decision as they know how much we and the council would like to see an end to this boarded up eyesore. Yes we really would like to see an end to this, but not at the expense of the residents and surrounding area.

Mrs J Graham, 34 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

Whilst I applaud the resubmitted plans for reducing the height of the development, the new plans still propose a building which would be higher than the adjacent new build. The apartments are also densely packed together and would put a strain on the infrastructure of the area. The car parking at the rear to be accessed by the, presently very tight, access road would generate a lot of traffic which could be a nuisance to us as neighbours and again put a strain on the access road.

Mr Paul Hyatt, 32 CLIFTON DRIVE, BLACKPOOL, FY4 1NX

The previous application, in October 2016, was rejected on four grounds as shown below. In my view, changes to the scheme since then make the new proposal even less suitable for approval.

Grounds For Rejection of Previous Planning Application

ONE

"The proposed development would represent an over intensive use of the site by virtue of its scale, the number of flats proposed and its mass. As such it would be out of character with the area in which the site is located and it would be detrimental to the amenities of residents in Clifton Drive. The proposed development would therefore be contrary to paragraph 17 of the National Planning Policy Framework, Policy CS7 of the Blackpool Local Plan: Part 1 - Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001- 2016."

The revised proposal does not change the fundamental scale and mass of the development and, therefore, still does not comply with the policies as stated. There is a reduction of 3 flats across the whole scheme - approximately 3.4% of the total. I can't see that such a small change will make any difference at all. The bulk of the 6th storey remains on the South West corner where it will have maximum effect in blocking sunlight and overshadowing the houses on Clifton Drive. The proposed building in this section would rise to 16 metres, compared to the existing hotel which is only 12 metres high. The proposed building bears no relationship in size or scale to the existing properties behind it (on Clifton Drive) which are just 7.5 metres to rooftop height.

The footprint of the proposed building appears to be exactly the same as the one rejected previously. It's considerably wider than the existing hotels - projecting beyond the building line of the crescent at the front and pushing further back towards the properties on Clifton Drive at the rear. The large picture windows on the rear elevation of the proposed block, and on the side extensions, will overlook the living space of nearby properties - contrary to Council policy which states that new buildings should:

"Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings" and

"Ensure that amenities of nearby residents and potential occupiers are not adversely affected".

Other authoritative sources support the Council policies.

'Building For Life 12' which provides government-endorsed industry standards for well-designed homes and neighbourhoods, recommends that new developments should, "Have regard to the height, layout, building line and form of existing development at the boundaries of the development site." In the documents submitted for this scheme, I can find no meaningful evaluation of the impact the proposed development would have on existing neighbouring properties.

'Manual for the Streets' (2007) recommends a 'context appraisal' for all new developments. It

is a well-established principle for assessing the impact of new developments but it has not been carried out for this proposal.

I think the scheme fails on all points - not just in its relationship with the properties on Clifton Drive but also with the other buildings on New South Promenade, such as The Ocean Bay Hotel.

The rear elevation plan of the building shows numerous rear balconies. Similar balconies were removed from a previous application (in 2015) after discussion by the Planning Committee, because of concerns about overlooking neighbouring properties. Is this a mistake? It seems totally counterproductive to re-submit a type of design that was previously deemed unacceptable (and still is).

The applicants have refused to commission sun-path diagrams for this application but claim in the 'Supporting Statement' that diagrams produced for a scheme several years ago were: "considered to be acceptable by the applicants". However, the same applicants state they will not re-submit those diagrams "because of the differences between the original and current schemes". The two statements are inherently contradictory. I can't see that the applicant's view of the issue carries any weight at all - an objective assessment is needed. An alternative suggestion - that the distance between buildings be used as a substitute for sun path diagrams - cannot work because it takes no account of the direction or movement of the sun which is key to the issue of overshadowing. Based on residents' observations of the sun's movement and height at different times of year, and, in the absence of new sun-path diagrams, it would appear that over-shadowing and loss of sunlight is unacceptable.

TWO

"The proposed development would represent an over intensive use of the site in that there would be insufficient car parking spaces (84) to serve the proposed flats (91). This is likely to lead to additional on street car parking to the detriment of highway and pedestrian safety. As such the proposed development would be contrary to paragraph 17 of the National Planning Policy Framework and Policy AS1 of the Blackpool Local Plan 2001-2016."

The application states that the number of parking spaces has been increased to 89 - all at the rear of the building in one large parking area. Looking at general recommendations from 'Building for Life 12' and Lancashire Constabulary (see below) I don't think the car park layout is suitable for this site.

There is no circulation or designated turning spaces in the cul-de-sac design of the aisles and some of the parking bays do not appear to meet minimum standard (including some of the mobility/disabled bays). I'm not convinced that 89 spaces is realistic but, as no swept path analysis has been carried out, no-one can be sure whether the car park will operate satisfactorily or not. Council Planning officers are aware of these concerns.

It is useful to see Kensington and Chelsea's draft SPD which says of its planning applications: "Drawings showing the swept paths of the largest vehicles assumed to use the car park will be required to demonstrate the car park will operate satisfactorily". I'd suggest this approach is adopted by Blackpool Council.

'Building For Life 12' recommends avoiding large rear parking courts because "they offer greater opportunity for thieves, vandals and those who should not be parking there." The size and openness of this car park on the south and east sides would make it vulnerable.

'Building for life' also states that new developments should "provide sufficient parking spaces for visitors" but there is no visitor parking shown. The government recommendation of 1.5 parking spaces per dwelling is clearly not met in this scheme and the effect on street parking and pedestrian safety remains a cause for concern in a location which already suffers from inadequate street parking for much of the year.

Lancashire Constabulary in its 'Statutory Consultee' response states: "Any communal car parking areas should be in small groups, close and adjacent to apartments and must be within view of the 'active' rooms within the apartments". The proposed layout does not do this.

The new proposal has reduced the space allocated for cycle parking. The application fails to say how many cycles can be accommodated in what appears to be a very small area on the new plan. Could the applicants provide the capacity of the cycle bays so that the Council confirm that the allocated cycle space is enough to satisfy the requirements of its sustainable transport policy?

It also appears that this scheme has reduced the space for refuse bins in order to accommodate more car parking bays.

It would be useful to see a waste management plan - as I believe council policy requires - to check if the space allocated for waste management is realistic for 89 flats?

There is a separate issue of noise and smells from the bins which are positioned near to the boundary walls of existing properties.

If this scheme is approved then the properties on Clifton Drive will be sandwiched between a busy road at the front and an 89 space car park at the back. I can't imagine anyone in the same situation would find this acceptable. No detailed evaluation of the extra noise or pollution, which would be generated by this car park, has been carried out - another example of where the likely effects of this scheme on the existing residents are unknown. Could we have a properly validated report on the expected change in noise (and pollution)? Otherwise, as in the previous application, residents are asked to accept the opinion of a single planning officer that the increase in noise is acceptable. The lack of facts or evidence doesn't seem right or fair.

THREE

"The proposed development would be contrary to the provisions of Policy CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Council's Holiday Accommodation Supplementary Planning Document in that the hotels are within the Pleasure Beach Promenade frontage Main Holiday Accommodation Area which seek to retain the quantum of holiday accommodation within the defined Main Holiday Accommodation Promenade frontage. The proposal being a wholly residential development would dilute the holiday character of the area".

This still applies. I believe there is a stronger case now for retaining the quantum of holiday accommodation in this main holiday location. The reasons are:

1. The development of the Hampton By Hilton hotel (opening early 2018) is likely to act as a catalyst for regeneration in the immediate area (although as will be seen below many hotels in the area are thriving already).
2. A number of hotels in the area will want to build on their success in the TripAdvisor's Worldwide Travellers Choice Awards 2017 - including the: Big Blue, Clifton Court and Kings Hotels which all won awards (see Blackpool Gazette 24 January 2017).
3. The South shore beach (opposite the Pleasure Beach) has been awarded Blue Flag status - this ought to help promote the area as a prime destination for families.
4. Blackpool-wide developments such as the proposed Conference Centre and Museum will increase demand for accommodation according to Council Leader Simon Blackburn.
5. The planned tram link to Blackpool North station will provide a direct link for visitors from this 'gateway' rail station to the South Promenade hotels for the first time since the 1960s.
6. The number of visitors to Blackpool is increasing according the Council and industry reports. The owner of the Clifton Court Hotel, is quoted as saying: "Last year was our best year yet" (Blackpool Gazette, 24 Jan 2017). I believe the quantum of holiday accommodation should be maintained in this area to offer an alternative to those visitors who want a quieter seafront alternative to the hustle and bustle of the town centre hotels and guest houses.

FOUR

"Article 35 Statement (National Planning Policy Framework paragraph 187) The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 , policies of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and the Council's Holiday Accommodation Supplementary Planning Document- which justify refusal." I am not aware of any change to this. It's been announced that forty new jobs will be created when the 'Hampton By Hilton' hotel opens in 2018. Is job creation in the hotel sector an important factor in sustainable development in Blackpool? This is a location where hotels can be successful, as the TripAdvisor awards testify, so it would seem illogical to close the door on future job opportunities in the tourism sector by allowing change of use in this holiday location.

Other Points

Density and Accessibility

The 'Blackpool Local Plan 2001-2016' refers to national guidelines for density of between 30 - 50 dwellings per hectare. It goes on to say: Paragraph 5.43 " Blackpool's compact urban area means that most of the Borough is well served by public transport where a higher density requirement of 40 dwellings per hectare is appropriate."

This application covers a site of 0.38 hectares and would, therefore, have approximately 16 dwellings according to the above guideline. The proposal for 89 flats would be approximately five times that number.

The 'Local Plan' gives two conditions where net densities above 50 dwellings per hectare would be acceptable: "(1) along public transport corridors with a frequent service: and/or (2) close to the town centre, district centre or local centre".

The site does not meet these conditions.

According to the 'Viability Report' (Duxburys, March/April 2015 - submitted as part of the application) the location is: "situated at the southerly extremity of the Promenade" and "Isolated from the town centre".

The tram route could be described as a 'transport corridor' but it has its limitations.

The Council has stated that a key objective for 'New Homes to 2027' is to "Achieve housing densities that respect the local surroundings whilst making efficient use of land" and are "well connected to jobs, shops, local community services including health and education, culture and leisure facilities".

The residential 'accessibility questionnaire' (submitted with the application) shows the location as having only a 'medium' accessibility score.

The tram route connects well with tourist areas along the seafront and so does well for 'culture and leisure facilities'. But it does not connect at all well with; Local Schools, the large Supermarkets, Health Services (South Shore Primary Care Centre or Victoria Hospital), or the 'Main Employment Sites' (as identified in Local Plan, Fig 12). In fact the location scores zero for access to primary and secondary schools and 1 (out of 5) for distance to nearest food shop. In terms of connectivity for residential developments, the tram route does not contribute well to the Council's list of priorities - confirming the medium score on the residential accessibility questionnaire. It does not, therefore, contribute to the case for higher density residential development in the location.

Access and Road widths

The route to the proposed car park would be via the unadopted alleyway which runs from Wimbourne Place to Burlington Road West between the rear of hotels and the properties on Clifton Drive. The 'Transportation Statement' (Mayer Brown, September 2015) describes it as follows:

"2.8 There is an unnamed back street to the east of the site ... which is currently used predominately for access to private garages and for refuse collection."

This seems an accurate description of what the alleyway was designed for and yet the applicants propose to use this as the only route to a car park for 89 vehicles (in addition to current usage). This seems inappropriate for a relatively narrow passageway which was not designed for frequent use. Wimbourne Place is similarly narrow and not designed for frequent two-way traffic. This is particularly worrying because Wimbourne Place will also be expected to take some of the hotel traffic using the 'Hampton By Hilton' car park. I can't see

any proper evaluation of the cumulative effect of the extra traffic that both schemes would generate on this and other side streets in the location.

The suggestion that Burlington Road West offers an alternative exit is of concern. The back alleyway narrows at the Burlington Road West end and is only suitable for single lane traffic which could cause conflict here. There is forecourt parking for hotels on either side of the proposed entrance/exit on Burlington Road West, plus on-street parking which must restrict drivers' field of vision at this point. Coaches unload visitors in the immediate area which creates pedestrian safety concerns to my mind (see photographs). *(Please note photographs will be circulated to the Committee separately.)*

Does Blackpool need more housing?

It has been suggested that new residential developments, such as this, will attract wealthy new residents to Blackpool and/or help reduce homelessness. However, analysis by the Council's Head of Housing published in 'Blackpool Market Signals Report 2015' (April/May 2015) show that this is unlikely to happen.

Using Census data from 2001 and 2011 the document shows that the percentage of 'vacant household spaces' is higher in Blackpool than England as a whole and the percentage increased over the decade:

Blackpool - 2001 - 5.0%	2011 - 7.2%
England - 2001 - 3.8%	2011 - 4.3%

The Document says:

"5.8 This suggests that there has been no strong relationship between the number of dwellings completed and the level of net migration to Blackpool over the decade. Despite 2,315 additional housing units being created (232 p.a), the number of households increased at the average rate of only 43 p.a. Levels of net migration and household formation within the area appear not to have been constrained by any lack of housing supply within the area."

The Document also reports that Blackpool has a lower 'Proportion of Overcrowded Households - Bedrooms' (2011 Census) than England as a whole:

Blackpool - 3.3%
England - 4.8%

The Document concludes (extracts):

"8.4... Given the high levels of vacancy within the existing housing stock, and relative accessibility of homes in the large private rented sector in Blackpool it is hard to argue that households who are overcrowded, concealed or homeless are in that position because of an overall lack of housing numbers. These issues in Blackpool are more to do with the high proportion of households who rely on benefits (over 30% of all households receive Housing Benefit) and have few housing options because of a history of debt or social problems."

"8.5... The longer term history has been of Blackpool lagging behind other areas economically and of very limited population and household growth despite the delivery of additional housing units...".

The evidence in the Council's own report shows a lack of demand for new housing units and any argument that new flats are necessary for the development of Blackpool - sustainable or otherwise - is not supported by the facts.

Community Consultation

The applicants have not consulted with local residents on any aspect of the proposed scheme.

The Government White Paper 'Fixing Our Broken Housing Market' which was presented to Parliament in February 2017 (Cm 9352) says the following:

"1.44 We want to ensure that communities can influence the design of what gets built in their area. Local people want new developments to reflect their views about how their communities should evolve...Good design is also fundamental to creating healthy and attractive places where people genuinely want to live, and which can cater for all members of the community, young or old."

and

"1.46 To improve the approach to design, the Government proposes to amend the National Planning Policy Framework to:

- expect that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) should set out clear design expectations following consultation with local communities.
- strengthen the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided."

I very much hope the forthcoming General Election doesn't prevent this from becoming law and look forward to it being incorporated in to Blackpool Council policy in a meaningful way. However, I hope even now we can contribute to the general debate by pointing out how smaller developments can be viable in this area - as the development of 'Rhoda Court' on Clifton Drive demonstrates. This four storey building matches the size and scale of the surrounding buildings and contains nine apartments with appropriate parking. (The site falls just outside the Main Holiday Accommodation area so Council Policy CS23 did not apply here.) It received two building awards in 2010, one of which was a Blackpool Council Building Excellence award (see Blackpool Gazette, 12 November 2010.) An excellent model for future developments and of a type that might attract developers when larger scale proposals do not.

NATIONAL PLANNING POLICY FRAMEWORK

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

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up

to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

Paragraph 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable development and secure a high standard of design and a good standard of amenity.

Paragraphs 47-52 deal with the supply of housing.

Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 61 states that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

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.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

- CS1 - strategic location for development**
- CS2 - housing provision**
- CS5 - connectivity**
- CS7 - quality of design**
- CS9 - water management**
- CS10 - sustainable design**
- CS11- planning obligations**
- CS12- sustainable neighbourhoods**
- CS13 - housing mix density and standards**
- CS14 - affordable housing**
- CS23 - managing holiday bedspaces**

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

The following policies are most relevant to this application:

Policy LQ1 Lifting the Quality of Design states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

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

setting of a Listed Building or should be a high quality contemporary and individual expression of design.

Policy LQ4 Building Design states that 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:

- (A) Public and Private Space - New development will need to make a clear distinction between areas of public and private landscaping utilising appropriate landscaping treatments. Residential developments will be expected to achieve a connected series of defensible spaces throughout the development.
- (B) Scale - The scale, massing and height of new buildings should be appropriate for their use and be related to:
 - (i) the width and importance of the street or space
 - (ii) the scale, massing and height of neighbouring buildings.
- (C) 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 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.
- (D) Materials - need to be of a high quality and durability and in a form, texture and colour that is complementary to the surrounding area.

Policy HN4 - Windfall Sites -allows for housing development on vacant, derelict or underused land subject to caveats.

Policy BH3 Residential and Visitor Amenity states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;
and/or
- (ii) the use of and activity associated with the proposed development;
or by
- (iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

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

Policy BH10 - Open Space in New Housing Developments - sets out the need for open space as part of developments and where full provision is not made a commuted sum should be sought.

Policy NE6 - Protected Species - seeks to ensure that development does not adversely affect animal and plant species that are protected.

Policy AS1 General Development Requirements states that development will be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

Where the above requires the undertaking of off-site works or the provision of particular services, these must be provided before any part of the development comes into use.

Supplementary Planning Guidance Note 11: Open Space: provision for new residential development and the funding system.

Holiday Accommodation Supplementary Planning Document - Bourne Crescent together with hotels to the north on the Promenade and the Big Blue hotel at the Pleasure Beach are included in the Pleasure Beach Promenade frontage Main Holiday Accommodation Area.

ASSESSMENT

Principle of the proposal - the whole of the Crescent and the Henderson Hotel fronting Wimbourne Place are within Pleasure Beach Promenade Frontage (Main Holiday Accommodation Promenade Frontage) in the Council's Holiday Accommodation Supplementary Planning Document. The aim of the designation which dates from 2011 is to promote and support new and improved accommodation offer that contributes to resort regeneration. The intention is therefore to retain the existing floor space of holiday accommodation but at the same time permit redevelopment and improvement proposals

which provide a new high quality mixed use seafront holiday accommodation and residential offer.

Since 2011 the Kimberley Hotel has ceased trading and has been boarded up as had the Warwick Hotel and the Palm Beach Hotel has suffered extensive fire damage - both the Palm Beach and the Warwick have now been demolished. In 2015 planning permission (15/0271) was granted for redevelopment of the Palm Beach Hotel (immediately to the south of this site) for the erection of a 130 bedroom hotel of four storeys in height, with associated car parking at ground level and servicing. In addition since 2011, the Henderson Hotel has ceased trading. Whilst the redevelopment of the Palm Beach Hotel as hotel accommodation indicates confidence in this location for hotel accommodation the closure of the Warwick, Kimberley and Henderson Hotels suggest that the area is not bouyant as a destination for holiday makers.

The Council's Holiday Accommodation SPD is currently being reviewed as it is six years since it was introduced and a report was presented to the Council's Executive on 24 April 2017 outlining the preferred way forward, which will be subject to consultation. The applicants are suggesting that they cannot wait for the review to be finalised and that the circumstances with the Kimberley and Henderson hotels and the trading position of the Waldorf hotel mean that redevelopment for residential purposes is the only realistic option.

Policy CS23 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 states that (within the main holiday accommodation areas) change of use from holiday accommodation or loss of sites last used as holiday accommodation will be resisted unless - exceptional circumstances are demonstrated or in relation to a Promenade frontage the proposal would provide high quality holiday accommodation alongside a supporting new residential offer. In terms of the Crescent the Palm Beach Hotel site would provide 'high quality holiday accommodation' in the form of a new 130 bed hotel. Whilst not strictly supporting the Palm Beach Hotel site redevelopment this proposal would provide for a new residential offer envisaged by Policies CS2 and CS23 of the Core strategy. Having regard to the changed circumstances of the Crescent since 2011 it is considered that the principle of residential development in this location is acceptable.

Comprehensive redevelopment of the site - the Council has sought to achieve a comprehensive redevelopment of the Crescent in the past but Members will note that it has effectively been subdivided into four quarters. The redevelopment of the Palm Beach site will represent one quarter and the application site would represent another quarter. It is not felt that the Council could at this stage seek to resist development on the basis a comprehensive approach is required.

Scale and impact on residential amenity - the proposal for the Palm Beach Hotel site would be four storeys high and would have an overall height of 14.6 metres. This proposal would have an overall height of 16.1 metres in terms of the top floor which would not cover the full length of the building with the remainder of the New South Promenade elevation being 13.5 metres high (some 23 metres of the frontage). Officers have suggested that the 'corner' should be higher to give it some presence and to make it a feature of the development but

this has now been removed to reduce the overall number of apartments. Indeed in the case of the Palm Beach Hotel site the suggestion was made that the corner should be higher but the applicant declined to do this. Officers have suggested that the original concept for redevelopment of the Crescent of up to 11 storeys in height is no longer realistic and that any redevelopment is likely to be in the range of 5-7 storeys to reflect the height of the existing Crescent, respect the amenities of residents to the rear and to accord with the requirements of Policy LQ4 of the Blackpool Local Plan which seeks to achieve development of a minimum of 4 storeys in height on the Promenade.

Officers have also suggested that any wings at the rear of the main part of the building should taper in height towards the properties to the rear which front Clifton Drive. This proposal seeks to achieve this with development tapering to 8 metres in height where it is nearest to the properties fronting Clifton Drive. One of the rear wings would be 6 metres from the rear boundary of the properties and the other would be between 12.5 metres and 16 metres from the rear boundary (The Palm Beach Hotel site proposal would be 14.6 metres high and 11 metres away by comparison). The scale of development is considered acceptable.

Local residents have referred to the proposed development being too high and consider the Palm Beach Hotel proposal at four storeys to be the benchmark against which this proposal should be assessed. As mentioned above the height difference between this proposal and the Palm Beach Hotel site proposal would not be significantly different. Windows on the rear elevation of the main part of the proposed building would be approximately 28 metres away from the rear boundaries of properties fronting Clifton Drive (at the nearest point) and this distance is considered acceptable to safeguard the privacy of the occupiers of properties fronting Clifton Drive. (The distances are – at the southern end of the building 28 metres from the rear elevation of the main part of the building to the rear boundary of properties fronting Clifton Drive and 37 metres to the rear elevation of properties fronting Clifton Drive/ in the middle the distances would be 29.5 metres and 40 metres respectively and at the northern end 33 metres and 44 metres respectively.)

Residents in Clifton Drive have raised the following issues -

- height of the proposal and impact on overshadowing and privacy - *this is discussed above and given that the sixth floor has been reduced in length by 23 metres and the seventh floor has now been omitted it is considered that the revised application would not significantly adversely affect the amenities of the residents to the rear of the application site.*
- absence of sunpath diagrams - *the applicants have been asked to provide updated sunpath diagrams and have said they are not in a position to do so. Officers have had to form a judgement based on the separation distances involved.*
- compatibility with Manual for Streets in terms of separation distances between the proposal and the houses - *Manual for Streets is Government guidance and hence is discretionary rather than mandatory. Whilst some of the principles are laudable it has to be viewed in the context of what can be achieved in the local context and what is viable.*

- overlooking potential from rooms in the projecting wings - *Officers consider that the windows in the wings being set at right angles to the properties in Clifton Drive will only offer oblique views of neighbouring residents houses and gardens.*
- deterioration in air quality as a result of the car park -*When deciding whether air quality is relevant to a planning application, considerations could include whether the redevelopment would: Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more. Officers have advised the residents that they do not believe the change would be so significant as to warrant an air quality assessment given that it is not an area of poor air quality and given it is a residential car park.*
- increase in noise as a result of the car park - *Officers have advised the residents that they accept that there could be a noticeable increase in noise but that this would not be so intrusive as to warrant the submission of a noise impact assessment given it is a car park for a residential block and not a supermarket or retail car park where turnover of vehicles is significantly greater.*
- a waste management plan should be required -*our local validation checklist does not require this.*
- the density of the development is too high - *Policy CS13 of the Blackpool Local Plan Part1: Core Strategy 2012-2027 refers to 'making efficient use of land with an optimum density appropriate to the characteristics of the site and the surrounding area. Higher densities will be supported in main centres and on public transport corridors' This site is on a public transport corridor with a bus service and tram service on the Promenade and within walking distance of a local centre. It is acknowledged that there are two different characteristics in terms of character - New South Promenade and Clifton Drive and that taller developments are encouraged on the Promenade. The revisions have reduced the height of the development to the extent that it would not be significantly different to the proposed Hampton by Hilton to the south of Wimbourne Place.*
- the housing is not needed - *the Council can demonstrate that it has a five year supply of housing at the present time but this does not prevent additional housing being approved in sustainable locations to bolster that supply. This is a brownfield site in a sustainable location.*

The owner of the Ocean Bay Hotel has raised the following issues –

- the forward projection of the development and its impact on her front bedrooms and her sun lounge - *it is acknowledged that the development will project 1.8 metres in front of the main front wall of her hotel but the projection is tapered and there are bay windows with a projection of a metre on the front of her hotel and a sun lounge with a projection of some 3-4 metres so it is not considered that the tapering would have a significant impact on outlook from or light to the rooms on the front of her hotel.*
- the rear ward projection of the development and its impact on some of her bedrooms at the rear and her owner's accommodation - *this has been raised as an issue (it was not raised as part of some of the previous applications) It is acknowledged that the main building at 17 metres in depth will be close to her hotel - between 0.8 metre and 1.2 metres from the single storey wing and 4.6 metres and 5.0 metres from the two storey wing. In addition the main part of the building will be to the south of her hotel. The proposal will have an impact on light to the bedrooms at the rear of the hotel but as these are part of the hotel, rooms where people do not spend a large part of the day and not main living areas this relationship is considered acceptable.*

Traffic/transportation issues - the proposal would provide 88 car parking spaces for the 88 proposed flats. A number of the spaces to be provided will now be mobility spaces. This represents one car parking space per flat and given the location opposite the tram services and bus services on the Promenade it is considered acceptable, particularly as the current situation with the existing premises offers little in the way of off street car parking. In addition cycle parking and motorcycle parking is to be provided. Bin storage would be provided at the rear and bin lorries can use the rear alley between Burlington Road West and Harrowside West. It is acknowledged that Wimbourne Place is narrow at approximately four metres in width but the back alley is approximately 5 metres wide and is capable of accommodating two way traffic.

Residents in Clifton Drive have raised the following issues –

- width of Wimbourne Place - *this is covered above*
- width of the back street - *this is covered above*
- cumulative impact of this development and the Hampton by Hilton proposal - *the Hampton by Hilton hotel would have 130 bedrooms and 38 car parking spaces (existing provision was 25 spaces). Whilst it is acknowledged that both proposals would involve additional use of Bourne Crescent, Wimbourne Place, Clifton Drive and the back street this is unavoidable if redevelopment of the frontage to Bourne Crescent is to be achieved. The car parking areas could be accessed from Burlington Road West, Harrowside West (down the back street) or from Clifton Drive into Wimbourne Place or Bourne Crescent into Wimbourne Place. This could have the benefit of diluting the flow of traffic rather than concentrating it on one junction.*
- width of footpaths in Wimbourne Place - *the pavement in Wimbourne Place would be widened to 2 metres along the site frontage (between Bourne Crescent and the back*

street) which would be of benefit to the occupiers of the development and local residents wishing to walk to the Promenade from Clifton Drive.

- *narrowness and visibility when exiting onto Burlington Road West - it is acknowledged that the back street narrows as it approaches Burlington Road West and that visibility is reduced when cars are parked on the forecourts of the hotels adjacent the back street. It is considered that these constraints would mean drivers would exit slowly onto Burlington Road West thereby reducing the potential for conflict with pedestrians and other vehicles.*
- *car parking standards Officers have advised residents that in an ideal world we would seek to secure parking spaces on the basis of 1.5 spaces per flat where parking is provided communally (this would equate to 132 spaces in this case and clearly 132 spaces are not achievable on the site - unless a multi storey car park option were to be pursued). However consideration needs to be given to the availability of other modes of travel and the need to reduce reliance on the private car. It has to be recognised that the site is located opposite the tram services and close to bus services on New South Promenade and Harrowside and within walking distance of the train stations at Squires Gate and Blackpool Pleasure Beach. The availability of other forms of travel and the proximity of the site to the Promenade cycleway mean that a lower requirement can be considered. It also has to be borne in mind that on most redevelopment sites in Blackpool it is not going to be possible to achieve 1.5 car parking spaces per flat and hence car parking is only one of the considerations and it has to weighed against the other issues.*
- *parking should be provided in small groups and there should be circulation space around the car park - the car parking spaces will be allocated and numbered and hence it would not be like a supermarket car park or a pay and display car park where someone has to search for a car parking space. The spaces are grouped and served by manoeuvring aisles which in the main would be 6 metres wide. It is acknowledged that some of the parking would be undercroft and hence not overlooked by residents of the flats but other areas of the car park would be overlooked and access to the parking would be controlled by barriers.*
- *cycle parking - the standards would require nine cycle spaces and an area of 4 metres by 4 metres undercover is shown on the plan close to one of the rear entrances to the flats.*
- *lack of mobility car parking spaces - There are some now included as part of the proposal.*
- *lack of visitor spaces - Officers have advised residents that visitor spaces would usually be part of the 1.5 spaces per flat.*
- *lack of delivery bay on frontage - Officers have advised residents that the main entrances to the flats are on the front elevation so your officers would anticipate deliveries would take place at the front and a delivery bay is now shown on the plans.*
- *lack of swept path analysis for bin lorries reversing off the back street - bin storage areas would be provided adjacent the back street so vehicles would not have to reverse into the aisles between the parking bays.*
- *responsibility for the back street - this is not adopted and hence it is a private matter.*

The owner of the Ocean Bay Hotel has raised the following issue –

Claimed right of way across the north eastern corner of the site - *the applicants have now shown a 2 metres wide pedestrian access on the submitted plan.*

Other matters - no on-site public open space would be provided and hence a commuted sum would be required. Given the breakdown of flats proposed the sum required would be £60,716. This could be secured by condition. Similarly the proposal makes no provision for affordable housing. Policy CS14 of the Blackpool Local Plan Part 1 : Core Strategy requires 30% of the properties to be affordable i.e. 26. Based on the mix proposed this should equate to 4 one bed flats, 20 two bed flats and 2 three bed flats. This could be secured by condition. The one bed flats would exceed the national standards in terms of overall floorspace requirements (51.5 square metres compared to 50 square metres) and in terms of the internal arrangements. Similarly the two bed flats (82 square metres compared to 70 square metres) would exceed the standards but the three bed flats would be marginally below (92 square metres compared to 93 square metres). Overall the flats are considered acceptable. The bat survey has not indicated the presence of bats in the roofspace/eaves of the buildings.

CONCLUSION

The application proposes a loss of holiday accommodation in area of protected holiday accommodation and its replacement with permanent accommodation - a mixture of one bed, two bed and three bed flats. The protection was first instigated in 2006 through the Blackpool Local Plan and subsequently in 2011 through the Council's Holiday Accommodation Supplementary Planning Document. Since 2011 the Crescent has been significantly affected by the closure and boarding up of hotels and the fire damage at the Palm Beach Hotel. This represents a significant material change in circumstances since 2011. The replacement of the Palm Beach Hotel with a Hampton by Hilton Hotel will represent significant holiday accommodation investment in the area and whilst it is not directly linked to that proposal this proposal would provide for a new residential offer envisaged by Policies CS2 and CS23 of the Blackpool Local Plan Part 1 : Core Strategy.

On balance, Officers consider that the regeneration benefits of the proposal in terms of replacing outmoded holiday accommodation with a new residential offer outweigh the deficiency in car parking provision (although given its location the site benefits from easy access to other modes of travel and the site is within walking distance of a local centre and district centre) and possible impact on neighbouring residents and hotels and hence approval is recommended subject to a number of conditions.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

The public open space requirement (£60,716) is as follows and this would be secured by condition -

21 one bed flats x £516 per flat = £10,836
59 two bed flats x £688 per flat = £40,592
8 three bed flats x £1,032 per flat = £9,288

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) 17/0193 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

1.
 - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
Landscaping
 - ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 27 July 2016 including the following plans:

Location Plan stamped as received by the Council on 17th March 2017

Drawings numbered;

A715/1g

A715/8e

A715/9e

A715/2e

A715/3b

A715/3d

A715/5d

A715/10

A715/6d

A715/10a

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

3. Prior to the construction of any above ground structures details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

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

4. Prior to the construction of any above ground structures details of the surfacing materials to be used in the construction of the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved 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 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

5. The roof of the building shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises, to safeguard the visual amenities of the area in accordance with Policy LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

6. 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 £60,716 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.

7. Prior to the development hereby approved being first brought into use the car parking 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 highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

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

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

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

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

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 routing of construction traffic.

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

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies

LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027

13. Before any of the approved flats are first occupied details of the boundary treatment to New South Promenade, Wimbourne Place and the back street between Burlington Road West and Harrowside West shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatment shall then be erected and shall 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 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

14. No development approved by this permission shall be commenced until details of the finished floor levels of the proposed building 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 character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan: Part 1 - Core Strategy and Policies LQ1, LQ2, LQ4 and BH3 of the Blackpool Local Plan 2001-2016.

15. Foul and surface water shall be drained on separate systems. 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and 109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan: Part 1 - Core Strategy and Policy BH4 of the Blackpool Local Plan 2001-2016.

16. All glazing to the eastern elevation of the two projecting rear wings of the building facing the rear boundaries of properties fronting Clifton Drive shall be at all times obscure glazed and fixed permanently closed.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

17. All windows to the elevations of the building shall be recessed behind the plane of the elevation in accordance with details to be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

18. Before the development is commenced a lighting/security scheme for the car parking area and the back street at the rear of the building shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented as part of the development and shall be retained as such.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

19. Prior to the development hereby approved being first brought into use the delivery bay on the frontage of the site shown on the approved 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 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

20. Prior to the development hereby approved being first brought into use the widened pavement to the Wimbourne Place frontage of the site shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway/pedestrian safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

21. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

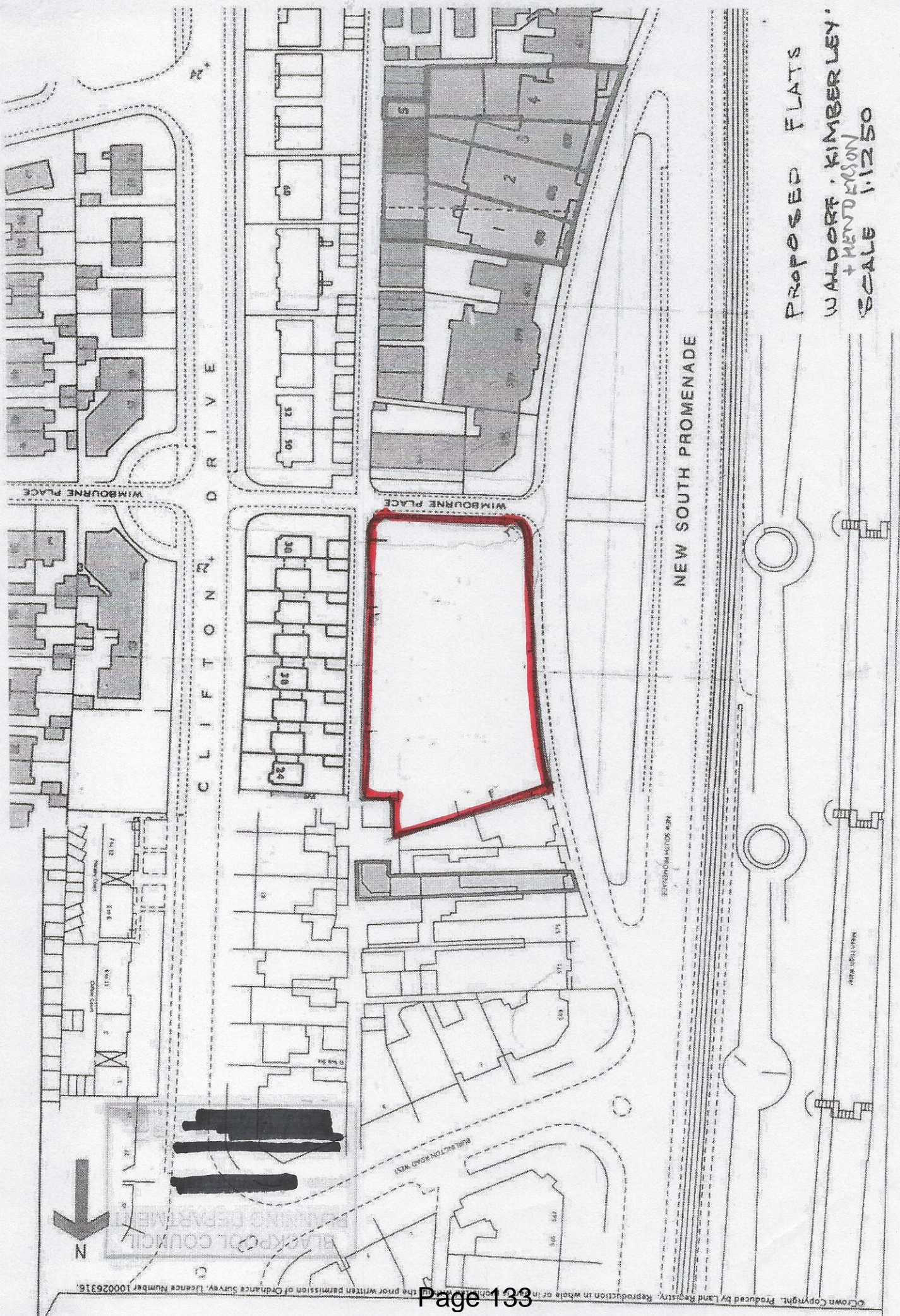
- i. The numbers, type and location of the site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To secure the provision of affordable housing in accordance with Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

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PROPOSED FLATS
 WALDORF, KIMBERLEY,
 + HENDY ARCHITECTS
 SCALE 1:1250

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