

Blackpool Council

8 June 2018

To: Councillors Humphreys, Hutton, Jackson, O'Hara, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Wednesday, 20 June 2018 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 either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 22 MAY 2018 (Pages 1 - 12)

To agree the minutes of the last meeting held on 22 May 2018 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 13 - 28)

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

4 PLANNING APPLICATIONS AND APPEALS PERFORMANCE (Pages 29 - 32)

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

5 PLANNING APPLICATION 18/0122 - 296-298 HIGHFIELD ROAD, BLACKPOOL (Pages 33 - 42)

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

6 PLANNING APPLICATION 18 0159 - LAND AT ADELAIDE STREET, ALFRED STREET AND LEOPOLD GROVE, BLACKPOOL (Pages 43 - 70)

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

7 PLANNING APPLICATION 18 0199 - 420 WATERLOO ROAD, BLACKPOOL (Pages 71 - 80)

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

8 PLANNING APPLICATION 18 0202 - LAND AT ODEON CINEMA, RIGBY ROAD, BLACKPOOL (Pages 81 - 108)

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

Venue information:

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

Other information:

For queries regarding this agenda please contact 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

Critchley	Jackson	Robertson BEM
Hutton	O'Hara	D Scott

In Attendance:

Mr Ian Curtis, Legal Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mr Gary Johnston, Head of Development Management

Mr Mark Shaw, Principal Planning Officer

Also Present

Councillor Humphreys

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 20 MARCH 2018

The Committee considered the minutes of the last meeting held on 20 March 2018.

Resolved: That the minutes of the meeting held on 20 March 2018 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee noted that an appeal had been lodged by JWT Leisure against the refusal of planning permission for the use of the premises as an amusement centre at 42 Abingdon Street, Blackpool.

It also noted the Planning Inspector's dismissal of an appeal against the decision of the Council to refuse planning permission for the erection of three terraced dwelling houses at the rear of 150 Harcourt Road, Blackpool including car parking and landscaping with vehicle turning area and vehicle access between 125 and 127 Powell Avenue, Blackpool.

It further noted that an appeal submitted by Rontec Service Stations Ltd against the decision of the Council to refuse planning permission for the erection of a single storey building to form a drive through coffee shop to rear of existing petrol filling station utilising existing access and egress, with associated landscaping, bin and cycle stores and parking for 25 cars, following demolition of existing residential caravan park at Windmill

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Service Station, Preston New Road, Blackpool had been allowed by the Planning Inspector.

Resolved: To note the planning appeals lodged and determined.

Background papers: None

4 PLANNING ENFORCEMENT UPDATE REPORT - MARCH 2018

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during March 2018.

The report stated that 42 new cases had been registered for investigation, 9 cases had been resolved by negotiation without recourse to formal action and 24 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action.

There had also been one Enforcement Notice authorised and one Enforcement Notice served during the period.

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

Resolved: To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department, in authorising the notices.

Background papers: None

5 PLANNING ENFORCEMENT UPDATE REPORT - APRIL 2018

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during April 2018.

The report stated that 36 new cases had been registered for investigation, 18 cases had been resolved by negotiation without recourse to formal action and 36 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action.

There had also been one Section 215 notice served during the period.

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

Resolved: To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department, in authorising the notices.

Background papers: None

6 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

Mr Johnston, Head of Development Management, reported on the Council's performance

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in relation to the determination of planning applications and planning appeals.

The performance for the year April 2017 to March 2018 was also reported which showed that the speed of major development decisions for major applications during that period had been 96% within 13 weeks and 97% within eight weeks for minor applications. These figures included decisions that had an agreed Extension of Time. There had been no appeals against major applications received during the period.

There had been three appeals dismissed during the quarter period January 2018 to March 2018 with an equal number of appeals allowed during the period. To provide context on the overall appeals performance, Mr Johnston reported that from April 2016 to March 2018, 79% of all appeals had been dismissed, excluding householder appeals, which although this was still above the Government target it was broadly consistent with the performance of other local authorities.

Resolved: To note the report.

Background papers: None

7 PLANNING APPLICATION 16/ 0421- 647-651 NEW SOUTH PROMENADE AND 2-4 HARROW PLACE

The Committee considered planning application 16/0421 for external alterations to include front extension and whole roof lift, balconies to Harrow Place and New South Promenade elevations and use of premises as altered as 66 self-contained permanent flats with associated car parking, bin store, boundary treatment and highway works.

Mr Johnston gave a brief overview of the application and presented the proposed plans for the development and aerial views of the site. He reminded Members that in August 2016 the Committee had resolved to approve the application in principle and defer the decision for delegation to the Head of Development Management, subject to the completion of a Section 106 Legal Agreement relating to car parking in Harrow Place. Mr Johnston explained that following the decision, the owner of 6 and 8 Harrow Place had declined to sign the required Section 106 Agreement. Mr Johnston confirmed that as the original application had not been determined and the new proposed scheme was smaller, it was appropriate to be considered as an amended application. He confirmed that this approach was consistent with the National Planning Policy Framework and the National Planning Practice Guidance which allowed Local Authorities discretion in accepting amendments to undetermined applications.

Mr Johnston advised the Committee that the principle and ethos of the new application was similar to the original application. The main changes to the original application were reported which included minor amendments to the layout and elevations, an alteration to the parking provision in Harrow Place and a reduction in the number of flats. Mr Johnston referred Members to the letters of support received for the proposed development and advised that following consultation with local residents there remained one objection from the owner of 6 and 8 Harrow Place. He also referred Members to the additional comments in the Update Note.

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Mr Ronald Richardson, applicant, accompanied by Mr David Richardson, spoke in support of the application and advised Members of the changes made to the original application following consultation with local residents. He reported his view of the benefits for Blackpool from converting derelict buildings into quality housing. Mr Storton, a member of the public also spoke in support of the application confirming his view that the applicant had addressed local residents' concerns.

Councillor Humphreys, Ward Councillor, also spoke in support of the application, commenting on the improvements that the provision of high quality flats would make to the area.

The Committee considered the application and commented positively on the benefits for the area and the town from the provision of high quality accommodation.

Resolved: To approve the application in principle and defer for delegation to the Head of Development Management, subject to the completion of a Section 106 Legal Agreement, and subject to the proposed conditions and for the reasons set out in the Appendix to the minutes.

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

8 PLANNING APPLICATION 18/0136 - 31-33 HORNBY ROAD

The Committee considered application 18/0136 for external alterations including provision of cycle/bin stores to rear and use of premises as six self-contained permanent flats following demolition of single storey rear extension.

Mr Shaw, Principal Planning Officer, gave a brief overview of the application and presented the proposed plans for the development and aerial views of the site. He also circulated colour photographs of the condition of the property. Mr Shaw referred Members to the information in the Update Note that contained two additional letters of objection. The Update Note also provided further information on the viability assessment which included a conclusion on the viability assessment that had been provided by a member of the Council's Growth and Prosperity Team.

Mr Shaw reported on the updated Holiday Accommodation Supplementary Planning Document and Policy CS23 of the Core Strategy, both of which sought to protect holiday accommodation in designated areas and to only allow hotels to change to non-holiday use in exceptional circumstances. The exceptional circumstances included where there was no reasonable prospect of the property continuing to trade in holiday use, when the new use was compatible with holiday uses and where the new use provided regeneration benefits. Mr Shaw also referred to a study that had demonstrated an oversupply of 14,000 bed spaces in the town.

Mr White, member of the public, spoke in objection of the application on behalf of Stay Blackpool and cited concerns with the principle of converting holiday accommodation into flats and the potential that the granting of this application would set a precedent for future similar applications. He also disputed the amounts quoted in the viability assessment and raised concerns relating to the potential negative impact on the area in

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the event that the property was subsequently converted into shared occupancy accommodation.

A representative of the applicant was also in attendance at the meeting and in response to a question from the Committee confirmed the intention to realise a monthly rental income from each flat of approximately £500 - £550.

In response to questions from the Committee, Mr Shaw confirmed that the quality of the proposed accommodation met both local and national guidelines. He also referred to a condition that would be attached to the permission, if granted that would not allow for subsequent subdivision or sub-letting of the property. The Chairman responded to concerns regarding the potential setting of a precedent by confirming that all planning applications were determined on their own merits.

The Committee noted that the property was derelict and had remained vacant for a number of years and that it was located in a designated holiday accommodation area. Whilst the Committee accepted that the proposed development was in a holiday accommodation area, it also had regard to the viability assessment and the lack of an alternative viable option. It noted the location of the property in relation to neighbouring properties and the benefits of converting a derelict building into high quality accommodation.

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 7.00pm)

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

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Application Number 16/0421 – 647-651 New South Promenade and 2-4 Harrow Place, Blackpool, FY4 1RP

External alterations to include front extension and whole roof lift, balconies to Harrow Place and New South Promenade elevations and use of premises as altered as 66 self-contained permanent flats with associated car parking, bin store, boundary treatment and highway works.

Decision: Defer for delegation

Conditions and Reasons:

1. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the following plans:

Location Plan stamped as received on 13 March 2018

Amended floor plans received on 20 April 2018

Amended elevations received on 20 April 2018

Amended site plan received on 3 May 2018

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

2. Within one month of the date of this decision 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ4 of the Blackpool Local Plan 2001-2016.

3. Within one month of the date of this decision 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ1 of the Blackpool Local Plan 2001-2016

4. The roof of the building (other than where the approved plan shows a roof terrace) 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ14 and BH3 of the Blackpool Local Plan 2001-2016.

5. Within one month of the date of this decision 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 £45,408 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.

6. 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 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

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

8. 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy AS1 of the Blackpool Local Plan 2001-2016.

9. Within one month of the date of this decision a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made

for the following:

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

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

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

10. 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 CS12 and 13 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

11. Before any of the approved flats are first occupied details of the boundary treatment to New South Promenade, Harrow Place and the back alley between Harrow Place and Cardigan Place 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ1 of the Blackpool Local Plan 2001-2016.

12. Within one month of the date of this decision 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.

13. Foul and surface water shall be drained on separate systems. Within one month of the date of this decision, 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.

14. 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 CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policy LQ4 of the Blackpool Local Plan 2001-2016.

15. Within one month of the date of this decision a lighting/security scheme for the car parking area/ bin storage area/cycle storage area and courtyard area 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 flats and the occupiers of neighbouring premises, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy and Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.
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 Built Environment 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.
3. Within one month of the date of this decision, the developer must contact the Safeguarding Team, Squires Gate Airport Operations Ltd, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472527 ATC or by email to safeguarding@blackpoolairport.com if any equipment to be used during construction will exceed the maximum height of the finished development (e.g. cranes, piling rigs). Notification of the equipment shall be made in writing and include: its position (OSGB grid coordinates to 6 figures each of Eastings and Northings); height above ordnance datum; anticipated dates on site; emergency contact numbers for the crane operator and site manager.
The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 'Cranes and Other Construction Issues'.

Application Number 18/0136 - 31-33 Hornby Road, Blackpool, FY1 4QG

External alterations including provision of cycle/bin stores to rear and use of premises as 6 self-contained permanent flats following demolition of single storey rear extension.

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:

Proposed plans and elevation ref: B/18/34/02
Location Plan received on 6 March 2018

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

3. No flat shall be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, 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.

4. 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.

Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	20 June 2018

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

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

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for 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:

3.4 None, the report is for information 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 Planning/Enforcement Appeals Lodged

5.1.1 REAR OF 12-14, OLIVE GROVE, BLACKPOOL, FY3 9AS (17/0864)

5.1.2 An appeal has been lodged by Mr S Whittaker against the refusal of planning permission for the Erection of a terrace of three x two storey dwellinghouses, with detached garages and access from Olive Grove.

5.3 Planning/Enforcement Appeals Determined

5.3.1 42 ABINGDON STREET, BLACKPOOL FY1 1DA (17/0699)

5.3.2 An appeal was made by JWT Leisure against the decision of Blackpool Borough Council to refuse planning permission for the use of the premises as an amusement centre (adult gaming centre). **APPEAL ALLOWED**

5.3.3 Main issue:

The main issue was the effect of the proposal on the vitality and viability of Blackpool Town Centre, with particular reference to its character and appearance.

5.3.4 The Inspector concluded that the proposal would accord with Core Strategy Policy CS17 and saved BLP Policy BH18; which together, among other things, seek to protect the character of the main shopping areas of the town to re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors. The proposal would also accord with Core Strategy Policy CS15 which supports development that encourages healthy and active lifestyles and addresses the Council's health problems.

5.3.5 A copy of the Inspector's decision letter is attached as Appendix 3(a).

5.3.6 An application for a full award of costs was made by JWT Leisure against Blackpool Borough Council. This application was the subject of a separate Decision. **COSTS REFUSED**

5.3.7 Even though the Inspector arrived at a judgement different to the Council's, he considered that the Council made a judgement that they were entitled to make based on the evidence before them. He did not agree that a case of unreasonable behaviour had been clearly demonstrated by the applicant.

5.3.8 A copy of the Inspector's costs letter is attached as Appendix 3(b).

5.4 44-46 QUEENS PROMENADE, BLACKPOOL FY2 9RW (17/0640)

5.4.1 Ma Kelly's (formerly Uncle Tom's Cabin)

5.4.2 An appeal was submitted by Mr Frankie Kelly against the decision of Blackpool Borough Council to refuse planning permission for the erection of a single storey side extension. **APPEAL DISMISSED**

5.4.3 The Inspector judged the main issues to be:

- the effect of the proposed development on the amenities of guests at the adjacent Elgin Hotel in terms of noise and disturbance;
- the effect of the proposed development to the character and appearance of its host building.

Further information on the Inspector's judgement is detailed below.

5.4.4 Site, surroundings and proposed development

The proposed development would introduce a single-storey extension to the side up to the common boundary with the Elgin Hotel. It would be flat roofed but feature a false pitched roof at the front echoing the design of the porch at the other end of the building's façade. The proposed extension would be recessed behind an existing single-storey bay window projecting from the side elevation of the host property and would feature doors in its front elevation.

5.4.5 Noise and Disturbance

The appeal property has a long-established use as a public house and its forecourt is already used as a seating area. Nevertheless the inclusion of a door in the front elevation of the proposed side extension would naturally draw activity closer to the adjacent Elgin Hotel than is currently the case. I note that the appellant intends to locate only a pool table and dart boards within the extension. However the internal layout of the public house, and facilities provided therein could change at any time. Moreover, the proposed extension's deep recess from the front elevation of the appeal building could facilitate a place to congregate, particularly given the propensity for breezy conditions in the environs of the seafront, from which the recess may offer some shelter.

5.4.6 Consequently, the proposed development would have the effect of drawing external activity closer to the bedroom windows on the Elgin Hotel, and any noise and disturbance caused as a result would have a much more intimate relationship with these rooms than exists at present. The proposed development's effects in these regards would be particularly marked in the summer months where longer daylight hours could lead to more external activity in the vicinity of the proposed extension and warmer temperatures may lead to hotel guests leaving their windows open for

ventilation. Whilst the Inspector noted that the appellant considers that conditions could ensure that the proposed doors are only used between certain times he was not persuaded that this would deter the use of the area in front of that entrance after that time, or that there would be any effective measures in place to control its use by patrons of the public house. Consequently, he considered that planning conditions would not fully address these issues.

These matters, taken together, led to the Inspector's view that in drawing external activity much closer to the adjacent rooms of the Elgin Hotel when compared to current layout, the proposal would cause materially more noise and disturbance to the hotel's occupants than existing development at the site, which would cause material harm to their amenity in this respect.

Consequently, the Inspector concluded on this main issue that the proposal would cause material harm to the amenities of guests at the adjacent Elgin Hotel in terms of noise and disturbance. In these respects the proposed development would conflict with Policies BH3 and BH4 of the Blackpool Local Plan (adopted June 2006) (the Local Plan); Policy CS7 of Blackpool's Core Strategy (adopted January 2016) (the Core Strategy) insofar as they seek to ensure, amongst other things, that developments do not adversely affect the amenity of those occupying visitor accommodation or create or worsen noise levels above acceptable standards.

Character and Appearance

Whilst the false roof at the front of the proposed development would echo that of the porch at the other side of the façade- the upper corners of the flat roof would be readily visible behind it. The front of the proposed extension would have a tight relationship to the existing single-storey bay window at the property and its hipped roof. Taken together these markedly differing roof treatments in a close visual relationship to each other would create a visually discordant sense of cluttered congestion to the front aspect of the appeal property. Moreover, the uncomfortably close relationship of the proposed extension to the existing bay window would impart a cramped and shoehorned character to the plot, which would be of harm to the appearance of its host building, which the Inspector noted that the appellant considers to be an important and local landmark. The Inspector considered that the proposed development would not result in a visual improvement in terms of the site as it exists at present. Neither would its scale, siting or materials soften its harmful effects.

Accordingly, for the reasons set out above, the Inspector concluded on this main issue that the proposed development would cause harm to the character and appearance of its host building and would in this respect conflict with Policy LQ14 of the Local Plan and Policy CS7 of the Core Strategy. Taken together these policies seek to ensure that extensions are well designed, sited and detailed in relation to their original building; and that development enhances the character and appearance of

the local area.

Conclusion

The modest benefits advanced in favour of the proposed development would not outweigh the manifestly harmful effects that it would cause to the character and appearance of its host building, and the amenity of visitors to the Elgin Hotel. Consequently, no material considerations have been advanced of a sufficient weight to justify a decision not in accordance with the development plan, with which the appeal scheme would clearly conflict. Accordingly for the reasons set out above, and taking into account all other matters raised, the Inspector concluded that the appeal should be dismissed.

A copy of the Inspector’s decision dated 23 May 2018 is attached as Appendix 4(c)

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 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

Appeal Decision

Site visit made on 8 May 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2018

Appeal Ref: APP/J2373/W/18/3196247
42 Abingdon Street, Blackpool FY1 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JWT Leisure against the decision of Blackpool Borough Council.
 - The application Ref 17/0699, dated 5 October 2017, was refused by notice dated 20 December 2017.
 - The development proposed is a change of use from retail to amusement centre (adult gaming centre).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from retail to amusement centre (adult gaming centre) at 42 Abingdon Street, Blackpool FY1 1DA in accordance with the terms of the application, Ref 17/0699, dated 5 October 2017, subject to the conditions in the attached schedule.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: B17-1892.01 Rev A.
 - 3) Before the premises hereby permitted are first brought into use, a scheme of sound and vibration proofing measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a self-closing door to the Abingdon Street elevation (which shall not be propped open), so that amplified music is not audible from the street. The approved scheme shall be carried out before the premise is first brought into use and retained thereafter.
 - 4) No amusement only equipment/machines shall be installed on the premises.
 - 5) The premises shall at all times include a window display.
 - 6) The use of the premises hereby permitted shall not be open to customers outside the following times: 09:00 to 21:00 Monday to Sunday.

Application for costs

2. An application for costs was made by JWT Leisure against Blackpool Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of Blackpool Town Centre, with particular reference to its character and appearance.

Reasons

4. The appeal premise is one of three properties in a small terrace on the eastern side of the street. Two of the three properties, including the appeal premise, are vacant. The other property is occupied by Abingdon Barbeque. The site is in the Town Centre and the extended Town Centre Conservation Area (TCCA) on the Blackpool Local Plan Proposals Map. The Town Centre is divided into zones. The appeal premise forms part of the 'SR6 Retail / Café Zone' and is within the Core Retail Area in the Council's Shopping Study. This zone is the focus of the Town Centre's secondary shopping area. Planning permission was not, however, refused on the basis of saved Policy SR6 of the Blackpool Local Plan 2001/2016 (BLP). In any event, the site is outside of the Principal Retail Core (PRC) of the Town Centre, which is to the south-west.
5. Saved BLP Policy BH18 explains that amusement centres will only be permitted within the main concentrations of secondary shopping east of and on the edge of the Town Centre. The accompanying text to the policy identifies that *amusement centres will similarly only be permitted in the eastern edge of the main Town Centre away from the areas most frequented by visitors and will also be permitted on Topping Street within the Town Centre and on other main secondary shopping streets such as Church Street, Counce Street, King Street and Cookson Street outside and immediately east of the Town Centre.*
6. The Proposals Map does not indicate the area referred to by saved BLP Policy BH18. The proposal would fall within the definition of a main town centre use as set out in Annex 2 of the National Planning Policy Framework. Abingdon Street is in-between the PRC and the adjacent Mixed Use Zone (SR7) which includes Topping Street. Abingdon Street is characterised by independent and chain retail uses that seem in the main to serve the local community and not visitors. I saw during my daytime site visit a steady footfall and pattern of activity linked to the retail units on the street. There were also comings and goings due to bus services setting down on the street.
7. Due to Blackpool's status as a holiday resort, amusement arcades are primarily on the Promenade and at Blackpool Pleasure Beach. The Council interpret saved BLP Policy BH18 to mean that amusement centres would only be allowed on Topping Street, Church Street, Counce Street, King Street and Cookson Street. While Abingdon Street is not specifically mentioned, the accompanying text is not definitive in terms of limiting such uses to those streets, and the site is part of the secondary shopping area. The purpose behind the policy is *to protect the character of the main shopping areas of the town most frequented by visitors, where amusement centres would inevitably attract substantial numbers of holiday makers contrary to the retail character and amenities of the shopping area.*
8. Planning permission was granted in November 2017 for a scheme at the former post office on Abingdon Street which would see the buildings used for retail, leisure, offices, restaurants and cafes¹. Talbot Street and Winter

¹ Ref: 17/0503

Gardens are at either end of the street. Works have started or they are about to start shortly on a variety of developments², which include: an extension to the Promenade tramway; hotels; a conference and exhibition centre; the relocation of a retail store; and multiple cinemas. This is against the backdrop of Policy CS17 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) (Core Strategy) which seeks to re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors, new development, investment and enhancement will be supported which helps re-brand the town centre.

9. Added to this, albeit before the adoption of the Core Strategy, the Houndshill Centre was expanded considerably in 2008. The appellant submits that this has shifted the pattern of trade, and thus the role and importance of different shopping streets. The Council do not dispute this point, but they consider that Abingdon Street is an important link to the PRC and Winter Gardens.
10. The character of the area surrounding the appeal premise could well change. The developments referred to by the Council all point to the ambition to strengthen the town centre as a cultural, leisure and business destination for residents and visitors. As such, even if the street's primary function remains retail/café based, these developments are likely to bring residents and visitors into the area near to the appeal premise. As a result, I agree with the Council that the street is likely to be a busy thoroughfare. However, the areas most frequented by visitors are still likely to be to the south-west and the west. Thus, the street is not, in my view, likely to attract substantial numbers of holiday makers contrary to the retail character and amenities of the centre.
11. The proposed use would add to the variety of uses in the town centre, and in particular to the north-east of the PRC. By re-using the unit, the proposal would strengthen and provide investment, supporting the re-branding of the town centre. Four full-time jobs would be created. I note that the proposed use would consist mainly of low-stake and prize gaming machines for adults. Thus, it would be different to amusement arcades. I agree with the appellant's evidence that amusement centres can be part of their customer's trips into the centre. Thus, the proposed use would contribute to the vitality and viability of the centre. This point, to an extent, is supported by the other amusement centres in the town centre. While these are all within neighbouring zones, the Council do not suggest that there is an over-saturation of such uses in the town centre or that they have affected the character, amenity and vitality and viability of the centre. Also, given the proposal's scale and location, it would not conflict with Core Strategy Policy CS17 which seeks to strengthen the retail offer with new retail development, with the principal retail core being the main focus for major retail development.
12. Notably, the visual appearance of the premise would not be that of a retail unit. I note the Council do not raise concern about the design of the unit, but the parties suggest a planning condition to secure a window display. I agree to protect the appearance of the street.
13. Concerns are expressed about the effect of the proposed use on the health and education of Blackpool's population, which Core Strategy Policy CS15 seeks to improve. I recognise the potential for the proposal along with other amusement

² Refs: 17/0276; 15/0494; 16/0809; and 17/0453

centres and betting shops to collectively influence people's everyday lives, especially for those in areas near to the town centre which are said to have some of the most serious health and crime problems. However, there is little conclusive evidence that the proposal would, individually or collectively, result in harm to people's health and education, or prevent them from leading healthy and active lifestyles.

14. I conclude that the proposal would accord with Core Strategy Policy CS17 and saved BLP Policy BH18; which together, among other things, seek to protect the character of the main shopping areas of the town to re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors. The proposal would also accord with Core Strategy Policy CS15 which supports development that encourages healthy and active lifestyles and addresses the Council's health problems.

Other matters

15. Although the premise would be in the TCCA, I agree with the view of the Council's Built Heritage Manager that the proposal would have a minimal effect on the character and appearance of the conservation area. The scheme would have a neutral effect on the character and appearance of the TCCA, thereby preserving it. I also note that the site is in an accessible location among a range of facilities and services, which include different public transport options.

Conclusion and conditions

16. I have had regard to the conditions that have been suggested by the parties. I have imposed a condition specifying the approved plan as this provides certainty. Conditions are necessary, in the interests of the character and amenity of the area, to secure sound and vibration proofing measures and to control the use and opening hours.
17. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR



Costs Decision

Site visit made on 8 May 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2018

Costs application in relation to Appeal Ref: APP/J2373/W/18/3196247 42 Abingdon Street, Blackpool FY1 1DA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by JWT Leisure for a full award of costs against Blackpool Borough Council.
 - The appeal was against the refusal of planning permission for change of use from retail to amusement centre (adult gaming centre).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Parties in the appeal process are also normally expected to meet their own expenses, and that costs may not be claimed for the period during the determination of the planning application. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant submits that the Council has acted unreasonably as they have failed to demonstrate that there is any conflict with any development plan policy; and failed to produce evidence of any other harm that the proposal would cause. The thrust of the applicant's case is that this appeal is unnecessary as planning permission should have been granted by the Council.
4. I note the Council's officers recommended the application for approval, but the Planning Committee are not bound to accept their officer's recommendation. Abingdon Street, as the Council pointed out, is not specifically mentioned in saved Policy BH18 of the Blackpool Local Plan 2001/2016 (BLP). Ultimately the Council took a view that this meant that the proposal was contrary to this development plan policy. Furthermore, as there is no defined area linked to this policy, it was a judgement that they were entitled to make, even if saved BLP Policy SR6 does infer that this part of the town centre formed the secondary shopping area. While, the applicant disagreed and I formed my own view, the development plan also includes the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) (Core Strategy).
5. The Core Strategy has more wide-ranging objectives for the town, and since its

adoption, there have been a number of planning permissions granted, and work has started or is about to start on developments in the area near to the appeal site. The Council were correct to consider the effect of these on Abington Street, and how the appeal proposal fitted into this. Much of the Council's evidence was about the potential effect of them and not whether the proposal would prejudice or compromise their implementation. The outcome of this analysis clearly influenced the Council's decision and their view that the scheme would harm the character and appearance of the street and that it would not help fulfil Core Strategy Policy CS17. On this basis, I am satisfied that they did have a handle on the central issues of the case.

6. I do however agree with the applicant that the Council did make vague and generalised assertions about the effect the proposal, whether on an individual or collective basis, on the health and education of Blackpool's population. Although I understood the link the Council tried to make, there was no objective evidence submitted as part of the Council's submissions to support this view. The context to the Council's point was only provided in response to this costs application, which must be considered on its own merits standalone of the planning appeal. Even so, the context is not specific to the scheme itself, notwithstanding its merits. Nevertheless, it has not resulted in an unnecessary appeal, given the conflict that had been identified with the other development plan policies. Nor has it resulted in expenses beyond those which the applicant is expected to meet on their own.
7. Even though I arrived at a judgement different to the Council's, they have made a judgement that they were, in my view, entitled to make based on the evidence before them. Thus, I do not agree that a case of unreasonable behaviour has been clearly demonstrated by the applicant.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Andrew McGlone

INSPECTOR

Appeal Decision

Site visit made on 30 April 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal Ref: APP/J2373/W/18/3195650

44-46 Queens Promenade, Blackpool FY2 9RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Frankie Kelly against the decision of Blackpool Borough Council.
 - The application Ref 17/0640, dated 12 September 2017, was refused by notice dated 23 January 2018.
 - The development proposed is a single-storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, the effect of the proposed development on the amenities of guests at the adjacent Elgin Hotel in terms of noise and disturbance; and secondly, the effect of the proposed development to the character and appearance of its host building.

Reasons

Site, surroundings and proposed development

3. Situated on Blackpool's seafront, across from the tram tracks, the appeal property is a large public house, set well back from the highway behind its forecourt and external seating area. Ranging between one and two storeys with a prominent three storey tower at one of its corners, the building features hipped roofs, gables and facing redolent of buildings dating from the Edwardian era. The appeal building is flanked by Knowle Avenue to one side, and the Elgin Hotel to the other. The streetscene in the immediate surroundings of the appeal property is characterised by substantial seafront-facing hotels, with other uses such as the appeal property and a casino present.
4. The proposed development would introduce a single-storey extension to the side of the appeal building up to the common boundary with the Elgin Hotel. It would be flat roofed but feature a false pitched roof at the front echoing the design of the porch at the other end of the building's façade. The proposed extension would be recessed behind an existing single-storey bay window projecting from the side elevation of the host property and would feature doors in its front elevation.

Noise and Disturbance

5. I readily accept that the appeal property has a long-established use as a public house which may have pre-dated the development of adjacent hotels, and that its forecourt is already used as a seating area. Nevertheless the inclusion of a door in the front elevation of the proposed side extension would naturally draw activity closer to the adjacent Elgin Hotel than is currently the case. Whilst in this respect I note that the appellant intends to locate only a pool table and dart boards within the extension, and thus considers that this would not result in a great deal of footfall, the internal layout of the public house, and facilities provided therein could change at any time. Moreover, the proposed extension's deep recess from the front elevation of the appeal building could facilitate a place to congregate, particularly given the propensity for breezy conditions in the environs of the seafront, from which the recess may offer some shelter. I saw that the current nature of the space where the proposed extension would be located, due to its functional character and nature is not one where people would be likely to congregate presently.
6. Consequently, the proposed development would have the effect of drawing external activity closer to the bedroom windows on the adjacent flank of the Elgin Hotel, and any noise and disturbance caused as a result would have a much more intimate relationship with these rooms than exists at present. The proposed development's effects in these regards would be particularly marked in the summer months where longer daylight hours could lead to more external activity in the vicinity of the proposed extension and warmer temperatures may lead to hotel guests leaving their windows open for ventilation. Whilst I note that the appellant considers that conditions could ensure that the proposed doors are only used between certain times- with a cut-off suggested of 2100- or merely as a fire escape- I am not persuaded that this would deter the use of the area in front of that entrance after that time, or that there would be any effective measures in place to control its use by patrons of the public house. Consequently, I consider that planning conditions would not fully address these issues.
7. These matters, taken together, lead me to the view that in drawing external activity much closer to the adjacent rooms of the Elgin Hotel when compared to the appeal site's current layout, the proposed development would cause materially more noise and disturbance to the hotel's occupants than existing development at the site, which would cause material harm to their amenity in this respect. I consider given the amount of rooms along the facing flank that it would be both impractical and unreasonable to expect that Elgin Hotel's visitors who require a quieter noise environment to be located in rooms elsewhere in the hotel, away from the appeal building.
8. In arriving at this view I am mindful that the appellant considers the side extension and sound insulation measures installed within it would serve to reduce the transfer of internal noise at the appeal property to the Elgin Hotel- nevertheless this matter does not serve to overcome the harmful effects that I have described.
9. The appellant notes that the police offered no objections to the proposed development, and neither, subject to conditions did the Council's licensing or environmental protection respondents. I am aware also that the appellant considers that environmental health and other legislation could address matters

of crime, anti-social behaviour and noise- and that only a limited amount of incidents of disorder have occurred in relation to the property, which the owners are willing to address in a proactive manner. However, the planning system has a wider remit than merely ensuring the avoidance of activity that is otherwise prohibited by other statutory schemes. In this respect I am particularly mindful of the National Planning Policy Framework (the Framework) which at paragraph 17 establishes that one of the 12 core planning principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings- which for the reasons set out above, the proposed development would clearly fail to do.

10. Consequently, for these reasons, I conclude on this main issue that the proposed development would cause material harm to the amenities of guests at the adjacent Elgin Hotel in terms of noise and disturbance. In these respects the proposed development would conflict with Policies BH3 and BH4 of the Blackpool Local Plan (adopted June 2006) (the Local Plan); Policy CS7 of Blackpool's Core Strategy (adopted January 2016) (the Core Strategy); and the Framework insofar as they seek to ensure, amongst other things, that developments do not adversely affect the amenity of those occupying visitor accommodation or create or worsen noise levels above acceptable standards. As I have reached this conclusion, I consider that it has not been demonstrated that planning conditions could address these matters, and the proposed development would not therefore meet the requirements of paragraph 6.20 in the supporting text of Policy BH3 of the Local Plan.

Character and Appearance

11. Whilst the false roof at the front of the proposed development would echo that of the porch at the other side of the façade- the upper corners of the flat roof would be readily visible behind it. The front of the proposed extension would have a tight relationship to the existing single-storey bay window at the property and its hipped roof. Taken together these markedly differing roof treatments in a close visual relationship to each other would create a visually discordant sense of cluttered congestion to the front aspect of the appeal property. Moreover, the uncomfortably close relationship of the proposed extension to the existing bay window would impart a cramped and shoehorned character to the plot, which would be of harm to the appearance of its host building, which I note the appellant considers to be both important and a local landmark. As I have reached a finding of harm in these regards, I consider that the proposed development would not result in a visual improvement in terms of the site as it exists at present. Neither would its scale, siting or materials soften its harmful effects.
12. In arriving at this view, I am mindful of the side extension present at the Elgin Hotel, and that seafront facing properties often maximise the width of their front aspects to benefit from wider sea views. Nevertheless these considerations do not serve to justify the harmful effects that I have described. As the effects of the proposed development to the character and appearance of its surroundings clearly form part of the reason for refusal on the Council's Decision Notice, I do not share the appellant's view that the Council's objections on this basis only became apparent at appeal stage.
13. Accordingly, for the reasons set out above, I conclude on this main issue that the proposed development would cause harm to the character and appearance

of its host building and would in this respect conflict with Policy LQ14 of the Local Plan and Policy CS7 of the Core Strategy. Taken together, and amongst other matters, these policies seek to ensure that extensions are well designed, sited and detailed in relation to their original building; and that development enhances the character and appearance of the local area.

Other Matters

14. The proposed development would have some economic benefits both in terms of its construction, and through the potential to attract more visitors to the appeal property. In social terms the proposed development would extend a facility which is available to local people. Nevertheless given the proposed extension's relatively limited scale these matters weigh only modestly in favour of the appeal scheme.
15. I concur with the view that the planning system should not seek to protect or promote one commercial interest at the expense of another. However, the proposed development would cause clear harms in terms of amenity and character and appearance, and these are matters that are clearly relevant to an assessment of the planning merits of the appeal.
16. The appeal property was vacant for a number of months before the current owners acquired and refurbished it, and I note the appellant's assertion that the property could have been demolished if this had not happened. These matters do not, however, add any material weight in favour of the current proposal.

Conclusion

17. The modest benefits advanced in favour of the proposed development would not outweigh the manifestly harmful effects that it would cause to the character and appearance of its host building, and the amenity of visitors to the Elgin Hotel. Consequently, no material considerations have been advanced of a sufficient weight to justify a decision not in accordance with the development plan, with which the appeal scheme would clearly conflict.
18. Accordingly for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

Report to:	PLANNING COMMITTEE
Relevant Officer :	Gary Johnston - Head of Development Management
Date of Meeting:	20 June 2018

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 2016 to September 2018

Speed of minor development decisions – 70% within 8 weeks or an agreed Extension of Time – for the period October 2016 to September 2018

Quality of major development decisions – Loss of more than 10% of appeals – for the period April 2016 – March 2018

Quality of non-major development decisions – Loss of more than 10% of appeals – for the period April 2016 – March 2018

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

Performance is shown in this case for May 2018 and the fourth quarter of the financial year (January – March 2018)

	Government Target	Performance May 2018	Performance Jan - Mar 18
Major development decisions	>60%	No major decisions	100%
Minor development decisions	>70%	100%	96%
Quality of major development decisions	<10%	None	None
Quality of non major development decisions	<10%	2 appeal decisions- 1 allowed and 1 dismissed (50%)	3 allowed – 50% (3 dismissed in same period)

Does the information submitted include any exempt information? No

List of Appendices

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 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: 20/06/2018

Application Reference: 18/0122

WARD: Highfield
DATE REGISTERED: 01/03/18
LOCAL PLAN ALLOCATION: Main local centre
Local centre

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr P Nuttall

PROPOSAL: Installation of new shop front.

LOCATION: 296-298 HIGHFIELD ROAD, BLACKPOOL, FY4 3JU

Summary of Recommendation: Refuse

CASE OFFICER

Ms P Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with the principles of **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool, but is still in conflict with national and local policies and guidance relating to design, width and materials.

SUMMARY OF RECOMMENDATION

The modern frontage (already installed in advance of the Council's consideration of its merits) is considered to be at odds with this traditional parade of shops, detracting from its overall appearance and is recommended for refusal.

INTRODUCTION

This application relates to an established travel business which wishes to expand into an adjoining unit. The application came in without pre-application advice and whilst the expansion of the business is welcomed, officers have sought to make positive suggestions as to how the application could be amended, but these have been declined by the applicant.

SITE DESCRIPTION

The application relates to two mid-terraced properties in a parade of nine shops on Highfield Road, almost opposite Highfield Leadership Academy (Secondary School) and to

the east of Fishers Field. There are three more shops across the junction with Acre Gate. Many of the first floor premises are residential.

DETAILS OF PROPOSAL

The proposal is for the installation of a new shopfront across the two properties, with one access door and a continuous fascia across both properties.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- appearance in the streetscene
- impact on neighbours' amenities

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

CONSULTATIONS

None.

PUBLICITY AND REPRESENTATIONS

Neighbours notified: 1st March 2018

No representations have been received.

NATIONAL PLANNING POLICY FRAMEWORK

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 7: There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy. By ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 9: Pursuing sustainable development involves seeking positive improvements in the quality of the built environment, as well as in people’s quality of life, including replacing poor design with better design.

Paragraph 17: Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include that planning should:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 56: The Government attaches great importance to the design of the built environment.

Paragraph 64: Permission should be refused for development of poor design.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

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

CS7: Quality of Design

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

LQ11 Shopfronts

Applications for new or alterations to existing shop fronts will be considered having regard to the character of the building and the street scene. Particular attention will be paid to:

- (a) the relationship of the ground floor with the upper floors of the property
- (b) the retention of original features such as pilasters, mullions, toplights, doors and stall risers
- (c) the use of appropriate materials

- (d) the relationship with adjoining properties, in terms of fascia height, materials and design
- (e) the use of recessed doorways to provide a transition between the street and to provide disabled access
- (f) the provision for signage and security measures where appropriate.

LQ14 Extensions and Alterations
BH3 Residential and Visitor Amenity

ASSESSMENT

Principle

In principle, an improvement to a shop front and expansion of a business is to be welcomed.

Design

The design as submitted showed the shopfront all in one plane, with very narrow pilasters and had a continuous deep fascia across both properties. The plan stated that the shopfront would have aluminium glazed frames; and what has been constructed is in grey upvc. The location of the door into the property was not as shown on the originally submitted drawing either.

The majority of shops in the block have shallower and more traditional fascias. Although the property immediately adjacent on the western side does have a deep fascia, officers would expect to negotiate an improved fascia/design on any application for a new shopfront. The depth of fascia proposed is at odds with this concept and does not result in an improvement to the parade, particularly as it would extend across two frontages. The fascia makes no allowance for the split between the two properties, nor the concept of stallrisers at either end and in the middle, which are an integral element of traditional shopfronts. Also, the location of the door does not reflect the relationship with the upper floors in terms of lining through and would be better located under a single pane window, rather than under the edge of a bay window.

Amended plans were requested to improve the shopfront to one which better fitted in with this local parade of shops, but the applicant has declined to amend the proposal; instead, the plan has been corrected to show the door in the location in which it has been constructed and has been annotated to show a grey upvc shopfront.

It is considered that although the proposal is modern, it does not follow the design criteria within Policy LQ11 and so results in a frontage which is out of keeping with the traditional nature of this parade and is detrimental to the appearance of this range of neighbourhood shops.

Amenity

The applicant has not applied for a change of use, stating that the existing ground, first and second floors of both properties were in use as offices. Although not strictly part of this application, further investigation into this shows that the existing plans are incorrect with respect to the use of 296 Highfield Road as it was not in office use at the time of the

application. The ground floor (vacant) was a sweet shop within Use Class A1 and the first floor was a residential flat within Use Class C3, with a separate door from Highfield Road and is registered as such with the Valuation Office.

The applicant's original premises at 298 Highfield Road was granted planning permission in 2001 (01/0574 Use of premises as travel reservation and administration offices) and at that time was considered by all parties to be a mixed Use Class A1 travel agency and a Use Class B1 telesales offices. The ground floor front retained the active shop use with the B1 use to the rear and on the first floor.

The proposal needs a change of use for both the ground and upper floors of 296 Highfield Road. Since this is a shopping parade, it is important to be able to retain an active frontage to the ground floor front and particularly important to be able to control the hours of operation of the use as there is potential for a residential use at first floor adjacent, which needs to be protected from noise in the evenings. The plans also show a canteen at second floor level in a rear rooflift to 296 Highfield Road, with full length patio doors and Juliette balcony, from which residential neighbours to the rear also need to be protected in terms of privacy to their gardens.

CONCLUSION

Whilst the desire to improve the shopfront and the business is accepted, rather than consider the Council's suggestions (in terms of policies which consider design and appearance) during the course of the application, the applicant has installed a frontage which is not appropriate in the context of the parade and detracts from its overall appearance.

In addition, it is considered that the applicant should be invited to apply for planning permission for the change of use, in order for the Council to be able to retain control over the issues raised above under amenity.

A further minor amendment (Rev G) was received after this report had been prepared, which will be reported on the Update Note.

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 shopfront 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) 18/0122 and 01/0574, which can be accessed via the link below:

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

Recommended Decision: Refuse

Conditions and Reasons

1. The proposed shopfront would be out of character within the streetscene due to its width, design and extent and depth of the fascia and would therefore be contrary to paragraphs 17, 56 - 65 of the National Planning Policy Framework, Policies LQ11 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

2. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 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 which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

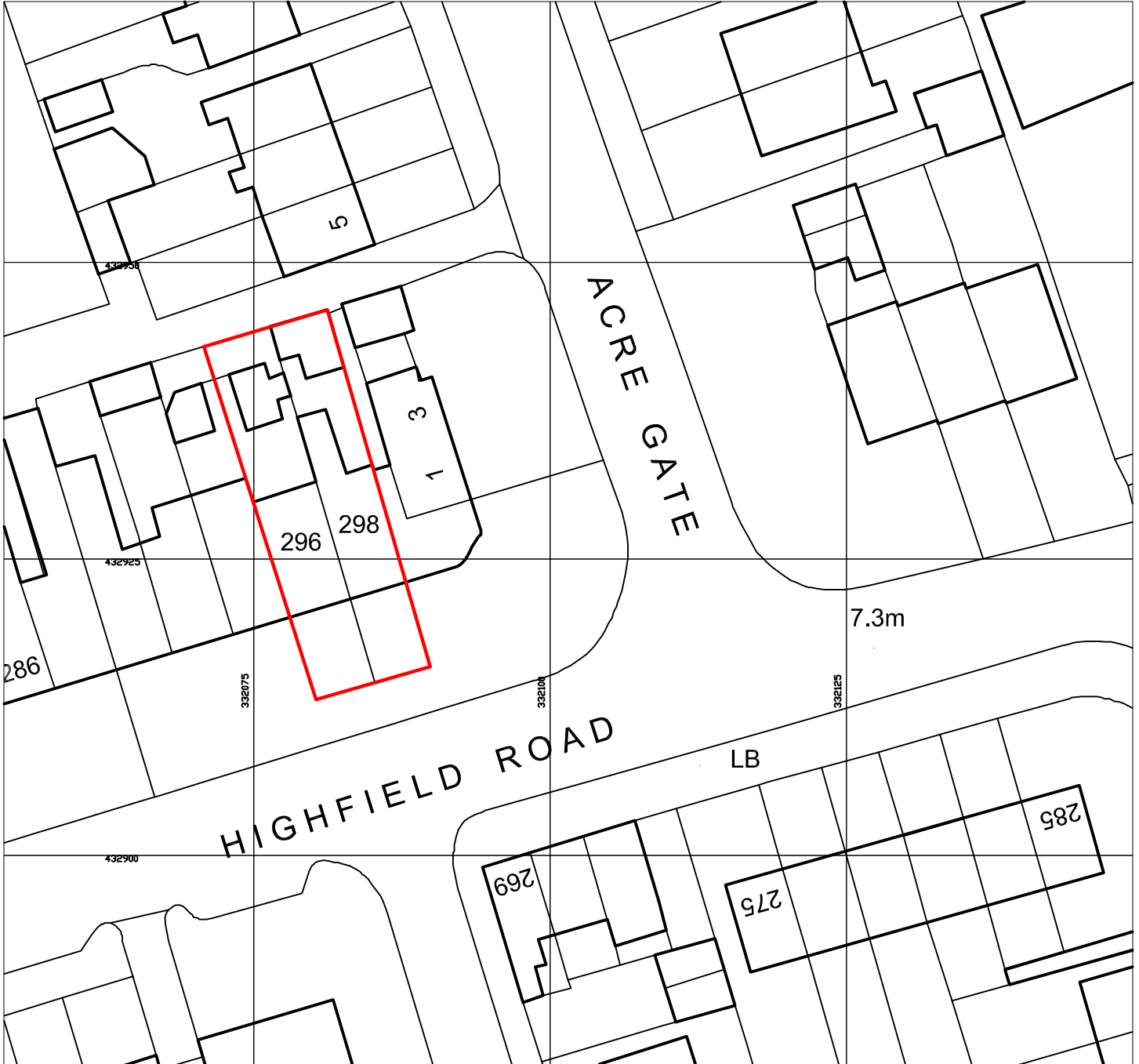
Advice Notes to Developer

Not applicable

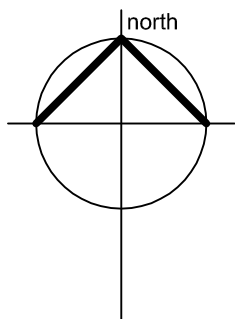
LOCATION PLAN

296-298 HIGHFIELD ROAD
BLACKPOOL
FY4 3JU

SCALE; 1:500 @ A4



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FYLDE DESIGN
associates

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COMMITTEE DATE: 20/06/2018

Application Reference: 18/0159

WARD: Talbot
DATE REGISTERED: 03/04/18
LOCAL PLAN ALLOCATION: Town Centre Boundary
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Kewdeal Ltd

PROPOSAL: Erection of a part three/ part four/ part five storey hotel, plus lower ground floor spa facility and car park for a maximum of 62 vehicles accessed from Adelaide Street, to provide a maximum of 203 bedrooms.

LOCATION: LAND AT ADELAIDE STREET, ALFRED STREET AND LEOPOLD GROVE, BLACKPOOL

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr M Shaw

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

SUMMARY OF RECOMMENDATION

This proposal is a positive step towards the regeneration of the area and the site is in a key location on the edge of the town centre and adjacent the Winter Gardens, one of Blackpool's most important heritage assets and leisure facilities. Works are presently under construction to provide a Conference Centre fronting Leopold Grove directly opposite the application site (applications 16/0809, 16/0815 and 18/0175 refer).

It is considered that the proposal is in accordance with national and local planning policies and the proposal would further regenerate and enhance the area and provide good quality visitor accommodation to support the town centre and the wider leisure economy. All detailed matters, other than the scale of development, will be subject to the future approval via a Reserved Matters application. Accordingly, the Officer recommendation is to grant planning permission subject to appropriate conditions.

INTRODUCTION

A detailed planning permission was granted under application reference: 09/0999 on 11 January 2010 for the erection of a part five/part six storey 156 bedroom hotel with 48 parking spaces on the lower ground floor accessed from Leopold Grove with associated facilities occupying the current application site, excluding 2-8 Leopold Grove and 2-8 Alfred Street. This planning application was re-submitted in outline under reference 16/0553 with the means of access and scale of development approved, subject to conditions, on 23 November 2016

Two thirds of the current application site is operating as a 78 space pay and display car park on a temporary basis, following the demolition of fourteen terraced buildings in 2009. The remaining land involves 2-8 Leopold Grove which has recently been demolished and 2-8 Alfred Street also due for demolition following the granting of permission reference 17/0516.

SITE DESCRIPTION

The application site measures 0.31ha (3100 sq metres) and is located outside but adjacent to the town Centre boundary as defined by the Blackpool Local Plan 2001-2016. However, the site is within the Town Centre Conservation Area and bounded by Leopold Grove to the west, Adelaide Street to the south and Alfred Street to the east with adjoining buildings fronting Church Street to the north. The area has a mixed character with hotel and guest house uses to the south, mixed holiday, residential and commercial uses to the east and north and the Grade II* Winter Gardens to the west. The scale of the buildings in the area in terms of height and footprint varies from two-storey dwellings, three and four-storey hotels and the large Winter Gardens complex on the western side of Leopold Grove. The site falls to the south west towards Adelaide Street and is approximately 4m lower than the most northern part of the site on Alfred Street.

The town centre is well served by buses, trams and trains and gives the application site a high accessibility level and there would be 62 car parking spaces provided in the basement of the hotel. There are some pay and display parking bays on Alfred Street and Leopold Grove but most of the streets in the surrounding area have parking restrictions in operation. The surrounding streets operate on a one way system running north along Leopold Grove and north along Alfred Street.

DETAILS OF PROPOSAL

This outline planning application seeks approval for the scale of development of a part three/ part four / part five storey hotel with a maximum of 203 bedrooms with associated 62 space basement car park. All other detailed matters, namely matters of appearance, landscaping and layout and means of access, are reserved for subsequent approval. In terms of its scale the hotel, as amended, would be a maximum of 19 metres in height and between 9 metres and 10.5 metres abutting the northern boundary.

The scale of the proposal has been reduced following discussions with the agent, amended plans are awaited at the time of writing this report, but the proposal as amended is now three storey adjacent the northern boundary stepping up to four then five storeys at the Adelaide Street end of the site . As submitted the proposed hotel was all five storey but the amendments have been sought to the scale of development to address the impact upon properties adjoining the northern boundary and fronting Church Street, particularly the block of apartments at the junction with Leopold Grove which has habitable room windows at first, second and third floor levels facing the application site.

Whilst elevation plans and site layout plans have been submitted with the application it has been made clear to the architect that these details are for illustrative purposes only and do not imply any acceptance of the details shown. Matters of building design, including the building footprint and layout, and means of access and servicing details are still to be resolved and such matters will be dealt with via a subsequent Reserved Matters application.

The application is accompanied by a Heritage Statement, a Planning Statement, a Design and Access Statement, a Transport Assessment and Draft Travel Plan.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Development;
- Scale of the Development/ Impact on Winter Gardens and Other Adjoining Property.
- Other Issues

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

CONSULTATIONS

Historic England: The current application is situated in the Blackpool Town Centre Conservation Area and is located adjacent to the renowned Blackpool Winter Gardens. The Winter Gardens is a grade II* listed complex and an important component within Blackpool's conservation area. The listed building incorporates two theatres, a huge ballroom known as the Empress Ballroom, conference suites, as well as bars and cafes. The building demonstrates the lively and innovative approach taken to providing entertainment facilities in Blackpool.

Such boldly conceived entertainment facilities were important to Blackpool's success as the quintessential Victorian seaside resort. The historic success of the town as a holiday resort owed much to its location just a short train journey from industrial cities within the north-west of England with their large working class populations. However its success compared to other resorts was Blackpool's development of iconic buildings and facilities, developed for the sole purpose of both attracting and entertaining the masses who then flocked to the area.

The site to be developed was previously the location of terraced housing, much of which was more often used as boarding housing for those on vacation. However, the site is currently a surface level car park, which adds little to either the character of the conservation area within which it sits or the setting of the grade II* Winter Gardens. We therefore would support the proposed re-development of the site in principle.

In terms of the detailed design, we are satisfied that the proposed height and massing of the new hotel would not harm the setting of the grade II* Winter Gardens. The form of the building is essentially horizontal, with a long three storey projecting bedroom element above a glazed ground floor. There is domestic scale to much of the surrounding conservation area, with a more vertical building emphasis which steps with the gently sloping topography. Breaking the longer elevations of the proposed building and finding a way to step the form of the building with the slope (difficult, we appreciate, with single floorplates though possible elevationally) would help to assimilate the building into its context.

In terms of the architectural design and composition, we note the intended relationship to nearby Art Deco that has influenced the design development, although we feel this approach could achieve a more distinctive building if carried out with more conviction. Currently there is a lack of information about details, materials and finishes, the quality of which will be essential to delivering a building that is not only of high quality but carries on Blackpool's tradition for innovative and exuberant design. We would therefore encourage a more in-depth examination of the town's architectural heritage and a bolder approach that is more clearly rooted in the character and appearance of the conservation area. Ensuring a well-detailed, lively and inviting ground floor will be particularly important in this respect. Blackpool Council, as the local planning authority, has special duties with regard to listed buildings and conservation areas. This development has the potential to protect and enhance the town's historic environment, which is integral to sustainable development as expressed in the core principles of the National Planning Policy Framework (NPPF 7). This development should respond to local character and history and reflect the identity of local surroundings and materials, although this should not prevent or discourage appropriate innovation (NPPF 58 and 131). The Council should also look for opportunities to enhance its conservation areas (NPPF 137). We consider that this application would meet these tests, although more detailed design development would be desirable.

In conclusion, we have no objection to this application in principle although further design development should be considered. There is scope to achieve a design that is more distinctive and that more boldly reflects the lively architectural tradition within the town. Materials and details are unclear and it vitally important that they are of appropriate high quality given this location. The early submission of large scale details and material specifications is, therefore, strongly recommended.

Environment Agency: 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.

Built Heritage Manager: I would prefer if the connecting bridge is not included in the full planning application, as it would be an unwelcome modern intrusion in the views down Leopold Grove from St John's Square. I would also prefer the design of the windows to better reflect the strong vertical rhythm of the adjacent Art Deco style building, perhaps by placing the cladding adjacent to the glazing vertically rather than as indicated in the drawings

Blackpool Civic Trust: 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.

Head of Highways and Traffic Management:

Lower Ground Floor

1. Circulation around the car park to be one-way as opposed to two-way, to remove conflict.
2. Motorcycle parking to be introduced.
3. DDA spaces would normally be 10% of the overall car parking provision, 6% is acceptable resulting in four spaces requiring an increase of one.
4. Cycle parking to be introduced, secure and in a prominent location.

Ground Floor

5. The existing highway which sits beneath the temporary car park must be stopped in order to remove highway rights. Ideally this should be done via the Town and Country Planning Act to allow development to take place.
6. Doors for the delivery area and refuse store on Alfred Street must not open out onto the public highway. Doors with this arrangement for fire exits can open out onto the public for safety reasons.
7. The pick-up and drop-off point on Leopold Grove cannot be supported as it would encourage and intensify the use of Leopold Grove with extra traffic. This to be omitted and the space allocated for a different use.
8. Loading and servicing can be done from Alfred Street.
9. The public highway adjacent to 2a Leopold Grove (which is being retained) together with the highway referred to in point 5 plus the link to Alfred Road (between 2 and 8a Alfred Street) and the rear highway behind 2-8 Alfred Street must be stopped up. Retaining this may lead to anti-social behaviour. Access to the rear units to be provided from within the development by a secure and dedicated route. It is crucial though that no highway sits on/through this development.
10. This proposal encompassed four streets, namely Leopold Grove, Adelaide Street, Alfred Street. By virtue of the scheme, off-site highway works will be necessary. This may include (can be added to):
 - Removal of vehicle crossing on Alfred Street.
 - Creation of vehicle access to the Lower Ground Floor
 - Removal of vehicle access points on Leopold Grove
 - Proposed radii change on corner of Leopold Grove/Adelaide Street (current layout is different to existing)

- further demolition and construction works is likely to affect the surface of the public highway, if care is not taken.

This scheme on its own would warrant a S278 scheme where the extent and scope of works must be agreed with the Highway Authority. Given that there is a comprehensive scheme for a Conference Centre on Leopold Grove, it would make sense for both developments to undertake a joint scheme to ensure there is a seamless transition, in terms of layout, aesthetic and palette for the public highway areas affected in this area. The joint scheme can identify pick-up/drop-off areas also serving both schemes. The above comments demonstrate the complexity of the apparently minor matters that will require highways/planning acts procedures. The procedures can be time consuming and should be carefully addressed in programming in due course.

Service Manager Public Protection: A Construction Management Plan is required to be submitted regarding dust, noise and vibration mitigation during the construction phase. Any external security / floodlighting is required to comply with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

Servicing/deliveries recommended to be between the hours of 7.30am - 6pm Monday-Friday and 9-1pm on Saturday.

The proposed development should be designed so the rating levels for cumulative noise from all noise sources shall not exceed 10 dB(A) below the existing LA90, at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014). Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority. Prior to the submission of an application for full planning permission a noise study shall be undertaken to demonstrate that the development meets this requirement. In addition, assessment shall include the highest evening and night-time L_{Amax} of the proposed noise sources at the nearest noise-sensitive premises.

Details of the kitchen ventilation/extraction system need to be submitted in order to ascertain whether there is any potential for odour nuisance from flues.

United Utilities: With regard to the above development proposal United Utilities wish to provide the following comments.

Drainage Conditions

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. We request the following drainage conditions are attached to any subsequent approval to reflect this approach:

Foul Water - Foul and surface water shall be drained on separate systems.

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. 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 5 l/s.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

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 that a condition is included regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Water Comments - Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

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

Electricity North West Ltd: 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.

Lancashire County Council (Archaeology): The Heritage Statement accompanying this application identifies that the proposed development is located within the Extended Town Centre Conservation Area, a designated heritage asset. The report also indicates the northern half of the site is occupied by a number of buildings, which includes No.s 2-8 Alfred Street that are proposed for demolition. As these buildings are originally of some architectural quality and are recognised as locally important by their inclusion within the Conservation Area, they are considered to be worthy of recording.

It is noted that extant outline planning consent exists for a 5/6 storey hotel complex on the application site. The former Lancashire County Archaeology Service (LCAS) provided comments to a previous planning application (09/1004) for this site as the area is one of potential archaeological/historical interest in relation to the urban development of Blackpool in the 19th Century. LCAS recommended that the buildings be subject to a rapid assessment prior to the demolition works commencing. A building recording condition (No.7) was placed on planning permission 09/1004, however it appears that this requirement was not implemented as no copy of the assessment report has been deposited with the Lancashire Historic Environment Record (HER). If a building record was made, but not submitted, please could a copy be supplied to the Lancashire HER.

Consequently, should the Local Planning Authority be minded to grant planning permission to this scheme, Lancashire Archaeological Advisory Service would recommend that a record of the buildings (Nos 2-8 Alfred Street) be made prior to demolition and that such work is secured by means of the following condition:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed 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 buildings.

PUBLICITY AND REPRESENTATIONS

Press notice published: 12 April 2018
4 x site notices displayed: 9 April 2018

Neighbours notified: 17 April 2018- Joseph Boniface, a local architect, has written in as follows: I write on behalf of my client regarding the above hotel development. Whilst the development itself is welcomed, there are concerns over the proximity of the line of development which borders the properties to the rear on Church Street. Such a building line blocks off the rear access to these properties for the occupants and potential access for emergency services also limiting future potential use, maintenance and development.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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 7 explains that the three dimensions to sustainable development including economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities....by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 8 confirms that these roles should not be undertaken in isolation and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 14 states that 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:
 - I. 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
 - II. 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 economic development, to always seek to secure high quality design and to conserve heritage assets.

Paragraph 18 confirms that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 36 requires the submission of a Travel Plan with all applications for development which will generate significant amounts of movement, in order to exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58 states that planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 61 confirms that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 65 states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design unless the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits.

Paragraph 103 confirms that when considering applications for new development, local planning authorities should ensure flood risk is not increased elsewhere.

Paragraph 129 confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available

evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage asset's and putting them to viable uses consistent with their conservation;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Paragraph 137 confirms that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council on 20 January 2016. In accordance with the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

Policy CS1: Strategic Location of Development

1. To deliver the Core Strategy vision the overarching spatial focus for Blackpool is regeneration and supporting growth.
2. Blackpool's future growth, development and investment will be focused on inner area regeneration, comprising:

- a. Blackpool Town Centre, including the three strategic sites of Central Business District, Winter Gardens and Leisure Quarter.
- b. The Resort Core, containing the promenade and the majority of resort attractions and facilities, holiday accommodation and major points of arrival.

Policy CS5: Connectivity

Addressing parking capacity issues by providing sufficient, high quality and conveniently located car parks, to support the town centre and resort economy and address wider issues of parking provision across the Borough.

Changing travel behaviour by pro-actively working with developers and other organisations to increase the proportion of journeys that use sustainable transport, while working with residents and businesses to reduce the need for work related journeys where alternative means or technologies make this possible.

Policy CS6: Green Infrastructure

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

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

Policy CS7: Quality of Design

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

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

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

Policy CS8: Heritage

Development proposals will be supported which respect and draw inspiration from Blackpool's built, social and cultural heritage, complementing its rich history with new development to widen its appeal to residents and visitors.

Proposals will be supported that:

- Enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm
- Strengthen the existing townscape character created by historic buildings

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

Policy CS9: Water Management

1. To reduce flood risk, manage the impacts of flooding and mitigate the effects of climate change, all new development must:

d. Where appropriate, not discharge surface water into the existing combined sewer network. If unavoidable, development must reduce the volume of surface water run-off discharging from the existing site in to the combined sewer system by as much as is reasonably practicable;

Policy CS17: Blackpool Town Centre

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

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

Policy CS21: Leisure and Business Tourism

In order to physically and economically regenerate Blackpool’s resort core and town centre, the focus will be on strengthening the resort’s appeal to attract new audiences year round. This will be achieved by supporting proposals for:

- New visitor accommodation focused on the town centre, resort core and defined holiday accommodation areas, unless exceptional circumstances justify a peripheral location outside these areas.
- The enhancement of existing and promotion of new venues and events spaces which can accommodate a year round programme of events, festivals and conferences.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

The following policies are most relevant to this application:

Policy LQ1: Lifting the Quality of Design

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

All planning applications for large-scale developments or smaller developments occupying prominent and/or sensitive locations, such as gateways and activity nodes must be accompanied by an 'Urban Design Statement'. This statement will need to set out the design principles of the development covering the following:

- (a) site appraisal and context
- (b) layout of street and spaces
- (c) activity and movement patterns
- (d) building design
- (e) public realm design
- (f) landscape design, including wildlife and biodiversity issues
- (g) energy and resource conservation
- (h) other relevant design issues

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

Policy LQ2: Site Context

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

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

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

Policy LQ3: Layout of Streets and Spaces

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

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

Policy LQ4: Building Design

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

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

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

Policy LQ5: Public Realm Design

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

Policy LQ6: Landscape Design and Biodiversity

New development will be required to incorporate appropriate landscaping and benefits to biodiversity.

Policy LQ7: Strategic Views

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

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

- (c) into and within Conservation Areas
- (d) local views of other Listed Buildings.

Policy LQ9: Listed Buildings

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

Policy LQ10: Conservation Areas

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

Policy AS1: General Development Requirements

New development will only be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- convenient, safe and pleasant pedestrian access is provided
- appropriate provision exists or is made for cycle access
- appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- 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.

Policy AS2: New Development with Significant Transport Implications

New developments which would generate significant levels of travel will only be permitted in locations which have good access to the existing main highway network and which are well served by sustainable modes of transport. A comprehensive Transport Assessment and a Travel Plan will be required for all proposals at or exceeding the threshold. 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. The Council will refuse development which generates excessive or inappropriate traffic in the locality.

ASSESSMENT

Principle of Development

The application site has no allocation on the Proposals Map to the Local Plan but it is within the Defined Inner Area. The site is adjacent to the Town Centre and within the Town Centre Conservation Area. The character of the area is predominantly hotel and guest house uses fronting Adelaide Street, with the Winter Gardens complex to the west across Leopold Grove.

Part of the application site is currently being used as a surface level, pay and display car park and has been in operation since 2009. Temporary planning permission was granted for the temporary car park in 2009 and again in 2012. The principle of hotel development has already been established on this car park which occupies approximately two thirds of the current application site, with the granting of planning permission in 2009 under reference 09/0999 and again more recently in 2016 under application ref: 16/0553. Approval has also been granted for the demolition of 2-8 Leopold Grove and 2-8 Alfred Street under application reference 17/0136 and 17/0516 in order to facilitate the development of this larger hotel proposal. The site of 2-8 Leopold Grove is currently being used as a site compound in connection with the Conference Centre development.

Paragraph 7 of the NPPF explains the three dimensions to sustainable development (economic, social and environmental roles). This outline application would satisfy the economic dimension and in part, the environmental dimension in relation to the scale of the development in close proximity to the Winter Gardens, the new Conference Centre and properties on Church Street. The social and environmental dimensions would be fully assessed via a reserved matters application.

Core Strategy Policy CS21 states that proposals for new visitor accommodation will be focused on the Town Centre, resort core and defined holiday accommodation areas unless exceptional circumstances justify a peripheral location outside of these areas. Given the site's location abutting the Town Centre and directly opposite the Winter Gardens complex and the new Conference Centre, it is considered that the proposal would be in accordance with Policy CS21.

Core Strategy Policy CS8 states that development proposals will be supported that enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm and strengthen the existing townscape character created by historic buildings. The existing car park provides a poor setting for the Winter Gardens and creates a negative tarmac void in an otherwise built up area. The former/ existing buildings on Leopold Grove and Alfred Street to be demolished are also in a poor condition and detract from the Winter Gardens and the wider area. A five/ six storey scale building has previously been accepted and design details, and other matters of means of access and site layout would be assessed under a reserved matters application.

For the above reasons it is considered that a hotel development in this location on the larger site taking in 2-8 Leopold Grove and 2-8 Alfred Street is still acceptable in principle.

Scale of the Development/ Impact on Winter Gardens and Other Adjoining Property.

The scale of the development differs from the previously approved scheme due to its larger site area and its relationship and close proximity to properties fronting Church Street, principally the apartment block at the junction with Leopold Grove. Otherwise there are no other changes in circumstance which would suggest a part five storey scale building is no longer acceptable on the site, especially when considering the scale of nearby buildings and the changing land levels. However it is considered necessary to step the building down to four and then three storeys towards the northern boundary to better match the scale of the buildings which are/ were on this part of the site and also for example to reduce the scale of the development at its exposed north east corner on Alfred Street, the highest point of the site, where the site adjoins a single storey shop unit and also, importantly, to address concerns regarding the impact on the adjoining apartment block at the Leopold Grove/ Church Street junction which has habitable room windows facing the application site. Incorporating the changes to the scale of the development by grading the height of the building down from five to four to three storeys from Adelaide Street to the northern boundary means that the scale of development is considered acceptable in terms of its impact on both the Winter Gardens and adjoining properties including property fronting Church Street.

The significant advantage of the current proposal over the previous approval on a smaller site is that a hotel development over the whole site allows the opportunity for a more comprehensive re-development which will complement, subject to the approval of the Reserved Matters referred to above, and will better relate to the Winter Gardens and its new Conference Centre. It will also add to the offer of quality visitor accommodation close to the town centre and is particularly well placed to serve future delegates at the Conference Centre. The number of bedrooms has been amended to state a maximum of 203 bedrooms as the reduction in the scale of the building will undoubtedly reduce the number of bedrooms although the final number of bedrooms is as yet unknown.

Other Issues

A key issue with the acceptability of a large hotel in this location will be the design, facing materials, the footprint of the building and the agreement of servicing and access details. There are a number of issues with the submitted illustrative details which the architect is

aware of and it is expected that these matters will be satisfactorily addressed, following further discussions, as part of the subsequent Reserved Matters application.

In addition a number of other detailed matters including servicing delivery hours, maximum noise levels and details of plant and ventilation will be dealt with as conditions of either the outline approval or any subsequent Reserved Matters approval to ensure that the proposed hotel will not adversely affect the surrounding area.

The amended plans will address the issue regarding the retention of access to the rear of property fronting Church Street as this matter had previously been raised with the architect.

CONCLUSION

This application is a positive step towards the regeneration of the site and the wider area, and it is in a key location on the edge of the Town Centre and adjacent to one of Blackpool's most important heritage assets and leisure facilities.

It is considered that the proposal is in accordance with national and local planning policies and with the right design and layout, the proposal will regenerate and enhance the area and provide good quality visitor accommodation to support the Town Centre and the wider leisure economy.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

BACKGROUND PAPERS

Planning Application File(s) 09/0999 and 16/0553 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:
 - Layout
 - Appearance
 - Access
 - 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 including the following plans:

HE001_(01)_0001 P1, HE001_(01)_1003 P1, HE001_(01)_1004 P1,
HE001_(01)_P005 P1,
HE001_(01)_1006 P1, HE001_(01)_1007 P1, HE001_(02)_2001 P1,
HE001_(02)_2002 P1

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 LQ14 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 5 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. 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.

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

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

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016 and Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. 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.

9. No development shall take place until full details of an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details prior to the hotel hereby approved being first brought into use and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason. To ensure the site is satisfactorily illuminated in the interests of good design and visual amenity in accordance with paragraphs 56 and 57 of the National Planning Policy Framework, Policies CS6 and CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and Saved Policies LQ1, LQ3, LQ4, LQ5 and LQ6 of the Blackpool Local Plan 2001-2016.

10. Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

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

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

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

12. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in

accordance with the approved plan.

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

13. Prior to the commencement of development a noise study shall be submitted to and agreed in writing with the Local Planning Authority. The study shall meet the following requirements:-

The proposed development shall be designed so the rating levels for cumulative noise from all noise sources shall not exceed (noise level calculated as detailed in section 2.1, usually 10 dB(A) below the existing LA90), at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014). Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority. In addition to the above, the assessment shall include the highest evening and night-time L_{Amax} of the proposed noise sources at the nearest noise-sensitive premises.

The development shall subsequently be carried out in accordance with the approved details and any noise attenuation measures retained thereafter.

Reason To protect the residential and visitor amenity of adjoining residents in accordance with Policies BH3 and BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

14. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation to be first submitted to and approved in writing by the Local Planning Authority.

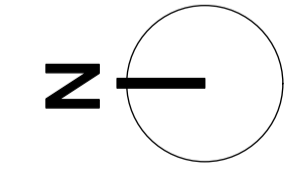
Reason: The site is within an area where there may be important features of archaeological interests and so appropriate investigation and safeguarding is necessary in accordance with Planning Policy Statement 5: Planning for the Historic Environment.

Advice Notes to Developer

Not applicable

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Appendix 6(a)



This drawing should be read in conjunction with the Project Numbering System
Key drawing JLR001-BA-Z0-00-DF-A-0001

Drawing Origin Co-Ordinates X: 619700000 Y: 242075000	Rotation R: -50.674015 degrees	North
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This Drawing Origin Co-Ordinates, must be applied when importing data to user origin.

Key	
Scale Bar	

Suitability	Revision	Date	Comments
	P1	28.02.18	Outline planning application

A1

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Notes
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Do not scale
All dimensions to be checked on site

Project	Blackpool Hotel	Logo
Address	Adelaide Street, Blackpool	Kewdeal Ltd

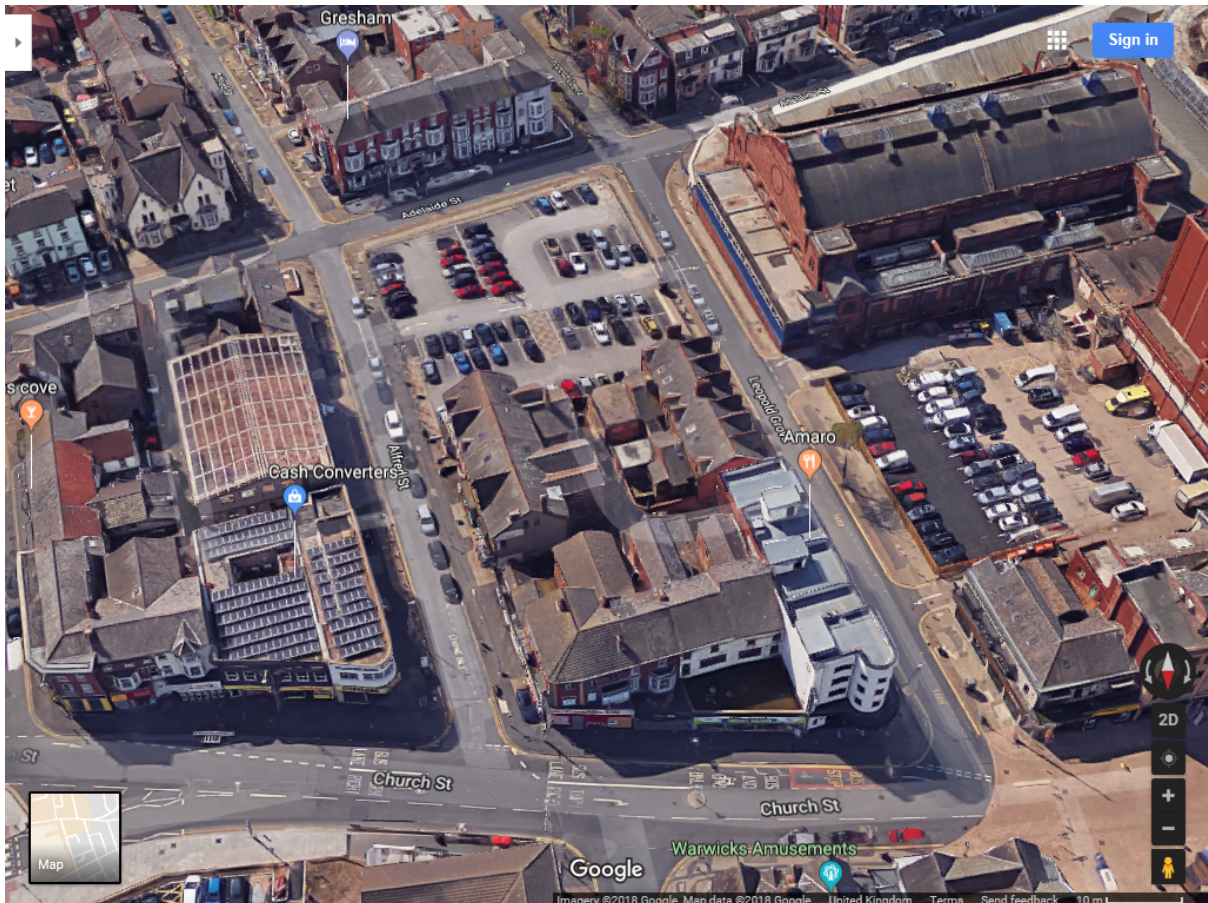
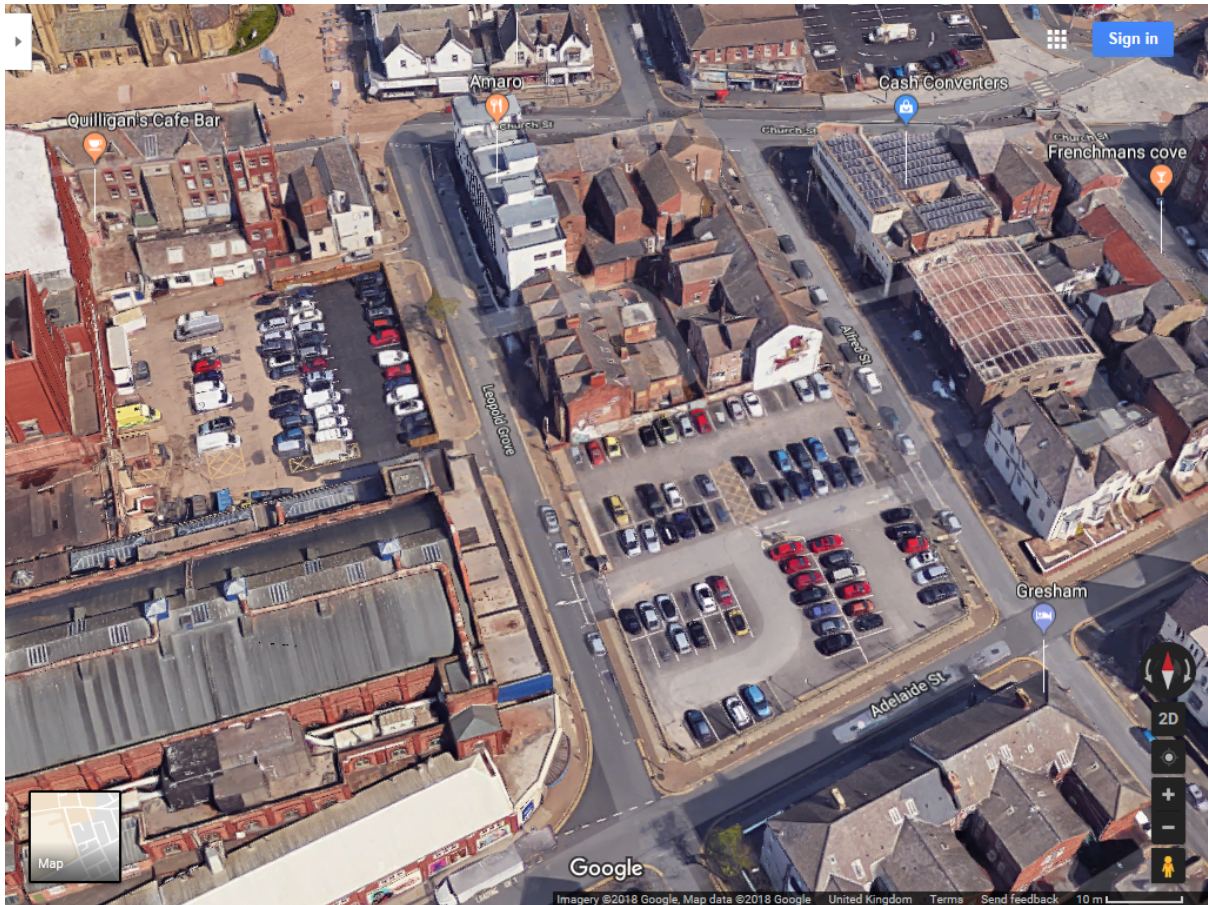
Information Title
Location Plan

Date	19.07.17	Drawn	MF	Checked	ZL	Scale	1:1250@A1	
Project No. - Originator - Zone - Level - Type - Role - Number	HE001_(01)_0001						Suitability	Revision
							P1	

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COMMITTEE DATE: [20/06/2018](#)

Application Reference: 18/0199

WARD: Tyldesley
DATE REGISTERED: 24/04/18
LOCAL PLAN ALLOCATION: Main local centre

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr Shaw

PROPOSAL: Retention of temporary portable cabin for a period until 31 December 2018.

LOCATION: 420 WATERLOO ROAD, BLACKPOOL, FY4 4BL

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.

SUMMARY OF RECOMMENDATION

The portable cabin is proposed to be retained for a temporary period until 31 December 2018 (during construction of a single storey extension with the benefit of planning permission) and a condition can be imposed to prevent it being retained any longer. Its impact on neighbours' amenity can be mitigated by conditions regarding hours of operation and control of noise outbreak, such that it is minimal and therefore approval with appropriate conditions is recommended.

INTRODUCTION

Blackpool Music Academy CIC, is the owner of 420 Waterloo Road and is the trading arm for the Blackpool Music School charity. All monies made from rentals, coffee shop etc. goes into the charity, as support to give free tuition to the community, making music affordable for all. Blackpool Music School was originally granted planning permission on this site in 2010 (reference. 10/0030) for the "Erection of single storey rear extension, new side entrance with access ramp, two parking spaces to side and use of premises as altered as a shop, cafe and music school." A subsequent application made earlier last year (reference. 17/0270) for "Erection of a two storey rear extension following demolition of existing extension" was

refused because of the height and impact on neighbours' amenity; and a further application was submitted (reference 17/0626) for "Erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin to front hardstanding area for a period of 12 months" and was withdrawn by the applicant, immediately prior to it be determined by Committee. The portable cabin is required whilst the 2010 extension is completed.

SITE DESCRIPTION

The property is two storey end of terrace building, with a third floor in the front and rear dormers/wing, it is traditional in design and constructed with traditional materials with a part brick/part rendered finish. It is located at the junction of Waterloo Road (a classified road and bus route) with Kirkstall Avenue and there is no vehicular access between the two roads. There are parking spaces across the Waterloo Road frontage of the premises and disability parking spaces on the Kirkstall Avenue frontage. The property is in use as Blackpool Music Academy, with a café on the Kirkstall Avenue side and a radio station in a portable cabin. A single storey extension is under construction to the rear, to eventually house the radio station. The block is primarily commercial in nature, although the attached property is a house. A discount carpet warehouse and Oxford Square Aldi are visible at the end of the rear alley, which is also a cul-de-sac.

DETAILS OF PROPOSAL

The proposal is for the temporary siting of a portable cabin on the front hardstanding area until 31 December 2018. The portable cabin is located towards the front of the site, beside the side, glazed window of the former shop. The 2010 approval showed the front area as landscape/planted and a condition was imposed for a dwarf wall to be erected prior to commencement. This has not been done and the forecourt to Waterloo Road has been retained as parking across the full width.

MAIN PLANNING ISSUES

The main planning issue is considered to be:

- the design and appearance in the streetscene
- the amenity of neighbours in terms of noise and disturbance and outlook

This will be discussed in the assessment section of this report.

CONSULTATIONS

Head of Highways and Traffic Management: On the assumption that the timescale of the proposed relocation is believed to be realistic and can be effectively covered by condition I have no objection the temporary retention of the cabin until December.

Service Manager Public Protection: Since there have been no complaints to Environmental Protection (EP) about the portacabin, it is temporary, and we have means to remedy a complaint should we need to, I have no objections.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 24 April 2018

Neighbours notified: 24 April 2018

Objections have been received from the residents of 422 Waterloo Road and 2 Kirkstall Avenue. The full objections are available to view on the Council's website, but in summary, the objections are based on the fact that the portable cabin was sited without planning permission in October 2017 for the purpose of running a 24/7 radio station. They state that all sorts of people are in and out at all hours of the day and night, loitering around and there is no respect for the local residents when they are smoking and drinking, littering and swearing outside the portable cabin. They continue to drive across the pavement to park their cars on the illegal car parking spaces which also do not have planning permission and this is dangerous to pedestrians. They consider that the portable cabin is an eyesore and interrupts the view out over Waterloo Road.

There are other issues raised regarding non-compliance with conditions imposed on the original permission (dwarf wall, illegal parking, implementation of sound attenuation measures, music tuition in non-designated rooms etc.) and there are ongoing investigations by officers from the Planning Enforcement team.

In reply to the objections, Fylde Coast Radio (who operate the portable cabin) state that they are a local, not for profit community radio station, run by nearly 50 local volunteers and have a symbiotic relationship with Blackpool Music School, although each are entirely separate and autonomous entities. They are not a commercial station, never have been and never will be. The station runs from 09:00 until 10:00pm most days. The "all sorts of people" are, amongst others an ex local police superintendent, a magistrate, two solicitors, care workers and their charges, and people with some difficulties and challenges. Fylde police come in weekly to offer help and advice to local listeners about topical issues. Fylde Coast Radio has over 7000 local listeners and a following on social media of nearly 15,000.

Alcohol is strictly forbidden and there is a fully operational café on the site for soft drinks. There is a designated smoking area at the rear of the station which the smokers use, which is covered by CCTV to ensure that smoking rules are complied with. The presenters are usually at the station for shifts (shows of between two to three hours) so there are mostly a maximum number of two people on site at one time and that is at shift changeover. The presenters range in age from 18 to 84, with the majority being non-smokers, and mature in years. The presenters would prefer to park next to the radio station, but they are requested not to park in that area of the street in order to be neighbourly and accommodating to the objector. There are also other businesses in the area Rialto (take away) Babylon (take away) also Domino's pizza taking up parking spaces at certain times of the day.

The portable cabin would have only been there for a few months during construction of the

soundproofed rear extension to house the radio station, but delays to the extension, due to local objections, has resulted in the cabin being on site for longer.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental, which are mutually dependent. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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 and paragraph 17 of the NPPF sets out 12 core planning principles.

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:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods

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 (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
- BH3 Residential and Visitor Amenity
- AS1 General Development Requirements

ASSESSMENT

Principle

The improvement to an existing business is acceptable in principle within this Local Centre.

Design

The portable cabin is a metal box and as such is not appropriate for permanent siting in this prominent location. However, since it is only temporary until the end of this year to facilitate the relocation of the radio station into the extension, and a condition can be imposed to secure its removal by 31 December 2018, it is not considered that this is a reason for refusal.

Amenity

With regard to noise/disturbance, there was no restriction imposed on the hours of operation of the music school. However, with regard to the portable cabin, on withdrawn application 17/0626 the Environmental Protection officer requested a condition that the windows be kept closed and a 10 pm finish be conditioned and stated that if noise does become an issue, legislation could require further noise reduction/earlier finish. Conditions requiring the use of the portable cabin to cease at 10 pm and a further condition requiring the windows to be closed during operation, would be appropriate. Since the unit would be removed by the end of this year, it is not considered that a refusal could be sustained with regard to outlook from neighbouring properties.

Highway Safety/Parking and Servicing Arrangements

As this is a temporary situation, there is no objection from the Head of Highways and Traffic Management.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Not applicable

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 10/0030, 17/0270 & 17/0626 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. The portable cabin shall be removed on or before 19 December 2018 and the land reinstated to its former condition. The windows and door (other than for access/egress) to the cabin shall be closed at all times that it is in use; and, the cabin shall not be used between 22:00 hrs on any day and 08:00 hrs on the following day.

Reason: In order to safeguard the appearance of the area and the living conditions of the occupants of nearby residential premises, 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.

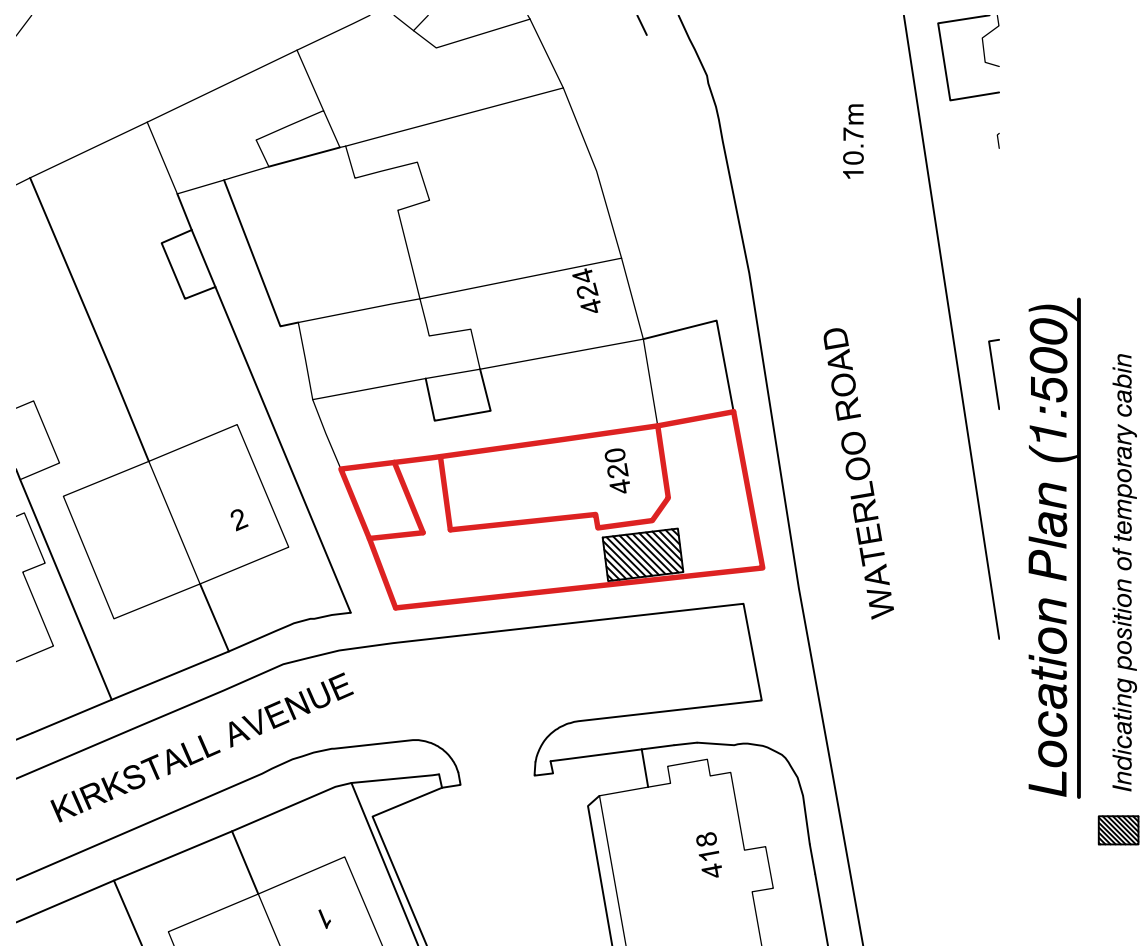
2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location plan received by the Council on 03/04/2018; drawing no. 7380/02.

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

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.



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Agenda Item 8

COMMITTEE DATE: 20/06/2018

Application Reference: 18/0202

WARD: Bloomfield
DATE REGISTERED: 30/03/18
LOCAL PLAN ALLOCATION: Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Valad European Diversified Fund (Jersey) 14 Limited

PROPOSAL: Demolition of the existing public house, relocation of the vehicular access and erection of a bingo hall (Use Class D2) and a drive-thru cafe/restaurant (Use Class A3) with associated reconfiguration of the existing car park and provision of new landscaping.

LOCATION: LAND AT ODEON CINEMA, RIGBY ROAD, BLACKPOOL, FY1 5EP

Summary of Recommendation: Refuse

CASE OFFICER

Miss. S. Parker

BLACKPOOL COUNCIL PLAN 2015 -2020

The application would accord with Priority One of the Plan - The economy: Maximising growth and opportunity across Blackpool in so far as it would create additional employment, but it would conflict with national and local planning policies and guidance.

SUMMARY OF RECOMMENDATION

Refusal on the basis that the development fails to satisfy the sequential test and on the grounds of poor design.

INTRODUCTION

Pre-application advice was sought in respect of this scheme in January 2018. Two meetings were subsequently held and written advice was issued. The principle of the proposal was discussed including the need for the applicant to demonstrate compliance with the sequential test and show that the development would not have an unacceptable impact on the health of the town centre. The design of the two buildings but particularly the bingo hall was discussed. Concern was raised over the scale of the building, its detailing and its position relative to the site boundaries.

SITE DESCRIPTION

The application relates to the Festival Leisure Park that is bound to the south by Rigby Road, the west by Seasiders Way, the north by Princess Street and to the east by Kent Road and Salthouse Avenue. At present the site is occupied by a large Odeon multiplex cinema, a Bannatynes Fitness Centre, a McDonald's drive-thru, a Frankie and Benny's restaurant, and the Swift Hound public house. Vehicular access to the site is taken from Rigby Road between the Frankie and Benny's and the Swift Hound. There is a telecoms tower in the north-western corner of the site and this is served by a second vehicular access from Princess Street. Informal pedestrian access to the wider site is available from this point. A wall demarcates the boundary of the site with a strip of planting behind. There are more substantial areas of landscaping on either side of the site entrance, along Seasiders Way, and in pockets along the northern and north-eastern boundaries.

The buildings on site vary in scale and design. The Odeon and Bannatynes buildings are of a similar style with flat roofs and cream-coloured cladding set above a buff brick base. The buildings echo art deco design and the main entrance points have been made in to visual focus points through the use of raised brick piers, curtain glazing and central feature panels to bear signage. The McDonalds drive-thru is faced in a red brick with a green panel-clad roof that is typical of that company's branding. The Frankie and Benny's restaurant continues the art deco theme and uses a mix of render and buff brick above a grey brick plinth. Canopies are in place over the windows to define the brand with high level signage in front of wooden-panelled central focal features. The most traditional building on site is that of the Swift Hound. This is constructed of red brick with buff brick detailing and a grey slate roof. The building varies in scale between single and two-storey and the varied roofscape breaks up its massing.

With the exception of a retail unit at the corner of Rigby Road and Salthouse Avenue, the site is bound by residential properties on all sides. The site is elevated above Rigby Road by some 0.7m.

The site is not designated on the Proposals Map to the Local Plan. A small section of the north-western corner of the site falls within Flood Zone 2 and the very edge of the entrance to the site falls within Flood Zone 3. The site falls outside of any Conservation Areas and there are no heritage assets in close proximity. There are no trees of significant amenity value on the site and, aside from the small areas of landscaping, there are no areas of habitat. No other designations or constraints are identified.

DETAILS OF PROPOSAL

The application proposes the demolition of the existing Swift Hound pub to enable the erection of a bingo hall in the south-eastern corner of the site. This building would be largely rectangular in shape with projections on the western elevation to form the main entrance foyer and a smoking area, and a third projection on the northern elevation for form a bin store. The building would be single level aside from a mezzanine to accommodate plant. It would be some 33m in width and 70m in length and would provide around 2,330sqm of

floorspace. Four square towers are proposed to the corners with a shallow hipped roof set between. The maximum height of the building to the ridge would be 7m. The eaves would be 5.5m high with the towers rising to 6.5m. Some 8.5m would separate the building from the back of pavement on Rigby Road. The separation to the back of pavement on Salthouse Avenue would be around 8.5m with a pinch point of 3.8m between the north-eastern corner of the building and the Kent Road boundary. It is proposed that the bingo hall would be operated by Bingo 3000.

The application also proposes the erection of a new drive-thru cafe/restaurant to the west of the existing Frankie and Benny's building. This would sit at a right angle to Rigby Road and would have a frontage of some 20m and a depth of 12m. It would sit away from the boundary with Rigby Road by around 9.5m. The building would have a mono-pitch roof sloping up from east to west. Vertical features defining the main entrance point and drive-thru servery would punch up through this roof to heights of 7.3m and 6.3m respectively. The roof itself would have a minimum height of 4m rising up to 5.2m. At the time of writing, no end-user is identified.

The provision of these new buildings in the positions proposed would require the relocation of the existing vehicle access and the reconfiguration of the car park. It is proposed that the access be relocated some 82m to the west. Ramped pedestrian access would be provided in place of the existing vehicular access along with some additional landscaping. The resulting space between the Frankie and Benny's and the bingo hall would be laid out as car parking. The car parking area that currently exists between Frankie and Benny's and the McDonalds would be reconfigured to accommodate the drive-thru road layout and the new access. A new vehicular access point is proposed in the northern site boundary onto Princess Street. It is suggested that this would be a managed, exit-only point to reduce congestion at peak times. In total the number of parking spaces available on the site would be reduced from 631 to 497.

It is proposed that the bingo hall would operate 11:00-00:00 seven days a week and that the drive-thru would be open 24 hours a day all week.

The application is accompanied by a:

- design and access statement
- planning and retail statement
- transport assessment and technical update note
- flood risk assessment
- noise assessment
- bat survey
- BREEAM assessment
- statement of community involvement
- demolition management plan

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The impact of the proposal on the health and vitality of the town centre
- The impact of the proposal on residential amenity
- The visual impact and design of the scheme
- The acceptability of the access arrangements and the implications of the parking reduction

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

CONSULTATIONS

Head of Highways and Traffic Management: both the junction capacity calculations and car park use assessments are based on data from February 2018. Data should have been gathered from Frankie and Benny's and the Odeon or the Council and a busier time of year chosen to establish a representative picture. Data from a busier period should be used to demonstrate that the numeric assessments are valid. The new access and works at the mini roundabout would require works to be approved and carried out under a Section 278 agreement. The routing of service vehicles across the busy pedestrian approach to the cinema is questioned. This is where conflict with the largest number of potentially distracted pedestrians is most likely. More details of the management arrangements for the Princess Street access are required. The pedestrian routes across the site from north to south and east to west are questioned. At present there are clear routes across the site linking the smaller facilities and the pedestrian route to the Odeon. Whilst they may not be well used they are nevertheless clear and visible. This relatively straightforward pedestrian orientation would be lost. Given that the main proposal is in the eastern part of the site and the greater area of parking is to the west, it is unclear how this arrangement could deliver any benefit.

Service Manager Public Protection: there is potential for noise disturbance. The pedestrian entrance would be very close to houses on Rigby Road. Vehicles including taxis are potentially more likely to pull up here for drop off/collection than enter the site. Entrance points tend to be a focus of congregation and are therefore often a source of noise. It is reasonable to expect that a large number of customers would seek to leave simultaneously at the end of a session creating a busy and noisy situation. Typical noise sources would be car horns, vehicle engines, car doors closing, car stereos, conversations, telephone use and potentially alcohol fuelled merriment. The design should be reconsidered to move the main entrance further from the housing and remove the pedestrian access from Rigby Road. More space should be created around the main access to enable greater dispersal. A Construction Management Plan should be required. Details of any new lighting would be required and must adhere to the guidance notes on the Reduction of Obtrusive Light produced by the Institute of Lighting Engineers. Deliveries should be restricted to 0800 to 1900 in accordance with the submitted noise assessment.

Head of Coastal and Environmental Partnership Investment: it is recommended that a condition be attached to any permission granted to require demonstration that surface water run-off rates at the point of discharge post development would be less than or equal to surface water run-off rates at the point of discharge pre-development.

PUBLICITY AND REPRESENTATIONS

Press notice published: 26th April 2018

Site notice displayed: 16th April 2018

Neighbours notified: 13th April 2018

Three representations have been received from Nos. 15, 17 and 19 Rigby Road raising the following issues:

- scale excessive for the area
- increase in noise nuisance and disturbance from cars and people
- loss of car-parking unacceptable as existing provision is inadequate on Blackpool Football Club match days, when a new film is released, or when there is an event in town
- the submitted car parking survey is unreliable
- increase in traffic
- impact on highway safety
- existing traffic-calming measures are ignored
- difficulty accessing/egressing driveways
- there are no boundary treatments to provide a buffer between the properties on Rigby Road and an out-of-control vehicle
- traffic speeds are excessive and the relocation of the access would exacerbate this
- the creation of a vehicle access/egress point on Princess Street would compromise highway safety, particularly for children
- anti-social behaviour from use of car park by motorists
- increase in litter and inadequate bin provision
- existing drainage is inadequate
- increase in pollution
- disturbance during construction, particularly in conjunction with other developments in the area

RELEVANT PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The National Planning Policy Framework (NPPF) was adopted in 2012. It sets out a presumption in favour of sustainable development and identifies twelve core planning principles. The following sections are most relevant to this application:

- 1 - Core principles
- 2 - Ensuring the vitality of town centres
- 4 - Promoting sustainable transport

- 7 - Requiring good design
- 8 - Promoting healthy communities
- 10 - Meeting the challenge of climate change, flooding and coastal change
- 11 - Conserving and enhancing the natural environment

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF. The following sections are most relevant to this application:

- Design
- Ensuring the vitality of town centres
- Flood risk and coastal change
- Health and well-being
- Natural environment
- Noise
- Planning obligations
- Travel plans, transport assessments and statements in decision-taking

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY (2012-2027)

The Core Strategy was adopted by the Council in January 2016 and sets out the strategic planning policy for the borough. The most relevant policies are:

- CS1 - Strategic location of development
- CS4- Retail and other town centre uses
- CS7 - Quality of design
- CS11 - Planning obligations
- CS12 - Sustainable neighbourhoods
- CS15 - Health and education
- CS21 - Leisure and business tourism

SAVED BLACKPOOL LOCAL PLAN (2001-2016)

The Local Plan was adopted in June 2006. A number of policies have now been superseded by Policies in the Core Strategy and these are listed in Appendix B to the Core Strategy. Other policies have been saved for continued use until the Local Plan Part 2: Site Allocations and Development Management Policies is produced and adopted. The following policies are most relevant to this application:

- RR1 - Visitor attractions
- LQ1 - Lifting the quality of design
- LQ2 - Site context
- LQ3 - Layout of streets and spaces
- LQ4 - Building Design
- LQ5 - Public realm design

- LQ6 - Landscape design and biodiversity
- BH3 - Residential and visitor amenity
- BH16 - Shopping development outside of existing frontages
- BH17 - Restaurants, cafes, public houses and hot-food take-aways
- BH21 - Protection of community facilities
- NE6 - Protected species
- AS1 - General development requirements (access and transport)

ASSESSMENT

Principle

Two main aspects of principle must be considered as part of the assessment of this application. The first is the acceptability of the loss of the existing public house; the second is the acceptability of the development of main town centre uses in an out-of-centre location.

Loss of the public house

Saved Policy BH21 of Local Plan states that proposals that would lead to the loss of a community facility will not be permitted unless it can be demonstrated that there is no longer a need for that facility. The supporting text makes it clear that public houses are amongst those community facilities safeguarded by the policy. The continued validity of this approach was reinforced in 2017 when central government amended national legislation to require that planning permission be sought for the loss of a public house, reflecting the importance of such uses as to local communities.

The agent for the application has sought to claim that the bingo hall proposed would function as a replacement community facility. It is also stated that the pub has traded poorly and that this has been raised as an issue by consecutive tenants. The layout is alleged to be too large with excessive upper-floor accommodation and the existing tenant has entered into a binding agreement to terminate the lease. These statements in themselves are not considered sufficient to demonstrate that the existing public house has no viable future as a community facility.

It is not accepted that the bingo hall would constitute a replacement community facility. Public houses are accepted meeting points for social interaction and are used by a wide cross section of the community with no particular behaviours imposed on patrons. The bingo hall proposed by virtue of its scale would not serve a local function but would instead constitute a leisure facility serving a wider area of the borough. Furthermore, patrons of the bingo hall would either be expected to partake in gambling or would otherwise have their experience on the premises strongly influenced by the prevailing session of play. As such it would appeal to a lesser proportion of the community and would not serve the same function.

Since first submission a letter from the current tenants has been provided. This letter reiterates that the floorspace of the building is too large and is not supported by the level of trade available. The closure of a link to Seaside Way to facilitate nearby development has

also been cited as an issue, although this would not affect local patronage. Information on running costs, sales and trading profit has been provided and it is suggested that the business made small profits in 2015 and 2017 but a loss in 2016. As such, and in expectation of rising costs and steady or declining profits, the tenant will not renew the lease. It is accepted that the unit is not a traditional pub that developed to serve the needs of an established local community. Instead it was located on the park to provide an eating and drinking facility to primarily serve customers of the cinema and other uses on the site. Although it is acknowledged that there will be a growing residential catchment for the public house through the further development of the Rigby Road housing site, on balance it is accepted that the loss of the pub has been justified and that it would not have an undue impact on the health or cohesion of the local community.

Acceptability of the location

Sequential test

Both the bingo hall and the drive-thru restaurant classify as main town centre uses. Paragraphs 24 and 27 of the NPPF, and Policy CS4 of the Core Strategy, seek to direct such uses to the town centre and to the designated district and local centres across the borough. The aim is to protect these centres from unacceptable impact from new development in out-of-centre locations. In order to address this issue, the applicant has undertaken a sequential appraisal and impact assessment.

Relevant case-law has established that applicants must demonstrate some flexibility when searching for suitable, available, alternative sites. Whilst alternative sites must be broadly capable of accommodating the development proposed, sites cannot be discounted purely on the operational preferences of the end-user as this would undermine the purpose of the sequential test. The intention is to make best use of available land in the town centre. Flexibility is understood to mean flexibility in business model, use of multiple-levels, flexible car parking requirements, innovative servicing solutions, and a willingness to depart from standard formats.

The applicant has cited an appeal decision relating to a site in Rushden, Northamptonshire, (reference: APP/G2815/V/12/2190175), where the Secretary of State confirmed that there is no longer a requirement within the sequential test for the applicant to explore disaggregation. However, a more recent appeal decision relating to a site in Hull (reference: APP/V2004/W/17/3171115) arguably overturns this. In this decision, the Inspector notes the requirement set out in NPPG for developers to consider what contribution more central sites are able to make individually to accommodate the proposal. He acknowledges that historically this has been taken to mean that a single site must be able to accommodate the development proposed. However, he also acknowledges that the NPPG is guidance that does not necessarily outweigh the development plan. The Inspector noted that the relevant local planning policy required developers to consider the potential for use of more appropriate sites and highlighted the pluralisation of the word sites. He argued that, as the plan had been tested for soundness through examination, the Inspector in that process must have assessed this wording and found it to be consistent with the NPPF. He concluded that this required the

potential for disaggregation to be considered. Paragraph 3b of Policy CS4 of the Core Strategy relates to the location of main town centre uses and similarly makes reference to necessary consideration of more sequentially preferable, appropriate sites in the plural. On this basis, it is judged that the developer must demonstrate that options for disaggregation have been explored in this instance.

The applicant has disputed the need to consider disaggregation. Whilst they acknowledge that the two elements could be accommodated on separate but nearby sites, they maintain that the two uses are linked as two elements of the same proposal. This is not accepted. The two uses are not functionally inter-dependent and would not be operated by the same company. On this basis, the two uses have been considered separately by officers.

The submitted statement cites appeal decisions to argue that out-of-centre retail parks can perform an ancillary role that effectively precludes them from the sequential test. This is disputed. In the appeal cases presented, the proposed food/drink offer was intended to serve retail parks of significant scale that were some distance from the nearest defined centre. The Inspectors concluded that it would be unreasonable to expect patrons of the retail parks to travel away from the site for food/drink. This is not considered to be comparable to the Festival Park site. In terms of scale, the park would offer only a gym, cinema and, if approved, a bingo hall. There are already two food/drink establishments on the park to serve these uses. On this basis and in this circumstance, it is not accepted that a further food/drink offer would be ancillary. As such, it is considered that the sequential test must apply to the proposed drive-thru cafe/restaurant. It is accepted that a site capable of accommodating some 260sqm of floorspace with additional land to form the drive-thru circulation space would be required. It is noted that many typical occupants of out-of-centre drive-thru facilities also maintain representation in the town centre.

The applicant states that the site falls within 300m of the town centre and 50m of the Resort Core, making it an edge-of-centre site. This is also disputed as the actual walking distance between the town centre boundary and the closest pedestrian entrance to the site is some 340m. The Resort Core is a preferential development for visitor attractions as acknowledged in saved Policy RR1 of the Local Plan and Core Strategy Policy CS21. Whilst it is accepted that the uses proposed could attract some custom from visitors to Blackpool, the dispersal of Bingo 3000 venues across the country away from tourist centres suggests that the majority of their patronage comes from local residents. As such, the use should properly be considered as a typical main town centre use rather than a tourist attraction.

The applicant has looked for sites that offer over 2,000sqm of floorspace on one level with servicing and free car parking for at least 120 cars for the bingo hall. As requested by officers, a schedule of the floorspaces of the other bingo halls operated by Bingo 3000 has been provided. These range in scale between 790sqm and 3,995sqm although the majority are between 2,000sqm and 3,000sqm. On this basis the search threshold is considered reasonable. It is argued that the typical customer profile necessitates level access and free-parking in close proximity, and the existing Mecca Bingo facility on Talbot Road is cited as a prime example. Whilst parking in close proximity is accepted as necessary, the need for free and level provision is disputed as a business model preference rather than a use-driven

requirement. This view is supported by the fact that users of the existing Bingo 3000 facility in nearby Preston are required to pay to park in a nearby multi-storey and are not given any option to reclaim this expenditure.

It has been stated that the nature of play and the use of a mechanical grid system to support the play tables requires a single-level operation. Modern bingo is increasingly understood to be electronic/automated and played in large format with each point of play linked to central controls. On this basis, the requirement for floorspace predominantly on one level is accepted. It is also appreciated that a large number of patrons would need to be able to leave the premises quickly and safety both at the end of a session and in the event of an emergency.

It is accepted that the scale of development proposed would be inappropriate in a local centre as these are intended to provide day-to-day services to a local walk-in catchment. On this basis, local centres have generally been excluded from the sequential appraisal which has focused only on the town centre and the defined district centres. Consideration has been given, however, to the former Empire bingo hall on Hawes Side Lane.

Six sequentially preferable sites within the defined Town Centre boundary have been identified. These are the former Post Office building on Abingdon Street, the former Apollo 2000 site on Talbot Road, the former BHS unit on Church Street, the first floor of Bickerstaff House on Talbot Road, the car park at Alfred Street/Leopold Grove, and the former Central Station site. The former Post Office has been discounted because it is on multiple levels and is a Listed Building meaning that any redevelopment of this nature would impact upon its heritage value. The use of the first floor of Bickerstaff House was discounted on the basis that it would not accord with the Council's aspirations for the site and because of lack of ground level floorspace. Planning permission has been granted for a hotel on the site at Alfred Street/Leopold Grove and there is another application for a hotel also on this agenda and so this has been discounted as unavailable. Finally, the former Central Station site has been discounted on the basis that it is a strategic site on which the Council is seeking comprehensive redevelopment. It is agreed that these sequentially preferable sites can be discounted from consideration.

The former Apollo 2000 site has been discounted on the basis that it would not be possible to deliver a building of the size required and car parking. Public car parking would be available within the Sainsbury's car park, within the multi-storey car parks over Wilkinsons and on Talbot Road, and the East Topping Street surface level car park. However, it is not felt that the applicant has adequately explored the size of building that could be accommodated on the site or sufficiently demonstrated that the extent of flexibility required to use the site would be unreasonable. On the basis that patrons of the existing Bingo 3000 club pay to park in a multi-storey in Preston, the potential to use existing parking provision is also not accepted as a reason to discount the site. The applicant has not provided any evidence to show that they have approached the operators of the car parks to try and negotiate a parking agreement that would provide Bingo 3000 with certainty with regard to available provision. It has been argued that use of an existing building cannot be compared to the provision of a new-build facility and the investment that would require. However, no information has been presented

to demonstrate that levels of patronage of the Preston bingo hall are materially lower than patronage of other purpose-built facilities or, if this is the case, that the parking arrangement is a key issue. On this basis, the discounting of the former Apollo 2000 site is not accepted.

The former BHS unit has been discounted on five grounds. It is argued that the configuration is unsuitable for the proposed operation and the cost of change would be prohibitive; that the owner is unwilling to allow for the installation of escalators meaning that safe mass egress could not be provided; the size of the unit is insufficient; there would be no potential to provide a smoking shelter; and the lack of free, level car parking is unacceptable. The applicant has refused to submit a detailed internal layout plan for the proposed bingo building but has provided an internal layout of a previous iteration as an indication of the spaces that would be created. It is noted that a number of different areas would be provided including the main gaming space, an arcade area, customer toilets, a dining area and associated kitchen, a lobby and staff facilities.

The applicant has argued that the expense of reconfiguring the former BHS unit would be prohibitive. However, it is understood that the owner has indicated that they would be prepared to cover the cost of any reasonable works in order to secure their long-term lease as part of a standard landlord-leasee contract. Based on knowledge of other bingo operations, it is understood that bingo numbers are displayed on the play table and on screens around the play area and that a direct line of sight with the bingo caller is not essential. On this basis, the extent to which the columns in the former BHS unit present an issue is disputed. The owner of the unit has confirmed that they have no objection to the installation of escalators to provide a safe means of mass egress and the cost of this could be covered as part of the landlord-leasee contract. It is acknowledged that the floorspace would be some 10% less than desired by the operator. This is a matter on which flexibility must be demonstrated. As stated above, the applicant has provided a schedule of the floorspaces of other Bingo 3000 halls. It is understood that the basement of the former BHS unit would provide some 2200sqm of floorspace. This would comfortably fit within the average range of sizes of Bingo 3000 operations and so no unreasonable degree of flexibility on this matter would be required.

It is accepted that it would not be possible for a sizeable designated outdoor smoking shelter to be provided but there may be some scope to create a small, covered, open area adjacent to the main entrance. It is established that flexibility in terms of approach is understood to mean flexibility in business model, use of multiple-levels, flexible car parking requirements, innovative servicing solutions, and a willingness to depart from standard formats. Although it may be desirable for a large covered smoking area to be provided, this is again considered to be an operator preference. It must be acknowledged that other leisure uses within the town centre, such as the bowling alley and Coral Island, do not offer designated smoking areas. Similarly the majority of food and drink establishments lack the outdoor space to create a dedicated smoking area. It is understood that the smoking areas of other Bingo 3000 facilities enable play to continue. In the interests of residential amenity, a condition would be attached to any permission granted to prevent the broadcast of music or bingo calling or the installation of gaming machines outside the building on the application site. On this basis, the provision of a large, designated smoking area may be desirable to the operator as a preference but it is not accepted as a necessary feature of the use proposed.

Finally and as previously stated, the identified requirement for free and level car parking provision is considered to be a business model preference and not a use-driven need. Again the applicant has not approached the Council to secure a parking agreement relating to the provision directly above in West Street car park. Furthermore it must be recognised that the site is at the heart of the town centre and is extremely well served by public transport connections which could lessen reliance on private car use. On this basis, the discounting of the former BHS site is not accepted.

Turning to the defined District Centres and other sites, the only potentially suitable options identified were the Layton Institute in Layton, the Empire Bingo Hall on Hawes Side Lane, and the former Apollo bingo hall on Waterloo Road. The former Post Office on Waterloo Road may have been suitable in terms of scale but, as it is set over multiple levels, this would have been discounted. The Empire Bingo Hall was discounted on the basis that planning permission has recently been granted for housing and the former Apollo bingo hall on Waterloo Road was discounted on the basis of size. This is accepted. The Layton Institute would be of insufficient size to accommodate the bingo hall and the drive-thru but could support the bingo hall although servicing would be very restricted. The district centre would also lack the critical mass of supporting uses necessary to make the bingo hall viable. In this instance there is no significant public car parking in the vicinity and the creation of car parking on the site would necessitate the loss of the existing bowling green which is a community facility and an integral part of the locally listed building. Consequently it is accepted that this site would not represent a suitable alternative.

Although it is not accepted that the development proposed would primarily be a tourist attraction, the sequential test has also taken sites within the Resort Core into account. Specifically, Coop Street car park, three sites on the Promenade, the Rigby Road tram depot and two sites on Station Road were considered. These were all variously discounted on the basis of size or, in the case of the tram depot, lack of availability and this is accepted.

As stated, the applicant does not accept the need to consider disaggregation and has therefore sought sites to accommodate the bingo hall with the drive-thru in close proximity. Consequently, no independent sequential appraisal has been carried out in respect of the drive-thru. As set out above, it is not accepted that, in this instance, the drive-thru facility proposed would be ancillary in nature or functionally or operationally linked to the proposed bingo hall. As such, it is considered that the use should be subject to a full sequential appraisal and no such has been carried out.

In light of the above, it is considered that the proposal fails the sequential test. The former Apollo 2000 site on Talbot Road and the former BHS site are sequentially preferable and the reasons for which the applicant has sought to discount them are not considered to be reasonable. The lack of a sequential appraisal in respect of the drive-thru use is not considered to be acceptable. Paragraph 27 of the NPPF is clear that, where a development fails to satisfy the sequential test, planning permission should be refused.

Impact assessment

In accordance with the NPPF and given the scale of the proposal, an impact assessment has been undertaken. As a restrictive condition could be applied to any permission granted to limit the use of the buildings to a bingo hall and cafe/restaurant, the impact assessment has been carried out on the basis of these proposed uses. In terms of the impact of the proposed bingo hall, the only comparable bingo facilities are the Mecca Bingo on Talbot Road and similar facilities in Preston. The latter are considered to be sufficient distance away for any impact to be insufficient to justify refusal. The former is not in a designated centre and so any impact would simply be a matter of commercial competition and would not constitute a valid reason to resist the application.

Whilst the NPPG does require impact to be assessed on a like-for-like basis, it does state that this should be undertaken in respect of the particular sector of town centre uses in which the proposed use would sit. The intention is to safeguard the health, vitality and viability of the town centre. The assessment submitted is very basic and limited in its scope. It is considered that the proposed bingo hall could draw trade from other town centre recreational leisure uses such as the bowling alley and the Coral Island complex. No consideration of the potential impact of the bingo hall on the wider leisure offer of the town centre has been provided.

With regard to the drive-thru cafe/restaurant, the applicant has argued that it would primarily draw custom from users of Festival Park, passers-by on the highway network, and local residents. It is noted that all of the operators of out-of-centre drive-thru facilities within the borough also maintain representation within the town centre. The proposed use could have an impact on the nearby local centre on Central Drive. However, the applicant has argued that the size and form of the units in this centre are not comparable to that proposed. The operators in the centre are largely independent. The inference is that the local centre caters to a different market to that envisaged for the drive-thru. The Central Drive local centre is relatively large and does include a number of vacant and seasonal uses. Originally it would have been supported by both local residents and local hoteliers and visitors. The decline of holiday accommodation in nearby streets and the establishment of chain convenience stores have affected the health of this centre. The surrounding residential areas are recognised as being deprived with many households on relatively low income. On this basis, and in terms of potential impact, it is accepted that the drive-thru facility proposed is likely to appeal to a market that would not otherwise make use of the local centre. Furthermore, it is recognised that a significant degree of custom would be likely to take place before or after evening cinema showings or bingo sessions when similar facilities in the local centre may well be closed.

Consideration has been given to the potential impact on future investment. Whilst the proposals in the town centre are noted, along with the aspirations for development on strategic sites, it is suggested that the development proposed would not compromise the viability or deliverability of these schemes. However, officers are mindful that the development of these uses in this location would create a stronger critical mass of main town centre leisure uses in an out-of-centre location. The proposal to develop an IMAX cinema within the town centre could be undermined if the increase and variation in facilities on the

Festival Park site increases dwell-time and strengthens the market share of the existing Odeon.

Paragraph 27 of the NPPF states that planning permission for main town centre uses should be refused where the proposal fails the sequential test or would have a significant adverse impact on the health of existing centres or planned investment. The applicant's failure to properly assess the potential impact of the bingo hall on the wider leisure offer of the town centre is a material consideration that weighs against the proposal. Equally, the potential for an increase in the Odeon's market share at the expense of the proposed IMAX facility weighs against the scheme. However, even were the requisite impact assessment to be carried out, it is not anticipated that any identified impact would qualify as significant. On this basis, and subject to the imposition of a condition to restrict the use of the premises were the Council minded to support the application, it is not considered that a reason for refusal based on impact on the health of the town centre could reasonably be defended.

Design

Paragraph 17 of the NPPF sets out twelve core planning principles, including the need for the planning system to always seek to secure high quality design and take account of the different roles and characters of different areas. Section 7 builds on this. Paragraph 56 states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Paragraph 64 makes it clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The NPPG also includes a section on design. Paragraph 001 recognises that planning should drive up standards across all forms of development and explains that good design means creating buildings that work well for everyone and responds to the identity of a place. Policy CS7 makes it clear that new development in Blackpool must be well-designed and enhance the character and appearance of the local area. Similarly saved Policy LQ1 requires all new development to be of a high standard of design and to make a positive contribution to the quality of the surrounding environment.

A number of concerns regarding the footprint, positioning, scale and design of the bingo building have been raised since pre-application advice stage and the proposal has been amended in response. Although the footprint of the building has not materially changed, the building has been set away further away from the boundaries of the site. It would now sit some 8.5m from the boundary with Salthouse Avenue and around 8.5m from the boundary with Rigby Road. The side elevation fronting Rigby Road would broadly align with the rear elevation of the Frankie and Benny's building.

In order to soften the appearance of the building and enable it to better respond to the context of the site, it was recommended that the corners be rounded to reflect the contours of the boundary wall at the junctions of Rigby Road / Salthouse Avenue, and Salthouse Avenue / Kent Road. This option has not been followed and so the two corners would form

pinch points with separation distances of around 8.3m and 3.8m respectively. The existing Odeon building sits some 6.5m from the back of pavement at the closest point. It is understood that the building cannot be pulled further from the road due to the presence of an easement but some internal floorspace could be sacrificed to provide a greater landscaped buffer. It is acknowledged that the pinch point would face an open grassed triangle that forms a traffic island. Nevertheless, it is considered that the proximity to the back of pavement would make the building appear unduly imposing and over-dominating in the streetscene.

The building would essentially sit in open space with housing facing it to the east and south. To the north is parking, Kent Road and additional housing with the main body of Festival Park to the west. As every elevation would be highly visible, each must be designed to a high standard with functional elements such as plant and refuse stores and smoking areas sensitively incorporated. The existing Swift Hound building is traditional in design that includes a varied roofscape and materials that reflect the surrounding built form. It would be inappropriate for this building to be replaced by a structure that would lower the quality of the streetscene and be detrimental in comparison to the appearance of the park. Whilst it is recognised that the existing Odeon and Bannatynes buildings on the site are not of particular architectural merit, these buildings are now around 20 years old. The existence of buildings of limited quality in the vicinity should not justify the perpetuation of poor quality design.

At officer request, additional detailing in the form of vertical fins and central raised sections have been added. Whilst these measures are acknowledged as an improvement, it is felt that more could be done to exploit the opportunities available to improve the appearance and character of the area. The building would lack the architectural merit to justify the loss of the Swift Hound. The proposed use of a varied materials palette is welcomed and, notwithstanding the information submitted, it is considered that appropriate finishes could be agreed through condition should planning permission be granted. It is appreciated that central projecting sections have been introduced to break up the massing of the longer elevations, but these sections in themselves would appear monolithic. The introduction of curtain-wall glazing has been requested to lighten the appearance of the building, break up the elevations and also allow a view into the building in order to create more active and engaging frontages. No such glazing sections are proposed.

Each corner of the building would have a square tower that would project slightly beyond the adjoining elevations. It is considered that the width and height of these features would reinforce the bulky massing of the building and its squat appearance. The submitted plans indicate that the south-eastern tower would be dominated by signage making it an even more imposing feature in the streetscene. There is an opportunity for the context of the site and the line of the boundary to be reflected through the provision of more rounded corner treatments that would soften the appearance of the building and introduce new contours to create visual interest and break up the mass. Again glazing could be used to visually lighten these elements and provide a more engaging and interactive frontage.

The agent has argued that adequate changes have been made. It is contended that the use does not require glazing, that amendments to the corners are unnecessary, and that the

building should be consistent with the other buildings on the site. As set out above, this position is disputed.

The provision of wide landscaping strips would enable the creation of a substantial planting buffer that would help to screen the building and this is welcomed. The species mix could be agreed through condition as could a mix of plant sizes to ensure that some screening is provided whilst avoiding plant failure. However, this landscaping is not considered to be sufficient to overcome the shortfalls in the building design. Officers have indicated that further discussions could take place to agree a more appropriate design solution but, as the applicant has requested that the proposal be determined as submitted, the options available cannot be explored.

In contrast, the design of the drive-thru facility is considered to be acceptable. Although the building would sit further forward than the other buildings on site, its scale and the degree of projection relative to the width of the Rigby Road frontage would not make it appear unduly imposing in the streetscene. The plans submitted show a mono-pitched roof that would rise up and over-hand the front of the building to create a canopy. A central section around the main entrance to the front would punch up through this roof as would an off-centre section to the rear housing the drive-thru window. Together these elements are effective in creating an interesting roofscape that would draw the eye towards the front of the building.

The main entrance would sit somewhat forward of the front elevation marking it as a visual focal point and making the building clearly legible. Well-proportioned brick piers would form each of the corners with secondary piers halfway along the southern side elevation, on either side of the main entrance, and part-way along the rear elevation. These piers would be separated by large, triple-pane windows that would allow a clear view into the building and establish active and engaging frontages on three sides. It is acknowledged that the side facing towards the Odeon would be solid. However, differing materials would be used and the scale of the building would prevent this more basic elevation from appearing over-bearing or monolithic. Appropriate materials could be agreed through condition were the Council minded to support the proposal. Similarly sections could be agreed to ensure that windows would be slightly recessed and materials overlapped to create visual depth. As such and on balance, the design of the drive-thru is considered to be acceptable.

The works to the car park and to create the proposed pedestrian and vehicle access points are minor in scale and would not be expected to have any significant visual interest. Conditions could be used to ensure that any new stretches of boundary wall match what is existing. On officer request some parking spaces have been removed to enable additional planting to be provided to help soften the overall appearance of the site and this is welcomed.

Overall, whilst the design of the proposed drive-thru and site as a whole are considered to be acceptable, it is felt that the bingo hall does not take advantage of the opportunities available to improve the appearance of the site and the character of the area and the way that it functions. The bingo hall as proposed lacks adequate articulation to effectively break up its massing and prevent it from being an overly-imposing and over-dominating feature in the streetscene. The design is not considered to be sufficiently high-quality given the scale of the

building, its prominent position, and its setting in an increasingly residential area. On this basis, the design of the bingo hall is not considered to be acceptable and this weighs notably against the scheme.

Amenity

Festival Park is an established leisure destination and so it is reasonable to assume that local residents are accustomed to a higher level of noise and activity than would be expected in a more typical residential area. On this basis, the development of a bingo hall and drive-thru cafe is not anticipated to have an unacceptable impact on residential amenity subject to appropriate design and safeguards.

A noise report has been submitted with the application and has been considered by the Council's Environmental Protection team. In order to address concerns raised, the main entrance door has been moved and would now face into the site. Although the current set of proposed plans show the entrance as sitting centrally within the main entrance section, the applicant has agreed to move it further from the Rigby Road houses and amended plans are expected or could be secured through condition. Pedestrian access is still proposed from the main road and this is considered necessary as it facilitates easier access by sustainable travel modes. It is accepted that levels of noise and activity would be greatest at the end of a session of bingo play and this may be late in the evening. However, this is also true of the existing cinema use. It is proposed that the bingo hall would open until midnight seven days a week. This is comparable with the operation of the cinema but it is recognised that the entrance to the cinema is much further from the housing on Rigby Road, and that relatively few films are shown late in the evening. As such, fewer customers would be leaving the cinema between 11pm and midnight. It is acknowledged that the existing McDonalds drive-thru operates on a 24hr basis, but there have been identified noise issues associated with this use. On this basis, and was the Council minded to support the proposal, a condition requiring the use to close at 11pm Sundays to Thursdays and midnight on Fridays and Saturdays would be considered appropriate. Deliveries would be restricted to 0800-1900 in accordance with the submitted noise assessment. A condition could be attached to any permission granted to prevent the broadcast of either music or bingo calling externally and to prevent the provision of gaming machines within the external smoking area. On balance, subject to these restrictions, it is considered that any unacceptable amenity impacts from the use of the bingo hall could be avoided.

Concerns have been raised by local residents regarding the existing use of the car park, the provision of another drive-thru facility, and intensified future use of the car park. Likewise the Council's Environmental Protection officer has identified car horns, vehicle engines, car doors closing and car stereo use as potential sources of problematic noise. A condition could be imposed on any permission granted to require this situation to be monitored over a period of 12 months from the opening of the drive-thru. In the event that noise issues are identified, a scheme of car park barriers and additional planting and acoustic fencing would have to be submitted, agreed and implemented. This condition should be sufficient to address these concerns in the medium to long term and may also help to improve any existing issues.

In terms of amenity impacts from the buildings themselves, the drive-thru would sit over 30m to the north of the nearest residential property on the south side of Rigby Road and have a maximum roof height of 5.2m. As such, no issues relating to over-looking, over-shadowing or an over-bearing impact would result. The bingo building would sit 26.5m to the north of the nearest property on Rigby Road. The height of the raised towers at the corners of the building would be broadly comparable with the eaves heights of the houses. The Council expects to see minimum separation distances of 21m between two-storey properties in order to safeguard residential amenity. As the proposed separation distance would surpass this, no unacceptable amenity impacts on these properties are anticipated. The houses on Salthouse Road would sit to the east of the proposed bingo hall at a distance of some 24.8m. These properties sit at a lower land level and so the raised corner towers would be more comparable with their ridge heights. Nevertheless, given the separation distances involved, no unacceptable impacts from over-looking or over-shadowing are anticipated. Notwithstanding the visual assessment of the scale of development set out above, and again given the degree of separation, it is not considered that the bingo hall would have an unacceptably over-bearing impact on the occupants of these houses.

Highway Safety

The application proposes the relocation of the vehicle access from Rigby Road and reconfiguration of the existing car park. The number of available car parking spaces would fall from 631 to 497. It is also proposed that a new vehicular egress point be formed onto Princess Street and that this would be used to allow managed egress at peak periods to ease congestion within the car park and on local roads.

The proposals have been considered by the Council's highway officers. Some initial queries regarding the survey work underpinning the transport assessment have been resolved. No objections relating to the proposed means of access, the layout of the car park or the creation of a managed egress point onto Princess Street have been raised. Easily legible pedestrian access across the site would be maintained. It is recommended that a number of conditions be attached to any permission granted. These would require the developer to agree a Construction Management Plan, agree the detailed design of the access points, agree a management plan for the use of the Princess Street egress and agree to a scheme of off-site highway works. These off-site works would primarily relate to the provision of a mini-roundabout and pedestrian works around the proposed point of access, works to the footpath along the frontage of the site, and works to remove the redundant existing access post-construction. Based on the information submitted, all highway junctions affected by the proposals would continue to operate well within capacity post-development. The existing highway network has capacity to accommodate any additional traffic generated by the scheme.

If the proposed development is taken into account, the Festival Leisure Park would provide 9,542sqm of leisure floorspace falling within Use Class D2, and 932sqm of cafe/restaurant floorspace falling within Use Class A3. Working on the basis of the site having a reasonably high level of accessibility, this would equate to a maximum parking requirement of 427 parking spaces. The level of provision proposed post-development would comfortably exceed

this. These standards are intended to be maximum allowances but, as the degree of over-provision on site would reduce as a result of the scheme, as parking is an issue that has been raised by local residents, and as the site as a whole would be reasonably well landscaped, the parking proposed is considered to be acceptable.

In light of the above and subject to the imposition of appropriate conditions, no unacceptable impacts relating to the access, highway safety or parking are anticipated.

Drainage and Flood Risk

The vast majority of the site falls within flood zone 1. The only exceptions are the very north-western corner of the site and the area around the existing access point which are in flood zones 2 and 3 respectively. As such, all of the building operations proposed would fall within flood zone 1 meaning that there is no requirement for the developer to demonstrate compliance with the sequential or exceptions tests. By virtue of the size of the site, a site-specific flood risk assessment has been submitted. This has been considered by the Council as part of its function as Lead Local Flood Authority and no objections have been raised. As the site is previously developed it is recommended that a condition be attached to any permission granted to require the developer to demonstrate that surface water run-off post development would not exceed the current situation. Subject to this condition, no unacceptable drainage issues are anticipated. It is not considered that the proposal would be at undue risk of flooding or increase flood risk off-site. As such, no flood risk issues are identified.

Other Issues

It is stated that the development proposed would generate 55 full-time-equivalent jobs. Given the recognised problems relating to deprivation and employment within Blackpool, this consideration weighs notably in favour of the scheme.

Policy CS10 of the Core Strategy sets out a requirement for all non-residential developments of more than 1000sqm to achieve a BREEAM rating of 'very good' or higher. A pre-assessment report has been submitted that demonstrates that the proposal is capable of achieving the required 'very good' rating. A condition could be attached to any permission granted to require the building to achieve this rating and to require the submission and agreement of a report demonstrating this.

The Swift Hound building to be demolished has the potential to support roosting bats that are a protected species. A bat survey has been submitted. This has been carried out by a suitably qualified ecologist to a recognised methodology. Although a couple of potential access points were identified, the building was generally recorded as being in good condition. No evidence of bat use was found either externally or internally. The site is accessed as having negligible roost suitability and no further survey work is considered necessary. The conclusions of this report are accepted and no unacceptable impacts on biodiversity are therefore anticipated.

Sustainability and Planning Balance appraisal

Sustainability comprises economic, environmental and social dimensions.

Economically the scheme would see the replacement of a failing commercial use with a new development representing significant inward investment into the town. The proposal would also create 55 new jobs although some employment would be lost through the loss of the existing use. These considerations weigh notably in favour of the scheme. This must be weighed against the schemes failure to satisfy the sequential test and the inadequacies of the submitted impact assessment. These requirements exist to safeguard the health of town centres as vital economic hubs of local communities. In this case, whilst no significant impact on the health of Blackpool town centre is anticipated, it is considered that the proposal fails the sequential test based on the information provided. Paragraph 27 of the NPPF is clear that planning permission should be refused in such circumstances.

Blackpool town centre is the sub-regional hub for the Fylde Coast. As with many town centres, Blackpool has faced mounting pressure in recent years from historic out-of-centre developments, a challenging demographic profile and changing consumer preferences towards online shopping. There is a general recognition that, in order for town centres to successfully adapt to this evolving context, a more mixed town centre offer combining retail, leisure, food and drink will be required. Blackpool is in a unique position to capitalise on its existing tourism appeal and strong leisure offer. It is therefore imperative to ensure that all new main town centre uses, including leisure proposals, are located in strict accordance with the 'town centre first' objectives of the sequential test. Whilst all applications must be determined on their own merits, to relax this approach in this instance would make it much harder for the Council to resist similar proposals in similar circumstances. This could have a far more significant, cumulative impact.

Officers are mindful that the applicant may be able to undertake additional work and provide further information that would demonstrate the sites identified to be unsuitable. It has been suggested that the outstanding matters be set out in writing and additional time allowed to enable them to be properly addressed. In this regard it is considered that the Council has discharged its duty to proactively support sustainable development and look for solutions rather than obstacles. However, rather than defer the application for consideration at the next Committee meeting, the applicant has requested that the application be determined at this meeting in spite of the stated officer recommendation for refusal. In light of the above, on balance and based on the application as submitted, the proposal is not considered to be economically sustainable. This weighs heavily against the proposal.

Environmentally, no unacceptable arboricultural or ecological issues are anticipated and the development would not be expected to unacceptably impact upon air, land or water quality. Equally no unacceptable impacts on drainage or flood risk are anticipated. Although the design of the proposed drive-thru building is considered to be acceptable, the design of the proposed bingo hall is not. Whilst the scale and footprint is now considered to be broadly satisfactory following changes to the scheme, it is felt that the elevations lack detail and visual interest. The features of the building and the proposed materials would result in a structure

that would appear bulky and over-dominating in the streetscene. It would not engage on-lookers. The replacement of the existing building with that proposed would be detrimental to the quality of the appearance of the site and streetscene and this weighs significantly against the proposal. The location of the development as proposed could increase the number of private car trips to the site and this weighs marginally against the proposal. On balance given the design concerns, the scheme is not considered to be environmentally sustainable.

Socially it is considered that adequate safeguards could be put in place to ensure that the development would not have an unacceptable impact on residential amenity. Safe access to and from the site and a safe means of circulation within the site could be provided. Although some parking spaces would be lost, the resulting provision would be adequate to serve the uses on site. On this basis, no unacceptable impacts on highway safety are anticipated. The development would not be at undue risk from flood risk and would not exacerbate flood risk off site. As set out above, the failure of the scheme to comply with the sequential test undermines the 'town centre first' objective of national and local planning policy. A strong town centre offering a range of goods and services, transport links and opportunities for interaction is essential to support a healthy, balanced and coherent local community. Consequently the failure of the scheme to satisfy the sequential test based on the information submitted, and the individual and cumulative harm that would result from an approval in this instance compromises the social sustainability of the proposal.

It is acknowledged that additional information could be provided that would justify the discounting of the sequentially preferable sites identified and satisfy the sequential test. It is also accepted that changes could be made to the design of the building that would overcome the concerns raised. However, the applicant has requested that the application be considered by the Committee in its meeting on 20 June 2018. This recommendation is therefore based on the information available at the time of writing this report.

In terms of planning balance, it is considered that the economic benefits arising from the replacement of a failing commercial use with a new leisure offer and the new jobs that would result would be outweighed by the damage to the health of the town centre in terms of there being sequentially preferable sites and the visual impact of the proposal. An approval in this instance, where the sequential test has not been met, would make it harder for the Council to resist similar proposals in similar circumstance. Both individually and cumulatively this would undermine national and local planning policies that seek to safeguard designated town centres as an economic and community hub. Cumulatively this could have a significant impact on the health of the town centre. No other material planning considerations have been identified that would outweigh this view.

CONCLUSION

In light of the above, the development proposed is not considered to represent sustainable development and no other material planning considerations have been identified that would outweigh this view. As such and in accordance with the provisions of paragraph 14 of the NPPF, Members are respectfully recommended to refuse the application.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

A section 278 legal agreement would have to be entered into in respect of the necessary off-site highway works.

FINANCIAL BENEFITS

The uses proposed would generate business rates. The Council is responsible for collecting business rates and a portion of the business rates collected are grant funded back to the Council by central Government. As such, there is potential for the Council to benefit indirectly through an increased business rates receipt. However, this consideration has no weight in the planning balance and does not influence the recommendation to Members.

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 18/0202 which can be accessed via the following link:

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

Recommended Decision: Refuse

Conditions and Reasons

1. Based on the information submitted, the applicant has failed to adequately satisfy the sequential test by robustly justifying and evidencing their reasons for discounting available and sequentially preferable alternative sites. The grant of planning permission in this circumstance would be contrary to the provisions of paragraph 27 of the NPPF and would undermine the aim of national and local planning policy to safeguard and support the vitality and viability of town centres. Although all applications must be determined on their own merits, an approval in

this instance would make it harder for the Council to resist similar proposals for main town centre uses in out-of-centre locations where the sequential test is not passed. Cumulatively this would further undermine the health of the town centre and compromise ongoing efforts for its improvement including public and private sector investment. On this basis, the proposal is considered to be contrary to the provisions of paragraphs 17 and 27 of the NPPF and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027).

2. By virtue of the scale and mass of the building in the context of the application site and the lack of architectural articulation and detailing, it is considered that the design of the proposed bingo hall is unacceptable and that the building would have a detrimental impact on the appearance of the site and streetscene. It is not considered that the proposal takes advantage of the opportunities available to deliver high quality design and improve the character of the area and the way that it functions. As such it is considered to be contrary to the provisions of paragraphs 17 and 56-64 of the NPPF, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) and saved Policies LQ1 and LQ4 of the Blackpool Local Plan (2001-2016).

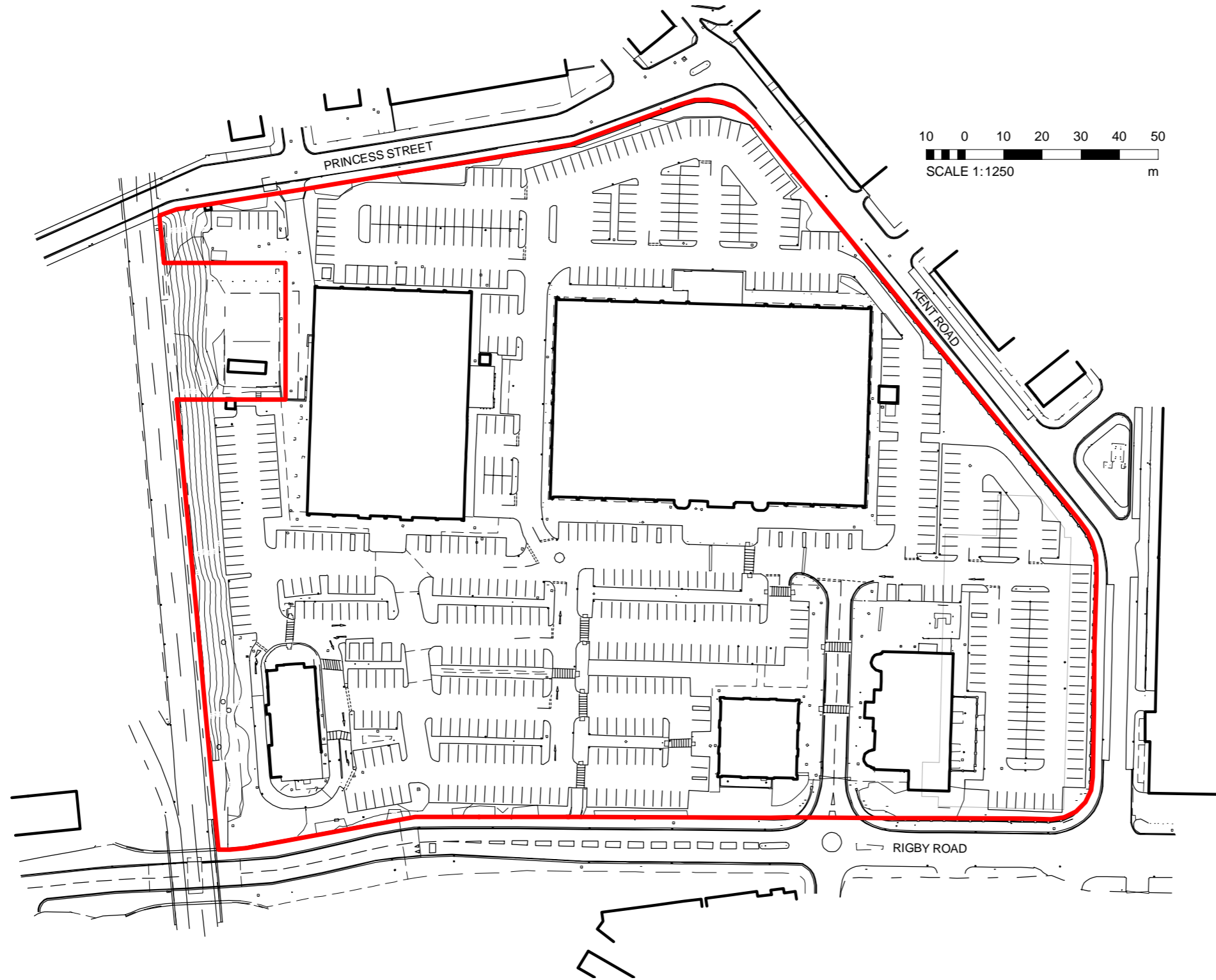
3. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 187)**

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 which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Advice Notes to Developer

Not applicable

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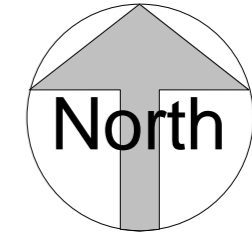
Location Plan
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Construction staff and operatives must ensure the principle contractor has provided thorough and accurate information on all health and safety aspects relating to the designs identified on this drawing include the review of:

- Designers/contractors risk assessments
- Method statement
- Permit to work
- Pre construction information

The designers note that the following health and safety risk relating to this drawing have not been eliminated during the design process:

ref	residual risk



revision	date	by	chk

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan; all conflicts should be reported to the CDM Co-ordinator.

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DO NOT SCALE THIS DRAWING

- preliminary comment construction
- planning tender record



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drawn by	checked by	date	scale @ A3
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Proposed Leisure Development
Fesitval Leisure Park, Blackpool

Location Plan

project number	drawing number	revision
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