

Blackpool Council

23 July 2021

To: Councillors Baker, Critchley, Kirkland, O'Hara, Owen, Robertson BEM and Stansfield

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 3 August 2021 at 6.00 pm
Council Chamber, 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 6 JULY 2021 (Pages 1 - 4)

To agree the minutes of the last meeting held on 6 July 2021 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 5 - 8)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 9 - 12)

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

5 PLANNING APPLICATION AND APPEALS PERFORMANCE (Pages 13 - 14)

The Committee to consider an update on the Council's performance in relation to Government targets. The report reflects performance in the first quarter of the 2021/2022 financial year.

6 PLANNING APPLICATION 20/0784 - 84-94 CHURCH STREET AND 1-3 ABINGDON STREET, BLACKPOOL (Pages 15 - 46)

To consider planning application 20/0784 for the erection of a part three, part four and part five storey building, including commercial and residential basement storage, comprising ground floor retail, restaurant and betting shop (Use Classes E and sui generis) fronting Church Street and Abingdon Street and 18 self-contained (Use Class C3) on the upper floors accessed from Abingdon Street with associated refuse storage accessed from Back Church Street, following the demolition of existing buildings.

7 PLANNING APPLICATION 21/0234 - LAND ADJACENT TO CENTRAL PIER, PROMENADE, BLACKPOOL, FY1 5BB (Pages 47 - 62)

To consider planning application 21/0234 for the erection of a single storey building, canopy, decking and boundary treatment and use of premises as a bar and external seating area

8 DATE OF NEXT MEETING

To note the date of the next meeting as 7 September 2021.

Venue information:

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

Other information:

For queries regarding this agenda please contact Jenni Cook, Democratic Governance Senior Adviser, Tel: (10253) 477212, e-mail jennifer.cook@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.

Public Document Pack Agenda Item 2

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 6 JULY 2021

Present:

Councillor Owen (in the Chair)

Councillors

Farrell	O'Hara	R Scott
Kirkland	Robertson BEM	Stansfield

In Attendance:

Carl Carrington, Head of Planning Quality and Control
Susan Parker, Head of Development Management
Clare Johnson, Principal Planning Officer
Ian Curtis, Legal Officer
Jenni Cook, Democratic Governance Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 8 JUNE 2021

The Committee considered the minutes of the last meeting held on 8 June 2021.

Resolved:

That the minutes of the Planning Committee be approved and signed by the Chair as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee considered a report on planning and enforcement appeals lodged since the last meeting.

Resolved:

To note the update.

4 PLANNING ENFORCEMENT UPDATE REPORT MAY 2021

The Planning Committee considered a report on planning enforcement activity within Blackpool between 1 May 2021 and 31 May 2021.

Resolved:

To note the update.

5 PLANNING APPLICATION 20/0784 84 - 94 CHURCH STREET AND 1 - 3 ABINGDON STREET, BLACKPOOL

The Planning Committee considered planning application 20/0784 for the erection of a part three, part four and part five storey building, including commercial and residential basement storage, comprising ground floor retail, restaurant and betting shop (Use Classes E and sui generis) fronting Church Street and Abingdon Street and 19 self-contained (Use Class C3) on the upper floors accessed from Abingdon Street with associated refuse storage accessed from Back Church Street, following the demolition of existing buildings.

Miss Susan Parker, Head of Development Management, outlined the report and the planning history of the site which had been formerly occupied by Next and then Pizza Express. More recently the ground and first floor had been redeveloped as Vintro lounge with a new frontage and themed interior. A previous submission at the start of 2020 had proposed 29 apartments in a part six and part seven storey building. This had been considered to be over-development of the site, unacceptable and the application had been withdrawn.

The current application was made in full and sought to agree all details. The proposed building would have a flat roof and the top floor would be set back. The corner facing into St John's Square would be four storeys high and different materials would be used on the corner to create a visual focus. Lighter materials would be used to make a focal feature of the main entrance door on Abingdon Street. The elevations would have a strong grid design with vertical emphasis and recessed balconies to create depth and visual interest.

Miss Parker explained that the site was within a very sensitive location within the Town Centre Conservation Area and was opposite both St John's Church and the Winter Garden. The scheme had been considered by Historic England, the Theatres Trust, the Council's Built Heritage Manager and the Civic Trust. The Civic Trust had objected on the basis of scale, however, the other consultees had supported the proposal in principle. In terms of scale, Miss Parker noted that long-standing Policy LQ4 and emerging Policy DM17 both required new buildings within the town centre to be at least four storeys in height and the scale proposed accorded with this.

In terms of parking, Miss Parker stated that no off-street parking could be provided, however this was considered to be acceptable giving the town centre location. Cycle parking was proposed at basement level and refuse storage available to the rear of the building. Internally the scheme would deliver 19 apartments comprising eight one-bed units and eleven two-bed units, which meant that only 58% of the flats would offer two bedrooms or more, as opposed to the 70% required by planning policy. As the Council could demonstrate a five-year housing land supply at present, a tilted planning balance did not apply and the scheme should apply with adopted policy.

Miss Parker informed the Committee that no other issues relating to highways, drainage, ecology or amenity were anticipated and that the necessary planning obligations relating to local health care provision and public open space could be secured through a S106 legal agreement.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 6 JULY 2021

Miss Parker drew members' attention to the Update Note and explained that the applicant had been asked to justify the housing mix through the submission of viability information, but to date no such assessment had been forthcoming. Whilst the applicant had asserted that any change to the housing mix would render the scheme unviable, no evidence had been provided to the Case Officer, who had been advised that a full development appraisal had not yet been carried out.

Miss Parker informed the Committee that whilst it was accepted that the proposal would deliver regeneration benefits, would contribute towards the borough's housing land supply and that the design was now acceptable, the Case Officer was not comfortable to support a housing mix that did not accord with the policy in the absence of a robust justification. Therefore, the Case Officer's recommendation had changed and it was now recommended that Members resolve to support the scheme and defer the application to the Head of Development Management to approve, subject to the applicant submitting the appropriate viability information that is agreed by the Council's Surveyor. If the information was not forthcoming then the application would be brought back before the Committee for consideration.

The Committee discussed the revised recommendation as explained by the Head of Development Management and in response to questions, Ms Clare Johnson, Principal Planning Officer, confirmed that she had requested the viability information twice and that it had not been provided. Members discussed the need for the appropriate viability information to be submitted and considered, but instead of delegating the decision to the Head of Development Management, resolved that the application be brought back to a future meeting of the Planning Committee for determination once, viability information had been submitted.

The Chair informed Mr Ian White, who had registered to speak in objection to the item, that should be Committee decide to defer this item as noted above, he may wish to speak at a future Committee instead. Mr White agreed to this course of action.

Resolved:

That the application is deferred to allow the applicant to provide viability information and that once that information was received, the application would be brought back to a future Planning Committee.

6 DATE OF NEXT MEETING

Resolved:

To note the date of the next meeting at 3 August 2021.

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 6 JULY 2021

Chairman

(The meeting ended at 6.18 pm)

Any queries regarding these minutes, please contact:

Jenni Cook Democratic Governance Senior Adviser

Tel: 01253 477 212

E-mail: jennifer.cook@blackpool.gov.uk

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	3 August 2021

PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

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.

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

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

4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

5.0 Council Priority:

5.1 The relevant Council priorities are:

- "The economy: maximising growth and opportunity across Blackpool"
- "Communities: creating stronger communities and increasing resilience".

6.0 Planning Appeals Lodged

6.1.1 20/0800 – 47 Calder Road, Blackpool, FY2 9TX - Erection of roof lift to create additional storey.

An appeal has been lodged by Mr and Mrs Parameswaran Nagaratnam against the Council's refusal of prior approval.

6.1.2 21/0096 – 47 Calder Road, Blackpool, FY2 9TX - proposal

An appeal has been lodged by Mr and Mrs Parameswaran Nagaratnam against the Council's refusal of prior approval.

7.0 Planning/Enforcement Appeals Determined

7.1 Application ref APP/J2373/W/20/3261988– 7 Alwood Avenue, Blackpool, FY3 8NG – Removal of condition 1 (Temporary Permission) attached to planning permission 20/0096 to operate no later than 1 year from the date of permission

Appeal Allowed

The Inspector notes that a temporary one-year planning permission was granted by the Council on the basis that there was an accepted need for children's home provision in the area emphasised by the pandemic and that the view taken by the Council was that the urgent need for this type of accommodation outweighed the concentration of children's homes in the local area for a time limited period. An application to remove the temporary one-year time limit was subsequently refused based on the long term concentration in the area. The main issues for the removal of the condition were identified as the continued use of the appeal property on the character of the area, living conditions of neighbouring residents and provision of children's homes.

The Inspector acknowledged that the 400m rule set out in policy BH24 is continued in the emerging local plan but attached little weight to its emerging version. The Inspector states that existing policies should not be considered out of date simply because they were adopted before the NPPF. The inspector reiterated that existing policy BH24 is broadly consistent with the NPPF given what it seeks to support and deliver and furthermore does not see why the boroughs accepted need for these facilities cannot be met outside of the 400 metre buffer zones where the rule does not seem to be stopping the Council from meeting its duty to place children in the local area.

In justifying an additional temporary time period, the Inspector set out that the evidence points to a clear and demonstrable need for this type of housing provision given that Blackpool has the highest number of looked after children per 10,000 people in the country. In addition, the pandemic is on-going, despite having shifted in nature from when the first temporary consent was granted. However, it is still unclear at this stage whether the pandemic will have any greater bearing on the need for childcare provision in the borough. The inspector noted that the Council is currently working on a strategy to deliver more local children local placements, reducing the percentage of children (noted as 75%) who are having to be placed outside of the borough.

The Inspector concluded that this property serves an identified need in a time of crises, however balanced against policy BH24, also takes into account the fact that a permanent permission would not be appropriate, leading to a concentration of childrens homes uses in a relatively small area, harming the character of that area. This in turn is not outweighed by the uncertain effects of the pandemic, the need for this type of accommodation, the time it may take the Council's strategy to come to fruition to secure more appropriately located childrens homes for local provision and for the appellant to secure an alternative premise. As such, it was considered reasonable and proportionate to grant a 2 year temporary permission.

The Planning Inspectorate decision letter can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/>

7.2 Does the information submitted include any exempt information? No

8.0 List of Appendices

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Legal considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Equalities considerations:

12.1 None

13.0 Sustainability, climate change and environmental considerations:

13.1 None

14.0 Internal/ External Consultation undertaken:

14.1 None

15.0 Background papers:

15.1 None

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Report to:	Planning Committee
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	3 August 2021

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool, between 1 June 2021 and 30 June 2021.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

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

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

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

4.0 Other alternative options to be considered:

4.1 Not applicable.

5.0 Council priority:

5.1 The relevant Council priorities are:

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

6.0 Background information

6.1 Cases

New Cases

In total, 56 new cases were registered for investigation in June 2021.

As at 30th June 2021, there were 529 “live” complaints outstanding.

Resolved cases

In total, 29 cases were resolved by negotiation without recourse to formal action.

Closed cases

In total, 59 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

Formal enforcement notices / s215 notices

- One enforcement notice was authorised in June 2021;
- No s215 notices were authorised in June 2021;
- One enforcement notice was issued in June 2021;
- One s215 notice was issued in June 2021.

Notices authorised

Ref	Address	Case	Dates
19/8316	UNIT 14, SQUIRES GATE INDUSTRIAL ESTATE (FY4 3RN)	Unauthorised use of land as a contractors depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays	Enforcement Notice authorised 09/06/2021

Notices issued

Ref	Address	Case	Dates
19/8316	UNIT 14, SQUIRES GATE INDUSTRIAL ESTATE (FY4 3RN)	Unauthorised use of land as a contractors depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays	Enforcement Notice issued on 28/06/2021. Compliance is due by 06/11/2021 unless an appeal is lodged with PINS by 06/08/2021
21/8091	18 GLOUCESTER AVENUE (FY1 4EJ)	Poor condition of property	S215 Notice issued on 14/06/2021. Compliance is due by 23/10/2021 unless an appeal is lodged with the Magistrates Court by 23/07/2021

6.2 Does the information submitted include any exempt information?

No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	3 August 2020

PLANNING APPLICATIONS AND APPEALS PERFORMANCE

1.0 Purpose of the report:

- 1.1 To update the Committee of the Council's performance in relation to Government targets. This report reflects performance in the first quarter of the 2021/2022 financial year.

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 performance.

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

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

- 4.1 None the report is for information only.

5.0 Council Priority:

- 5.1 This report is relevant to both Council priorities:
- Priority 1 - The economy: Maximising growth and opportunity across Blackpool
 - Priority 2 – Communities: Creating stronger communities and increasing resilience

6.0 Background Information

- 6.1 The Government sets targets for the speed of planning decisions.
- Major applications – 60% to be determined within 13 weeks or an agreed Extension of Time
 - Non-major applications – 70% to be determined within 8 weeks or an agreed Extension of Time

6.2 The Council's performance must be reported to Government on a quarterly basis.

6.3 For the quarter of October – December 2020, the Council's performance in terms of speed was as follows:

- Major applications – 100% determined within 13 weeks or an agreed Extension of Time
- Non-major applications – 93.0% determined within 8 weeks or an agreed Extension of Time

6.4 The Council has therefore exceeded the statutory targets in this quarter.

6.5 Does the information submitted include any exempt information? No

7.0 List of Appendices

None.

8.0 Financial considerations:

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

9.0 Legal considerations:

9.1 Performance is influenced by staffing numbers, sickness and leave.

10.0 Risk management considerations:

10.1 Performance is influenced by staffing numbers, sickness and leave. Under-resourcing of the service could lead to inability to respond to peaks in workload

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 Not applicable.

14.0 Background Papers

14.1 None.

Blackpool Council
Development Management

Officer Report to Committee

Application ref: 20/0784

Ward: Talbot

Application type: Application for full planning permission.

Location: 84-94 Church Street and 1-3 Abingdon Street, Blackpool

Proposal: Erection of a part three, part four and part five storey building, including commercial and residential basement storage, comprising ground floor retail, restaurant and betting shop (Use Classes E and sui generis) fronting Church Street and Abingdon Street and 18 self-contained (Use Class C3) on the upper floors accessed from Abingdon Street with associated refuse storage accessed from Back Church Street, following the demolition of existing buildings.

Recommendation: Approve subject to conditions and a Section 106 legal agreement

Case officer: Clare Johnson

Case officer contact: 01253 476224

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.
- 1.2 The proposal for residential development and a refreshed retail offer in the Town Centre, adjacent to St Johns Square would accord with both priorities and would support the wider regeneration efforts in and around the Town Centre.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 Following concerns raised by officers and Members at the Planning Committee meeting on 6 July 2021 regarding the proposed housing mix not meeting the requirements of Policy CS13, the applicant has submitted amended plans. The amended layout shows the first floor laid out as five, two bed apartments rather than three two bed and three one bed apartments. This has reduced the number of units to 18 in total, 13 of which would have two bedrooms and the scheme now meets the housing mix requirements in CS13 in that more than 70% (72.2%) of the units would have two bedrooms.

- 2.2 This proposal is a positive step towards the regeneration of the area and the site is in a key location opposite the Winter Gardens and fronting St Johns Square.
- 2.3 It is considered that the proposal is in accordance with national and local planning policies and the proposal would further regenerate and enhance the Town Centre Conservation Area and provide good quality residential accommodation above retail uses on the ground floor which would support the town centre. Accordingly, the Officer recommendation is to grant planning permission subject to appropriate conditions and the signing of a Section 106 agreement to secure health and public open space contributions.

3.0 INTRODUCTION

- 3.1 The application is for full planning permission for a part three, part four and part five storey building with basement storage, comprising ground floor retail, restaurant and betting shop fronting Church Street and Abingdon Street and 18 self-contained apartments on the upper floors accessed from Abingdon Street with associated refuse storage accessed from Back Church Street, following the demolition of existing buildings. This application is before Members because it is a regeneration scheme of general public interest within the Town Centre Conservation Area and forms part of the setting of the Winter Gardens, which is a Grade 2* listed building and the former Post Office building and St Johns Church, both of which are Grade 2 listed buildings.
- 3.2 A planning application for the erection of a part six/ part seven storey building comprising ground floor retail and 29 residential apartments above (reference 20/0018) was submitted and withdrawn in 2020 following case officer, consultee and public concerns over the design, scale and massing of that development and its relationship with listed buildings and the Town Centre Conservation Area.

4.0 SITE DESCRIPTION

- 4.1 The application site measures approximately 0.05ha (500 square metres) and is within the Town Centre boundary and Principal Retail Core as defined by the Proposals Map to the Blackpool Local Plan 2001-2016. The site is within the Town Centre Conservation Area and the Defined Inner Area. The emerging Local Plan Part 2; Site Allocations and Development Management Policies document identifies the properties as being within the Secondary Frontages and once adopted, will replace the Principal Retail Core designation.
- 4.2 The site is bound by Abingdon Street to the east, Church Street to the south, back Church Street to the west and adjacent buildings to the north fronting Abingdon Street and Birley Street. The land levels change across the site and the Abingdon Street frontage is just under half a metre higher than the levels at Back Church Street. The area is predominately commercial in character with retail/leisure uses at ground floor and offices/storage above. In terms of height, the buildings in the immediate area are generally between three and five stories in scale with taller development restricted to St Johns Church and elements of the Winter Gardens.

- 4.3 The existing building at 84-94 Church Street and 1 Abingdon Street is modern with a flat roof and is approximately 3 stories in scale with a restaurant and betting shop on the ground floor. The restaurant has recently extended onto the first floor and there are storage/office space elsewhere on the upper floors. Number 3 Abingdon Street is a much older, two-storey mid terraced building with a pitched roof and front dormer, currently in use as a retail shop on the ground floor and storage/office space on the upper floors. The betting shop opened in around 2010 under what was then classed as permitted development.
- 4.4 The ground floor is currently set slightly forward of the upper floors and this is repeated on the adjoining block to the north.
- 4.5 This section of Church Street and St Johns Square is pedestrianised but the wider town centre is well served by public transport which means the application site has a high accessibility level. There are no on street parking facilities in the immediate area but the Town Centre is well served by car parking in the wider area.
- 4.6 The site is within Flood Zone 1 and is therefore at low risk of river or tidal flooding and is also at low risk of surface water or reservoir flooding. The site is within the Blackpool Airport consultation zone. No other designations or constraints have been identified.

5.0 DETAILS OF PROPOSAL

- 5.1 This full planning application seeks approval for the erection of a part three, part four and part five storey building, including commercial and residential basement storage, comprising ground floor retail, restaurant and betting shop (similar to the existing ground floor uses) fronting Church Street and Abingdon Street and 18 self-contained apartments on the upper floors accessed from Abingdon Street with associated refuse storage accessed from Back Church Street, following the demolition of existing buildings.
- 5.2 The previously withdrawn application was for a part six, part seven storey building (with a maximum height of around 22m) with commercial premises on the ground floor and 29 apartments on the upper floors. The scale and massing of the previous scheme was deemed excessive in its historic setting.
- 5.3 The revised scheme is for a part three, part four and part five storey building with flat roofs over. The development would be four stories (13m) on the corner of Church Street and Abingdon Street with a fifth storey to the north of the development with 15.4m maximum height fronting Abingdon Street and 15.9m on Back Church Street. The fifth floor would be set back from the main elevation fronting Abingdon Street by between 1.5m and 2m and would be set back by over 7m from the main Church Street elevation. The three storey element which would front Church Street adjacent Back Church Street and would have a maximum height of 10.5m.
- 5.4 The ground floor would comprise glazed shopfronts providing an active frontage on both Abingdon Street and Church Street. The glazed shopfront would turn the corner onto Back Church Street, providing views into the commercial unit on approach from the west. The upper floors would have a distinctly grid like vertical emphasis given the verticality of the fenestration, interspersed by shallow horizontal voids, all of which would be set within regularly sized and spaced reveals, providing depth and animation to the elevations.

- 5.5 The upper floors would be accessed via a dedicated entrance on Abingdon Street and would be defined by using different materials over the full building height over the entrance.
- 5.6 In terms of materials, the elevations would be a mix of red brick and light/pigmented concrete with glazing in light coloured anodised frames and powder coated metal handrails, cills and flashings.
- 5.7 The ground floor units would be accessed off Abingdon Street and Church Street. Separate and secure commercial and residential refuse areas would be provided off Back Church Street.
- 5.8 No car parking would be provided and none could realistically be incorporated into the development. However, secure cycle storage would be provided in a secure room in the basement for the apartments and there is sufficient room in the remainder of the basement for staff associated with the ground floor commercial uses, to store bicycles. The cycle store and basement would be serviced by a lift. This Town Centre location has very good public transport links and ample shopping and employment opportunities within walking distance and is also well served by local schools and medical facilities.
- 5.9 All residential floors would be accessible by a passenger lift suitable for use by a wheelchair.
- 5.10 The ground floor would be have 297sqm of floor space and would be used in a similar fashion to the existing uses, although individual unit sizes have not been provided.
- 5.11 The upper floors would provide 18 apartments comprising five 1 bedroom apartments (27.8%) and thirteen 2 bedroom apartments (72.2%). Each apartment would have access to a small inset balcony space.
- 5.12 There are no areas within the development that could accommodate traditional landscaping. However, there are flat roof areas which could be utilised as green roofs.
- 5.13 The application has been supported by:
- Planning Statement
 - Heritage Statement
 - Design and Access Statement

6.0 RELEVANT PLANNING HISTORY

- 6.1 20/0018 Erection of a part six/ part seven storey building, including commercial and residential basement storage, comprising ground floor retail, restaurant and betting shop (Use Classes A1, A3 and sui generis) fronting Church Street and Abingdon Street and 29 self-contained (Use Class C3) on the upper floors accessed from Abingdon Street with associated refuse storage accessed from Back Church Street following the demolition of existing buildings. Withdrawn
- 6.2 10/0376 Use of premises as restaurant (Use Class A3). GTD
- 6.3 There have been various applications for replacement shopfronts and advertisements.

7.0 MAIN PLANNING ISSUES

7.1.1 The main planning issues are considered to be:

- principle of development
- residential amenity
- layout and housing mix
- visual amenity and heritage impact
- highway impact
- drainage
- ecology
- planning contributions
- other issues

8.0 CONSULTATION RESPONSES

8.1 Historic England:

8.1.1 Historic England identifies a varied architectural character to the town centre with no predominant style or material. There is a mixture of buildings from the mid-19th century up to the present day, providing an eclectic style with mixed finishes. Church Street is a typical town centre commercial street with a range of buildings of varying styles and dates.

8.1.2 The Winter Gardens is an immensely distinctive and important building hosting significant developments and examples of architecture. It is significant for being the earliest, most ambitious and most complete surviving winter garden complex in England and which contributed immensely to Blackpool's establishment as a renowned seaside resort. This significance is recognised in its designation as a Grade II* listed building.

8.1.3 The scheme has been revised previously, reducing its overall height to sit below the level of the Winter Gardens parapets. Stepping of the levels, drawing it away from the corner reduces its visual dominance and ensures that it does not impact on views of the Winter Gardens.

8.1.4 The stepping of the upper floors reduces the buildings mass and dominance in the street scene. The building is now of a scale that it will sit alongside similarly proportioned buildings to both Abingdon and Church Street.

8.1.5 The design is unashamedly contemporary with a mixture of brick and white concrete, reflective of the range of predominant materials colours seen across the Conservation Area e.g. the white faience of the Winter Gardens and Old Post Office building on Abingdon Street. Historic England has no objection to the application on heritage grounds and we consider that the application meets the requirements of the NPPF, in particular paragraph numbers 193, 194, 196 and 200.

8.2 Theatres Trust:

8.2.1 In response to the previous application, we had no objection to the principle of redeveloping this site or to the residential use citing low architectural merit which made no positive contribute towards the character of the conservation area and the setting of the Winter Gardens. We assessed that there was sufficient separation for there to be no conflict with the Winter Gardens' theatres and cultural uses in terms of noise complaints. These matters remain the case.

8.2.2 In response to the previous application, we objected on height and design. On this revised proposal the proposed height has been reduced. We now consider this to be appropriate to the surrounding context, and note the comments of Historic England who have also removed their objection.

8.2.3 On that basis we similarly raise no objection to this development.

8.3 United Utilities:

8.3.1 United Utilities have requested that the standard condition relating to the management of surface water drainage:

- (i) require foul and surface water to be drained separately;
- (ii) require agreement of a surface water drainage scheme; and
- (iii) require agreement of a management plan for that scheme.

8.3.2 Further standard advice to the applicant is given in relation to water supplies, and United Utilities' property and infrastructure.

8.4 Electricity North West:

8.4.1 The development is shown to be adjacent to of affect Electricity North West's operational land or electricity distribution assets. The consultation response directs the developer to a number of safety documents and advice and provides contact details should the development go ahead. Any costs associated with the diversion of apparatus, the costs would usually be borne by the applicant.

8.5 Blackpool International Airport:

8.5.1 No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

8.6 NHS Clinical Commissioning Group

8.6.1 The Clinical Commissioning Group (CCG) has requested £7,720 towards new infrastructure, namely a new build Primary Care Centre at Adelaide Street. Both Adelaide Street and South King Street surgery cannot be adapted/extended in any way despite an increasing demand and we require new premises on the Adelaide St site. Detailed proposals have been prepared.

8.7 Blackpool Civic Trust:

8.7.1 We submitted comments regarding a previous application for this location and our objections are all still relevant as the proposed site sits within the conservation area and if developed will impose too greatly on the St Johns Square conservation area by the height and density of building. Planning permission should be once again refused as it is totally out with the permitted developments in this location.

8.8 Built Heritage Manager:

8.8.1 No objections in principle but has made the following comments:

- Traditionally, corner sites have made a 'statement' on the corner itself, whether by increased height and/or decoration, so it should be stepped down on the north east corner rather than the south east corner.
- The materials should be high quality so, for example, natural stone should be used for detailing rather than artificial stone. Metal cladding would not be appropriate and the palette of materials and colours should be kept simple. The proposed pink-red brick is probably not suitable for the context, so all materials should be conditioned.

8.9 Head of Highways and Traffic Management Services:

- 8.9.1 Having tried to resolve the dimensions of the red edge, the existing footprint and canopy and the proposed footprint (with no canopy) I am still not sure of their relationships with each other or the highway boundary. A dimensioned plan that cleared this up would assist. *(Since provided and found to be acceptable)*. Depending on the outcome there may be areas outside the footprint to be dealt with. The function of the building will be similar to that of the existing from a highway access and servicing point of view. The proposal, from a highways perspective, appears to be broadly compliant with policy and in line with comments in pre-apps.
- 8.9.2 The site is within an area in which major events are staged and is subject to security concerns. The area is also covered by Traffic Regulation Orders limiting vehicular movements at various times and for various purposes. This is not likely to change in the foreseeable future and should be borne in mind in the demolition and construction stages and subsequently in the operation of the building.
- 8.9.3 In view of the increased use of the back street we would expect the development to include making Back Church Street one-way through a s278 agreement.
- 8.9.4 It will be necessary for the developer to negotiate arrangements and permissions for demolition and construction with the highway authority and Building Control at an early stage. At present no permanent works seem to be proposed outside the red edge although there will, no doubt, be associated utility works. If that remains the case there will still be a need for dilapidation survey and subsequent reinstatement in addition to utilities' arrangements. I suggest that early contact is made.
- 8.9.5 Depending on the eventual ground floor occupants it may well be that works to amend/improve some highway paving may be proposed. Again, the sooner this can be identified the better.

8.9.6 I note that refuse storage is adjacent to Back Church Street - from which I assume collections will be made. This reflects the existing situation. However, given the significant residential element of the proposal I would be concerned that the residents' refuse store is not accessible from within the building. It would appear that residents would have to leave via a back door into a small rectangular outside space and walk round the outside of the store to gain access. The small rectangular outside space would obviously benefit from being enclosed and secure and access from it, direct to the bin store, would be prudent. Since the small rectangular outside space is enclosed on three sides by the development there is no obvious reason why it should not be enclosed. *The ground floor plans have been amended to include a rear door to the residential refuse store. The area cannot be covered over as it is not within the applicants' ownership and is outside of the red edge. The applicant has confirmed however, that there is an established right of way over the land.*

8.10 Local Lead Flood Authority

8.10.1 The core strategy would require a 30% reduction in surface water run-off. In the absence of any information I would expect the standard drainage conditions to be applied. It would be reasonable to expect at least a description of an acceptable strategy.

8.11 Education

8.11.1 No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

8.12 Environmental Protection (amenity):

8.12.1 No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

8.13 Contaminated Land Officer:

8.13.1 No comment, land has had no industrial properties.

8.14 Waste:

8.14.1 No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

9.0 REPRESENTATIONS

9.1 Press notice published: 21/01/2021

9.2 Site notice published: 27/01/2021

9.3 Neighbours notified: 19/01/2021

9.4 A single objection has been received from the occupier of 80-82 Church Street.

The objection states:

- the brutalist design and materials are not in keeping with the Winter Gardens;
- flats may not be the answer to revitalise the town given the significant number of empty retail units with potential accommodation above;
- the area is pedestrianised and so safety, parking and servicing the flats would be difficult;
- the development would have a significant impact on the character of St Johns Square.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 – Delivering a sufficient supply of homes
- Section 6 – Building a strong, competitive economy
- Section 7 - Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS1 Strategic Location of Development
- CS3 Economic Development and Employment
- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage
- CS9 Water Management
- CS10 Sustainable Design and Renewable and Low Carbon Energy
- CS12 Sustainable Neighbourhoods
- CS13 Housing mix, density and standards
- CS14 Affordable housing
- CS15 Health and Education
- CS17 Blackpool Town Centre
- CS18 Winter Gardens

10.4 **Blackpool Local Plan 2011-2016 (saved policies)**

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- LQ7 Strategic Views
- LQ9 Listed Buildings
- LQ10 Conservation Areas
- BH3 Residential Amenity
- BH4 Public Health and Safety
- BH10 Open Space in New Housing Developments
- HN4 Windfall Sites (for housing development)
- AS1 General Development Requirements

10.5 **Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.5.1 The Blackpool Local Plan Part 2 has been subject to a formal consultation exercise which ended on the 2nd April 2021 and it is anticipated that Part 2 will be submitted for examination in June 2021. The NPPF confirms that weight can be given to emerging policies according to the stage of preparation of the plan (the more advanced its preparation, the greater weight may be given), the extent to which there are any unresolved objections to relevant policies and the degree of consistency of the relevant policies with the NPPF. Given the advanced stage of preparation of Part 2, the absence of objections to the Plan which cannot be resolved and that the policies have been prepared to be consistent with the NPPF, it is considered that moderate weight can be attached to the following policies in Part 2:

- DM1 Design Requirements for New Build Housing Developments
- DM6 Residential uses in the Town Centre
- DM12 Secondary Frontages
- DM17 Design Principles
- DM21 Landscaping
- DM26 Listed Buildings
- DM27 Conservation Areas
- DM31 Surface Water Management
- DM35 Biodiversity
- DM36 Controlling Pollution and Contamination
- DM41 Transport Requirements for New Development

10.6 Other Relevant Policy Guidance and declarations:

- 10.6.1 Blackpool Council declared a Climate Emergency in June 2019 that requires urgent action. The Council is committed to making its' activities net-zero carbon by 2030 and that planning decisions are in line with a shift to zero carbon by 2030.
- 10.6.2 Supplementary Planning Guidance 11: Open Space: provision for new residential development and the funding system set out the public open space requirements in new housing development.
- 10.6.3 The Blackpool Town Centre Strategy was adopted in 2013 and sets out the importance of Blackpool Town Centre to the successful regeneration of the resort and the economic prosperity of the wider Fylde Coast. This document has a number of objectives, including improving the quality of buildings, streets and spaces in the Town Centre and developing a high quality hotel offer. Objective 4 in the Town Centre Strategy encourages new residential development on upper floors within the Town Centre.
- 10.6.4 The Government has produced the Technical housing standards – nationally described space standards which provide floor space standards for new housing development.

11.0 ASSESSMENT

11.1 Principle of development

- 11.1.1 The site is within the Town Centre and is currently within the Principal Retail Core. Moving forward, Part 2 identifies the site as within the Town Centre's Secondary Frontage. As such, retail uses on the ground floor are considered to be acceptable in principle. Emerging Policy DM12 relates to Secondary Frontages and identifies suitable uses within them. DM12 does not explicitly permit Betting Shops in a Secondary Frontages. However, given the proposed betting shop would replace an existing betting shop, this provision is considered to be acceptable in principle, subject to a condition restricting the amount of floor space to be used as a betting shop. The existing shop floor (excluding ancillary facilities) for the betting shop is approximately 94sqm and so the shop floor for the replacement betting shop should not exceed 94sqm.
- 11.1.2 Providing residential uses in the Town Centre is consistent with Part 7 of the NPPF which confirms that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites. Saved Policy SR5 permits residential uses on upper floors within the Principal Retail Core as does Saved Policy SR9. Core Strategy Policy CS17 relates to the Town Centre and supports a high quality residential offer as does emerging Policy DM6 which relates to residential uses in the Town Centre. Furthermore, objective 4 in the Town Centre Strategy encourages new residential development on upper floors within the Town Centre.
- 11.1.3 The scheme proposes 18 units on the 0.05 hectare site which equates to a housing density of 360 dwellings per hectare. This is very high but higher densities are expected from flat development compared to housing development, especially in the Town Centre. Policy CS13 permits development which makes efficient use of land, with an optimum density appropriate to the characteristics of the site and the surrounding area and supports higher densities in main centres. Subject to other considerations in the planning balance, this density is considered to be appropriate on a brownfield site in a highly accessible location.

- 11.1.4 The proposal would make a notable quantitative contribution towards meeting the borough's housing requirements. This weighs in favour of the proposal but, as the Council can currently demonstrate a five year housing land supply, it is not of over-riding weight in the planning balance.
- 11.1.5 The scheme represents a major investment in the Town Centre and would contribute towards the regeneration objectives set out in the Core Strategy and priority one and two of the Council Plan and would support the wider regeneration efforts in and around the Town Centre.
- 11.1.5 As such, the development is considered to be acceptable in principle.

11.2 Residential amenity

- 11.2.1 Paragraph 182 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities and without resulting in existing businesses and facilities having unreasonable restrictions placed on them as a result of the development. The site falls within the Town Centre and opposite the Winter Gardens and St Johns Square, which regularly host large cultural events. Therefore the general levels of activity, noise and disturbance are higher than would typically be expected in a more traditional residential setting. It is reasonable to assume that future occupiers of the apartments will be aware of these characteristics and would therefore be choosing to live in a more dynamic living environment. In any case, the Theatres Trust have confirmed that there is sufficient separation between the development and the Winter Gardens for there to be no conflict between the residential use and the ongoing operation of the Winter Gardens in terms of noise complaints and no objections have been received from colleagues in Environmental Protection.
- 11.2.2 There are no known existing residential uses in the immediate area whose amenities could be affected by the development. In light of the above, no unacceptable impacts on residential or visitor amenity have been identified.

11.3 Layout and housing mix

- 11.3.1 The upper floors would provide 18 apartments comprising five 1 bedroom apartments (27.8%) and thirteen 2 bedroom apartments (72.2%). The amended scheme would now comply with the housing mix required by Policy CS13 in that more than 70% of the units would have 2 bedrooms.
- 11.3.2 In this Lower Super Output Area 010E (LSOA), flats account for 69.6% of the housing stock compared to a 25% average for Blackpool and 22% nationally. However, this would be a new build development in the heart of the Town Centre rather than poor quality conversion experienced elsewhere in the Inner Area.
- 11.3.3 All of the flats would meet with the technical housing standards – nationally described space standards despite emerging Policy DM1 only requiring that 20% meet these standards. The apartments would be accessible by people with impaired mobility. Each apartment would have access to private amenity space in the form of an inset balcony of between 3 and 6sqm and most of the balconies would have views over Church Street or St Johns Square. Four of the apartments would only have outlook over Back Church Street which is not ideal.

However, overall the scheme is considered to provide good quality living accommodation on what is a very constrained Town Centre site. This weighs in favour of the scheme.

11.3.4 Currently, Back Church Street is used to store refuse bins for the existing commercial uses and this is unsightly as the bins are visible from Church Street and the Conservation Area. The proposed development would include two internal refuse stores, one serving the residential uses and the other serving the commercial elements of the scheme and this is considered to be a significant improvement over the current situation.

11.3.5 The proposed development would provide good quality accommodation which meets the policy requirements in terms of layout and housing mix.

11.4 Visual amenity and heritage

11.4.1 National planning policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework. These policies state that assets should be conserved in a manner appropriate to their significance (paragraph 184) and that when considering the impact of a proposed development, great weight should be given to the asset's conservation (paragraph 193). These national policies are supported locally by Core Strategy Policy CS8, saved Policies LQ9 and LQ10 and emerging Policies DM26 and DM27.

11.4.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and requires them to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.4.3 Saved Policy LQ9 confirms that applications will be considered having regard to the setting of a listed building. Saved Policy LQ10 requires all development to preserve and enhance the character and appearance of the Conservation Area. Policy CS8 supports proposals that will enhance the setting and views of heritage assets through appropriate design and requires developers to demonstrate how any development affecting heritage assets (including conservation areas) will conserve and enhance the asset, its significance and its setting. Accordingly, the application is supported by a Design and Access Statement and a Heritage Statement. The thrust of these adopted policies are carried forward in the emerging policies DM26 and DM27.

11.4.4 The NPPF confirms that not all elements of a Conservation Area will necessarily contribute to its significance and local planning authorities should support new development in Conservation Areas or within the setting of heritage assets, which enhances or better reveals their significance. The existing buildings on the application site have little architectural merit and whilst most of the ground floor has an active frontage, it is dominated by a heavy looking projecting canopy at fascia level and until recently, the upper floor windows were blanked out, creating a solid block with little articulation or visual interest. The loss of these buildings will not harm the significance of the surrounding historic environment.

11.4.5 The proposed development will clearly have an impact on the setting of listed buildings including the Winter Gardens, St Johns Church, the former Post Office building and the Town Centre Conservation Area, but that impact is considered to be positive and conserves and enhances the significance of these heritage assets. The development will maintain an active

frontage on Church Street and Abingdon Street and the upper floors are well designed in a distinctive grid with vertical windows interspersed by the horizontal voids of the inset balconies, all of which would be set within regularly sized and spaced reveals, providing depth, animation and visual interest to the elevations.

- 11.4.6 Saved Policy LQ4 and emerging policy DM17 confirms that new buildings in the Town Centre should not be less than four storeys in scale unless the character of the site and its surroundings would suggest that this would be inappropriate. Buildings in the immediate area are generally between three and five stories in scale with taller development restricted to St Johns Church and elements of the Winter Gardens. The bulk of the proposed building would be four storeys tall and the majority of the fifth floor would not be visible in the streetscene, other than the fifth storey element which projects over the residential entrance on Abingdon Street, which serves to define the entrance.
- 11.4.7 The Abingdon Street/Church Street corner of the upper floors would have the uniform voids of the inset balconies on both elevations allowing views through and creating visual interest on this prominent corner. The use of light concrete on this corner would also contrast with the main brick elevations, giving the corner further articulation.
- 11.4.8 The proposed building would have a very similar footprint to the existing building, with the exception of the south east corner which is currently a void with a canopy over. To the north of the site is the West Coast Rock Café which has a three storey frontage on Abingdon Street with a fourth floor and modest fifth floor, set back from the Abingdon Street frontage by approximately 5m. The proposed building would be approximately 1m taller than the maximum height of the West Coast Rock Café and therefore the corner of the top two floors would be visible on approach from Abingdon Street. However, “blind” windows in this element of the north elevation would provide visual interest without compromising any future development potential of the building to the north, currently occupied by West Coast Rock Café. The use of light concrete would lessen the visual impact of the visible part of the north elevation. The north elevation would not appear to unduly dominate the Abingdon Street streetscene and is considered to be acceptable.
- 11.4.9 The west elevation faces Back Church Street and the rest of the north elevation would not be visible in the streetscene but both elevations are nonetheless well designed.
- 11.4.10 In terms of the proposed materials, the elevations would be a mix of red brick and light/pigmented concrete with glazing in light coloured anodised frames and powder coated metal handrails, cills and flashings. This material palette is considered to be appropriate given the range of materials used in the immediate vicinity and wider Town Centre Conservation Area. Nonetheless, a condition requiring the submission of further details of the materials to be used on the development is considered necessary given the sensitivity of the site.
- 11.4.11 On balance, the development is considered to be well designed, sensitively scaled and would preserve and enhance the character and appearance of the Conservation Area. It is considered that the development would enhance the setting and views of the listed Winter Gardens, St Johns Church and the former Post Office building and would strengthen the existing townscape character created by these historic buildings.

11.5 Impact on highways

- 11.5.1 The site is within the Town Centre which is well served by various modes of public transport and is within walking distance of ample shopping and employment opportunities, health, education and leisure facilities. Secure cycle storage for the apartments would be provided in the basement which is served by a lift of sufficient size to accommodate a bicycle. Similarly, the basement serving the ground floor commercial uses could be used for the storage of bicycles for staff members. No on-site car parking is proposed and none could realistically be incorporated given the size of the site and the pedestrianised nature of the surrounding streets. Future residents would be aware of the lack of parking before they decided to occupy the apartments and in any case, the car parking standards are maximum rather than minimum standards. Given the high accessibility of the site and the proposed cycle storage provision, the lack of on-site car parking provision does not weigh significantly against the proposal in the planning balance.
- 11.5.2 The ground floor commercial element of the scheme would function in a similar fashion to the existing uses in terms of highway access and servicing and the operators will be aware of events and restrictions limiting vehicular movements at certain times.
- 11.5.3 A Construction Management Plan should be required as a pre-commencement condition and the details agreed with the Head of Highways and Traffic Management to ensure not only that the site can be demolished and redeveloped safely, but also to coordinate those activities to ensure there is no disruption to planned events at the Winter Gardens or in St Johns Square. The developers will need to work with the Winter Gardens and the Council on this matter to understand what events are scheduled and when and that would inform the project management of the demolition and construction phases.
- 11.5.4 A s278 agreement would be required to make Back Church Street one-way and there would be various dilapidation surveys/ reinstatement works/ additional paving works required. These details would be agreed with the Head of Highways and Traffic Management.
- 11.5.5 Subject to conditions, no unacceptable highway impacts are expected as a result of the development.

11.6 Drainage

- 11.6.1 The site falls within flood zone 1. As such there is no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. The site area is less than a hectare so a Flood Risk Assessment is not required.
- 11.6.2 The site is almost developed up to its boundaries but there is an expectation that new developments reduce the amount of surface water entering the combined system where possible. Where this is not possible, developments are expected to achieve betterment in terms of surface-water run-off rates. This should be restricted to greenfield rates where possible but, if this is not practicable, a 30% reduction should be delivered.
- 11.6.3 No drainage details have been provided and this weighs against the proposal. However there is no reason to suppose that sufficient betterment over the current arrangement cannot be achieved. As such, the standard pre-commencement drainage conditions are necessary to ensure that the site can be safely drained without increasing flood risk elsewhere.

11.7 Ecology

- 11.7.1 The application site is hard surfaced with no habitat features for protected species. A letter from Ecology Solutions Ltd has been submitted which confirms that the existing buildings provide negligible opportunities for roosting bats and further detailed surveys are not considered necessary.
- 11.7.2 New development should provide net gains for biodiversity where possible. There would be no opportunities to provide traditional landscaping as the development would cover the entire site, just as the existing development does. However there are opportunities to provide green roofs and other ecological enhancements, the details of which should be submitted and agreed by condition. Subject to the condition proposed, no unacceptable ecological impacts are anticipated.

11.8 Planning Contributions

- 11.8.1 Policy CS11 states that development will only be permitted where the developer enters into a legal undertaking or agreement to meet the additional needs arising from the development.
- 11.8.2 The site is in the Inner Area and therefore no Affordable Housing contributions are required.
- 11.8.3 Policy CS15 states that contributions will be sought from developers towards the provision of health facilities where their development would impact on the capacity of existing healthcare facilities. The NHS Blackpool Clinical Commissioning Group (CCG) has assessed the implications of the proposal on the delivery of general practice services and have confirmed that neither Adelaide Street nor South King Street surgeries can be adapted/extended in any way despite an increasing demand. As such, the CCG have requested a £7,720 contribution towards a new build Primary Care Centre on Adelaide Street which would fall within the catchment of the application site. The sum of £7,720 should be secured in a Section 106 agreement.
- 11.8.4 Where no open space can be provided within an application site, SPG11 sets out the requirements contributions to create or improve off-site public open space. The off-site open space contribution has been calculated as £11,524 (5x1bed x £516 = £2,580, 13x2bed x £688 = £8,944) and this should be secured in a Section 106 agreement.
- 11.8.5 There is no requirement for a financial contribution towards local education provision.

11.9 Other issues

- 11.9.1 The application has 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 (as amended).
- 11.9.2 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

11.10 Sustainability and planning balance appraisal

11.10.1 Sustainability comprises economic, environmental and social components.

11.10.2 Economically, some jobs may be lost as a result of the closure of the existing commercial units on the ground floor until the uses are replaced. There would be some employment generated through the construction process and future residents would help support local shops and services. The agreement of a Construction Management Plan would limit disruption to local businesses during the demolition and construction phase. Overall and on balance, the proposal would deliver economic benefits and this weighs in favour of the proposal.

11.10.3 Environmentally, no adverse impacts on biodiversity have been identified and there are opportunities to provide net gains to biodiversity by requiring ecological enhancements around the site. The scheme is not expected to have unacceptable impacts on drainage or land or water quality. No concerns relating to air quality or land contamination have been raised.

11.10.4 The design of the scheme is acceptable and the development would conserve and enhance the character of the Town Centre Conservation Area and enhance the significance and setting of listed buildings in the area.

11.10.5 Socially, the development would deliver regeneration and would deliver good quality homes in an attractive building and in an accessible location, making a significant contribution towards Blackpool's housing requirements. No unacceptable amenity impacts are anticipated and no undue impacts on highway safety are expected.

12.0 FINANCIAL CONSIDERATIONS

12.1 The scheme could generate additional council tax income but this is not a planning consideration and carries no weight in the planning balance.

13.0 CONCLUSION

13.1 In light of the above, the proposal is judged to constitute sustainable development and no material planning considerations have been identified that would outweigh this view. As such, the application is considered to be acceptable and planning permission should be granted subject conditions and a S106 agreement for health and public open space contributions.

14.0 RECOMMENDATION

14.1 Resolve to support the proposal and delegate the application to the Head of Development Management to grant planning permission upon completion of the requisite S106 legal agreement and subject to the following conditions:

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

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

- 2 The 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 and information:

Location plan ref. A2019-PL-001A

Proposed ground floor plan ref. A2019-PL-201/B

Proposed first floor plan ref. A2019-PL-202/C

Proposed second floor plan ref. A2019-PL-203/C

Proposed third floor plan ref. A2019-PL-204/E

Proposed fourth floor plan ref. A2019-PL-205/E

Proposed east elevation plan ref. A2019-PL-401/C

Proposed south elevation plan ref. A2019-PL-402/D

Proposed west elevation plan ref. A2019-PL-403A

Proposed north elevation plan ref. A2019-PL-404C

The development shall thereafter be retained and maintained in accordance with these approved details.

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

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

- dust mitigation measures during the demolition/construction period
- control of noise emanating from the site during the demolition/construction period
- hours and days of demolition/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 demolition/construction period
- arrangements during the demolition/construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- measures to prevent contamination of surface and sub-surface water bodies during the demolition/construction period
- routing of construction traffic

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

Reason: In order to limit disruption to local businesses during the demolition and construction phase, in the interests of highway and site safety and to safeguard the character and appearance of the Town Centre Conservation Area in accordance with Policies LQ1, BH4, AS1 and LQ10 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- 4 (a) Prior to the commencement of any development, a surface water drainage strategy, based on the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority.
- (b) Prior to the commencement of any development, the design for a surface water drainage scheme, based on the approved strategy and in compliance with the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:
- (i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- (ii) Surveys and appropriate evidence to establish the position, capacity, ownership and interconnection of all bodies of water, watercourses, drains and sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;
- (iii) A determination of the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change - see EA advice 'Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development and as appropriate during construction), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in metres AOD;
- (iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate **OR** a rate evidenced to be first agreed in writing by United Utilities.
- (v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing watercourses, culverts and headwalls or removal of unused culverts where relevant);
- (vi) Flood water exceedance routes, both on and off site;
- (vii) Existing and proposed ground and other surface levels demonstrating that run-off to adjacent land and highways will not occur except in the exceedance conditions and the exceedance routes as approved;
- (viii) A timetable for implementation, including phasing where applicable;
- (ix) Details of water quality controls.
- (c) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the adopted sewerage system or to any privately owned sewerage either directly or indirectly.

(d) The scheme agreed pursuant to part (b) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

(e) The developer shall provide as built drawings and certification of the completion of the drainage system as approved by a competent person.

Reason: To promote sustainable development, secure proper drainage of sewage and surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

5 Prior to commencement 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) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

b) Evidence of arrangements to transfer responsibility to other parties in the event of the demise of any management company, for example by means of covenants;

c) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:

(i) on-going inspections relating to performance and asset condition assessments

(ii) operational costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

d) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. The developer shall provide to the Planning Authority, if requested, certification of the condition of the drainage system by a competent person.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7 Prior to the commencement of development a scheme of off-site highway works shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the development hereby approved is first occupied.

For the purpose of this condition, this scheme shall include:

- the promotion of a Traffic Regulation Order making Back Church Street a one way street
- a highway dilapidation survey

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

- 8 The external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and the Town Centre Conservation Area and the setting of various listed buildings in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ4, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016.

- 9 Prior to the commencement of any above ground construction, the profile details of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these agreed details. For the purpose of this condition, the profile details shall show to the extent of recession or projection of windows, doors and other architectural features of the building.

Reason: In order to secure appropriate visual articulation and interest in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

- 10 The surfacing materials to be used in the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying down of any final surfacing and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and the Town Centre Conservation Area and the setting of various listed buildings in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ4, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016.

- 11 Prior to the development hereby approved is first brought into use the cycle storage shown on plan ref. A2019-PL-200A shall be provided and shall thereafter be retained and maintained as such.

Reason: In order to enable travel to and from the site by a sustainable transport mode in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

- 12 Before the development hereby approved is first brought into use the refuse storage shown on plan ref. A2019-PL-201/B shall be provided and shall thereafter be retained and maintained as such.

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

- 13 Prior to the commencement of any above ground construction, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with this approved scheme. For the purpose of this condition, the scheme of ecological enhancement may include:

- Provision of green roofs
- Provision of bird and bat boxes

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy LQ6 of the Blackpool Local Plan 2001-2016.

- 14 The shop floor for the replacement betting shop shall not exceed 94 square meters.

Reason: The betting shop is only permitted as a replacement facility and any increase in shop floor would be contrary to Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policy SR5 of the Blackpool Local Plan 2001-2016 which seek to safeguard the retail role and function of the Town Centre.

- 15 Details of security lighting and CCTV shall be submitted to and agreed in writing with the Local Planning Authority. No apartment shall be occupied in advance of the installation of the agreed security lighting and CCTV system.

Reason: In the interests of secured by design principles and to safeguard the amenities of the future residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

- 16 The accommodation shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose.

Reason: In order to safeguard the living conditions of the occupants of nearby residential properties, to safeguard the character of the area and to ensure new holiday accommodation is provided in accordance with the Council's Holiday Accommodation Strategy in accordance with Policies CS7, CS12 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policies BH3 of the Blackpool Local Plan 2001-2016.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no enlargement of the development the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: In the interests of the appearance of the site and the Town Centre Conservation Area and the setting of various listed buildings in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3, LQ1, LQ4, LQ9 and LQ10 of the Blackpool Local Plan 2001-2016.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no change of use from Use Class C3 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 CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policy BH3 of the Blackpool Local Plan 2001-2016.

ADVICE NOTES TO DEVELOPERS

1. In order to inform the content of the Demolition/Construction Management Plan and in the interests of project management, the developer is advised to contact the management of the Winter Gardens and the Council to coordinate access to and activities on the site in relation to planned events which may make access to the site difficult and to confirm what dates certain activities on site would be less desirable.
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 Highways and Traffic team via email to highwaysandtraffic@blackpool.gov.uk or by telephone on 01253 477477 in the first instance to ascertain the details of such an agreement and the information provided.
3. Please note that any address changes or new addresses needed as a result of this development must be agreed by the Council. Please contact the Council on 01253 477477 for further information.

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20/0794 –Church Street/Abingdon Street plans



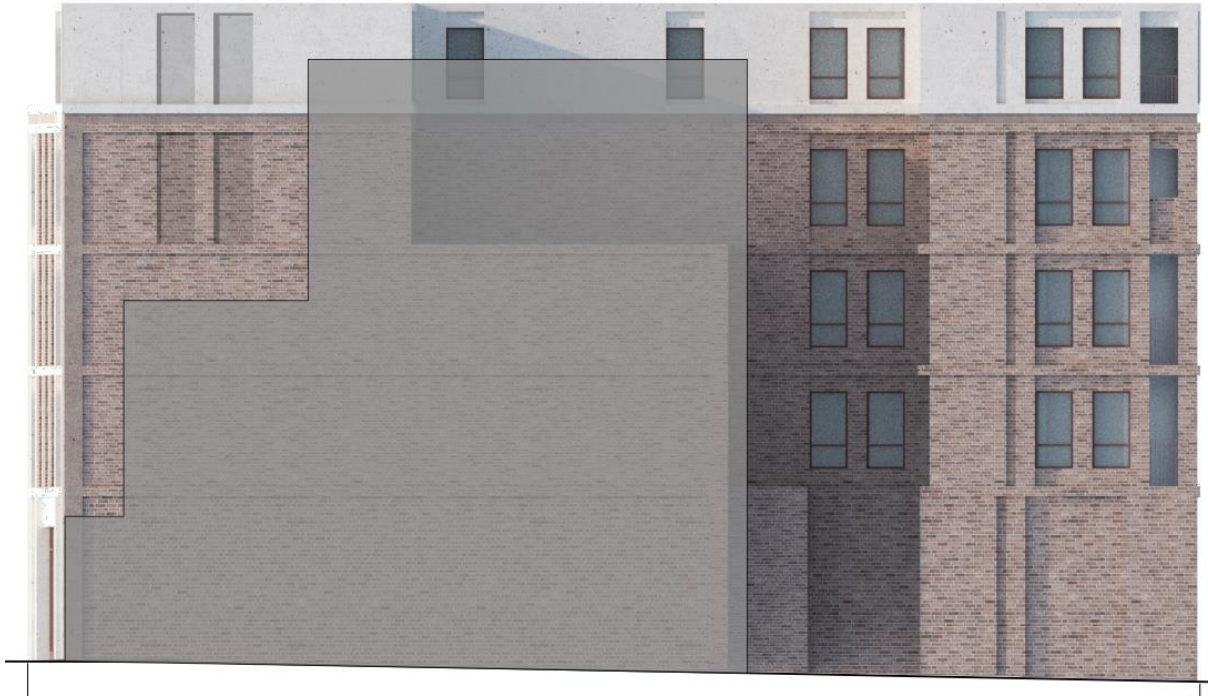
South/Church Street elevation



East/Abingdon Street elevation



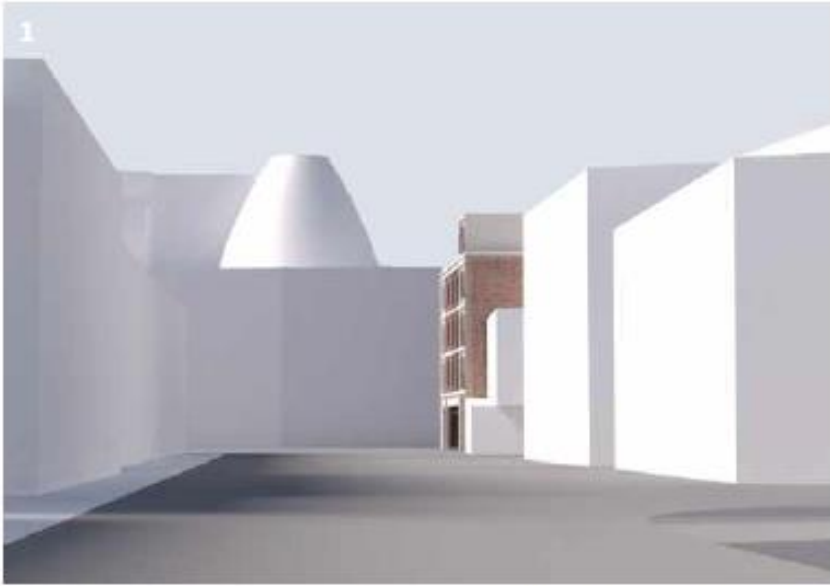
West/Back Church Street elevation



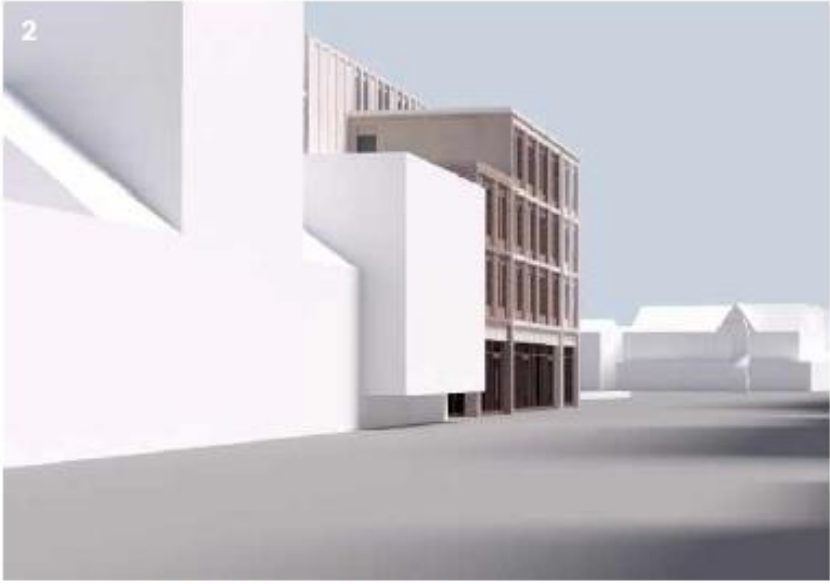
North elevation



Isometric illustration



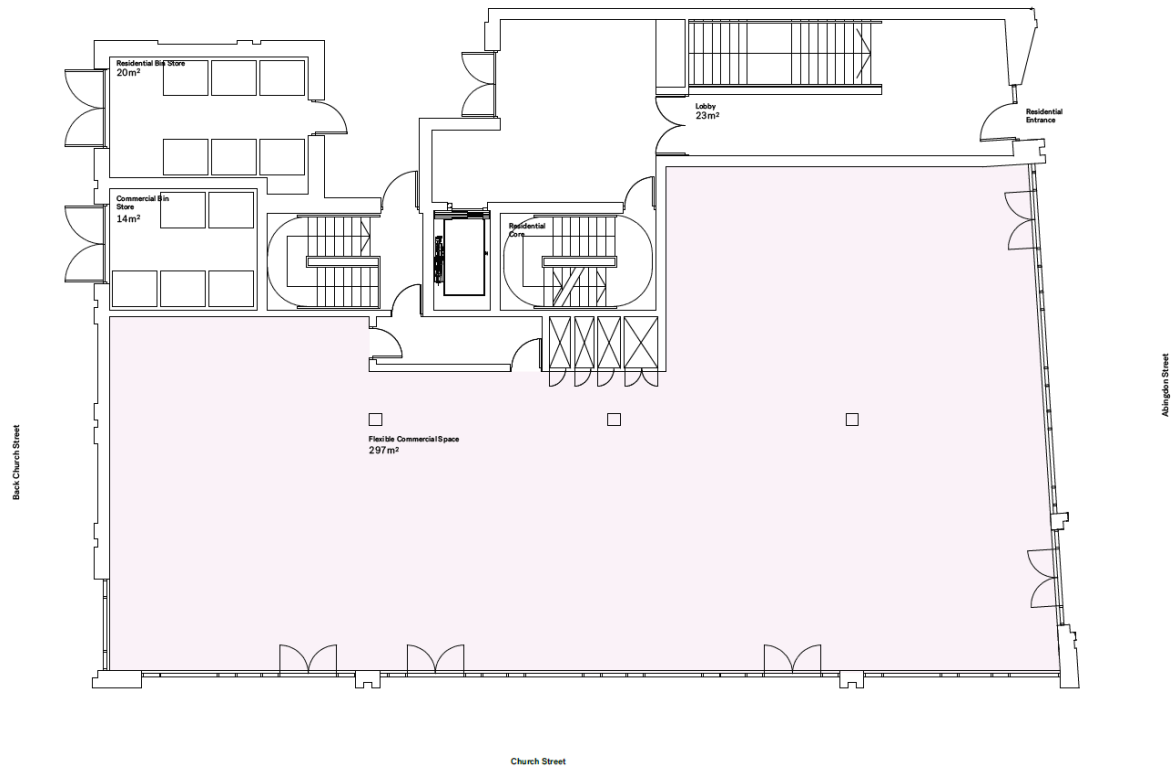
View from Abingdon Street with the Winter Gardens and Opera House in the background



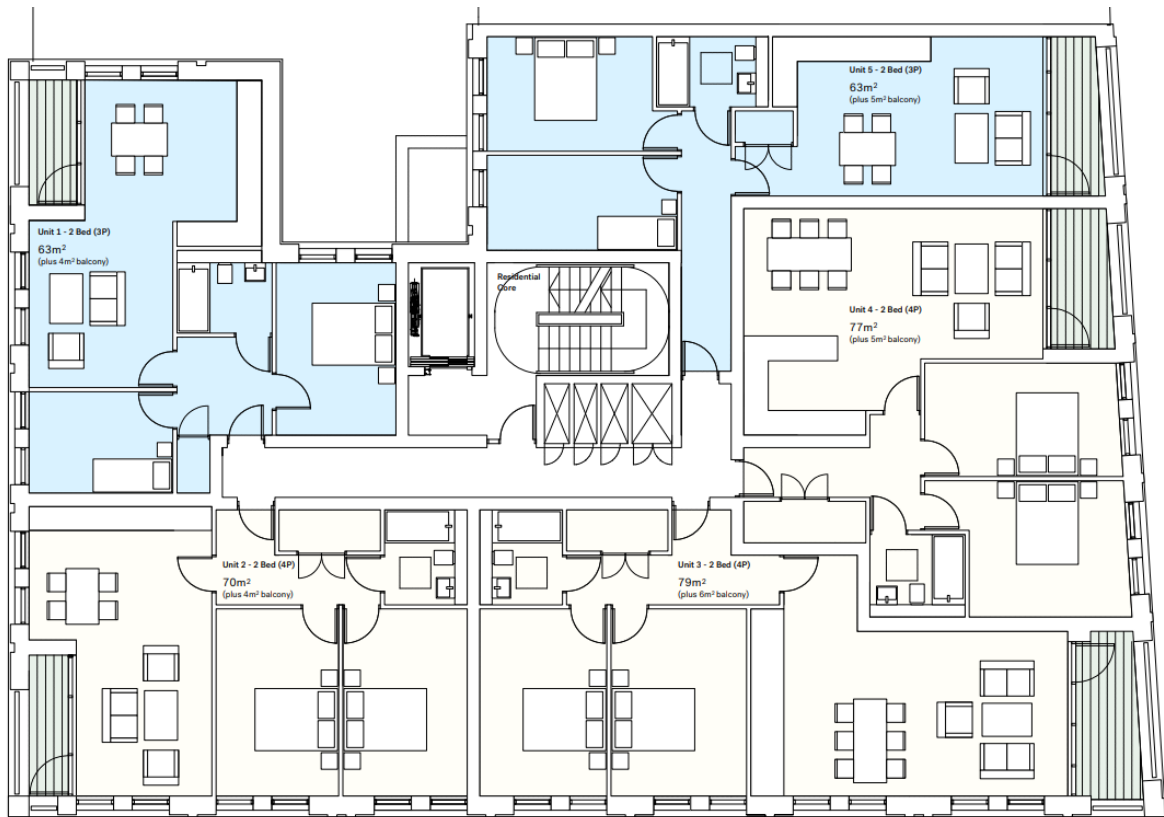
View looking east up Church Street towards St Johns Square.



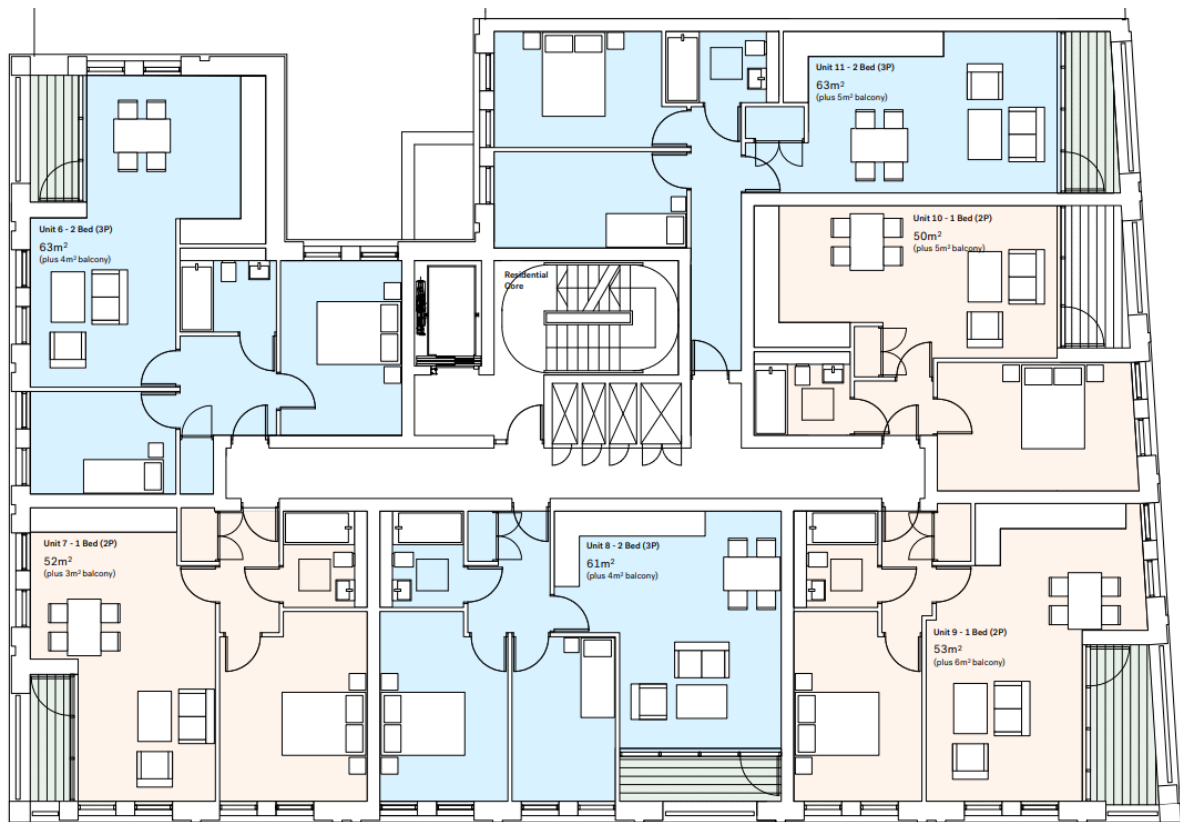
View from St Johns Square looking west.



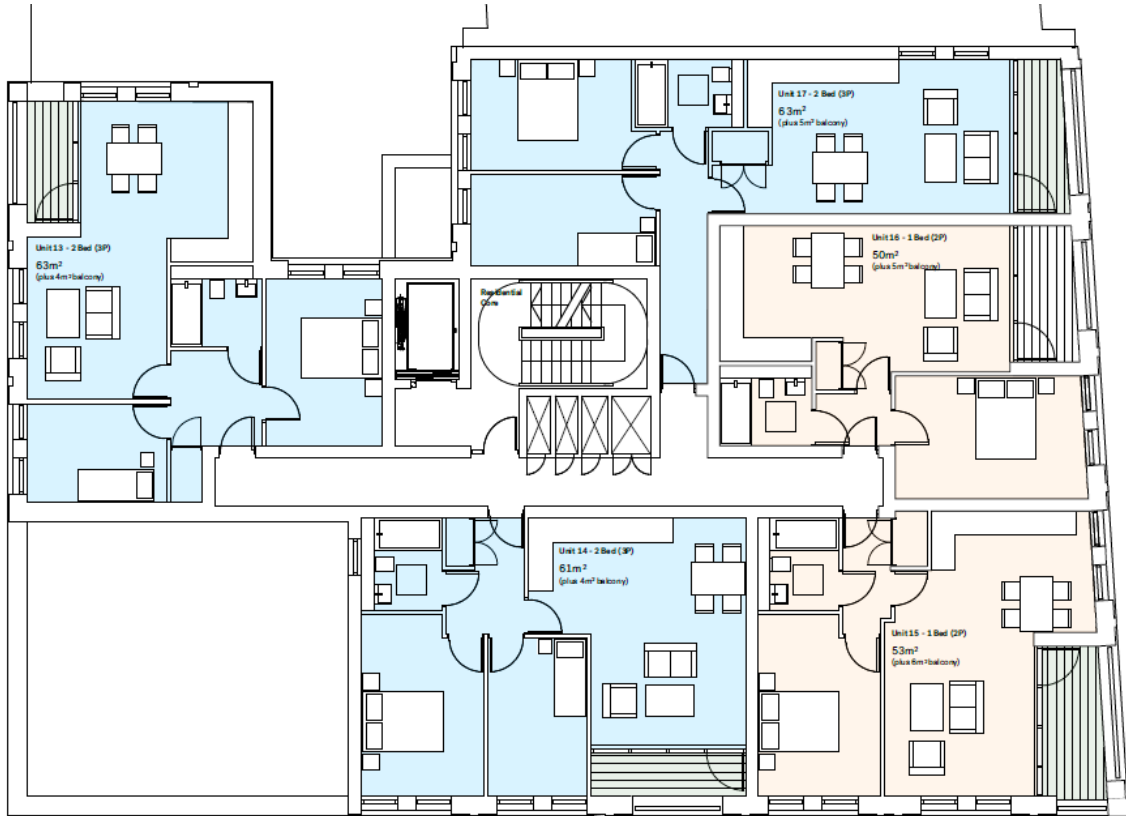
Proposed ground floor



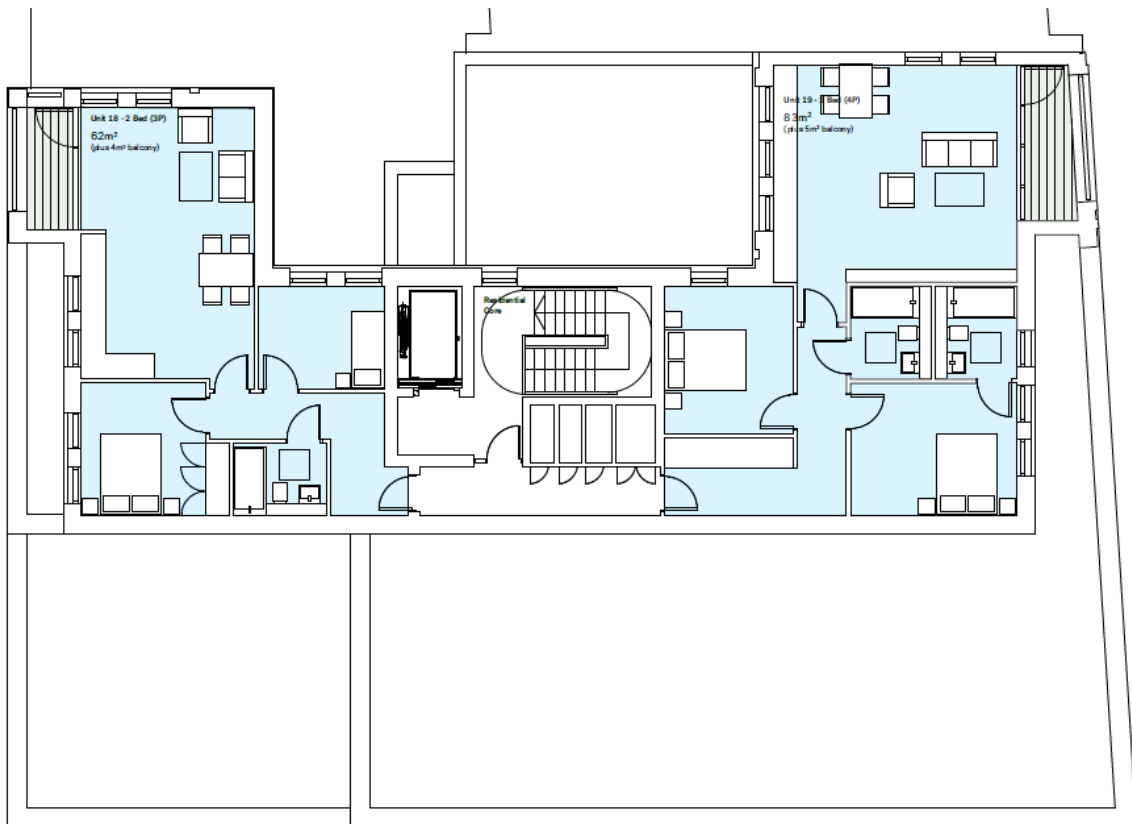
Proposed first floor



Proposed second floor



Proposed third floor



Proposed fourth floor

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**Blackpool Council
Development Management**

Officer Report to Committee

Application ref:	21/0234
Ward:	Bloomfield
Application type:	Application for full planning permission.
Location:	Land adjacent to Central Pier, Promenade, Blackpool, FY1 5BB
Proposal:	Erection of a single storey building, canopy, decking and boundary treatment and use of premises as a bar and external seating area.
Recommendation:	Refuse
Case officer:	Bethany Thornton
Case officer contact:	01253 476312

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.
- 1.2 This application would result in the creation of a new bar and would facilitate economic growth for the applicant and site but, when considered in the context of the borough and its regeneration and economic aims, could undermine economic growth by undermining the Council's wider strategy and town centre focus. The scheme could also undermine the comprehensive improvement of the Promenade and seafront area by prejudicing the implementation of public realm improvements which the seafront is safeguarded for.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application proposes the development of a bar in an edge-of-centre location and within the Central Promenade and Seafront designation which is safeguarded for public realm improvements such as sea defences, transport improvements, landscaping, public amenities and ancillary small-scale retail outlets. The proposed scheme constitutes piecemeal development which is not ancillary to existing tourist attractions and so would be contrary to policy and detrimental to the Council's regeneration efforts concerning the sea front, Promenade and Town Centre.
- 2.2 The scheme would have a detrimental impact on the character of the area and heritage assets and their setting as the design of the scheme is not of a standard considered appropriate for such a prominent and sensitive location and does not integrate well with or enhance its surroundings.
- 2.3 As such, the recommendation for this application is for refusal.

3.0 INTRODUCTION

3.1 This application is before Members because it is a scheme of general public interest.

4.0 SITE DESCRIPTION

4.1 The application relates to land on the Promenade on the western side of the tram tracks and immediately adjacent to Central Pier. The site is to the north of the Pier and is approximately 344sqm, set back from the front of the pier building behind an area which is often occupied by inflatables and temporary pop-up structures. The site is currently occupied by the proposed development which has been in place since early 2018; it consists of single storey container units forming a bar, storage rooms, and toilets and external seating area on raised decking with a canopy and area for live entertainment. The decking is enclosed by low fencing and there are planters lined up in front of the decking.

4.2 The site falls within the Resort Core, Flood Zone 3, and the Airport Safeguarding Consultation Area and the area covered by the Promenade Article 4 Direction and the Central Promenade and Seafront designation, adjacent to the designated Coast and Foreshore. The site is also adjacent to Central Pier which is locally listed is in close proximity to the locally listed Huntsman building and the Foxhall Conservation Area.

5.0 DETAILS OF PROPOSAL

5.1 The application seeks retrospective planning permission for the use of the site as an outdoor terrace bar. The scheme includes four enclosed structures forming the bar itself, storage, and toilets. The rest of the site is occupied by raised decking for external seating.

5.2 The application has been supported by:

- Planning Statement
- Heritage Statement
- Flood Risk Assessment
- Sequential Appraisal

6.0 RELEVANT PLANNING HISTORY

6.1 **17/0747** – Use of land for an 18 hole themed adventure golf course including the erection of an associated ticket office, pump room and 2.4m high palisade boundary fencing. – Granted. High quality tourism attraction within the resort core.

16/0213 – Erection of a single storey building with canopy to house public toilets and lost child facility/commercial unit and external seating areas. – Granted.
Provides visitor facilities appropriate to the character and function of this section of the Promenade.

14/0796 – Use of land for an 18 hole themes adventure golf course including the erection of an associated ticket office, pump room and 2.4m high palisade boundary fencing.
High quality tourism attraction within the resort core.

14/0618 – Use of land for temporary siting of ‘Starflyer’ ride. – Withdrawn

14/0452 – Erection of a single storey building comprising toilet facilities and retail unit with ‘lost children’ area, formation of external seating area, and associated landscaping. – Granted.

Provides visitor facilities appropriate to the character and function of this section of the Promenade.

14/0005 – Erection of a single storey building comprising toilet facilities and retail unit, formation of external seating area, and associated cycle parking and landscaping. - Withdrawn

13/0515 - Use of land to the south of pier for the siting of a go kart track and use of land to the north of pier for the siting of a ‘star flyer’ attraction with associated development until 31 October 2013. – Withdrawn

Enforcement

21/8197 – Erection of terrace bar. – Open Case

18/8363 – Use of land for siting of outdoor bar, bouncy castle, and hot air balloon. – Open Case

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of this development in this location
- visual impact
- heritage impact

8.0 CONSULTATION RESPONSES

8.1 **Head of Highways and Traffic Management** – The proposal would not have a material effect on the passage of pedestrians or vehicles. No objections in principle subject to the provision of a proportionate serving management plan and a construction management plan demonstrating agreement with the Council for utility and drainage connections, vehicular access and plan access, storage and plan operations, and including a dilapidation survey.

8.2 **Council Drainage Officer** – The Flood Risk Assessment provided is acceptable. The standard drainage conditions (WATA and WATM) should be applied.

8.3 **Built Heritage Manager** – Central Pier is locally listed and is opposite the locally listed Huntsman building and the boundary of the Foxhall Conservation Area along Chapel Street. Whilst there would be no objection to a temporary pop-up outside bar with removable features, the design and materials which have been used in the permanent structures are poor and undermine the character of the pier and its setting. Therefore, refusal is recommended.

8.4 **Blackpool Civic Trust** – The application affects the open aspect of the Promenade. There are already concessions in front of Central Pier which make traversing the Prom to the sea dangerous and difficult. Allowing a permanent structure to be erected is contrary to policy and will open the Promenade to other similar applications. The application should be firmly rejected and the planning guidelines enforced.

- 8.5 **Environmental Protection (Amenity)** – Based on the number of complaints in relation to various activities at the piers a noise assessment is required. The noise survey condition should be implemented.
- 8.6 **Head of Strategic Asset and Estate** – The extent of the outside public bar must not exceed that land held within the freehold title LA828714.
- 8.7 **United Utilities** – Foul and surface water shall be drained on separate systems based on the drainage hierarchy. Should the application be approved it is strongly recommended that no construction commences until a Section 104 agreement has been accepted in writing by United Utilities. Water mains cross the site and so unrestricted access would be required for operating and maintaining them – development over or in close proximity to the main would not be permitted and an access strip would be required.

9.0 **REPRESENTATIONS**

- 9.1 Site notice published: 27/04/2021
- 9.3 Neighbours notified: 23/04/2021
- 9.4 A representation has been received from 11 Pharos Street raising the following issues:
- The development has been carried out without planning permission and it is unfair to business owners who go through the proper channels and expenses for planning permission.
 - If the application is approved it would open the floodgates for other similar development in Blackpool.
 - The bar is permanent and not a pop up bar.

10.0 **RELEVANT PLANNING POLICY**

10.1 **National Planning Policy Framework (NPPF)**

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 6 – Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 16 - Conserving and enhancing the historic environment

10.2 **National Planning Practice Guidance (NPPG)**

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS1 Strategic Location of Development
- CS4 Retail and Other Town Centre Uses
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage
- CS9 Water Management
- CS21 Leisure and Business Tourism

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- RR1 Visitor Attractions
- RR11 Central Promenade and Seafront
- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ4 Building Design
- LQ5 Public Realm Design
- LQ7 Strategic Views
- LQ10 Conservation Areas
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH17 Restaurants, Cafes, Public Houses, Hot Food Takeaways
- NE9 The Coast and Foreshore
- AS1 General Development Requirements (Access and Transport)
- AS7 Aerodrome Safeguarding

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has now been submitted for Examination in Public with the proceedings expected to be held later this year. At this point in time the weight to be attached to various policies is limited and depends upon the extent to which they are subject to objection. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- DM10 Promenade and Seafront
- DM15 Threshold for Impact Assessment
- DM17 Design Principles
- DM19 Strategic Views
- DM28 Non-Designated Heritage Assets
- DM31 Surface Water Management
- DM33 Coast and Foreshore
- DM43 Aerodrome Safeguarding

11.0 **ASSESSMENT**

11.1 **Principle**

11.1.1 Policies CS1 and CS4 seek to direct retail and other town centre uses to the town centre, district centres, and local centres and section 86 of the NPPF sets out that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre or in accordance with an up-to-date plan. The glossary of the NPPF describes the uses which can be considered main town centre uses and includes leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls). In accordance with this definition, the proposed scheme is considered a main town centre use located on the edge of an existing designated centres and therefore would only be permitted subject to the criteria set out under section 3 of policy CS4. These criteria are:

In edge of centre and out of centre locations, proposals for new retail development and other town centre uses will only be permitted where it can be demonstrated that:

- (a) It is a tourism attraction located in the Resort Core in accordance with policy CS21; or*
- (b) There are no more sequentially preferable, appropriate sites available for the development; and*
- (c) The proposal would not cause significant adverse impact on existing centres; and*
- (d) The proposal would not undermine the Council's strategies and proposals for regenerating its centres; and*
- (e) The proposal will be readily accessible by public transport and other sustainable transport modes.*

11.1.2 The supporting statement submitted with the application states that the proposal meets criteria (a) as the site falls within the Resort Core and is a tourism attraction. Whilst it is acknowledged that the site falls within the Resort Core, the proposed use of the premises is not considered to be a tourism attraction in accordance with Policies CS21 and RR1. The policy sets out that high quality tourism development including ancillary retail and food and beverage uses specifically related to marketing the existing tourism offer will be supported which complements and reinforces the role of these existing important attractions. Whilst the proposed bar would be located adjacent to North Pier, this does not mean that it is ancillary to the existing tourist attractions on the pier and is not specifically related to the marketing of those attractions. A bar in itself cannot be considered to be a tourist attraction. A survey conducted in June/July of 2021 has been submitted which shows that approximately half the visitors to the bar that completed the survey had also visited/would also visit the Pier that day. This survey has been submitted with the intention to demonstrate an ancillary use in connection with the Pier. However, this does not necessarily reflect that the bar is ancillary to the Pier as opposed to it being sited in a convenient location in close proximity to the Pier. For the bar to be ancillary to the Pier it would need to cater almost exclusively to visitors to the Pier during their visit. It is clear from this data that this is not the case, and the design and layout of the bar itself does not suggest an ancillary relationship with the Pier. It is a clearly a separate unit with the only linking factor being that it is located on land adjacent to and within the same ownership as the Pier. The premises cannot be accessed directly from the pier and does not integrate successfully with the existing attraction.

- 11.1.3 In light of the above, a sequential test would be required to demonstrate that there are no appropriate alternative sites available in a more sequentially preferable location. Due to the nature of the proposal it would be reasonable to focus the area of search on the town centre, and flexibility of 10% either way in terms of the floor area should be applied. This means that in this case the search should include alternative sites with an area between 310sqm and 378sqm with open external seating space. The appraisal has identified 36 premises listed on Rightmove and has discounted the majority of these because they are not outdoors. However, the applicant has not justified the need for the bar to be open-air and has not demonstrated any degree of reasonable flexibility in this regard. Nevertheless, opportunities on the former Syndicate site and at Blackpool Central for open air bars have not been considered. Should the Council be minded to approve the development it would be necessary to request further consideration of flexibility and assessment of these sequentially preferable sites. As submitted, the application fails the sequential test.
- 11.1.4 With regard to the remaining criteria set out by Policy CS4, the applicant has claimed in their supporting statement that the scheme would comply with (c) and (d) as the scheme provides a bar next to the pier on the sea front and so would not compete with more traditional 'inside bars' and that the bar fits well with the Pier leisure offer and alongside the Blackpool Central leisure offer. However, this claim is unsubstantiated and does not appropriately consider the impact on existing centres. The bar may have a somewhat different character to many bars in the town centre but it is still a town centre use in an edge-of-centre location. An unjustified approval in this instance would make it harder for the Council to resist similar schemes in similar circumstances which could lead to significant cumulative harm. No detailed assessment of this impact has been provided. With regard to (e), it is not disputed that the site is within a highly accessible location, in close proximity to the tram services. However, to be considered acceptable in principle the scheme must comply with all of the criteria from (b) – (e) which it does not.
- 11.1.4 Policy RR11 sets out that the Central Seafront from the Pleasure Beach to North Pier will be comprehensively improved and managed as an area for active leisure, in conjunction with the promotion of appropriate investment and development in adjoin Promenade frontages and the Piers. Improvements will establish a high quality public realm and include limited provision of ancillary small-scale retail outlets and development that would prejudice the implementation of these improvements or undermine the comprehensive improvement of the Central Promenade/Seafront Area will not be permitted. As previously mentioned, the proposed development is clearly not ancillary to any existing tourism attraction and is instead its own unit and premises located in close proximity to the Pier. Emerging policy DM10 expands on this principle and states that piecemeal development will not be permitted and, excluding the piers themselves, new development on land to the west of the tram track will not be permitted other than green infrastructure, essential infrastructure, ancillary shelters, seating, public art, and public realm improvements. No substantive objections have been received against this policy and so it can be accorded some weight. The proposed development would be contrary to these policies and whilst all applications must be considered on their own merits, a disregard of adopted standards and approval in this instance would also make it harder for the Council to resist similar schemes in similar circumstances and would lead to more significant cumulative harm which would prejudice comprehensive improvements to the Promenade.

11.1.5 In addition to the sequential appraisal for alternative commercial sites, for a development within Flood Zone 3 a sequential appraisal for sequentially preferable sites within Flood Zones 2 and 1 is also expected. The applicant has submitted a Flood Risk Assessment and within the report has addressed the need for a sequential appraisal and exceptions test. Having considered the vulnerability of the proposed use, the report concludes that sequential and exceptions tests are not required. However, this is not the case. Whilst it is accepted that in accordance with Table 3 in the NPPG an exceptions test is not required for less vulnerable developments in this location, a sequential test is required for all development within Flood Zone 2 or 3 except for minor development or development constituting a change of use. As such, a Flood Zone sequential test should have been carried out alongside the standard commercial sequential test which identifies sequentially preferable sites within Flood Zones 1 and 2 that also fall within a designated centre. However, as there are other significant issues with the principle of the development that would preclude the acceptability of the proposal, a Flood Zone sequential test has not been requested as it would be considered abortive work.

11.2 Design and Visual Impact

11.2.1 In accordance with Policies CS7 and LQ1 new development in Blackpool is required to be well designed and enhance the character and appearance of the local area. The application site is in a particularly prominent and highly visible location on the Promenade and is in close proximity to valuable heritage assets. The proposal includes four box-shaped structures housing a bar, storage, and toilets, a large canopy over the seating area adjacent to the bar and a smaller canopy on the opposite side of the decking over a stage. The decking itself is raised by approximately 0.5m and is enclosed by a balustrade made of vertical columns. As the application is retrospective the development has already been carried out. As existing, planters have been lined up in front of the decking and the side of the decking and walls of the structures are clad with faux grass.

11.2.2 The open nature of the site means that all of the structures are highly visible. The canopies in particular have not been designed to integrate well with the development and make the site appear cluttered. The structures themselves have a minimalistic design which in this case makes them appear akin to moveable temporary modular units which perpetuates the cluttered character of the site and does not deliver the kind of high-quality design required in this location. Though not included on the proposed plans, the planters and cladding currently in situ add to the cluttered appearance.

11.2.3 It has been claimed that the bar is considered ancillary to the Pier, however it is clear both from the use of the site and the design that the development does not integrate well with the Pier. There is no direct access from the Pier and the site has been laid out so that it faces away from the Pier, back to back with the large side elevation of the Pier building. There is no coherency between the appearance of the development and that of the Pier. The application site sits in the foreground of the Pier and does not enhance the appearance of the Pier when viewed from the Promenade.

11.3 Heritage Impact

11.3.1 The application site is adjacent to the locally listed Central Pier, opposite the locally listed Huntsman building, and in close proximity to the Foxhall Conservation Area. The erection of a permanent structure in this location has the potential to significantly affect the character of the area and have a harmful impact on these heritage assets. As previously mentioned, the development is not designed in a way which complements or enhances the Pier and obstructs views of the seaward end of the Pier. The materials used for the development are not appropriate for the location and undermine the character of the Pier and its setting. There are already a number of temporary structures erected in close proximity to the Pier and to allow a permanent structure of a poor design which adds to the clutter and does not enhance the character and appearance of the Pier would be detrimental to the locally significant heritage asset and its setting.

11.4 Amenity Impact

11.4.1 The application site is in a highly trafficked area within the Resort Core and in close proximity to the Town Centre. There are no residential properties in close proximity, however there are various hotels nearby. The development would be predominantly open and includes a significant amount of external seating as well as covered stage for live entertainment. Historically, a large number of complaints have been received regarding various activities at the Piers. As such, the Council's Environmental Protection team has requested that if the development is to be approved a noise assessment would be required. Subject to a noise assessment and appropriate mitigation measures, due to the location of the development it is not considered that the proposal would have an unacceptable impact on amenity.

11.5 Other Issues

11.5.1 The development is located on private land and does not project beyond the eastern end of the Pier where it could interfere with pedestrian passage or the tram tracks. It is in an accessible location where there is already a lot of foot traffic and it is not considered that the proposal would result in a significant increase in traffic generation or parking demand. It is not considered that the siting of the development itself would have an unacceptable impact on access, highway safety, or parking demand, however due to the prominent location if the development were to be approved a Construction Management Plan should be conditions which includes the agreement of utility and drainage connections, vehicular and plant access, and storage and plant operations. A highway dilapidation survey would also be required.

11.5.2 The application site falls within Flood Zone 3 and therefore a Flood Risk Assessment is required. An Flood Risk Assessment has been submitted with the application and reviewed by the Council's Drainage Officer who has confirmed that the information is acceptable. However, in the event of an approval the standard drainage conditions regarding a sustainable drainage scheme and drainage maintenance plan should be applied. Arrangements would need to be made with United Utilities by the application regarding impact on sewer connection, waste water assets, water supply etc.

11.5.3 The proposed development would not affect any features of particular biological interest.

11.5.4 The scheme would not affect water, land or air quality and there is no reason to suppose that the site would be at undue risk of contamination.

11.5.5 The application has 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 (as amended).

11.5.6 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

11.6 Sustainability and planning balance appraisal

11.6.1 Sustainability comprises economic, environmental and social components.

11.6.2 Economically the scheme would support the operation of Central Pier as a tourist attraction through revenue generation. However due to the location of nature of the scheme the development could be detrimental to the Council's economic objectives as the development would not be focused within any designated centres and would not directly support the function of any major tourist attractions as an ancillary element. Some employment would be generated by the scheme.

11.6.3 Environmentally, the scheme is not anticipated to have a detrimental impact on environmental quality and biodiversity and appropriate drainage details would be secured via condition should the scheme be approved. However, the scheme would have a detrimental impact on the character of the area and its setting as the design of the scheme would not integrate well with the surroundings and is not of a quality which would be considered appropriate for the prominent and sensitive location.

11.6.4 Socially, the scheme would have limited impact on residential amenity, though in the event of an approval a noise mitigation scheme would be required to safeguard visitor amenity. By virtue of its siting and appearance the scheme would be harmful to prominent heritage assets and would have a detrimental impact on the character of the Pier and its surroundings. The development would also conflict with Council policies and would undermine the Council's regeneration objectives and aims for the area by siting a main town centre use development in a location which would detract from the designated centres and would conflict with goals for the regeneration of the seafront beyond the tram tracks.

11.6.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12 CONCLUSION

12.1 As set out above, the scheme is not judged to represent sustainable development and no other material planning considerations have been identified which would outweigh this assessment. On this basis, planning permission should be refused.

13.0 RECOMMENDATION

13.1 Refuse for the following reasons:

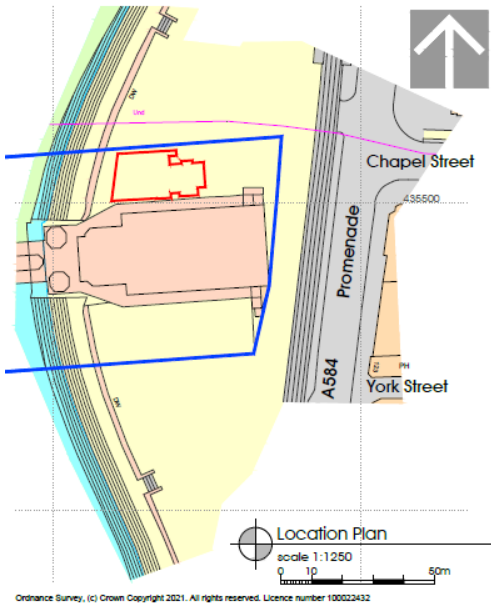
- 1 The proposed scheme would result in the development of main town centre use outside of any designated centres and would involve development on the Promenade frontage which is safeguarded for public realm improvements. The proposal does not meet the criteria which would justify development of a main town centre use in this location and would undermine the Council's regeneration efforts regarding the Promenade and sea front by allowing piecemeal development which does not enhance existing tourism attractions or include high quality public realm improvements. As such, the proposal would be contrary to Policies CS1, CS4 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy RR11 of the Blackpool Local Plan 2001-2016.

- 2 The proposed development would not constitute a high quality design and would result in the space adjacent to the Pier appearing cluttered. The development does not integrate well with the Pier and the materials and design of the proposal do not complement the existing structures or enhance the appearance of the Pier. The development would also obstruct views of the Pier from the Promenade. It would therefore cause significant harm to the character and setting of the Pier and Promenade and the setting and value of nearby heritage assets. As such, the proposal would be contrary to Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ2, LQ7 and LQ10 of the Blackpool Local Plan 2001-2016.

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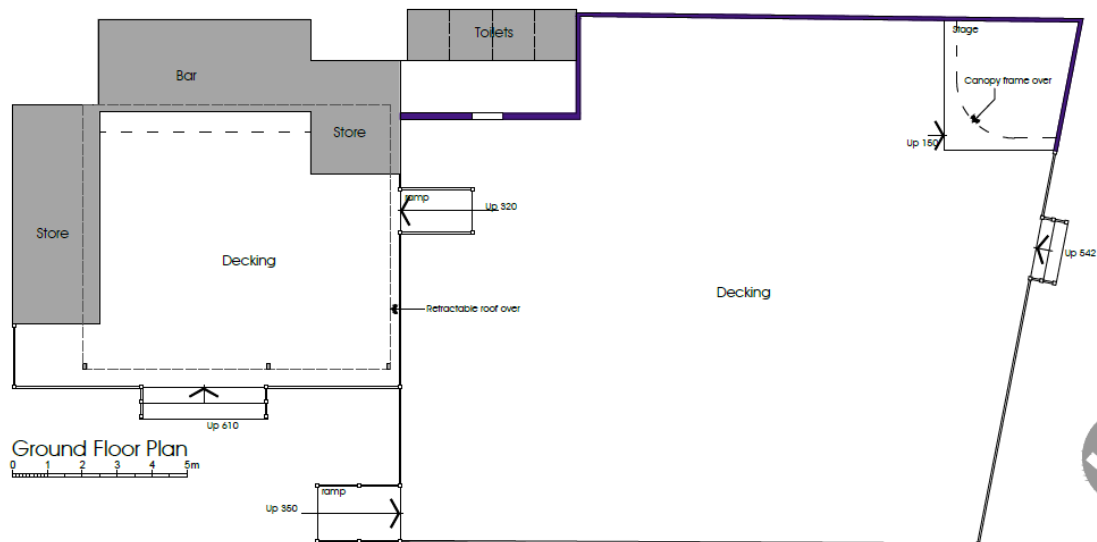
21/0234 – Land Adjacent to Central Pier Plans

Location Plan

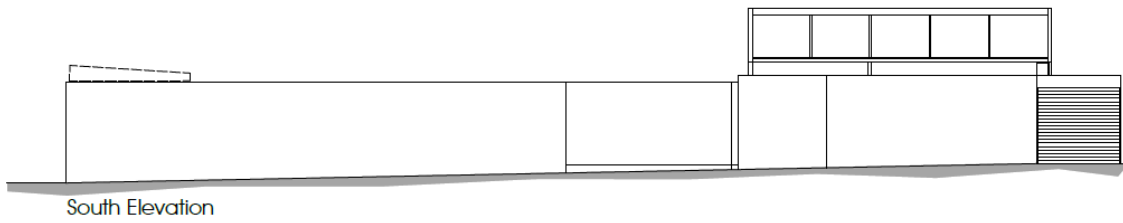
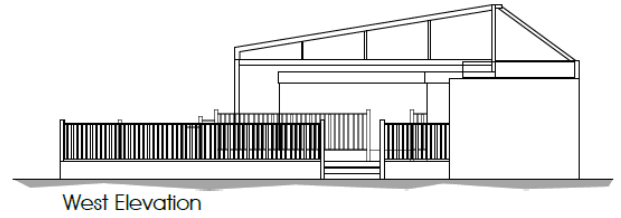
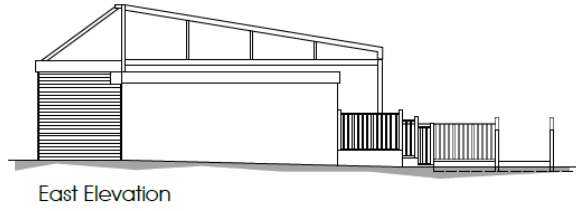
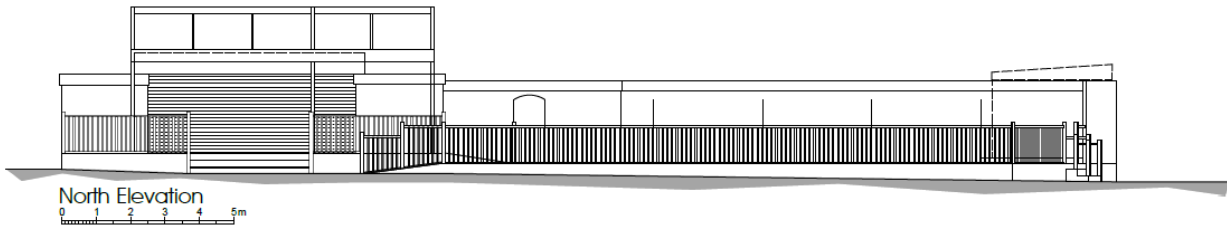


Proposed Floor Plan

Line of central Pier behind



Proposed Elevations



Site Photos



