

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 11 OCTOBER 2022

Present:

Councillor Hunter (in the Chair)

Councillors

G Coleman
Critchley

Kirkland
O'Hara

Robertson BEM
R Scott

Stansfield

In Attendance:

Susan Parker, Head of Development Management

Keith Allen, Highways and Traffic Development and Control Officer

Clare Lord, Legal Officer

Jenni Cook, Democratic Governance Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2022

The Committee considered the minutes of the last meeting held on 6 September 2022.

Resolved:

That the minutes of the last meeting held on 6 September 2022 be approved and signed by the Chairman as a correct record.

3 PLANNING ENFORCEMENT UPDATE REPORT - AUGUST 2022

The Committee considered an update on planning enforcement activity in Blackpool between 1 August 2022 and 31 August 2022.

In total 56 new cases had been registered for investigation in August 2022, as at 31 August 2022, 486 "live" complaints were outstanding and 14 cases had been resolved by negotiation without recourse to formal action. A total of 25 cases had been closed within the period.

Resolved:

To note the update.

4 APPLICATION NUMBER 21/0234: LAND ADJACENT TO CENTRAL PIER, PROMENADE, BLACKPOOL, FY1 5BB

The Planning Committee considered application number 21/0234 for the retention of a single storey building, canopy, decking and boundary treatment and use of premises as a bar and external seating area at land adjacent to Central Pier, Promenade, Blackpool.

Ms Susan Parker, Head of Development Management, presented the report to the

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Committee and advised that the application had been brought before the Committee because it was in a very prominent position on the Promenade and was of general public interest. The Committee was reminded that the application had been previously brought before them in August 2021 and had been deferred to allow all parties to properly consider legal information and to allow the applicant to submit viability information in support of their proposal. A summary of the application was provided which was to retain use of the land immediately to the north of Central Pier as a drinking establishment with associated structures, terrace and boundary treatments.

The Committee was advised that the applicant's claim that the use as a bar was a tourist attraction in its own right in accordance with Policy CS21 of the Core Strategy was not accepted by Planning Officers, nor was the claim that the bar was an ancillary element of the existing Pier. The applicant had submitted the sequential appraisal however, officers were of the view that justification of why the bar had to be open air had not been provided and sequentially preferable, alternative sites were available. The site lay within Flood Zone 3 and no information to demonstrate compliance with a sequential test relating to flood risk had been provided.

Ms Parker advised the Committee that the site was in close proximity to heritage assets, had an impact on the locally listed Central Pier and the Huntsman Building and the Foxhall Conservation Area and that the bar obstructed views of the pier and undermined its setting. Officers were of the opinion that the bar was a poor quality, piecemeal development and contrary to multiple planning policies.

Work had been undertaken to explore justification of a temporary planning permission as it was recognised that the bar provided income for the Central Pier company. Ms Parker informed the Committee that if a costed programme of works to repair the Piers and bring them to a manageable condition had been agreed then the operations of a bar for a set period of time could have been acceptable to fund the works, however to date insufficient information had been provided to Planning Officers to support any such justification.

Ms Parker noted that no unacceptable impact on residential or visitor amenity from the bar were anticipated and the scheme did not raise any issues in respect of parking, access or impact on the highway network. However the development was not considered to be acceptable on a permanent basis and was in conflict with multiple planning policies. The Committee was recommended to refuse planning permission for the reasons given in the committee report.

Mr Chris Weetman, CW Planning Solutions, spoke on behalf of the applicant. He reminded the Committee of the reasons for deferral in August 2021 and expressed concerns about the length of time taken to bring the application back to the Committee. He clarified the timeline within which the applicant had provided information to Planning Officers, that in his opinion the committee report did not provide sufficient mention of legal opinion and that the conclusion of the legal opinion had not been shared until publication of the committee report. Mr Weetman stated that the gas and electricity was shared with the Pier which, in his opinion, made the bar ancillary to the Pier and asked the Committee to approve the application.

Mr Mark Marshall, the applicant, shared the public speaking time with Mr Weetman and

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provided the Committee with an update on works to repair the Pier, budget constraints and challenges, costs and estimated a timeline of around 5-7 years.

The Committee discussed the application and in response to questions, it was confirmed that as soon as the applicant had taken over the bar and had become aware of the need for planning permission, the application had been lodged. Ms Parker noted the length of time taken to bring the application back to the Committee but that this was due to seeking legal opinion and attempts to facilitate a temporary planning permission. She also reminded the Committee that planning legislation was a separate entity to licensing legislation and building control legislation.

The Committee noted the objections from Built Heritage and the Civic Trust and the site's proximity to locally listed buildings and the Foxhall Conservation Area. In addition the Committee observed that the children's ride that had been temporarily moved from the Pier to the Promenade was still in situ, further encroaching onto the Promenade.

Resolved:

To refuse planning permission for the reasons in the committee report.

5 APPLICATION NUMBER 21/0974: 580-582 LYTHAM ROAD, BLACKPOOL

The Planning Committee considered application number 21/0974 for external alterations including removal of existing single-storey front and first floor rear extensions, provision of replacement roofs to rear, removal replacement and installation of various windows and doors and use of premises as altered as ten self-contained permanent flats with associated parking, cycle and bin storage and landscaping at 580-582 Lytham Road, Blackpool.

Ms Susan Parker, Head of Development Management, presented the report to the Planning Committee and provided a summary of the application site and planning history. The site was a former long-standing care home but was now vacant and number 580 Lytham Road was locally listed. The application had been received in November 2021, no representations had been received and the scheme was considered to be acceptable. The Council's Legal Team had been instructed to draft the Section 106 agreement to secure the necessary planning obligations to enable determination under delegated powers. However, a representation had been received from new neighbours of an adjoining property which was detailed further in the committee report, along with a response to this objection from the applicant which was detailed within the Update Note.

The Committee was advised that the proposal delivered a residential development that met housing mix and floorspace standards and that the scheme was not considered to result in unacceptable over-looking of neighbours. Ms Parker noted that it was proposed to remove some unsympathetic additions to the property which would enhance its value as a heritage asset.

In relation to parking, twelve parking spaces were proposed which was slightly below standards but Ms Parker advised the Committee that the site was in an accessible location and that it was not possible to increase parking provision. The scheme would bring a vacant site back into use and would significantly improve the appearance of the site and the proposal was considered to be acceptable. The Committee was asked to

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support the application and delegate officer approval subject to the conditions listed in the report and the Section 106 agreement.

The Committee discussed the report and Ms Parker advised the Committee that any permission would be restricted to permanent residential use but that a condition could not make specific reference to AirBnB use as this was a company and not a type of use.

Resolved:

To support the application and delegate approval to the Head of Development Management subject to the signing of a Section 106 legal agreement to secure contributions to Public Open Space and health and the 14 conditions listed in the committee report.

6 APPLICATION NUMBER 22/0265: LAND BOUNDED BY AMY JOHNSON WAY, COMMON EDGE ROAD, JEPSON WAY, SCHOOL ROAD AND BLACKPOOL AIRPORT. BLACKPOOL, FY4 5DY

The Planning Committee considered application number 22/0265 for outline planning permission with all matters reserved for Phase 3 of the Enterprise Zone development as follows:

- Reconfiguration of Common Edge Road to create a new point of access into the Enterprise Zone and provision of new spine road from this access point to Amy Johnson Way.
- Erection of up to 35,000sqm of business, industrial and storage and warehousing uses (Classes E(g), B2 and B8).
- Erection of up to 130sqm day nursery floorspace (class E(f)).
- Erection of up to 275sqm retail floorspace (class E(a)).
- Erection of up to 275sqm cafe floorspace (class E(b)).
- Highways works including reconfiguration of the junction of Common Edge Road and School Road.
- Associated infrastructure including drainage works, electric vehicle charging hub, substation, car parking and landscaping.
- Demolition of two single storey buildings at Collins Park and no. 2 School Road.

Ms Susan Parker, Head of Development Management, presented the report and provided the Committee with an outline of Phases 1 and 2 and of the Masterplan for its development and its aims to create 5,000 new jobs and attract a large number of new businesses during its 25-year designation. The application site lay mainly in Blackpool with a small area of highways works proposed in Fylde which came under the jurisdiction of the Local Highway Authority, Lancashire County Council.

Ms Parker advised the Committee of the benefits of the scheme in terms of economic investment and employment and that delivery of the Enterprise Zone was a fundamental element of the Council's strategic vision for Blackpool as set out in the Core Strategy and Emerging Local Plan Part 2. Part of the site incorporated an area of Green Belt and for that reason the application must be referred to the Secretary of State if the Committee was minded to grant planning permission and that Planning Officers were confident that the very special circumstances required to justify development on the Green Belt land would be met.

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Ms Parker advised that the development would result in the loss of playing pitch provision, public open space and green infrastructure, however Phases 1 and 2 of the Enterprise Zone development had been designed to mitigate any such loss and to replace with equivalent or better provision. Work had also been undertaken with Sport England who were supportive of the scheme subject to proposed condition 4 as outlined in the committee report. In relation to the Marton Moss Conservation Area and the Marton Moss Neighbourhood Plan process, no unacceptable impacts had been identified.

In relation to highways, the Committee was advised that five phases of highway works were proposed and the relevant highways authorities would continue to work to produce an agreed access and highway improvement plan to be approved at reserved matters stage. A drainage strategy had been developed for the Enterprise Zone and had been agreed in principle and no unacceptable drainage or flood risk issues had been identified or were anticipated. In terms of ecology and concerns raised by Blackpool Airport in relation to lighting and bird strike concerns which were outlined in the Update Note, Ms Parker advised that officers had consulted the Greater Manchester Ecology Unit who considered that water features could be designed to avoid undue risk. No significant risk over and above the existing situation was anticipated. Similarly, lighting could be designed to ensure that it did not affect airport operations.

In summary, Ms Parker informed the Committee that the proposal represented the third phase of the Enterprise Zone development and that any harmful impacts of the development could be mitigated through condition. The development would deliver social and economic benefits for Blackpool and the Committee was requested to support the proposal subject to the conditions listed and refer the application to the Secretary of State for consideration.

Ms Claire Parker, Cassidy Ashton Group Limited, spoke on behalf of the applicant and informed the Committee of the aims of the Enterprise Zone over its 25-year designation in relation to employment and business. She outlined the planning history for Phases 1 and 2 and advised that the new football pitches were now in use. The application supported the Enterprise Zone's Masterplan, was supported by emerging policy DM8 and there was sufficient justification for the removal of Green Belt status as detailed in the proposal. In relation to highways, she advised that work would be undertaken to reduce peak time traffic congestion in the area with more public transport opportunities to be provided on the site. Ms Parker asked the Committee to endorse the recommendations and refer the application to the Secretary of State.

The Committee discussed the application and was assured that work had been undertaken with the Airport and the National Airport Traffic Safety Board (NATS) to ensure the concerns with regards to lighting and bird strikes were appropriately mitigated by condition. In response to concerns regarding the impact of heavy goods vehicles on School Road, Ms Parker advised that 7.5 tonne limit signage was now in place.

Resolved:

To support the proposal and to grant outline planning permission for the site subject to the 38 conditions listed in the committee report and the amended conditions agreed in the Update Note. As the development was a departure from the Development Plan in advance of the formal adoption of Part 2 as the site included Green Belt, playing pitches and public open space, the Committee would refer the application to the Secretary of

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State for consideration as to whether the application would be called in for determination by the Secretary of State whether the application would be referred back to Blackpool Council to issue a decision based upon the resolution of the Planning Committee.

7 APPLICATION NUMBER 22/0440: LAND BOUNDED BY PRINCESS STREET, BLUNDELL STREET, RIGBY ROAD AND TYLDESLEY ROAD, BLACKPOOL

The Planning Committee considered application number 22/0040 for the erection of 64 two and three storey dwelling houses and a three-storey block of 3 self-contained apartments (affordable housing) with associated access, highway works, car parking and landscaping at land bounded by Princess Street, Blundell Street, Rigby Road and Tyldesley Road, Blackpool.

Ms Susan Parker, Head of Development Management, presented the report to the Committee and provided an overview of the proposal and the planning history of the site in which it was noted that permission had been granted in 2019 for 59 houses, a block of 15 apartments and a retail unit. The application was a major affordable housing scheme on the Foxhall Village estate and was subject to public interest. The site was currently vacant as the previous developer had gone into liquidation.

In regards to the proposed block of 3 self-contained apartments, the Committee was advised that these would be affordable homes for rent managed by a registered provider. The principle of residential development was acceptable as the site was allocated for housing in the emerging Local Plan Part 2.

Ms Parker informed the Committee that, subject to condition, no objections had been received from consultees, however several objections had been received from residents regarding parking, loss of privacy, impact on the conservation area and antisocial behaviour. In mitigation to these objections, the apartment block was smaller in scale than the one previously approved and the mix of housing proposed was characteristic of the area. Though the development would cause some harm to the Foxhall Conservation Area, the currently vacant site at present was causing substantial harm to the Conservation Area.

In relation to parking, the scheme proposed a ratio of 1.6 spaces per dwelling which was the same as the previously approved scheme and this was deemed to be acceptable as the site was in an accessible location and the use of public transport and cycling would be promoted as part of the Travel Plan. Ms Parker noted the loss of 6 – 7 on-street car parking spaces but reminded the Committee that a similar loss of provision had been granted in 2019.

The Committee was advised that the application could not support the planning obligations due to the challenging viability of the site and the Public Open Space and health contributions could not be secured, which meant that the NHS Clinical Commissioning Group would object to the scheme. The NHS Foundation Trust had also requested a contribution to cover a 3-year shortfall in budget, however this contribution could not reasonably be required as it did not meet the relevant tests.

In relation to flood risk, ecology or environmental quality, no issues had been identified, however Ms Parker drew the Committee's attention to the Update Note which set out

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conditions proposed by United Utilities. The recommendation had changed and the Committee was asked to resolve to support the scheme but delegate the authority to the Head of Development Management to issue the decision notice once United Utilities had agreed an acceptable drainage strategy. Condition 5 would then be updated to state that the drainage must be carried out in accordance with the agreed details. If United Utilities did not agree to the information submitted, the original condition would be imposed.

Ms Jordan Balzas, Cassidy Ashton Group Limited, spoke on behalf of the applicant and informed the Committee that the site was currently vacant and an eyesore. The general layout of the proposal was relatively unchanged from that previously granted and that two of the dwellings would be accessible housing. However the number of apartments had reduced and ground floor retail provision had been removed. The site lay within the defined inner area boundary, was supported by policies within the Emerging Local Plan and planning permission had been granted in 2019. The proposed design was appropriate to the area and the benefits of the scheme outweighed any perceived harm to the Foxhall Conservation Area. The conditions proposed by United Utilities were acceptable and the Committee was asked to support the application.

The Committee discussed the application and noted that the site was currently vacant and required development. Ms Parker provided the Committee with clarification with regards to the health contributions and noted that the request from the NHS Clinical Commissioning group was a standard request for all such applications, however this request was not viable as it did not meet the relevant tests.

In response to concerns raised regarding parking at busy periods, with the example of football matches given, Mr Keith Allen, Highways and Traffic Development Control Officer, advised that the Traffic Regulation Orders could be re-examined once highway works were underway.

The Committee was advised that in relation to Green and Blue Infrastructure, a landscaping plan had been submitted, some properties would also have garden terraces above the carport and planting would take place on parts of the site. In addition, 10% of homes would have electric vehicle infrastructure in place.

Resolved:

To support the application and delegate authority to the Head of Development Management to issue the decision notice once United Utilities had agreed an acceptable drainage strategy. Condition 5 would then be updated to state that the drainage must be carried out in accordance with the agreed details. If United Utilities did not agree to the information submitted then the original condition would be imposed instead of the amended condition.

8 DATE OF NEXT MEETING

Resolved:

To note the date of the next meeting as 15 November 2022.

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Chairman

(The meeting ended 7.04 pm)

Any queries regarding these minutes, please contact:
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