

COMMITTEE DATE: [11/08/2014](#)

Application Reference: 14/0305

WARD: Bloomfield
DATE REGISTERED: 02/05/14
LOCAL PLAN ALLOCATION: Resort Core
Central Promenade and Seafront
Primary Distributor Route
Resort Neighbourhood
Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Messrs Sidhu

PROPOSAL: Erection of a five storey building with a raised rotunda at the northern end of the site to provide a bar, restaurant and cafe at ground floor level with hotel accommodation above comprising 124 en-suite bedrooms accessed through a ground floor reception, with associated car parking and servicing arrangements, following demolition of the existing buildings (Outline proposal) (resubmission of planning application 13/0374).

LOCATION: 115-123 PROMENADE, BLACKPOOL, FY1 5BD

Summary of Recommendation: Agree in principle but to delegate the issuing of the decision to the Head of Development Management.

CASE OFFICER

Miss. S. Parker

INTRODUCTION

This application is a resubmission following the refusal of planning permission by this Committee in March of this year for a five storey building with raised rotunda to provide a bar, restaurant and cafe at ground floor level with hotel accommodation above (ref. 13/0374). In addition to a lack of supporting information, the application was refused on the basis of the mix and of uses at ground floor level, the scale of the building and the lack of parking, cycle storage and servicing arrangements. Under the previous application the ground floor was dominated by the bar, restaurant and cafe uses with the hotel reception poorly located at the rear of the building and accessed from Foxhall Road. This layout gave the hotel use a secondary function and the dominance of the other uses was considered to be contrary to the character and function of this stretch of the Promenade. Behind the northern rotunda, the building proposed would have been five-storeys in height throughout its length. It was felt that this massing was excessive and that the building would form an overly-dominant and incongruous feature within the streetscene. Finally, the amount of off-street car parking, cycle storage and servicing provision was considered to be inadequate to serve a hotel of the size proposed.

In addition to the previous application, the current proposal has also been preceded by a formal request for pre-application advice. Originally, a part-seven, part-eight and part-ten storey building was sought and the scheme has since been subject to a significant level of discussion and negotiation for over eighteen months. These discussions have continued following the Committee decision in March and have culminated in the current application.

SITE DESCRIPTION

The application site is bounded by the Promenade to the west, Foxhall Road to the east, Chapel Street to the north and York Street to the south. At present the site is occupied by a terrace of three separate buildings. The northerly building is part two-storey, part three-storey in height and is currently occupied by a shop, a bar, a tattoo parlour and an adult entertainment venue. An art deco parapet surrounds the roof fronting Chapel Street and runs along part of the Promenade elevation. Although this provides an element of visual interest the building otherwise appears to be falling into a state of some external neglect. The central building is two storeys in height and accommodates a number of small kiosks at ground floor level. It is believed that the first floor has been used as a night-club. This building is functional in design and is again falling into a state of disrepair. Together these two buildings have a cluttered and incoherent appearance which is detrimental to the quality of the streetscene of this section of the Promenade. The third building at the southern end of the block is the Uncle Peter Webster's pub. This is a traditional building of period art deco design with some high-quality tile detailing at first floor level on the side elevation. However, it was not considered to be of sufficient quality to merit inclusion in the Local List.

To the north of the site on the opposite side of Chapel Street is the locally listed, three-storey Huntsman Building is predominantly used as an amusement arcade with a basement pub and ground floor kiosks. The two-storey Silcock's Fun Palace lies directly to the south across York Street. There are more modest commercial uses with residential accommodation above to the east on the opposite side of Foxhall Road. These properties are also three-storey in height but are much smaller than the surrounding buildings fronting the Promenade. Whilst the height of these buildings have been described in terms of the number of storeys they offer, given their format and purpose in construction this is not particularly effective in communicating their scale. The Huntsman Building is some 14m in height with Silcock's Fun Palace standing at 10.4m. The maximum height of the existing buildings on the application site is 15.5m. In contrast, the three storey properties on the opposite side of Foxhall Road are just 8.5m in height to eaves level.

The site occupies a prominent position on central Promenade and benefits from high visibility on the approach from the north and long, open views over the Promenade and seafront.

DETAILS OF PROPOSAL

The application seeks outline planning permission for the demolition of the existing buildings and the erection of a part-four and part-five storey building with an elevated rotunda at the junction of the Promenade with Chapel Street. The four-storey part of the building would be at the southern end of the site and would account for approximately one-third of the building's length. It would be some 14m high. The five-storey element would be some 17m

in height with the rotunda rising to approximately 20m in height. The building would present a Promenade frontage of some 50m and would offer a bar (241sq m - previously 234sq m), a restaurant (276sq m - previously 229sq m) and a coffee shop (93sq m - previously 135sq m) at ground floor level. The coffee shop would be combined with a reception area positioned at the northern end of the building on the southern side of the junction of Chapel Street and the Promenade. The reception would be accessed from Chapel Street and would give access to the restaurant which would also have a Promenade entrance. The bar would similarly be accessed either through the restaurant or from the Promenade. A cycle store, service areas and four off-street parking spaces would also be provided. The upper floors would be used as a hotel in conjunction with the ground floor reception and would offer 119 (previously 104) guest bedrooms. The application seeks to agree matters of access, layout and scale at this stage with details of the appearance and any landscaping left for later consideration.

The application has been supported by a Design and Access Statement.

The Committee will have visited the site on 11th August.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the acceptability of new hotel accommodation in this location;
- the acceptability of the uses proposed at ground floor level in this location;
- the suitability of the scale of the building proposed and the impact of the proposal on the quality of the streetscene;
- the layout of the site and the impact on parking and highway safety;
- the internal layout and the quality of the accommodation.

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

CONSULTATIONS

Head of Transportation: When compared to the original proposal, the number of parking spaces has reduced by 13 although the current scheme offers an additional space to the previous application. These will most likely be allocated to staff. The 17 spaces originally proposed would not have been adequate but would have catered for the small number of visitors relying on use of the private car. Whilst the site is in a prominent and accessible location, there is pressure on nearby public car parks which this scheme would add to. A proposal such as this should provide approximately 120 car parking spaces with some coach parking. Even applying a discount of around 30 per cent, the current level of provision is clearly inadequate. An access road is shown on York Street which is currently pedestrianised. No turning area is proposed and so large vehicles would have to manoeuvre in reverse gear to the detriment of highway safety. Foxhall Road is one-way and the build-out proposed could further restrict movements for larger vehicles. The footprint of the building proposed appears larger than what currently exists and so it may encroach onto the public highway. If there are gaps between the building and highway, these must be clearly identified. Areas of public highway may have to be formally stopped-up, the most appropriate mechanism being through the Town and Country Planning Act. The pick-up and drop-off embayment on Foxhall Road together with an acceptable layout for York Street would have to be the

subject of a S278 legal agreement. There is a redundant subway nearby and there may be some vent shafts or poles in this area. A Demolition and Construction Management Plan should be conditioned. The two nearest bus stops on the Promenade should be upgraded with works including raised bus stop kerbs, new bus stop poles and flags and bus shelters.

Blackpool International Airport: no comments received in time for inclusion in this report. Any comments that are received will be reported through the update note.

NATS Safeguarding: the proposed development would not conflict with NATS safeguarding criteria and so NATS do not object. If any amendments are made to the scheme, NATS should be reconsulted. These comments are not made on behalf of any other aviation body.

Police Architectural Liaison Officer: no specific objection but additional information is required with regard to the proposed security and CCTV to be fitted.

Head of Housing and Environmental Protection Service: no comments received in time for inclusion in this report. Any comments that are received will be reported through the update note.

Contaminated Land Officer: a Phase 1 Desk Study would need to be submitted before development commences. If this shows that the land has a risk of contamination then a Phase 2 Site Investigation would be required and approved by an officer before works commence.

Commercial Waste: no comments received in time for inclusion in this report. Any comments that are received will be reported through the update note.

United Utilities Plc (Water): The site should be drained on a separate system with only foul water draining into the public sewer and surface water draining in the most sustainable way, preferably an adequate soak-away or other infiltration system. Approval from the relevant Building Control body or the Environment Agency may be required. If this is not practicable, approval must be obtained from United Utilities for discharge into a sewer. Permeable paving should be used wherever possible to reduce surface-water run-off. All pipework must comply with current standards. The applicant should contact United Utilities in the first instance regarding connection. It is the developers' responsibility to demonstrate the relationship between any assets and the development. An appropriate Building Control body should be contacted if a sewer is discovered during construction.

Built Heritage Manager: The reduced height is more acceptable, although it would be preferable for the whole building to be four storeys in height to reduce the scale and better emphasise the rotunda.

PUBLICITY AND REPRESENTATIONS

Site notices posted 16th May 2014

Press notice published 22nd May 2014

Neighbours notified 9th May 2014

No representations have been received.

NATIONAL PLANNING POLICY AND GUIDANCE

In March 2012, the National Planning Policy Framework (NPPF) was published. This document sets out the Government's approach and expectations with regard to planning and development. It places heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth. There is a presumption in favour of development where there are no over-riding material considerations. The Framework makes it clear that all developments should be of a high standard of design. Section 2 of the NPPF emphasises the need to ensure the vitality of town centres and paragraph 27 states that planning applications which fail to satisfy the sequential test in terms of the location of development should be refused.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

RR2 - Visitor Accommodation
RR7 - Promenade Frontages within the Resort Core
RR8 - Resort Neighbourhoods
LQ1 - Lifting the Quality of Design
LQ2 - Site Context
LQ4 - Building Design
LQ7 - Strategic Views
LQ8 - Energy and Resource Conservation
BH1 - Neighbourhoods
BH3 - Residential and Visitor Amenity
BH11 - Shopping and Supporting Uses - Overall Approach
BH12 - Retail Development and Supporting Town Centre Uses
BH17 - Restaurant, Cafes, Public Houses and Hot-Food Take-Aways
AS1 - General Development Requirements (Access and Parking)

EMERGING PLANNING POLICY

Blackpool Local Plan: Part 1 - Core Strategy: Proposed Submission

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the full Council on 25th June 2014. The document was subsequently published for public consultation on 4th July 2014 for a period of eight weeks. Once this consultation period has closed, the intention is that the document will be submitted for consideration by an independent Planning Inspector through an Examination in Public in 2015.

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

CS4 - Retail and Other Town Centre Uses
CS7 - Quality of Design
CS9 - Water Management
CS10 - Sustainable Design and Renewable and Low Carbon Energy

CS11 - Planning Obligations
CS12 - Sustainable Neighbourhoods
CS21 - Leisure and Business Tourism

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

ASSESSMENT

Principle of a Hotel Use

The application site falls within the Central Promenade section of the Resort Core within a Resort Neighbourhood as defined on the Proposals Map to the Blackpool Local Plan. The Resort Core has long been viewed as Blackpool's shop window and the Local Plan seeks to direct new, high-quality visitor attractions and visitor accommodation to this area to underpin and enhance the town's existing tourism offer. Policies RR2 of the adopted Local Plan and CS21 of the emerging Core Strategy both support the provision of contemporary and high-quality visitor accommodation within the defined Resort Core as part of the Council's wider and ongoing strategies for the physical and economic regeneration of this key area.

On this basis, the introduction of a new hotel use on the site, incorporating a ground floor reception space and upper floor bedrooms, is considered to be acceptable in principle.

Principle of Bar, Restaurant and Coffee Shop Uses

In addition to the hotel use proposed at upper floor levels, the application proposes bar, restaurant and coffee shop uses at ground floor level. One of the reasons for refusal of the previous application was the layout of the ground floor and the prominence given to the non-hotel uses. The scheme has subsequently been amended to provide a hotel reception with an ancillary coffee shop area at the northern end of the site on the junction of the Promenade and Chapel Street. Independent restaurant and bar uses would then sit behind the reception to the south fronting onto the Promenade. This layout more closely reflects that originally discussed at pre-application stage and in the early stages of the previous application. A cycle store and back-of-house servicing uses would run along the Foxhall Road elevation with four off-street parking spaces at the southern end of the building accessed from York Street.

Policies BH11 and BH12 of the Blackpool Local Plan relate to the development of retail and similar supporting uses. In order to support the vitality and viability of the defined Town Centre and the centres of the established retail hierarchy, all such uses are directed to these areas as appropriate to their scale and function. Policy BH17 relates specifically to bar, restaurant, cafe and hot-food take-away uses and states that such uses should be directed to existing shopping frontages. In order to support the regeneration and general health of the Town Centre, and to prevent dilution of the holiday character of the Resort Core, the Council has consistently sought to resist the development of independent retail and service uses along the Promenade. Where exceptions have been made, it has been demonstrated that the retail and service uses are necessary to make the scheme financially viable and attractive to the market, and clear regeneration benefits have been identified.

Although the applicant and agent have stated that the uses proposed at ground floor are necessary to generate additional, year-round income to support the upper floor hotel use and make the scheme financially viable, no formal viability information has been submitted with this application. However, two viability appraisals were submitted with the previous application; the first for a hotel development without any 'retail' floorspace at ground floor level and a development including 635sq m of 'retail' floorspace. These two appraisals are still considered to be broadly relevant as the current proposal would include some 607sq m of bar/restaurant/cafe floorspace. Both appraisals quoted a site value or acquisition cost of £2.35m which was described as being fixed. At the time of the previous application, these two appraisals were considered by the Council's Estates and Asset Management team. Neither was judged to be economically viable unless the site value or acquisition cost could be reduced to £1.25m. This level of reduction would equate to £1.1m or 47 per cent and was considered unlikely given that the quoted value was described as being fixed. No contingency had been allowed for. On this basis, the applicant has not demonstrated that the 'retail' uses proposed at ground floor are necessary to make the development as a whole financially viable.

Notwithstanding the issue of viability, the applicant has sought to address the concerns raised regarding the previous layout of the ground floor. The restaurant and bar would still be accessible directly from the Promenade but the restaurant would have a more meaningful point of entry from the hotel reception. The coffee shop would be contained within the hotel reception area and would be ancillary to this main use. The reception area itself would be significantly larger than that previously proposed. It would also likely be a much lighter and more visible area with large plate-glass windows indicated on the Promenade elevation serving the space. This, in combination with the position of the reception area at the northern end of the building on the junction between the Promenade and Chapel Street, would give the hotel use much greater prominence within the scheme and would make the reception area a much more pleasant and welcoming area. The applicant has now produced a letter of interest from a major hotel chain dating back to May 2011. This letter expresses interest in the development of the site, subject to a demonstration of financial viability, but does not make any reference to any range of uses or any requirement for parking provision.

Despite the improved position of the reception and the inclusion of the coffee shop as an ancillary element within it, and the improved access into the restaurant unit from the hotel, it is nevertheless recognised that the large restaurant and bar units would be likely to operate independently from the hotel use. These uses would not be located in accordance with the sequential test which would identify the Town Centre and other nearby established centres as more suitable locations for such development. It is acknowledged that the existing buildings on site comprise retail and bar uses at ground floor level and, as such, any replacement of these uses could not be considered to be diluting the holiday offer of this particular stretch of the Promenade. However, officers are mindful that the current application proposes comprehensive redevelopment of the site through a scheme which must be considered as a whole against the provisions of the Development Plan. The creation of purpose built, contemporary commercial units on the site would be likely to be more attractive to the market than the units that are on site at present. There is a danger that this could send out a damaging message to potential future investors by implying that the Council is not fully committed to the improvement of Blackpool Town Centre as the primary retail and service centre on the Fylde Coast. This in turn could compromise ongoing, wider efforts to regenerate the Town Centre and Resort Core.

In considering the development proposed as a whole, in the context of the changes to the ground floor layout that have been made since the refusal of the previous application, the nature of the existing uses, and the condition of the buildings currently on site, it is considered that the development proposed would bring clear regenerative benefits to this stretch of the Promenade. On this basis, subject to the applicant providing viability information that clearly demonstrates that the 'retail' floorspace proposed is necessary to make the scheme as a whole financially viable, it is considered that the regenerative benefits that would arise would outweigh the planning policy concerns detailed above with regard to the provision of 'retail' floorspace on the Promenade.

Suitability of Scale and Impact on Streetscene

The impact of all developments on the Promenade on strategic views of Blackpool Tower must be considered. The site is some 500m from the Blackpool Tower building and is directly to the south along the Promenade. As such, the building is not anticipated to significantly obscure strategic views of the Tower on the approach into Blackpool from Seaside Way and any conflict is likely to be momentary. On approach to the Tower from the south along the Promenade, the existing curvature of the road means that the Tower is partially and intermittently obscured by existing buildings on the eastern side of the Promenade. However, the building proposed is not anticipated to exacerbate this existing situation and overall strategic views from a distance would still be maintained.

The building proposed would be part-four, part-five storeys in height with a rotunda at the northern end of the site which would rise above the rest of the building. The main part of the building would be between 14m and 17m in height with the rotunda rising to 20m. The scale has been amended since the previous application with the southern end of the building dropped in height by one storey to reduce its bulk and break up the Promenade and Foxhall Road elevations. This has, however, increased the length of the Promenade frontage of the building. As previously stated, Silcock's Fun Palace to the south stands at some 10.4m high. The building proposed would therefore be 3.6m taller. The separation distance between the two would be some 6.4m. Despite the increase in height over what is existing, this relationship is considered to be acceptable. At the northern end of the site, the rotunda would sit some 6m higher than the existing building and nearly 5m higher than the locally listed Huntsman Building on the opposite side of Chapel Street. A distance of 32m would separate the buildings and this relationship is also considered to be acceptable.

The greatest impact from the increased scale of the building proposed would be felt by the occupants of the properties on the eastern side of Foxhall Road. These properties are predominantly in commercial use at ground floor level with permanent residential accommodation above. The existing buildings on site rise some 4.6m above the eaves level of those on the opposite side of Foxhall Road and are separated by approximately 12m. The four-storey part of the building proposed would rise 5m and the five-storey section nearly 8m above the eaves level of the existing properties on Foxhall Road with the rotunda some 11m taller. The shadow diagrams submitted with the previous application have not yet been amended to show the impact of the current proposal. However, it is reasonable to assume that very little sunlight reaches the properties on the eastern side of Foxhall Road under the existing situation and that any sunlight that does fall on the buildings would do so at a very oblique angle. Thus, whilst the proposed building may further reduce levels of daylight and sunlight, it is not anticipated to have a materially more detrimental impact on the amenities of the occupants of those properties. However, this needs to be confirmed by a sun-path analysis which has been requested repeatedly but not yet received from the applicant. Equally, given the existing relationship between the buildings on either side of Foxhall Road,

it is not considered that further loss of outlook could be successfully defended as a reason for refusal.

In light of the above and subject to the additional information required proving satisfactory, given the one-storey reduction in the height of the southern end of the building and despite the increase in its length, the scale and massing of the building proposed is now considered to be acceptable. The development would sit reasonably well within the streetscene and would not appear overly dominating or over-bearing. At present, the buildings on site are incoherent in design and appearance and are falling into a state of disrepair. Subject to a high standard of design that would be secured at reserved matters stage, it is considered that the redevelopment of the site as proposed would have a positive impact on the appearance of the streetscene and add to the appeal of this section of the Promenade and Resort Core as a visitor destination.

Parking and Highway Safety

The building would comprise 241sq m of bar space, 276sq m of restaurant space and a 119 bedroom hotel with 93sq m of ancillary coffee shop space. The maximum parking standards adopted and used by the Council are set out under Appendix B of the Blackpool Local Plan. If the ground floor uses are grouped together and a maximum accessibility score awarded, the maximum parking requirement generated by the bar, restaurant and coffee shop would be 49 spaces. This is based on a requirement of one space for every 8sq m of floorspace discounted at 35 per cent. Applying the same accessibility discount to the maximum standard of one car parking space per bedroom and one coach space for every thirty bedrooms, the hotel use would generate a maximum requirement of 77 car parking spaces and three coach parking spaces. Overall, the maximum parking requirement generated by the development proposed would be 126 car parking spaces, of which 10 per cent would be expected to be accessibility spaces, and three coach parking spaces.

The scheme proposed would include four off-street parking spaces in the south-eastern corner of the building accessed from York Street, and a cycle store measuring 3.8m by 5.6m which could potentially accommodate six cycles. A further six drop-off spaces would be created in a new lay-by along the western side of Foxhall Road along with space for servicing vehicles. The applicant has suggested that none of the major national hotel chains that have been approached would be interested in a scheme which included a greater amount of car parking provision. However, no evidence of this has been provided. The Head of Transportation considers the level of parking proposed to be inadequate to meet the needs of the development. He has previously raised concerns that the lack of parking provision would lead to ad hoc, inconsiderate and potentially unlawful parking to the detriment of highway safety.

The servicing area previously proposed on York Street has been omitted from the scheme and a space in the lay-by proposed on Foxhall Road is now suggested as the servicing and delivery point for the development. Any use of York Street by service vehicles would pose a highway safety risk to motorists and pedestrians using Foxhall Road. The use of the lay-by on Foxhall Road is considered to be acceptable but the Head of Transportation has suggested that time restrictions be applied to ensure that the parking spaces are available to guests for drop-off during the busier parts of the day.

Quality of the Accommodation

The hotel accommodation proposed would comprise 119 guest bedrooms, all of which would be en-suite. With the exception of one room on the top floor which measures at

9.9sqm, each bedroom would exceed 10sq m in area. Overall it is considered that the bedroom accommodation proposed would be of a good standard and would satisfy the requirements of Policy RR2 of the Blackpool Local Plan. The repositioned reception area would offer a welcoming arrival space and give appropriate prominence to the hotel use.

Other Issues

The applicant has previously suggested that 200 jobs would be generated by the uses proposed. No information to support this statement has been provided and it is considered to be an unrealistic figure to support 607sq m of bar and restaurant floorspace and a 119 bedroom hotel with an ancillary coffee shop. Whilst it is acknowledged that some employment opportunities would be generated by the scheme, it is likely that these would predominantly be low-skilled and part-time positions.

The following information has been requested from the applicant repeatedly since validation of the application but has not been received at the time of writing this report:

- a financial viability assessment justifying the amount, mix and arrangement of the uses and the level of car parking proposed;
- written support from hotel operators justifying the amount, mix and arrangement of the uses and the level of car parking proposed;
- a streetscene clearly showing the relationship between the existing buildings on site and the existing buildings on the opposite side of Foxhall Road, along with a sun-path analysis;
- a fully marked up cycle store to demonstrate how it could accommodate the number of cycles suggested;
- the existing building outline accurately marked on all drawings.

A letter of general interest in the development of the site dating back to May 2011 has been submitted but this does not make reference to any mix of uses or off-street parking provision.

A bat survey is required to demonstrate the presence or otherwise of bats on the site. It is understood that an appropriate survey should be submitted before the Committee meeting.

CONCLUSION

The application site is in a prominent position on central Promenade within the Resort Core. As a result of the surrounding road network, the site benefits from high visibility on the approach from the north and open views across the Promenade and foreshore. The application seeks planning permission for a part-four and part-five storey building with an elevated rotunda at the junction of the Promenade with Chapel Street. The building would comprise a hotel reception and coffee shop on the junction of the Promenade and Chapel Street with a restaurant and bar behind and four floors of hotel bedrooms above. Internal servicing areas would be located along the Foxhall Road elevation at ground floor level and four off-street car parking spaces would be provided off York Street. A lay-by would be created on Foxhall Road to offer some drop-off and collection parking and provision for servicing vehicles to park during restricted hours. Given the changes that have been made to the form of the building and the layout of the ground floor since last submission, the proposal is now considered to be acceptable. The benefits that would arise to this section of the Promenade from the new development and inward investment are considered to outweigh the potential problems that could be caused through the inadequate car parking provision.

Notwithstanding this observation, it is noted that the deadline of the previous application had to be extended three times in order to give the applicant sufficient time to resolve certain issues, and that the deadline for the current application has been extended once to enable necessary information to be submitted. At the time of writing, this information has not been received. The Council as Local Planning Authority consistently seeks to work proactively with developers to deliver sustainable development which brings positive environmental benefits and underpins wider regeneration strategies. Discussions relating to the redevelopment of this site have been ongoing since 2012.

RECOMMENDATION

The Committee are respectfully recommended to agree the application in principle, subject to the necessary information listed above being received and found to be acceptable and subject to the recommended conditions listed below, and to delegate the issuing of the decision by the Head of Development Management.

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

Recommended Decision: Agree in principle but to delegate the issuing of the decision to the Head of Development Management.

Conditions and Reasons

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

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

2. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

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

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

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

4. A scheme for the provision of a drop-off, collection and servicing bay on Foxhall Road and the upgrade of the two nearest bus stops on the Promenade shall be submitted to and agreed in writing by the Council as Local Planning Authority. No development shall be commenced until the highway works approved as part of this scheme have been completed.

Reason: In the interests of highway safety and to encourage use of sustainable transport modes in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

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

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

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

Reason: In the interests of the amenities of surrounding residents and visitors and to safeguard the character and appearance of the area in accordance with Policies RR7, LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. No refuse or bins shall be stored outside of the building other than on the day of presentation for collection.

Reason: In the interests of the appearance of the locality and the amenity of nearby residents and visitors, in accordance with Policies RR7, LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended);

(a) the area accessed directly from the rotunda shall be used as a hotel reception area with ancillary coffee shop facility within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended);

(b) the upper floors of the building hereby approved shall be used as a hotel within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose;

(c) no part of the ground floor of the building hereby approved shall be used within Classes A1 or A2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to safeguard the character and appearance of this section of the Promenade and to safeguard the vitality and viability of Blackpool Town Centre in accordance with Policies RR7, BH11 and BH12 of the Blackpool Local Plan 2001-2016.

8. No subdivision or amalgamation of the units approved at ground floor level shall take place without the written agreement of the Council as Local Planning Authority.

Reason: In order to safeguard the character and appearance of this section of the Promenade and to safeguard the vitality and viability of Blackpool Town Centre in accordance with Policies RR7, BH11 and BH12 of the Blackpool Local Plan 2001-2016.

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

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

Advice Notes to Developer

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

2. The works required pursuant to condition 4 attached to this permission may require the applicant to enter into a Section 278 Legal Agreement with the Council. A Traffic Regulation Order may also be required, as may an Order for the stopping up of the public highway should any encroachment result. The applicant is advised to contact the Head of Transportation on 01253 477477 or at Layton Depot, Depot Road, Blackpool, FY3 7HW in the first instance for further guidance.