

COMMITTEE DATE: [03/11/2014](#)

Application Reference: **09/1263**

WARD: Talbot
DATE REGISTERED: 29/09/09
LOCAL PLAN ALLOCATION: Resort Core
 Central Promenade and Seafront
 Town Centre Boundary
 Leisure Zone / Resort Core

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr E Wallace

PROPOSAL: Erection of a six-storey building comprising 66-bedroom hotel, ground floor bar and fifth floor restaurant/bar with associated roof terrace.

LOCATION: 94-98 PROMENADE AND 2-8 WEST STREET, BLACKPOOL, FY1 1HB

Summary of Recommendation: Grant Permission

CASE OFFICER

Gary Johnston

BACKGROUND

This application was first brought before the Council's Planning Committee (Development Control Committee as was) in January 2010. The recommendation at that time was that outline planning permission be granted subject to the applicant entering into a Section 106 agreement to secure a financial contribution towards the provision of off-site car parking facilities within the town centre and as such the application was deferred and delegated to the Head of Development Management to approve subject to the completion of the Section 106 Agreement and subject to conditions.

Based on the standards set out in Appendix B to the Blackpool Local Plan 2001-2016, it was calculated at that time that the scheme proposed would generate a requirement for 43 car parking spaces. However, no on site car parking provision was proposed as part of the development. Policy PO1 of the Local Plan states that development will only be permitted where existing infrastructure, services and amenities meet the needs of the proposal, or where the developer is willing to enter into a legal undertaking or agreement to enable these needs to be fulfilled. It was on the basis of this policy that the legal agreement referred to above was sought.

In the three and a half years since the Council's Development Control Committee resolved to defer the application for approval under delegated powers subject to the signing of a Section 106 legal agreement, no firm progress towards the completion of this agreement has been made. The initial draft Section 106 agreement was issued in November 2010. As no response was received, a second copy was sent out in June 2012. This was returned with some suggested amendments in September 2012 but no further contact has been made by the applicant. In March 2014 a final draft was supplied to the applicant and was followed up in September 2014 by a request for a response. Given the time that has elapsed since the last substantive contact in 2012, it is considered reasonable to

assume that the applicant is now unwilling or unable to enter into the Section 106 agreement required pursuant to the Committee resolution in 2010.

The Government expects Local Planning Authorities to be proactive in driving sustainable development to meet local needs and support economic growth. The failure of authorities to determine planning applications in a timely manner does not support this objective. As such, and on the understanding that a signed Section 106 agreement is now unlikely to be forthcoming, it is felt that this application needs to be reassessed and redetermined without any contribution to town centre car parking being made.

The earlier requirement for a financial contribution towards the provision of off-site car parking facilities within the town centre must now be reconsidered in the context of the prevailing planning policy framework and more recent, relevant planning decisions made in and around the town centre (see below).

The National Planning Policy Framework was adopted in March 2012 and sets out a strong presumption in favour of sustainable development. Local Planning Authorities are expected to approve, without delay, development proposals that accord with the Development Plan. Where a Development Plan is silent or out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The earlier requirement for the financial contribution toward off-site parking provision was rooted in the expectation, set out under Policy PO1, that developers must ensure that appropriate infrastructure exists or is provided to support the development proposed. However, the Council does not have a formally adopted strategy for the improvement or provision of town centre car parking, or any supplementary planning documents detailing the way in which financial contributions would be justified, calculated or secured. The application proposes the demolition of the existing building which is tired and out-dated, and the redevelopment of the site to provide modern hotel, restaurant and bar facilities. This section of Blackpool Promenade is considered to be the Resort's 'shop front' and proposals for high-quality, new developments are to be welcomed. When judged against the provisions of the National Planning Policy Framework, and in the absence of a formally adopted car parking strategy to fully support the application of Policy PO1 of the Local Plan in this instance, the scheme as proposed without any on site car parking is considered to be acceptable without any financial contribution being made.

Since this application was last brought before Committee, a number of permissions have been granted either for new, independent car parks or for hotel accommodation with little or no on-site car parking provision. These permissions include the provision of a new multi-storey car park above the Sainsbury's food store, the upgrade of the Banks Street surface level car park and Talbot Road multi-storey car park, and the proposed demolition of the former Syndicate night club and the use of the land as a temporary car park. Further, temporary car parking has been approved on Leopold Grove and on Tower Street. New hotel accommodation with minimal on-site parking provision has been approved on the land on the southern corner of the junction of Chapel Street and the Promenade. Pre-application discussions had also been progressing regarding the provision of hotel accommodation on the former Yates site and members will be aware of the hotel proposal at Talbot Gateway. As such, the level of car parking provision available for visitor use has changed significantly since the application was first considered, and some precedent for the approval of large hotel schemes without dedicated on-site parking has been set.

It is acknowledged that a financial contribution towards off-site car parking provision secured via a Section 106 agreement has also been agreed for a more recent hotel proposal on Leopold Grove (the site of the temporary car park). However, the situation outlined above remains relevant for this site

and it is understood that no progress has been made to date toward the payment of the necessary monies or the development of the scheme. Indeed the application has now expired (09/0999 refers).

Since the Committee originally considered the application the Regional Spatial Strategy has been revoked and the Committee is respectfully advised that the revocation of the North West Regional Strategy in 2013 is not considered to have a material bearing on the consideration of this case.

The Core Strategy has also progressed since the Committee originally considered the application and the emerging Blackpool Local Plan - Part 1: Core Strategy - Proposed Submission sets out the Council's approach to the future development of the borough and Blackpool Town Centre. Draft Policies CS17 and CS21 support the regeneration and enhancement of Blackpool as a sub-regional hub with Policy CS21 advocating the development of new visitor accommodation within the Defined Town Centre. Whilst the draft policies of the emerging Core Strategy do not outweigh those of the adopted Local Plan, the application proposal is considered to comply with the aims and objectives of this document.

In light of the above and on the understanding that the applicant is no longer prepared or able to make a financial contribution toward the provision of off-site car parking, it is considered that the overall benefits of the scheme to the regeneration of the Promenade and Town Centre are sufficient to justify the approval of the application in the absence of any on site car parking provision. As such, the Committee is respectfully recommended to grant planning permission subject to the conditions listed below.

The remainder of this report remains as put before Committee in January 2010, although it is proposed that the Committee will visit the site on 3 November 2014

SITE DESCRIPTION

The application relates to the site at the northern corner of the Promenade and West Street, immediately south of Feldman's Arcade building, currently containing two-storey and three-storey buildings variously in use as a bar and hot food takeaways on the ground floor with a lapdancing club on the upper floors.

The adjoining land to the east, at the corner of Market Street and West Street, is a cleared site for which planning permission was originally granted in 2006 and again in 2010 for the erection of a two-storey bar/restaurant, (application 10/0532 refers) (*now the Wetherspoons Layton Rakes*).

The application site, and the immediately surrounding area, is designated as part of the Resort Core and Leisure Zone in the Local Plan and the northern boundary of the site is the southerly extent of the Talbot Square Conservation Area (*now the Town Centre Conservation Area*).

DETAILS OF PROPOSAL

The proposal is to clear the site and erect a six-storey building comprising a bar to the ground floor Promenade frontage with service areas and hotel reception area, accessed from West Street, to the rear of the ground floor. First, second, third and fourth floors are to comprise hotel bedrooms (66 in total) and the fifth floor is shown as a restaurant/bar with a roof top terrace.

The proposal has been the subject of pre-application discussions which have proved useful in setting the parameters for the scheme. The application is for outline planning permission with access, layout and scale applied for at this stage. Appearance and landscaping are reserved matters to be the subject of later application(s).

The submission is accompanied by the requisite Design and Access Statement together with a Transport Statement and a Framework Travel Plan.

MAIN PLANNING ISSUES

The main planning considerations relate to:

- the principle of redevelopment and proposed uses,
- the scale and relationship in the streetscene,
- impact upon adjacent properties,
- car parking, servicing and access.

CONSULTATIONS

Environmental Protection - "no objections or observations to make".

Head of Transportation - has no objection to this proposal and based upon previous, (pre-application) discussions, the following has been agreed:

- Repaving of West Street from Promenade to West Street, further discussions will be required with the Highway Authority to determine and agree the specification of the works and to agree how these works will be completed.
- Servicing of the site will have to be restricted to between 6.00pm and 10.30am as per the current arrangements. This situation applies to the remainder of the Town Centre area and there are no proposals to amend the current Traffic Order. As a result, operating procedures will have to be put in place with suppliers to the new site to make this work.
- With reference to the previous point, gates will be provided on West Street as part of the development to prevent unauthorised access and act as a physical barrier to the proposed development and adjacent sites. There are wider highway proposals for the surrounding streets which are currently being developed. Timescales for implementation of any future scheme are not yet available, therefore at this stage we would prefer this element of works to be retained and incorporated within the off-site highway works associated with this development. Commuted sum payment will be required for maintenance and operation.
- Coach access and drop-off has been discussed, some visitors will arrive by chartered coach and currently no arrangements are in place within the area to allow for coaches to drop-off, therefore there will be a need to amend the existing Traffic Order to allow coaches to drop-off only in the existing bus stop outside the west side of Municipal Buildings. Contact to be made with the Head of Transportation to enable the changes to be made.
- Due to the location of the site, there is currently no parking allocated for the proposed site. If contract parking and secure overnight parking is to be considered it is suggested the applicant contact the Assistant Head of Streetscene and Property to determine the feasibility of this. Should this be favoured then it will require a significant financial contribution from the developer. If this option is rejected then any potential occupier of the site is to develop a Hotel Parking Strategy as stated in the letter from PSA Design dated 11th August 2009.

Waste - the bin requirement for this development is 3 x 1280 litre Euro Bins for residual waste and 1 x 1280 litre Euro Bin for recycling purposes, all bins to have storage facilities within the confines of the site and not stored on the public highway.

Police Crime Prevention Officer - makes several recommendations regarding security, safety and measures for reducing the likelihood of crime to be incorporated into the final detailed design for the development, which have been forwarded to the applicant.

ReBlackpool - raise no objection to the proposed development, subject to satisfactory details at design stage and a rational solution for servicing and customer drop off/collection arrangements.

Lancashire County Archaeology Service - recommend the imposition of a condition to record and inspect any matters of archaeological or historical importance.

United Utilities - no objections, advice regarding provision of water supply forwarded to the applicant.

PUBLICITY AND REPRESENTATIONS

Neighbours Notified 02 October 2009 and 06 October 2009.
Gazette Notice published 07 October 2009.
Site Notices displayed 15 October 2009.

No responses to public notification have been received

NEARBY APPEALS

None relevant.

REGIONAL SPATIAL STRATEGY TO 2021

None relevant.

BLACKPOOL LOCAL PLAN 2001-2016

RR2 - Visitor Accommodation
RR7 - Promenade Frontages within the Resort Core
SR8 - Leisure Zone
LQ1 - Lifting the Quality of Design
LQ2 - Site Context
LQ4 - Building Design
BH3 - Residential and Visitor Amenity
AS1 - General Development Requirements
AS2 - New Development with Significant Transport Implications
PO1 - Planning Obligations

ASSESSMENT

The Principle of Redevelopment and Proposed Uses

Policy RR2 fully supports proposals providing contemporary visitor accommodation in the form of redevelopment schemes within the town centre. Specifically, this site is within the main Leisure Zone of the town centre on the Promenade frontage where visitor attractions/tourism development specifically will be permitted. This area is also promoted by the policy, and by Policy SR8, as the main location for bars and restaurants.

Similarly, Policy RR7 encourages new developments in the area provided they comprise high quality buildings of an appropriate scale, provide an 'active' frontage to the Promenade and enhance the amenity, character and appearance of the area.

The redevelopment of the site is acceptable in principle for the uses proposed and, subject to the recording measures requested by the County Archaeology Service, is to be welcomed.

The Scale and Relationship in the Streetscene

Policies LQ1, LQ2 and LQ4 are aimed at raising the quality of the built environment and ensuring that new development is appropriate to its surroundings, not only in design terms but also in scale and setting.

Policy LQ4 states that the scale, massing and height of new buildings should be appropriate for their use and location. Tall buildings which rise above the predominant height of surrounding buildings will be acceptable in appropriate locations, and particularly to the Promenade frontage within the Resort Core. Indeed Policy LQ4 requires buildings to be a minimum of four storeys in height in the Town Centre

The application is accompanied by the required Design and Access Statement, which demonstrates that the applicant has considered scale and siting of the proposed building and that quality materials will be specified at the detailed design stage.

The scheme was the subject of pre-application discussions regarding the general design considerations and the overall height, originally proposed at seven storeys, has been reduced in order that the scale of the development better relates to the adjoining buildings within the block. Further revisions have been negotiated, and incorporated into the plans, since submission of the application.

Impact Upon Adjacent Properties

Policy BH3 seeks to resist development which would have an adverse effect upon the amenities and living conditions of those occupying residential and visitor accommodation by reason of its scale, design and siting and its effects on privacy, outlook, and levels of sunlight and daylight.

In this case the development would be at least three storeys higher than Roberts Oyster Rooms and The Mitre PH (in the next block on the south side of West Street), and both premises have north-facing windows at upper floor levels. These windows, inevitably, will be overshadowed by the proposed development.

Whilst it is not apparent that the windows in question are to habitable rooms, the owners/occupiers have not made any representations regarding the application, and in any event the close proximity of neighbouring windows is often a typical situation in town centre redevelopment schemes and should not be seen as an overriding factor against the redevelopment of this site. The submitted elevations, whilst still subject to possible change at detailed stage, show how the bedroom windows could be installed obliquely to maximise the potential for sea views and avoid directly facing south across West Street.

Car Parking, Servicing and Access

Policy AS1 states that new development will be expected to provide convenient and safe access and appropriate off-street parking in accordance with the Council's adopted standards. However, in this case the site is within the town centre where application of the car parking standards and provision on-site would be impractical. It would be for the developer to decide whether to seek contract parking arrangements within the area as suggested by the Head of Transportation.

Policy AS2 relates to developments with significant transport implications and in this respect the applicant has commissioned a Framework Travel Plan with the intention that the eventual developer of the site or the hotel operator would implement a full working Travel Plan. This provision can be required by appropriate condition.

Whilst the proposed bar and restaurant uses would not be expected to generate additional car-borne customers visiting the site, the hotel use is likely to lead to additional demand for car parking space within the town centre.

Policy PO1 states that in appropriate cases, where existing infrastructure or services do not fully meet the needs generated by the development and the costs of upgrading such infrastructure would fall on the community, in this case the provision of additional car parking facilities, developers will be asked to compensate for the consequential costs by way of appropriate Agreement.

In this case, on the information available at this stage, the adopted parking standards would require the provision of 43 car parking spaces. It is considered that a developer contribution to off-site parking provision is appropriate (*although it was recognised at the time that there is no policy basis or methodology to require it*) and, whilst discussions continue on the amount, the developer has agreed in principle to make such a contribution.

The Head of Transportation has not identified any highway safety concerns arising from the development proposals. His comments set out the issues tabled in the pre-application discussions with the agents and addressed in the Transport Statement, and confirm that there are no proposals to vary the current Traffic Order which precludes servicing between 10.30 am and 6.00 pm.

Servicing of the site would take place from the adjoining highway, as is the present situation. The application indicates a service access to the rear of the premises, from West Street, via an existing right of way over the adjoining land to the east. There are no off-site highway works necessitated by or arising from the application proposal, but if the developer ultimately decides to seek variation of the Traffic Order(s), to vary servicing times or to provide for setting-down facilities for coaches, there will likely be a proportional cost.

It is indicated that there are proposals to upgrade the pedestrian scheme in West Street and wider proposals for the surrounding streets, including the Promenade, but these are for the most part at an early stage and the proposal is not prejudicial to their ultimate implementation. The proposal

does not give rise to a need for any off-site works (*the works to West Street and the Promenade have now been undertaken*).

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

In light of the requirements of Policy PO1 and the applicant's offer of a commuted sum in lieu of on-site parking, it is recommended that the applicant be invited to enter into Section 106 Agreement to secure an agreed financial contribution towards the provision of off-site car parking facilities.

CONCLUSION

Notwithstanding that the applicant originally offered to enter into a Section 106 agreement it is considered that, in light of the absence of the agreement and the other changes in circumstances since the application was originally considered by Committee, that the application should be approved as it accords with the principles of the National Planning Policy Framework and the aim of regenerating the Town Centre and these factors outweigh the lack of on-site car parking.

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. The proposal does not give rise to 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: Grant Permission

Conditions and Reasons

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:

Appearance
Landscaping

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- 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. Notwithstanding the application submission, details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced. The agreed materials shall then be used in the development

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

3. No development shall take place on the site until the developer, or their successor in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building, in accordance with Policy LQ9 of the Blackpool Local Plan 2001-2016 and the National Planning Policy Framework.

4. Notwithstanding the application submission, detailed plans of the proposed refuse storage facilities and details for the servicing of the building shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. (These details may be submitted as part of the Reserved Matters). Refuse storage facilities shall subsequently be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter, and the servicing of the building shall take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate and satisfactory refuse storage facilities and servicing arrangements are provided and in place in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

5. Notwithstanding the provisions of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the bar and the restaurant/bar premises hereby approved shall not be used for any purpose within Classes A1 or A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: The uses precluded by this condition would not be appropriate in this location and would detract from the character of the Leisure Zone which is promoted as the location for public houses, bars, nightclubs, restaurants and cafes in accordance with the aims of Policy SR8 of the Blackpool Local Plan 2001-2016.

6. No part of the development shall be occupied prior to:
 - the appointment of a Travel Plan co-ordinator who shall agree a format for the Travel Plan with the Local Planning Authority and the Travel Plan shall that consist of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element; and
 - the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as

being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS2 of the Blackpool Local Plan 2001-2016.

7. 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 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 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 occupiers and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 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 where otherwise specified by condition) and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.
2. Please note that any address changes or new addresses needed as a result of this development must be agreed by the Council. Please contact Council's Streetscene and Property Department, Layton Depot, Depot Road, Blackpool, FY3 7HW (Tel 01253 477477).