

# Public Document Pack

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

### **Present:**

Councillor Owen (in the Chair)

Councillors

Baker	Kirkland	Robertson BEM
Critchley	O'Hara	Stansfield

### **In Attendance:**

Lennox Beattie, Executive and Regulatory Support Manager  
Carl Carrington, Head of Planning, Quality and Control  
Jenni Cook, Democratic Governance Senior Advisor  
Ian Curtis, Legal Officer  
Susan Parker, Head of Development Management

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE MEETING HELD ON 6 JULY 2021**

The Committee considered the minutes of the last meeting held on 6 July 2021.

### **Resolved:**

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

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Planning Committee considered a report on planning and enforcement appeals lodged since the last meeting. Two appeals had been lodged and one appeal had been determined and allowed. The appeal that had been allowed had granted temporary planning permission for a children's home for two years. Miss Susan Parker, Head of Development Management, informed the Committee that this decision generally supported the Council's decision, had taken account of Covid circumstances and would allow the Council time to implement its strategy to meet local need within the borough.

### **Resolved:**

To note the update.

### **4 PLANNING ENFORCEMENT UPDATE REPORT**

The Planning Committee considered a report on planning enforcement activity within Blackpool between 1 June 2021 and 30 June 2021. During June 2021 56 new cases had been registered for investigation and there were 529 "live" complaints outstanding. Of

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021**

the resolved cases, 29 had been resolved by negotiation without recourse to formal action. In respect of closed cases, 59 had been closed and these included those where there was no break of planning control found, no action was appropriate or it was not considered expedient to take action. The Planning Committee was informed of the formal enforcement notices and Section 215 notices authorised or issued during June 2021.

### **Resolved:**

To note the update.

## **5 PLANNING APPLICATION AND APPEALS PERFORMANCE**

The Planning Committee considered the report in relation to Government targets and performance in the first quarter of the 2021/2022 financial year. In respect of major applications, the Council had determined 100% of major applications within 13 weeks against a Government target of 60%. Similarly in respect of non-major applications, the Council had determined 93% against a Government target of 70%. The Planning Committee noted its appreciation to the Planning Team for their performance.

### **Resolved:**

To note the update.

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

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

Miss Susan Parker, Head of Development Management, outlined the report and reminded the Planning Committee that this application had been deferred at the last meeting to allow the application the opportunity to provide viability information to demonstrate that a housing mix compliant with policy could not be delivered. Instead of providing this information, amended plans had been submitted that now showed an acceptable housing mix.

The application related to the site on the corner of Abingdon Street and Church Street which had been formerly occupied by Next and then Pizza Express. Most recently the ground and first floor had been redeveloped as Vintro Lounge with a new frontage and themed interior. In respect of planning history a previous submission at the start of 2020 had proposed 29 apartments in a part six, part seven storey building and was considered to be over-development of the site and unacceptable in the context; the application had been withdrawn. The current application proposed 18 apartments in a part three, part four and part five storey building with retail and commercial uses to be retained at ground floor level. The application was made in full and sought to agree all details.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

The building proposed would have a flat roof and the top floor would be set back. The corner facing into St. Johns Square would be four storeys high and different materials would be used on the corner to create a visual focus. Similarly lighter materials would be used to make a focal feature of the main entrance door on Abingdon Street. The elevations proposed would have a strong grid design with vertical emphasis and recessed balconies to create depth and visual interest.

Miss Parker noted that the site was within a very sensitive location within the Town Centre Conservation Area and opposite both St. John's Church and the Winter Gardens. The scheme had been considered by Historic England, the Theatres Trust, the Council's Built Heritage Manager and the Civic Trust. The Civic Trust had objected on the basis of scale but the other consultees had supported the proposal in principle.

In terms of the scale, Miss Parker noted that long-standing Policy LQ4 and emerging Policy DM17 both require new buildings within the town centre to be at least four storeys in height. The scale proposed accorded with this and was considered to be appropriate in the immediate context.

No off-street parking would be provided with this development but this was considered to be acceptable given the town centre location. Cycle parking was proposed at basement level with refuse storage available to the rear.

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

Internally the scheme would deliver 18 apartments comprising 5 one-bed units and 13 two-bed units which meet the required housing mix and floor space standards. The proposal would deliver regeneration benefits and contribute towards the borough's housing land supply. The design was now considered acceptable.

Miss Parker noted that the application had received media attention and reminded the Planning Committee that the recent investment in the building to develop the current Vintro Lounge was not a material planning consideration in respect of this application and the proposal must be judged on its own merits.

In terms of relative uses, if implemented this scheme would result in the loss of commercial use at first floor only and replace it with residential accommodation. The town centre uses would be retained at ground floor level which was acceptable in planning policy terms. As such, the officer recommendation was to grant planning permission subject to appropriate conditions and the signing of a Section 106 agreement to secure health and public open space contributions.

Mr Ian White had registered to speak in objection to the application but had been unable to attend the meeting.

The Planning Committee discussed the application and concerns were raised regarding the design and scale of the proposal along with concerns regarding residential

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

accommodation in a retail centre. In relation to the proposal's proximity to the Winter Gardens and Policy CS8, the proposal was considered to be unsympathetic and did not enhance the surroundings. It was noted that the application did not propose any mitigation towards climate change issues such as energy efficiency other than a potentially green roof.

Miss Parker responded to the Planning Committee's concerns and noted that current Government guidance as set out at paragraph 85(f) of the National Planning Policy Framework recognised the important role that residential accommodation could play in a town or city centre and that there was a strong policy basis to support residential use at upper floor level. Use of the apartments as holiday accommodation could be controlled by condition, however use as second homes could not be prevented. It was confirmed that all the proposed apartments met the minimum floor space standards.

The Planning Committee felt that the design was out of keeping with the location, did not contribute to or enhance the nearby heritage assets, was not in proportion and was jarring and unsympathetic to the local context and setting.

**Resolved:** To refuse the application, notwithstanding the officer's recommendation, for the reasons that the proposed design was out of keeping with the location, did not contribute to or enhance the nearby heritage assets, was not in proportion and was jarring and unsympathetic to the local context and setting, as outlined in the attached Decision Notice: <https://idoxpa.blackpool.gov.uk/online-applications/> (Enter 20/0784 into the search parameters)

### **7 PLANNING APPLICATION 21/0234 - LAND ADJACENT TO CENTRAL PIER, PROMENADE, BLACKPOOL, FY1 5BB**

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

Miss Susan Parker, Head of Development Management, outlined the report and informed the Planning Committee that planning permission had previously been granted for the use of the land for an outdoor tourist attraction, namely an 18 hole themed golf course. This application related to an outdoor bar erected on the site without planning permission and is currently in use and therefore seeking retrospective permission. The application was made in full and sought to agree all details.

The bar comprised three single-storey flat-roofed enclosed structures housing the bar, storage, and toilet facilities. The rest of the site was occupied by raised decking for external seating with a canopy over part and there was also a small covered stage at the corner of the decking.

Miss Parker drew the Planning Committee's attention to the lengthy update note that had been prepared in response to a Counsel opinion submitted by the applicant and received by the Council on 2 August 2021. In addition to the update note, additional comments had been received from the Council's Heritage Officer and these comments were provided verbatim to the Planning Committee:

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

- a) “Under the terms of the National Planning Policy Framework (NPPF) Central Pier is a non-designated heritage asset. It was adopted onto the Council’s List of Buildings of Local Architectural and/or Historic Interest (Local List) in 2013. It also faces the Locally Listed Huntsman Building (former Central Beach Cinema) and the boundary of the Foxhall Conservation Area.
- b) Notwithstanding its proximity to other designated and undesignated heritage assets, the character of the pier itself was hitherto enhanced by its open setting on the Promenade and its view of the sea and beach. Historically the town’s three piers were the only structures on the Promenade (with the exception of the Locally Listed Metropole Hotel to the north of North Pier). This setting has been preserved to a large degree by Council policy to protect its ‘most precious resource’ (saved Policy RR7 paragraph 2.57) and emerging policy DM10.
- c) Paragraph 189 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Heritage Statement accompanying the application has analysed the significance of the pier, and concluded that the bar complements the modern façade of the pier and would not unduly affect its significance because the Victorian structure does not become apparent until it is traversed out to sea. Paragraph 3.5 of the Heritage Statement also states that the proposals site provides little in the way of historical value, as an open piece of land on the promenade. However, this open piece of land forms part of the setting, allowing views of the Victorian substructure and the beach and sea beyond. Indeed paragraph 3.3 of the Heritage Statement acknowledges this in saying “The evidential value of the Pier’s setting has been retained to some extent within the immediate vicinity. The promenade has long been a wide-open area, and in recent years the proposals site has been used for ancillary entertainment uses.”
- d) It is clear that the modern, and poor quality, bar area, which is clearly intended not to be temporary, undermines the setting of the pier by obscuring the view of the historic substructure and the sea. It is a visual intrusion in an otherwise open setting for the pier, and neither preserves nor enhances its significance as required by paragraph 192 of the NPPF
- e) Paragraph 197 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. It is my view that the level of harm to the pier is such that the retrospective application should be refused on the grounds that the development does not preserve or enhance its significance and is harmful to the setting.”

The Planning Committee was informed that the application proposed a main town centre use in an edge-of-centre location and that the site fell the Resort Core. Officers did not accept that the bar could be considered to be a tourist attraction in its own right and it was physically separate from the pier and faced away from it. Beyond ownership and proximity, there was nothing to link or integrate the bar into the pier offer.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

Miss Parker noted that National Planning Policy Framework required the application to demonstrate compliance with the sequential test, both because it was proposing a main town centre use and because it was in a flood zone; no information to demonstrate this had been provided. In addition the applicant had not submitted any information to demonstrate that the proposal would not have an impact on designated centres and as such the proposal was considered to be contrary to Policy CS4 of the Core Strategy.

Policy CS21 of the Core Strategy was supportive of the development of new, high quality tourist attractions and the improvement and enhancement of existing tourist attractions and is also supportive of new venues and events spaces that can accommodate year-round programmes of events, festivals and conferences. Miss Parker reiterated the view that the bar in itself was not considered to be a tourist attraction and that such uses had their place in supporting the wider Resort Core offer, and could be acceptable as part of an integrated and comprehensive redevelopment of the pier head to enhance the pier as a tourist attraction.. However this proposal was merely for a stand-alone bar in close proximity to and within the same ownership as the pier.

The Planning Committee was informed that it was accepted that the bar had been trading and generating an income for the pier and it was also acknowledged that the pier had suffered fire damage. However the applicant had not submitted any information to demonstrate that the pier relied upon the bar in order to operate viably as a tourist attraction, or that the income was needed to fund essential repairs following the fire.

Miss Parker asked the Planning Committee to note that should planning permission be refused, the Council would look to work with the applicant to secure closure of the bar over a time period that would not unduly compromise the operation of the pier itself.

It was noted that the bar would constrain and potentially prejudice the comprehensive redevelopment and improvement of the pier head and preclude the development of the previously approved adventure golf attraction. In addition the small stage included within the bar was insufficient for the use to be considered as an acceptable events space and as such the proposal did not comply with Policy CS21 both in terms of its use or quality.

It was further noted that the site was in a prominent and highly visible location in close proximity to heritage assets including the locally listed Pier and was visually sensitive. A high quality solution was therefore required both to respond to this context and support the Council's strategy for resort regeneration. The structures and canopies were highly visible due to the open nature of the site and had not been designed to integrate well with the sensitive surroundings. The sense of visual clutter around the pier head was exacerbated and detracted from the setting of the pier. The materials and design were not considered appropriate or of sufficient quality for this prime location.

Miss Parker noted that the applicant had suggested the Council had failed in its duty to specify the changes that would be needed to make the bar acceptable and clarified that it was not for the officers to provide a design solution for the applicant, particularly given that the proposal was considered to be unacceptable in principle. The development compromised the open character of that area of the Promenade and obstructed views of the seaward end of the pier. The heritage and visual impact must be balanced against the public benefits of the scheme and as the bar was not accepted as a tourist attraction

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

complying with Policy CS21 and in the absence of any demonstration that the bar was necessary to support the pier as a tourist attraction, insufficient public benefit is identified to justify the harm that arises.

It was accepted that the site was in an accessible location and that no insurmountable issues relating to amenity had been identified. However, on balance the scheme was considered to be contrary to planning policy as it was a main town centre use in an edge of centre location, it did not meet the expectations of Policy CS21, and was considered to be unacceptable in terms of visual and heritage impact. On that basis the Planning Committee was respectfully recommended to refuse planning permission for the reasons given.

Mr Chris Weetman, Agent for the applicant, spoke in favour of the proposal and drew the Planning Committee's attention to the Counsel's opinion submitted as part of the update note. His view was that the original officer report was flawed and referred to a verbal conversation that the application had conducted with Mr Carl Carrington, Head of Planning Quality and Control. In respect of the Planning Officer's statement that Licensing was a separate regime, Mr Weetman asserted that Section 182 of the Licensing Act meant that the Planning Department would have been notified and had the opportunity to raise any issues at that juncture. Mr Weetman referred to Supreme Court caselaw regarding the definition of a tourist attraction and stated that the Council's view that the bar was not a tourist attraction was incorrect and examples were given of similar attractions in the UK including a floating bar in Tyneside, Canal Street in Manchester and the Blackpool Illuminations.

In respect of the bar being ancillary to the Pier, it was noted that there was no legal definition of ancillary and no requirement for the bar to be physically attached to Pier as long as it held a subordinate purpose. Income from the bar had helped the Pier through the fire damage and closures due to Covid and that closure of the bar would result in job losses. Mr Weetman requested that the Planning Committee considered deferring the decision in order to allow further conversation between the Council and the applicant.

The Planning Committee discussed the lengthy Counsel Opinion and noted that the Planning Officers had not had long to formulate their response and rebuttal to this document.

### **Resolved:**

That the application is deferred to a future Planning Committee to allow the Council to fully respond to the issues raised by the applicant.

### **8 DATE OF NEXT MEETING**

### **Resolved:**

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

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 3 AUGUST 2021

### Chairman

(The meeting ended at 6.51 pm)

Any queries regarding these minutes, please contact:

Jenni Cook Democratic Governance Senior Adviser

Tel: (01253) 477212

E-mail: [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)