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## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 5 SEPTEMBER 2023

### **Present:**

Councillor Roe (in the Chair)

Councillors

Baker	Farrell	Jackson
P Brookes	Flanagan	Walsh

### **In Attendance:**

Jenni Cook, Democratic Governance Senior Adviser  
Ian Curtis, Legal Officer  
Susan Parker, Head of Development Management

### **1 DECLARATIONS OF INTEREST**

Councillor Gerard Walsh declared a personal interest in Item 6 and advised that whilst he did not consider himself to have a close association, he advised that he knew the applicant via charity work.

### **2 MINUTES OF THE MEETING HELD ON 25 JULY 2023**

The Committee considered the minutes of the last meeting held on 25 July 2023.

### **Resolved:**

That the minutes of the meeting held on 25 July 2023 be approved and signed by the Chairman as a correct record.

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

The Planning Committee considered a report on Planning/Enforcement Appeals lodged and determined since the last meeting and was advised that two appeals had been lodged and five had been determined. Of the five appeals determined, two had been allowed and three had been dismissed.

### **Resolved:**

To note the report.

### **4 PLANNING ENFORCEMENT UPDATE REPORT - JULY 2023**

The Committee considered the report which provided a summary of planning enforcement activity within Blackpool between 1 July and 31 July 2023. In total 60 new cases had been registered for investigation, 336 live cases were outstanding, 16 cases had been resolved by negotiation without recourse to formal action and 59 cases had been closed.

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### **Resolved:**

To note the update.

### **5 SCHEME OF DELEGATION**

The Committee considered the report of the Head of Development Management that sought the Committee's approval to update the existing Scheme of Delegation to reflect changes in the Council structure, officer responsibilities and changes to the planning system since the existing Scheme of Delegation had been adopted.

Ms S Parker, Head of Development Management, advised the Committee that the main change was to include major-scale applications proposed for refusal on the list of applications that can be determined under delegated powers, subject to written agreement from the Chair of Committee. This amendment would allow major-scale applications that were missing key information, or that were clearly contrary to planning policy, to be refused by officers within deadline without compromising the Council's statutory planning performance deadlines.

The Committee discussed the report and was advised that the Committee had previously extended delegated powers to Senior Planning Officers and that these powers would only be used in the event of the Head of Development Management and Principal Planner being unavailable and for smaller applications. Ward Councillors would also retain the right to bring items before the Planning Committee.

### **Resolved:**

To adopt the proposed amended Scheme of Delegation as outlined in the Committee report and Appendix 5(a).

### **6 APPLICATION NUMBER 21/1085 - LAND TO REAR OF 65-71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF**

The Committee considered planning application 21/1085 for the erection of 52 houses with associated public open space, landscaping, infrastructure and access from Moss House Road situated on land to the rear of 65-71 Moss House Road, Blackpool.

Ms S Parker, Head of Development Management, presented the application to the Committee and provided an outline of the planning history of the site. In particular she noted that the site had originally been included within the originally approved Kensington development site but had been excluded from the second reserved matters scheme in 2017 as it was intended for use by United Utilities as part of a drainage framework for the area. Two smaller permissions had been granted on parts of the site which remained extant, along with the wider Kensington permission. In addition an area located in phase 2 of the original permission was also built on by Elan Homes.

The Committee was advised that whilst Kensington could legally continue to implement their original approval on the land, officers had no reason to believe that this was likely. Ms Parker informed the Committee that the application had not been determined before now due to matters of financial viability as the proposal was liable for significant planning

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obligations along with 30% affordable housing, which the applicant had sought to claim was not financially feasible. The applicant had submitted an appraisal in relation to this which had been reviewed by an independent consultant, which had resulted in a state of disagreement. Ms Parker confirmed that this disagreement had not been entirely resolved, however a level of affordable housing had been offered which had been considered justifiable by planning officers.

In relation to planning policies and procedures, the Committee was advised that the application had been submitted in 2021 prior to the adoption of Part 2 of the Local Plan. However as this had been approved by the Council and was in force at the time of determination of the application, it did constitute part of the Development Plan against which the proposal must be judged. In addition Ms Parker noted that the proposal made a notable contribution to the Borough's housing supply, despite the fact that, given historic planning application in and around the site, the 600 homes allocated in the Core Strategy would not be achieved.

The Committee was advised that although the design of the scheme was considered acceptable and would provide a good standard of amenity for occupants, Ms Parker acknowledged that there were some shortfalls which included a failure to deliver a housing mix to accord with Policy, parking spaces fell short of minimum size standards and the scheme did not deliver street trees as required by the National Planning Policy Framework.

In relation to highways matters, access and egress from the site was originally proposed to be from Midgeland Road to the east, however the junction of Midgeland Road and Progress Way was already operating at capacity and in addition, a long vehicle exiting the site via Moss House Road could constitute a road safety issue. Another option would be for traffic to turn right out of the site along Moss House Road and turn onto Redwood Boulevard then onto Progress Way, however that part of the Road had not yet been adopted and was blocked by bollards. Ms Parker informed the Committee that the Highways and Traffic Development and Control Officer had advised her that access by construction traffic would be likely to be acceptable via Midgeland Road and turn left onto Moss House Road and then egress via Redwood Boulevard, if controlled by an acceptable Construction Management Plan. Works to upgrade Moss House Road would be required to be funded by the applicant at an estimated cost of £30,000. However the Committee was advised that objection to this had been received by Kensington Developments and Elan Homes. Any highways works would be subject to a Section 278 Agreement and a public consultation under separate highways legislation. An addendum to the Transport Statement would also be required.

In respect of ecological matters, Ms Parker advised members that the applicable regulations obliged the local planning authority to require an appropriate assessment of a development proposal unless the authority was satisfied that the proposal would not have a significant effect on a site protected by the regulations. While the council's consultants, the Greater Manchester Ecology Unit (GMEU), had advised that the proposal would not have such an effect, Natural England (NE), in their consultation response, had not accepted that position. The Committee was advised that GMEU had been reconsulted in the light of NE's observations. Their further advice was that NE had based their observations on a misapprehension that the recommendation by GMEU that a condition of any planning permission should require homeowner packs to be provided indicated an

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apprehension by GMEU of a potential Significant Effect on a protected site. GMEU had confirmed that the recommendation had not been prompted by any apprehension of a Significant Effect and that GMEU were satisfied that there would be no significant effect. Members were therefore advised that they could properly accept the advice of GMEU and not require an appropriate assessment.

Ms Parker addressed the issue of viability and affordable housing and also referred to comments made by the Council's Strategic Housing Manager as detailed in the Update Note. The applicant had moved from a position of offering no affordable housing provision to proposing eight units which represented 15% provision for shared ownership or discounted market sale. The Council's Supplementary Planning Document stated that at least 70% of the provision should be social or affordable rent, which would equate to six units. At present there was no identified need for shared ownership properties, however there was a need for affordable/social rented properties. Therefore this lessened the benefits of the proposed affordable housing provision offered by the Applicant.

In conclusion Ms Parker advised the Committee although there were issues with housing mix, compliance with Part 2 Policies within the Local Plan and a shortfall in planning obligations due to financial viability, the proposal would make efficient use of land and deliver housing on a strategic site allocated for housing delivery. Therefore the Committee was recommended to accept the conclusion of the GMEU that there was no need for an appropriate assessment under the Habitats Regulations and to resolve to support the proposal and delegate the application to the Head of Development Management for the grant of planning permission subject to the requirements as set out in the Update Note. If the three requirements outlined in the Update Note could not be satisfied then the application would be brought back before the Committee for further consideration.

Ms D Smith (Agent) and Mr J Pickthall (Applicant) spoke in favour of the application and advised the Committee of the process and time taken to get the proposal into its final form. The challenging ground conditions were outlined and works would require piled foundations, a pumping station and significant drainage. The Committee was informed that the application had been originally submitted in 2021, prior to adoption of the Local Plan Part 2 and the Greening Blackpool and Affordable Housing Supplementary Planning Documents, which meant that the application had been subject to continually changing guidance.

Ms Smith advised the Committee that the application would make a significant contribution to the Borough's housing provision and clarified that offer of affordable housing as 15%. She noted the Housing Officer's preference for affordable rent rather than shared ownership and advised that if the application was approved then there was the potential to offer affordable rental, however this would reduce the overall affordable housing.

The Committee was advised that this was the first Rowland Homes Scheme to offer any form of affordable housing and that providers on the adjacent site had not offered any. Any highways matters could be addressed by a construction management plan which would ensure that construction vehicles exited the site in a safe manner. Ms Smith asked the Committee to consider the benefits of the application along with the affordable

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housing that had been proposed and to support the application.

The Committee asked Ms Smith and Mr Pickthall questions for clarification purposes and was advised that it was proposed that construction traffic would be subject to a one-way system which would be controlled by a construction management plan. Florence Street had been considered, however in the applicant's opinion, this was not considered to be an ideal route. In relation to affordable housing provision, the Committee was advised that provision of affordable rent rather than shared ownership would likely reduce the number of houses that they could provide to 5 dwellings instead of 8. In response to further questions regarding the application's shortfalls in relation to the planning policies, Mr Pickthall advised the Committee that the land had been purchased and the original application submitted prior to adoption of the Local Plan and the associated Supplementary Planning Documents. Mr Pickthall also provided clarification and detail in relation to the financial viability works that had been carried out in relation to affordable housing provision.

The Committee discussed the application at length and noted that although the application had issues in relation to current policies, it did contribute to identified housing needs and supplies. In response to questions from the Committee, Ms Parker advised that the appraisal of the applicant's financial viability submission had been carried out by independent experts and appraised in terms of viability for any developer and not solely the applicant. She also reminded the Committee that there were two extant planning permission currently on the site.

The Committee discussed the application further and expressed concerns regarding the lack of affordable housing and the shortfalls in relation to parking and green spaces and trees. Ms Parker clarified that the site was allocated within the Core Strategy for housing delivery and that the parking spaces had been considered acceptable at the time of application, however the Local Plan Part 2 and Supplementary Planning Documents had been adopted, meaning that the criteria under which the application had been assessed had changed.

The Committee noted in its discussions that developers on nearby sites had not provided any affordable housing and that their planning obligations had also been renegotiated.

Mr I Curtis, Legal Adviser, advised the Committee that the application required careful consideration and the Committee needed to assess and determine whether the contribution to housing supply outweighed the shortfalls in the application. He also noted that the financial viability information provided by the applicant had been robustly challenged by external consultants appointed by the Council. Further clarification was also given in respect of the recommendation to adopt the position on the need for habitat assessment of the Greater Manchester Ecology Unit (GMEU) rather than that of Natural England.

The Committee continued to discuss the application and noted a deferral of the decision could be appropriate in order that further consideration could be given to highways matters, particularly in relation to the suggestion to use Florence Street and consultation with residents on highways matters. Further clarification could also be obtained in relation to the issue of affordable housing and further input from the Strategic Housing Manager in relation to input from housing providers.

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### **Resolved:**

That the application is deferred to a future meeting in order to obtain further information on the following:

- Further information from the Strategic Housing Manager in respect of affordable housing provision and input from housing providers.
- Further information from the Highways Department in relation to information submitted prior to the meeting, consultation on the use of Moss House Road and consideration of the use of Florence Street.

### **7 DATE OF NEXT MEETING**

### **Resolved:**

To note the date of the next meeting as 10 October 2023.

### **Chairman**

(The meeting ended at 7.26 pm)

Any queries regarding these minutes, please contact:

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