

**Officer Report to Committee**

<b>Application ref:</b>	22/0168
<b>Ward:</b>	Waterloo
<b>Application type:</b>	Major Outline application
<b>Location:</b> 611-613 NEW SOUTH PROMENADE, BLACKPOOL FY4 1NJ	
<b>Proposal:</b>	Erection of part 4, 5 and 6 storey building comprising of 40 self-contained apartments with associated cycle/waste storage, and provision of 45 car parking spaces with access from Harrowside West, following demolition of existing hotel (Outline application for access, appearance, layout and scale).
<b>Recommendation:</b>	That Committee adopts the Habitats Regulations Assessment and resolves to support the proposal and delegate the application to the Head of Development Management for approval subject to the completion of a S106 legal agreement and the conditions listed at the end of this report.
<b>Recommendation Summary:</b>	The application does not provide the full range of planning obligations. However, the applicant has sought to demonstrate that full compliance would not be financially viable. Despite the site not being allocated for strategic housing delivery, the regeneration benefits and provision of 40 new good quality homes is considered to weigh sufficiently in favour of the proposal to justify the grant of planning permission.
<b>Meeting date:</b> 9 April 2024	
<b>Reason for bringing to Committee:</b>	The application is a major proposal that is of general public interest, particularly given the recommendation to approve without securing the full suite of planning obligations.
<b>Case officer:</b>	Clare Johnson
<b>Case officer contact:</b>	01253 476224

**1.0 SITE DESCRIPTION**

1.1 The 0.15 hectare site is on a very prominent corner, to the north of the junction with New South Promenade and Harrowside West. The site is roughly square although the south west corner pushes out west and follows the curve of the road junction. A small parcel of land to the east off the back street is also included within the red edge, which is currently used for car parking.

- 1.2 The site is the southernmost corner of a terraced crescent which is set back from the main Promenade frontage by two symmetrical parcels of enclosed green space and access roads. There is a three storey, 40 bedroom hotel (Headlands Hotel) on the site which has a mansard roof lift (around 12.5m tall) and wrap-around sun lounge and there are informal forecourt parking areas to the frontages behind a brick dwarf wall.
- 1.3 The hotel has brown brick elevations with cream tiled details around the upper floor windows, including evenly spaced first floor bay windows which would have originally carried down to ground floor. The entrance is on the corner and the hotel has frontages on both New South Promenade and Harrowside West.
- 1.4 The application site adjoins similarly designed and scaled holiday accommodation to the east with largely two-storey residential uses beyond, to the west is New South Promenade and the seafront and there is the recently erected and extended Hampton by Hilton Hotel to the north. To the south is Harrowside West, the locally listed Solaris building and associated open space and the part, 4, 5 and 6 storey Coastal Point development.
- 1.5 There are parking restrictions in the form of double yellow lines to the front of the property and a parking bay along the full length of the crescent. There are on-street parking bays on the west side of the crescent and on Harrowside West, although on-street parking in the area is very over-subscribed.
- 1.6 The existing hotel appears to be trading. This stretch of New South Promenade is dominated by holiday accommodation which benefits from being close to leisure assets such as the Pleasure Beach, the Sandcastle Waterpark and the beach.
- 1.7 The site is identified as protected holiday accommodation in the Pleasure Beach Promenade Frontage (Main Holiday Accommodation Promenade Frontage) in the Holiday Accommodation Supplementary Planning Document.
- 1.8 The site is within the aerodrome safeguarding area, is surrounded by Flood Zones 2 and 3 and is within the buffer zone of the Blackpool South Railway Line Biological Heritage Site. The site is also within 1km of the Ribble & Alt Estuaries Special Protection Area (SPA), the Ribble & Alt Estuaries RAMSAR site and the Ribble Estuary Site of Scientific Interest (SSSI). No other designations or constraints are identified.

## **2.0 PROPOSAL**

- 2.1 The application seeks outline permission for the access, appearance, layout and scale for a part 4, 5 and 6 storey building comprising of 40 self-contained apartments with associated cycle/waste storage, following the demolition of existing hotel. The principle access to the site would be from Harrowside West, including access to 39 partially undercroft car parking spaces and 6 car parking spaces to the rear would be accessed off the back street.
- 2.2 The application has been supported by:
  - Planning Statement
  - Design and Access Statement
  - Transport Statement
  - Flood Risk Assessment and Drainage Strategy
  - Fire Statement
  - Bat Survey
  - Accessibility Questionnaire

- Habitats Regulation Assessment
- Phase 1 Desk Top Study
- Viability Assessment

### 3.0 RELEVANT PLANNING HISTORY

The application site:

- 3.1 08/0095 (site included the adjacent plot to north and the northern half of the crescent) – Outline application for the erection of six new buildings rising to between 11 and 13 storeys in height, comprising 300 new dwellings and holiday accommodation together with 2 restaurant / cafe uses and associated car parking, servicing and landscaping. Refused on the grounds of scale/mass and spacing of the blocks and harm to the amenities of Clifton Drive residents, overbearing impacts and visual intrusion, lack of a comprehensive resulting in piecemeal development, inadequate transport evidence, access, parking and servicing arrangements and lack of Public Open Space or Affordable Housing provision.

585-593 New South Promenade and 1 Wimbourne Crescent to the north:

- 3.2 17/0193 - Outline application for the erection of part 3 / part 4 / part 5 / part 6 storey (approximately 16.4m tall) block of 88 self-contained permanent flats with car parking for 88 vehicles, access and associated works, following demolition of existing hotels. Outline permission for access, layout, appearance and scale. Granted 09/05/2017
- 3.3 16/0473 - Outline application for the erection of part 5 /part 6 / part 7 storey (just over 19m tall) block of 91 self-contained permanent flats with car parking for 84 vehicles, access and associated works following demolition of existing hotels. Refused on the grounds of scale/mass and number of flats proposed and harm to the character of the area and the amenities of Clifton Drive residents, insufficient parking and the lack of holiday accommodation.
- 3.4 15/0451 - Outline application for the erection of part 5 /part 7 storey (just over 19m tall) block of 99 self-contained permanent flats with car parking for 84 vehicles, access and associated works following demolition of existing hotels. Refused on the grounds of scale/mass and number of flats proposed and harm to the character of the area and the amenities of Clifton Drive residents and insufficient parking.
- 3.5 09/0815 – Outline application for the erection of residential development of between 3 and 11 storeys, comprising 166 apartments, with leisure facilities and associated car parking, servicing and landscaping (outline proposal). Refused 22/12/2009 on the grounds of lack of holiday accommodation, Public Open Space or Affordable Housing provision and inaccurate plans.

595-601 New South Promenade (Hampton by Hilton) to the north:

- 3.6 15/0271 - Erection of a four storey building to form a 130 bedroom hotel with associated car park for 38 vehicles, cycle/ motorcycle parking, bin store, sub-station and servicing arrangements, following demolition of the existing buildings. Granted 19/08/2015
- 3.7 20/0352 - Erection of a four storey extension to the hotel to form an additional 74 bedrooms; single storey rear extension, plant room on the roof and additional parking

spaces to the rear, with new access/ egress to the car park (Hampton by Hilton extension).  
Granted 19/09/2020

- 3.8 09/0253 - Outline application for the erection of 120 bedroom hotel of between two and eleven storeys in height, including health club/spa, pool/gym and penthouse flat, with associated car parking at basement and ground level and servicing. Granted 18/05/2009 and renewed 04/09/2012

#### **4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION**

##### **4.1 National Planning Policy Framework (NPPF)**

- 4.1.1 The NPPF was updated in December 2023. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 Delivering a Sufficient Supply of Homes
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving well-designed places
- Section 14 Meeting the Challenge of Climate Change, Flooding, & Coastal Change
- Section 15 Conserving and Enhancing the Natural Environment

##### **4.2 National Planning Practice Guidance (NPPG)**

- 4.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

##### **4.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Core Strategy)**

- 4.3.1 The Blackpool Local Plan Part 1: Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS2 Housing Provision
- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS9 Water Management
- CS10 Sustainable Design and Low Carbon and Renewable Energy
- CS11 Planning Obligations
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Standards, and Density
- CS14 Affordable Housing
- CS15 Health and Education
- CS23 Managing Holiday Bed Spaces
- CS27 South Blackpool Transport and Connectivity

##### **4.4 Blackpool Local Plan Part 2: Site Allocations & Development Management Policies (Part 2)**

- 4.4.1 The Blackpool Local Plan Part 2 was adopted in February 2023. The following policies are most relevant to this application:

- DM1 Design Requirements for New Build Housing Developments

- DM10 Promenade and Seafront
- DM17 Design Principles
- DM18 High Speed Broadband for New Developments
- DM19 Strategic Views
- DM21 Landscaping
- DM25 Public Art
- DM31 Surface Water Management
- DM33 Coast and Foreshore
- DM35 Biodiversity
- DM36 Controlling Pollution and Contamination
- DM41 Transport Requirements for New Development
- DM42 Aerodrome Safeguarding

#### **4.5 Other Relevant documents, guidance and legislation**

- 4.5.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.
- 4.5.2 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Mandatory biodiversity net gain does not apply to major applications which were submitted before the 12<sup>th</sup> February 2024. However, the Council will seek to secure biodiversity gains where practicable in accordance with Section 15 of the NPPF and Policy DM35.
- 4.5.3 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.
- 4.5.4 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high-quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community, and its ability to address the environmental issues affecting climate.
- 4.5.5 DCLG National Technical Housing Standards – this document was published in March 2015 and sets out the national minimum standards for new homes. This partially supersedes some of the standards in the Council’s New Homes from Old Places SPD guidance.
- 4.5.6 Holiday Accommodation Supplementary Planning Document (SPD) - this document was adopted in November 2017 as a revision to the original version adopted in March 2011. It sets out the Council approach to proposals for or relating to holiday accommodation and identifies the safeguarded holiday accommodation areas.
- 4.5.7 Affordable Housing Supplementary Planning Document (SPD) – this document was adopted in July 2023 and sets out the affordable housing requirements and calculations for off-site affordable housing provision.
- 4.5.8 Greening Blackpool Supplementary Planning Document (SPD) - this document was adopted in May 2022 and sets out the green infrastructure and tree planting requirements for new development.

- 4.5.9 Blackpool Council declared a Climate Change Emergency in June 2019 and is committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.
- 4.5.10 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:
- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
  - Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
  - Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
  - Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.
- 4.5.11 Blackpool adopted the 2021-2031 Tree Strategy in July 2021. This strategy recognises the importance of trees, the benefits they afford us and the ever-important role they can play in improving our community's mental wellbeing, socio-economic value, providing a home for wildlife and mitigating environmental issues and climate change. Given that Blackpool only has 4.4% tree cover (the lowest in the UK), the Strategy aims to embed trees into decision making processes across the council and ensure the current stock is proactively managed.

## 5.0 CONSULTEE RESPONSES

### 5.1 Environment Agency (EA):

5.1.1 The EA has confirmed that the development site is surrounded by tidal Flood Zone 3 (high probability of flooding), which encroaches into the application boundary. However, given there is no habitable accommodation proposed on the ground floor, the EA have offered no objections following the submission of an updated FRA, subject to strict accordance with the FRA and the mitigation measures set out therein.

5.1.2 The EA offers advice on the sequential and exception tests.

5.1.3 The EA points out that applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 174 and 179 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. By November 2023 (*changed to February 2024*), providing a minimum 10% biodiversity net gain in new development will be a legal requirement due to provisions within the Environment Act 2021. Advice is also given in relation to emissions from Non-Road Mobile Machinery during the demolition/construction process, such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs, etc in the interests of air quality and net zero objectives.

5.2 **Natural England (NE):** NE have confirmed that it has no objections following the submission of a Habitats Regulations Assessment (HRA), subject to adherence with the mitigation measures set out therein and on the assumption that the Council will adopt the HRA. The measures include the provision of advisory homeowner packs and informative signage in relation to recreational disturbance which explains the sensitivities of the nearby designated sites and promotes the use of nearby Sustainable Alternative Natural Greenspaces (SANGs) and includes a responsible user code. The development should also proceed in accordance with the following pollution prevention measures:

- The maintenance of all operational plant

- Turning off all plant that is not in use
- Regularly dampening of the operational areas during dry weather conditions to avoid dust. Dust management techniques to cover the plant and all operational areas throughout the period of development.
- Measures to prevent pollutants from entering ground and surface water through the use of a bunded fuel storage and refuelling area at a discrete distance from any watercourses. Appropriate spill management equipment is to be kept on-site and capable of being effectively utilised by trained operatives to contain any accidental spillage within any part of the operational area.
- A toolbox talk is to be completed by a suitably qualified ecologist to ensure contractors are aware of the Liverpool Bay Special Protection Area (SPA), the Ribble and Alt Estuaries Special Protection Area, the Ribble and Alt Estuaries Ramsar and the Ribble Estuary Site of Special Scientific Interest (SSSI) and their ecological importance.
- A 'Site Tidy' protocol is to be enforced on-site. All litter is to be appropriately controlled, whilst on-site materials are to be adequately stored over-night.

5.3 **Health and Safety Executive (HSE) – Planning Gateway One:** The HSE initially responded when the proposal involved a seven storey development. The scheme has since been reduced to six storeys and the Health and Safety Executive have confirmed that the development is no longer within the scope of Planning Gateway One and will not be providing a substantive response to the amended scheme.

5.4 **Lancashire Fire and Rescue:** provided standard advice regarding access and water supplies required under Building Regulations Approved Document B

5.5 **United Utilities (UU):** The proposals are acceptable in principle, but there is insufficient information on the detail of the drainage design. UU has requested the imposition of their standard drainage conditions.

5.6 **NHS Clinical Commissioning Group (CCG):** The CCG has requested £18,328 towards the reconfiguration at South Shore Primary Care Centre for additional clinical capacity, in order to meet the clinical needs of the development. In the absence of securing this sum, the NHS CCG would object to the application.

5.7 **NHS Foundation Trust:** The Trust has requested £52,055.00 to cover a 3 year budgetary shortfall in meeting the needs of the increase in population which arises from the development.

5.8 **Police Architectural Liaison Officer (PALO):** The PALO recommends the following measures:

- creating defensible space around the apartment block by introducing a low fence along the street frontages to divide public and private space and allow a clear sense of ownership;
- The car park should include 'Park Mark' measures to ensure the safety of people and vehicles. The car park should include lighting and be covered by CCTV with clear signage;
- There should be an access control gate which reduces the opportunity for hiding spots and restricts access to the car park. I recommend residents having a fob/coded system to access the car park;
- Larger apartment blocks can suffer from anti-social behaviour due to unrestricted access to all areas and floors of the building. Access should be restricted.
- Communal areas should be lit and CCTV should cover vulnerable areas
- Ground floor windows to be secure and laminated

- Cycle store and post room should be secure
- 5.9 **Blackpool Airport:** No objections subject to the imposition of their standard crane heights condition. Officer note: The Airport have also requested the imposition of a condition which requires refuse storage areas to be constructed so that they do not attract birds which could result in bird strike. The refuse area is internal and secure so the condition is not necessary.
- 5.10 **NATS Safeguarding:** The proposal does not conflict with NATS safeguarding criteria and NATS therefore have no safeguarding objection to the proposal.
- 5.11 **Defence Estates Warton:** The MOD has no safeguarding objections to this proposal.
- 5.12 **Greater Manchester Ecology Unit:** No response. Any response will be reported in the Update Note.
- 5.13 **Electricity North West:** The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West. Standard advice is given in relation to avoiding danger from underground and overhead electric lines.
- 5.14 **Local Highway Authority:**
- 5.14.1 No objection to the proposal with respect to the scale or appearance, the loading bays or the Transport Statement. The parking provision is acceptable for the location and types of dwelling. I note that motorcycle parking is not included at present.
- 5.14.2 The location of the front pedestrian entrance means that post and parcels will be delivered there. This and the location of the vehicle access will require amendments to TRO's. There are redundant crossing areas to reinstate and the new access for which no detail is given. The forecourts are at a level above the back of footway. In view of this, likely damage and adjustments during construction and the need to amend TRO's I would expect to see a scheme of highway works conditioned covering TRO's, new and old crossings and repaving of the frontage footways. Lighting may also need to be included.
- 5.14.3 The numbers of vehicle movements will not be great and so there is no need to allow pedestrians a separate footway width. Signage inside the arch giving priority to entering vehicles (some of which will be 2.5m wide plus mirrors) would be appropriate. The archway area should be specifically covered in a lighting scheme.
- 5.14.4 I note that the waste/servicing arrangement is to be at the front in order for the rear to be secure.
- 5.14.5 The spaces outside the archway, at right angles to the access, remain an undesirable complication. They are immediately at the back of footway with no separation or delineation. There seem to be four acceptable sized spaces and room to move them away from the back of footway. There should, then, be something to prevent vehicles being able to drive over the footway – ie to force them to use only the access crossing width. From these spaces and the spaces just within the arch the shortest way to the foyer is via the highway for some reason.



- 5.14.6 Provision of electrical charging points in the car park is achieved using the “dead space” in corners. As set out it may be difficult to achieve future additional charging points and this should be clarified at some point. It would appear that the footprint of the ground floor rooms is dictated by a 6m car park aisle – leaving no room for charging units in the future.
- 5.15 **Environmental Protection:** No response. Any response will be reported in the Update Note.
- 5.16 **Local Education Authority:** Education has no objection to this application, and any pupil number increases should be able to be accommodated within existing capacity and does therefore not require a contribution from the developer.
- 5.17 **Envenco Waste Management:** No response. Any response will be reported in the Update Note.
- 5.18 **Head of Housing:** No response. Any response will be reported in the Update Note.
- 5.19 **Head of Parks:** No response. Any response will be reported in the Update Note.
- 5.20 **Lead Local Flood Authority:** The proposed drainage scheme with storage and flow restrictions are acceptable. A management plan for the proposed drainage will be required.
- 5.21 **Community Safety Officer:** No response. Any response will be reported in the Update Note.

## 6.0 REPRESENTATIONS

- 6.1 Press notice published: 20/09/2022
- 6.2 Site notice published: 17/09/2022
- 6.3 Neighbours notified: 09/09/2022
- 6.4 Two number of representations have been received from 66B Clifton Drive and Flat 3 at 60 Clifton Drive.
- 6.5 These representations raise the following issues:
- The building is too high and should be kept the same as the surrounding buildings
  - Parking is an issue
  - Residents have been promised residents parking but this has not been delivered
  - Cars can't be cleaned down the back alley due to double yellow lines
  - Cars can't access garages down the back street due to the Hampton by Hilton extension
  - Rubbish is being dumped by cars making the area look untidy

## 7.0 ASSESSMENT

### 7.1 Principle of Development

#### Loss of Holiday Accommodation

- 7.1.1 The building currently on the site is a 40 bed hotel and it is understood that the hotel has been on the market for around 12 years and despite some interest, the building has failed to

attract a buyer. The application states that the rise of chain hotel brands and online booking site fees, along with the costly maintenance of the 90 year old building has resulted in a gradual decline over recent years and the business is no longer viable, although it is still trading.

- 7.1.2 The site is protected holiday accommodation in the Pleasure Beach Promenade Frontage (Main Holiday Accommodation Promenade Frontage) in the Holiday Accommodation Supplementary Planning Document. Core Strategy Policy CS23 states that within the holiday accommodation areas, the loss of sites used as holiday accommodation will be resisted unless “the proposal would provide high quality holiday accommodation alongside a supporting new residential offer” and requires justification for the mix of holiday and residential accommodation proposed. Such developments would need to meet high standards of design and deliver clear regeneration benefits.
- 7.1.3 The application is for apartments for occupation on a permanent basis and does not propose any holiday accommodation. However, to the north of the site is the recently erected and extended Hampton by Hilton Hotel which now provides a total of 204 good quality hotel rooms, and a further 120 good quality rooms are provided in the recently constructed Boulevard Hotel, approximately 250m to the north. It could therefore be argued that in approving this scheme, the Pleasure Beach Holiday Accommodation Area when taken as a whole, would provide a mix of high quality holiday accommodation alongside a new permanent residential offer and would therefore provide the mix of accommodation envisaged by Policy CS23. The issues of high quality design and regeneration benefits are discussed elsewhere in the report.

#### Housing land supply

- 7.1.4 Policy CS2 of the Core Strategy, sets out Blackpool’s housing requirement to build 4,200 new homes between 2012 and 2027. It states that these homes will be located on:
- Sites within the existing urban area, including major regeneration sites;
  - Sites within the South Blackpool Growth area; and
  - Windfall sites (sites which become available unexpectedly and are not specifically identified as part of the Local Plan process. They normally comprise previously developed sites).
- 7.1.5 The application site is not allocated for housing although Policy CS2 states that new homes will be located on sites within existing urban areas and confirms that windfall sites form an important source of housing supply in Blackpool.
- 7.1.6 Since the NPPF update in December 2023, Local Planning Authorities are no longer required to identify a five-year housing land supply for decision making purposes, where the adopted plan is less than 5 years old and that plan identifies a 5 year supply of specific, deliverable sites at the time the examination concluded. The Local Plan Part 2 allocates land for housing and was examined in 2022 and at that time, the Council could demonstrate a 14.2 year housing land supply. Therefore, there is no tilted balance and no overriding need to approve housing development on this site to deliver the 4,200 houses required to meet the housebuilding commitments to 2027 set out in Policy CS2. However, the national housing shortage is very well documented and Section 5 of the NPPF supports the government’s objective of significantly boosting the supply of homes. Paragraph 124 of the NPPF supports housing proposals within existing settlement boundaries, stating that substantial weight should be given to the value of using sustainable brownfield land for housing.

- 7.1.7 The Core Strategy supports sustainable regeneration, diversification and growth which meets the needs of Blackpool's people now and into the future, and supports new housing provision to deliver a choice of quality homes across the Borough for new and existing residents.
- 7.1.8 The scheme would make a quantitative contribution towards future local housing needs which weighs very strongly in favour of the proposal in the planning balance.

#### Effective use of land

- 7.1.9 The site is currently occupied by the Headlands Hotel and so constitutes brownfield land. Whilst there is no over-riding need for housing development on this site, or tilted balance to consider, the efficient re-use of this brownfield site to provide residential development would accord with paragraph 124c) of the NPPF. Paragraph 128 of the NPPF confirms that decisions should support development that makes efficient use of land, promoting regeneration and change and the importance of securing well-designed and beautiful, attractive and healthy places.
- 7.1.10 To deliver the Core Strategy vision, the overarching spatial focus for Blackpool is regeneration and supporting growth, including supporting housing growth in South Blackpool. Policy CS13 supports housing development that makes efficient use of land, with an optimum density appropriate to the characteristics of the site and its surrounding area.
- 7.1.11 At 18m tall, the development would be higher than surrounding development (adjoining property on Harrowside West is around 12.5m tall and the Hampton by Hilton is around 14.6m tall). However, CS13 supports higher density development on public transport corridors such as the Promenade and Policy DM17 requires higher density development of four storeys or more on the Promenade. The provision of 40 dwellings on a 0.15ha equates to 266 dwellings/ha, which is not uncommon in flat development.
- 7.1.12 Whilst the height of the development will be discussed in more detail in the Visual Impact section of this report, the proposal would be no higher than the approved part 4, 5 and 6 storey Coastal Point development to the south at 647-651 New South Promenade and 2-4 Harrow Place (16/0421 refers).
- 7.1.13 As such, the principle of higher density development and the reuse of brownfield land for housing in this location weighs strongly in favour of the application.

#### Housing Mix

- 7.1.14 Policy CS12 supports development which provides high quality housing with an appropriate mix of types and tenures to meet the needs and aspirations of existing and future residents and assists with rebalancing the housing market. Policy CS13 requires an appropriate mix of quality homes which help rebalance Blackpool's housing supply by including a mix of house types and sizes, having regard to the specific character, location and viability of the site.
- 7.1.15 CS13 goes on to states that on all sites, new flat developments will not be permitted which would further intensify existing over-concentrations of such accommodation and conflict with wider efforts for the comprehensive improvement of the neighbourhood. Where flat developments are permitted, at least 70% of flat accommodation should be 2 bedrooms or more and the accommodation should meet the relevant standards in place.

- 7.1.16 The development site is within Lower Super Output Area (LSOA) 017C where 49.8% of the residential accommodation comprises flats (compared to 21.2% in Blackpool as a whole, 15.8% in the North West and 22.2% in England). The development proposed would add to the number of flats in the area and would not therefore, improve the mix of housing types locally. However, many of the flats in the area are within purpose built blocks of flats rather than an over-concentration of poor quality conversions as seen elsewhere in the borough. The site is not suitable for traditional two storey dwellings given its context and that Policy DM17 requires higher density development of four storeys or more on the Promenade. As such, the existing over-concentration of flat development locally does not weigh heavily against the proposals in the planning balance.
- 7.1.17 The proposal is for 40 apartments and 28 of those apartments would have 2 or more bedrooms (70%) so the proposal meets the required housing mix in terms of house types. The apartments would also meet the floorspace standards set out in the Nationally Described Space Standards, indicating that the apartments would be good quality and would assist in rebalancing the housing market.
- 7.1.18 Policy DM1 requires that 10% of dwellings should be designed to be accessible and adaptable in accordance with technical standard M4(2) or suitable for wheelchair users in accordance with M4(3) of the Building Regulations. Given the age of the application which was submitted prior to the examination of Policy DM1, the case officer has not requested that the applicant demonstrate compliance with this element of DM1.
- 7.1.19 On balance, subject to high standards of design and regeneration benefits which are discussed elsewhere in the report, given the circumstances of the site and the wider holiday accommodation area, the loss of holiday accommodation and the provision of permanent accommodation is in accordance with the Development Plan when taken as a whole, including the overarching spatial focus for Blackpool, as set out within Policy CS1, which is for growth and regeneration.
- 7.1.20 The Government has recently announced proposals to introduce a new Use Class C5 which will be for short term lets, and a new permitted development right for C3 uses to be used as C5, unless the Council introduce an Article 4 direction which removes this right. The amenity conflicts which arise between permanent residential accommodation and holiday accommodation, particularly in a block of mixed permanent and holiday apartments, is acknowledged in Blackpool. Furthermore, the contribution that the scheme would bring to the housing supply and improvement to the housing stock has weighed significantly in favour of the scheme in the planning balance. Therefore it is considered necessary to impose a condition requiring that the apartments are used as C3 accommodation for permanent occupation only.

## **7.2 Planning Obligations**

- 7.2.1 Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.2.2 Paragraph 58 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be

viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

- 7.2.3 Policy CS11 states that development will only be permitted where the existing infrastructure, services and amenities are already sufficient, or where the developer enters into a legal undertaking or agreement to meet additional needs arising from the development.
- 7.2.4 Policy CS15 of the Core Strategy makes provision for financial contributions to be secured towards local health care and education provision where necessary. The Council as Local Education Authority has confirmed that there is sufficient existing capacity in the area to meet the needs that would be generated by the development and so no contribution is sought towards local education provision.
- 7.2.5 The NHS Clinical Commissioning Group (CCG) who are responsible for the provision of local doctors' surgeries and health centres, has applied their standard methodology and are requesting £18,260 towards the reconfiguration at South Shore Primary Care Centre for additional clinical capacity, in order to meet the clinical needs of the development. If this sum cannot be secured, the CCG would object to the proposal. Subject to the consideration of viability to be discussed elsewhere in this report, this would be secured through a S106 legal agreement.
- 7.2.6 The NHS Foundation Trust governs Blackpool Victoria Hospital which is a major facility serving Blackpool, Fylde, Wyre and beyond. The Trust have requested £52,055.00 (based on 41 apartments rather than the 40 proposed) to cover a funding gap of around 3 years between the grant of planning permission and the next funding review. This request is not considered to be acceptable because the figure requested is based on an assumption that all future occupants would represent a population increase. Whilst the development may result in population increase in this local area which could affect local surgeries, there is no evidence to suggest that it would result in population increase across Blackpool as a whole that could affect capacity at Blackpool Victoria Hospital. This is because the Office of National Statistics has confirmed that the population in Blackpool has decreased by 0.7% between the 2011 and 2021 census and predict that the population of Blackpool will fall by 2.5% between 2016 and 2041. It is therefore very possible that future occupants would be existing Blackpool residents or residents already within the Trusts' wider catchment, who have chosen to relocate to this area. In any case, people are entitled to NHS services wherever they may live in the country and the way national funding is distributed to NHS Trusts is not a localised impact directly relating to the development proposed. On this basis, as the Trust has not adequately demonstrated that the contribution is necessary in order to make the development acceptable, it will not be pursued.
- 7.2.7 Policy CS6 requires new development to incorporate green infrastructure of an appropriate size, type and standard. Where on-site provision is not possible, financial contributions will be sought to make appropriate provision for open space and green infrastructure. The Greening Blackpool SPD sets out the requirements in terms of public open space and requires two trees for each dwelling. No open space or meaningful tree planting could be delivered on-site. As such, a scheme of 40 apartments comprising 12x1 bedroom units, 27x2 bedroom units and 1x3 bed unit would require £64,333.56 in open space contributions and 80 trees or £80,000 towards off-site tree planting.
- 7.2.8 Policy CS14 relates to affordable housing and for developments of 15 or more dwellings, requires 30% of the total number of dwellings to be affordable, unless the developer can

robustly demonstrate that the development would be unviable. In those circumstances, an alternative level of provision may be negotiated.

- 7.2.9 The NPPF states that affordable housing should be provided on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and where that would contribute towards the creation of mixed and balanced communities. In this case, the Housing Manager has confirmed that contributions for off-site provision would be more appropriate.
- 7.2.10 As part of the affordable housing provision, the NPPF states that in major housing applications, at least 10% of the total number of homes should be available for affordable home ownership (as part of the overall contribution from the site). However, in Blackpool, the Housing Manager has confirmed that the current needs are for affordable homes for rent. The NPPF also states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount based on floorspace. However, the Headlands Hotel is currently trading and the vacant building credit would therefore not apply in this instance.
- 7.2.11 In order to achieve the 30% affordable housing requirement, 12 of the 40 apartments would need to be affordable units. The Affordable Housing SPD explains how an equivalent off-site affordable housing contributions should be calculated and based on the mean market values provided as part of the applicants' viability information, the offsite contribution would be £1,308,599.82.
- 7.2.12 The planning obligations due, amount to £1,471,193.38.

#### Financial Viability

- 7.2.13 The applicant has submitted a financial viability appraisal stating that the payment of any planning obligations would make the scheme undeliverable, but has since made a full and final offer of £104,000 towards off-site affordable housing provision and £32,519.91 towards open space and health infrastructure and tree planting (£136,519.91 in total). The viability appraisal to the Local Plan Part 2 acknowledges that provision of affordable housing at 30% in full compliance with Policy CS14 is unlikely to be financially viable given various economic challenges that have arisen since Part 1 was adopted in 2016. Paragraph 58 of the NPPF states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. The shortfall in obligations and the lack of affordable housing contributions weigh notably against the proposal in the planning balance.
- 7.2.14 This viability appraisal has been independently assessed on behalf of the Council by Continuum and extensive discussions have taken place between the viability consultants on both sides. There are disagreements over the construction costs, sales and marketing fees and more importantly, the market values of the apartments.
- 7.2.15 The Council's viability consultants do not dispute that the scheme would not be viable if the full affordable housing provision at 30% was required alongside the other planning obligations detailed above. However, they have concluded that this site can viably contribute £830,118 towards planning obligations and have suggested an overage clause be included in a S106 legal agreement, to ensure that further contributions are made should there be any uplift in sales values. Financial viability appraisals are necessarily built on predicted and estimated costs and values. Under an overage arrangement, the applicant

would have to provide information on actual costs and values once the development has been constructed and the units sold. If it transpires that the development costs less to build than is anticipated, and/or that the apartments sell for more than expected, this increased income would then have to be paid to the Council in respect of the outstanding planning obligations. Naturally if the development does not generate any more money than expected, no additional payments would have to be made.

- 7.2.16 The applicants will not agree to an overage clause in a S106 agreement. This is because the applicant does not intend to develop the site themselves, but sell the land on and prospective purchasers will need certainty upon purchase and the agent has stated that an overage would prolong the sale of the sites. Whilst overage clauses work in some situations, it is understood that they can further compromise viability. This is because they introduce a degree of uncertainty and the potential that Councils and applicants may not agree or accept final development costs. Many lenders consider this to be unacceptable.
- 7.2.17 Given that the negotiations have stalled and an impasse reached, the application must be determined on the basis of the offer of a contribution of £104,000 towards off-site affordable housing provision and £32,519.91 towards open space and health infrastructure and tree planting (£136,519.91 in total).

#### Allocation of Obligations

- 7.2.18 As set out above, the total planning obligation requirements for this scheme amount to some £1,471m. Clearly the offered amount of £136,519.91 falls very substantially short of this (less than 9.3% of the required amount). Should planning permission be forthcoming, consideration must be given to the way in which this money would be used.
- 7.2.19 The applicant has stipulated that £104,000 was for off-site affordable housing. The other required obligations are:
- Local Health provision           £18,260
  - Off site open space               £64,333,56
  - Off site tree planting             £80,000
- 7.2.20 The CCG have confirmed that they would object to the scheme without the requested contribution. The application site already benefits from being next to the Solaris, which includes public open space including play space and there is an area of privately owned public open space fronting the crescent on the Promenade, just to the north of the site which would benefit the occupants of the apartments. As such, it is considered that the health contribution should be given priority and the remaining £14,259.91 should contribute to open space improvements and tree planting in accordance with the Greening Blackpool SPD and the priorities in the Green and Blue Infrastructure Action Plan and the Tree Strategy at the time the money becomes available.

### **7.3 Visual Impact**

- 7.3.1 Paragraph 128 of the NPPF confirms that decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change and the importance of securing well-designed and beautiful, attractive and healthy places.

- 7.3.2 The NPPF at paragraph 131 states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design being a key aspect of sustainable development. Paragraph 135 explains that developments should function well and add to the overall quality of an area, be visually attractive and sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.3.3 Paragraph 139 states that significant weight should be given to outstanding or innovative design which promotes high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the their surroundings.
- 7.3.4 Policies CS7 and DM17 relate to design and require new development to be well designed and to enhance the character and appearance of the local area, being appropriate in terms of scale, mass, height and the relationship with adjoining buildings. CS7 also supports contemporary and innovative expressions of design, where appropriate. Policy DM17 expects the scale and massing of new buildings to be appropriate for their use and location and be related to the scale, massing and height of neighbouring buildings and should have regard to the pattern, size and arrangement of streets, buildings and building lines and confirms that particular attention should be paid to the design of new buildings that would be highly visible due to the prominence of the location or the scale of the development.
- 7.3.5 The site occupies a prominent position on the Promenade. The Promenade is considered to be Blackpool's shop window and it is imperative to ensure that all new development is of the highest standard and appropriate to its context. As built, the original 1920's crescent comprised two attractive, three storey long terraces which followed the curve of the crescent and wrapped around on to the side streets, bisected by Wimbourne Crescent and fronted by enclosed green space. A similar crescent was built to the south of the Solaris, creating a very strong symmetrical setting for the locally listed building. The application site was part of the southern terrace of the crescent up until the demolition of the Palm Beach and Warwick hotels in 2016/17 and still forms an end terrace with holiday accommodation fronting Harrowside West. The original terraces were uniformly designed, but have been unsympathetically extended over the years, in to the roof space and through the provision of front sun lounges. Furthermore, the redevelopment of the adjacent site for the Hampton by Hilton has certainly changed the character of the crescent and broken any strong symmetrical design bonds and any consistent materials palette.
- 7.3.6 A re-development scheme on this site has been subject to pre-application advice and the applicant has also undertaken their own publicity in order to gauge public opinion on the proposals. The details of the public consultation are set out in a Statement of Community Involvement section of the Planning Statement, which supports the application. The applicants' public consultation related to a previous iteration of the scheme for a seven storey building with 41 apartments. Given the prominence of the location, significant consideration has been given to the design and appearance of the building. In particular officers were keen to ensure that the visual bulk of the building was minimised so that it would not dwarf its neighbours or look out of place in its setting. As a result of feedback from officers, the scale of the development has been reduced to part four, part five and part six storeys and the number of apartments have been reduced to 40. In accordance with para 137 pf the NPPF, applications that can demonstrate early, proactive and effective engagement with the community should be looked upon more favourably than those that cannot.



- 7.3.7 The south and west elevations would be street facing. The bulk of the southern elevation of the building would be four storeys tall (11.7m). A fifth floor would extend to around 14.5m tall with a setback from the main elevation by between 1.1 and 2.1m and the sixth floor would be 18m tall with a setback from the main front elevation of between 2.2 and 4m. The bulk of the western elevation would be five storeys tall (14.5m), with the sixth floor extending to 18m tall with a setback from the main front elevation of between 1 and 2m. A lift shaft set well back from either street elevation would bring the maximum height of the development to around 19m. This stepping up of the building to the south west corner would assist in terms of the transition between the building and the remainder of the crescent. The building would be of a very similar scale to the part 4, 5 and 6 storey Coastal Point development to the south and would therefore reintroduce some level of symmetry to the setting of the Solaris.
- 7.3.8 The street facing elevations would be built from a light coloured brick with white stone/chalk textured columns to create large full height apertures, arranged in ordered bays, with both strong vertical and horizontal emphasis. Each aperture would have either full height windows with decorative curtain wall or brick panels, inset balconies or full height window/doors onto terraces. The ground floor apertures would have decorative light coloured honeycomb bricks with ventilation gaps for the car parking area, behind ramped landscaping sections. A flat roof would over hang the set-back sixth floor, supported by white columns to provide further depth and interest at high level. The sixth floor elevations would have a darker, patterned curtain walling rather than brick elevations, to further help reduce the bulk of the top floor. Like Coastal Point, the main corner would project towards the highway, but unlike Coastal Point, which is very angular with hard corners, the south and west elevations would flow into one and would curve around the south west corner to provide a focal point.
- 7.3.9 The pedestrian entrance from Harrowside West would be surrounded by thicker bands of brick and would have a void above to make the entrance legible. The building would have a consistent architectural style and use the same materials across all elevations. The variety of heights and sections and range of materials is considered to effectively break up the massing and visual scale of the building. A condition precluding the installation of rainwater goods or soil pipes on the street facing elevations is considered necessary in order to safeguard the design quality of the building.
- 7.3.10 The non-street facing elevations are understandably less detailed but well-designed nonetheless, with a greater vertical and more regimented emphasis to the fenestration, with recessed blind bays within the brickwork.
- 7.3.11 Notwithstanding the information submitted, conditions could be attached to any permission granted to agree the finer details of the materials and detailed sections of the elevations to ensure that recessed and projecting features are set-back/push forward to a meaningful degree to secure appropriate articulation and visual interest. Appropriate boundary treatments and any external lighting can also be agreed by condition.
- 7.3.12 A similar outline proposal for 49 apartments is proposed at the north end of the crescent (22/0178 refers) and a corresponding report is to be considered on the same Planning Committee agenda. If approved, it would be unreasonable and unenforceable to impose a condition requiring that both schemes are implemented and so each proposal must be determined on its own merits. However, if both schemes were to come forward, they would effectively bookend the crescent and set the tone for the redevelopment of the remainder

of the crescent to be of similar scale and design as the Hampton by Hilton, in order to maintain some architectural coherence and symmetry to the crescent.

- 7.3.13 Landscaping is a reserved matter and so cannot be considered at this stage. However, there are opportunities for soft landscaping on the Promenade and Harrowside West which would assist in softening the development and bring about biodiversity benefits.
- 7.3.14 In light of the above, the development is considered to be attractive, well designed and appropriate visually in this prominent location.

#### **7.4 Heritage Impact**

- 7.4.1 As stated earlier in the report, this crescent and the crescent to the south were built out in the 1920's, although much of the southern crescent has since been redeveloped. The Solaris building was designed by JC Robinson in 1938 as a 'Solarium, Winter Garden and Sun Lounge'. It is a single storey flat roof construction, symmetrically designed with rustic brick and cream faience dressings, set back from the Promenade with landscaping on all sides. The crescents either side compliment the strong symmetry of the streetscape.
- 7.4.2 Paragraph 209 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. Policy CS8 supports proposals that enhance the setting and views of heritage assets.
- 7.4.3 The Coastal Point development to the south of the Solaris is 4, 5 and 6 storeys tall and the proposed building would be of a very similar scale. The proposed development, whilst not a copy of Coastal Point, would include light elevations with full height openings and would therefore reintroduce some level of symmetry to the setting of the Solaris and this would improve the balance of the setting of the non-designated heritage asset.
- 7.4.4 It is considered that the development would not harm the significance of the non-designated heritage asset and would improve its setting, which weighs in favour of the application.

#### **7.5 Amenity Impact**

- 7.5.1 Para 135 of the NPPF states that development should create places that safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy CS7 would not permit development that causes unacceptable effects by reason of visual intrusion, overlooking, shading, noise and light pollution or any other adverse local impact on local character or amenity. Policy DM1 requires housing designs and layouts to safeguard privacy, sunlight, daylight, outlook and amenity for the neighbours and future occupiers and to provide adequate private and useable amenity space for occupants. Policy DM36 is permissive of development where it is compatible with adjacent uses and would not lead to unacceptable adverse effects on health, amenity, safety and the operation of surrounding uses.
- 7.5.2 Policy DM1 requires that 20% of new build dwellings must meet the Nationally Described Space Standards (NDSS). The apartments would meet generally meet or exceed the floor space standards in the NDSS which is an indicator of good quality accommodation. Whilst

there would be no private amenity spaces, 80% of the apartments would have access to a balcony or terrace of varying sizes and there is open space in the crescent to the north of the development and to the south at Solaris with the Promenade and beach beyond to the west. The majority of the apartments would have direct views over the sea or the park at Solaris (90%) and so would have highly desirable outlook. The four apartments which would face east would be served by full height windows and would have a reasonable outlook towards Clifton Drive. Plans have been submitted to demonstrate that the refuse storage area is located so that there would not be excessive bin drag distances.

7.5.3 In terms of neighbour amenity, one objection has been received relating to the scale of the building stating that it should be no higher than the surrounding development. The building would be no higher than the Coastal Point residential development to the south of the Solaris, less than 200m away, so this scale has been considered to be acceptable in a very similar site circumstances. The building would step up to the south west corner, thereby reducing impacts on residential amenity. In any case, the Design and Access Statement includes sun path analysis which demonstrates that the development would reduce direct light levels to the rear of properties fronting Clifton Drive only in the winter months as the sun is setting. This is not considered to be a material impact which would warrant refusal. Clearly there would be an impact on outlook as the building would be visible from the rear of properties fronting Clifton Drive and would be taller than the current building on the site. However, the outlook would be over the rear of well-designed building between 35 and 50m away so the outlook would not have an unacceptable impact on outlook. There would be no privacy or overlooking issues for those properties fronting Clifton Drive given a separation distance in excess of 50m between the properties on Clifton Drive and the closest east facing windows.

7.5.4 The adjoining property to the east is holiday accommodation. There would be no loss of light, overlooking or loss of privacy at that property and the Hampton by Hilton hotel to the north has a largely blank gable, with just corridor windows on that facing elevation. As such, the proposal would not have any unacceptable impacts on the amenities of residents or visitors.

## **7.6 Access, highway safety and parking**

7.6.1 Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a Transport Assessment so that the likely impacts of the proposal can be assessed. The application is supported by a Transport Statement which states that the anticipated traffic generation is expected to have a negligible impact on traffic capacity of the adjacent highway network and that the proposed apartment scheme would result in 9% less traffic trips compared to existing hotel which is considered to provide a highway benefit. A Travel Plan can be agreed by condition, to ensure that sustainable travel options for future residents are enabled and encouraged.

7.6.2 Pedestrian and vehicle access would be separate and both would be taken from Harrowside West. The vehicle access has been widened in accordance with comments from the Local Highway Authority.

- 7.6.3 The adopted parking standards are guidance and Appendix G1 to the Local Plan Part 2 confirms that provision will be discussed and agreed on a case by case basis. The standards suggest that for a scheme of 12x 1 bed apartments, 27x 2 bed apartments and 1x 3 bed apartment, 55 spaces would be appropriate. However the site is accessible, being on both bus and tram routes and is less than 500m to the nearest train station and is close to employment opportunities, shopping, leisure and education facilities. Members are also advised that a parking ratio of one space per flat was approved for the Coastal Point scheme and that the applications for that site that are also on this agenda with positive recommendations would retain that ratio.
- 7.6.4 The majority of the car parking provision (38 spaces) would be located on the ground floor, accessed via an undercroft, with a further 6 spaces accessed off the back street (45 in total). The Transport Statement confirms that this parking provision and the parking accumulation analysis demonstrates that the proposed scheme should not result in any off-site parking demands and therefore, the scheme does not have the potential to create any highway safety issues through displaced car parking. The Local Highway Authority has confirmed that one space per apartment would be sufficient. 45 spaces are proposed to service the 40 apartments and this is considered to be acceptable.
- 7.6.5 The Local Highway Authority has commented that the spaces outside the archway are at right angles to the access, which is undesirable and complicated and has asked for measures to be implemented to prevent vehicles being able to drive over the footway to park on the spaces immediately at the back of the footway on Harrowside West. There would be sufficient car parking spaces without the spaces fronting Harrowside West, so the arrangement of these spaces and measures to prevent access over the footway could be agreed by condition.
- 7.6.6 There would be four accessible spaces and four EV charging spaces, a secure room for cycle storage and a motorbike parking space, and these features accord with the parking standards. The Local Highway Authority notes that there will be difficulty in providing additional charging points in the future, but charging points could be placed between the accessible spaces when demand increases. How the spaces are allocated and managed would be a matter for a management company to address.
- 7.6.7 In terms of on-street parking provision, it is acknowledged that parking is at a premium in the area, particularly during the season and the proposal has received two objections citing car parking as a major issue locally. Providing the new access and loading bay on Harrowside West would result in the loss of around four on-street parking spaces and the reinstatement of the footpath where the existing access is located, would not create compensatory on-street parking due to this being on a corner and the presence of double yellow lines. The existing access on the corner is not desirable and the required access could not be located elsewhere, so must be accepted if the site is to be redeveloped. This does weigh against the scheme somewhat in the planning balance. However, the use of the building itself should not generate additional on-street parking pressures.
- 7.6.8 The Local Highway Authority have confirmed that off-site highway works will be required and amendments to TRO's to provide a loading bay on Harrowside West for servicing and waste collection, no waiting on the remainder of the Harrowside West frontage, the reinstatement of redundant crossings, repaving of the frontage footways and provision of the new vehicle access and lighting. These works can be secured by condition. A condition requiring details of lighting in the undercroft and signage on the undercroft which gives

priority to entering vehicles is necessary in the interests of safety and to avoid vehicle conflicts.

- 7.6.9 Subject to appropriately worded conditions, the proposal could be delivered without unacceptable impacts on highway safety or severe cumulative road network impacts.

## **7.7 Flood Risk and Drainage**

- 7.7.1 Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 7.7.2 Policy CS9 largely reiterates paragraph 173.

- 7.7.3 The footprint of the development is in Flood Zone 1 but parts of the site dip into Flood Zones 2 and 3 and the site is surrounded on two sides by Flood Zones 2 and 3. There is no habitable accommodation on the ground floor and the submitted FRA states that it is likely that evacuation will not be required and that the site itself would be a safe refuge zone given its position outside of the mapped flood zones whilst also providing routes to higher ground. The FRA includes future proofing mitigation measures for the ground floor including using solid floors with concrete or tiled surfaces etc. The EA have offered no objections following the submission of an updated FRA, subject to strict accordance with the FRA and this can be required by condition.

### Sequential test

- 7.7.4 Given that parts of the site are in Flood Zones 2 and 3, a sequential test needs to be applied in accordance with para 167 of the NPPF and Core Strategy Policy CS9. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available site appropriate for the proposed development in areas with a lower risk of flooding.
- 7.7.5 The 2019 update to the Strategic Housing Land Availability Assessment (SHLAA) identifies sites which are suitable for housing development. The SHLAA identifies the following sites as suitable for between 40 and 50 dwellings:
- Ryscar Way (SN/007) – Permission 20/0794 for 51 dwellings is currently being implemented so the site is not available

- Mexford House (SN/043) – Current land owner is seeking permission to convert the building into 87 flats (ref: 22/0512) and so the land isn't currently available for re-development
- Coopers Way (SC/005) – Site is built out
- Talbot Gateway (SC/016) – Around 50 apartments are expected to come forward under the strategic allocation, but a site has yet to be identified
- Devonshire Road Hospital Site (SC/063) – Permission has recently been granted to re-locate the courts on to this site (ref: 23/0777) so this site is not available
- 200 Watson Road (SS/017) – Site has been built out
- Co-op Sports and Social Club (SE/033) – Site has been built out

7.7.6 The Council adopted Part 2 of the Local Plan in February 2023 and this allocates 25 sites for housing which the Council's Strategic Flood Risk Assessment (SFRA) identified as being in Flood Zone 1 (at the time of writing). This application is for 40 dwellings on the Promenade. The only allocated housing site on the Promenade that could accommodate 40 dwellings is 585-593 New South Promenade on the same crescent as the application site. However, part of that site is now also within Flood Zone 3 so it would not be a sequentially preferable site. Off the Promenade, the only sites that are not already being built out, area available and could accommodate around 40 dwellings are:

- South King Street (HSA1.8) – Around 47 dwellings expected to be delivered. The Council has recently cleared the site to be used as a car park (22/0581 refers) so this site is not currently available
- Land at Jepson Way (HSA1.13) – Around 57 dwellings expected to be delivered. The site is not currently available as a new link road and other infrastructure is needed before housing can be delivered on this site

7.7.7 As such, there are identified sites at lower risk of flooding and are reasonably available and so the sequential test is satisfied.

#### Exceptions test

7.7.8 Residential uses are classified as 'more vulnerable' in terms of flood risk and therefore, if following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied.

7.7.9 The Exception Test requires applicants to demonstrate that their development would generate sufficient public benefit to justify the grant of planning permission in the face of flood risk. Even if sufficient public benefit can be identified, the Exceptions Test still requires a scheme to evidence that the development can be made safe.

7.7.10 In order to pass the exception test, it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Development must pass both elements of the test to be allocated or to be acceptable in terms of flood risk.

7.7.11 The Environment Agency are satisfied that the development is safe and test (b) is therefore satisfied.

7.7.12 In terms of test (a), the proposal would involve the re-development of a brownfield site for good quality housing, providing a quantitative and qualitative improvement to the local housing stock. The proposal would bring about a visual enhancement of the Promenade in a sustainable location, close to services, facilities and public transport routes. As such, the proposal provides wider sustainability benefits to the community that outweigh flood risk and part (a) of the Exceptions Test is also satisfied.

#### Drainage

7.7.13 Policy CS9 precludes the discharge of surface water into the existing combined sewer network. If unavoidable, development must reduce the volume of surface water run-off discharging from the existing site in to the combined sewer system by as much as is reasonably practicable. Policy DM31 requires surface water to be discharged via the most sustainable drainage option available and on previously developed sites, applicants should target a reduction from pre-existing discharges of surface water to a target of greenfield rates and volumes so far as reasonably practicable, with a starting point of a maximum of a 30% reduction in run off rates. All new development should include sustainable drainage systems and should reduce areas of existing impermeable surfaces.

7.7.14 The submitted Drainage Strategy states that greenfield runoff is not achievable on this site as it is completely impermeable and the substructure is unlikely to be suitable for infiltration methods and it is not possible to provide sufficient surface water storage on site. The site will need to connect to the combined sewer, however, the Strategy confirms that betterment over the current brownfield runoff rates is achievable through the use of storage crates and flow controls.

7.7.15 United Utilities (UU) have confirmed that the drainage proposals are acceptable in principle, but the plans are currently incomplete and further detailed information is required. As such, UU have required the imposition of their standard drainage conditions.

7.7.16 Subject to the imposition of appropriate conditions, no unacceptable flood risk or drainage issues are identified.

### **7.8 Biodiversity impact**

7.8.1 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Mandatory biodiversity net gain does not apply to major applications which were submitted before the 12<sup>th</sup> February 2024. However, NPPF paragraph 180 states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value and soils and recognising the wider benefits from natural capital and ecosystem services of trees and minimising impacts on and providing net gains for biodiversity. Policy CS6 requires all development to incorporate new green infrastructure and seeks to reinforce the protection of international, national and local sites of biological and geological conservation importance. Policy DM35 requires biodiversity net gains where opportunities exist.

7.8.2 The application is supported by Habitats Regulations Assessment (HRA). The objective of the HRA is to identify any aspects of the Project that would cause 'likely significant effects' on the interest features of nearby European sites. Natural England notes that the HRA has not been produced by Blackpool Council, but by the applicant and gives advice on the basis that the Council intends to adopt the HRA to fulfil its duty as competent authority.

- 7.8.3 Natural England have not objected subject to appropriate mitigation measures set out in the HRA, to protect Liverpool Bay Special Protection Area (SPA), Ribble and Alt Estuaries SPA, the Ribble and Alt Estuaries Ramsar site and the Ribble Estuary Site of Special Scientific Interest (SSSI) from pollution and recreational disturbance. Accordingly, appropriately worded conditions are listed at the end of this report.
- 7.8.4 In terms of on-site biodiversity, a Bat Survey supports the application and found no evidence of bats using the buildings to roost, with no bat activity recorded during the activity survey. The Survey sets out certain precautions, reasonable avoidance measures and mitigation measures in relation to bats and nesting birds and a condition requiring the development to proceed in accordance with those measures would safeguard against harm to bats and birds.
- 7.8.5 The site is currently sealed with no ecological features or natural habitat but there are opportunities to improve biodiversity with the agreement of good quality landscaping, which would be agreed at reserved matters stage. A condition requiring the agreement of other ecological enhancements around the site is considered necessary to ensure the development contributes towards habitats and foraging opportunities for birds and small mammals in accordance with policies CS6, DM21 and DM35. Given the high quality and consistent design of the building, 'stuck on' off the shelf standard surface mounted bird and bat boxes would be undesirable, but integral bird and bat boxes could be provided without compromising the design aesthetics of the building.
- 7.8.6 As such, subject to appropriately worded conditions, the site could be re-developed without harming designated sites and could enhance biodiversity locally through the provision of landscaping and habitats.

## **7.9 Environmental impact**

- 7.9.1 Policy CS10 does not require any particular BREEAM rating for residential development. However, Policy DM1 expects all new housing development to consider the incorporation of renewable energy technology including solar and ground/air source heat pumps and grey water harvesting. A condition requiring the submission of a Sustainability Strategy would ensure that energy saving measures are incorporated into the development where opportunities exist.
- 7.9.2 Policy DM36 seeks to secure a safe environment for occupants that does not displace contamination and to safeguard controlled water from pollution. Environmental Protection colleagues have raised no concerns regarding contaminated land.
- 7.9.3 The site is not in an Air Quality Management Area (AQMA) and no unacceptable impacts on air quality are anticipated during the operational phase.
- 7.9.4 The submission and agreement of a Demolition and Construction Management Plan can be required by condition to safeguard residential and visual amenity, highway safety and environmental safeguarding during the construction phase.

## **7.10 Other Issues**

- 7.10.1 Policy DM18 of Part 2 requires new developments to demonstrate provision of high-speed broadband. However, it is understood that this expectation now forms part of the Building



Regulations, and so it is not considered appropriate to duplicate the requirements of other legislation through this application.

- 7.10.2 The application has 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 (as amended).
- 7.10.3 Under Article 8 and Article 1 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 does not raise any specific human rights issues.
- 7.10.4 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

#### **7.11 Sustainability and planning balance appraisal**

- 7.11.1 The National Planning Policy Framework is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainability comprises economic, environmental and social components.
- 7.11.2 Economically, the proposal would regenerate a prominent site on the Promenade for good quality permanent residential accommodation which would help to support local shops and services and some employment would be generated during construction. However, this would be true for any re-development of the site and so does not weigh heavily in the planning balance.
- 7.11.3 Environmentally, the scale of development in this location is considered to be acceptable and the high quality design of the development would visually enhance the area and the regeneration benefits carry substantial weight in the planning balance. Satisfactory biodiversity gains could be delivered by condition and through details in a Reserved Matters application. No unacceptable impacts on drainage or environmental quality are anticipated. The site is in a very accessible location with good access to a range of sustainable transport options. However, the proposal could not provide sufficient trees on site or off-site to meet the requirements of the Council's Greening Blackpool Supplementary Planning Document and this weighs against the proposal.
- 7.11.4 Socially, the proposed building would not have any unacceptable impacts on residential amenity in terms of light and privacy and would help re-balance the symmetry of the setting of a non-designated heritage asset. No unacceptable impacts on highway safety or the surrounding road network are anticipated and no unacceptable issues for flood risk are identified. The redevelopment of the site for modern, good quality accommodation would have wider social benefits through housing led regeneration and an increase in good quality housing stock and choice in the area and this carries substantial weight in the planning balance. However, the development would not provide the 30% affordable housing or meet other planning obligations in full and this weighs heavily against the scheme in the planning balance.

7.11.5 The applicant has submitted financial viability information seeking to demonstrate that is not possible for the development to meet the relevant planning obligations. Since first submission of this information, and over a very significant timescale of discussions and negotiations, the applicant managed to move from a position of offering no financial contributions, to offering £136,519.91 towards off-site affordable housing, open space, health infrastructure and tree planting. This is less than 10% of the calculated obligations.

7.11.6 Throughout the viability discussions, officers have been mindful of the need to find a pragmatic solution to enable a planning permission to be granted if possible. Continuum maintain that the scheme can contribute more towards meeting the required planning obligations if their higher residual land values were applied and recommend that an overage clause is included in a legal agreement, to catch any uplift in sales values. Whilst Continuum have understandably focused upon the financial credentials of this site and application in isolation, officers must consider the contribution this scheme could make towards achieving the Council's wider planning strategy in terms of delivering good quality homes which help re-balance the housing market and delivering regeneration.

7.11.7 In light of the above and on balance, the scheme is considered to offer sufficient benefits to out-weigh the lack of affordable housing and other planning obligations. In considering the planning balance, officers conclude that the scheme represents sustainable development and that planning permission should be granted.

## **8.0 FINANCIAL CONSIDERATIONS**

8.1 The development would generate some Council Tax revenue but this is not a planning consideration and carries no weight in the planning balance.

## **9.0 BLACKPOOL COUNCIL PLAN 2019-2024**

9.1 The Council Plan sets out two priorities. One is 'the economy: maximising growth and opportunity across Blackpool', and the other is 'communities: creating stronger communities and increasing resilience.

9.2 This application accords sufficiently with the communities priority as detailed above.

## **10.0 CONCLUSION**

10.1 In light of the above, the proposal is considered to represent sustainable development and no other material planning considerations have been identified that would outweigh this view.

## **11.0 RECOMMENDATION**

11.1 In light of the above, Members are respectfully recommended to adopt the Habitats Regulations Assessment and resolve to grant outline planning permission and delegate the matter to the Head of Development Management to issue an approval subject to the completion of a S106 legal agreement and the conditions listed at the end of this report.

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

- 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 for (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 The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

Location plan ref: 1984/1.2 recorded as received by the Council 25/08/2022  
Proposed site layout plan ref: 1984/3.2.02A dated 08/08/2022  
South Ground Floor plan ref: 1984/3.2.10A dated 08/08/2022  
South First Floor plan ref: 1984/3.2.11A dated 08/08/2022  
South Second Floor plan ref: 1984/3.2.12A dated 08/08/2022  
South Third Floor plan ref: 1984/3.2.13A dated 08/08/2022  
South Fourth Floor plan ref: 1984/3.2.14A dated 08/08/2022  
South Fifth Floor plan ref: 1984/3.2.15A dated 08/08/2022  
South Roof plan ref: 1984/3.2.17A dated 08/08/2022  
Elevations South Bld - North plan ref: 1984/3.2.22A dated 08/08/2022  
Elevations South Bld - West plan ref: 1984/3.2.20A dated 08/08/2022  
Elevations South Bld - East plan ref: 1984/3.2.23A dated 08/08/2022  
Elevations South Bld - South plan ref: 1984/3.2.21A dated 08/08/2022  
Street Scene – New South Promenade plan ref: 1984/3.1.24B dated 08/08/2022  
Street Scene – Harrowside West plan ref: 1984/3.2.25B dated 08/08/2022  
South Site – Section AA plan ref: 1984/3.2.30A dated 08/08/2022  
Refuse Collection South plan ref: 1984/3.2.40 dated 31/03/2023

The development shall thereafter be retained and maintained in accordance with these approved details.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3 (a) Prior to the commencement of any development, a sustainable surface water drainage strategy and foul water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority.

(b) Prior to the commencement of any development, the design for a surface water drainage scheme, based on the approved strategy and in compliance with the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory

Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

(i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

(ii) Surveys and appropriate evidence to establish the position, capacity, ownership and interconnection of all bodies of water, watercourses, drains and sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;

(iii) A determination of the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice 'Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development and as appropriate during construction), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in metres AOD;

(iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate **OR** a rate evidenced to be first agreed in writing by United Utilities.

(v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing watercourses, culverts and headwalls or removal of unused culverts where relevant);

(vi) Flood water exceedance routes, both on and off site;

(vii) Existing and proposed ground and other surface levels demonstrating that run-off to adjacent land and highways will not occur except in the exceedance conditions and the exceedance routes as approved;

(viii) A timetable for implementation, including phasing where applicable;

(ix) Details of water quality controls.

(c) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the adopted sewerage system or to any privately owned sewerage either directly or indirectly.

(d) The scheme agreed pursuant to part (b) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

(e) The developer shall provide as built drawings and certification of the completion of the drainage system as approved by a competent person.

Reason: To promote sustainable development, secure proper drainage of sewage and surface water and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core

Strategy 2012-2027, Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

- 4 Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;
  - b) Evidence of arrangements to transfer responsibility to other parties in the event of the demise of any management company, for example by means of covenants;
  - c) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:
    - (i) on-going inspections relating to performance and asset condition assessments
    - (ii) operational costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - d) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. The developer shall provide to the Planning Authority, if requested, certification of the condition of the drainage system by a competent person.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

- 5 The development hereby approved shall proceed in full accordance with the mitigation measures identified in the revised Flood Risk Assessment ref. TC-L10251-FRA DS-21, Issue 04, Version 04; dated 14 July 2022, prepared by Thomas Consulting.

Reason: In order to ensure that the development is safe from flooding and does not increase flood risk elsewhere in accordance with paragraph 167 of the NPPF, Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies document and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

- 6 (a) Prior to the commencement of any development on site, a Demolition/Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the Demolition/Construction Management Plan shall specify the provision to be made for the following:

- (i) measures to prevent detrimental impact on air quality including confirmation that no materials would be burned on site and dust mitigation measures to be followed during the demolition/construction period;
- (ii) measures to control noise emanating from the site during the demolition/construction period;
- (iii) hours and days of demolition/construction work for the development. Please note that typically acceptable working hours are 0800-1800 Mondays to Fridays and 0800-1200 on Saturdays with no working on Sundays or Public Holidays;
- (iv) details of contractors' compounds and other storage arrangements, to include position, means of screening, storage heights, details of enclosures, and appearance of any structures or cabins;
- (v) provision for all site operative, visitor and construction loading, off-loading, parking and turning within the site during the demolition/construction period including all requirements for occupation of areas of highway;
- (vi) arrangements for the provision of wheel washing facilities comprising a 10m x 3.5m wheel wash with two 6m long ramps to be operated during the demolition/construction period to minimise the deposit of mud and debris on the adjacent highways;
- (vii) provision of a board at the entrance to the site, to be retained throughout the construction period, to include 24hr contact details for site management; and provision of contact details for the contractor's street sweeping subcontractor with specific authorisation for the Council as Local Highway Authority to call out that contractor as and when required;
- (viii) measures to prevent contamination of surface and sub-surface water bodies during the demolition/construction period, and prevent the runoff of surface water to the highway in storm conditions during construction;
- (ix) routeing of construction traffic;
- (x) a condition survey of the adopted public highway up to the first junction with the strategic road network along the proposed construction traffic route, or other area as may first be agreed in writing with the Local Highway Authority, along with a construction stage timeline proposal for the provision further condition surveys (either post-completion or to include surveys at appropriate intervals depending upon the duration of the construction period);

(b) The demolition/construction of the development shall thereafter proceed in full accordance with the approved Demolition/Construction Management Plan.

(c) Each condition survey required pursuant to part (a)(x) of this condition shall be accompanied by a scheme and timing schedule of any works as may be appropriate to rectify any dilapidation caused to the adopted public highway as a result of demolition and construction works related to the development hereby approved, to be agreed in writing by the Local Planning Authority. These works shall then be carried out in full in accordance with this agreed scheme and schedule.

Please note, **the submission of a standard Health and Safety statement will not be sufficient to discharge this condition**. As part of any discharge of condition application you will be expected to highlight the location of each element of information required above within your submission.

Reason: In the interests of the amenities of surrounding residents and to safeguard environmental quality and the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM31 and

DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This condition is required to be discharged prior to commencement in order to ensure that the development proceeds without causing undue harm to residential amenity, highway safety or the quality of the environment.

- 7 The external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 8 Prior to the commencement of any above ground construction, the profile details of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these agreed details. For the purpose of this condition, the profile details shall show to the extent of recession or projection of windows, doors and other architectural features of the building.

Reason: In order to secure appropriate visual articulation and interest in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 9 Prior to the commencement of any above ground construction, a scheme for the provision of boundary treatments to include their position, height, materials and design, shall be submitted to and agreed in writing by the Local Planning Authority. These agreed boundary treatments shall then be provided in full and in full accordance with the approved details before the proposal hereby approved is first brought into use.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 10 No rain water goods, soil pipes or vents shall be installed on the New South Promenade or Harrowside West elevations unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance, design and architectural quality of the building in a very prominent Promenade position, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM19 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

- 11 Prior to the commencement of development a scheme of off-site highway improvement works shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the development hereby approved is first occupied.

For the purpose of this condition, this scheme shall include:

- provision of new highway crossings
- removal of redundant highway crossings
- repaving of the frontage footways
- amending Traffic Regulation Orders (TROs) in relation to new accesses
- provision of street-lighting
- provision of a loading bay on Harrowside West
- measures to prevent vehicles driving over the footway to access the car parking spaces at the back of the footway

Reason: In the interests of highway safety in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies document 2012-2023. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

- 12 Prior to the development first being occupied, signage inside the access arch which gives priority to entering vehicles shall be displayed and shall thereafter be retained.

Reason: In order to ensure that safe and convenient access is available to the car parking area in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies document 2021-2027.

- 13 Other than the spaces at the back of the Harrowside West footpath, prior to the development hereby approved being first brought into use, the parking provision shown on the approved plan(s), including the EV spaces and associated infrastructure, shall be provided and shall thereafter be retained and maintained as such.

Reason: In order to ensure that adequate and accessible parking provision is available to meet the needs of the development in the interests of highway safety, and to encourage travel to and from the site by ultra-low and zero emission vehicles in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 14 (a) The development hereby approved shall not be occupied until a travel plan has been submitted to and agreed in writing by the Local Planning Authority.

The travel Plan shall include:

- appointment of a travel co-ordinator;
- proposals for surveying;
- production of travel audits;
- establishment of a working group;
- an action plan;
- timescales for implementation;
- targets for implementation.

(b) The development hereby approved shall then proceed and be operated in full accordance with the approved Travel Plan.

Reason: In order to encourage travel to and from the site by sustainable transport modes in accordance with Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and



Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 15 Before the development hereby approved is first brought into use the cycle storage shown on plan ref. 1984/3.2.02A dated 08/08/2022 shall be provided and shall thereafter be retained and maintained as such.

The cycle storage shall thereafter be retained and maintained as such.

Reason: In order to encourage travel to and from the site by a sustainable transport mode in accordance with Policy CS5 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 16 Prior to the commencement of above ground development, a Sustainability Strategy shall be submitted to and agreed in writing by the Local Planning Authority. This strategy shall;
- specify energy efficiency measures to be used within the development;
  - specify renewable energy features to be used within the development;
  - specify measures to reduce water consumption by the development.

The development shall thereafter proceed and be operated in full accordance with agreed the Sustainability Strategy.

Reason: In order to ensure that the development contributes to sustainability and supports the Council's wider objectives and commitments relating to environmental quality and climate change in accordance with Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- 17 The development hereby approved shall proceed in full accordance with the reasonable avoidance and mitigation measures identified in the Bat Survey and Method Statement dated 20/10/2022, prepared by Dave Anderson Batworker Ecological Consultancy.

Reason: In order to safeguard protected species in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

- 18 Prior to first occupation, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) highlighting the sensitivity of Liverpool Bay Special Protection Area (SPA), Ribble and Alt Estuaries SPA, the Ribble and Alt Estuaries Ramsar site and the Ribble Estuary Site of Special Scientific Interest (SSSI) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall:

- include the content of the home-owner information packs which must explain the conservation values of the identified SPA's, Ramsar site and SSSI, the potential impacts that can arise from residential development, explain the responsible behaviours in the vicinity of the housing development along with what would be required from residents to avoid undue ecological impact;
- the identification of Suitable Alternative Natural Green Spaces (SANGS) which should be used for recreation as an alternative to more sensitive sites;

- include a methodology for the distribution of the homeowner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In the interests of safeguarding designated sites and areas and biodiversity from recreational disturbance in close proximity to Liverpool Bay SPA, Ribble and Alt Estuaries SPA, the Ribble and Alt Estuaries Ramsar site and the Ribble Estuary SSSI in accordance with Policies CS6 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM31, DM33, DM35 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

19 The following measures shall be adhered to throughout the demolition/construction period of the development hereby approved:

- all materials will be covered and stored on raised pallets only
- means of escape for amphibians and small mammals shall be provided from any excavation (i.e. solid plank providing 45 degree access from the base of the excavation to ground level)
- construction and storage areas to be inspected at the start of each working day for amphibians and small mammals
- in the event that a protected species is found on site, works should immediately cease and a suitably qualified and experienced ecologist consulted
- any non-protected species found on site should be carefully removed and placed under cover on the other side of the site boundary
- all operational plant will be well maintained and turned off when not in use
- bunded fuel storage and refuelling areas shall be located away from any drains;
- appropriate spill management equipment is to be kept on-site and capable of being effectively utilised by trained operatives to contain any accidental spillage within any part of the operational area;
- a toolbox talk is to be completed by a suitably qualified ecologist to ensure contractors are aware of the Liverpool Bay Special Protection Area (SPA), the Ribble and Alt Estuaries Special Protection Area, the Ribble and Alt Estuaries Ramsar and the Ribble Estuary Site of Special Scientific Interest (SSSI) and their ecological importance; and
- a 'Site Tidy' protocol is enforced on-site. All litter is to be appropriately controlled, whilst on-site materials are to be adequately stored and secured over-night.

Reason: In the interests of safeguarding designated sites and areas and biodiversity in accordance with Policies CS6 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM31, DM33, DM35 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 document.

20 Prior to the commencement of any above ground construction, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with this approved scheme. For the purpose of this condition, the scheme of ecological enhancement shall include:

- Provision of integrated bird and bat boxes

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 21 Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill and shall include lighting details for the undercroft area.

Reason: In the interest of the appearance of the site and locality, to safeguard the amenities of nearby residents and to ensure that the development is safe and accessible in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies document 2012-2027.

- 22 Before the development hereby approved is first brought into use the refuse storage shown on plan ref. 1984/3.2.02A dated 08/08/2022 shall be provided and shall thereafter be retained and maintained as such. No bins or refuse shall be stored forward of the front elevation of the building other than on the day of presentation for collection.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 23 The accommodation shall be used for permanent residential occupation within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose and shall at no time be occupied and used as holiday accommodation.

Reason: In order to safeguard the living conditions of the occupants of the development and nearby residential properties in accordance with Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no enlargement of the apartment block the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM20 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 25 At least 21 days before commencement of the development, the developer must email [safeguarding@blackpoolairport.com](mailto:safeguarding@blackpoolairport.com) if any equipment to be used during construction will exceed the maximum height of the finished development (eg tower cranes, piling rigs). Notification of the equipment shall be made on the standard Crane Permit request form available on the Blackpool Airport Website and include:

- its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
- height above ordnance datum;
- anticipated dates on site;
- emergency contact numbers for the crane operator and site manager

The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 'Cranes & Other Construction Issues'.

Reason: In the interest of aerodrome safeguarding and in accordance with Policy DM42 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies document 2012-2027.

#### **ADVICE NOTES TO DEVELOPERS**

##### **1. Non-Road Mobile Machinery:**

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, the machinery used should meet or exceed the latest emissions standards set out in End 2 Regulation (EU) 2016/1628 (as amended). This should apply to the point that the machinery arrives on site, regardless of it being hired or purchased. Use of low emission technology will improve or maintain air quality and support developers in improving and maintaining local air quality standards and support net zero objectives. The item(s) of machinery should also be registered (where a register is available) for inspection by the local authority. Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs, etc.