

COMMITTEE DATE: [06/10/2015](#)

Application Reference: 15/0494

WARD: Talbot
DATE REGISTERED: 22/07/15
LOCAL PLAN ALLOCATION: Town Centre Boundary
Retail Cafe Zone
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Shlomo Memorial Fund Ltd

PROPOSAL: Erection of a 6 storey building to provide a public house/restaurant use and hotel reception at ground floor level, with hotel accommodation above comprising 150 en-suite bedrooms, with associated rooftop plant deck, ground level plant, yard and sub-station.

LOCATION: SITE OF FORMER YATES BROS WINE LODGES PLC, 2-10 TALBOT ROAD, BLACKPOOL, FY1 1LF

Summary of Recommendation: Approve in principle and defer for delegation to the Head of Development Management

CASE OFFICER

Mark Shaw

SUMMARY OF RECOMMENDATION

This application is a re-submission (with amendments) of the previous planning application re: 14/0827 which was refused by Planning Committee on 13th April 2015 for the following reasons:-

The proposed development as a result of its style, form and design would appear as an overbearing and over dominating building in this part of the Town Centre Conservation Area and would be out of keeping with its setting. It would overpower the buildings which surround the site and would not represent the quality of design to offset this impact. As such the proposed development would be contrary to Policies LQ2 and LQ4 of the Blackpool Local Plan 2001-2016

The proposed development would increase pressure for car parking in the Town Centre through its scale and the lack of on- site car parking. The proposed development would increase competition for the limited on street car parking in the vicinity of the site and would be likely to lead to conflict on the adjacent highways to the detriment of the free flow of traffic and highway safety. As such the proposed development would be contrary to Policy AS1 of the Blackpool Local Plan 2001-2016.

This amended application is recommended for approval subject to the finalisation of a Section 106 Agreement relating to the applicants' use of the existing loading bay on Clifton Street which is directly adjacent the proposed development. Any approval is also subject to the list of conditions set out at the end of this report.

INTRODUCTION

A detailed planning permission was granted by the Planning Committee on 12 May 2012 under application reference 12/0141 for the erection of a two storey building with part mezzanine floor level comprising two restaurant uses and a retail/ office use within Use Classes A1-A3 with a total of 2235 square metres of floorspace. A second application was submitted reference 14/0827 involving the erection of a 6 storey building to provide a bar/restaurant use and hotel reception at ground floor level, with hotel accommodation above comprising 150 en-suite bedrooms, with associated rooftop plant deck, ground level plant, yard and sub-station. This application was refused for the reasons set out above and the current application is an amendment to the refused scheme.

SITE DESCRIPTION

Site of the former Yates Wine Lodge is 0.11 hectares (1,100 square metres) in area and lies adjacent the junction of Talbot Road and Clifton Street within the heart of the town centre and within the Town Centre Conservation Area occupying a prominent position facing onto Talbot Square and towards the Promenade whilst also fronting onto Talbot Road and Clifton Street.

The former Yates building which was previously on this site, whilst not listed, was nevertheless an important local landmark and housed the town's first free library. The building was three storey in scale with a four storey rotunda feature occupying the corner where the two roads meet. At first floor level attached to the rotunda was a glazed conservatory type structure and at ground level was an open canopy which wrapped around the building. The building was demolished approximately 7 years ago following an arson attack and the site has been boarded off since demolition whilst awaiting re-development. The Yates building had a 50 metre frontage to both Talbot Road and Clifton Street and was of brick construction with stone detailing and whilst the Talbot Road elevation was ornate the Clifton Street elevation was less attractive and had a more solid brick appearance. Both Talbot Road and Clifton Street slope downwards from east to west towards the Promenade. The site is within the designated retail/ cafe zone as part in the Blackpool Local Plan and is situated between the Grade II* Listed Sacred Heart Church on Talbot Road and the Grade II Listed Town Hall on Talbot Square.

DETAILS OF PROPOSAL

This is a detailed and revised planning application involving the erection of a 6 storey, three sided building with a corner clock tower feature onto Talbot Square. The top floor of the hotel is incorporated within the roofspace. The ground floor has a restaurant/ bar (714 sqm) and a hotel reception area (226 sqm) and a ground floor plant and yard area (92 sqm). Above the ground floor would be a 150 bedroom hotel (5,379 sqm). Two entrances to the restaurant/ bar are shown from Talbot Road and Talbot Square respectively, and the entrance to the hotel is shown from Talbot Road. There are recessed sub-station access doors, fire escape

doors and access to the service yard from Clifton Street adjacent to the existing loading bay which at present permits loading between 8am and 6pm being used by taxis at other times. The applicants are seeking a maximum of one hours use of loading bay per delivery vehicle rather than the existing 15 minute limit which is to be dealt with via a Section 106 Legal Agreement. An emergency exit from the hotel is shown onto the rear access road between Talbot Road and Clifton Street.

Further amendments have recently been submitted showing changes to the detailing of the proposal following discussions between the agents and officers deleting the fascia shown around the Talbot Square frontage to the building and also re-introducing the first level balcony, although the inclusion gates across the recessed electricity sub-station access has not been possible. The clock tower feature fronting Talbot Square acts as a focal point and the building incorporates art deco detailing to give the building an appropriate level of architectural interest given its key location. The proposed building has been shown alongside existing buildings to demonstrate its scale and context.

The building varies in height between 17.8 and 18.4 metres up to the parapet level and 24 metres high to the highest point on the clock tower. The brick built office building on the opposite corner of Clifton Street is approximately 13.9 metres high at its highest point and the town hall building is approximately 14 metres to the ridge of the main roof and 23 metres to the top of the clock tower. The proposed building would be constructed of brick, glazing and re-constituted stone with the clock tower and first floor balcony features facing onto Talbot Square forming the largest element and main focal point of the development in a similar manner to the rotunda on the former Yates building. There would be regular intervals of pillars on both the main elevations and the projection of the pillars from the face of the building and recessing of glazing will give the building a significant profile and the amount of glazing and setback of the roof level will help reduce the bulk of the building.

The application is accompanied by a Design and Access Statement, a Planning and Regeneration Statement, an Economic Impact Statement, a Sustainability Statement, a Statement of Community Involvement, a Drainage Statement, a Heritage Assessment, a Transport Statement, a Travel Plan and a Delivery and Service Management Plan.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Design of the building and its impact on the Town Centre Conservation and adjacent Listed Buildings
- Access, Parking and Servicing Arrangements
- Economy/ Employment
- Other Issues

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

CONSULTATIONS

Built Heritage Manager: There are some improvements to the glazing to the Clifton Street elevation but I'm concerned about recessed doors to this elevation. If they really are essential then I would like wrought iron gates over the recess to prevent anti-social behaviour which as we know is a well-documented issue in this location.

I also note that yet again the balcony feature has disappeared to be replaced by a wraparound canopy with continuous fascia. It is my view that the balcony added significantly to the distinctiveness of the previously approved design and I am concerned that the corner elevation of the site is diminished by its removal. I am also concerned that the canopy is merely a device to allow a substantial wraparound fascia for signage.

In closing, I would advise the applicant to go return to the original approved scheme with a balcony containing decorative ironwork which should be mirrored in the gates to the recessed door on the Clifton Street elevation. The canopy and its over-long fascia should be removed from the scheme and signage detached from this application for agreement by advertising consent. I'm happy that signage zones should be indicated but these need to be between the projecting piers on both sides of the building and scaled to sit comfortably within the space they occupy.

Amended plans have now been submitted and any further comments will be reported

Blackpool Civic Trust: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Town Centre Forum: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Transportation:

1. Given the information that is available and the location of the proposal site, servicing would need to be considered carefully and possibly restricted. The use of the loading bay adjacent to the proposal site on Clifton Street will be made available for up to an hour via a 'special' permit. Details currently being agreed with the Council Legal team in terms of Permit Application Form, Form of Permit, Terms and Conditions for Permit via a legal agreement. A charge will apply for the issue of this permit. Details provided with regards to how the site will be serviced. A Servicing & Management Plan to be conditioned to ensure there is no deviation from this and to ensure the use of the loading bay continues to be available to others.

2. No details available with regards to possible staff numbers. Due to the size of the development and likely number of staff required for each establishment, a Travel Plan should be conditioned. Details not available in the actual application but this is covered in the Planning and Regeneration Statement. A Travel Plan condition is still a requirement.

3. The proposal site will require a number of services (Electric, Water, Gas), including the provision of a new sub-station. Re-instatements to be like for like. A programme of works to be agreed with Traffic and Highways to ensure these works and the overall scheme are managed and delivered with little disruption to the operation of the highway network, some of this will be covered via the CMP condition, point 7 below.

4. The hoarding that surrounds the proposal site currently encroaches onto the public highway, the footway that was available prior to the fire/demolition of the old building must be re-instated. Suggest the applicant contact the Head of Transportation who can verify this detail. Drawings submitted with this submission show the footway paving (blockwork) being extended to cover a greater area around the site. Whilst I will not be imposing this on the scheme, any works proposed on changing or enhancing footway surfacing must be agreed with Traffic and Highways. The agreed scheme to be implemented via a formal S278 Agreement.

5. A number of doors appear to open out onto the public highway, this to be designed out and all doors to open inwards.

6. Drawing no. (P) 203 shows a number of structures at the main entrance and first floor level, these overhang the public highway and will require an oversail license, further details required. Applicant to contact the Traffic and Highways.

7. A Construction Management Plan should be conditioned, this should include a programme of works. Information will be required as to how the building will be constructed/erected, access requirements for construction purposes and if there would be a requirement to have any temporary traffic regulation orders.

8. The illumination pole and cabinet in front of the main entrance have disappeared from the on some of the cgi images. Are these being re-located or removed altogether and who is covering the cost? The pole forms part of the Christmas light features and removal without relocation could affect this. Clarification required on this matter.

9. Comments and information relating to parking noted. The site was never able to allocate dedicated car parking, the site is restricted and parking is available in the vicinity via on-street parking (for short periods) or the use of the nearby public and private car parks.

Head of Housing and Environmental Protection Service:

As far as I can tell from the plans, the ground floor plant equipment is fully enclosed within a bin storage area and therefore we do not expect any noise issues from this. There may be noise issues from the roof top plant. I have looked at the plans and technical info regarding roof plant. Some of the bits of kit shown on the plan are 'noisy' (such as KEF1 at 72 dB) - but being kitchen related one would sensibly assume it will not be operating late at night. I do not consider that there will be much adverse effect on the [few] residences nearby.

Waste (Commercial): No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Contaminated Land Officer (commented on the last application): due to the age of the building destroyed by arson there is a likelihood that asbestos may be within the ground. Confirmation is required, by way of a desktop study, that there is no risk

Police Architectural Liaison Officer: Crime Summary- I have conducted a crime and incident search of this policing incident location and during the period 05/08/2014 to 05/08/2015 there have been a high number of reported crimes and incidents. There have been over 40 recorded crimes per month in this location including robbery of a business property, shoplifting, theft and assault. A development of this scale has the potential to create additional demand on local policing resources. This is a busy area of the town centre with a high level of footfall both during the day and in the evening 365 days a year. This area of the town centre has a number of retail outlets and licensed premises which operate within the night time economy. As a result of this, as well as to prevent the opportunity for criminal activity at the proposed development I make the following security recommendations:-

Security Recommendations- I would recommend that Planning Officers consider making a security condition part of planning approval. The hotel, pub and restaurant should be built to Secured By Design security standards where possible. The physical security of the building and access control arrangements are crucial to prevent criminal activity. Crime in hotels is often generated by offenders gaining unauthorised entry into areas by methods such as human tailgating. The main entrance to the hotel will be off Talbot Square with a secondary access off Talbot Road. All ground floor doors and windows should incorporate laminated glazing and should be doors and windows of enhanced security tested and certificated to industry standards.

An access control system should be fitted throughout the scheme. In order to manage footfall around the building for example around private staff areas and the roof area, doorsets should be fitted with an access control system. There are various types of systems such as keyfob/keypad/swipe card with anti-vandal proof readers for external use e.g the entrance for hotel residents. Security measures should be considered separately for each element of the scheme e.g the pub, restaurant and hotel. Should an individual be in the public house area of the development but they are not a resident of the hotel they should not be able to wander freely throughout the hotel element of this scheme. This type of open access benefits an offender as it provides more opportunities to enter areas in an unauthorised manner to commit crime in an undetected environment. The scheme should be afforded formal surveillance with a comprehensive CCTV system. An operational CCTV requirement should be devised for the scheme in terms of appropriate locations for cameras. Coverage of the pub area, restaurant, reception area and entrances/exits are recommended. The recorded images must be of evidential quality suitable for prosecution giving a clear image of suspects. The hotel lighting system should complement the CCTV system. There will be canopies over openings on Clifton Street and Talbot Road and wall mounted cigarette bins, these areas should be covered by CCTV. Doorsets must not be set into deep recesses. This design feature can generate criminal activity and should be avoided. All external entrances should be illuminated with a dusk till dawn light unit. All of the above recommended security measures should form part of an overall security plan for the development. As the scheme progresses throughout the planning process I would welcome the opportunity to meet with the Architects and Developer for this scheme to discuss in detail security requirements.

United Utilities :

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage Comments In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities) To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Drainage Conditions

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Surface Water Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Water Comments A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply regulations. Should this planning application be approved, the applicant should make contact regarding connection to the water mains or public sewers.

General comments It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities' offer a fully supported mapping service. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Blackpool International Airport: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Electricity North West Ltd: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

PUBLICITY AND REPRESENTATIONS

Press notice published : 27th August 2015

Site notice displayed : 5th August 2015

Neighbours notified 4th August 2015: One letter has been received from local architect Joseph Boniface who makes the following comments:-

I met with the building designers and planning consultant at my office prior to this application being submitted. I was grateful to be given the chance to meet with the design team and put across my views to them. The new level of presentation for this application very much helps its cause and I was pleased to see that this now formed part of the application, as well as some minor revisions to the scheme.

I was disappointed however that, despite the Planning office urging the design team to attend the previous committee meeting via email, that the core of the previous scheme remains. Had any representatives from the design team attended the committee meeting, then they would have been well aware of the committee's desire to have a stand out, aspiration piece of architecture in this incredibly important site which this scheme is not. However, if this scheme is to be granted consent, then I would like to put forward my views on some of the details which were discussed at our meeting in my office as outlined below:

I pointed out that the glass canopies over the entrances will very quickly become dirty with the local climate and weather. Such examples of this can be found on the Municipal building on Corporation street (which is more protected from the elements than this site) and over the cash point at Sainsbury's which has been in place for a little over a year. I would recommend that a strategy for cleaning these on a regular basis forms part of any conditions should consent be granted or that a different strategy be considered for these elements altogether.

It was disclosed in our meeting from the building designers that Tesco's had been involved with the 2012 scheme from the very beginning which was granted consent in 2012 (12/0141). I understand that there are end users for the units in place already (as there were in the 2012 scheme), but I would want assurance that such uses are maintained for the future on this site and not one which would allow a Tesco (or other similar unit) to be located on this site.

To the front elevation facing Talbot Square, there are full length windows and metal-work balcony details to the front. Assurance should be sought that the metal work is fixed with a fixing which will not rust and stain the stone rendered pillar detail given its location and exposure to the weather. Assurance should also be sought that, given the importance of this location, value engineering does not take place further reducing the architectural quality of that proposed.

As I have previously stated, I welcome development of this important site and do not have any objections to the massing or use of the scheme. I also, as previously cited in the Refusal of the previous scheme, do not think that lack of parking should be an issue for this site. The site

is located close by to public transport links (train and bus stations) and there are numerous public car parks close by.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework was published on 27 March 2012

It contains 12 core planning principles including :-

- 1- 'building a strong, competitive economy'-ensure the planning system does everything it can to support sustainable economic growth
- 2-'ensuring the vitality of town centres'-recognise town centres as the heart of their communities and pursue policies to support their viability and vitality
- 7- 'requiring good design'.....good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people
- 12-'conserving and enhancing the historic environment'.....the desirability of new development making a positive contribution to local character and distinctiveness

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The National Planning Practice Guidance- Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation. The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process. Local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be used in more contemporary design. However, innovative design should not be discouraged.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

RR2	Visitor Accommodation
LQ1	Lifting the Quality of Design
LQ2	Site Context
LQ3	Layout of Streets and Spaces
LQ4	Building Design
LQ7	Strategic Views
LQ8	Energy and Resource Conservation
LQ9	Listed Buildings
LQ10	Conservation Areas
LQ11	Shop Fronts
SR6	Retail/ Cafe Zone
BH3	Residential and Visitor Amenity
BH4	Public Health and Safety
BH11	Shopping and Supporting Uses- Overall Approach
BH12	Retail Development and Supporting Town Centre Uses
AS1	General Development Requirements

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the Council on 25th June 2014. The document was published for public consultation on 4th July 2014 for a period of eight weeks. The consultation has now ended and the document has been updated and was submitted to the Planning Inspectorate on 19 December 2014 for examination in Spring 2015. Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

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

- CS1- Strategic location for development
- CS3- Economic Development and Employment
- CS4- Retail and Other Town Centre Uses
- CS5 - Connectivity

CS7 - Quality of design
CS8 - Heritage
CS10 - Sustainable Design and Low Carbon and Renewable Energy
CS17- Blackpool Town Centre
CS21- Leisure and Business Tourism

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

ASSESSMENT

Principle

The last use(s) of the site was as a public house falling within Class A4 of the Use Classes Order although there was also a lap dancing club (sui generis) and pet shop on Clifton Street, and newsagents on Talbot Road (both Class A1 retail uses) and a small shopping arcade connecting Clifton Street and Talbot Road which were all lost as a result of the fire.

The site is located within the designated Retail/Cafe Zone under Policy SR6 of the Local Plan which states that comprehensive improvement comprising major redevelopment will be supported and proposals which are detrimental to the character of the area as one that caters primarily for the pedestrian shopper/ cafe will not be permitted. It goes on to state that ground floor offices, public houses, bars and nightclubs will not be permitted.

The proposal seeks approval for a Class A3/ A4 use (restaurant/drinking establishment) which has been identified as a Beefeater restaurant and will provide further choice of eating establishments enhancing the attractiveness of the town centre for locals and visitors alike. Bearing in mind the previous long established Class A4 use a mixed Class A3/ A4 use is considered to be acceptable in principle. The inclusion of a 150 bedroom hotel within the scheme on this key town centre site close to the Promenade is also considered acceptable in increasing the town's stock of modern hotel accommodation. The inclusion of a hotel as part of the re-development of the site is therefore consistent with Policy RR2 of the Local Plan and Policy CS21 of the Core Strategy.

Design of the building and its impact on the Town Centre Conservation and adjacent Listed Buildings

The current vacant site detracts significantly from the setting and character of the Town Centre Conservation Area and would benefit considerably from a quality re-development of the site and assist the on-going regeneration of the town centre and of the resort itself. The relevant local planning policies are as follows:-

Policy LQ2 states new development will be considered in relation to the character and setting of the surrounding area, and should respond to and enhance the character where affecting the setting of a Listed Building and in Conservation Areas.

Policy LQ4 of the Local Plan states that new buildings less than 4 storeys or equivalent in height will not be permitted in the town centre and tall buildings rising above the predominant height will be acceptable creating a landmark where one is required. The proposed building is 6 storeys in scale and the proposal includes a landmark type feature which is considered to be appropriate on this site given its prominence and given what was on

the site previously.

Policy LQ9 states development affecting the character or appearance of a listed building, or its setting will not be permitted and Policy LQ10 states new development must preserve or enhance the character and appearance of the Conservation Area, and respect the scale, massing, proportions, materials and detailing of similar building forms within the Conservation Area.

Core Strategy Policy CS8 states developers must demonstrate how the development will complement and enhance existing features particularly where affecting Conservation Areas and Listed Buildings. The National Planning Policy Framework (NPPF) states where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The proposal has been amended and re-submitted following the refusal of 14/0827 and amended again since submission. The height of the proposal has been reduced by 2 metres from 26 to 24 metres from the refused scheme. The fascia detail has been removed and the first floor wrought iron balcony facing Talbot Square re-introduced, as requested, although the agent states that it is not possible to introduce gates to enclose the recessed sub-station on Clifton Street due to access requirements. The building has been profiled so that it doesn't appear flat which will add visual interest and help break up the massing. The architect has shown the top floor of the building within the roofspace set in from the face of the building to reduce the bulk of the building and its scale relative to those within the surrounding area. The site is considered appropriate for a large landmark building and in accordance with Policy LQ4. The application site is largely offset from the two closest Listed Buildings, namely the Town Hall and the Sacred Heart Church which will reduce its direct impact. In addition the building would have a base /middle and top as required by Policy LQ4, it would have art deco features and detailing and comprise materials which are sympathetic to those in this part of the Conservation Area. The agreement of materials will be dealt with as a condition of any approval.

The proposal is considered to accord with the NPPF, Policy LQ2 of the Local Plan, Policy CS8 of the Core Strategy in terms of responding to and enhancing the Conservation Area and there will be substantial benefits resulting from the proposal in terms of the built environment and also economically.

In terms of Policy LQ10 of the Local Plan the application represents a good opportunity to bring this disused site which has been vacant for 7 years back into beneficial use further helping to regenerate the town centre and adding quality to both the restaurant and hotel offer available within the town. It is considered that the proposed development would enhance the character and appearance of the Conservation Area. Whilst the scale is large the nature of the site the fact that this is a triangular site at the junction of two roads facing onto Talbot Square and the Promenade means that it can support a taller building than other more constrained sites in the Conservation Area. The massing, proportions, materials and detailing would be complementary to other buildings in the Conservation Area.

Access, Parking and Servicing Arrangements

Whilst the site is highly accessible by public transport a travel plan condition is considered necessary given the size of the development and likely employment levels. A condition requiring the approval and implementation of a Construction Management Plan will also be included on any approval of the development to minimise disruption during the construction works from delivery vehicles etc.

There are no off-street parking facilities associated with the proposal although historically that has always been the case. There are however public car parking facilities and pay and display facilities on street which would accommodate the traffic generated by the development. It is difficult to envisage any re-development of the site including off-street parking facilities given the relatively small size and irregular shape of the site and any requirement for off street car parking facilities may also render this (and other) development proposals for the site unviable.

A servicing arrangement is being finalised via a Section 106 Agreement which would allow deliveries and unloading in the loading bay on Clifton Street outside the application for up to one hour at a time by various the vehicles visiting the site. This loading bay will however continue to be shared between other businesses on Clifton Street who also have usage rights.

In terms of the access into the building being from Talbot Road as opposed to Clifton Street, Talbot Road is considered preferable given the connection to both Blackpool North Station and also better connecting to the Central Business District, further inland on Talbot Road and acting as a counterbalance to the regeneration of that part of Talbot Road.

Economy/ Employment

Re-development of the site will bring with it construction employment during the building works and employment within the accommodation upon completion although details as to the exact number of jobs being created is as of yet unknown. The regeneration and bringing of this site back into beneficial use will benefit the local economy and strengthen and enhance the town centre offer.

Other Issues

The recommended drainage conditions have been included on this agenda report together with other technical conditions relating to contaminated land and plant and ventilation equipment. The comments made by the Police have been passed onto the agent and a response requested (to be reported back via the up-date notes). However it would appear the requested security measures are fairly standard for a development of this type in a busy town centre location.

Whilst particular uses can be restricted by condition it is not within the remit of a local planning authority to control who takes up occupation of a property. Given that the application site is within the designated Retail/Cafe Zone a restriction on potential future retail use of the ground floor restaurant/bar cannot be justified.

CONCLUSION

This amended scheme has been reduced in size and revised to address design concerns that have been previously been expressed both by the Planning Committee and by officers, and

the proposal is now considered to be acceptable in scale terms for its location for the reasons set out above and is also considered acceptable in design subject to the agreement of external materials which will be dealt with as a condition of any approval. The agents have also submitted a much more comprehensive planning application backed by a number of technical and associated submissions and including computer generated images showing the proposal in context which have helped the assessment of the application.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

A Section 106 legal agreement is being prepared relating to the use of the Clifton Street loading bay outside the application site by delivery vehicles to the application premises allowing up to one hour per delivery.

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

Recommended Decision: Approve in principle and defer for delegation to the Head of Development Management.

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding the submitted plans details of materials to be used including brick, stone, mortar, glazing and window/door frames, metalwork and rain water pipes to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ2, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

3. Details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

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

4. A window display shall be maintained at all times in the ground floor windows of the premises to the Clifton Street and Talbot Road elevations as indicated on the approved plans.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1, LQ10 and LQ11 of the Blackpool Local Plan 2001-2016.

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

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

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

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

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

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

7. Details of the appearance, technical specification and siting of any external ventilation ducting and plant shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed ducting

and shall then be provided prior to first use and shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby residential and business premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016.

8. The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include the appointment of a travel co-ordinator and a format that consists of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS1 of the Blackpool Local Plan 2001 - 2016

9. The building/use hereby approved shall not be occupied/first commenced until the servicing provisions, including manoeuvring areas, have been provided in accordance with details to be submitted and agreed in writing with the Local Planning Authority; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ4 and AS1 of the Blackpool Local Plan 2001-2016.

10. Notwithstanding the information shown on the approved plan 1:50 scale sections showing the elevational detailing of the building on each of the three elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement, and the development shall subsequently be constructed in accordance with these agreed details.

Reason: In the interests of the appearance of the premises and locality in accordance with Policies LQ1, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

11. Details of an external lighting scheme to the building to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning

Authority and such scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

12. All windows and doors on the development hereby approved shall be recessed 50mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building and the locality, in accordance with Policies LQ1, LQ2, LQ4 and LQ10 of the Blackpool Local Plan 2001-2016.

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

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

14. Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding & pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016

15. Prior to the commencement of any development, a surface water drainage scheme to serve the development and the means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The

surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016

Advice Notes to Developer

Not applicable