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Blackpool Council

30 September 2022

To: Councillors G Coleman, Farrell, Hunter, Kirkland, O'Hara, Robertson BEM, R Scott and Stansfield

PLANNING COMMITTEE

Update Note and Public Speakers List

Please find attached the Update Note and Public Speakers List for Tuesday, 11 October 2022 meeting of the Planning Committee.

Agenda No	Item
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
























9	<u>UPDATE NOTE AND SPEAKER'S LIST</u> (Pages 1 - 14)
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Yours sincerely

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Planning Application Reports – Update Note

Listed below are changes to the planning reports made as a result of additional information received since the publication of the agenda for this meeting.

Case: 22/0440																															
Address: LAND BOUNDED BY PRINCESS STREET, BLUNDELL STREET, RIGBY ROAD AND TYLDESLEY ROAD, BLACKPOOL																															
<p>Update: United Utilities requires the imposition of a pre-commencement condition relating to drainage (condition 5). The applicant has submitted an updated Drainage Strategy which they believe removes the need for a pre-commencement condition. United Utilities have been re-consulted but no response has been received in time to be included in the Update Note.</p> <p>As such, the recommendation has changed. The Committee is now respectfully recommended to support the application and delegate authority to the Head of Development Management to issue the decision notice once United Utilities has agreed an acceptable drainage strategy. Condition 5 will then be updated to state that the drainage must be carried out in accordance with the agreed details. If Unities Utilities does not agree to the information submitted, the original condition will be imposed.</p> <p>A Phasing Plan has been submitted, which indicates that this site and a small parcel of land outside of the application site to the east, will be built out in 6 phases:</p>																															
<table border="1"> <tr> <td>Site Compound</td> <td></td> </tr> <tr> <td>Phase 1</td> <td></td> </tr> <tr> <td>16 Dwellings</td> <td></td> </tr> <tr> <td>Phase 1b</td> <td></td> </tr> <tr> <td>5 (refurb) Dwellings</td> <td></td> </tr> <tr> <td>Phase 2</td> <td></td> </tr> <tr> <td>20 Dwellings</td> <td></td> </tr> <tr> <td>Phase 3</td> <td></td> </tr> <tr> <td>21 Dwellings</td> <td></td> </tr> <tr> <td>Phase 4</td> <td></td> </tr> <tr> <td>9 Dwellings</td> <td></td> </tr> <tr> <td>Phase 5</td> <td></td> </tr> <tr> <td>9 Dwellings</td> <td></td> </tr> <tr> <td>Phase 6</td> <td></td> </tr> <tr> <td>8 Dwellings</td> <td></td> </tr> </table>	Site Compound		Phase 1		16 Dwellings		Phase 1b		5 (refurb) Dwellings		Phase 2		20 Dwellings		Phase 3		21 Dwellings		Phase 4		9 Dwellings		Phase 5		9 Dwellings		Phase 6		8 Dwellings		
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United Utilities requires the imposition of a pre-commencement condition (protection of, or diversion of, a water main) as there is a buried water main in the west side of the site. The applicant has requested that this condition (condition 4) is amended to enable works to the east of the site to progress until the water main has been diverted.

This appears to be a reasonable request. As such, the first sentence of condition 4 has been amended to read:

No construction shall commence (including any earthworks) within Phases 3, 4, 5 and 6 as shown on the Phasing Plan hereby approved, until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing.

Condition 8 requires the landscaping scheme to be implemented in full prior to the first occupation of the development. The applicant has requested that condition 8 be amended to reflect the proposed phasing of development and again, this seems reasonable. As such, the first sentence of condition 8 has been amended:

Prior to the occupation of any particular phase of development as shown on the Phasing Plan hereby approved:

Similarly, condition 9 requires the ecological enhancements to be implemented in advance of the first occupation of the development and at the request of the applicant, condition 9 has been amended to reflect the phasing of the development:

Prior to the occupation of any particular phase of development as shown on the Phasing Plan hereby approved, the ecological enhancements shown on the landscaping plan ref: 4090 102 Rev E shall be implemented and shall thereafter be retained. The boundary treatments shall include features to facilitate the roaming and foraging of small mammals.

Condition 3 requires the affordable housing to be occupied and managed in accordance with the agreed affordable housing statement unless otherwise **first** submitted to and agreed in writing with the Local Planning Authority.

The applicant has requested that the word 'first' be deleted from the condition, to allow some flexibility for other affordable housing models. However, there is an identified local need for affordable homes for rent and any other affordable housing models should be agreed with the Council to ensure that the affordable housing model is meeting local needs. As such, it is considered unnecessary to remove the word 'first' from the condition.

Case: 22/0042

Address: 580-582 LYTHAM ROAD, BLACKPOOL, FY4 1RB

Update:

The agent for the applicant has asked that the following e-mail responding to the objection to the application be made available to the committee:

“I have read the objection received on 1st September 2022 from the adjoining neighbour. The reasons for the objection appear to be principally sound pollution from the residents of the proposed flats and over development.

The comments regarding over development are unsubstantiated with no justification to arrive at her opinion. The scheme does not seek to increase the size of the developed property, indeed it reduces the size of the existing property and restores the frontage of the locally listed building. The flats themselves comply with national space standards, parking and open space. In complying with the council policy for residential conversion clearly the proposed scheme cannot be considered to be over development.

The second reason for objection is noise pollution from the future residents. Again no support evidence or justification for the objection have been provided simply a statement. The property was previously a nursing home. Such uses can generate anti-social noise from dementia patients far in excess of residential use. I have not been made aware of any complaints from the predecessors in title regarding noise complaints. It is reasonable to therefore deduce that the party wall structure is suitably robust against the transmission of sound. By way of an observation the same concerns could be levelled against the lady complainant. In any event the new properties will be required to comply with Part E2 of the building Regulations for sound proofing. If the Council see so fit I am advised the applicant would agree to a condition requiring a report from an acoustic consultant and implement any recommendation in respect of sound proofing.

Notwithstanding the foregoing, the application was submitted in November 2021. As the complainant has admitted in her objection she has recently moved into her property, she presumably decided to purchase the property after the submission date (conveyancing usually takes 3-6months). As part of the purchase process the complainant would have been aware of the proposed development; making the decision to purchase with the clear knowledge that the development was proposed. In this manner the objection must carry little weight.”

Case: 22/0265

Address: LAND BOUNDED BY AMY JOHNSON WAY, COMMON EDGE ROAD, JEPSON WAY, SCHOOL ROAD AND BLACKPOOL AIRPORT, BLACKPOOL, FY4 5DY

Update: Blackpool Airport has provided comments and does not object to the application on aerodrome safeguarding grounds, subject to the imposition of the following conditions:

1. At least 21 days before commencement of the development, the developer must email 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 AS7 of the Blackpool Local Plan.

2. The presence and/or operation of the development must not cause any adverse effects upon Blackpool Airport Operation's Ltd.'s business activities.

Reason: Blackpool Airport Operations Ltd cannot accept any negative affect on their current or anticipated business caused in part or wholly by the presence and/or operation of the proposed development.

3. A Lighting Assessment shall be carried out to Blackpool Airport Operations Limited's satisfaction, assessing the possible misinterpretation by flight crews of the lighting as being part of the Airport's AGL system. Such an assessment should also provide recommendations to restrict the visual disturbance and distraction caused to flight crews and ATC.

Reason: In the interests of flight safety, the risk of a misinterpretation of the road and unit lighting is to be minimised. Also, the possible visible obscuration of flight crews caused by poorly aligned lighting is to be minimised.

4. The Detention Basin area, provided the intended detention basin is exposed rather than buried, is to be assessed from a bird and wildlife attractant viewpoint.

Reason: Exposed water features attract wildlife and will cause an unacceptable flight safety risk due to the increased risk of birdstrike.

5. A Wildlife assessment is to be carried out on the likelihood of increased bird presence during the construction phase, and also the displacement of resident and migratory birds caused.

Reason: Changes to the present balance of wildlife presence in the area may cause an unacceptable flight safety risk due to the increased risk of birdstrike.

6. All refuse storage areas are to be constructed in such a way to minimise the likelihood of bird attractant.

Reason: Lack of suitable provision may result in a high level of bird activity in the vicinity, causing flight safety issues and increasing the risk of a possible birdstrike.

Officer comments:

Paragraph 56 on the National Planning Policy Framework states that planning conditions should satisfy six tests and need to be:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

Proposed condition 1 – added to the condition list (condition 39).

Proposed condition 2 – officers consider that this condition does not set out what adverse impacts on the airports business activities would involve nor what any consequences of those adverse impacts would be. As such, this condition is ambiguous and therefore not precise, is unenforceable and unreasonable and therefore fails the tests set out in para 56 of the National Planning Policy Framework and the condition should not be imposed as worded on any subsequent approval.

Proposed condition 3 – Rather than imposing the condition as proposed, condition 33 which relates to lighting has been amended to include aerodrome safeguarding:

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 upward lighting ratio. All lighting shall be designed to maintain the amenity of residential neighbours, ensure highway safety, to protect ecology by preventing excessive light spill and shall include features to restrict the visual disturbance and distraction caused to flight crews and Air Traffic Control.

Reason: In the interest of the appearance of the site and locality, to safeguard the amenities of nearby residents, to safeguard ecology and in the interests of aerodrome safeguarding in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policies LQ1, BH3 and AS7 of the Blackpool Local Plan 2001-2016 and Policies DM35, DM36 and DM42 of the Blackpool Local Plan: Part 2 - Site Allocations and Development Management Policies document.

Proposed Condition 4 – Officers have re-consulted the Greater Manchester Ecology Unit on the proposed condition, who have confirmed that it is their understanding, that in terms of aerodrome safeguarding, any new landscape or drainage features should not result in a net increase in bird strike risk. Rather than imposing the condition as proposed, condition 15 which relates to surface water and drainage has been updated to include a requirement to provide information on the design of the basin to demonstrate that there will be no net increase in bird strike risk:

Other than works to the existing highways, prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Detailed design of the detention basin to demonstrate that there will be no net increase in bird strike risk.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage of sewage and surface water, to manage the risk of flooding and pollution and in the interests of aerodrome safeguarding in accordance with the provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policy AS7 of the Blackpool Local Plan 2001-2016, Policies DM31 and DM42 of the Blackpool Local Plan: Part 2 - Site Allocations and Development Management Policies document and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

Proposed condition 5 - Officers have re-consulted the Greater Manchester Ecology Unit on the proposed condition who have confirmed that the HRA took into account the displacement of birds during construction and that there can be conflicts around biodiversity net gain and airport safeguarding. Careful thought will be needed on the design of biodiversity enhancement measures. Rather than imposing the condition as proposed, condition 19 which relates the biodiversity safeguarding measures, has been updated:

Other than works to the existing highways, no development shall take place (including demolition, around works, vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements including a Precautionary Working Method Statement).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*
- i) Practical measures to monitor bird behaviours during construction and any necessary remediation should bird behaviours change, so there is no net increase in risk of aviation bird strike (may be provided as a set of method statements including a Precautionary Working Method Statement).*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard biodiversity and aerodrome safeguarding in accordance with Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policies LQ6, NE4, NE6 and AS7 of the Blackpool Local Plan 2001-2016, Policies DM31, DM35 and DM42 of the Blackpool Local Plan: Part 2 - Site Allocations and Development Management Policies document and paragraph 174 of the National Planning Policy Framework.

Condition 6 – Rather than imposing the condition as proposed, condition 32 which relates to refuse storage, has been amended:

(a) details of refuse storage provision to include size, design and materials shall be submitted to and agreed in writing by the Local Planning Authority. All refuse storage areas shall be designed to prevent access by foraging birds; and

(b) the refuse storage agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details.

Reason: In the interest of the appearance of the site and locality and aerodrome safeguarding and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policies LQ1, BH3 and AS7 of the Blackpool Local Plan 2001-2016 and Policies DM17 and DM35 of the Local Plan Part 2: Site Allocations and Development Management document.

These changes/omissions have been fed back to the Air Traffic Service Manager at Blackpool Airport and he has accepted the conditions as proposed but remains concerned about lighting and the detention basin.

The Air Traffic Service Manager is concerned that the presence of the new road with accompanying street lighting as the orientation of the road is likely to be confused with the runway if appropriate steps are not taken to remove any upward lighting spill. The Air Traffic Service Manager makes reference to guidance on lighting in the vicinity of an Aerodrome within CAP738 - Safeguarding of Aerodromes.

Officer note: For the avoidance of doubt, in addition to the standard aerodrome safeguarding informative, an additional informative has been added stating:

Informative 2:

In relation to condition 33, the design of the lighting within the site should be designed to ensure:

- Lighting should be designed so that they cannot be mistaken for runway or approach lights
- Colours cannot be confused for aeronautical lighting
- The overall intensity should not exceed the airports operational lighting
- The intensity of the lights should not cause glare in the pilots eyes
- As a result of the new development the aeronautical ground lights should not be obscured from the pilot's view.
- Flashing lights should be directed so as not to cause any confusion with the aeronautical lights.
- Where appropriate, lanterns should be mounted horizontally so that no light reflects upwards.

Further design guidance in relation to lighting around aerodromes can be found in the following advice notes:

[Safeguarding of Aerodromes CAP 738](#)

[Lighting near aerodromes](#)

For further information and advice, please contact safeguarding@blackpoolairport.com

In relation to the detentions basin, the Air Traffic Service Manager remains concerned that there will be an associated increase in bird activity that will occur as a result of any increase in surface water in the planned area. This area is within 100m of the edge of the runway, just north of Run Way 10 threshold. The types of birds expected to be attracted to the site include large flocking species such as gulls, geese and waders. Any birdstrike that occurs involving one or more of these birds is likely to have the potential to be catastrophic. This proposed detention basin has the potential to be a significant threat to flight safety and in the Airport's opinion is incompatible with the operation of the Airport in its present form.

Officer note: The applicant has confirmed that the area around the proposed detention basin is already subject to occasional natural flooding after heavy and prolonged rain and that the detention basin would enlarge this area. It would not be a permanent wet area and would be designed to temporarily hold excess flows until the water can either infiltrate or be discharged to the main drainage system at an attenuated rate. The wider drainage strategy for the EZ is for

water to attenuate on individual plots and road side swales before entering into the basin so it would only ever normally fill during storm events.

The details of the drainage including the detention basin would be submitted to and agreed by the local planning authority, in full consultation with the Airport, along with the Local Lead Flood Authority, United Utilities, the Environment Agency and Natural England.

An informative which contains a link to standard aerodrome safeguarding information (CAP 738) and a link to a document called Wildlife hazard management at aerodromes (CAP 772) has been included.

Informative 1: This site falls within the identified safeguarding area for Blackpool Airport. As such, your attention is drawn to the following advice notes:

[Safeguarding of Aerodromes CAP 738](#)

[Wildlife hazard management at aerodromes CAP 772](#)

For further information and advice, please contact safeguarding@blackpoolairport.com

Given the application is in outline format with all matters reserved, it is considered that these issues can be satisfactorily dealt with by condition and the officer recommendation is unaltered, subject to the changes to the conditions and the additional informatives set out above.

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**PLANNING COMMITTEE
11 OCTOBER 2022 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
Agenda Item 4 Application 21/0234 Officer's recommendation: Refuse Pages 13 to 34	Retention of single storey building, canopy, decking and boundary treatment and use of premises as a bar and external seating area. LAND ADJACENT TO CENTRAL PIER, PROMENADE, BLACKPOOL, FY1 5BB	INFORMATION FROM OFFICERS	
		OBJECTOR/S	
		APPLICANT/AGENT/SUPPORTER	1. Mark Marshall, The Pier Company (2 minutes) 2. Chris Weetham, on behalf of the Applicant, CW Planning Solutions (5 minutes)
		WARD COUNCILLOR	
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	

**PLANNING COMMITTEE
11 OCTOBER 2022 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
<p>Agenda Item 5</p> <p>Application 21/0974</p> <p>Officer’s recommendation: Support the application and delegate approval to the Head of Development Management to a Section 106 legal agreement and conditions.</p> <p>Pages 35 to 58</p>	<p>External alterations including removal of existing single-storey front and first floor rear extensions, provision of replacement roofs to rear, removal, replacement and installation of various windows and doors and use of premises as altered as ten self-contained permanent flats with associated parking, cycle and bin storage and landscaping.</p> <p>580-582 LYTHAM ROAD, BLACKPOOL</p>	INFORMATION FROM OFFICERS	
		OBJECTOR/S	
		APPLICANT/AGENT/SUPPORTER	
		WARD COUNCILLOR	
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	

**PLANNING COMMITTEE
11 OCTOBER 2022 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
<p>Agenda Item 6</p> <p>Application 22/0265</p> <p>Officer’s recommendation: Resolve to grant planning permission and refer the application to the Secretary of State.</p> <p>Pages 59 to 132</p>	<p>Outline planning application with all matters reserved. See Committee Report for detail.</p> <p>LAND BOUNDED BY AMY JOHNSON WAY, COMMON EDGE ROAD, JEPSON WAY, SCHOOL ROAD AND BLACKPOOL AIRPORT, BLACKPOOL FY4 5DY</p>	INFORMATION FROM OFFICERS	
		OBJECTOR/S	
		APPLICANT/AGENT/SUPPORTER	Claire Parker, on behalf of the Applicant, Cassidy Ashton Group Limited
		WARD COUNCILLOR	
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	

**PLANNING COMMITTEE
11 OCTOBER 2022 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
Agenda Item 7 Application 22/0440 Officer's recommendation: Approve Pages 133 to 172	Erection of 64 two and three storey dwelling houses and a three-storey block of 3 self-contained apartments (affordable housing) with associated access, highway works, car parking and landscaping. LAND BOUNDED BY PRINCESS STREET, BLUNDELL STREET, RIGBY ROAD AND TYLDESLEY ROAD, BLACKPOOL	INFORMATION FROM OFFICERS	
		OBJECTOR/S	
		APPLICANT/AGENT/SUPPORTER	Jordan Balazs, on behalf of the Applicant, Cassidy Ashton Group Limited
		WARD COUNCILLOR	
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	