

# Blackpool Council

3 November 2023

To: Councillors Baker, Flanagan, Humphreys, Jackson, Roe, Sloman and Thomas

## PLANNING COMMITTEE

### Update Note and Public Speakers List

Please find attached the Update Note and Public Speakers List for Tuesday, 14 November 2023 meeting of the Planning Committee.

<b>Agenda No</b>	<b>Item</b>
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<b>11</b>	<b><u>UPDATE NOTE AND SPEAKER'S LIST</u> (Pages 1 - 12)</b>
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Blackpool Council

## Planning Committee: 14 November 2023

### Planning Application Reports – Update Note

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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.

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**Case:** 21/1085

**Address:** Land off Moss House Road

**Update:**

Since the agenda was published, the applicant has confirmed that, because of viability challenges arising from a deteriorating housing market, they can no longer offer any affordable housing contributions or financial contributions towards off-site public open space or local medical provision.

The views of the Council's retained viability consultants, Continuum, have been sought in response to this change in position.

Continuum note that their starting point was that 20% affordable housing provision would be viable, and that it would take a very significant drop in values resulting from a deteriorating market for a reassessment to conclude that any AH provision would be unviable.

With reference to the housing market, Continuum advise that it has been affected by rising interest rates, but that the massive reductions in value have not been seen for three reasons:

1. Low supply of properties
2. Tougher mortgage affordability testing meaning it is less likely for properties to be repossessed
3. A strong cash buyer and first time buyer market due to higher rents.

The Zoopla House Price Index Report October 2023 states that house prices have fallen nationally by 1.1%, but that the north-west has only seen a drop of 0.2%, and that lower value areas are holding up against the conditions better than higher value areas.

The Land Registry House Price Index for Blackpool shows that values increased by 2.72% between May 2022 and August 2023. Continuum consider it likely that sales values are therefore likely to be around similar levels to the first assessment in May 2022.

Overall, Continuum note that the market has been more resilient than many commentators first expected, and that some affordable housing provision should still be possible. They further note that, if developed, the first properties are unlikely to be available for sale until 2025. It is predicted that the market will see a significant increase in 2025 due to interest rates lowering and a strong pent-up demand.

In light of this advice, and as the Applicant is not prepared to accept an overage clause in a S106 agreement, the officer recommendation is now one of refusal. This reflects a reassessment of what was already a very fine planning balance. In particular, and notwithstanding the fact that the site is a strategic allocation in the Local Plan, it acknowledges the fact that the Council can currently demonstrate a very comfortable housing land supply meaning that the site is not needed in the short

term to meet the borough's identified housing needs.

The following reason for refusal is respectfully offered for Members:

**The scheme fails to provide sufficient public open space provision to meet the needs generated by the development in contravention of Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policy DM21 of the Blackpool Local Plan Part 2: Site Allocation and Development Management Policies 2012-2027 and the Council's Greening Blackpool SPD.**

**The scheme fails to provide sufficient tree planting overall and does not include adequate street tree planting in the interests of the appearance of the site, biodiversity, drainage and environmental quality. This would be in contravention of paragraph 131 of the NPPF, Policy CS6 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policy DM21 of the Blackpool Local Plan Part 2: Site Allocation and Development Management Policies 2012-2027 and the Council's Greening Blackpool SPD.**

**The scheme fails to provide an appropriate housing mix to meet identified housing needs in contravention of Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.**

**The scheme fails to provide sufficient affordable housing provision to meet identified housing needs in contravention of Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Council's Affordable Housing SPD.**

**The scheme fails to make sufficient contribution towards the necessary capacity improvements in local health care provision to support the needs generated by the development in contravention of Policy CS15 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.**

**A significant number of properties across the development would have more than 50% of their frontages taken up by car parking to the detriment of the appearance of the streetscene, and a significant number would have parking spaces that fail to meet minimum size standards to the detriment of general public amenity resulting in on-street parking. This would be in contravention of Policy DM1 of the Blackpool Local Plan Part 2: Site Allocation and Development Management Policies 2012-2027.**

**The viability information submitted fails to adequately demonstrate that full compliance with the relevant policies and the planning obligations sought, that would address the above issues, would render the scheme financially unviable for delivery.**

**Together these matters weigh heavily against the proposal and no sufficient, over-riding, material planning considerations have been presented that would outweigh the issues set out above in the planning balance and justify the grant of planning permission. The proposal is therefore considered to be unacceptable and contrary to the NPPF, Policies CS6, CS11, CS14 and CS15 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies DM1 and DM21 of the Blackpool Local Plan Part 2: Site Allocation and Development Management Policies 2012-2027 and the Council's Greening Blackpool and Affordable Housing SPDs.**

The following advice notes are also respectfully recommended:

- 1. The reason for refusal above reflects the assessment of planning balance. It is acknowledged that the issues raised may be accepted if it were satisfactorily demonstrated that compliance would render the scheme financially unviable.**
- 2. There are a number of issues relating to the information submitted with the application. For example, the provision of post and rail fencing between plots is not considered to be acceptable in the interests of privacy, visual and general public amenity. Likewise the two shared driveways marked as being for private ownership should come under the responsibility of a site management company in the interests of visual and general public amenity. However, it is considered that such matters could be adequately dealt with through condition were a planning permission to be granted and so they have not been included as part of the reason for refusal above.**
- 3. The existing access to the site is considered to be unacceptable for use during construction. This issue has not been included in the reason for refusal set out above because it is agreed between the parties that a financial contribution of £30,000 would be made through legal agreement were a permission to be granted to cover the cost of any Traffic Regulation Order and highway improvement/alteration works that would be required to make alternative provision for construction traffic access and egress along the length of Moss House Road to the western arm of Redwood Boulevard.**

**Case:** 22/0670

**Address:** Former Bispham High School site

**Update:**

**Amendments to / comments on the report**

Paragraph 7.6.3 – this text was written prior to the receipt of final comments from United Utilities and was not subsequently updated. This is an oversight. Members are advised that UU have accepted the proposed drainage strategy as reflected by the recommended conditions.

Paragraph 7.5.11 – this paragraph notes that, whilst the lack of garden sheds weighs against the scheme, this matter does not weigh heavily in the planning balance and the lack of shed provision could be accepted if required to make the scheme financially viable. Nevertheless, condition 43 was included in the report and this condition requires the provision of garden sheds. The list of conditions was sent to the agent for the application for review. Had objection to condition 43 been maintained, this condition could have been removed through this note. However, as no such objection was raised as part of the condition review. It is therefore reasonable to assume that the scheme can support the provision of garden sheds. As such this condition should be retained despite the conflict with the wording of paragraph 7.5.11, as this improves the planning balance of the application.

## **New information**

### **Affordable housing**

It has been confirmed that all of the affordable houses proposed would be affordable housing for rent as defined by the NPPF.

### **Highways**

The applicant has submitted a Transport Assessment addendum in an attempt to satisfy the requirements of recommended condition 24 in advance of determination. This addendum has been considered by the Council's retained highway consultants. Their response can be summarised as follows:

The conclusion is minimalistic. It does not acknowledge that the junction was at capacity for the AM peak and over capacity at the PM peak. Adding in the traffic from the development would increase the negative net capacity and, with normal growth this is likely to be in the region of -6.1% in 2026. Any degree of saturation over 90% usually indicates that a lane will be close to capacity which can lead to queuing vehicles not clearing during a signal change cycle, leaving a residual queue. The response concludes that further work is required.

On this basis, condition 24 must be retained.

### **House type alterations**

The house types proposed have all had to be amended slightly to accord with Building Regulations Approved Document L 2021 Edition. This has resulted in changes to the footprint and height of the properties. The majority of amendments are in the region of 0.6m although some are as much as 0.8m. The Charleston has increased in height by around 0.8m but is still proportionate to other models. The greatest change is on the Holbrook where a small ground floor rear projection has been removed but the length has increased by over 1m.

The agent has confirmed that the alterations do not affect the degree of compliance with minimum standards or accessibility standards. It is not considered that the changes would have a sufficiently material impact upon overshadowing or privacy, or the general relationship with existing properties sufficient to affect the assessment of the application.

## **Recommendation**

The recommendation, in essence, has not changed. However, if Members resolve to support the application, it will be necessary for the applicant to enter into a S106 legal agreement to secure the payment of planning obligations and this will inevitably take some time. The applicant is keen to address the requirements of as many conditions as possible prior to determination. As such, Members are respectfully requested to authorise the Head of Development Management to alter the wording of conditions as appropriate if acceptable information to meet the requirements of those conditions is provided prior to determination. For example, the applicant may be able to provide the necessary information relating to materials, surfacing, boundary treatments, landscaping, tree protection and management arrangement prior to determination. It is also requested that Members authorise the Head of Development Management to delete or merge conditions where they are

satisfactorily demonstrated to be unnecessary.

Notwithstanding the above, please note the proposed amendments to the recommended conditions below.

## Conditions

The conditions recommended have been reviewed by the applicant's agent and by relevant Councillor officers. Some very minor amendments have been made to correct numbering, inappropriate/unnecessary wording and typographical errors, and those conditions have not been reproduced in this note. Where a substantive alteration has been made, this is detailed below. The amended text is in bold, the new wording is underlined whilst deleted wording has been struck through.

### Condition 12 – tree protection:

~~(a) Prior to the commencement of any development on site, a tree and hedgerow protection plan 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, this protection plan shall:~~

~~(i) identify the trees and hedgerows to be retained on or adjacent to the site;~~

~~(ii) detail the position, height and format of protective fencing to be erected around the trees/hedgerows to be retained; and~~

~~(iii) confirm that no excavation, materials storage, waste disposal or other activities shall take place within the fenced-off area.~~

~~(b) The protective fencing agreed pursuant to part (a) of this condition shall remain in place for the duration of the site preparation and demolition and/or construction period.~~

The development hereby approved shall proceed in full accordance with the Tree Protection Plan produced by Richard Eaves ref. 4191-02 dated November 2023 throughout the duration of the demolition and/or construction period.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees and/or hedgerows growing within or adjacent to the site which are of amenity value to the area, in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

### Condition 14 – frontage landscaping:

(a) Notwithstanding the information provided, and prior to the commencement of any above ground construction, a landscaping scheme for the Bispham Road frontage **within the highway outside of the site boundary** shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities;

(b) No property hereby approved shall first be occupied until the landscaping scheme agreed pursuant to part (a) of this condition has been implemented in full and in full accordance with the

approved details.

Reason: In order to soften the appearance of the development when viewed from Bispham Road in the interests of the quality of the streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

Condition 15 – estate management

(a) Prior to the commencement of **development any above ground construction** a plan to identify those areas of the site proposed to be incorporated into private residential plots and those areas to be managed and maintained by an estate management company shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the commencement of **development any above ground construction** an Estate Management Plan to for those areas of the site to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:

- Identify the third parties responsible for management (e.g. Site Management Company)
- Set out arrangements to secure implementation of the Estate Management Plan in perpetuity
- include the provisions set out in the Landscape and Ecological Management Plan prepared by Richard Eaves ref. RE4191 Issue 3 August 2022

(c) The Estate **Highway** Management Plan hereby approved shall be implemented in full at all times that any of the homes hereby approved are occupied.

Reason: To ensure that landscaping features are properly protected and managed to secure their longevity and the visual appearance and biodiversity value of the site, in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21 and DM35 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

Condition 16 – vegetation clearance:

No trees or hedgerows shall be felled or cleared during the main bird nesting season (March to ~~August~~ ~~September~~ inclusive) unless written confirmation of the absence of nesting birds by a suitably qualified and experienced ecologist has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard 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.

Condition 22 – access arrangements:

No property hereby approved shall be first occupied until the access arrangements shown on Access Arrangement Bispham Road plan ~~ref. 69644-CUR-XX-00-D-TP-75002 Rev P08~~ 69644-CUR-XX-00-DR-TP-75002 Rev P10 or an alternative plan approved through the S278 process under the Highways Act have been provided in full and in full accordance with the approved drawing.

Reason: In order to ensure safe access to and egress from the site is available in the interests of



highway safety in accordance with the provisions of 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.

Condition 27 – highway management:

(a) Prior to the commencement of ~~development~~ **any above ground construction** a plan to identify those areas of the site proposed to be adopted by the Local Highway Authority and those areas proposed to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the commencement of ~~development~~ **any above ground construction** a Highway Management Plan to for those areas of the site to be managed and maintained by third parties shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall:

- Identify the third parties responsible for management (e.g. Site Management Company)
- Set out a regime/timetable for inspections and regular repair or maintenance works
- Explain how issues can be reported, assessed and resolved

(c) The Highway Management Plan hereby approved shall be implemented in full at all times when any part of the area to which it relates is occupied or in use.

Reason: In order to ensure that safe and convenient access is available to the development by a range of transport modes 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 2012-2027.

Condition 31 – Travel Plan:

~~(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 Framework~~ Travel Plan ref. 079677-CUR-00-XX-RP-TP-002 Rev V05 dated 26 October 2023.

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.

## Condition 34 – drainage

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design Drawing 30484/100/2, Rev E - Dated 20/09/23 which was prepared by Ironside Farrar. For the avoidance of doubt surface water must drain at the restricted rate of 43.5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer **other than as proposed by the approved drainage strategy**. 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.

## Condition 38 – archaeological investigation

a) Notwithstanding the information provided, no development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- (i) The programme and methodology of site investigation and recording
- (ii) The programme for post investigation assessment
- (iii) Provision to be made for analysis of the site investigation and recording
- (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- (v) Provision to be made for archive deposition of the analysis and records of the site investigation
- (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

**For the avoidance of doubt, the Written Scheme of Investigation for an Archaeological Evaluation ref. 3570.R01a dated May 2022 is considered to be acceptable.**

b) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.

This is in accordance with National Planning Policy Framework paragraph 199: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

## Condition 39 – construction management plan

(a) Notwithstanding the information provided and 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) routing 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)~~  
*(duplication of condition 23)*
- (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 DN36 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.

**PLANNING COMMITTEE  
14 NOVEMBER 2023 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
<p><b>Agenda Item 8</b></p> <p><b>Application 21/1085</b></p> <p><b>Officer’s recommendation:</b> Refuse (amended in the Update Note from the original recommendation).</p> <p><b>Pages 35 to 78</b></p>	<p>Erection of 52 houses with associated public open space, landscaping, infrastructure and access from Moss House Road.</p> <p><b>65-71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF</b></p>	<b>INFORMATION FROM OFFICERS</b>	
		<b>OBJECTOR/S</b>	
		<b>APPLICANT/AGENT/SUPPORTER</b>	Jonathan Pickthall, Applicant
		<b>WARD COUNCILLOR</b>	
		<ul style="list-style-type: none"> <li>• <b>DEBATE BY COMMITTEE</b></li> <li>• <b>DECISION</b></li> </ul>	

**PLANNING COMMITTEE  
14 NOVEMBER 2023 – ORDER OF BUSINESS**

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
<p><b>Agenda Item 9</b></p> <p><b>Application 22/0670</b></p> <p><b>Officer’s recommendation:</b> Adopt the Habitats Regulation Assessment screening opinion and resolve to support (amended conditions in Update Note)</p> <p><b>Pages 79 to 128</b></p>	<p>Erection of 200 residential dwellings with associated landscaping, public open space and parking, with vehicular access from Bispham Road, Regency Gardens and Kylemore Avenue</p> <p><b>FORMER BISPHAM HIGH SCHOOL, BISPHAM, BLACKPOOL, FY2 0NH</b></p>	<b>INFORMATION FROM OFFICERS</b>	
		<b>OBJECTOR/S</b>	
		<b>APPLICANT/AGENT/SUPPORTER</b>	Alexis De Pol, De Pol Associates and Jonathan Pickthall, Applicant
		<b>WARD COUNCILLOR</b>	
		<ul style="list-style-type: none"> <li>• <b>DEBATE BY COMMITTEE</b></li> <li>• <b>DECISION</b></li> </ul>	