

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: 21/0386

Address: 6-8 Harrow Place

Update:

1. The applicant has indicated in correspondence that he does not agree to the imposition of condition 14 as set out in the officer report. The applicant feels that the condition contradicts previous verbal assurances of support for his scheme and commitment on behalf of the Council to deliver parking on Harrow Place. The applicant feels that the condition could preclude development of his scheme and has expressed a preference for a S106 legal agreement to be entered into.

Condition 14 is in two parts. Part (a) requires the agreement of a scheme of off-site parking provision sufficient to meet the needs of the development along with a mechanism for implementation to be agreed prior to commencement of the development. Part (b) prevents occupancy of the flats until the agreed scheme has been delivered.

Entry into a S016 legal agreement is not considered to be an appropriate option at this time. Planning permission ref. 16/0421 for the development at Coastal Point is subject to a S016 legal agreement. This S106 identifies land on Harrow Place for the delivery of off-street car parking to meet the needs of the Coastal Point development. The Council cannot grant a planning permission to the applicant that would directly conflict with planning permission ref. 16/0421.

The potential parking scheme devised by the Council would allocate fifteen parking spaces to the applicant. Four of these would be on the highway directly outside the application property and would fall outside of the area identified in the S106 for Coastal Point, but the other eleven would fall within this area. At this moment in time, the Council could not issue a planning permission that expressly requires provision of those eleven spaces or assumes that those spaces are capable of being delivered.

Condition 14 as drafted does not expressly require provision of those eleven spaces and it does not assume that those spaces are capable of being delivered. Instead the wording of part (a) provides flexibility for alternative parking solutions to be offered such that there is no direct conflict with planning permission ref. 16/0421.

Part (b) of condition 14 precludes occupancy of the scheme until the necessary parking has been provided. This would be a necessary condition in any event, as the development of fifteen residential flats would not be acceptable without the provision of appropriate car parking.

The applicant's request to enter into a S106 agreement at this time is noted. However, as the Council cannot issue a planning permission to the applicant that directly conflicts with planning permission ref. 16/0421, it is equally the case that any S106 agreement could not specify provision of the Council's potential parking scheme. Instead, any S106 would merely enable the applicant to make a financial contribution to the provision of on-street car parking in the area and agree to a permit scheme. If this option were pursued, condition 14 could be amended to remove part (a). However, as there would then be greater uncertainty as to the nature of the scheme and deliver mechanism for the parking, part (b) would have to change to be prior to commencement. As such, the condition would become more onerous for the applicant and the S106 would remove any certainty or control available to him. Consequently, this is not considered to be a reasonable option.

Condition 14 as drafted is considered to be a pre-commencement condition.

Planning permission may not be granted subject to a pre-commencement condition without the written agreement of the applicant. Where written agreement has not been secured, a Local Planning Authority may serve formal notice of its intention to impose the condition. The applicant then has ten days to respond and no decision may be made within that time.

In response to such a notice, an applicant may (i) agree to the condition, (ii) provide comments, (iii) remain silent, or (iv) confirm that they do not agree to the condition.

Where an applicant formally confirms that they do not agree to the pre-commencement condition, the Local Planning Authority may (i) grant planning permission without the condition, (ii) seek to agree alternative wording, or (iii) if these options would not make the development acceptable, refuse planning permission.

Condition 14 is considered necessary to secure sufficient parking provision to meet the needs of the development. As such, it is not considered that planning permission could reasonably be granted without this condition. Officers do not consider that the condition could be altered to achieve the same objective without meeting the same objection from the applicant. On this basis, if the pre-commencement condition cannot be agreed as is or in an amended form, planning permission should be refused.

In light of the objection provided by the applicant, the recommendation to Committee must now change. Although the applicant has only indicated objection to condition 14, the recommendation has been worded to accommodate formal consultation in respect of all conditions.

Members are now recommended to resolve to support the proposal in principle subject to conditions, noting that the Environment Agency has raised no objection, and delegate approval the Head of Development Management as follows:

EITHER

- (i) In the event that the applicant either agrees in writing to the pre-commencement condition(s), or remains silent, following receipt of formal notice of the Council's intention to impose the condition(s), and following the elapse of the statutory time period for that notification, planning permission shall be granted subject to the conditions listed at the end of the officer report and any additional conditions listed in this update note.

OR

- (ii) In the event that the applicant confirms in writing that he does not agree to the pre-commencement condition(s) within the statutory time period, planning permission shall be refused. The reasons for refusal shall be formulated based on the condition(s) that are not agreed and shall first be agreed with the Chair of Planning Committee before the decision is issued.

2. It has been noted that a word is missing from condition 14, this condition should be amended as follows with the insertion of the word 'until'. The reasons for the condition has also been expanded:

(a) No development shall commence until a scheme for the provision of car parking at a ratio of at least one space for each flat, together with a mechanism for its delivery, has been submitted to and approved in writing by the Local Planning Authority; and

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

Reason: In order to ensure that adequate parking provision is available to meet the needs of the development in the interests of the appearance of the area and highway safety in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. **This condition is required to be discharged prior to commencement in order to ensure that an acceptable scheme can be secured to serve the development.**

3. Since the officer report was written, the Environment Agency has confirmed that they have no objection to planning permission being granted subject to the following condition:

The development hereby permitted shall not be commenced until mitigation measures which include the following information have been submitted to, and approved in writing

by, the local planning authority after Environment Agency Product 4 information is acquired:

- Details of the design flood level in relation to the existing ground level, to define the predicted flood depth ;
- Details of the finished floor level in relation to the design flood;
- Details of any flood resistance and resilience measures appropriate to the predicted flood depth.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. This information must be agreed prior to the commencement of development in order to ensure any appropriate flooding mitigation measures are incorporated as the development proceeds.

4. Since the officer report was written the Lead Local Flood Authority has confirmed no objection to the application.
5. Representation received from Councillor Gerard Walsh requesting that the layby indicated on the plans for the potential parking scheme on Harrow Place be available for unrestricted, general use.

This request is noted. Whilst this is understood to be the intention, as the parking scheme including the layby would be delivered within the public highway, the details of the provision would be subject to a Traffic Regulation Order (TRO). This would need to follow the Council's policy and its own statutory legal procedure which includes its own consultation process before any works commenced.

6. A representation has been received no. 10 Harrow Place. This representation notes submission of separate planning application ref. 23/0462 and questions why it is not linked to application ref. 21/0386. Application ref. 23/0462 seeks to vary conditions attached to planning permission ref. 16/0421. However, the two applications are independent. The representation raises no material considerations in relation to application ref. 21/0386.
7. A representation has been received from no. 85 Clifton Drive. This relates to the potential on-highway parking scheme devised by the Council. As above, this would be subject to a TRO which would go through its own procedure including public consultation. The representation objects to the potential for Harrow Place to be used for restricted parking, but the acceptability in principle of this has already been established through the granting of planning permission ref. 16/0421.

Case: 22/0955

Address: 50 Dean Street

Update:

1. It has been noted by officers that the description of development omits mention of the self-contained flat at second floor level which would be used in conjunction with the use of the rest of the premises. The description of development has been amended accordingly but the application must now be republicised for comment for at least 21 days. The officer recommendation is therefore amended such that Members resolve to support the application and delegate it for approval by the Head of Development Management following the expiry of the new consultation period and on the condition that no new representations raising substantively new issues are received.
2. In terms of the mechanism to control the use, officers consider the imposition of a condition to be the most appropriate solution. As such, the following condition is recommended for imposition on any permission granted:

(a) Prior to first use of the premises, and notwithstanding the information already submitted, a Management Plan shall be submitted to and agreed in writing by the Local Planning Authority.

For the purpose of this condition, the Management Plan will fully detail the way in which the property would be operated in order to ensure that it meets the requirements of criteria 1(a) of Policy DM3 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027 which requires the accommodation to meet identified local needs and be supported by the relevant Council commissioning managers.

(b) The use hereby approved shall thereafter operate in full accordance with the Management Plan agreed pursuant to part (a) of this condition.

Reason: In order to ensure that the use meets identified local needs and has the necessary support of the Council's relevant commissioning managers as required by Policy DM3 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

3. The following informative is also recommended for inclusion on any decision notice for approval:

Please be advised that, in order to discharge condition 7, a proposal whereby occupancy be limited to persons placed by Blackpool Council or with the written agreement of Blackpool Council would be acceptable.

4. Officers also request that the recommendation be amended to allow for changes to the wording of the existing conditions to enable the approval of information submitted to meet the needs of those conditions, if it is provided prior to determination.

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Case: 23/0020

Address: 10 Woodfield Road

Update:

An additional representation has been received from nos. 1-3 Woodfield Road. This representation does not raise any substantively new issues to those already summarised and addressed in the officer report.

Members are respectfully reminded that concerns relating to the potential for illegal activity are not a planning land use consideration.