

# Public Document Pack

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023

## **Present:**

Councillor Humphreys (in the Chair from Item 2)

Councillors

Baker	Flanagan	Thomas
Cooper	Jackson	

## **In Attendance:**

Keith Allen, Highways and Traffic Development and Control Officer  
Jenni Cook, Democratic Governance Senior Adviser  
Ian Curtis, Legal Officer  
Susan Parker, Head of Development Management

## **1 APPOINTMENT OF CHAIRMAN**

In the absence of the Chairman and Vice-Chairman the Committee considered the appointment of a Chairman for the meeting.

### **Resolved:**

That Councillor Humphreys be appointed Chairman for the meeting.

(Councillor Humphreys took the Chair from this point of the meeting onwards.)

## **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **3 MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2023**

The Committee considered the minutes of the last meeting held on 5 September 2023.

### **Resolved:**

That the minutes of the meeting held on 5 September 2023 be approved and signed by the Chair as a correct record.

## **4 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Planning Committee considered a report on Planning/Enforcement Appeals lodged and determined since the last meeting.

### **Resolved:**

The Committee noted the update.

## **5 PLANNING ENFORCEMENT UPDATE REPORT - AUGUST 2023**

The Committee considered the report which provided a summary of planning

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023**

enforcement activity within Blackpool between 1 August and 31 August 2023.

**Resolved:**

To note the update.

### **6 PLANNING ENFORCEMENT UPDATE - SEPTEMBER 2023**

The Committee considered the report which provided a summary of planning enforcement activity within Blackpool between 1 September and 30 September 2023.

**Resolved:**

To note the update.

### **7 PLANNING ENFORCEMENT UPDATE - OCTOBER 2023**

The Committee considered the report which provided a summary of planning enforcement activity within Blackpool between 1 October and 31 October 2023.

**Resolved:**

To note the update.

### **8 BLACKPOOL COUNCIL - DEVELOPMENT MANAGEMENT - SCHEME OF DELEGATION**

The Committee considered a report in relation to the existing Scheme of Delegation for Development Management which sought the Committee's approval to update the Scheme to address an omission.

Ms S Parker, Head of Development Management, advised the Committee that the Scheme had been before the Committee for approval at the last meeting on 5 September 2023 and that since then two applications for Permissions in Principle had been submitted to the Council. The Council had only received one other application for Permission in Principle in 2019. These applications were submitted very infrequently and therefore reference to them had been omitted from the September 2023 report.

Ms Parker advised the Committee that decisions on Permission in Principle applications had to be made within 5 weeks of receipt which effectively precluded such applications from being brought before Planning Committee. The updated Scheme of Delegation included such applications within the list of application types under paragraph 3.4.2 that would always be determined under delegated authority.

The Committee discussed the report and in response to questions, Ms Parker confirmed that four Planning Officers would have the delegated authority to make such decisions, however it was not anticipated that these delegations would have to be used by the Senior Planning Officers very often and was a safeguard in case of long term senior officer absence.

**Resolved:**

To adopt the proposed amended scheme of delegation attached as Appendix 7a in the Committee report.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023

### 9 APPLICATION NUMBER 21/1085 - LAND TO THE REAR OF 65 - 71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

The Committee considered planning application 21/1085 for the erection of 52 houses with associated public open space, landscaping, infrastructure and access from Moss House Road.

Ms S Parker, Head of Development Management, outlined the report and reminded members that this had been put before the Planning Committee in September 2023 and had been deferred in order to investigate highway access options further and to further explore potential affordable housing provision.

Ms Parker acknowledged that the Update Note contained a revised recommendation and provided the Committee with an overview of the planning history of the site. The site had been included within the originally approved Kensington Homes Development site, but had been excluded from the second reserved matters scheme in 2017 as it had been intended for use by United Utilities as part of the drainage framework for the area. However, since then two smaller permissions had been granted on parts of the site which remained extant, along with the wider Kensington permission, with phase 2 of that original permission being built by Elan Homes. Ms Parker advised that whilst it could not be said categorically that the original approval would not proceed and whilst it could continue to be implemented, officers had no substantive reason to believe that this would be likely.

The Committee was advised that the application had taken a long time to determine and that this had been largely due to discussions on matters of financial viability. The proposed development site was liable for significant amounts of planning obligations as well as the provision of 30% affordable housing. The applicant had stated that this was not financially feasible and had submitted an appraisal to demonstrate this. This information had been reviewed by an independent consultant, Continuum, and a state of disagreement had arisen. Ms Parker advised that since the September 2023 Committee meeting, at which the application had been deferred, the applicant had asserted that market conditions had worsened to the point where no affordable housing or planning obligations could be provided.

Ms Parker reminded the Committee that at the 5 September 2023 Planning Committee she had advised that she considered the application to be very finely balanced but had concluded that there had been enough positive aspects of the scheme to outweigh the negative issues and it had therefore been recommended for approval. However, the Council's viability consultants, Continuum, did not consider that the applicant's withdrawal of all affordable housing and planning obligation provision was justified and this had now tipped the scales in terms of recommendations towards refusal.

Ms Parker provided the Committee with an overview of the key issues of this application and in relation to the Core Strategy, stated that the wider area at Moss House Road had intended to deliver 600 homes. Though it was acknowledged that this would not be achieved, the scheme would still make a notable contribution to the Borough's housing supply. Notwithstanding some of the shortfalls, the design of the scheme had been considered acceptable and would safeguard the amenity of neighbours, whilst providing a good standard of amenity for occupants. However, the Committee was advised that the

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023

scheme would not deliver a housing mix that would accord with policy requirements, it would fail to deliver necessary affordable housing, local health provision and green infrastructure. In addition many of the parking spaces fell short of minimum size standards and the street trees required by the National Planning Policy Framework would not be provided.

In relation to the highways matters that had been discussed at the 5 September 2023 Planning Committee, Ms Parker reminded the Committee of the original access and egress arrangements identified by the Council's highway officers which was for traffic associated with the development to travel the full length of Moss House Road to the western spur of Redwood Boulevard and out onto Progress Way from there. However, at the last meeting, the Committee had requested that consideration be given to the use of Florence Street. This had been fully considered by the applicant and the Council's Highways Team, but had been discounted as a less preferable option to Moss House Road. The Moss House Road option had been publicised and had received no objections from affected residents. Works to Moss House Road were estimated to be £30,000 which the applicant was prepared to fund.

Ms Parker drew attention to the recommendation that the Committee adopted the position of the Greater Manchester Ecology Unit, even though it was contrary to the position of Natural England. This had been recommended as although the Greater Manchester Ecology Unit had requested that homeowner packs be conditioned as part of best practice, Natural England had taken this to indicate a potential significant likely effect that warranted an Appropriate Assessment. This had not been the intention of the Greater Manchester Ecology Unit and the recommendation was merely one of best practice. On this basis, no Appropriate Assessment under the Habitat Regulations was considered necessary.

In relation to affordable housing, Ms Parker reminded the Committee that over the course of the application, the applicant had moved from a position of zero affordable housing, £85,000 for planning applications and £30,000 for highway works to a position of 15% affordable housing with obligation and highways costs. However, since the September 2023 Committee the applicant had now moved to a position of zero affordable housing and no planning obligations, retaining only the necessary highways works at £30,000. No agreement had been reached with the applicant in respect of viability grounds. Although the Council's consultants, Continuum had conceded that market conditions had deteriorated, the deterioration had been less than expected and Continuum had also predicted that market values would actually increase in 2025.

Ms Parker concluded by advising the Committee that Planning Officers had carefully considered the report in relation to planning balance, strategic designation of the site, the challenges presented by the applicant and the applicant's revised position in relation to affordable housing provision. Planning Officers had concluded that the issues relating to housing mix, conflict with Part 2 requirements and the removal of all affordable housing and planning obligations were considered to be sufficient to weigh sufficiently against the application to outweigh these benefits and justify refusal. The Committee was recommended to refuse the application for the reasons outlined in the Update Note.

Mr J Pickthall, Applicant, spoke in favour of the application and advised the Committee that he was disappointed that the recommendation was for refusal and that he disagreed

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023

with Continuum's assessment of affordable housing viability and questioned their experience in dealing with land of this nature. He stated that Rowland Homes would always want to try to provide the maximum affordable housing and planning obligation contributions, however the market conditions and the costs required to remediate this particular piece of land, in Rowland Homes' opinion, did not support the provision of any affordable homes or planning obligation contributions. Mr Pickthall noted that the £30,000 for essential highways works remained part of the application.

Mr Pickthall highlighted the benefits of the scheme, stated that in Rowland Homes' opinion, these benefits did outweigh planning balance and asked the Planning Committee to approve the application.

The Committee discussed the application and in response to questions, Mr Pickthall advised that it had been Rowland Homes' intention to provide affordable housing and planning obligations, however declining sales, rising costs and inflation and the risky site conditions had meant that these costs outweighed the costs of providing affordable housing on the grounds of viability.

The Committee discussed the report and noted the importance of affordable housing provision in Blackpool.

### **Resolved:**

To refuse the application for the reasons outlined in the Update Note.

### **10 APPLICATION NUMBER 22/0670 - FORMER BISPHAM HIGH SCHOOL, BISPHAM, BLACKPOOL, FY2 0NH**

The Committee considered planning application 22/0670 for the erection of 200 residential dwellings with associated landscaping, public open space and parking, with vehicular access from Bispham Road, Regency Gardens and Kylemore Avenue.

Ms S Parker, Head of Development Management, outlined the report and the Committee was advised that this was the third time this site had been before the Planning Committee, being twice under application reference 19/0421 (outline for 176 dwellings) and that it was now back before the Committee for 200 dwellings in full. The site was approximately 9 hectares and comprised of three main areas being the former school site, the former public open space area and what was formerly referred to as "white land" (meaning that had not been designated for anything specific). The site as a whole was now designated for housing development under the Local Plan Part 2.

Ms Parker outlined the details of the proposal which would comprise of 56 dwellings to the rear of Regency Gardens, accessed through Regency Gardens with 42 dwellings and the end of Lorne Road and Headford Close with 102 dwellings at the eastern end. These latter two sections would both be accessed from Bispham Road. In respect of public space, the majority would be retained to meet the needs of the development and another smaller area of open space would also be provided off Kylemore Road. A third smaller area would include an attenuation pond off Bispham Road and the existing tree lines around the perimeter and key hedgerows to be retained.

A large number of consultation responses had been received in relation to the application

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023

and Ms Parker advised the Committee that these had been summarised and addressed within the committee report. She also reminded the Committee that the site was already designated for housing development in the Local Plan and the development of the site could not reasonably be resisted in principle. The scheme was an effective use of land which would make a significant contribution to housing needs with public open space to be retained and upgraded along with upgraded play facilities and £442,000 would be provided towards off-site sporting provision to compensate for the loss of pitches on the development site.

In respect of affordability, the Committee was advised that 40 dwellings would be provided for affordable rent. This was less than the 30% required, however this level of provision had been justified by the viability report to the Local Plan. The proposed housing mix was considered to be acceptable and the layout of the site was acceptable, with the proposed accommodation being of a good standard. Ms Parker acknowledged that not all properties met national housing standards, however Policy DM1 required only 20% of houses to meet that standard. Boundary treatments, appropriate materials and surfacing could be agreed through condition and the Bispham Road frontage would be landscaped as part of the Section 278 highways agreement. The lack of street tree planting was acknowledged, however an adequate amount of green space stretched across the site to allow the site to appear relatively green with trees proposed in front gardens. An Appropriate Assessment was not required under the Habitats Regulations.

In relation to highways matters, Ms Parker advised the Committee that the main access from Bispham Road would be a T-junction which was a considerably safer arrangement than the roundabout originally proposed and would address many of the concerns raised by local residents. The access through Regency Gardens was considered to be acceptable and the roads were considered capable of supporting an additional 56 dwellings. A condition had been proposed in relation to speed surveys to establish if any mitigation measures were necessary. Ms Parker noted the limitations of the junction of Bispham Road and Warbreck Hill and that it was operating at over-capacity, however the impact was not considered to be severe and the developer could not reasonably be made liable for upgrades to that junction.

In relation to flood risk and drainage, no particular issues had been identified on the site and conditions were proposed to safeguard biodiversity and to enhance provision on site. Ms Parker reminded the Committee that the 10% biodiversity net gain requirement was not applicable until January 2024 and did not apply to applications already in the planning system. Although the proposal did not provide enough trees to meet the requirements of the Greening Blackpool Supplementary Planning Document, a significant amount of green infrastructure was proposed.

In respect of viability, Ms Parker advised that the Council had engaged Parkinsons to act on its behalf and it had not been possible to reach agreement with the applicant as detailed at length in the committee report. Although this weighed against the application, population projections for Blackpool indicated a declining population making it likely that many residents of the estate would relocate from elsewhere in Blackpool, with school places and health provision already in place.

In summary, the Committee was advised that the scheme would contribute towards housing supply and would provide 40 affordable rented home, off site sports provision

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023

and green space and play space upgrades. The Committee was recommended to agree that there was no need for an Appropriate Assessment under the Habitats Regulations, to resolve to support the application and to delegate it to the Head of Development Management to grant planning permission once a Section 106 Agreement had been entered into to secure the planning obligations. In addition, Ms Parker drew the Committee's attention to the Update Note in relation to revised conditions and asked that if the application was supported, that she also be granted the authority to alter conditions as she saw fit before a decision was issued.

In an exception to the Procedure for Public Speaking the Chairman agreed that a representation could be made by Mr Ashton who had not registered by 12Noon on Monday 13 November 2023. Mr P Ashton spoke in objection to the application as a local resident and raised concerns in relation to access signage, tree surveys and concerns in relation to traffic.

Mr Alexis De Pol spoke on behalf of the Applicant and advised the Committee that the application was already allocated as a housing site for the principle of development and would provide a high quality housing scheme with a 20% affordable rent provision. The provision of public open space was over and above what was required and would provide biodiversity enhancement along with an attenuation basin and improved footpaths. The Committee was asked to support the application.

Mr K Allen, Highways and Traffic Development and Control Officer, provided the Committee with an outline of highways development in the area historically and reminded the Committee that a condition to carry out a speed/traffic survey had been proposed. The highways access and works were considered to be acceptable.

Ms Parker provided clarification in respect of the criteria for a tree to be included within a tree survey and advised that the Parks Officer had reviewed the application and provided feedback to maximise biodiversity on the site.

The Committee discussed the report and in response to questions, Mr De Pol advised that he did not foresee any issues in implementing any of the conditions or proposed conditions at present. Ms Parker also provided clarification in respect of any authority delegated to her in relation to conditions. In relation to the development period, Mr De Pol advised that a precise timeline could not be given, however a detailed Construction Management Plan would be agreed.

### **Resolved:**

1. To agree that no Appropriate Assessment under the Habitats Regulations was required
2. To support the proposal and delegate the application to the Head of Development Management for approval subject to the completion of a S106 legal agreement and the conditions listed in the committee report and Update Note.
3. 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.

## **11 DATE OF NEXT MEETING**

## **MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 NOVEMBER 2023**

The date of the next meeting was noted as 12 December 2023.

### **Chairman**

(The meeting ended at 6.53 pm)

Any queries regarding these minutes, please contact:

Jenni Cook Democratic Governance Senior Adviser

Tel: (01253) 477212

E-mail: [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)