
Officer Report to Committee

Application ref:	23/0777
Ward:	Brunswick
Application type:	Full
Location:	
The former Devonshire Road Hospital site on the south-west corner of the junction of Talbot Road and Devonshire Road	
Proposal:	
Erection of a 3-storey building for use as court-house with judicial chambers, administrative space, custody facilities, public waiting facilities, with associated landscaping, partial removal of existing wall to create new pedestrian access and new vehicular access onto Talbot Road, car parking for up to 95 vehicles and cycle parking.	
Recommendation:	
Approve subject to conditions	
Recommendation Summary:	
The scheme would deliver a well-designed public facility on a prominent site in need of redevelopment on a Key Resort Gateway. The proposal would not have any unacceptable impacts on amenity, highway considerations, drainage or environmental quality. The significance of the existing boundary wall as a locally listed heritage asset would be suitably preserved. A significant number of new trees are proposed along with other greening measures, and the building would achieve a high level of sustainability. The relocation of the Courthouse to this location would facilitate comprehensive redevelopment of the Leisure Quarter site to deliver regeneration of the Resort Core. Overall the development is considered to be of a high standard.	
Meeting date:	
27 February 2024	
Reason for bringing to Committee:	
Major scale development of strategic significance	
Case officer:	
Susan Parker	
Case officer contact:	
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1.0 SITE DESCRIPTION

- 1.1 The application site is L-shaped and covers the eastern half and south-western corner of the former Devonshire Road Hospital site. The wider site is rectangular and the north-western corner has been excluded from this proposal for future development. The site currently benefits from two vehicle access points, one off Coleridge Road to the west and one from Devonshire Road to the east. There is an additional, pedestrian access onto Talbot Road to the north. There is a major signal-controlled junction directly to the north-east.
- 1.2 There are a number of sizeable commercial uses and a school fronting Devonshire Road to the south and east, and a small local centre fronting Talbot Road also to the east. Otherwise the wider area has a predominantly residential character. At present the site surface comprises a mix of tarmac, concrete and compacted loose material.

1.3 The site is unallocated on the Policies Map to the Local Plan. The perimeter wall and former bus shelter are locally listed and there are a number of trees along the site boundaries. Talbot Road is a Key Resort Gateway and the site falls within the Talbot and Brunswick Integrated Neighbourhood Improvement (TABINI) area Blackpool Airport Safeguarding Zone. Otherwise it is not subject to any other designations or constraints.

2.0 PROPOSAL

2.1 The application seeks full planning permission for the erection of a 3-storey building for use as court-house with judicial chambers, administrative space, custody facilities and public waiting areas.

2.2 A new vehicular access point would be created centrally within the Talbot Road frontage and this would lead to a roundabout towards the back (south) of the site. This roundabout would give access to the court complex to the east and an associated car park to the west in the south-west corner of the site. Some 95 car parking spaces are proposed along with cycle parking and a new pedestrian access point onto Talbot Road. The existing vehicle access from Devonshire Road would be retained but this would be for court transport vehicle and emergency use only. The existing vehicle access point from Coleridge Road would be removed.

2.3 The application has been supported by:

- Planning statement
- Design and access statement
- Historic impact assessment
- Transport assessment
- Framework travel plan
- Flood risk assessment
- SUDS proforma
- Arboricultural report
- Tree constraints and protection plans
- Biodiversity metric
- Biodiversity statement
- Ecological appraisal
- BREEAM report
- Ground investigation report
- Environmental summary technical note

3.0 RELEVANT PLANNING HISTORY

3.1 23/0258 – pre-application advice sought in respect of this proposal.

3.2 21/0517 – hybrid planning permission granted for the redevelopment of the Blackpool Central site to deliver a major new tourist attraction with associated hotels, car parking and retail/food/drink provision. The existing court building is situated on a part of this site identified as phase 3 of the redevelopment proposals. The court facility therefore needs to be relocated to enable this approved development to proceed in full.

3.3 Whilst there is a lengthy planning history for the application site itself, no specific application is considered to be of particular relevance to this proposal.

4.0 RELEVANT PLANNING POLICY/GUIDANCE/LEGISLATION

4.1 National Planning Policy Framework (NPPF)

4.1.1 The NPPF was adopted in December 2023. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 2 Achieving Sustainable Development
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving well-designed places
- Section 14 Meeting the Challenge of Climate Change, Flooding, & Coastal Change
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

4.2 National Planning Practice Guidance (NPPG)

4.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

4.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Part 1)

4.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS5 Connectivity
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage
- CS9 Water Management
- CS10 Sustainable Design and Low Carbon and Renewable Energy
- CS11 Planning Obligations
- CS12 Sustainable Neighbourhoods
- CS20 Leisure Quarter (Former Central Station Site)
- CS22 Key Resort Gateways

4.4 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (Part 2)

4.5.1 The Blackpool Local Plan Part 2 was adopted in February 2023. The following emerging policies in Part 2 are most relevant to this application:

- DM17 Design Principles
- DM18 High Speed Broadband for New Developments
- DM19 Strategic Views
- DM21 Landscaping
- DM25 Public Art
- DM28 Non-Designated Heritage Assets

- DM30 Archaeology
- DM31 Surface Water Management
- DM35 Biodiversity
- DM36 Controlling Pollution and Contamination
- DM37 Community Facilities
- DM41 Transport Requirements for New Development
- DM42 Aerodrome Safeguarding

4.6 Other Relevant documents, guidance and legislation

- 4.6.1 The Talbot and Brunswick Integrated Neighbourhood Improvement Area Neighbourhood Planning Guidance was published in June 2006. The document considered the relevant planning policies in place at that time and suggested how they should be applied to shape the future development of the TAB neighbourhood. It hung on Policy BH2 of the Blackpool Local Plan 2001-2016 which has since been superseded by the new Local Plan Parts 1 and 2. Fundamentally, the guidance expected new development in the area to be of a high quality and contribute positively to community safety and security and the vitality of the area. Importantly, the document expected new development to be appropriate to the scale and character of the area. It significantly pre-dated the Talbot Gateway vision and so did not envisage or make reference to potential development of the scale now proposed.
- 4.6.2 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.
- 4.6.3 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high-quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community, and its ability to address the environmental issues affecting climate.
- 4.6.4 Blackpool Council declared a Climate Change Emergency in June 2019 and is committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.
- 4.6.5 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:
- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
 - Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
 - Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
 - Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.
- 4.6.6 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, not requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.
- 4.6.7 Blackpool adopted the 2021-2031 Tree Strategy in July 2021. This strategy recognises the importance of trees, the benefits they afford us and the ever-important role they can play in improving our community's mental wellbeing, socio-economic value, providing a home for

wildlife and mitigating environmental issues and climate change. Given that Blackpool only has 4.4% tree cover (the lowest in the UK), the Strategy aims to embed trees into decision making processes across the council and ensure the current stock is proactively managed.

- 4.6.8 Greening Blackpool Supplementary Planning Document (SPD) - this document was adopted in May 2022 and sets out the green infrastructure and tree planting requirements for new development.

5.0 CONSULTEE RESPONSES

- 5.1 **Built Heritage Manager:** the proposed alterations to the boundary wall would be acceptable to enable access and no objection is raised. Methodologies should be secured through condition for repair and redecoration of the wall, which represents different phases of development of the original hospital, with rendered panels and railings. The alterations to the tram shelter would preserve the visual integrity of the original design whilst the replacement of the back wall with a dwarf wall and railings would like reduce graffiti in the future. The canted corner of the wall at the Talbot Road/Devonshire Road junction presents an opportunity to create a focal point. As the building sits squarely along both highway elevations, high-level lettering should be on both elevations.
- 5.2 **Blackpool Civic Trust:** no response has been received in time for inclusion in this report. If any comments are provided in advance of the Committee meeting they will be reported through the update note.
- 5.3 **Environmental Protection (amenity):** given the location of the proposed plant equipment, no noise assessment is required.
- 5.4 **Environmental Protection (pollution):** the information submitted in relation to air quality is acceptable as the negligible increase in traffic would have negligible impacts on the AQMA. With regard potential land contamination, it is agreed that no remediation is required as per the report.
- 5.5 **Greater Manchester Ecology Unit (GMEU):** the submitted information finds the site to be of generally low ecological value, with the majority of interest restricted to the trees and shrubs on the perimeter. Although some trees are to be lost, these areas would largely be retained. The appraisal makes a number of recommendations, including one for a Construction Environmental Management Plan. Appropriate condition wording is recommended. With regard to biodiversity net gain, a very detailed assessment has been provided which indicates a net gain of some 46% for area-based habitats and 11.5% for linear habitats. However, as no detailed landscaping or planting plans have been submitted, these figures cannot be verified. It has been confirmed that this information can be secured through condition and appropriate condition is provided.
- 5.6 **Head of Parks and Greens:**
- 5.6.1 20/11/23 - the tree losses/removals proposed are due to condition rather than the development and would appear to be suitably replaced as part of the scheme. Some works would be undertaken within the root protection area of tree 18 which must therefore be provided with protective matting and checked (by the Council's Parks team or a project arboriculturalist) along with the protective fencing prior to commencement. A limited number of new trees are proposed to be planted but there would appear to be space within the parking areas for more tree planting.

5.6.2 26/01/24 - The proposal has been discussed with the Green and Blue Infrastructure Officer. The green roof and grass are welcome additions, but a green wall here would have been ideal as noted in the preliminary ecological appraisal. Appropriate tree protection conditions will be required including a documented supervision process. A detailed planting plan, including methods to improve the rooting environment, and a maintenance schedule should be provided. An ecologist should be consulted to ensure that necessary BNG is achieved.

5.6.3 30/01/24 - The inclusion of more trees is welcomed. If planted correctly and well managed, the new trees will eventually fill the gaps and become a successful tree line. There are existing category U trees of low vitality that contain deadwood. The arboricultural report states that these should be felled or protected, it is unclear which. A meeting should be held prior to the installation of protective fencing to discuss facilitative pruning and a work schedule. Some category U trees may be suitable for retention and felled trees should be left in situ as habitat where feasible. Retention of deadwood as habitat can be misunderstood with a misconception that it represents poor maintenance or neglect. This could be overcome through the provision of an information board and appropriate wording is suggested.

5.6.4 01/02/24 – verbal confirmation that the relocation of the refuse store is acceptable.

5.7 **Head of Highways and Traffic Management Services:**

5.7.1 Initial comments: The Council has been in discussion with the applicant's highway consultants from the start of the Transport Assessment (TA) scoping process, in particular with regard to parking provision, access and the adjacent signal junction. The Council accepts that parking numbers could be derived from other sites for consideration against published Local Plan standards. These standards are based on gross floor area and would require several hundred spaces. The analysis provided is robust and detailed and demonstrate levels of demand that would be met by the parking proposed.

5.7.2 Any parking provision on site would need to be controlled through either being secure, restricted or charged for. It would otherwise become a local car park for general use. Apart from the secure areas there is no indication how this would be achieved or by whom. A clear and acceptable proposal is required prior to determination. The nearest uncontrolled on-street parking has potential to be used by Courts visitors seeking to avoid any on-site controls or charges. Use of Traffic Regulation Orders may therefore be required. There will be a need for waiting restrictions to be introduced on Talbot Road.

5.7.3 The analysis submitted demonstrates that the development would not make a material difference to traffic loadings or delays at the Talbot Road / Devonshire Road junction. Queues and delays, notably northbound, vary considerably. Significant queues are not uncommon and arise from local circumstances or unusual peak flows. The conclusions of the TA are accepted.

5.7.4 The proposal seek to retain as much of the boundary wall as possible. Some highway alterations would be required including the re-siting of a pedestrian refuge and the introduction of TRO restrictions. Subject to detailed design and a Road Safety Audit, no objections are raised.

5.7.5 Further comments: the updated information submitted is accepted. The detailed operation remains the key issue and an agreement must be reached on the setting and updating of

tariffs. A balance must be struck to ensure that parking is not pushed onto surrounding streets but that, equally, the site does not become a local car park for general convenience. The nearest eastbound and westbound bus shelters should be upgraded. The cost would be £8,000 per shelter for purchase and installation, with a further allowance of £5-£7,000 for raised kerbs, drainage, resurfacing and upgrading of the markings. A requirement of £15,000 for each bus stop would therefore be appropriate. Comments have been made regarding the Travel Plan and a revised Travel Plan has been submitted and deemed to be acceptable.

- 5.7.6 30/01/24 – verbal advice that any relocation of the refuse store would require relocation of the access gate. The gate must be sufficient distance away from the vehicular access point to ensure that a stopped refuse wagon would not have an unacceptable impact upon visibility or highway safety. Confirmed that the revised position is acceptable.
- 5.8 **Lead Local Flood Authority (LLFA):** overall the submitted flood-risk assessment is acceptable. There are no watercourses or separate systems in the area to connect into, limiting options to the combined sewer. At present no drainage layout is proposed but the FRA and suds proforma show a discharge rate of 4.4l/s and some storage and permeable paving. The standard conditions should be applied.
- 5.9 **United Utilities:**
- 5.9.1 Initial comments (24/11/23): The drainage documents submitted are not considered to be acceptable because they do not provide robust evidence that the drainage hierarchy has been thoroughly investigated and that the proposals are in-line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. Despite the stated intention to discharge to the public sewer system, no indicative drainage plans have been submitted. An appropriate condition has been recommended in the event that planning permission is granted. UU will not advise on discharge rates to watercourses and so the Environment Agency or Lead Local Flood Authority should be consulted as appropriate. An appropriate condition to secure suitable drainage management is recommended.
- 5.9.2 It is the applicant's responsibility to demonstrate the relationship between the development and any UU assets. A water main crosses the site and must not be built over. Access must not be compromised. An objection is raised until it can be demonstrated that the water main would not be affected. A public sewer crosses the site and, again, it must not be built over or access compromised. The applicant should contact UU at the earliest opportunity to discuss these issues.
- 5.9.3 Further comments (28/12/23): it has been confirmed that a refuse store would be constructed over a water main which would not be acceptable. Either the store must be relocated or the water main diverted. An appropriate condition is offered and an objection is maintained until this matter is resolved. It is again stated that a plan showing site levels and proposed cover and invert levels is required. In the event that this is not provided prior to determination, an appropriately worded condition is offered and should be imposed on any permission granted. The other previous comments remain.
- 5.10 **Electricity North West:** the development would be adjacent to or affect ENW assets. The development must not encroach onto ENW land or compromise access. The applicant should contact ENW at the earliest opportunity. Great care should be taken at all times when working around electrical apparatus. Relevant guidance documents are available, namely HS(G)47 and GS6. The applicant should also adhere to the minimum safety clearance set out within the Energy Network Associations Guidance. The cost of any necessary

diversion of apparatus arising from the works would typically be borne by the applicant. ENW has rights of access, inspection, maintenance and repair at all times. ENW offers a mapping service for developers. It is the developer's responsibility to demonstrate the relationship between the development and any ENW assets.

- 5.11 **Blackpool Airport:** provided the development is constructed as shown on the submitted plans, Blackpool Airport would merely require notification of crane use and a Crane Permit to be obtained if required. Details are provided.
- 5.12 **Community Safety Manager:** no response has been received in time for inclusion in this report. If any comments are provided in advance of the Committee meeting they will be reported through the update note.
- 5.13 **Lancashire Constabulary:** no response has been received in time for inclusion in this report. If any comments are provided in advance of the Committee meeting they will be reported through the update note.

6.0 **REPRESENTATIONS**

6.1 Press notice published: 09/11/23

6.2 Site notice published: 16/11/23

6.3 Neighbours notified: 31/10/23

6.4 One objection has been received raising the following points:

- The nearby junction is already heavily congested, this would be exacerbated
- Detrimental impact on highway safety
- The Courts would be too far from the main Police headquarters leading to unsustainable and non-cost-effective transportation of those attending court
- The Courts should be located elsewhere (adjacent to the Police headquarters or on Peel Park)
- The site should be used for affordable or social housing

6.5 Members are respectfully advised that this proposal is not subject to a sequential test requirement and that preference for an alternative site, or preference for an alternative form of development on this site, are not valid planning considerations in relation to this application.

7.0 **ASSESSMENT**

7.1 **Principle**

7.1.1 The Blackpool Magistrates and County Courts are currently located on the corner of Chapel Street and Bonny Street within Blackpool Town Centre. They share the site with the former Lancashire Constabulary police headquarters which is now vacant following the police move out to new premises on Clifton Road. The current Courts site forms part of the Leisure Quarter site known locally as Blackpool Central. This wider site is allocated for and has indeed been granted planning permission for comprehensive redevelopment to provide new tourist attractions, hotel accommodation, multi-storey car parking and associated uses. The intention is that this redevelopment would drive regeneration in this area of the resort. The

relocation of the Courts complex from this site is therefore essential to enable this wider redevelopment and regeneration. The proposal would therefore fundamentally assist in meeting the objectives of Part 1 Policy CS20 and this weighs notably in favour of the application.

- 7.1.2 The application site falls within the defined Inner Area of Blackpool but is otherwise unallocated on the Policies Map to the Local Plan. Talbot Road, however, is identified as a Key Resort Gateway under Part 1 Policy CS22 which seeks improvement and development to ensure that the route provides an attractive gateway into the resort and town centre. The site also falls within the Talbot and Brunswick Integrated Neighbourhood Improvement Area, or TABINI, which also makes Part 1 Policy CS12 relevant. Again the thrust of these policies is on investment, improvement and regeneration to deliver sustainable communities. Part 2 Policy DM37 confirms that the Council will promote sites and encourage opportunities for new community facilities on appropriate sites where there is an identified shortfall of provision.
- 7.1.3 The application site has been vacant for over 15 years. It is on a prominent corner at a busy junction on a gateway route. Significant redevelopment of the site that would deliver significant built environment improvements, and particularly to provide a municipal, community facility, would be welcomed. It would accord with the aspirations for Talbot Road as a resort gateway and the overall objectives of the Core Strategy to facilitate major regeneration and high-quality development. Again, this weighs notably in favour of the application.
- 7.1.4 The use would not classify as a Main Town Centre Use and so there is no requirement for the proposal to satisfy the sequential test. Whilst there is no specific local need for the use, the requirement for the Courts to relocate from the Leisure Quarter creates a borough-wide need for new provision. As above, Part 2 Policy DM37 is supportive of such provision on appropriate sites where they would be accessible by sustainable modes of travel. Both Devonshire Road and Talbot Road are classified roads and primary distributor routes. Both carry a number of different bus routes and the site would be some 10 minutes' walk from Blackpool North train station. As such, the site is considered to satisfy the requirements of Policy DM37. There is a small local centre on the opposite side of Devonshire Road and a cluster of commercial units including a supermarket immediately to the south. These would serve employees of the complex who would likewise support these businesses, increasing the sustainability of the site as a location for a community facility.
- 7.1.5 The TABINI guidance was drafted long before the need for a relocated Courts complex was envisaged and so makes no reference or provision for the development proposed. However, the document seeks high-quality new development to improve the built environment, including new community facilities. Overall it is considered that the proposal would accord with the ethos of the plan for the area.

7.2 Planning Obligations

- 7.2.1 By virtue of the nature of the scheme it would not be liable for any planning obligations relating to affordable housing, public open space, local education or local healthcare provision. In accordance with Policy CS6 and the Greening Blackpool SPD, however, it would be liable for tree provision.
- 7.2.2 The Greening Blackpool SPD requires replacement planting at a rate of 2 for 1 for any category A, B or C trees lost as a result of development. The scheme would require the

removal of 4 category C trees and 6 category U trees. This would generate a requirement for 8 replacement trees. The scheme would propose some 5,861sqm gross floorspace. Under the Greening Blackpool SPD, this would require provision of 59 new trees at a rate of 1 tree per 100sqm. The scheme proposes provision of 51 new trees leaving a shortfall of 16 trees. However, the SPD does make it clear that tree provision can be negotiated for schemes of this nature where other greening measures such as the provision of green roofs or walls or sustainable urban drainage systems linked to green infrastructure are proposed. An assessment of the measures proposed and the acceptability of them with regard to the tree shortfall is set out under the Green Infrastructure below. Any obligations that are not met on site would be translated into a financial contribution in lieu and secured either through a S106 legal agreement or planning obligation proforma.

7.3 Amenity

- 7.3.1 The development would be three-storeys in height or around 15.3m. The residential properties surrounding the site, with the exception of an off-set block and a block that presents a blank side elevation, are all two-storeys in height. The proposed Courts building would sit at least 45m away from the closest habitable room windows to residential properties and so no issues relating to potential loss of privacy or overshadowing are anticipated.
- 7.3.2 No noise assessment has been submitted with the proposal but the only likely sources of noise would be plant sited on the roof and vehicular traffic. Given the separation distances involved, noise from plant is not expected to be problematic. The stated hours of operation of the site are 0700-1900 Monday to Friday. Both Devonshire Road and Talbot Road are busy main roads that are heavily trafficked, included by buses. It is not anticipated that the large police transporter vehicles that would visit the site would cause undue noise disturbance against this context. Likewise car traffic associated with the use would not be expected to have an unacceptable impact upon resident amenity. No issues relating to odour would be expected.

7.4 Visual impact

- 7.4.1 The site is not in a visually sensitive location in terms of landscape or townscape character. It is, however, in a very prominent position on a Key Resort Gateway and on a very busy junction between two main local distributor routes. As such, it is essential that any redevelopment be of a high standard of design.
- 7.4.2 The scheme has been the subject of extensive pre-application advice and this has proven hugely beneficial. Initially a rather blocky building was proposed which primarily addressed the corner of Talbot and Devonshire Roads. As this is primarily a road traffic junction rather than a public square, this relationship was not considered to be appropriate. Instead, as Talbot Road is a Key Resort Gateway, and as it leads on to Talbot Gateway and the main Town Centre, it was judged that the scheme should primarily front onto Talbot Road.
- 7.4.3 The building now proposed is unashamedly contemporary in design, albeit with materials selected to reference the surrounding built form. The Talbot Road frontage would comprise two end blocks with a recessed central section. The Devonshire Road frontage would see a more staggered and angled elevation of different elements, although the visual focus would again be the three-storey block on the corner. This increase in height up to a corner is a standard architectural practice to give prominence and would work well in this case. The separation distances to the nearby, traditional two-storey dwellings would be sufficient to

prevent any jarring visual impact arising from the difference in height.

- 7.4.4 Some concern was raised over the potential boxy appearance of the corner blocks, and the expanses of brickwork. This has been effectively resolved through provision of recessed channels to demark the floor levels. This simple amendment would have a significant visual impact by introducing interest and a human scale and making the building more legible. The use of a red brick on the corner sections would match the existing heritage wall and create visual focus points. It would also make sympathetic reference to the dominant building material in the wider area. These red brick sections would be balanced by sections clad in a buff panel. Recessed glazing strips with dark grey panels over the floor plates would successfully break up the building and provide visual depth and texture. Use of glazing, particularly over the Talbot Road frontage would ensure a modern appearance and also effectively break up the massing.
- 7.4.5 Plant is proposed at roof level although this would be screened to minimise visual impact. The decision has been made to route one duct along the Devonshire Road frontage outside of the screening. The alternative would be to erect the screening on the very edge of the roof. Neither situation is ideal but it is not possible to position the duct elsewhere. On balance, a visible duct finished in powder coating to match the screening is considered to be the best option.
- 7.4.6 Given the buildings prominence and the amount of open space around it, each elevation would be visible. As a result, each elevation has been designed to an appropriately high standard. Again on both the western and southern elevations, a range of materials and/or a staggered building line would provide visual interest and depth. Overall, the building is considered to achieve a high standard of design.
- 7.4.7 Particular consideration has been given to the design of the access points. Both main pedestrian access points along the Talbot Gateway frontage would use planters between the sections of ramp to create an engaging and attractive arrival experience. Landscaping is proposed around the main entrances and grasscrete would be used in the parking areas to create an overall feeling of a green space. The extent of landscaping would be reasonable extensive and it would create an effective visual buffer to the built development.
- 7.4.8 Policy DM25 of Part 2 requires provision of public art. To this end, an inscribed strip of text would be installed around the base of the building and a green moss wall would be provided within the reception area. Both would be designed in association with a local artist and final details could be secured through condition. The existing boundary treatment would be largely retained and the materials to be used on the main building would reflect the appearance of this locally-listed heritage asset. Full details of materials, surfacing and boundary treatments could be secured through condition.
- 7.4.9 Overall the scheme has been designed to a high standard. It would present a landmark feature on this prominent site and bring the land back into beneficial public use. This weighs notably in favour of the application.

7.5 Heritage impact

- 7.5.1 As above, the site is not visually sensitive. The top of Blackpool Tower is visible in the far distance, but this is true of many sites across the town. The site does not form a significant part of the setting. Likewise, the site is not considered to form part of the setting of the Town Centre Conservation Area or any other Listed Buildings. The existing boundary wall

around the site and the former tram shelter set within it are, however, locally listed.

- 7.5.2 The NPPF is clear that the effect of a proposal on the significance of a non-designated heritage asset must be taken into account when determining the application, and that a balanced judgement is required having regard to the scale of harm or loss and the significance of the asset.
- 7.5.3 It is understood that the former Devonshire Road hospital developed in three main phases. The original sanatorium, constructed to isolate cases of infectious disease, was developed in 1890 and had its main entrance on the corner of Talbot Road and Devonshire Road. Additional development followed in 1906 and the boundary wall with railings over along Talbot Road and Coleridge Road is thought to date from this time. In 1929 further development took place on the site including the provision of the boundary wall with rendered panels along the Devonshire Road frontage. It is likely that the former tram shelter on Talbot Road was replaced or enlarged at this time, although it is noted that it existed in some form in 1911.
- 7.5.4 At present there are vehicular and pedestrian access points in the Devonshire Road frontage and a vehicular access in the Talbot Road frontage. The existing vehicular access point on Devonshire Road would have to be widened and deepened to support access/egress by Prisoner Escort and Custody Services (PECS) vehicles and prevent potential impact on traffic flow. This would be achieved by replicating adjacent panels in the existing wall. The pedestrian gate would also need to be relocated to ensure that use of the refuse store would not compromise site security or highway safety (through the position of a parked wagon). To ensure necessary site security, the height of the wall along the boundary of the secure car park would have to be raised. Matching materials would be used as far as possible and this could be secured through condition.
- 7.5.5 On Talbot Road a significant stretch of original wall would be removed to create the vehicle access into the site. The existing vehicle access would also be widened to give access to pedestrian stairs and an accessibility ramp up to the Courthouse. The loss of original boundary wall is unfortunate but is considered to be unavoidable. New sections of wall curving into the site along the radii of the access road would be constructed to match what is existing and matching materials could be secured as far as is possible through condition.
- 7.5.6 On Coleridge Road the existing vehicular access point would be blocked up. The gateposts here are not original and so the Council's Built Heritage Manager has confirmed that the best solution would be to continue the existing wall and railings across. Again a condition would ensure that matching materials are used as far as is possible. The existing dropped kerbs would also be removed and the pavement reinstated across.
- 7.5.7 In total, some 50m of wall would be removed but around 27m would be recreated using original bricks insofar as is possible. Approximately 42m of wall along Devonshire Road would be raised in height to ensure appropriate site security. Again, suitable material and profile details could be agreed through condition.
- 7.5.8 The former tram shelter would be retained but the rear wall and benches would be removed. A new dwarf wall within railings over to match those on either side would be constructed in place of the rear wall to enable views through whilst maintaining a secure boundary. This would safeguard the fundamental character of the shelter whilst limiting potential for anti-social behaviour which has been known to be an issue.

- 5.7.9 Overall the alterations to the locally listed wall as proposed are considered to be necessary to enable the development to proceed. Significant stretches of original wall, which is considered to have relatively low heritage significance, would be retained. On this basis, given the clear public benefits of the wider scheme, the heritage impacts can be accepted.

7.6 Access, highway impact and parking

Access

- 7.6.1 There has been significant discussion between the applicant and the Council as Local Highway Authority since the initial request for pre-application advice. The scope of the necessary Transport Assessment (TA) was agreed in detail prior to submission and particular consideration given to parking provision, means of access and the potential impact on the adjacent signal junction at the crossroads of Talbot Road and Devonshire Road.
- 7.6.2 The primary access to the site would be from Talbot Road via a standard priority junction. The existing pedestrian island would be repositioned further to the west with a right-turn lane created behind to give access into the site. The existing left-turn lane into Coopers Way would be retained. Traffic travelling east would then be split into three lanes dependent upon their direction of onward travel as is the case at present.
- 7.6.3 The secondary access into the site would be from the existing access on Devonshire Road. All Court sites require two access/egress points to enable evacuation in the event that one route is blocked. It is envisaged that this secondary access point would be used in emergency situations only.
- 7.6.4 The existing access to the site from Coleridge Road would be stopped up and the pavement reinstated.
- 7.6.5 These access points have been considered by the Council as Local Highway Authority and are considered to be acceptable. Full details can be secured through condition. Traffic coming in from Talbot Road would arrive at a mini-roundabout towards the rear of the site. This would give access to a secure car park to the right, a public car park to the left, and a substation with some additional parking on the southern boundary. Again this arrangement is considered to be acceptable.

Highway impact

- 7.6.6 As stated, the scope of the TA was agreed prior to submission and the conclusions of the document provided are accepted. It is accepted that queues are already experienced at this junction, particularly for traffic travelling northbound, and that they vary considerably and can be significant during unusual peak flows. Nevertheless, the analysis demonstrates that the road would not make a material difference to the amount of traffic or congestion at the adjacent signal junction. Members are respectfully reminded that new developments can only be required to deliver highway improvement works that are reasonably necessary to mitigate the impact of that development.

Parking

- 7.6.7 The Council's adopted parking standards are set out in Local Plan Part 2. These published standards stipulate that law court developments should provide car parking at a rate of 1 space per 10sqm floorspace. As the development proposed would provide some 5,861sqm

gross floorspace, this would generate a requirement for 586 car parking spaces. For comparison, Houndshill car park offers 770 spaces, Banks Street car park 230 and West Street car park 177. The level of parking required by the Local Plan in this case, therefore, would be disproportionate and unjustified.

- 7.6.8 As above, two main areas of parking are proposed. One would be a secure car park of 51 spaces directly behind the Courthouse. This would include six electric vehicle (EV) charging spaces and four accessibility spaces. This parking would be intended for use by Court staff. A secure gate would be installed on the eastern arm of the mini-roundabout to control access. This would be the main point of both access and egress but this area of secure parking would also have direct access to the secondary access/egress onto Devonshire Road. This secure parking area would also include the van dock where police transporter vehicles would stop within the secure garage that would provide Prisoner Escort and Custody Services (PECS) parking.
- 7.6.9 The scheme would also provide 44 public car parking spaces. The majority of these would be provided in the south-western corner of the site. A further three EV charging spaces would be provided in a small area at the rear of the site with four accessibility spaces against the western elevation of the Courthouse.
- 7.6.10 Given the acknowledged issue with the Council's published parking standard, consideration has been given to travel surveys at the existing Courthouse and information provided by HMCTS from other sites to determine likely parking demand. It must be noted that the site is in a reasonably accessible location on multiple bus routes and within relatively easy walking distance of Blackpool North train station. Overall, the analysis of likely parking demand is considered to be robust and detailed and it is accepted that the demand generated would be met by the level parking proposed.
- 7.6.11 Management of the public car parking is a key concern. If the parking is not charged for it would become a convenient option for general users of the wider area who are not accessing the Court facilities. If an excessive charge or restriction is levied, this would be likely to increase pressure on local on-street parking to the detriment of local community amenity. In any event, Traffic Regulation Orders (TRO) may be required on streets in the immediate locality to manage on-street parking. In addition, a TRO would be needed on Talbot Road to introduce a waiting restriction. It is anticipated that Blackpool Council would retain control over this part of the site, deliver and manage the public car parking proposed. From a planning perspective, as long as sufficient parking is provided to meet the demands generated, the identity of the party providing or managing the car parking is not a material consideration. Assuming that an appropriate arrangement can be reached between HMCTS and the Council's Estates and Parking Services departments, it is considered that the parking provision could be adequately managed to avoid inconvenience to local residents. However, a condition is proposed to ensure that an appropriate mechanism is agreed.
- 7.6.12 Part 2 of the Local Plan specifies that motorcycle parking at a rate of one space for every twenty-five car parking spaces should be provided. For this development, this would equate to provision of four spaces. Two motorcycle spaces are shown at the rear of the site opposite the sub-station in the public parking area, and a further two are shown within the secure staff parking area. This provision is considered acceptable. Accessibility spaces should be provided at a rate of 10% of the total, and at least 10% of parking provision should be equipped with EV charging facilities. Four accessibility spaces would be provided alongside the building meeting the requirement for the public parking, and five spaces (three of which would be EV equipped) would be provided in the secure parking area. Only three EV spaces

are proposed for general public use but nine spaces are proposed within the staff area. As visitors to the Courthouse are less likely to require charging provision than staff, this level of provision is considered to be acceptable. The parking would be secured through condition.

- 7.6.13 Cycle storage equivalent to 10% parking provision is required. At the front of the building, fourteen Sheffield style stands are proposed. A further cycle shelter is proposed to the east of the Courthouse providing another 16 spaces and five, lockable, long-term spaces. A cycle shelter for staff use is shown to the rear and this would provide 16 spaces. This level of provision would meet Local Plan requirements and is considered to be acceptable. A Travel Plan has been submitted and is considered to be broadly acceptable.

7.7 Drainage and flood risk

- 7.7.1 The application site falls within flood zone 1 but the site area exceeds 1ha. In addition there is an area at high risk of surface-water flooding in the south-east corner. As such a site-specific flood risk assessment (FRA) has been provided but there is no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. The FRA has been considered by the Council as Lead Local Flood Authority and has been found to be acceptable.
- 7.7.2 To maximise sustainability and minimise pressure on the existing combined sewer network, all new developments should follow the standard drainage hierarchy. Under this system, surface-water should discharge via soakaway. Only if this is not possible should discharge to a watercourse, surface-water sewer or combined sewer then be considered in that order. United Utilities (UU) has advised that the information submitted is insufficient to demonstrate that the more sustainable options within the hierarchy must be discounted. Consequently UU request that the standard drainage condition be imposed requiring submission of full information and agreement of a detailed drainage strategy prior to commencement. The Council's drainage officer has confirmed that there are no watercourses or surface-water sewers in the area, effectively making discharge to the combined sewer the only option as infiltration is unlikely to be possible. It is noted that a discharge rate of 4.4 litres per second is proposed along with storage and permeable paving. Nevertheless it is agreed that the standard condition to require submission of full details is required. Conditions to require foul and surface water to be drained separately and to require agreement of future drainage system management would also be imposed as standard.
- 7.7.3 United Utilities has raised objection to the scheme on the basis that part of the development would encroach on a UU water main. Whilst this should not necessarily prevent the grant of planning permission, such a permission could be abortive as UU would not then permit development over their assets. The options for the developer are either to relocate the proposed refuse store or pay to divert the UU asset. The refuse store has since been relocated and UU have been reconsulted. Any response received in advance of the Committee meeting will be reported through the update note. Regardless, this matter would not be considered justification for the refusal of planning permission.

7.8 Ecology and green infrastructure

- 7.8.1 As this application was received in 2023, the formal requirements for delivery of 10% biodiversity net gain (BNG) as set out in the Environment Act 2021 do not apply. Nevertheless, Policies CS6 and DM35 of the Local Plan and the Council's Greening Blackpool

SPD require all new developments to deliver BNG. In addition, the Council's Greening Blackpool SPD would require the provision of one tree for every 1,000sqm floorspace created. For this development of 5,861sqm gross floorspace, this would equate to a requirement for 59 trees.

- 7.8.2 The application has been considered by Greater Manchester Ecology Unit (GMEU) and the Council's Parks Officer. Overall the site is of low ecological value. It is not anticipated that any protected species would be affected as a result of the development. It is suggested that the landscaping proposals would deliver some 46% BNG for area habitats and 11.5% BNG for linear habitats. No detailed information has been provided to substantiate this but it is accepted that these details could be agreed through condition. The scheme would therefore deliver an acceptable level of biodiversity net gain.
- 7.8.3 The scheme currently proposes 51 trees. This falls short of the 67 trees required (8 replacement and 59 as a result of the new floorspace). However, some 960sqm of green/blue roof is proposed as part of the application. This roof would comprise a number of layers, the top layer being vegetation. This would sit atop a layer of substrate. Below this would be a filtration layer and a drainage board. These layers would filter water that would then be held in attenuation cells for managed discharge. This arrangement would not only deliver biodiversity and green infrastructure benefits, it would assist in sustainable surface-water management. Details would need to be secured through condition, but it is envisaged that this green/blue roof could support wildflower or species rich grassland planting. Furthermore, aside from maintenance this installation would provide undisturbed habitat. On balance, this in addition to the rest of the landscaping proposed is considered to be sufficient to compensate for the lack of 16 trees.

7.9 Environmental Quality

- 7.9.1 The site sits some 650m east of a designated Air Quality Management Area (AQMA) that has been declared in respect of nitrogen dioxide pollution associated with traffic congestion. The submitted Environmental Technical Note states that the submitted transport information would specify suitable measures to mitigate against any potential significant effects. This information has been considered by the Council as Local Highway Authority and it has been confirmed that the proposal would have negligible/limited impact on traffic generation when considered against background levels. The Head of Environmental Protection has confirmed that, as a result, the development once operational would not have an unacceptable impact on air quality or unduly compromise the objectives of the AQMA. It is equally accepted that traffic generated through the construction period would be limited and would not have a significant impact on air quality, and that dust could be effectively managed through agreement of a Construction Management Plan.
- 7.9.2 It is considered that water quality could effectively be safeguarded through agreement of an appropriate drainage strategy and Construction Management Plan by condition.
- 7.9.3 A ground investigation report into potential land contamination has been submitted. This has been considered by the Head of Environmental Protection. The conclusions are agreed and no further works are required.
- 7.9.4 Policy CS10 of Part 1 expects all non-residential developments of more than 1,000sqm to achieve a BREEAM rating of 'very good'. A BREEAM pre-assessment report has been submitted which concludes that the development has the potential to achieve a rating of 'outstanding'. If this potential is realised it would be a very positive attribute of the

development. However, given the more limited policy expectation, it would be unreasonable to impose a condition requiring an 'outstanding' accreditation. Consequently the standard condition requiring a demonstration that a BREEAM rating of 'very good' has been achieved is recommended.

7.10 Other Issues

- 7.10.1 Policy DM18 of Part 2 requires development to provide the infrastructure required for full fibre broadband connection. Two separate fibre ducts are proposed to serve the Courthouse and sufficient plant space is proposed to accommodate full fibre broadband connection. As such the scheme would comply with this policy requirement.
- 7.10.2 The application has 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 (as amended).
- 7.10.3 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.
- 7.10.4 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

7.11 Sustainability and planning balance appraisal

- 7.11.1 Sustainability comprises economic, environmental and social components.
- 7.11.2 Economically the scheme would generate employment during both the construction and operational phases, although many of the long-term jobs will be relocated from the current site. The new location of the Courthouse may help to support local shops and services. Overall, the development is anticipated to have a limited economic impact of itself and within the immediate area. However, its relocation would unlock the Leisure Quarter site and facilitate comprehensive redevelopment of a key Resort Core site to deliver significant regeneration. This is a key economic benefit.
- 7.11.3 Environmentally, the site is in an accessible location and there is no reason to support that it would generate increased reliance on private car use. Drainage would be adequately managed and appropriate biodiversity net gain would be delivered. The building is anticipated to achieve a BREEAM 'outstanding' rating and a number of sustainable and greening measures are proposed. Visually, the development would be of a high standard of design and would be well landscaped. No issues relating to environmental quality are expected. As such the scheme would have a positive environmental impact.
- 7.11.4 Socially, the scheme would have no unacceptable impacts on residential amenity, flood risk or highway safety. Potential impacts on the function of the highway network and local parking could be effectively managed. The significance and value of the existing locally-listed

boundary wall as a heritage asset would be suitably sustained. The redevelopment of the site would have a beneficial impact upon a Key Resort Gateway and also the TABINI area which is a regeneration focus.

7.11.5 In terms of planning balance, the development proposed is considered to clearly constitute sustainable development. No other material planning considerations have been identified that would outweigh this view.

8.0 FINANCIAL CONSIDERATIONS

8.1 If the Council operated the car park proposed to serve the Courthouse then it would receive parking receipt revenue. However, this is not a planning consideration and carries no weight whatsoever in the planning balance.

9.0 BLACKPOOL COUNCIL PLAN 2019-2024

9.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.

9.2 This application would accord with both priorities. In terms of the first it would release the land at the Leisure Quarter to allow for the comprehensive redevelopment of the site in the interests of resort regeneration. In terms of the second it would create a modern, fit-for-purpose Courthouse in an accessible location to meet the needs of the borough. The redevelopment of the long-vacant former-hospital site, and the provision of a high-quality new building on a Key Resort Gateway on the edge of one of the town's most deprived neighbourhoods, would contribute towards both priorities.

10.0 CONCLUSION

10.1 The scheme would constitute sustainable development delivering clear visual, regeneration and community benefits, along with a range of beneficial biodiversity and sustainability measures. No material considerations have been identified that would weigh against the application. As such, planning permission should be granted.

11.0 RECOMMENDATION

11.1 Approve subject to the following conditions:

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 The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

- XXXXXX-3234-FMW-BCC-XX-DR-A-0099-S2-5-D0100-Location Plan

- XXXXXX-3234-FMW-BCC-XX-DR-A-1100-D2-24-D0100-Proposed Site Plan
- XXXXXX-3234-FMW-BCC-00-DR-A-1250-D2-6-D0100-Planning - Ground Floor Plan
- XXXXXX-3234-FMW-BCC-01-DR-A-1251-D2-6-D0100-Planning - First Floor Plan
- XXXXXX-3234-FMW-BCC-02-DR-A-1252-D2-6-D0100-Planning - Second Floor Plan
- XXXXXX-3234-FMW-BCC-RF-DR-A-1253-D2-5-D0100-Planning - Roof Plan
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1302-D2-6-D0100-Section A-A – Proposed
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1303-D2-6-D0100-Section B-B – Proposed
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1400-D2-7-D0100-Proposed Elevation North & East
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1401-D2-7-D0100-Proposed Elevation South & West
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1402-D2-2-D0100-Proposed Street Elevation - Talbot Road
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1403-D2-2-D0100-Proposed Street Elevation - Devonshire Road
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1405-D2-2-D0100-Boundary Fence Alterations - Devonshire Rd
- XXXXXX-3234-FMW-BCC-ZZ-DR-A-1406-D2-2-D0100-Boundary Fence Alterations - Talbot Rd

The development shall thereafter be retained and maintained in accordance with these approved details.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the premises shall be used as a law court only and for no other purpose.

Reason: In order for the Local Planning Authority to retain long-term control over the use of the building to ensure that the use is appropriate to the location and adequately served by parking, public transport provision and other public services and provisions that may be necessary, in accordance with the general provisions of Policies CS1, CS5, CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM36 and DM41 of the Blackpool Local Plan 2001-2016.

- 4 The external materials to be used on the development hereby approved shall be as specified on the following unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction:

XXXXXX-3234-FMW-BCC-ZZ-DR-A-1400-D2-7-D0100-Proposed Elevation North & East
 XXXXXX-3234-FMW-BCC-ZZ-DR-A-1401-D2-7-D0100-Proposed Elevation South & West
 XXXXXX-3234-FMW-BCC-XX-SH-A-0010-S2-04-B1200 Material Schedule

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 5 The surfacing materials to be used in the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying down of any final surfacing and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 6 Prior to the commencement of any above ground construction, the profile details of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these agreed details. For the purpose of this condition, the profile details shall show to the extent of recession or projection of windows, doors and other architectural features of the building.

Reason: In order to secure appropriate visual articulation and interest in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 7 Prior to the commencement of any above ground construction, and notwithstanding the information shown on the approved plans, a scheme for the provision of boundary treatments to include their position, height, materials, design and profile, shall be submitted to and agreed in writing by the Local Planning Authority. These agreed boundary treatments shall then be provided in full and in full accordance with the approved details before the proposal hereby approved is first brought into use.

Note: where the existing vehicle access/egress point on Coleridge Road it to be removed, the existing wall and fence shall be carried across in materials and form to match to replace the existing gates.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no demolition or alteration of the existing boundary treatment around the perimeter of the site, other than that allowed through this permission, shall be carried out without the prior written agreement of the Local Planning Authority.

Reason: The existing wall is Locally Listed and so this condition is required to safeguard the appearance, character and conservation value of this non-designated heritage asset in accordance with the provisions of Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM28 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 9 No bins or refuse shall be stored outside of the building or designated refuse store hereby approved other than on the day of presentation for collection.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 10 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.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 11 The flat roofed section of the building shall not be used for any purpose other than for maintenance or as a means of escape in the event of an emergency.

Reason: In order to safeguard the amenities of nearby residents and safeguard the biodiversity provided by the green and blue roofing system in accordance with Policies CS6 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM21, DM35 and DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 12 The development hereby approved shall proceed in full accordance with the recommendations set out in the Mott Macdonald Ground Investigation Report dated October 2023 revision P02 ref. XXXXXX-3234-MMD-BCC-XX-RP-G-0003.

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 the provisions of Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information is required to be submitted and agreed prior to commencement in order to ensure that the development hereby approved proceeds safely.

- 13 No trees or hedgerows shall be felled or cleared during the main bird nesting season (March to 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.

- 14 (a) Prior to the first occupation or use of the development hereby approved, a landscaping scheme, to include the green and blue roof, 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) The landscaping scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details either prior to occupation or within the first planting season following first occupation; and
- (c) Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 7 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped in the interests of biodiversity and visual amenity, and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall in accordance with Policies CS6, CS7 and CS9 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.

- 15 No development shall take place (including demolition, ground 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:

- (i) Risk assessment of potentially damaging construction activities;
- (ii) Identification of "biodiversity protection zones";
- (iii) 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);
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features;
- (v) The times during construction when specialist ecologists need to be present on site to oversee works;
- (vi) Responsible persons and lines of communication
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (viii) Use of protective fences, exclusion barriers and warning signs.

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: To ensure that biodiversity on the site is appropriately protected in accordance with Policy CS6 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.

16 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- (i) Description and evaluation of features to be managed;
- (ii) Ecological trends and constraints on site that might influence management;
- (iii) Aims and objectives of management;
- (iv) Appropriate management options for achieving aims and objectives.
- (v) Prescriptions for management actions.
- (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (vii) Details of the body or organization responsible for implementation of the plan.
- (viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that biodiversity on the site is appropriately protected in accordance with Policy CS6 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.

17 (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.

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.

18 (a) Prior to the commencement of any above ground construction, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority.

(b) The scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details prior to first use and shall thereafter be retained and maintained as such.

For the purpose of this condition, the scheme of ecological enhancement shall include:

- Provision to bolster existing tree and hedgerows with native species
- Provision of bird and bat boxes
- Features to facilitate roaming of small mammals
- Habitat provision for small mammals such as hedgehog houses
- Provision of dead wood piles or 'bug hotels' to provide habitats to insects
- Retention and management of dead wood on site to provide habitat
- Explanation board visible within a public area of the building to explain the biodiversity enhancement measures provided around the site for public education purposes

Reason: In order to safeguard and enhance biodiversity in accordance with Policy CS6 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.

19 The following measures shall be adhered to throughout the demolition/construction period of the development hereby approved:

- all materials will be covered and stored on raised pallets only
- means of escape for amphibians and small mammals shall be provided from any excavation (i.e. solid plank providing access from the base of the excavation to ground level)
- construction and storage areas to be inspected at the start of each working day for amphibians and small mammals
- in the event that a protected species is found on site, works should immediately cease and a suitably qualified and experienced ecologist consulted
- any non-protected species found on site should be carefully removed and placed under cover on the other side of the site boundary.

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.

20 (a) Before the development hereby approved is first brought into use, a Post Construction Stage BREEAM assessment and BREEAM rating certificate demonstrating that the development has achieved BREEAM 'very good' standard shall be submitted to and agreed in writing by the Local Planning Authority.

(b) The development shall thereafter proceed and be operated in full accordance with the approved BREEA assessments and 'very good' certification.

Reason: In order to maximise the environmental sustainability of the development and limit the potential impact of the proposal on climate change in accordance with the provisions of Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- 21 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- 22 (a) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

(i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

(ii) Surveys and appropriate evidence to establish the position, capacity and interconnection of all watercourses and surface-water sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;

(iii) A determination of the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

(iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate or a rate to be first agreed in writing by United Utilities.

(v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

(vi) Flood water exceedance routes, both on and off site;

(vii) A timetable for implementation, including phasing where applicable;

(viii) Details of water quality controls, where applicable.

(b) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(c) The scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information must be agreed prior to the commencement of development in order to ensure appropriate drainage of the site as the development proceeds.

- 23 Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:
 - (i) on-going inspections relating to performance and asset condition assessments
 - (ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM31 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This information must be agreed prior to the commencement of development in order to ensure appropriate drainage of the site as the development proceeds.

- 24 Notwithstanding the information shown on the approved plan and prior to the commencement of development on site other than associated works to the existing boundary wall:

- (a) full technical details of the access points into the site shall be submitted to and agreed in writing by the Local Planning Authority; and
- (b) the agreed access points shall be provided in full and in full accordance with the approved details.

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.

- 25 Prior to the commencement of any above ground construction a scheme of off-site highway improvement works shall be submitted to and agreed in writing by the Local Planning Authority, and this agreed scheme shall be implemented in full and in full accordance with the approved details before any of the development hereby approved is first occupied.

For the purpose of this condition, this scheme shall include but not be limited to:

- provision/upgrade of nearest 2no. bus shelters (one westbound, one eastbound)
- relocation of pedestrian crossing island
- reconfiguration of turning lanes
- provision of road markings
- provision of street-lighting
- provision of on-street waiting restrictions
- extension of the existing footpath on Coleridge Road to close existing vehicle access point

Reason: In the interests of highway safety in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

- 26 The Devonshire Road vehicular access/egress point to the site shall only be used in emergency situations when the Talbot Road vehicular access/egress point is unavailable for use.

Reason: In the interests of highway safety in accordance with Policy DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027. This scheme must be agreed prior to the commencement of works on site in order to ensure that appropriate access is available once the scheme is operational.

- 27 (a) Prior to the development hereby approved being first brought into use, the parking provision and associated markings (including accessibility spaces) shown on the approved plan(s) shall be provided and shall thereafter be retained and maintained as such.

(b) Prior to the development hereby approved being first brought into use, the EV (electric vehicle) spaces and associated markings shown on the approved plan(s) shall be equipped with charging facilities providing a minimum of 7kW output and shall thereafter be retained and maintained as such.

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.

- 28 Prior to the development hereby approved being first brought into use, a Parking Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall thereafter operate in full accordance with this agreed Parking Management Plan.

Reason: In order to ensure that adequate parking provision is available to meet the needs of the development and avoid undue pressure on local on-street parking provision, in the interests of the appearance of the area and highway safety and to avoid detriment to local community amenity, 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.

29 Before the development hereby approved is first brought into use:

(a) details of cycle storage provision to include the type of cycle stand and the form and materials of a waterproof cover and enclosure shall be submitted to and agreed in writing by the Local Planning Authority; and

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

The cycle storage shall thereafter be retained and maintained as such.

Reason: In order to encourage travel to and from the site by a sustainable transport mode 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

30 The development hereby approved shall proceed and be operated in full accordance with the Framework Travel Plan produced by Mott MacDonald and dated February 2024.

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.

31 (a) 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) routeing 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)

(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.

- 32 At least 14 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 (e.g. 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 Airport Operators Association Advice Note 4 'Cranes'.

Reason: In order to ensure that the development hereby approved does not compromise airport safeguarding in accordance with the provisions of Policy DM42 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 33 The development hereby approved shall proceed in full accordance with the broadband provision statement on page 26 (under section 6.11) of the Planning Statement recorded as received by the Council on 20 Oct 2023.

Reason: In order to ensure that the development is served by high-speed broadband in accordance with the provisions of Policy DM18 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 34 (a) Notwithstanding the information provided and prior to the commencement of above ground construction, a scheme for the provision of public art shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to the development hereby approved being first brought into use, the Public Art approved pursuant to part (a) of this condition shall be provided in full and in full accordance with the approved details.

Reason: In order to ensure that the development contributes to the provision of public art in accordance with Policy DM25 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

- 35 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no erection of structures, enlargement of the building the subject of this permission or laying down of hard-standing shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of the appearance of the site and locality and to safeguard approved areas of landscaping and parking in order to meet the needs of the development in

accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies DM17, DM21 and DM41 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies 2012-2027.

ADVICE NOTES TO DEVELOPERS

1. Suggested appropriate wording for the information board required by condition 18:

The retention of ageing trees and deadwood is important for biodiversity because they provide valuable habitat for various species, including birds, insects, and mammals. Deadwood, for example, is home to various insects, including beetles, and provides a food source for woodpeckers. Ageing trees can also provide nesting sites for birds and bats, and their decaying wood provides nutrients for other plants and animals. By retaining ageing trees and deadwood, we can help to maintain a healthy and diverse ecosystem, which is essential for the long-term sustainability of our environment.