

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	12 th January 2016

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 352 Lytham Road, Blackpool, FY4 1DW Ref: 15/0235

Appeal by Mr. C Hardy against the Council's refusal of planning permission for the

use of land formerly used as NHS car parking, for a private car parking area for 50 cars. **Appeal allowed.**

- 5.2.1 The Inspector considered the main issues to be:
- The effect of the development proposed on the character and appearance of the area; and
 - The effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to noise, disturbance and light.

5.2.2 Character and appearance

The Inspector considered that the character of the area is that of a busy shopping street, with a mix of residential and commercial development. The appeal scheme originally sought the retention of a 2.4m high timber fence along the north and south boundaries and a 2.4m high mesh fence along the boundary with Lytham Road. As erected, the Inspector considered that these fences gave the appeal site an industrial, compound feel that significantly detracts from the character and appearance of the area. The fencing dominates the street scene to the detriment of the visual amenity of neighbouring residents and visitors to the area.

- 5.2.3 Amendments to the scheme included a reduction in height of the timber fencing along the northern and southern perimeters to 1.5m and to 1m forward of the two buildings either side of the site which would reflect the height of the existing boundary treatments. On the Lytham Road frontage, amendments included the replacement of the 2.4m high mesh fence by a 400mm high wooden kick rail fence, removal of the concrete bollards and the installation of public seating. The landscaping was also revised to include several trees with a prepared root system and ground cover planting.

- 5.2.4 On the basis of the amended plans, the Inspector considered that the appeal scheme would have a more open appearance, allowing for natural surveillance of the site to occur and the reduced height of the fencing would also reduce the harm to the character and appearance of the area. This amended scheme would also better reflect the context of the area and the landscaping would assist in integrating it with the street scene.

- 5.2.5 He considered that the use of the appeal site as a car park would be acceptable on a temporary basis, to allow some economic benefit and to prevent the site from becoming derelict in appearance which, in itself, would be harmful to the character and appearance of the area. Accordingly, he concluded that the development would not be harmful to the character and appearance of the area.

5.2.6 Living conditions

The Inspector noted that there were several dwellings close to the appeal site. The

appeal site was previously a car park associated with an NHS Health Centre, used between 8.00 and 18.30, Mondays to Fridays. He considered it likely that visits to the Health Centre would have been for short periods, with a relatively high turnover of cars, which would have resulted in a degree of noise and disturbance to neighbouring residents.

- 5.2.7 The hours of use of the car park associated with this appeal scheme would see an increase in use, as it would operate between 8.00 and 20.00, seven days a week. However, as the intended users would be mainly commuters, the Inspector considered the number of vehicle movements would be less when compared with the previous use. Also, the use would not continue late into the evening and the noise of cars coming and going would be indistinguishable from that of the passing traffic along Lytham Road. He therefore considered the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupants, with particular regard to noise and disturbance.
- 5.2.8 In terms of lighting, the Inspector noted that three 10m high columns are proposed. Two would be 5m from the back edge of the Lytham Road pavement and the third would be at the rear of the site, centrally located along the rear boundary which would increase the separation distance between the column and neighbouring dwellings. He considered that the LED light fittings would help to minimise light spillage as it would direct the majority of the beam downwards towards the car park. Therefore, whilst the lighting columns may be noticeable as an additional lighting source, he felt they would not be significantly harmful to the living conditions of neighbouring occupants and would be less noticeable than existing street lights.
- 5.2.9 The Inspector acknowledged the concerns of local residents regarding the installation of CCTV; however he felt that its use at the site would not be significantly detrimental to privacy. The reduction in the height of the side boundary fence would make the side passageway less unattractive and retain a relatively open aspect. He concluded that the proposal would not be harmful to the living conditions of neighbouring occupants, with particular regard to noise, disturbance and light.
- 5.2.10 For the reasons detailed above, the Inspector **allowed** the appeal, subject to conditions:
- 1) Notwithstanding the details shown on the approved plans, within three months from the date of this permission, the concrete bollards at the front and sides of the site shall be removed and the surface made good.
 - 2) The use hereby permitted shall be discontinued and the associated structures removed on or before 7 July 2020 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

3) The use of the land as a car park shall not take place other than between the hours of: 08:00 and 20:00 hours on any day.

5.3 Planning/Enforcement Appeals Lodged

5.3.1 5 Penhill Close, Blackpool, FY2 0XP (15/0022)

5.3.2 An appeal has been submitted by Mr G Cowling against the Council's refusal of planning permission for external alterations and erection of single storey side and front extension to existing garage and use as altered as a single private dwelling-house with associated car parking.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None