
Appeal Decision

Site visit made on 11 April 2016

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th June 2016

Appeal Ref: APP/J2373/W/16/3143615

15 King Street, Blackpool FY1 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Frederick Omasan against the decision of Blackpool Borough Council.
 - The application Ref. 15/0345, dated 28 May 2015, was refused by notice dated 5 November 2015.
 - The development proposed is described as conversion of existing first floor offices to Class A Use restaurant - bar.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed change of use on the living conditions of the adjoining residential occupiers in terms of noise and disturbance.

Reasons

3. The appeal site is a mid-terrace unit located on the western side of King Street towards the eastern edge of Blackpool Town Centre. There is a shop unit on the ground floor and vacant office space above. It is proposed to convert the first floor into a restaurant/lounge bar with an ancillary office and store on the second floor.
 4. The ground floors of most of the premises in King Street are in commercial use including several restaurants. However, on the upper floors a number appear to be in residential use, including the property adjoining the appeal site.
 5. The drawings show seating for 30 people, though there is no reason why there may not be more standing at the bar. The appellant states that sound insulation would be put in, but even so, in such a restricted space, I consider that there would be considerable likelihood of the adjoining residents being unacceptably disturbed by noise from activity and possible music in the restaurant/bar and the comings and goings of patrons up and down the stairs. Although the appellant argues that there are other evening uses in the street, any noise is confined to the ground floor and the street outside rather than adjoining the main habitable rooms.
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6. The appellant contends that the National Planning Policy Framework (the Framework) promotes sustainable development and economic activity and encourages diversity in town centres to enhance their vitality and viability. The Council acknowledges that such uses are directed towards town centres and that within such areas residents may expect a lower standard of amenity than in primarily residential areas. Nevertheless, the Council points out that the appeal site is within a less boisterous part of the Town Centre away from the concentrations of bars, clubs and restaurants nearer the sea front and it is not on a main thoroughfare. With a number of daytime uses in the street the area is generally quieter after about 5pm. Although the existing office use is not subject to hours of operation, by its nature it is most likely to be in use during the normal working day rather than into late evening.
7. I consider that, on balance, the proposed use would be detrimental to the living conditions of adjoining residential occupiers by way of noise and disturbance. It would not accord with saved policy BH3 of the Blackpool Local Plan 2001-2016 (adopted 2006) and emerging policy CS7 of the Blackpool Local Plan Part 1: Core Strategy – Proposed Submission (2014) which, among other things, seek to protect residential amenity. It would also not accord with one of the core principles’ of the Framework which is to always seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR