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| Report to: | PLANNING COMMITTEE |
| Relevant Officer: | Gary Johnston, Head of Development Management |
| Date of Meeting | 22 May 2018 |

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 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Background Information

5.1 Planning/Enforcement Appeals Lodged

5.2 42 ABINGDON STREET, BLACKPOOL (17/0699)

5.2.1 An appeal has been lodged by JWT Leisure against the refusal of planning permission for the use of premises as an amusement centre.

5.3 Planning/Enforcement Appeals Determined

5.3.1 150 HARCOURT ROAD, BLACKPOOL (17/0069)

5.3.2 An appeal was submitted by Mr and Mrs Packer against the decision of Blackpool Council to refuse planning permission for the erection of three terrace dwelling houses including car parking and landscaping with vehicle turning area and vehicle access between 125 and 127 Powell Avenue. **APPEAL DISMISSED**
The Inspector judged the main issues to be:

- The effect of the proposal on the safety of pedestrians and drivers;
- The effect of the proposal upon the living conditions of the existing occupants;
- The effect of the proposal upon the character and appearance of the area; and,
- Whether the proposed development would provide acceptable living conditions for future occupants.

5.3.3 The proposal relates to a parcel of land to the rear of dwellings on Harcourt Road and Powell Avenue. The proposal involves the erection of a terrace of three x two storey houses. The track providing access is 31 metres long and between 2.75 metres and 3 metres wide and is shared with five other houses. Due to its width it only allows a one way flow of traffic and it does not allow for the provision of a pavement. As the houses would be family housing it is reasonable to assume children would use the access. Due to the number of dwellings proposed, number of vehicle movements and narrow width the shared surface access would not be convenient, safe or pleasant for pedestrians. As such, the proposed access would have an adverse effect upon the safety of pedestrians and drivers. This would be in conflict with Policy AS1 of the Blackpool Local Plan 2001/2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027).

5.3.4 The site is surrounded by housing and the proposal will introduce a gable wall with dormers positioned 9 metres from 154 Harcourt Road and 2.6 metres from the rear garden. This would cause a sense of enclosure and dominance when viewed from

ground floor windows and the rear garden and also the loss of some light due to its orientation. The three rear facing dormer windows of the three dwellings would overlook the rear garden of 158 Harcourt Road 6 metres away. This impact would cause significant harm. The Inspector therefore found that the proposal would have an unacceptable effect upon the living conditions of Nos 154 and 158 and conflict with Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy, which seek to ensure that developments would not adversely affect the amenity of nearby residents. The Inspector also found conflict with Paragraphs 17 and 56-65 of the National Planning Policy Framework which always seeks to secure a good standard of amenity for all existing occupants of land and buildings.

5.3.5 Whilst densities in the area vary most dwellings have modest front gardens, longer rear gardens and are of traditional two storeys in height. The design and scale of the proposal appears cramped and restricted, squeezed into a small back land plot. Furthermore the frontage of the proposal would have a harsh, unpleasant and poor quality frontage and access that lacks visual interest. The proposal would not therefore provide a high quality development and would be harmful to the character and appearance of the area. Thus the Inspector found conflict with Policies AS1, LQ1, LQ2, LQ3 and LQ4 of the Local Plan and Policy CS12 of the Core Strategy, which seek to ensure high quality design that complements the prevailing design character and provides pleasant pedestrian access. The front of the proposed dwellings would face the gable of dwellings on Logan Court at around 12 metres. Given that Logan Court is not full two storeys in height and does not occupy the full plot width the Inspector found that the distance would not have a harmful effect on the outlook and living conditions of future occupiers. Thus, the Inspector found compliance with Policy BH3 of the Local Plan and Policy CS7 of the Core Strategy, which seeks to ensure that the amenities of potential occupiers are not adversely affected.

5.3.6 A copy of the Inspector's decision dated 6 March 2018 is attached as Appendix 3 (a).

5.4 WINDMILL SERVICE STATION, PRESTON NEW ROAD, BLACKPOOL (17/0011)

5.4.1 An appeal was submitted by Rontec Service Stations Ltd. against the decision of Blackpool Borough Council to refuse planning permission for the erection of a single storey building to form a drive through coffee shop to rear of existing petrol filling station utilising existing access and egress, with associated landscaping, bin and cycle stores and parking for 25 cars, following demolition of existing residential caravan park. **APPEAL ALLOWED**

5.4.2 The Inspector judged the main issue to be:

- the effect of the development on highway safety, in particular, whether the development should make provision for a pedestrian crossing.

5.4.3 The appeal site is a rectangular parcel of land comprising a petrol filling station and a

caravan park. The caravan park is within Fylde BC and the petrol filling station and site access is within the jurisdiction of Blackpool Borough Council. The petrol station has four pumps and a retail building and its primary role is to serve passing motorists. The caravan park provides residential accommodation in the form of 12 static caravans. The site is located on Preston New Road (A583) a dual carriageway with a 40 mph speed limit. It is close to junction 4 of the M55. The site borders agricultural land, part of which is used for car boot sales at Whyndyke Farm. The relevant Councils have resolved to grant planning permission for a mixed use development at Whyndyke Farm which is expected to come forward in the next 5-10 years.

- 5.4.4 The proposed development involves a drive-through coffee shop with associated car parking located on the static caravan park utilising existing access and egress points. The scheme includes modifications to the access to include a signal controlled right turn lane for north bound traffic. The appellants' Transport Statement indicated that Preston New Road is used by a high volume of traffic and average speeds on the southbound carriageway are 7-8 mph below the speed limit. Accident data between Aug 11 and July 16 shows there were 28 personal injury accidents. The traffic likely to be generated by the development has been estimated using surveys undertaken at a comparable site elsewhere and the Inspector was satisfied that the predicted minor increase in traffic can be accommodated.
- 5.4.5 Although there are footways along parts of Preston New Road and Clifton Road connectivity to the site is poor. There is an uncontrolled crossing point over the dual carriageway to the south of the site, to the north of the site is a signal junction at Preston New Road and Clifton Road. There are no controlled pedestrian crossing facilities at this junction. The appellants' Traffic Statement is based on 15 full time members of staff being employed at the drive through and concludes the development would generate four pedestrian trips per day, this figure would increase by two trips per day if staff arriving by bus would have to cross the road.
- 5.4.6 This trip number is not significant. There is no information on the likely number of pedestrian movements from customers. There is a residential estate, a retail park and office/ factory across the road. The drive through would have internal and external seating but it would be a facility associated with an existing petrol filling station. Pedestrians may be attracted to the coffee shop but these potential customers are equally likely to visit facilities on the opposite side of the road, several of which are closer to residential and employment areas.
- 5.4.7 The Inspector accepted that pedestrian connectivity is poor but considered that this problem exists at present and there is very limited evidence to demonstrate the proposal would make the existing situation demonstrably worse as it is unlikely to attract a significant number of pedestrians. Whilst traffic volumes are heavy, vehicle speeds are shown to be within the speed limit and the accident data does not suggest an inherent issue with highway/ pedestrian safety. The traffic generated

would be minimal and is unlikely to affect the free flow of traffic. The alterations to the access would reduce the likelihood of conflict as vehicle movements would be more restricted than at present. The development at Whyndyke Farm is unlikely to come forward for several years and at that stage further highway works would be required. Regarding social inclusion The Inspector did not consider that the development would generate significant demand from nearby residential or employment areas and there is no evidence certain groups of people would be excluded as a result of poor pedestrian connectivity.

5.4.8 The Inspector concluded that it has not been demonstrated that the development would have an adverse effect on highway safety, that a pedestrian crossing would be necessary, or that the residual cumulative impacts of the development would be severe. Therefore, the development would accord with Policy AS1 of the Blackpool Local Plan 2001 – 2016 (adopted June 2006), which seeks to ensure new development takes full account of access, travel and safety needs. It would also accord with the National Planning Policy Framework, insofar as it seeks to secure safe and suitable access to the site for all people.

5.4.9 Other matters - several residents of the caravan park are elderly and/ or disabled. Age and disability are relevant protected characteristics for the purposes of the Equality Act 2010 and the Public Sector Equality Duty. It is noted that residents own their caravans but not the land and it appears that the lease for the land has expired and legal proceedings have commenced for repossession. As a result through this separate process the residents are going to need to find somewhere else to live whatever the decision on the appeal. Moreover there is no evidence the appeal has triggered this process or that it would be accelerated should the appeal be allowed. The Inspector also considered the European Convention on Human Rights which is incorporated into the Human Rights Act 1998. However the same reasons set out above apply to that consideration. For these reasons these are matters to which The Inspector can attach limited weight.

5.4.10 A copy of the Inspector's decision dated 21 March 2018 is attached as Appendix 3(b) .

5.5 Does the information submitted include any exempt information? No

5.6 **List of Appendices:**

5.6.1 Appendix 3(a): Letter from the Planning Inspectorate dated 6 March 2018
Appendix 3(b): Letter from the Planning Inspectorate dated 21 March 2018

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