

**COMMITTEE DATE:** [20/06/2018](#)

**Application Reference:** 18/0199

WARD: Tyldesley  
DATE REGISTERED: 24/04/18  
LOCAL PLAN ALLOCATION: Main local centre

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr Shaw

**PROPOSAL:** Retention of temporary portable cabin for a period until 31 December 2018.

**LOCATION:** 420 WATERLOO ROAD, BLACKPOOL, FY4 4BL

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**Summary of Recommendation:** Grant Permission

#### **CASE OFFICER**

Ms P Greenway

#### **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

#### **SUMMARY OF RECOMMENDATION**

The portable cabin is proposed to be retained for a temporary period until 31 December 2018 (during construction of a single storey extension with the benefit of planning permission) and a condition can be imposed to prevent it being retained any longer. Its impact on neighbours' amenity can be mitigated by conditions regarding hours of operation and control of noise outbreak, such that it is minimal and therefore approval with appropriate conditions is recommended.

#### **INTRODUCTION**

Blackpool Music Academy CIC, is the owner of 420 Waterloo Road and is the trading arm for the Blackpool Music School charity. All monies made from rentals, coffee shop etc. goes into the charity, as support to give free tuition to the community, making music affordable for all. Blackpool Music School was originally granted planning permission on this site in 2010 (reference. 10/0030) for the "Erection of single storey rear extension, new side entrance with access ramp, two parking spaces to side and use of premises as altered as a shop, cafe and music school." A subsequent application made earlier last year (reference. 17/0270) for "Erection of a two storey rear extension following demolition of existing extension" was

refused because of the height and impact on neighbours' amenity; and a further application was submitted (reference 17/0626) for "Erection of single storey rear extension, formation of vehicle crossing to Waterloo Road and temporary siting of cabin to front hardstanding area for a period of 12 months" and was withdrawn by the applicant, immediately prior to it be determined by Committee. The portable cabin is required whilst the 2010 extension is completed.

## **SITE DESCRIPTION**

The property is two storey end of terrace building, with a third floor in the front and rear dormers/wing, it is traditional in design and constructed with traditional materials with a part brick/part rendered finish. It is located at the junction of Waterloo Road (a classified road and bus route) with Kirkstall Avenue and there is no vehicular access between the two roads. There are parking spaces across the Waterloo Road frontage of the premises and disability parking spaces on the Kirkstall Avenue frontage. The property is in use as Blackpool Music Academy, with a café on the Kirkstall Avenue side and a radio station in a portable cabin. A single storey extension is under construction to the rear, to eventually house the radio station. The block is primarily commercial in nature, although the attached property is a house. A discount carpet warehouse and Oxford Square Aldi are visible at the end of the rear alley, which is also a cul-de-sac.

## **DETAILS OF PROPOSAL**

The proposal is for the temporary siting of a portable cabin on the front hardstanding area until 31 December 2018. The portable cabin is located towards the front of the site, beside the side, glazed window of the former shop. The 2010 approval showed the front area as landscape/planted and a condition was imposed for a dwarf wall to be erected prior to commencement. This has not been done and the forecourt to Waterloo Road has been retained as parking across the full width.

## **MAIN PLANNING ISSUES**

The main planning issue is considered to be:

- the design and appearance in the streetscene
- the amenity of neighbours in terms of noise and disturbance and outlook

This will be discussed in the assessment section of this report.

## **CONSULTATIONS**

**Head of Highways and Traffic Management:** On the assumption that the timescale of the proposed relocation is believed to be realistic and can be effectively covered by condition I have no objection the temporary retention of the cabin until December.

**Service Manager Public Protection:** Since there have been no complaints to Environmental Protection (EP) about the portacabin, it is temporary, and we have means to remedy a complaint should we need to, I have no objections.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 24 April 2018

Neighbours notified: 24 April 2018

Objections have been received from the residents of 422 Waterloo Road and 2 Kirkstall Avenue. The full objections are available to view on the Council's website, but in summary, the objections are based on the fact that the portable cabin was sited without planning permission in October 2017 for the purpose of running a 24/7 radio station. They state that all sorts of people are in and out at all hours of the day and night, loitering around and there is no respect for the local residents when they are smoking and drinking, littering and swearing outside the portable cabin. They continue to drive across the pavement to park their cars on the illegal car parking spaces which also do not have planning permission and this is dangerous to pedestrians. They consider that the portable cabin is an eyesore and interrupts the view out over Waterloo Road.

There are other issues raised regarding non-compliance with conditions imposed on the original permission (dwarf wall, illegal parking, implementation of sound attenuation measures, music tuition in non-designated rooms etc.) and there are ongoing investigations by officers from the Planning Enforcement team.

In reply to the objections, Fylde Coast Radio (who operate the portable cabin) state that they are a local, not for profit community radio station, run by nearly 50 local volunteers and have a symbiotic relationship with Blackpool Music School, although each are entirely separate and autonomous entities. They are not a commercial station, never have been and never will be. The station runs from 09:00 until 10:00pm most days. The "all sorts of people" are, amongst others an ex local police superintendent, a magistrate, two solicitors, care workers and their charges, and people with some difficulties and challenges. Fylde police come in weekly to offer help and advice to local listeners about topical issues. Fylde Coast Radio has over 7000 local listeners and a following on social media of nearly 15,000.

Alcohol is strictly forbidden and there is a fully operational café on the site for soft drinks. There is a designated smoking area at the rear of the station which the smokers use, which is covered by CCTV to ensure that smoking rules are complied with. The presenters are usually at the station for shifts (shows of between two to three hours) so there are mostly a maximum number of two people on site at one time and that is at shift changeover. The presenters range in age from 18 to 84, with the majority being non-smokers, and mature in years. The presenters would prefer to park next to the radio station, but they are requested not to park in that area of the street in order to be neighbourly and accommodating to the objector. There are also other businesses in the area Rialto (take away) Babylon (take away) also Domino's pizza taking up parking spaces at certain times of the day.

The portable cabin would have only been there for a few months during construction of the

soundproofed rear extension to house the radio station, but delays to the extension, due to local objections, has resulted in the cabin being on site for longer.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental, which are mutually dependent. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 6 of the National Planning Policy Framework (NPPF) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment. Amongst other things, this includes replacing poor design with better design, and widening the choice of high quality homes.

Paragraph 14 makes clear that at the heart of the NPPF there is a presumption in favour of sustainable development, which is the 'golden thread' running through both plan-making and decision-taking and paragraph 17 of the NPPF sets out 12 core planning principles.

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan Part 1: Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- LQ1 Lifting the quality of design
- BH3 Residential and Visitor Amenity
- AS1 General Development Requirements

### **ASSESSMENT**

#### **Principle**

The improvement to an existing business is acceptable in principle within this Local Centre.

## **Design**

The portable cabin is a metal box and as such is not appropriate for permanent siting in this prominent location. However, since it is only temporary until the end of this year to facilitate the relocation of the radio station into the extension, and a condition can be imposed to secure its removal by 31 December 2018, it is not considered that this is a reason for refusal.

## **Amenity**

With regard to noise/disturbance, there was no restriction imposed on the hours of operation of the music school. However, with regard to the portable cabin, on withdrawn application 17/0626 the Environmental Protection officer requested a condition that the windows be kept closed and a 10 pm finish be conditioned and stated that if noise does become an issue, legislation could require further noise reduction/earlier finish. Conditions requiring the use of the portable cabin to cease at 10 pm and a further condition requiring the windows to be closed during operation, would be appropriate. Since the unit would be removed by the end of this year, it is not considered that a refusal could be sustained with regard to outlook from neighbouring properties.

## **Highway Safety/Parking and Servicing Arrangements**

As this is a temporary situation, there is no objection from the Head of Highways and Traffic Management.

## **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

Not applicable

## **HUMAN RIGHTS ACT**

Under Article eight and Article one 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. It is not considered that the application raises any human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have 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

## **BACKGROUND PAPERS**

Planning Application Files 10/0030, 17/0270 & 17/0626 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1. The portable cabin shall be removed on or before 19 December 2018 and the land reinstated to its former condition. The windows and door (other than for access/egress) to the cabin shall be closed at all times that it is in use; and, the cabin shall not be used between 22:00 hrs on any day and 08:00 hrs on the following day.

Reason: In order to safeguard the appearance of the area and the living conditions of the occupants of nearby residential premises, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

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:

Location plan received by the Council on 03/04/2018; drawing no. 7380/02.

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

### **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval need to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.