

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	31 July 2019

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 The Committee is provided with a summary of planning enforcement activity for its 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:

Not applicable. The report is for noting only.

4.0 Council Priority:

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

5.0 Planning/Enforcement Appeals lodged

5.1 **None.**

5.2 Planning/Enforcement Appeals Determined

139 Clifton Drive, Blackpool (18/0762)- Appeal dismissed

Appeal made by Mrs. R. Law against the Council's decision to refuse planning permission for the erection of a two-storey side extension and single-storey rear extension. **Appeal dismissed.**

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the property and area, and the acceptability of parking provision.

The consistency of the design and spacing of the properties along Clifton Drive was noted and it was recognised that this resulted in a coherent and harmonious streetscene. The Inspector observed that, whilst the extension would not compromise residential amenity, the reduced separation with the neighbour would be markedly different and out-of-keeping with the street. The extension was considered to be a substantial and bulky addition that, by virtue of its width and limited set-back, would not appear suitably subordinate to the host property. The extension was not judged to relate well to the original building or the neighbouring properties. A similar extension on the opposite side of the road was noted, but it was accepted that the first floor element had been constructed over a ground floor extension that had been erected using permitted development rights, and was therefore not directly comparable. The Inspector further observed that the extension would require the storage of refuse bins at the front of the property which would further detract from the quality of the streetscene.

With regard to car parking, it was noted that the side extension would result in a significant loss of off-street parking provision. This would result in increased parking demand in an area that is already subject to parking restrictions and pressure. The use of the front garden area for car parking was not considered to be an acceptable solution as it could harm the character and appearance of the streetscene and area. On this basis, the Inspector felt that the scheme would not make adequate provision for off-street car parking.

The Inspector did not identify any benefits of the scheme that would outweigh the harm identified. Furthermore, she did not feel that the issues identified could be satisfactorily addressed through condition. On this basis, the appeal was dismissed.

5.3 **Land at Odeon Cinema, Rigby Road, Blackpool, FY1 5EP(18/0202)- Appeal Allowed**

Appeal made by Valad European Diversified Fund (Jersey) 14 Limited against the Council's decision to refuse planning permission for the demolition of the existing public house, the erection of a bingo hall and drive-thru café/restaurant, the relocation of the vehicular access, and associated works. **Appeal allowed but application for costs dismissed.**

The Inspector judged the main issues to be the impact on car parking and highway safety; the living conditions of nearby neighbours with regard to noise and outlook; the impact on the character and appearance of the area; and the acceptability of the loss of the public house.

The mixed character of the area and the nature of Rigby Road was noted. The Inspector accepted that the Council's parking standards are now out-dated, maximum standards, but nevertheless gave them some weight in the absence of an alternative. Consideration was given to the evidence put forward by the Council relating to likely parking pressures and to the measures taken by the Appellant to ensure that the car park would be available for patrons. On balance, as the scheme would propose 498 spaces against a maximum requirement of 427, the level of provision was judged to be acceptable. Given the extensive on-street parking restrictions in the wider area, the Inspector did not feel that any over-spill parking would have a severe adverse impact on the road network, and did not identify any harm to highway safety. The Inspector further judged that a safe means of access and egress could be provided onto Rigby Road, and that the proposed egress onto Princes Street would be acceptable. Subject to the agreement of a Servicing Management Plan through condition, the servicing of the development was not anticipated to be problematic. The Appellant's were prepared to remove the drive-thru café/restaurant from the scheme if the Inspector considered the parking provision to be inadequate. However, as this was not the case, the Inspector did not give this alternative option consideration.

With regard to the impact on neighbouring amenity, the Inspector noted the relative heights and the 24m separation distance between the proposed bingo hall and the existing properties on Salthouse Avenue and did not identify an unacceptable impact. Although the scheme would have an impact on outlook, it would not be unduly harmful. The Inspector was mindful that no residents from Salthouse Avenue made representations against the application. It was noted that the Council did not challenge the technical noise assessment submitted by the Appellant but was concerned about noise from ad hoc activity within the site. However, the Inspector considered that the bingo hall itself would provide some acoustic screening and that any noise would not be materially more than could occur at present. Subject to the agreement of a Noise Management Plan through condition, no unacceptable impacts on amenity were anticipated.

The Inspector noted that the area has a mixed character that is undergoing change and regeneration. However, he felt that the bingo hall would be viewed in the context of the rest of the Festival Park and would not appear out-of-keeping. The design of the scheme was considered to be functional but appropriate to the use and location.

In consideration of the loss of the public house, the Inspector did not accept that the bingo hall would provide an alternative community facility, but did accept the Appellant's evidence that the pub has no financially viable future in this location. It was recognised that the housing development in the area could generate additional custom for the pub, but the Inspector observed that there was no evidence to suggest that this would be sufficient to sustain the facility. On this basis, the loss of the pub was considered to be acceptable.

The Inspector did not identify any harm that would be sufficient to justify refusal of the application and so the appeal was allowed subject to a number of conditions that were agreed, without prejudice, during the appeal proceedings.

The Appellant's in this case made an application for a full award of costs in relation to the reasons for refusal based on highway impact and noise nuisance. This was refused. Although the Inspector found that the proposal would not have an unduly harmful impact on highway safety or function, he acknowledged that substantial evidence was submitted on behalf of the Council to support its case. The Inspector concluded that Committee members are entitled to make their own decision after considering the advice of officers and other evidence and so had not acted unreasonably in this regard. With regard to noise, the Inspector noted that the Council did not present any technical evidence but judged that the proximity of housing to the appeal site gave the concerns of the Committee some foundation. Again the Council was not deemed to have acted unreasonably.

5.3 Does the information submitted include any exempt information? No

5.4 List of Appendices

Appendix 3a: Appeal Decision 139 Clifton Drive

Appendix 3b: Appeal Decision Festival Leisure Park (planning application)

Appendix 3c: Appeal Decision Festival Leisure Park (costs application)

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 Not applicable.

13.0 Background Papers

13.1 None.