

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	13 April 2015

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):

The Committee is provided with a summary of planning and enforcement appeals, lodged and determined for its information.

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 **Wilkinsons, Dickson Road, Blackpool, FY1 2 LF Application ref 14/0423**

Appeal by Wilkinsons against the refusal of advertisement consent for the display of three internally illuminated high level signs and two non-illuminated high level signs. **Appeal dismissed for four signs and upheld for one sign.**

This application was refused under delegated powers on the basis that the proposed signs would be significantly detrimental to the visual amenities of the area by virtue of their size, design, height, prominence, long range visibility, location, illumination and the number of signs resulting in visual clutter.

The Inspector visited the site and surrounding area and noted that the signs had already been erected.

He noted that the two large signs to the Dickson Road/ Talbot Road frontage are very large "flex signs" which allow for rippling movement of the surface, giving a visual impression of impermanence. He stated that the sheer scale and height of the two signs together with their construction and materials, given their great prominence and internal illumination, causes significant harm to visual amenity.

The two other signs are large horizontal PVC banner signs, simply fixed to the concrete surface of the splayed Talbot Road/ High Street corner. He noted that although they are not illuminated they are sited at the top of the facades and are highly prominent from the intersecting roads and new public square. He stated they are large and poorly positioned creating a cluttered effect. Due to these factors, together with their impermanent materials and fixing, they are significantly detrimental to visual amenity.

The remaining sign is mounted on the High Street elevation, smaller than the sign it replaced and is reasonably well positioned and proportioned in relation to the building. It is more substantial than the other signs, in terms of materials and construction. It is very prominent, but not appropriately so.

He concluded that for the above reasons, the first four signs be **dismissed** and the last one **allowed**.

5.2 **239-241 Lytham Road, Blackpool. FY1 6ET (13/8255)**

Appeal by Mr Paul Kelly against the service of an Enforcement Notice relating to the failure to comply with conditions 2 and 4 of planning permission 13/0119. The Notice alleges that condition 2 has not been complied with in that the premises are in use and the approved external alterations have not been carried out. The Notice also alleges that condition 4 has not been complied with in that the premises are in use but no application has been made to discharge the condition to the Local Planning Authority nor have any plans been submitted. **Appeal dismissed**

The Inspector pointed out that the approved scheme for the change of use of the appeal building to a public house and cabaret bar involved significant alterations to the appearance of the building, and that whilst he doubted that it could ever become an architectural gem, the approved alterations would have provided a main elevation to Lytham Road that would have had a vertical emphasis at ground floor level. As undertaken, the alterations to the shop front have resulted in a building of very poor appearance. The main entrance is not balanced with the centre of the first floor windows; the fascia does not align with the bottom of the fascia of The Auctioneer and the high stall riser and lack of detail and contrasting panels in the fascia have resulted in squat, horizontally emphasised ground floor windows. The shortcomings of the design have been carried round to a much more extensive frontage to Bagot Street than was permitted, with resultant harmful impact on the street scene. In short, the Inspector stated that it represents a poor design and a missed opportunity to improve the appearance of the building and its surroundings.

The Inspector stated that the building adjoins and is close to residential properties on Bagot Street and it is reasonable to expect that, for a use likely to involve amplified sounds, a scheme for sound and vibration attenuation would have been submitted and implemented. Although the letter from a resident on Bagot Street is not specific, it does appear that there is some potential for noise disturbance to be created by the public house and cabaret bar use, suggesting that the condition is not redundant.

The Inspector concluded that planning permission should not be granted for the development as carried out or that the sound and vibration proofing condition should be discharged. Therefore the appeal was dismissed and the Enforcement Notice upheld. The requirements of the notice are therefore:

- i) Cease use of premises as a public house and cabaret bar by 25/03/2015; and
- ii) Reinststate the previous shop front by 25/04/2015 or;
- iii) Carry out external alterations to comply with drawing no. 013/033/P/01 Rev H by 25/04/2015, and;
- iv) (i) Submit plans to the Local Planning Authority for sound and vibration proofing by 25/03/2015 and (ii) once agreed in writing by the Local Planning Authority, install and retain agreed sound and vibration proofing by 25/04/2015.

5.3 **10 South Park Drive, Blackpool. FY1 6ET (14/8059)**

Appeal by Mr D Meehan against the service of an Enforcement Notice relating to the formation, laying out and construction of a means of access to a classified road, namely the A587, by the removal of the front boundary wall and gatepost. **Appeal dismissed.**

The Inspector stated that the main issue in the ground (a) appeal is the effect of the removal of the frontage boundary wall and the relocation of the gatepost on the character and appearance of the street-scene.

The Inspector stated that the removal of the frontage boundary wall and the relocation of the gatepost at the appeal property constitute a poor standard of design and have had a significant adverse effect on the character and appearance of the street-scene. The unauthorised development conflicts with saved policies BH3, LQ1 and LQ14 of the Blackpool Local Plan. South Park Drive is a busy main distributor road and turning into the property, given the proximity of traffic lights at a T-junction and the confusion caused to other drivers when indicating to do so, has previously resulted in a traffic accident. The wider access at the appeal property does not, in itself, alter the confusion that is caused by the proximity of the junction though it does allow vehicles to be maneuvered to enter and leave the property in forward gear. This benefit, however, does not outweigh the harm that has been caused to the character and appearance of the street-scene.

Therefore the appeal was dismissed and the Enforcement Notice upheld. The requirements of the notice are therefore to re-build in its entirety the front boundary wall and gatepost in materials identical to those removed and to the identical design of the front boundary wall and gatepost removed, by 10 May 2015.

Does the information submitted include any exempt information?

No

6.0 Planning/Enforcement Appeals lodged

6.1 288 Newton Drive, Blackpool, FY3 8PZ (14/0658)

An appeal has been submitted by Mrs Faye Parker against the Council's refusal of planning permission for the erection of first floor rear extension.

6.2 60 Tyldesley Road, Blackpool, FY1 5DF (14/0439)

An appeal has been submitted by Mr Robert Taylor against the Council's refusal of planning permission for the use of premises as single private dwelling house.

6.3 Layton Institute, Westcliffe Drive, Blackpool, FY3 7HG (14/0465)

An appeal has been submitted by Minotaur Limited against the Council's refusal of planning permission for the External alterations include two new doors to rear and provision of eight car parking spaces to rear and use of ground floor as altered as retail unit (Use Class A1).

Does the information submitted include any exempt information? No

List of appendices

None

7.0 Legal considerations:

7.1 None

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 None

14.0 Background papers:

14.1 None