

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	16 March 2021

PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

1.0 Purpose of the report:

1.1 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.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

5.0 Council Priority:

5.1 The relevant Council priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

6.0 Planning Appeals Lodged

6.1.1 None

7.0 Planning/Enforcement Appeals Determined

7.1 20/0287 37 HODDER AVENUE – Grant of planning permission for use as a residential care home for one young person aged 11 – 17 (Use Class C2). The appeal is against the imposition of a condition which states that: The use hereby approved shall cease to operate no later than one year from the date of this permission.

Appeal Dismissed

A temporary planning permission for one year has been granted to change the use of the property from a dwelling to a residential care home in use class C2. The Inspector considered the main issue was whether the permanent use of the dwelling as a residential care home would comply with Saved Policy BH24 and consequently whether the condition restricting the use to a temporary period of one year was reasonable and necessary. The Inspector agreed with the Council's interpretation of the 400 metre rule within that policy as being as a radius "as the crow flies" rather than as the appellant's view that it should be the distance it takes to walk on foot between the two properties. As there was a property in similar use within a 400 m radius, the proposal did not comply with Policy BH24 and the condition was therefore reasonable and necessary. The Inspector found that the Council's approach to this case has been pragmatic and reasonable, in that the temporary permission has allowed for an unauthorised use that had already commenced to continue during the Covid-19 pandemic for a period of time that would allow the appellant to make alternative arrangements.

The application for award for costs failed. The applicant contended that the Council acted unreasonably in refusing to disclose the location of the nearest other children's home to the appellant or to the committee. This they consider seriously disadvantaged them as they were unable to challenge the officer report at Planning Committee, as they were not able to ascertain the location of the property that was being referenced as the reason for the decision. The Inspector considered that the applicant did not need to know the exact address to put forward their counter argument that the 400 metre separation should be based on walking distance rather than a radius. He considered that even if the Council had disclosed the property address, the outcome would not have been different, and the appeal would not have been avoided. Therefore, the Council did not act unreasonably in refusing to divulge the address in the circumstances of this case and there had been no wasted expense occurred by the applicant in the appeal process.

The Planning Inspectorate decision letters can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/>

7.2 20/0532(A) AND 20/0533(B) – 150 Lytham Road, Blackpool – Retention of Automated teller Machine and non-illuminated ATM sign

Appeals Dismissed

Appeal A - The Inspector acknowledged that the ATM itself is a relatively modest feature, however, the ATM and the white panel are cumulatively visually obtrusive and incongruous and the development contributes to visual clutter rather to visual harmony. She acknowledged that the ATM was in one of the most deprived Lower Super Output Areas in the country in relation to crime. The Inspector stated that although there is little substantive evidence that ATMs in the area have been targeted by criminals, there is little compelling evidence that the ATM would not encourage crime or fear of crime. She stated that the applicant had insufficient security measures in place and proposed to overcome the concerns.

Appeal B - The Inspector stated that the ATM advertisement is the same as the development of Appeal A and consequently the effects of the advertisement on visual amenity are the same as the effects of the development on the character and appearance of the area. Therefore, the advertisement is harmful to visual amenity.

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7.3 19/0803 – 47-51 Shaftesbury Avenue – use of no. 51 Shaftesbury Avenue as part of the existing rest home and erection of a two-storey link extension

Appeal dismissed

The Inspector judged the main issues to be the visual impact on the streetscene and the effect on the living conditions of nearby neighbours from noise and disturbance.

He observed that the linking extension would close the gap between the properties, unbalancing the pairs of semis, and be insufficiently subservient to the main buildings. It would add to the overall built mass and the design would be bland and would not respect the form of the existing properties. As such it would have an unacceptable impact on the streetscene.

The Inspector considered that internal noise could be mitigated through the use of insulation, but that an increase in noise would still be perceived. External noise in the back garden and due to the comings and goings of staff and visitors would have a detrimental impact on living conditions. Overall the proposal would have a

unacceptable impact on residential amenity.

The conflict with Policy BH24 of the Local Plan was considered but the Inspector judged that, as the proposal would not increase the number of C2 uses in the immediate area, no undue over-concentration would result.

The Planning Inspectorate decision letter can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/>

7.4 Does the information submitted include any exempt information? No

8.0 List of Appendices:

None.

9.0 Financial considerations:

9.1 None.

10.0 Legal considerations:

10.1 None.

11.0 Risk Management considerations:

11.1 None.

12.0 Equalities considerations:

12.1 None.

13.0 Sustainability, climate change and environmental considerations:

13.1 None.

14.0 Internal/ External Consultation undertaken:

14.1 None.

15.0 Background papers:

15.1 None.

