

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	14 June 2022

PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

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.

3.2 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 21/0474 – 57 CENTRAL DRIVE, BLACKPOOL, FY1 5DS - Erection of rear roof lift to form additional bedrooms, bathroom and storage.

An appeal has been lodged by Mr Asghar against the Council's refusal of Planning Permission.

- 6.1.2 21/0566 – 32 LYTHAM ROAD, BLACKPOOL, FY1 6DY - External alterations including provision of bike and bin store to rear and use of premises as altered as 3 self-contained permanent flats.

An appeal has been lodged by Mr Paul Williams against the Council's refusal of Planning Permission.

7.0 Planning/Enforcement Appeals Determined

- 7.1 Appeal against planning enforcement notice ref. 19/8316 - Land and buildings at Squires Gate Industrial Estate – land levelling and use of land without planning permission as a contractors depot, storage for 67 wagons, parking, erection of a workshop, concrete batching and aggregate bays (Fox Brothers (Lancashire) Ltd.)

Appeal allowed

The appeal was made against an enforcement notice served against Fox Brothers on land at unit 14 Squires Gate Industrial Estate. The notice was against use of the land, without planning permission, as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays.

This development has been the subject of a significant degree of public objection. As part of the appeal, the Appellant offered restriction to a 3 year temporary permission. The concrete batching plant and aggregate bays and use of the crushing and screening plant were withdrawn from consideration. Operation of such has ceased.

The Inspector considered the key issues to be the impact on the living conditions of local residents, the contribution of the use to the economic objectives of the Enterprise Zone, and the impact on flood risk and water quality.

Subject to the imposition of conditions relating to hours of operation, and subject to the exclusion of operations relating to the concrete batching plant, aggregate bays, crushing and screening, the Inspector considered that the use as amended would not have an unacceptable impact on residential amenity. It is understood that complaints to the Council's Environmental Protection service have stopped following the cessation of these activities.

The Inspector reviewed the relevant Local Plan and Core Strategy policies, including the emerging policies in Part 2. He considered the use to be a *sui generis* use and concluded that such use was not supported by the Development Plan. However, he acknowledged that there has not been substantive interest in the use of the site for any of the uses permitted by the Development Plan, that the Appellant had offered to accept a temporary 3 year permission, and that the use employed around 100 people. He considered that allowing the use to continue for 3 years would enable to

Appellant to relocate without unacceptably compromising the character or function of the area or the ability of the Development Plan objectives to be realised.

With regard to flood risk and water quality, the Inspector acknowledged the site to be in flood zone 1 and accepted the submitted flood risk assessment. He considered that the exclusion of the crushing, screening, batching and storage elements to provide capacity for any greater attenuation that proves to be necessary and judged that potential risk to water quality from fuel and oil on site could be adequately managed through condition.

A suite of conditions has been imposed to ensure that the use does not compromise living conditions for nearby residents, ensures a quality of design, and protects land and water quality.

7.2 20-0038 Land adjacent to 433 Midgeland Road. Use of land as a mixed use for the keeping of horses and as a residential caravan site for 2 Gypsy families, including the stationing of 4 caravans, laying of hardstanding and erection of amenity buildings.

Appeal Allowed

The Inspector considered that occupiers of the site would have good access to services and facilities, in accordance with Policy CS16 of the Core Strategy and the National Planning Policy Framework paragraph 130 f). Whilst she considered that the development proposed would conflict with Policy CS26, the purpose of that policy is to safeguard the distinctive character of Marton Moss. She concluded that the rural character of the site and the contribution it makes to the character and appearance of the area would not be harmed, and the character and appearance of the Conservation Area would be preserved. She acknowledged that there were other gypsy and travellers sites along Midgeland Road, but considered these to be discretely located and the provision of the 2 additional pitches would not individually or cumulatively harm the distinct character of Marton Moss. As such, she felt that the proposal accorded with the character and appearance aims of Policy CS16, which requires traveller sites to cause no demonstrable harm to the quality, character and appearance of the landscape and to be well designed and landscaped.

She concluded that whilst there would be conflict with Policy CS26 because the caravans and amenity buildings do not fall within any of the exceptions within this policy, there would be no conflict with its purpose of seeking to control development in the area so that its distinctive character is safeguarded. The appeal site would provide a good living environment for its residents including access to services and facilities and is suitably located for the proposed development in accordance with Policy CS16.

On other issues, she noted the concern raised that the proposal may undermine the neighbourhood planning process, however she found no evidence to substantiate this matter. She acknowledged that there were tensions within the development

plan in respect of this scheme, however for the reasons given she found that the proposal accords with the development plan taken as a whole. The Inspector imposed a suite of 14 conditions in order to ensure that the development restricted the occupancy to gypsy and travellers, prevent commercial activity and protect the character and appearance of the locality.

7.3 21/0790 – Fylde Coast Radio Studios, Starr Gate, Blackpool, FY4 1RU – Display of 1 double sided internally illuminated digital LED advertising unit

Appeal Dismissed

The Inspector considered that whilst the area is in mixed use, its overall character is derived from a strong sense of openness and spaciousness with flat topography and expansive views. Additionally, whilst there is considerable tram-related infrastructure in the area such as poles and electric cables and public signage information, there is a noticeable lack of general advertising and signage.

In light of the above, the Inspector found that the scale and height of the proposed advertisement combined with its prominent location would present a visually intrusive, unduly dominant feature, and the impact would be intensified as a result of the incongruous appearance of a large and prominent advertisement in a location where no such features exist.

Furthermore, it was considered that whereas the infrastructure associated with the tramline appears regular and rhythmical with the similar design and spacing of poles, the advertisement would appear as an awkward one-off structure that would fail to integrate with, or positively relate to, the surrounding area.

7.4 21-0740 115 Promenade. Display of a gable mounted 6.4m x 3.4m digital LED screen.

Appeal Dismissed

The Inspector observed that, whilst there is a plethora of advertisements in this and the wider area, large-scale advertisements, particularly those with LED screens, tend to appear to form part of the large-scale leisure assets where they are located. The Inspector also observed a number of digital information screens which, whilst prominent, are clearly for public benefit – for example, providing directions to car parks and public information messages – rather than for general advertising. The Inspector considered that the proposed signs scale, prominence and visually intrusive appearance would add significantly to the existing commercial clutter in the immediate area. The Inspector also considered that the screen would fail to respond to and would appear to jar with the appeal property's architectural features and would simply appear as a very large prominent advertisement imposed onto the property north facing gable.

In light of the above, the Inspector stated that as such, the advertisement would

draw the eye, during day and night, as an unduly dominant feature on a highly prominent building. Further, he found that, as a large and prominent LED screen, not directly associated with an immediate large scale leisure asset, it would appear as an incongruous and visually intrusive addition.

7.5 21/0567 – 1 Cumberland Avenue, Blackpool, FY1 5QL – Erection of first floor rear extension and use of premises as altered as 4 self-contained permanent flats

Appeal Dismissed

The Inspector observed that the flat-roofed section of the rear extension would not reflect the architectural quality of the host building and noted that the Council's design policies do not require development to be publicly visible to be considered harmful to the character and appearance of a host building or wider area. The Inspector acknowledged that the appellant offered to erect a pitched roof, however no plans were submitted for consideration.

The Inspector agreed that the appearance of the rest of the extension was considered acceptable, however also agreed that it is evident that the first floor extension would have implications for the nearby trees on the site and that the landscaping plans did not accurately reflect the site. No information regarding the protection of these trees, mitigation measures, or replacement planting were submitted, therefore it was concluded that the scheme would be harmful to the character and appearance of the area.

The Inspector acknowledged that planning permission for three flats at the site was previously approved with Flat 1 being 5 square metres under the minimum floor space standards, though this was considered acceptable when balanced with the other flats which significantly exceeded the minimum standards. The inspector found that even though the new scheme would result in flats which are not as big, they would still exceed the floor space standards to a smaller extent and therefore the Inspector found no reason not to apply the same analysis as the previous case and consider the scheme generally compliant with the Technical Standards. It was considered that the retained and proposed extensions would not result in overdevelopment of the site as they would not take up an unacceptable amount of external amenity space. Whilst the scheme does conflict with Policy HN5 which sets out that conversions in the Defined Inner Area including extensions will not be supported, it was found that the proposal aligns with the more proportionate aims of Policy CS13 which balances the impact of density with the specific characteristics of the site.

7.6 21/0466 – 30 Anchorsholme Lane East, Blackpool, FY5 3QL - Erection of detached bungalow with associated parking and landscaping works following demolition of outbuildings (resubmission of application 20/0769)

Appeal Dismissed

The Inspector agreed that the scheme would introduce a new noise-sensitive development close to the existing commercial premises within a Local Centre which under Permitted Development rights could change to any use within Use Class E. No evidence has been given to demonstrate how potential noise disturbance could be reasonably mitigated and the inspector found that it would be unreasonable to place restrictions on the use of the existing commercial premises, as this would be contrary to the agent of change principle and would stifle the ability of the commercial unit to changing market forces and local needs, undermining the function of the Local Centre. The Inspector also acknowledged that the development would remove land serving the existing commercial premises which would restrict development of the existing premises and also remove the facility for parking and increase demand for on-street parking.

It was found that the siting of the dwelling in a backland location with pedestrian access along the driveway alongside a commercial premises would not be particularly welcoming for future occupants. Due to the constraints of the site the dwelling would suffer from a limited outlook and claustrophobic living conditions for the occupants. The dwelling would also suffer from significant overlooking from the existing surrounding properties and the Inspector agreed that landscaping would not provide sufficient protection and would only further enclose the site.

The Inspector found that whilst the development would not be readily visible from the street and the building would not be dissimilar to existing outbuildings, the erection of a single-storey dwelling with the appearance proposed would not reflect the prevalent scale, pattern, or form of surrounding development. The Inspector set out that the lack of public views of the site and the presence of existing development that does not contribute positively to the area does not justify permitting development which does not take into account the context of the site.

7.7 21/0661 - Land to the rear of 199-201 Common Edge Road, Blackpool, FY4 5DJ – erection of detached dwelling with balcony at first floor and integral garage with associated access and landscaping.

Appeal dismissed

The Inspector considered the key issues to be the impact of the development upon the living conditions of neighbouring residents, particularly with regard to outlook.

It was noted that planning permission had previously been granted for a dormer bungalow thereby establishing the principle of residential development. The revised

proposal would deliver a simpler and more compact footprint but with an appreciably larger upper floor, despite a marginal increase in overall roof height. The northernmost-section would include a balcony and have a greater presence than the previously approved scheme. The intervening trees were noted as deciduous meaning they would not provide year-round screening. The Inspector judged that the proximity and scale of the balcony would have an over-bearing impact upon the occupants of number 44 Oakwood Close and no. 199 Common Edge Road.

To the east, the dwelling would have an overly imposing impact on number 201 Common Edge Road and this presence would be exacerbated by light spill. The Inspector acknowledged that the removal of the window would overcome this but would not address the over dominance of the neighbour. The proposal was also considered to have greater impact on outlook from no. 42 Oakwood Close by virtue of proximity, and an intrusive and over-dominant impact on no. 44 Oakwood Close as a result of its relative position.

Overall, the Inspector concluded that the proposal would have an unacceptable impact upon the living conditions of the occupiers of nos. 201 Common Edge Road and numbers 42 and 44 Oakwood Close, with no other material considerations weighing sufficiently in favour to justify the grant of planning permission.

The Planning Inspectorate decision letters can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/>. An exception is the appeal decision in relation to enforcement appeal ref. 19/8316 as this relates to an enforcement case rather than a refusal of planning permission. As such this decision is attached at Appendix 3(a).

7.8 Does the information submitted include any exempt information? No

8.0 List of Appendices

8.1 Appendix 3(a): Enforcement Appeal Letter for 19/8316.

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