

**Report to:**

**PLANNING COMMITTEE**

**Relevant Officer:**

Susan Parker, Head of Development Management

**Date of Meeting:**

26 April 2023

## **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 22/0823 - 1 Lincoln Road, Blackpool - Removal of part garden wall and creation of hardstanding for vehicle access.**

An Appeal has been lodged by Mrs Helena Opuku against the Council's refusal of planning permission

### **6.2 22/0259 - Land adjacent to 81-83 Ansdell Road, Blackpool, FY1 6PX - Erection of 20m high monopole in rear parking area with 2no cabinets and associated works following the removal of existing wall mounted antennas, associated wall mounted apparatus and 1no. ground-based equipment cabinet.**

An appeal has been lodged by Cornerstone Ltd against the Council's refusal of planning permission.

### **6.3 20/8175 - 29 Hurstmere Avenue, Blackpool, FY4 3EJ - The erection of a rear extension not in accordance with 'Prior Approval' reference 19/0412.**

An appeal has been lodged by Mr Twana Mohama against an Enforcement Notice served by Blackpool Council on 25 November 2022

### **6.4 18/8122 271 Midgeland Road & Outbuilding at Land Rear OF 271, known as 271A Midgeland Road BLACKPOOL, FY4 5JA.- the material change of use of a single storey outbuilding to a single private dwelling-house. (known as 271A Midgeland Road) without planning permission**

An appeal has been submitted by Mr Gary Stanley against an Enforcement Notice served by Blackpool Council on 3 February 2023

## **6.5 Planning/Enforcement Appeals Determined**

### **6.6 22/0341 and 22/0316 Footpath outside 19 Whitegate Drive, Blackpool, FY3 9AA - removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit (Appeal A – Advert consent and Appeal B Full Planning Permission)**

#### Appeal A and B Dismissed

The Inspector set out the main issues as the effect of the proposal on visual amenity, character and appearance and public/highway safety.

The Inspector states in relation to visual amenity that although the proposed street hub and advertisements would result in a decluttering of the opposite side of the highway where the existing phone box is located, they would nevertheless result in an increased proliferation of clutter on the opposite side where presently, the level of street furniture is very high. The proposed removal of the existing phone box is not therefore mitigation for the harm that would be caused by the proposed street hub and advertisements in this location.

They do note that due to the scale of the proposals, and as the harm would be localised, they would cause less than substantial harm to the significance of the Raikes Hall Conservation Area.

They do however state in relation to public and highway safety that The proposed street hub would be sited close to the carriageway and a pedestrian crossing point. Whilst the street hub would have a slim design and limited footprint, its proposed siting would hinder driver visibility of pedestrians crossing at this point, when travelling in a northerly direction along Whitegate Drive. Added to this, the proposed advertisements would distract drivers in this sensitive location, where driver awareness needs to be high.

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

- 6.7 22/0334 and 22/0342 Footpath outside 31C Whitegate Drive, Blackpool, FY3 9AA - removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit (Appeal A – Advert consent and Appeal B Full Planning Permission)

Appeal A and B allowed

The Inspector sets out that the main issue in respect of Appeal A is the effect of the proposed advertisements on visual amenity. The main issues in respect of Appeal B are the effect of the proposal on a) the character and appearance of the area and b) highway safety.

The Inspector notes the proposed street hub unit would replace the existing phone box, albeit in a new, close by location. Whilst it would not result in a reduction of street furniture in total, it would nevertheless not result in any increase in this locality therefore it would not be an overbearing addition. It would be of a slimmer design and smaller footprint to the existing phone box and would be viewed in association with the commercial backdrop. Thus, it would be in keeping with this commercial setting.

They further state the proposed street hub would be sited close to the Whitegate Drive carriageway edge. It would however be a generous distance from the junction with Leeds Road and would have a limited footprint. Additionally, vehicles would already be travelling a considerable distance from the carriageway edge due to the on-street parking bays. Therefore, drivers travelling in a northerly direction and seeking to make the turn off from Whitegate Drive into Leeds Road would have sufficient time and space to observe any pedestrians and alter their driving accordingly.

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

6.8 22/0328 and 22/0339 Footpath outside 19 Squires Gate Lane, Blackpool, FY4 1SN - removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit (Appeal A – Advert consent and Appeal B Full Planning Permission)

Appeal A and B allowed

The Inspector sets out that the main issue in respect of Appeal A is the effect of the proposed advertisements on visual amenity. The main issues in respect of Appeal B are the effect of the proposal on a) the character and appearance of the area and b) highway safety.

The Inspector notes the proposed advertisements would be readily apparent due to their clear, digital format and their siting on the footway. Nevertheless, the street scene has a broad aspect due to the width of the carriageway and the setback positioning of the buildings. Additionally, the ground floor units of the adjacent terrace are in commercial use. Therefore, the advertisements would not appear as incongruous or overly prominent features in this setting.

They further state that drivers would be a considerable distance from the kerb due to the designated bus stop and on-street parking bays and there would also be some additional space on the footway between the edge of the street hub and the kerb. Collectively, these factors would result in generous space between the proposed street hub and passing vehicles, thus providing suitable visibility between drivers and any pedestrians attempting to cross Squires Gate Lane at this point. The proposal would not therefore harmfully obstruct driver's vision. It would have a similar relationship that the existing bus shelter has with passing vehicles.

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

6.9 22/0200 Footpath outside 20 Corporation Street, Blackpool, FY1 1EJ- removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit

Appeal allowed

The Inspector sets out that the main issues are the effect of the proposal on a) the character and appearance of the area, including the Town Centre Conservation Area, and b) highway safety.

They note that the immediate locality around the appeal site is of a predominantly commercial character. There are various elements of street furniture in the wider streetscene. I do however note that those around the appeal site are limited to traffic signage and street lighting. Nevertheless, the footway is of a considerable width and is capable of accommodating an additional feature. Also, the adjacent stretch of modern, curved streetlights are, and would remain, dominant features in this part of the street scene. The proposal would be substantially smaller and would not therefore be overly dominant.

They also state the proposed street hub would be of a slim, modern design. It would replace an existing phone box installation within very close proximity to the appeal site, which is in a somewhat neglected condition. As this form of street furniture is an established part of the street scene, the proposal, whilst of a slightly different design and size, would not appear incongruous.

Furthermore, they state the appeal site is located on the footway of Clifton Street close to a pinch point in the carriageway. Traffic at this point is restricted to one-way, with vehicles

only able to approach the appeal site from the west. There is an adjacent pedestrian crossing point, located to the west of the appeal site. The siting of the proposal would not result in an interference with the visibility between drivers and pedestrians crossing at this point.

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

22/0175 25 Queen Street, Blackpool- Retention of an automated Teller Machine (ATM)

Appeal allowed with conditions

The Inspector agreed that the main issue is whether the retention of the ATM

preserves or enhances the character or appearance of the Extended Town Centre Conservation Area.

They state that the ATM is of modest size, proportionate to its function. It does not form a dominant feature on the shop front, and its insertion has not resulted in the removal of original or good quality design features. As it is sited within a panel of mirrored glass, the ATM is viewed against reflected images, and does not appear as an obtrusive or prominent feature, either on the building itself or within in the wider streetscene

The Inspector acknowledged the Council's concerns about the cumulative impact of small changes, and agrees that such alterations, which can include the insertion of ATMs into shopfronts, can be harmful to the Conservation Area. They said that the appeal site is separated from the next nearest ATM by a large commercial unit with a wide canopy. This limits the extent that the two ATM units are viewed together, but in any case, the appeal ATM is not a conspicuous feature in the streetscene. Even taking account of the other ATMs nearby, does not contribute to harmful visual clutter along this part of Queen Street.

6.11 The Inspector concluded that the proposed retention of the ATM preserves the character and appearance of the Extended Town Centre Conservation Area. The proposal is well designed, of an appropriate scale, and is accessible to people with disabilities. Measures to minimize opportunities for criminal behaviour are proposed as part of the scheme, and can be secured by an appropriate condition.

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

22/0329 and 22/0347 Footpath adjacent 125 Church Street, Blackpool, FY1 1HZ - removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit (Appeal A – Advert consent and Appeal B Full Planning Permission)

#### Appeal A and B dismissed

The Inspector agreed that the main issues were the effect of the proposals on a) visual amenity/character and appearance, and b) public safety.

The Inspector sets out that the existing is sited in a more discreet location on Alfred Street and adjacent to a stretch of other elements of street furniture, thus it is inconspicuous. Although the proposal would not result in an overall increase of features in this locality, it would nevertheless introduce a piece of visual clutter on part of the footway which is currently clear of such features, thus detracting from

the existing spacious characteristics of the footway. As such, the proposed advertisements would exacerbate the street hubs prominent siting as the display of digital images would further draw the eye to it. They would appear as dominant and incongruous additions in this setting.

6.12 They also note that due to the generous width of the footway in this locality, the proposed street hub and its integrated advertisements would be set a substantial distance from the kerb and thus from passing vehicles. As such, it would not interfere with drivers' visibility of pedestrians or other vehicles, when turning out of Alfred Street onto Church Street or when traversing along Church Street in either direction. Even taking into consideration the digital format of the advertisements and lack of other street furniture in this locality, by virtue of its set-back positioning, it would not present a harmful distraction to drivers, however the proposed street hub would be sited in a relatively central position on the footway and at a right angle to it, such that approaching pedestrians would have to navigate around it when walking along this stretch of footway. It would therefore be an unacceptable obstruction to the free flow of pedestrians.

The Planning Inspectorate decision letter can be viewed online at

<https://idoxpa.blackpool.gov.uk/online-applications/>

22/0189 and 22/0197 Footpath outside 18 Church Street, Market Street, Blackpool, FY1 1EW - removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit (Appeal A – Advert consent and Appeal B Full Planning Permission)

Appeal A and B allowed

The Inspector notes that the main issue in respect of Appeal A is the effect of the proposed advertisements on visual amenity. The main issues in respect of Appeal B are the effect of the proposal on the character and appearance of the area and highway safety.

The Inspector sets out that the proposed street hub would replace the existing installation. It would have a similar footprint and be of a scale and design reflective of the existing. As it is an already established feature in the street scene, the proposed street hub would not introduce any additional clutter or appear intrusive, even taking into consideration any similar installations on Bank Hey Street as they are a considerable distance away and not read within the same street scene. In combination with others, the proposal would not create a sense of an overconcentration of street hubs in this locality.

Further, the presence of advertisements in this commercial locality, and an area which also appears to have some late-night uses, would not appear out of keeping or

harmful in this context. Furthermore, conditions could be attached to appropriately control the display so as to ensure that the advertisements do not appear overly invasive in the street scene.

6.13 The Inspector also set out with regard to highway safety that even if pedestrians did seek to cross the carriageway adjacent to the proposed street hub, although it would be positioned close to the kerb there would nevertheless remain good space for pedestrians and drivers to observe one another. Moreover, it would be sited immediately adjacent to a taxi stand thus it is likely that there would typically be parked vehicles along this stretch, thus presenting an obstruction which pedestrians would first have to navigate around before stepping into the path of moving vehicles in the carriageway. At this point, there would be good intervisibility between pedestrians and vehicles, which would likely be travelling at slower speeds.

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

Does the information submitted include any exempt information? No

22/0102 – Holy Trinity Church, Dean Street, Blackpool, FY4 1BP – Installation of 3 antennas to church tower and associated ancillary works.

#### Appeal Dismissed

The Inspector found that the proposed antennas would introduce further unacceptably modern and obvious additions to the listed building and in combination with the existing antennas would seriously detract from the traditional materials and fine architectural features of the church tower. It was concluded that the proposal would fail to preserve the special interest of the listed building and the harm was given considerable importance and weight in the balance of the appeal.

7.0 The Inspector acknowledged that there is a need to improve existing 4G coverage and provide 5G coverage and as a licensed code operator the appellant has a legal obligation to ensure its service can be provided throughout the country. It was acknowledged that the scheme would bring public benefits including supporting business and attracting new business to the area, enabling people to stay in touch and improve social wellbeing and work life balance, and reducing need to travel. It was also acknowledged that the NPPF requires a sequential approach, and that the church is an existing site of equipment and that there is no evidence to demonstrate that there are necessarily suitable alternative sites within the vicinity. However, based on the information provided the Inspector was not persuaded that street level masts can be ruled out entirely.

As such, it was found that the due to the significant impact on the listed building which was afforded considerable weight, even taking into account the public benefits of the



proposal into account the benefits would not outweigh the harm to the significance of the designated heritage asset.

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

### **List of Appendices**

7.1 None

#### **8.0 Financial considerations:**

8.1 None.

#### **9.0 Legal considerations:**

9.1 None.

#### **10.0 Risk management considerations :**

10.1 None.

#### **11.0 Equalities considerations:**

11.1 None.

#### **12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

#### **13.0 Internal/ External Consultation undertaken:**

13.1 None.

#### **14.0 Background papers:**

14.1 None.