

# Blackpool Council

Town and Country Planning Act 1990  
Town and Country Planning General Regulations 1992

## REFUSAL OF PLANNING PERMISSION

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### PART 1 : PARTICULARS OF DEVELOPMENT

**PROPOSAL:** Formation of a balcony to the first floor front elevation and use of the first floor as altered as one self-contained permanent flat.

**LOCATION:** 38 COWLEY ROAD, BLACKPOOL, FY4 4NE

**DATE OF APPLICATION:** 02/05/14

**APPLICATION NUMBER:** 14/0258

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### PART 2 : PARTICULARS OF DECISION

Blackpool Borough Council as Local Planning Authority gives notice that PERMISSION HAS BEEN REFUSED for the development referred to in Part 1 for the following reasons :

- 1 The proposal would result in the loss of safeguarded employment land to a non-employment use, contrary to the National Planning Policy Framework and Policy DE1 of the Blackpool Local Plan 2001-2016 and would set a precedent which could cumulatively have a detrimental impact on Blackpool's future employment land supply. Furthermore, Blackpool's employment land constraints are acknowledged in the emerging Fylde Core Strategy, which proposes around 15 hectares of employment land in Fylde to help meet Blackpool's future requirement. To allow the release of existing employment land contrary to policy would potentially compromise this joint approach to employment land provision.
- 2 The proposal would have a significantly detrimental impact on the residential amenities of future occupants by virtue of the close proximity to industrial/business units which would result in significant adverse impacts in terms of noise, disturbance, odour and late evening activity. As such the proposal would be contrary to Policies BH3 and BH4 of the Blackpool Local Plan 2001-2016 and the National Planning Policy Framework (Parts 7 and 11).
- 3 The proposal is likely to impinge on the successful operation of adjacent industrial/business uses through the close proximity to these uses. The incompatible juxtaposition of the uses would therefore be contrary to Policy DE1 of the Blackpool Local Plan 2001-2016.

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Corporation Street  
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Contact  
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3 **ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - residential amenity, compatability with the existing industrial uses, conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 - which justify refusal.

**THE PLANS TO WHICH THIS DECISION RELATES**

Location Plan stamped as received by the Council on 03/04/2014

Floor layouts stamped as received by the Council on 03/04/2014(one drawing)

DATE OF DECISION : 26/06/2014

Signed:



HEAD OF DEVELOPMENT MANAGEMENT

Name and address of Applicant

Mr C Perfetti  
38 COWLEY ROAD  
BLACKPOOL  
FY4 4NE

Name and address of Agent (if any):

## DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

### PART 2

#### TOWN AND COUNTRY PLANNING ACT 1990

#### **Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions (*To be endorsed on notices of decision*)**

##### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using the appropriate form, for this appeal you will need to complete the Planning Appeal Form, which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). When you request the form you must state which form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
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- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

##### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

# Blackpool Council

## APPROVAL OF DETAILS / DISCHARGE OF CONDITIONS

This note explains a recent change in the way conditions on the attached planning permission granted in Blackpool will be discharged.

In April 2008 a number of changes were introduced by the Government including provision for charging a fee to discharge the conditions imposed on planning permissions. As from 1<sup>st</sup> August 2008 Blackpool Council has made this change which involves a £28 fee to discharge one (or more) conditions imposed on a householder planning permission and £97 to discharge one (or more) conditions imposed on a non-householder planning permission. The charge is imposed for each request to discharge, and allows for several conditions to be dealt with in one go whilst only incurring the single charge.

The fee should be submitted at the same time as the details to discharge the condition(s) and in the absence of the appropriate fee no response by the Council can be given.

Please note that the commencement of the development or first use/ occupation of the development without first having all relevant conditions discharged would mean that the development itself is unauthorised and may be liable to subsequent enforcement proceedings.

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# Blackpool Council

## PLANNING AND BUILDING CONTROL

### THE NEXT STEP .....BUILDING REGULATIONS APPROVAL

Now that you have received Planning Permission please note that a Building Regulations Application may be required, dependent on the nature of the work.

Please contact our helpful Building Control Team to discuss your proposals. We will be please to give advice and a quote for providing the Building Control Service.

BUILDING CONTROL DIVISION  
PLANNING DEPARTMENT  
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*"Blackpool Building Control  
prides itself on its proactive  
customer focussed approach"*

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