

# Blackpool Council

23 August 2019

To: Councillors Baker, D Coleman, Critchley, Hobson, O'Hara, Owen, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 3 September 2019 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 31 JULY 2019** (Pages 1 - 16)

To agree the minutes of the last meeting held on 31 July 2019 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 17 - 20)

The Committee is requested to note the planning and enforcement appeals lodged and determined.

**4 PLANNING ENFORCEMENT UPDATE REPORT** (Pages 21 - 24)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager, Public Protection.

**5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE** (Pages 25 - 28)

To update the Planning Committee of the Council's performance in relation to Government targets.

**6 PLANNING APPLICATION 16/0267 - LAND ADJACENT TO WHALLEY FARM, WHALLEY LANE, BLACKPOOL** (Pages 29 - 48)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

**7 DATE OF NEXT MEETING**

The Committee is asked to note the date of its next meeting as Tuesday 1 October 2019 at 6pm.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Governance Adviser, Tel: (01253) 477212, e-mail [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor Owen (in the Chair)

Councillors

Baker	Hobson	O'Hara	L Williams
D Coleman	Hugo	Robertson BEM	Wilshaw

### **In Attendance:**

Mr Lennox Beattie, Executive and Regulatory Support Manager

Mr Carl Carrington, Head of Planning, Quality and Control

Mr Ian Curtis, Legal Officer

Ms Pippa Greenway, Senior Planner

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Network Planning and Projects Manager

### **Also Present:**

Councillor T Williams

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE MEETING HELD ON 2 JULY 2019**

The Planning Committee considered the minutes of the last meeting held on 2 July 2019.

### **Resolved:**

That the minutes of the meeting held on 2 July 2019 be approved and signed by the Chairman as a correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Planning Committee received a report on the planning appeals lodged and determined since the last meeting.

It noted that no appeals had been lodged since the last meeting.

The dismissal of the appeal against the decision to refuse planning permission for the erection of a two-storey side extension and single-storey rear extension at 139 Clifton Drive was noted.

The Committee also noted the decision in respect of the appeal against the decision to

## MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 31 JULY 2019

refuse planning permission for the demolition of the existing public house, the erection of a bingo hall and drive-thru café/restaurant, the relocation of the vehicular access, and associated works at land at Odeon Cinema, Rigby Road where the decision to refuse planning permission had been overturned but costs had not been awarded against the Council. In particular, the Inspector had not felt that there had been any harm from the development that would have been sufficient to justify refusal of the application and so the appeal had been allowed subject to a number of conditions that were agreed, without prejudice, during the appeal proceedings. However, the Inspector had agreed that in refusing the application, the Council had not acted unreasonably and therefore had concluded that costs should not be awarded against the Council.

For the three appeal decisions, the Committee had been provided with the Inspector's decisions which were attached at Appendices 3a, 3b and 3c to the agenda report.

**Resolved:** To note the report

### 4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during June 2019.

The report stated that 41 new cases had been registered for investigation, 10 cases had been resolved by negotiation without recourse to formal action and 31 cases had been closed as there had either been no breach of planning control found, no action was appropriate or it had not been considered expedient to take action. It was noted that no formal enforcement, Section 215 or breach of condition notices had been issued in June 2019. The report also provided comparative information for the same period last year.

**Resolved:** To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department.

### 5 PLANNING PERFORMANCE REPORT

The Committee considered the Planning Application and Appeals Performance Report and positive comments were made regarding the Council's performance in relation to Government targets. The Committee reflected negatively on the appeal statistics and noted that training for Committee members had been organised to reflect learning from those decisions.

**Resolved:** To note the report.

### 6 PLANNING APPLICATION 19/0094 LAND ADJACENT TO GREENACRES, 161 SCHOOL ROAD

The Planning Committee considered application 19/0094 for the use of land as a residential traveller caravan site for four caravans (two static caravan/mobile homes and two touring caravans), together with the erection of an ancillary amenity building, formation of hardstanding and the construction of a 1.8 m high fence and hedge to the

## MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 31 JULY 2019

School Road boundary at land adjacent to Greenacres, 161 School Road.

Mr Gary Johnston, Head of Development Management, outlined to the Committee the key considerations and reminded members of the need for sites for gypsies, travellers and travelling showpeople identified in the joint study with Wyre and Fylde Borough Councils. The study outlined a requirement for two sites to meet the Council's portion of the Fylde Coast's needs, of which one site had already been approved.

Mr Johnston highlighted that there were three applications for traveller sites on the agenda for the meeting and all three had been assessed in terms of sustainable development and the application of specific policies in the National Planning Policy Framework and the planning policy for traveller sites, with reference also to local links and the specific personal circumstances of the applicants. In view of this the application had been recommended for approval as the site represented a sustainable option and was supported by strong links from the applicant to the local area.

### **Resolved:**

That the application be approved subject to the conditions and for the reasons set out in the attached Appendix.

Background papers: Applications, plans and replies to consultations on the application.

### **7 PLANNING APPLICATION 19/0150 LAND ADJACENT TO 433 MIDGELAND ROAD**

The Planning Committee noted that this application had been withdrawn at the applicant's request.

Background papers: Applications, plans and replies to consultations on the application.

### **8 PLANNING APPLICATION 19/0317 STATELY LODGE 41 SCHOOL ROAD**

The Planning Committee considered application 19/0317 for planning permission for the increase in the number of caravans from 3 to 7 to accommodate an extended traveller family, altered location for amenity building and altered location for car parking (amendments in part to planning permission reference 14/0892) at Stately Lodge 41 School Road.

Mr Gary Johnston, Head of Development Management, outlined to the Committee the key considerations and reminded members of the need for sites for gypsies, travellers and travelling showpeople identified in the joint study with Wyre and Fylde Borough Councils. The study outlined a requirement for two sites to meet the Council's portion of the Fylde Coast needs, one site of which had already been approved.

Mr Johnston highlighted that there were three applications for Traveller sites on the agenda for this meeting and all three had been assessed in terms of sustainable development and the application of specific policies in the National Planning Policy

## MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 31 JULY 2019

Framework and the planning policy for traveller sites with reference also to local links and the specific personal circumstances of the applicants.

The application represented the expansion of an existing site and had been recommended for approval due to the sustainability of the site and the family's links to the local area including the nearby primary school. In this case while the application represented an intensification of the site it would not result in the site being over-intense and there would still be a suitable distance from neighbouring properties.

Mr Rogers, the applicant, was in attendance and made representations to the Committee. Mr Rogers highlighted the changes in his family's personal circumstances that made the application necessary. In response to questions Mr Rogers outlined that he had already made improvements to the boundary fencing and would also be introducing landscaped areas to improve the site and protect the privacy and amenity both of residents of the site and neighbouring residents.

### **Resolved:**

That the application be approved subject to the conditions and for the reasons set out in the attached Appendix.

Background papers: Applications, plans and replies to consultations on the application.

### **9 PLANNING APPLICATION 19/0349 LAND ADJACENT TO 17 AND 21 NORTH SIDE, MOSS HOUSE ROAD**

The Planning Committee considered application 19/0349 for outline planning permission for the erection of five, two storey dwellings and garages alongside a new access road at land adjacent to 17 and 21 North Side, Moss House Road.

The application was introduced by Ms Pippa Greenway, Senior Planner, who highlighted that a previous application for seven dwellings on the site had been refused in 2018. The applicant had sought to overcome the reasons for refusal of that application by reserving matters and reducing the number of dwellings to five and relocating them on the site to provide better privacy levels. Ms Greenway emphasised the view outlined in the report that the revisions to the proposed development meant that the scheme represented a sustainable development with no significant amenity, highway safety and ecological impacts.

### **Resolved:**

That the application be approved subject to the conditions and for the reasons outlined in the attached Appendix.

Background papers: Applications, plans and replies to consultations on the application.

### **Chairman**

(The meeting ended at 6.35 pm)

## MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 31 JULY 2019

Any queries regarding these minutes, please contact:  
Lennox Beattie Executive and Regulatory Manager  
Tel: 01253 477157  
E-mail: [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

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**Application Number 19/0094– LAND ADJACENT TO GREENACRES, 161 SCHOOL ROAD, BLACKPOOL, FY4 5EL**

Use of land as a residential traveller caravan site for four caravans (two static caravan/mobile homes and two touring caravans), together with the erection of an ancillary amenity building, formation of hardstanding and the construction of a 1.8 m high fence and hedge to the School Road boundary.

**Decision:** Grant Permission

**Conditions and Reasons:**

1. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:
  - Location Plan received by the Council on 13 February 2019
  - Plans received by the Council on 13 February 2019 and statement received on 8 March 2019.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

2. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

3. No more than two static caravans/ mobile homes and two touring caravans as shown on the submitted application plan shall be stationed on the site at any one time.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7, CS8 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

4. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers Sites, 2015.

Reason: Planning permission is being granted on the basis that there is a need for the site as part of the Fylde Coast Gypsy and Traveller and Travelling Showpeople

Accommodation Assessment 2014 and 2016 update and in accordance with Policy CS16 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time; and for the avoidance of doubt, no storage of materials, goods or parking shall take place on the field at the rear of the site.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2017 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. The amenity building shown on the approved site plan shall only be used for purposes ancillary to the use of the site as a traveller caravan site and at no time shall it be used for living accommodation or sleeping accommodation.

Reason: To safeguard the visual amenities of the area and the amenities of the occupiers of adjoining properties and prevent the creation of a separate residential unit in accordance with Policies CS7 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ2 and BH3 of the Blackpool Local Plan 2001-2016.

8. a) Within 3 months of the date of this approval full details of both hard and soft landscaping works shall be submitted to the Local Planning Authority for approval. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The approved works shall be carried out within 6 months of the date of this approval unless otherwise agreed in writing by the Local Planning Authority.

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Within 3 months of the date of this approval the amended access works shall be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

**Application Number 19/0317 - STATELY LODGE, 41 SCHOOL ROAD, BLACKPOOL, FY4 5DS**

Increase in number of caravans from 3 to 7 to accommodate extended traveller family, altered location for amenity building and altered location for car parking (amendments in part to planning permission reference 14/0892).

**Decision:** Grant Permission

**Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

- Location Plan received by the Council on 12/05/2019
- Drawing numbered HP/2632A PL/19/07.1. Rev A

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 of Annex 1 of the DCLG document ' Planning policy for traveller sites ' (March 2012) and shall only be occupied as an extended family unit.

Reason: Planning permission was originally granted on the basis that there is a need for the site as part of the Fylde Coast Gypsy and Traveller and Travelling

Showpeople Accommodation Assessment (2014) and in accordance with Policy CS16 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. No more than 7 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) (of which no more than one shall be a static caravan) shall be stationed on the site at any one Time.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

7. No external lighting shall be provided on the site without details having been first submitted to and approved by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7 and CS8 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

8. a) No development authorised by this permission shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the

Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. Before the 4 additional touring caravans are brought onto the site the foul and surface water drainage arrangements for those caravans shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall then be provided within one month of the date of written approval by the Local Planning Authority and shall thereafter be retained. If the drainage arrangements are not in place in accordance with the timetable outlined above the use of the site shall cease until they are provided

Reason: To ensure that the site is not at risk of flooding and does not cause flooding elsewhere in accordance with Policy CS9 the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

**Application Number 19/0349 - LAND ADJACENT TO 17 AND 21 NORTH SIDE, MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF**

Erection of five, two storey detached dwellings and garages, new access road and associated works.

**Decision:** Grant Permission

**Conditions and Reasons:**

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
  - Layout
  - Scale
  - Appearance
  - Access
  - Landscaping

ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: A018/081/BR/11 received by the Council on 23/05/19.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. No vegetation clearance shall take place between the main bird nesting season (March to September inclusive) unless the absence of nesting birds has first been established by a suitably qualified and experienced ecologist and agreed in writing by the Local Planning Authority.

Reason: In order to safeguard nesting birds in accordance with the requirements of paragraph 170 of the National Planning Policy Framework.

4. Prior to the commencement of development, a Tree Survey and Ecological Assessment shall be submitted to and agreed in writing by the Local Planning Authority, and these documents shall inform the precise location of the dwellings, the landscaping proposals and the mitigation measures in relation to birds, bats etc.

Reason: To safeguard and enhance biodiversity on the site in accordance with the provisions of paragraph 170 of the National Planning Policy Framework. This scheme must be agreed prior to the commencement of works on site in order to safeguard biodiversity during construction and to ensure that final impacts can be properly mitigated.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements

- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

9. (a) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:
- (i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - (ii) Surveys and appropriate evidence to establish the position, capacity and interconnection of all watercourses and surface-water sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;
  - (iii) A determination of the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
  - (iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate or a rate to be first agreed in writing by United Utilities.
  - (v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - (vi) Flood water exceedance routes, both on and off site;
  - (vii) A timetable for implementation, including phasing where applicable;
  - (viii) Details of water quality controls, where applicable.

(b) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(c) The scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

Reason: To promote sustainable development, secure proper drainage of surface water and to manage the risk of flooding and pollution in accordance with the provisions of the National Planning Policy Framework and National Planning Practice Guidance and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Site Management Company;

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:

- I. on-going inspections relating to performance and asset condition assessments.
- II. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. Prior to the commencement of any works or development on site, a tree protection plan shall be submitted to and agreed in writing by the Local Planning Authority and the development shall proceed in full accordance with this agreed plan. This plan shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing, and details of incorporated specialist construction methodology in relation to the interfaces between the development and the hedgerows and trees to be retained on and around the site.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity in accordance with paragraph 180 of the National Planning Policy Framework. This plan must be agreed prior to the commencement of works on site in order to ensure that no works pursuant to the development damage any trees to be retained.

12. Prior to or concurrent with the submission of a reserved matters application to agree layout, a scheme for the provision of vehicle charging points within the development shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall then proceed in full accordance with this approved scheme which shall thereafter be retained and maintained as such.

Reason: In order to minimise the environmental impact of the development and promote renewable / low-carbon energy use in accordance with the provisions of Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Prior to or concurrent with the submission of an application for reserved matters to agree the matters of scale and/or layout, a plan or plans showing proposed ground and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority and the development shall proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the site, the amenities of neighbours and appropriate drainage in accordance with the provisions of Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	3 September 2019

## 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.

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

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

**5.0 Background Information**

**5.1 Planning/Enforcement Appeals Lodged**

**5.2 8 YATES STREET, BLACKPOOL, FY1 2DB (18/0256)**

5.2.1 An appeal has been lodged by Mr John Town against the refusal of a certificate of lawfulness existing for the use of ground floor of premises as two self-contained permanent flats.

**5.3 31 SHAFTESBURY AVENUE, BLACKPOOL, FY2 9QH (19/0135)**

5.3.1 An appeal has been lodged by Mr David Palmer against the refusal of planning permission for the erection of 1.83m high fencing to Warbreck Drive boundary and part of Shaftesbury Avenue boundary.

**5.4 LAND BETWEEN LONGFIELD AND NO. 21 ROBINS LANE, CARLETON, FY6 7QN (19/0135)**

5.4.1 An appeal has been lodged by Mr John Boardman against the refusal of planning permission for the erection of one dwellinghouse.

**5.5 Planning/Enforcement Appeals Determined**

5.5.1 None

**5.6** Does the information submitted include any exempt information?            No

**5.7 List of Appendices:**

5.7.1 None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager, Public Protection
<b>Date of Meeting</b>	3 September 2019

## PLANNING ENFORCEMENT UPDATE

### 1.0 Purpose of the report:

- 1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during July 2019.

### 2.0 Recommendation(s):

- 2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

### 3.0 Reasons for recommendation(s):

- 3.1 The Committee is provided with a summary of planning enforcement activity for its information.

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

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

### 4.0 Council Priority:

- 4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'.

## 5.0 Background Information

### 5.1 Cases

#### 5.1.1 New cases

In total, 50 new cases were registered for investigation, compared to 44 received in July 2018.

#### 5.1.2 Resolved cases

In July 2019, 16 cases were resolved by negotiation without recourse to formal action, the same number as July 2018.

#### 5.1.3 Closed cases

In total, 31 cases were closed during the month (18 in July 2018). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

#### 5.1.4 Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in July 2019 (none in July 2018);
- No s215 notice authorised in July 2019 (none in July 2018);
- No Breach of Condition notices authorised in July 2019 (none in July 2018);
  
- No enforcement notices served in July 2019 (none in July 2018);
- No s215 notices served in July 2019 (none in July 2018);
- No Breach of Condition notices served in July 2019 (none in July 2018);
- No Community Protection Notice served in July 2019 (none in July 2018).

Does the information submitted include any exempt information? No

### 5.2 List of Appendices:

None

### 6.0 Legal considerations:

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

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<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	3 September 2019

## PLANNING APPLICATIONS AND APPEALS PERFORMANCE

### 1.0 Purpose of the report:

1.1 To update members of Planning Committee of the Council's performance in relation to Government targets.

### 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 current performance.

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

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None the report is for information only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is both:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

### 5.0 Background Information

5.1 Members of the Planning Committee will be aware that the Government has set targets for the determination of major and minor category planning applications and major and minor category appeals.

5.2 These are speed and quality of decision targets and are currently:

**Speed of major development decisions** – 60% within 13 weeks or an agreed Extension of Time - for the period October 2017 to September 2019

**Speed of minor development decisions** – 70% within 8 weeks or an agreed Extension of Time - for the period October 2017 to September 2019

**Quality of major development decisions** – Loss of less than 10% of appeals

**Quality of minor development decisions** – Loss of less than 10% of appeals

5.3 Figures are submitted quarterly to the Ministry of Communities and Local Government.

5.4 Performance for July 2019 is shown as is performance for the second quarter – July to September 2019

5.5 The last full year performance figures for applications (1 April 2018 – 31 March 2019) were:

**Majors 95% within 13 weeks or an agreed extension of time (target 60%)**

**Minors 96% within 8 weeks or an agreed extension of time (target 70%)**

5.6 In terms of the last assessment period (October 2016 – September 2018) performance at the end of September 2018 for the full two year period was:

**Majors 91% within 13 weeks or an agreed extension of time (target 60%)**

**Minors 92% within 8 weeks or an agreed extension of time (target 70%)**

5.7 In terms of appeals for the last period April 2016 – March 2018 –

**There were 28 decisions of which 6 non-major appeals were lost (21% of the total appeal decisions).**

**There were no major appeal decisions**

	<b>Government Target</b>	<b>Performance August 2019</b>	<b>Performance July-Sept 2019</b>
<b>Major development decisions</b>	>60%	100%	100%
<b>Minor development decisions</b>	>70%	90%	93%
<b>Quality of major development decisions</b>	>10%	No major appeals determined	No major appeals determined
<b>Quality of non major development decisions</b>	>10%	No non-major appeals determined	No non-major appeals determined

- 5.2 Does the information submitted include any exempt information? No
- 5.3 List of Appendices  
None
- 6.0 Legal considerations:**
- 6.1 None.
- 7.0 Human Resources considerations:**
- 7.1 Performance is influenced by staffing numbers, sickness and leave.
- 8.0 Equalities considerations:**
- 8.1 None.
- 9.0 Financial considerations:**
- 9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.
- 10.0 Risk management considerations:**
- 10.1 Under resourcing the service could lead to inability to respond to peaks in workload.
- 11.0 Ethical considerations:**
- 11.1 None.
- 12.0 Internal/ External Consultation undertaken:**
- 12.1 Not applicable.
- 13.0 Background Papers**
- 13.1 None.

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**COMMITTEE DATE:** 03/09/2019

**Application Reference:** 16/0267

**WARD:** Stanley  
**DATE REGISTERED:** 02/06/16

**APPLICATION TYPE:** Full Planning Permission  
**APPLICANT:** Mr M Jameson

**PROPOSAL:** Use of land as a travelling showperson's site for up to five caravans (three static and two tourers), two single storey amenity buildings, parking areas and a 2 metre high boundary fence.

**LOCATION:** LAND ADJACENT TO WHALLEY FARM, WHALLEY LANE, BLACKPOOL,  
FY4 4PW

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**Summary of Recommendation:** Agree in principle and delegate approval to the Head of Development Management

## **CASE OFFICER**

Ms P Greenway

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool and **Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

## **SUMMARY OF RECOMMENDATION**

Considering the planning balance it is considered that the need to provide sites for travelling showpeople and the lack of alternative sites at the present time outweigh the conflict with Policy CS26 and elements of Policy CS16 and hence the application is recommended for approval, subject to a number of conditions.

## **INTRODUCTION**

This application was first submitted in 2016, but it has only just been presented to Committee due to difficulties in obtaining information from the agent regarding the nature of the use and the change in circumstances part way through consideration of the proposal.

## **SITE DESCRIPTION**

This application relates to a site on the southern side of Whalley Lane, which lies in the very north east corner of the Marton Moss Neighbourhood Area, in the vicinity of Yeadon Way. The site is roughly rectangular in shape with a frontage of 47 metres and a depth of 50 metres. The site area is 0.3 hectares (the yard is about 0.25 ha excluding the farm building itself) and it formerly contained some stables and two mobile homes. It is roughly level and is bounded to the north by Whalley Farm (which is also in the applicants ownership), to the south by a 10 metres wide strip of land beyond which is housing set at a higher level and which fronts Southbank Avenue. To the north across Whalley Lane is Kinross (a bungalow) with an associated caravan site for 11 traveller households. To the west is an electricity substation and to the east is a public right of way, then open land associated with a property which fronts onto Eastbank Avenue. The site is 130 metres from the adopted part of Whalley Lane and is accessed by an unmade track which serves a cluster of dwellings.

## **DETAILS OF PROPOSAL**

The proposal is partially a retrospective application for two showperson plots plus seeking permission for a third plot. There were two mobile homes on the site when the applicants bought it which are in the western corner. There are two static caravans on the eastern part of the site, with an amenity block to the south and one to the north adjacent to the barn. The third static home / plot would be on the western portion of the site (where the older caravans are). Prior to putting the third static home on site, the additional space would be used for parking and for occasional visits from relatives in touring caravans. The parking on the site is informal, with private cars parked near the caravans and heavier vehicles towards the western side of the site. The intention is to retain the majority of the trees on the western side and supplement with additional planting.

The supporting information to the application confirms that the household meets the requirements of a travelling showperson under the current planning definition and that the household has local connections to the area over many years.

## **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- principle of the development
- the identified need for travelling showpersons plots
- impact on the character and appearance of the Marton Moss Strategic Site (Neighbourhood Planning Approach)
- impact on residential amenity
- impact on highway and pedestrian safety
- sustainability

These issues will be discussed in the assessment section of this report.

## **CONSULTATIONS**

**Head of Highways and Traffic Management:** I have no objection to this proposal but would like to note the following:

This section of carriageway is unadopted, with numerous carriageway defects. The proposal is for residential use, so should not generate a significant increase in associated trips to/from the site.

**Blackpool Services, Contaminated Land:** Works have already been carried out on the site. Historical land use for the site has been agricultural, possibility of pesticides being present within the ground conditions. If any further works are carried out on the site in which ground conditions will be disturbed then a Phase 1 Desk Study is requested in order to establish if there is a significant likelihood of significant harm.

**Electricity North West Ltd:** The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

- HS(G)47 - Avoiding danger from underground services.
- GS6 - Avoidance of danger from overhead electric lines.

Other points, specific to this particular application are:-

The caravan is next to an Electricity North West Ltd substation and has a number of high and extra-high voltage underground cables running through the site. Safe excavation techniques must be followed during any ground works in the vicinity of these. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

**Head of Housing and Environmental Protection Service:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Ramblers Association:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**WASTE- Residential:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**Marton Moss Neighbourhood Forum:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

**United Utilities Plc (Water):** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

#### **PUBLICITY AND REPRESENTATIONS**

Neighbours notified: 10 June 2016 and 16 August 2019

Objections to the initial proposal for one static van and a tourer have been received from the following:

##### **Mr M Powell, 106 Southbank Avenue**

I would like to strongly object to this planning application for numerous reasons. Beautiful trees have been killed and discarded for this site to host two caravans, which have been there for approximately 18 months now and we have only just been notified of planning permission. The land directly behind my garden is now a dumping ground for fly tippers, piles of rubbish, sofas and wood dumped and left due to the railings and fences being torn down which originally separated the sites. The caravans directly overlook my kitchen and bathroom windows which is a massive imposing of privacy as they can see directly into my house. My 7 month old daughter's bedroom is backing onto this site and the floodlights from the site at night beam through the window causing much disturbance.

##### **Mr G Priestley, 57 Southbank Avenue**

##### **Privacy Aspect**

Possibly by error, but perhaps being opportunistic, the applicants excavated land, trees and railings that laid between our properties and the land adjacent to Whalley Farm that was owned by a third party. An Estate Agent informed them of their error that they were excavating land that was not there, receiving a response that they were planning to plant a

neat row of conifers to ensure the privacy remained, but they continued with the removal of trees and a considerable depth of earth.

### **Pictures of the site 2006 - 2015 - 2016**

Photographs have been supplied as supportive documentation. The pictures show:

- a) 2006 - tree cover and railings as existed,
- b) part-way through removal of trees / earth by the applicants over ours and the third party's land,
- c) the area after they returned some of the earth, now completely open and without the privacy we originally had.
- d) a recent picture of the site that allows consideration of our suggestion of the Tourer Caravan being placed at the North-East corner of their site.

### **Hygiene and Welfare**

I believe that action was taken against them and this resulted in some earth (of an inferior quality) being returned, but not the trees and railings that they also took away.

- a) The railings were positioned along the third party border and gave a pathway around the back of our properties between 96 - 114 Southbank Avenue, which has not been replaced.
- b) The absence of these railings has now attracted fly-tipping by unknown parties.
- c)
  - In short, our privacy has been taken away and the land between them and our rear gardens / passageway is now open at the back and lies open to misuse.
  - We object to current placement of the Tourer Caravan (which has arrived in the last two weeks), whose windows directly face the rear kitchens/bathrooms of our properties further invading our privacy.
  - We believe that we have suggested an acceptable alternative for the location of the Tourer Caravan (which would be less invasive), for which they already appear to have made waste water provision for.
  - Ideally, we would like the trees replanting and the pathway border re-instated.
  - Conifer trees might at least grow quickly. (Mature trees, as they took away, would take a long time to provide privacy).

A letter has been received from **Miss M Grant, 102 Southbank Avenue** which has also been signed by the following:

**Ms L Fisher, 110 Southbank Avenue**

**Ms J Groves, 96 Southbank Avenue**

**Ms H Gregson, 114 Southbank Avenue**

**Mr Powell, 106 Southbank Avenue**

**Mr Davenport, 100 Southbank Avenue**

The letter raises concerns about:

- loss of trees
- impact on privacy

If any further objections are received to the revised proposal on which neighbours were consulted on 16th August 2019, they will be reported on the update note.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (NPPF) (2019) retains the key objective of achieving sustainable development and hence there is a presumption that planning applications proposing sustainable development will be approved. It provides advice on a range of topics and is a material planning consideration in the determination of planning applications. The parts most relevant to this application are:

- Section 5 – Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

### **PLANNING POLICY FOR TRAVELLER SITES (PPTS)**

This document sets out the Government’s planning policy for traveller sites and travelling showpeople sites and should be read in conjunction with the National Planning Policy Framework. The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve this, Government’s aims in respect of traveller and travelling showpeople sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply

- to reduce tensions between settled and traveller communities in plan making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- for local planning authorities to have due regard to the protection of local amenity and local environment.

Applications for new sites should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites/ travelling showpeople.

Local Planning Authorities should consider the following issues amongst other relevant matters when determining planning applications for traveller and travelling showpeople sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

Local Planning Authorities should strictly limit new traveller/and travelling showpeople site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local Planning Authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

When considering applications, Local Planning Authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

Subject to the implementation arrangements, **if a Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration** in any subsequent planning decision when considering applications for the grant of temporary planning permission.

For the purposes of this planning policy “travelling showperson” means:

*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers*

For the purposes of distinguishing between sites the following applies:

*For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment.*

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY 2012-2027**

The Blackpool Local Plan Part 1: Core Strategy was adopted by the Council in January 2016.

The policies in the Core Strategy that are most relevant to this application are:

CS5: Connectivity  
CS7: Quality of Design  
CS8: Heritage  
CS9: Water Management  
CS16: Traveller Sites  
CS26: Marton Moss  
CS27: South Blackpool Transport and Connectivity

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

LQ1: Lifting the quality of design  
LQ2: Site context  
LQ10: Conservation Areas  
BH3: Residential and visitor amenity  
BH4: Public health and safety  
AS1: General development requirements (transport)

## **BLACKPOOL LOCAL PLAN PART 2: PROPOSED SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the proposed policies. The policies in Part 2 that are most relevant to this application are:

Site allocations - gypsies, travellers and travelling showpeople (Allocation reference T1).

DM20 Landscaping

DM21 Public Health and Safety

DM39 Transport Requirements for New Development

## **MARTON MOSS NEIGHBOURHOOD PLAN AREA AND MARTON MOSS NEIGHBOURHOOD FORUM APPLICATION**

The Marton Moss Neighbourhood Plan Area and the Marton Moss Neighbourhood Forum were designated on 26 March 2019 and the Forum is currently preparing a neighbourhood plan for the designated area.

## **FYLDE COAST GYPSY AND TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION ASSESSMENT (GTAA)**

In response to the Government's 'Planning Policy for Traveller Sites (PPTS) document and to inform future planning policy and planning decisions the Council in conjunction with our neighbours Wyre and Fylde Borough Councils commissioned a needs assessment for gypsies/travellers and travelling showpeople. The assessment, published in September 2014, recorded the situation in terms of provision within the three Council areas and set out the future need, broken down into 5 year periods as advocated by the Government's document. The 2014 Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) was subsequently updated in 2016 as a result of a revised version of the Planning Policy for Traveller Sites (PPTS) guidance published in August 2015.

The revised version of the Planning Policy for Traveller Sites now requires a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new "planning" definition of a Gypsy, Traveller or Travelling Showperson. The new definition now excludes those who have ceased to travel permanently.

The updated Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment prepared under the new definition indicates that there is a need for six additional traveller pitches and five additional plots for Travelling Showpeople in Blackpool over the 15 year Gypsy and Traveller and Travelling Showpeople Accommodation Assessment period (2016 - 2031). Subsequent approvals in 2018 and 2019 in Blackpool and approval of four pitches in the sub-region in Fylde which can be taken into account, means that the

outstanding need for traveller pitches has been met. With respect to Travelling Showpersons plots, an application was approved in April 2019 at 516 Midgeland Road, Blackpool for three plots, which means there is still an outstanding need for two plots.

Policy CS26 Marton Moss seeks to protect the distinctive character of the Moss and restricts development to agricultural or horticultural purposes or outdoor recreational uses appropriate to a rural area; and extension and replacement proposals to no greater than 35% of the original ground floor footprint of the existing dwelling. This restriction is proposed so as not to undermine the outcome of the neighbourhood planning process for the enhancement of the Moss.

The outstanding need for two plots holds considerable weight. Little weight can be given to the proposed neighbourhood plan allocation in the emerging Blackpool Local Plan Part 2, which has only been out to an informal consultation in January 2019. On the basis that the outstanding need carries significant weight.

## **ASSESSMENT**

### **Principle of Development**

The Planning Policy for Traveller Sites clearly requires Local Planning Authorities to have a five year supply of sites (and preferably more) if a need is identified. The Council's Gypsy and Traveller and Travelling Showpeople Accommodation Assessment identifies a need and suggests a method of delivery over a 15 year period. Need is one aspect of the considerations and does attract weight when assessed against other considerations. However there is a clear requirement to consider the size/scale and location of any site, the characteristics of the surrounding area and the protection of local amenity and the environment.

Policy CS16 of the Core Strategy relates to traveller/travelling showpeople sites and suggests that the target for new pitches/plots established through the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment will be met through the next stage of the plan - Blackpool Local Plan Part 2 - Site Allocations and Development Management Policies, which has just been the subject of an informal round of consultation. However it also recognises that applications may come forward, as in this case, before Part 2 of the Plan is adopted and hence it sets out eight criteria against which applications should be judged.

**a. Be suitable in that it provides a good living environment for residents, including access to essential infrastructure and services and does not cause an unacceptable environmental impact;**

In this case the application site is roughly 300 metres from Cherry Tree Road and 400 metres from the local centre at the junction of Cherry Tree Road and Midgeland Road. It is also relatively close to Marton Primary School and St Georges Secondary School, the retail park containing Asda and employment areas centred around Burton Road and Clifton Road. In addition Cherry Tree Road carries two bus services (no. 6 which operates a 15 minutes service and no. 18 which operates a 30 minutes service). The site is roughly rectangular and extends

to some 0.2 of a hectare. Three statics, up to two tourers and two amenity buildings would not represent an over intensive use of the site. The site is enclosed by high fencing and its appearance has been improved through the clearance of the stables.

**b. Be appropriately located taking into account surrounding uses, with preference given to sites being located on brownfield land;**

The site is a brownfield site, having formerly been a farm and outbuildings, including stables. There are a cluster of properties and an existing traveller site for 11 gypsy households at this end of Whalley Lane. Another tension in terms of the location is that Policy CS26 for Marton Moss in the Core Strategy envisages a continuation of the policy stance that was set out in Policy NE2 (i.e. no new residential development unless associated with agriculture, horticulture or outdoor recreational uses) until a neighbourhood plan is produced which will identify in what circumstances development may be acceptable.

**c. Not cause demonstrable harm to the quality, character and appearance of the landscape taking account of the cumulative impact of other authorised sites in the vicinity;**

There is an authorised traveller site directly across the road, behind Kinross bungalow. However, moving eastwards along the lane beyond the bungalow, the lane is characterised by areas of open land, with development petering out, there are only three properties beyond the site, and the lane ends in a cul-de-sac. It is more of an urban fringe area than an open countryside location. The applicant intends to retain the majority of the mature trees which are on the western portion of the site and would be willing to plant trees to the rear of the site if considered necessary.

**d. Be of a size and scale appropriate to the size and density of the local settled community;**

The site is to accommodate three brothers and their families and it is considered that this would not have any significant impact on the local community in terms of its size.

**e. Have good access to transport links, public transport and be close to shops, schools, jobs, health and local services and other community facilities;**

See the comments in respect to (a.) above.

**f. Have safe and convenient vehicular and pedestrian access from the highway and provide adequate space for the provision of parking, turning, servicing, storage and land for associated livestock where appropriate;**

This section of Whalley Lane is unmade and has no pavements but it is only 130 metres from the adopted part of the lane. An area is shown as being available for manoeuvring to enable vehicles to enter and leave the site in forward gear and there is adequate space for the parking of vehicles on the site. The intention is to use the access closest to the adopted part of the lane as the main access, with the access furthest away remaining closed, unless access is needed by large vehicles.

**g. Be well designed and landscaped to give privacy between pitches/plots, and between sites and neighbouring properties and to avoid harmful impacts by noise, light, vehicular movements and other activities;**

Residential neighbours to the rear have objected on privacy grounds. The houses on Southbank Avenue are elevated, so look down on the site. The static homes are visible to some extent above the fence on the southern boundary, but the separation distance is considered sufficient not to cause privacy problems for neighbours. There are no rear windows to the caravans on site and the amenity building closest to the rear of the site, although it does have a window, is not primary living accommodation. If the Committee is minded to grant permission, a condition could be imposed requiring external lighting to be agreed so as to not cause any nuisance to neighbours.

**h. Provide soft landscaping and where appropriate communal recreational areas for children.**

Some leylandii have been planted on land beyond the southern boundary fence which in time will help to provide a screen for the development and the mature trees on the western part of the site are to be retained. There is no need for communal play facilities as the site is small.

- **Need for the development**

The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment demonstrates that there is a need to provide sites over the next 5 years and beyond. There do not appear to be any alternative sites available in the Borough at the present time and the lack of a five year supply weighs heavily in favour of this proposal.

- **Impact on the character and appearance of the Marton Moss Strategic Site (Neighbourhood Planning Approach)**

The building and caravans proposed would be visible above the fence line but would not appear cramped on the site and given the numbers of caravans/buildings and their proposed siting behind the existing farmhouse, it is not felt that they would be out of character with the streetscene. There are currently no views through to the open countryside, so no character to protect in that respect.

- **Impact on residential amenity**

The application as submitted would have some impact on the amenities of the occupiers of residential property to the rear, in terms of being visible from the houses which are at a higher level and look down onto the site, albeit across a piece of land outside the application site, but planting along the rear boundary would help to reduce the impact (see (g) above). Use of the site would also be restricted to three families living within three static caravans, limiting the level of activity.

- **Impact on highway and pedestrian safety**

The scale of the application is such that it is not considered that it would adversely affect highway or pedestrian safety. Whalley Lane is a lightly trafficked road and beyond the site, it only serves three properties. The Head of Highways and Traffic Management has no objection to this proposal. He notes that this section of carriageway is unadopted, with numerous carriageway defects, but as the use is residential, it should not generate a significant increase in associated trips to/from the site.

## **CONCLUSION**

The proposal lies within the Marton Moss Neighbourhood Area which is subject to a restrictive policy however there is an outstanding need for two showman plots that carries considerable weight. Although there is a proposed allocation in the Blackpool Local Plan Part 2, the plan is at a very early stage and has only been subject to informal consultation which has attracted numerous representations and therefore little weight can be given to this proposed allocation.

This application raises a number of issues:

- The Council has a need to provide two sites for travelling showpeople
- The Council has identified land in its ownership which may be appropriate for travellers and travelling showpeople at Faraday Way at the northern end of the town. The sites proposed have been subject to informal consultation and have attracted representations. Until sites are formally allocated Policy CS16 of the Core Strategy is to be used to assess the suitability of proposed sites for travellers and travelling showpeople
- The application site is within Marton Moss where there is a restrictive policy regarding new development (Policy CS26)
- The application site is within the area for which a Neighbourhood Plan is to be prepared
- The application site is within a recently designated Conservation Area

There a number of tensions between these issues. On the one hand there is the need to provide sites which has gone through a robust assessment process and forms part of the evidence base of the Blackpool Local Plan Part 1 Core Strategy 2012-2027. The applicant and his family are part of the identified need and hence this weighs heavily in favour of the application. On the other hand is Policy CS26 of the Blackpool Local Plan Part 1 Core Strategy 2012-2027, the proposed Neighbourhood Plan and the Conservation Area designation which all have a restrictive approach to development which weigh against the proposal. Added to the mix are the requirements of Policy CS16 of the Blackpool Local Plan Part 1 Core Strategy 2012-2027 ((a) to (h) above).

Considering the planning balance the need to provide sites for travelling showpeople and the lack of alternative sites at the present time are considered to outweigh the conflict with Policy CS26 and elements of Policy CS16 and hence the application is recommended for approval,

subject to a number of conditions to protect residential amenity. It is requested that if the Committee are minded to approve the proposal, the scheme is deferred and delegated powers are issued to the Head of Development Management to issue a decision, subject to no new grounds of objections being raised by neighbours on the revised proposal (the consultation period expires on Friday 6 September 2019).

#### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

#### **FINANCIAL BENEFITS**

The static caravans would be subject to Council tax, but this does not form part of the Planning considerations.

#### **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. The Secretary of State recognises that these types of applications raise human rights issues but in this case the Council has considered those issues in its overall assessment of the application.

#### **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

#### **BACKGROUND PAPERS**

Planning Application File(s) 16/0267 which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Agree in principle and delegate approval to the Head of Development Management.

## Conditions and Reasons

1. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority, including the amended proposed site layout plan and location plan, recorded as received by the Council on 16 August 2019.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

2. No more than three static caravans and two touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on the site at any one time and they shall only be stationed in the positions shown on the approved site layout plan recorded as received by the Council on 16 August 2019.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7, CS8 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2017 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

3. No windows shall be inserted into the east facing wall of any static caravan, and the touring caravans shall be positioned so that no windows face eastwards towards Southbank Avenue.

Reason: In the interests of privacy and in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy BH3 of the Blackpool Local Plan 2001 - 2016.

4. The site shall not be occupied by any persons other than travelling showpeople as defined in Annex 1 of Planning Policy for Travellers Sites, 2015.

Reason: Planning permission is being granted on the basis that there is a need for the site as part of the Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment 2014 and 2016 update and in accordance with Policy CS16 of the Blackpool Local Plan Part 1: Core Strategy 2016 - 2027.

5. No commercial activities shall take place on the land, including the storage of materials (other than vehicles used in association with the travelling showperson's business).

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies CS7, CS8 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2017 and Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016.

6. a) Within three months from the date of this permission, full details of soft landscaping works for the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.
- b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)
- c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Within three months from the date of this permission, an external lighting scheme shall be agreed in writing with the Local Planning Authority and shall thereafter be implemented in accordance with the agreed scheme. No external lighting other than that forming part of the approved scheme shall be erected on the site.

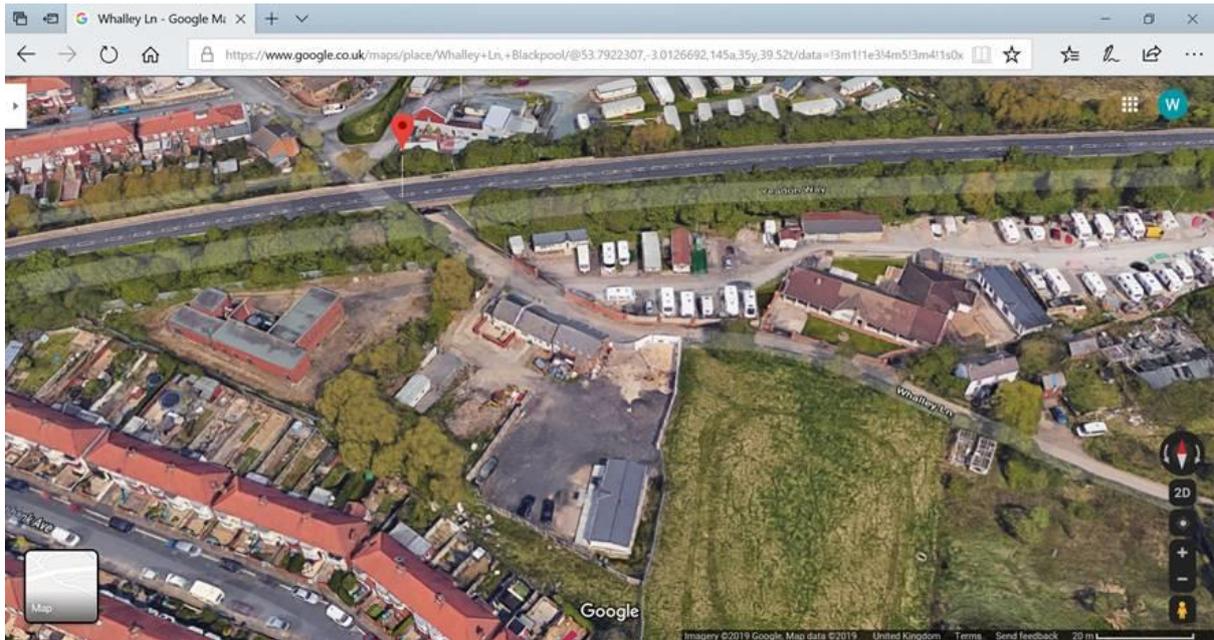
Reason: In the interests of residential amenity and in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 - 2027 and Policy BH3 of the Blackpool Local Plan 2001 - 2016.

**Advice Notes to Developer**

Not applicable



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