

COMMITTEE DATE: 02/04/2019

Application Reference: 19/0011

WARD: Stanley
DATE REGISTERED: 08/01/19
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr Russell Holland

PROPOSAL: Use of land as a travelling showperson's site for up to five caravans (three static caravans and two tourers), gravelled driveway and parking areas and erection of new boundary fences (on boundary with 518 Midgeland Road)

LOCATION: BROOKEVIEW 516 MIDGELAND ROAD, BLACKPOOL, FY4 5ED

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr G. Johnston

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

This application raises a number of issues –

- The Council has a need to provide five sites for travelling showpeople, including the applicant and his family
- 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.
- The applicant and his family have occupied another site on Marton Moss for some time without causing any issues.
- The applicant has been looking for a site for some time.
- The application site is subject to an Enforcement Notice dating from 1993 which sought to secure the removal of a caravan from the site and in 1999 an application to use the site as a cat sanctuary with an associated residential caravan was refused (99/0534 refers).

There a number of tensions between these issues. On the one hand there is the need to provide sites and this 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 in that assessment 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 is planning history of the application site and the requirements of Policy CS16 of the Blackpool Local Plan Part 1 Core Strategy 2012-2027.

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

The applicant and his family have been occupying a site within the Marton Moss area for a number of years without causing any issues but they have had no security of tenure and hence have been actively looking for an alternative site during this time. This has involved discussions with officers of this Council and also at Fylde Borough Council. Their need for a site has featured as part of the Blackpool Wyre and Fylde Gypsy and Traveller Accommodation Assessment which forms part of the evidence base for the Blackpool Local Plan Part 1 Core Strategy 2012-2027 which was adopted in January 2016. In the draft Part 2 of the Blackpool Local Plan – Site Allocations and Development Management Policies the need for the provision of sites for travellers and travelling showpeople is set out (pages 8-12 of the document). The Council needs to provide five sites with a site equating to 0.04 hectare.

The applicant is a member of the Showmen’s Guild and operates bouncy castles at fairs across the Fylde Coast during the summer months. The applicant has owned the application site since early 2018 but only moved onto the site in December 2018 due to issues with the previous site and in the belief that this action was consistent with the provisions of the Caravan Sites and Control of Development Act 1960 (as amended).

SITE DESCRIPTION

The application site is a rectangular plot of land on the western side of Midgeland Road. It is on the section of Midgeland Road between School Road and Division Lane which is now effectively a cul-de-sac. The site has a frontage of some 18 metres and a depth of some 80 metres (some 0.14 hectare) There is a hedgerow along the site frontage and part hedging/part fencing to the side and rear boundaries. There are effectively four parts to the site - immediately to the rear of the frontage hedge is an area for visitor parking, then there is an area containing some trees, a small pond and some dilapidated sheds which are to be removed, beyond this in the centre of the site is a hard surfaced area with the final area extending to the rear boundary being a grassed area. To the north is a bungalow with a side and rear garden beyond which is a paddock area. To the south is the access to a commercial garage which is currently subject to an appeal in relation to the erection of a freestanding building at the rear of the existing garage. Beyond that is a bungalow set on a smaller plot of land. On the eastern side of Midgeland Road is residential properties interspersed with open areas of land. The application site is within the area for which a Neighbourhood Plan is to be prepared and is also within the recently designated Marton Moss Conservation Area.

DETAILS OF THE PROPOSAL

The application seeks planning permission for three static caravans and two touring caravans together with vehicle storage, car parking and landscaping. The three static caravans would be occupied by Mr and Mrs Holland, Mr and Mrs Holland's son and his wife and Mr and Mrs Holland's daughter. The two touring caravans would be used during the summer months when the applicant and his family operate bouncy castles at the various fairs across the Fylde coast. Two of the static caravans and one tourer occupy the hard surfaced area in the middle of the site with the third static to be sited on part of the grassed area to the rear of the site and the other tourer to be sited on part of the land at the front of the site with a new hedgerow to be planted between the tourer and the frontage of the site. Vehicle storage and car parking would be provided towards the rear of the site.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- principle of the development
- need for the development
- personal circumstances of the applicants
- impact on the character and appearance of Marton Moss
- impact on residential amenity
- impact on highway and pedestrian safety

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

CONSULTATIONS

Head of Highways and Traffic Management: has objected as the site is not in a sustainable location, particularly in relation to public transport, shopping and other facilities. Although there are some limited facilities in the area, he considers that the majority of journeys would be by car and is concerned that piecemeal development of this or various other parts of the Moss would lead to an excess of traffic on unsuitable roads with poor connections to more major roads.

Built Heritage Manager: No comments received at the time of writing this report. Any comments received will be reported in the update note.

PUBLICITY AND REPRESENTATIONS

Press notice published: 17 January 2019

Site notice displayed: 10 January 2019

Neighbours notified: 8 January 2019

Comments including primarily objections to the proposal have been received from:

Mr and Mrs Garner, 560 Midgeland Road, Blackpool

This site does not seem to be consistent with the plans put forward.

It is not in keeping with the area by any means and there are already two traveller/gypsy/showmen sites within a short distance on the same road. Are this family members of the showmans guild? Or will it come under caravan licensing requirements?

There are other sites within a short distance also. Most of which have destroyed trees bushes and hedges which affects the surrounding wildlife and is ruining the rural aspect of the area. The application states 1 van and 7 cars but this site houses at least four or more commercial looking transit vans permanently and other trucks adding an uncharacteristic look and unwanted heavy traffic load. If this disregard is shown during a planning application what will it be like afterwards!!!! It is well known that travellers/gypsies/showmen live different lifestyles and that's great for them to keep their heritage but not in the middle of a quaint area kept that way by the residents and the respect of the people who dog walk or horse ride in the area. Also imposing it on neighbours who have moved to a rural area to enjoy the tranquil surroundings. Building applications have recently been turned down in this area so it would then be unfair and improper to allow such an overcrowded development on such a small piece of land, you would not allow it if it was brick built houses and the regulations would be strict, so this has to be treated the same, not one rule for one and one for another when it is in the middle of a residential area. The fact that the value of our properties and the surrounding area is not taken into consideration is disrespectful to us as council tax payers. Blackpool Council say are in the process of finding land for travellers so these areas should be allocated rather than them being allowed to pitch up where they want. Please listen to the residents who are passionate about the moss and preserving the nature of it.

Mr Graham Baker Glenoe, St Nicholas Road, Marton Moss, Blackpool

I live very close to this site and agree with all the other comments made. The people applying for this retrospective planning permission have shown a complete disregard for the system already and are likely to continue to do so after permission with any restrictions is granted. Please register my objection.

Mrs Elaine Warhurst, Acre Mead, Chapel Road, Blackpool

I strongly object to this application because it is totally out of the tradition for the area. Martin Moss has always been known for horticulture and we have lost so much of our green fields already. Once it's gone it is gone forever.

Mrs Lesley McNicholas, 550 Midgeland Road, Marton, Blackpool

The fact that the applicants have already moved onto the site shows a total disregard for planning consent. I can only hope that Blackpool Council will do the right thing and reject the retrospective application. The nature of our environment will change from the quiet country lane that we all moved here to enjoy, a precedent will have been set should it be approved.

Mr Dave Curwood, Acre Mead Chapel Road, Blackpool

- 1, This application is totally out of character in this lovely semi-rural area.
- 2, Also this type of application has a poor reputation of (compliance over time) to the approved use.
- 3, The word showperson seems to infer it will only be used for two or three weeks a year, of which I am very sceptical.

Mr Paul Hargreaves, Leamington House, Worthington Rd, Blackpool

There are already three known Gypsy/Traveller sites within half a mile of this site. 411 Midgeland Rd, 39 School Rd and Old Bird Farm Kitty Lane, there may well be others. In every instance the process employed shows a blatant disregard for the legitimate procedure.

1. Arrive unannounced.
2. Use heavy machinery to uproot existing grass, shrubs and trees.
3. Replace those natural surfaces with tarmac/concrete.
4. Install numerous mobile homes/caravans/commercial vehicles and cars
5. Submit a retrospective application for planning permission.

It would appear that Gypsies/Travellers/Showpersons employ this process because experience leads them to believe that Blackpool Council will give them preferential treatment because of their 'special status'. The views, opinions and genuinely expressed concerns and objections of existing Marton Moss residents appear to carry little or no weight. Blackpool Council can now demonstrate its commitment to fair and ethical judgement based upon the needs and wishes of the existing residents and not just the needs and wishes of 'special status' groups. I oppose this application.

Mr Harry Feeney, 322 Common Edge Road, Blackpool

I am totally against this planning application and although I sympathise with the applicant's need for a better place to live, things need to be done in a legal and proper way and take the feelings of next door neighbours already experiencing problems so early in the day.

You have a duty to the people who live on Midgeland Road who moved to a tranquil area to enjoy their homes like many have done for years. They will all lose value on the investment they have made if you allow this planning application to go through.

Why do you not allocate some Council land to the applicants so they can apply for legal permission and get on with the work and lifestyle they desire.

Put yourselves in the place of all the people living in the area and see what you would feel like!

Mr Austin Young, 421 Midgeland Road, Blackpool

We had been searching for our dream home for nearly 10 years and have been living here for 3 years now. We spent a lot of time and money making sure this was where we wanted to settle. The site in question is directly opposite the entrance to our land. The travelling show people have moved on to the site without any kind of permission and have sited two static caravans/chalets and a mobile caravan. They are also living in them. If we wanted to do this we wouldn't be able to. They have then retrospectively applied for planning permission. Reasons for our objection. Out of character with the area. We understand the land was of an agricultural/horticultural nature. Will all the hard standing lead to flooding? Planning applied for doesn't seem to be small scale and could easily set a precedent for similar developments. Already several sites in the area including one on the opposite side of the road. Site doesn't look big enough to site all caravans, tourers, cars, trucks etc. Increased traffic on the quiet lane. There must be other sites in Blackpool more suitable. Too many people going to be living there. Seems to be contradictory to Blackpool Plans.

Questions

Do they pay council tax? We have recently built a property development and we know probably more than most the amount of time, money and complexity to get a connection to the drainage system (at least 12 months) Is there any drainage on the site and is there a health hazard? How do they get electric, gas, water etc without first getting planning permission? Surely this should have been done before they moved on the land?

Mr E Bate, 433 Midgeland Road, Blackpool

I write to object to the planning application reference 19/0011. We live at 433 Midgeland road directly opposite to the proposed development to use land as a travelling/show persons site for up to three static homes and two caravans. We purchased our home in June 2015, since this date we have invested a large amount of money in renovating our home. All renovations that we have done have been done in a legal way and in keeping with the rural area we live in. We chose to purchase and renovate our property knowing it to be a tranquil and rural area. We own horses and livestock so this area appealed to my family.

Why do we object ?

Looking at Blackpool Council plans for a traveller/show person site it clearly states that sites must have one acre to give adequate space between each caravan/chalet. The land in question is not one acre and thus doesn't meet your own regulations. Two static homes have already been sited without planning permission. Open fires have been lit giving off thick black toxic smoke blowing directly over our property, I personally reported one fire to Blackpool Council because the smoke and smell was so bad I had to remove my children from our property. We had to bring our horses in from the field closing them into their stable in the middle of the day. Points 2 and 3 give a clear indication that the land owner at said property have no respect for laws, regulations and neighbours. The static homes that have already been sited (without permission) are visually over bearing as are the many heavy goods vehicles that have also been parked on the site. They are all in full view when we look out of our front bay window and open our front door.

These static homes, caravans and heavy goods vehicles clearly bring down the value of all the properties in the area, properties that home owners have worked all their lives to own, in some cases dream homes. The site is clearly not in keeping with properties on Midgeland Road.

My biggest concern is that if this application were granted what would follow. Most properties in the area have substantial land so would they all start siting static homes and caravans? It could start a trend and before long the area would be completely devaluated. I sit on two acres of land and I can tell you if this application is granted I would certainly consider siting static homes. This area is well known for being a green belt land area rightly so with a restriction on house building. The area is known for housing market gardens, horse grazing areas and paddocks. Caravan sites are completely out of keeping of this green belt area. Since the closure of the moss road Midgeland Road has been made into a cul-de-sac in order to stop the fast flow of traffic on this rural country road. I feel that if this application was to be granted further applications would follow again increasing traffic causing hazardous conditions for dog walkers and horse riders and pedestrians. If this application were to be granted it would significantly detract from the open and rural character of the lane, to damaging effect.

Other observations of concern

Gas bottles that are powering these static homes are in clear view to anybody passing and are unprotected. Surely this is a safety hazard. I haven't looked into it in great detail but I do intend to. I work on building sites for a living and I am aware that there are laws when using these gas bottles. Businesses have to abide by laws so surely travellers and show people should also. Where is the human waste going? Have the owners of said site met all regulations? Again I do intend to investigate this matter further. Please do not approve this application.

Mrs Margaret Shiers, Whiteacre, Sandy Lane, Blackpool

For 40 years the Council has objected to planning applications from Moss residents, majority of the applications were from people working and living in the area. How come now it is acceptable for new applications for unrelated habitations is being considered. As the area is no longer considered countryside, the Council needs to make clear what development is going to be allowed on the land around here. With many people having desires for a plot of land, who knows what developments are going to be applied for next.

Mr Harry Stead, 202 Midgeland Road, Blackpool

As a long term resident of Midgeland Road I feel that there is an overdevelopment of this area already and quite sufficient traveller sites already in existence in the proximity. I feel strongly that any further extension of the number of sites of the type being applied for would only be detrimental to the area as a whole and therefore wish to register my objection.

Mr Stephen Woodhouse, Long Acre, School Road, Blackpool

Whilst I have some sympathy for the plight of these people, if they had gone through the planning process which everyone else has to, they would have found that the Council has a plan to allocate land for "showpeople" in the Local plan.

Policy CS16: Traveller Sites

1. The target for new permanent and transit pitches and plots will be set out in the Blackpool Local Plan Part 2: Site Allocations and Development Management document, according to the most recent Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment agreed by the Council.

2. The following criteria will be used to guide land supply allocations and to provide the basis for determining planning applications that may come forward. Proposed sites should meet all the following criteria.

A traveller site must:

- 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;
- b. Be appropriately located taking into account surrounding uses, with preference given to sites being located on brownfield land;
- 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;
- d. Be of a size and scale appropriate to the size and density of the local settled community;
- e. Have good access to transport links, public transport and be close to shops, schools, jobs, health and local services and other community facilities;
- 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.

All of the above should have been heard prior to the establishment of the site. By not going through the process they have deprived the local residents of their right to comment before a site is established.

Mr Philip Shevloff, Rose Cottage, Chapel Road, Blackpool

In no this application should be passed as it seems very unfair to continue giving the travellers permission to do as they wish, as we all now once planning is approved they will never conform to it, it will just end up being an eyesore with multitudes of Caravans and Vehicles.

Mr David Buckley, 15 Stockydale Road, Marton, Blackpool

In my opinion there are already enough traveller sites in our area. To have a concentration of them in such an area is totally unfair to the residents. As for the effect on their property values, this is grossly unfair !! .. I feel sure if it was in your back yard it would be a different story !

Mr and Mrs Joyce, 512 Midgeland Road, Blackpool

We live adjacent to the proposed development to use the land as a travelling showpersons site for up to 5 caravans. We purchased this property February 2017 and spent 12 months renovating and investing a substantial amount of money doing so. One of the benefits of living on the Moss was the tranquil rural area. Living on the Moss all my life and a Horse owner this road appealed to myself and my husband.

Herein are our comments and objections relating to this planning application:

- 1) Looking at the Blackpool Plans for a Travellers/Show persons site it states that the site needs to be above one acre to give adequate space between each caravan/chalet. The land in questions is smaller than 1 acre and too small to house caravans,
- 2) Some Caravans/Rather large Chalet has already been placed prior to planning application even being made.
- 3) Where the chalet has been placed it is visually overbearing and too close to our boundary. Having caravans placed on this land would be totally out of keeping with the neighbouring properties which are mainly detached bungalows with surrounding gardens and land for grazing.
- 4) Approving this application would invite other applicants with land to do exactly the same. I would like nothing more than to have my elderly parents live with us in a chalet on our land, but we would not get permission granted.
- 5) The land on Marton Moss has previously been used as market gardens, paddocks and grazing for horses, and has been known for many years as Green belt land.
- 6) Midgeland Road has been a cul-de-sac for a few years now, this was done to reduce the amount of fast traffic on this country road. Giving permission would only increase the traffic yet again and create a safety hazard for Dog Walkers and Horse Riders.
- 7) This application would significantly detract from the open rural character of the lane and set a damaging precedent.

Therefore we ask that Blackpool Council refuse this planning application and let us keep the rural character of Marton Moss.

Mr and Mrs Rivett, 518 Midgeland Road, Blackpool

We live adjacent to the land being proposed to be used as a travelling showpersons site. We live at 518 Midgeland Road. We would like to put forward some comments relating to this. We have lived in this location for two years. The main reason for relocating here was to live somewhere quiet and peaceful for our son who is deaf and autistic. Being a cochlear implant and hearing aid wearer it is important we reduce any noise and disturbance for him to limit the amount of stress caused. He will live with us for longer than a typical teenager. The Moss was an ideal place for us to settle into our forever home as it is known for its tranquil and rural setting.

We do not think the proposed plans for the site of 516 are of in keeping with the current area. The area features heavily with large detached bungalows and houses surrounded by gardens with driveways. The two static caravans already situated on the site look imposing. A third static home, from the plans seen to be even further forward towards the road, would be far too over bearing for the size of the land. We also wonder about the amount of people to be living there. This will undoubtedly cause an increase in noise, disturbance and vehicles, impacting on the quiet nature of the road. It is used often by horse riders and dog walkers on many occasions because of this quiet nature.

In the plans, it shows and states that the drains from the proposed site have been connected to the main drain situated under our land. We were not aware of this until our drains began blocking. The main drain has only been designed for the use of one dwelling. Having more than that amount of waste using the drain will continue to cause it to block. This has happened twice already in the last three months. Our last point is that in the application the proposed site is to be entered from Midgeland Road by crossing the end of our drive way. There is no right of way in place for this. The area in question is already in disrepair. Having an increased volume of vehicles using it will cause it to deteriorate even more making it difficult to be driven on at all. Please do not hesitate to contact us should you like to discuss any of these points further.

Mr Peter Steeden, Parklands, Chapel Road, Blackpool

Whilst I am sympathetic to the applicant's situation, being aware that the location on Dickies Lane is far from ideal, I am concerned that approving an application where planning procedures have been blatantly disregarded sends the wrong message and may well encourage more retrospective applications in future.

It is important that the same planning processes be applied across the board whether the applicant is a private individual, business, traveller or showman.

Mr Trevor Ratcliffe, Midgeland Road Garage, Midgeland Road

Objects as he considers it is a gross overdevelopment of the site with inadequate drainage.

NATIONAL PLANNING POLICY FRAMEWORK

The revised National Planning Policy Framework (NPPF) 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 August 2015 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/travelling showpeople, 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 sites 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 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

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

Policy DM20 Landscaping

Policy DM21 Public Health and Safety

Policy DM39 Transport Requirements for New Development

MARTON MOSS NEIGHBOURHOOD PLAN AREA AND MARTON MOSS NEIGHBOURHOOD FORUM APPLICATION

An application to designate the Marton Moss Neighbourhood Plan Area and the Marton Moss Neighbourhood Forum has been submitted and the Council invited comments on the application. Consultation on these took place from Monday 21 January 2019 to Monday 4 March 2019.

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 this 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 need in the future, broken down into five year periods as advocated by the Government's document. The GTAA was updated in 2016 as a result of a revised version of Planning Policy for Traveller Sites (PPTS) published in August 2015.

The revised version of PPTS now requires a GTAA 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 GTAA (with the new definition of Gypsy or Traveller) indicates that there is a need for a maximum of two additional traveller pitches and five additional plots for Travelling Showpeople in Blackpool over the 15 year GTAA period (2016 - 2031). Members will recall that one of the traveller pitches was approved in February 2019 - at 411 Midgeland Road.

ASSESSMENT

Principle of Development

The National Planning Policy Framework seeks to promote sustainable development, which includes:

- objectively assessing the need for housing, business and other needs of an area
- securing high quality design and a good standard of amenity for existing occupants of land and buildings and future occupants
- recognising the intrinsic character and beauty of the countryside
- encouraging the re-use of brownfield land, and
- encouraging development in locations where it can be served by various modes of transport.

The PPTS clearly requires Local Planning Authorities to have a five year supply of sites (and preferably more) if a need is identified. The Council's GTAA 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 to protect local amenity and the environment. There is also a requirement to 'strictly limit new traveller/travelling showpeople site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'.

Policy CS16 of the Core Strategy relates to traveller/travelling showpeople sites and suggests that the target for new pitches/plots established through the GTAA 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 8 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 fronts a narrow road along the eastern boundary of the Marton Moss, about 600 metres south of the School Road junction. School Road provides links to south Blackpool, the M55 and Lytham St Annes. School Road no longer carries the no 10 bus route (which provided an hourly service to the Town Centre) but there is a no. 17 bus service from Common Edge Road approximately a kilometre to the west of the application site, which provides half hourly services to St Annes and to the Town Centre. The site is some 900 metres from St Nicholas' Primary School and approximately 2.5 km remote from Highfield Humanities College on Highfield Road. The nearest local centres (Common Edge Road/Highfield Road junction and St Annes Road /Squires Gate Lane junction) are some 2 km

away. So the site is not on the doorstep of facilities and hence it is not considered to be particularly sustainable.

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

The site is in part a brownfield site with greenfield areas to the west and east of the central hardsurfaced area. The site has a bungalow set on a substantial plot on one side and a commercial garage on the other (beyond which is another bungalow). 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 a gypsy/traveller site along this section of Midgeland Road. This was approved by Planning Committee on 5 February 2019. The road is characterised by ribbon development interspersed with areas of open land, some of which previously housed greenhouses. It is more of an urban fringe area than an open countryside location and Midgeland Road is characteristic of the many roads which cross Marton Moss. The restriction on the siting of the caravans to the middle section of the site leaving open areas to the front and the rear undeveloped, would mean less impact on the character and appearance of the area. It would however introduce additional caravans along this section of Midgeland. The impact is mitigated by the hedgerow on the frontage of the site and the set back distance of the caravans from Midgeland Road.

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

The site is to accommodate one extended family 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. The site is not in a sustainable location, particularly in relation to public transport, shopping and other facilities and although there are some limited facilities in the area, the majority of journeys would be by car. However, the site would be for travelling showpeople, who by definition travel during the summer months.

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;

The access into the site is considered adequate for its function and there is space within the site for car parking and for vehicles to turn around and leave the site in forward gear. It is unlikely that the proposed development would generate a significant amount of traffic such as to have highway safety implications given the applicant and his family operate bouncy castles rather than traditional fairground equipment which is generally transported on large vehicles or trailers. However, a condition could be imposed limiting the use of the open areas of the site in order to limit the numbers and sizes of vehicles accessing the site to that associated with what is currently proposed.

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;

Existing landscaping in the form of hedgerows and trees is to be retained and additional hedgerow planting is proposed to screen the siting of one of the touring caravans. A new high quality boundary fence has been erected between the site and the commercial garage at 518 Midgeland Road

In terms of the likely impact upon 512 Midgeland Road the caravans are located to the south west of the property and the property is set away from the boundary within the application site. They would be some 22metres from the nearest point of the property but would be close to the south west corner of the rear garden. It is acknowledged that the caravans are elevated and hence visible but in terms of orientation of the static caravan nearest to the boundary with 512 Midgeland Road it would be southwards and westwards so it is not considered that there would be any impact on the privacy of the occupants of 512 Midgeland Road. In terms of residents on the eastern side of Midgeland Road the caravans would be set at right angles to Midgeland Road and some 46 metres from Midgeland Road so there would not be any impact on privacy. Given the nature of the travelling showperson's use in this case it is not considered that there would be an adverse impact on neighbouring residents in terms of potential noise and disturbance. The application site is next to a commercial garage and this could have the potential to impact on the amenities of the occupiers of the application site. The applicant and his family is aware of its existence and has provided a new solid boundary fence between the application site and the garage which will help in mitigating any noise generated by the garage use.

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

Soft landscaping is proposed on site and there is no need for communal recreational areas as the proposal would be for one extended family.

Need for the development

The GTAA demonstrates that there is a need to provide sites over the next five 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.

Personal circumstances of the applicants

The application states that the site is intended to accommodate Mr Holland and his family, who are travelling showpeople falling within the statutory definition, with strong family connections to Blackpool and with a personal need for accommodation in the town. They have occupied another site on Marton Moss without security of tenure and have been looking for an alternative permanent site for some time.

Impact on the character and appearance of the Marton Moss

The Marton Moss Characterisation Study that forms part of the evidence base to the Core Strategy states that this area consists of the areas of small piecemeal post medieval enclosure along Division Lane, Midgeland Road up to Chapel Road and west to Common Edge Road, surrounding by busy arterial routes. It consists of the earliest cobbled buildings through to modern detached bungalows and is an enclosed leafy landscape based around lanes, rectangular fields and drains with views limited to gaps in hedgerows across open paddocks. The caravans would be only slightly visible from Midgeland Road behind the existing hedgerow on the frontage of the site and views through to the open countryside would be retained.

Impact on residential amenity

The proposal should not have any significant impact on the amenities of the occupiers of the adjacent residential properties as the proposed siting of the caravans and the provision of additional hedgerow planting. Use of the site would also be restricted to one extended family living within three caravans and two touring caravans limiting the level of activity.

Impact on highway and pedestrian safety

The Head of Highways and Traffic Management has objected as the site is not in a sustainable location, particularly in relation to public transport, shopping and other facilities. Although there are some limited facilities in the area, he considers that the majority of journeys would be by car and is concerned that piecemeal development of this or various other parts of the Moss would lead to an excess of traffic on unsuitable roads with poor connections to more major roads. However, as this proposal is for one extended family, it is not considered that permission could be resisted on this ground. The footway is sporadic here, but as the lane is now effectively a cul-de-sac, the amount of traffic is minimal and likely to be mainly used by locals.

Other issues

Mr Holland (senior) is a member of the Showmens Guild. Mr Holland acknowledges that he has occupied the site in advance of planning permission being granted but he is under the impression he could occupy the site over the winter in accordance with the Caravan Sites and Control of Development Act 1960 which states:

Travelling showmen

10.-(1) Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site by a travelling showman who is a member of an organisation of travelling showmen which holds for the time being a certificate granted under this paragraph and who is, at the time, travelling for the purposes of his business or who has taken up winter quarters on the land with his equipment for some period falling between the beginning of October in any year and the end of March in the following year.

(2) For the purposes of this paragraph the Minister may grant a certificate to any organisation recognised by him as confining its membership to bona fide travelling showmen; and a certificate so granted may be withdrawn by the Minister at any time.

The applicant has applied to United Utilities to connect to the sewer in Midgeland Road and hence there are no drainage issues. The site is considered to be of a suitable size to accommodate the use. The applicant has agreed to screen the gas bottles which serve the static caravan on the southern side of the site and these would then not be visible by the occupants of 433 Midgeland Road. It is acknowledged that a traveller site has been approved some 100 metres to the north on the opposite side of Midgeland Road. This section of Midgeland Road has residential properties interspersed with areas of open land with extensive frontages to Midgeland Road. Given the caravans would be set back from Midgeland Road and given this context it is not considered that there would be an over concentration of this type of use on this section of Midgeland Road and the character and appearance of the area would not be unduly compromised. The recent designation of the area as a Conservation Area means that there is a requirement to consider the impact of the development on the character and appearance of the Conservation Area. There would be some impact but this is mitigated by the hedgerow on the site frontage. It is recognised that a Neighbourhood Plan is to be produced for the area but as this is at an early stage in its preparation limited weight can be attached to this in this case. Similarly the weight attached to Part 2 of the Blackpool Local Plan is limited at this stage and the fact that there have been objections to the sites at Faraday Way as part of the recent informal consultation reinforces this.

CONCLUSION

This application raises a number of issues:

- The Council has a need to provide five sites for travelling showpeople, including the applicant and his family.

- 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.
- The applicant and his family have occupied another site on Marton Moss for some time without causing any issues.
- The applicant has been looking for a site for some time.
- The application site is subject to an Enforcement Notice dating from 1993 which sought to secure the removal of a caravan from the site and in 1999 an application to use the site as a cat sanctuary with an associated residential caravan was refused (99/0534 refers).

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 is planning history of the application site and the requirements of Policy CS16 of the Blackpool Local Plan Part 1 Core Strategy 2012-2027.

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.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

FINANCIAL BENEFITS

None

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. It is not considered that the application raises any human rights issues.

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) 19/0011 which can be accessed via the link below:

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

Recommended 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 stamped as received by the Council on 07/01/19

Drawing no A018/313/P/01 Rev A

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 plan.

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. The development and residential use hereby permitted shall be solely for the benefit of Mr Russell Holland, his wife and their resident dependents.

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.

4. a) Within 3 months of 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, 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 the written agreement of the Local Planning Authority 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.

5. 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.

6. 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.

7. Within three months from the date of this permission, the car parking provision shown on the approved plan shall be provided 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.

8. Within three months from the date of this permission, a scheme for the screening of the gas bottles to serve the static caravans shown on the approved plan shall be submitted to and approved by the Local Planning Authority. The approved means of screening shall be provided within four months from the date of this permission and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and residential amenity, in accordance with Policies LQ1, LQ10 and BH3 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.