

Blackpool Council

21 November 2014

To: Councillors Brown, I Coleman, Elmes, Hutton, Mrs Jackson, Matthews, Owen, Smith, Stansfield and Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Monday, 1 December 2014 at 5.00 pm
in Committee Room A, Town Hall, Blackpool

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; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2014 (Pages 1 - 8)

To agree the minutes of the last meeting held on 3 November 2014 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 9 - 14)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 15 - 18)

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

5 PLANNING APPLICATION 14/0647 - 119 NEWTON DRIVE (Pages 19 - 32)

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

6 PLANNING APPLICATION 14/0668 - 397 MIDGELAND ROAD (Pages 33 - 40)

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

7 PLANNING APPLICATION 14/0721 - LAND ADJACENT TO 39 SCHOOL ROAD (Pages 41 - 54)

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

Venue information:

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

Other information:

For queries regarding this agenda please contact Chris Kelly, Senior Democratic Services Adviser, Tel: (01253) 477164, e-mail chris.kelly@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.

Present:

Councillor Owen (in the Chair)

Councillors

I Coleman
Elmes

Hutton
Mrs Jackson

Matthews
Robertson BEM

Smith
Williams

In Attendance:

Gary Johnston, Head of Development Management
Karen Galloway, Principal Engineer Transportation
James Hart, Solicitor
Chris Kelly, Senior Democratic Services Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 6TH OCTOBER 2014

Resolved: That the minutes of the meeting held on 6th October 2014, be signed by the Chairman as a correct record.

3 PLANNING ENFORCEMENT UPDATE REPORT

Resolved: To note the outcomes of the cases set out in the report and to support the actions of the Head of Enforcement and Quality Standards in authorising the Notices.

4 PLANNING APPLICATION - 14/0514 - 343-347 PROMENADE

The Committee considered application 14/0514 for the retention of a partially covered timber decking area to front elevation with glazed windbreaks and disabled access ramp and retention of first floor level balcony to front.

Mr Banks, the applicant, addressed the Committee and spoke in support of the application.

It was considered that the work undertaken to create a first floor balcony and three levels of decking with associated windbreaks was acceptable and that the scheme did not have a detrimental impact upon the character or function of that stretch of the Promenade.

Resolved: That the application be approved, subject to the conditions, set out in the appendix to the minutes.

MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 3 NOVEMBER 2014

Background papers: Applications, plans and replies to consultations upon the applications.

5 PLANNING APPLICATION - 09/1263 - 94-98 PROMENADE AND 2-8 WEST STREET

The Committee considered application 09/1263 for the erection of a six-storey building comprising 66-bedroom hotel, ground floor bar and fifth floor restaurant/bar with associated roof terrace.

Resolved: That the application be approved, subject to the conditions, set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

Chairman

(The meeting ended 5.10 pm)

Any queries regarding these minutes, please contact:
Chris Kelly Senior Democratic Services Adviser
Tel: (01253) 477164
E-mail: chris.kelly@blackpool.gov.uk

Application Number: 09/1263 Erection of a six-storey building comprising 66-bedroom hotel, ground floor bar and fifth floor restaurant/bar with associated roof terrace.at 94-98 Promenade and 2-8 West Street

Decision: Grant Permission

Conditions:

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:

Appearance
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. Notwithstanding the application submission, details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced. The agreed materials shall then be used in the development.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

3. No development shall take place on the site until the developer, or their successor in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building, in accordance with Policy LQ9 of the Blackpool Local Plan 2001-2016 and the National Planning Policy Framework.

4. Notwithstanding the application submission, detailed plans of the proposed refuse storage facilities and details for the servicing of the building shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. (These details may be submitted as part of the Reserved Matters). Refuse storage facilities shall subsequently be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter, and the servicing of the building shall take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate and satisfactory refuse storage facilities and servicing arrangements are provided and in place in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

5. Notwithstanding the provisions of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the bar and the restaurant/bar premises hereby approved shall not be used for any purpose within Classes A1 or A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: The uses precluded by this condition would not be appropriate in this location and would detract from the character of the Leisure Zone which is promoted as the location for public houses, bars, nightclubs, restaurants and cafes in accordance with the aims of Policy SR8 of the Blackpool Local Plan 2001-2016.

6. No part of the development shall be occupied prior to:

- the appointment of a Travel Plan co-ordinator who shall agree a format for the Travel Plan with the Local Planning Authority and the Travel Plan shall that consist of surveying, travel audits, a working group, action plans with timescales and target setting for the implementation of each element; and,
- the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order to ensure appropriate provision exists for safe and convenient access by public transport, cycle, and on foot as well as by car, in accordance with Policy AS2 of the Blackpool Local Plan 2001-2016.

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

- dust mitigation measures during the demolition and construction period
- control of noise emanating from the site during the demolition and 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 demolition and construction period
- arrangements during the demolition and construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of demolition and construction traffic.

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

Reason: In the interests of the amenities of surrounding occupiers and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

Application Number: 14/0514 Retention of partially covered timber decking area to front forecourt with glazed windbreaks and disabled access ramp and retention of first floor level balcony to front elevation at 343-347 Promenade.

Decision: Grant Permission

Conditions:

1. Notwithstanding the information provided on the approved plans, details of the windbreaks and handrails to be installed on the decking shall be submitted to and agreed in writing by the Council as Local Planning Authority prior to their installation. These agreed windbreaks and handrails shall then be provided within three months of the date of this permission.

Reason: In the interests of the appearance of the site and locality in accordance with Policies RR7 and LQ1 of the Blackpool Local Plan 2001-2016.

2. Notwithstanding the provision of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no means of enclosure shall be erected along the Promenade frontage of the site.

Reason: In order to ensure that visitors to the hotel disembarking from a parked coach can clear the public highway quickly and easily in the interests of highway safety and pedestrian safety in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

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MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 3 NOVEMBER 2014

Present:

Councillor Owen (in the Chair)

Councillors

I Coleman	Mrs Jackson	Smith
Elmes	Matthews	Stansfield
Hutton	Robertson BEM	Williams

In Attendance:

Gary Johnston, Head of Development Management
Karen Galloway, Principal Engineer Transportation
Chris Kelly, Senior Democratic Services Advisor

1 SITE VISITS

1. 343-347 Promenade
2. 94-98 Promenade and 2-8 West Street

Chairman

(The meeting ended 3.40 pm)

Any queries regarding these minutes, please contact:
Chris Kelly Senior Democratic Governance Adviser
Tel: (01253) 477164
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Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting *	1 st December 2014

PLANNING/ENFORCEMENT APPEALS DETERMINED/LODGED

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 The Committee is provided with details of the planning and enforcement appeals, lodged and determined 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 Is the recommendation in accordance with the Council's approved budget?

None

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 35 Alconbury Crescent, Blackpool, FY5 1DR (14/0143)

Appeal by Mr And Mrs Maine against the refusal of a Certificate of Lawfulness application for the erection of a carport. **Appeal dismissed.**

This application was refused under delegated powers on the basis that the proposed development would require planning permission as it would be development forward of the principle elevation.

The Inspector stated “the main issue and on the facts of this case, given in particular that it faces the highway that provides vehicular access to an off-street parking area, the north-east elevation of the dwelling is its principal elevation.

The proposed carport would be attached to the principal elevation of the dwelling and would not therefore be development permitted under Class E of Part 1 of Schedule 2 of the GPDO. The proposed carport is not permitted development.”

He concluded that for the above reasons, the appeal be **dismissed**.

5.2 23 CLIFTON DRIVE, BLACKPOOL (Henson Hotel) (13/0684)

Appeal by Mr David Jones against the refusal of planning permission for a static caravan on the Napier Road frontage of the site. **Appeal Dismissed**

The inspector considered the main issues to be:

- The effect of the development on the character and appearance of the area.
- The effect of the development on the living conditions of the adjoining residents with particular regard to outlook and privacy.

Character and Appearance

The caravan that forms the subject of this appeal is sited within the curtilage of the Henson Hotel, a substantial building which primarily fronts Burlington Road West, with secondary frontages to Napier Avenue and Clifton Drive. The caravan, which replaced a former brick built detached garage, is located at the rear of the premises with access from Napier Avenue. It is a single storey structure, clad in a light green coloured plastic with a shallow pitched roof in a darker green.

The area surrounding the site is primarily residential in character, comprising a mix of hotels and houses, generally constructed in brick and/or render. Buildings are two or three storeys in height with more substantial four storey buildings located around Burlington Road West. Properties on Napier Avenue are generally set on a distinct building line although the inspector noted that some, including the Henson Hotel and Numbers 6 and 8 have single storey extensions to their front elevations. The caravan projects beyond both the original building line, and these front extensions. As a result the inspector considered that it is prominent in the street scene, visible from the south along Napier Avenue and the north from Burlington Road West and Bond Street.

Given its materials of construction, its colour and its form, the inspector considered the static caravan bears no relation to its context and appears as an inappropriate and alien structure in an area of permanent residential dwellings and hotels. This, coupled with the prominence of the structure in the street scene, make it an incongruous feature that detracts from the character and appearance of the area.

In addition, the caravan occupies space at the side of the hotel where she noted from the submitted photographs commercial bins were previously stored. The presence of the caravan has resulted in the bins being kept in front of the building to the detriment of the quality of the street scene on Napier Avenue. This adds to her conclusion on the effect of the development on the character and appearance of the area. The inspector had taken into consideration the comments of the appellant that a bin store would be constructed should this appeal be allowed. However, such a store did not form part of the application or the consultation process and there were no details of it before her.

For the above reasons the inspector considered the proposal is contrary to Policies 1 LQ1, LQ2 and LQ4 of the Blackpool Local Plan (Local Plan). These policies seek, amongst other things, to ensure that new development makes a positive contribution to the quality of its surrounding environment and responds to and enhances the prevailing character of an area.

Living Conditions

The caravan is positioned immediately adjacent to the boundary of the site with the neighbouring property, 2 Napier Avenue which is a two storey residential dwelling. The inspector noted at her site visit that there is a kitchen window to the ground floor of that property fitted with clear glazing. Given the distance between the window and the side of the caravan, which is around 3m, the caravan has an overbearing impact from that window. Outlook from the kitchen is therefore poor and as a result living conditions within the property are compromised. In addition, because of its projection forward of the building line, the caravan also compromises outlook from the ground floor front windows of that property, albeit to a lesser extent.

She also noted that there are windows to the side of the caravan which face the kitchen window and which could lead to overlooking and thereby have an impact on privacy. However, the provision and permanent retention of obscure glass in these windows, which could be ensured by planning condition, would prevent undue overlooking.

She accepted that a garage previously occupied the site and itself would have affected outlook from the kitchen window. However, from the evidence provided this was a smaller domestic structure that was positioned further away from the boundary and which was set back from the front of the adjoining property. As such, even if it was used for domestic purposes, it would have had a significantly lesser impact on the living conditions of the neighbouring residents than the present structure. Nevertheless, notwithstanding this, it is incumbent on me to determine the appeal on its own merits.

The inspector noted at her site visit that there is a good sized private garden at the rear of the hotel which is unaffected by the development. As such the proposal does not have a significant effect on the living conditions of the owners of the hotel. She

noted the Council's concern about the living space within the caravan but it appears to be adequate for its present use particularly given its close association with accommodation belonging to family members. However these matters do not have a bearing on how the caravan relates to the living conditions of the neighbours.

As a result of its size and position in relation to the neighbouring property the inspector concluded that the caravan has a significant adverse effect on the living conditions of the neighbouring residents as a result of its overbearing impact.

As such the proposal is contrary to the provisions of Policy BH3 of the Local Plan which seek to ensure that development should not affect the amenity of neighbouring residents and is well designed to take account of its context.

Other Matters

The inspector took into consideration the fact the caravan is presently occupied by the appellant's elderly mother-in-law, who has health issues, and her son who also requires a degree of care. She also noted the comments of the occupant's GP who suggests the resident benefits from living close to family members. She did not dispute these matters. However, there seemed to be no convincing reason to the inspector why alternative accommodation, within the hotel or elsewhere in the local area where family members would still be close by if needed, could not be provided. These personal circumstances do not therefore outweigh the harm the caravan causes to the living conditions of the neighbouring residents and its effect on the character and appearance of the area.

A temporary permission of five years is now sought. The inspector was not aware of the basis for this but in any event a temporary permission would not justify or mitigate against the harm that would be caused to the amenity of the neighbouring residents or the character of the area during the time the caravan was in place. The inspector was not persuaded that a temporary permission would be appropriate in this instance.

Does the information submitted include any exempt information? No

6.0 Planning/Enforcement Appeals lodged

6.1 None

Does the information submitted include any exempt information? No

List of appendices

None

7.0 Legal considerations:

7.1 None

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 None

14.0 Background papers:

14.1 None

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Report to:	Planning Committee
Relevant Officer:	Tim Coglan (Head of Enforcement and Quality Standards)
Date of Meeting:	1 st December 2014

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 October 2014.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Head of Enforcement and Quality Standards 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 Not applicable

5.0 Background Information

5.1 Cases

New cases

In total, 75 new cases were registered for investigation, compared to 43 received in October 2013.

Resolved cases

In October 2014, fifteen cases were resolved by negotiation without recourse to formal action, compared with nine in October 2013.

Closed cases

In total, 60 cases were closed during the month (61 in October 2013). 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.

Formal enforcement notices / s215 notices / BCNs

- Three enforcement notices authorised in October 2014 (three in October 2013);
- Two s215 notices authorised in October 2014 (none in October 2013);
- No Breach of Condition notices authorised in October 2014 (none in October 2013);
- One temporary stop notice authorised in October 2014.

relating to those cases set out in the table below

- No enforcement notices served in October 2014 (two in October 2013);
- No s215 notices served in October 2014 (one in October 2013);
- No Breach of Condition notices served in October 2014 (one in October 2013);
- One temporary stop notice served in October 2014.

Enforcement notices / S215 notices / TSNs authorised in October 2014

Ref	Address	Case	Dates
14/8374	86 Central Drive	Poor condition	S215 notice authorised 21/10/2014
13/8576	7 Cookson Street	Poor condition	S215 notice authorised 31/10/2014
13/8196	23 Clifton Drive	Without planning permission, the siting of a residential caravan at existing hotel premises	Enforcement notice authorised 31/10/2014
13/8327	422 Waterloo Road	Without planning permission, the erection of a wooden boundary fence and front gate, adjacent to highway, namely Waterloo Road, exceeding one metre in height	Enforcement notice authorised 30/10/2014
13/8498	124 Church Street	Without planning permission, the installation of an externally mounted solid roller shutter, housing box and associated guides mounted to the Church Street elevation	Enforcement notice authorised 30/10/2014
14/8500	Land adjacent to 39 School Road	Without planning permission, the material change of use of land to use for stationing caravans and associated vehicles and equipment for residential use on it, and also without planning permission, the carrying out of unauthorised development and engineering operations, namely the laying of hardcore.	Temporary Stop Notice authorised 03/10/2014

Enforcement notices / S215 notices / TSNs served in October 2014

Ref	Address	Case	Dates
14/8500	Land adjacent to 39 School Road	Without planning permission, the material change of use of land to use for stationing caravans and associated vehicles and equipment for residential use on it, and also without planning permission, the carrying out of unauthorised development and engineering operations, namely the laying of hardcore.	Temporary Stop Notice issued 03/10/2014, followed by an Injunction being secured on 15/10/2014

Does the information submitted include any exempt information?

No

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

COMMITTEE DATE: [01/12/2014](#)

Application Reference: 14/0647

WARD: Layton
DATE REGISTERED: 05/09/14
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Majestic Property Limited

PROPOSAL: Erection of a part single/ part three-storey rear extension, balconies to rear plus external alterations and use of premises as altered as seven permanent self-contained flats with two blocks of detached garages (seven garages in total) in rear garden and associated parking, bin store, access and landscaping.

LOCATION: 119 NEWTON DRIVE, BLACKPOOL, FY3 8LZ

Summary of Recommendation: Grant Permission

CASE OFFICER

M Shaw

INTRODUCTION

This proposal is a re-submission of 14/0375 which involved the erection of two x three storey side extensions and a three storey rear extension and the use of the extended premises as eight self-contained flats and the erection of two detached bungalows at the rear of this large residential plot. This application was refused by Planning Committee on 11 August 2014 for the following reasons:-

- The proposed side extensions and extensions to the front roof plane would be overly dominant, out of character within the streetscene and in relation to the original property. As such they would be significantly detrimental to the character and appearance of the property and the area due to their scale, height, design, lack of resulting space either side of the building and proximity to the main front elevation of the property. Given the prominent location of the property the extensions as proposed would be contrary to Policies LQ1, LQ2, LQ4 and LQ14 of the Blackpool Local Plan 2001-2016.
- The proposed bungalows at the rear of the site would constitute unsatisfactory back land development with poor levels of residential amenity in terms of lack of a street frontage, poor outlook, inadequate access, inadequate refuse storage/collection provision and privacy and would appear cramped and hemmed in within the site. As such the proposed bungalows would be contrary to Policies LQ1, LQ2, LQ3 and BH3 of the Blackpool Local Plan 2001-2016.
- The means of access to the proposed development would be significantly detrimental to highway safety by virtue of the narrow width of the private access road which would prohibit two way traffic (which in turn would result in vehicles reversing significant distances), the lack of safe and convenient pedestrian access and street lighting and the lack of cycle storage provision. As such the proposed development would be contrary to Policy AS1 of the Blackpool Local Plan 2001- 2016.

- The proposed eastern side extension would have a significantly detrimental impact on the residential amenities of the adjoining occupants at Regency Court by virtue of its size, scale and close proximity to the common boundary, resulting in an overbearing impact, visual intrusion and loss of natural light. As such the eastern side extension would be contrary to Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016.

Since the refusal the proposal has been the subject to discussions in an attempt to overcome the given reasons and a number of amendments to the proposal have been made including the removal of the two x three storey side extensions and the removal of the two detached bungalows from the scheme.

SITE DESCRIPTION

Newton Drive, the B5266 is one of the main routes into the town centre from Poulton and the east. The road is largely residential in character. The application site is on the southern side of Newton Drive, close to its junction with Deneway Avenue and measures over 100 metres deep by 26 metres wide and has a total site area of approximately 2625 square metres (0.265 hectares). The site currently contains a substantial, double fronted, symmetrical, highly decorated period family home with smooth brick elevations and two-storey stone bays flanking a grand front entrance set within fairly well landscaped grounds.

There are two vehicle access points off Newton Drive providing an informal 'in' and 'out' access arrangement with a decorative wall and hedge along the remainder of the frontage and there is a gated driveway to the west side of the property providing access to the rear. On the east side elevation there is what appears to be an original single-storey orangery which was last used as a games room, although the glazed roof has been replaced with a solid covering. The house is currently vacant.

Internally, there are three reception rooms, kitchen and cellar, a grand central staircase with stained glass skylight over, four bedrooms at first floor and two large hobby rooms in the loft space. The property retains many period features including stained glass, leaded windows and wood panelling.

At the rear of the existing house is a patio area, a substantial lawned area, a large, secure single-storey workshop along the southern boundary and various dilapidated greenhouses/ sheds/ stores/ garages around the south and west boundary.

To the east of the site is Regency Court which is a part 2/ 3/ 4 storey block of flats with ancillary detached garages, car parking and amenity space to the rear. To the west is a recently extended detached house and to the south there are detached houses fronting North Park Drive within the Stanley Park Conservation Area. Across Newton Drive there are detached and semi-detached houses.

DETAILS OF PROPOSAL

The application seeks planning permission for the erection of a part three-storey/part single storey rear extension, a single storey new entrance on the Regency Court side and use of premises as altered as seven x two bedroom permanent self-contained flats. The proposal also involves the erection of seven detached garages to the rear in two blocks and associated visitor parking to the front and rear, bin store, access and landscaping. Cycle parking is available within the garages.

Amended plans are awaited following further discussions regarding potential overlooking from proposed windows in the side elevations of the extension, amending the access to the rear to

include a passing point, providing lighting to the parking area and the amendment of the parking spaces to the front of the building.

The application is accompanied by a Design and Access Statement.

The Committee will have visited the site on 1 December 2014.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of development
- the impact of the development on residential amenity
- the design and appearance of the development
- the impact of the development on highway safety

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

CONSULTATIONS

Head of Transportation: The shared access road is now shown to be a consistent width of 3000mm for the full length, reduced in width to accommodate a 1200mm wide footway. Vehicle movements for the seven flats will not be great, likely to be upto eight movements per flat per day, possibly slightly less so in total the proposal may generate 56 two-way combined vehicle movements. The distance from the edge of the public highway to the garages and rear car parking spaces is approximately 65m in distance. In the event of vehicles wishing to pass each other, one is going to have to reverse a significant distance.

The clear space needed for manoeuvring between the two visitor spaces and the bay window has increased to 6000mm but this has actually compromised the actual length of the car parking spaces. The use of the vehicle access point(s) will intensify by virtue of the proposal and no details are provided showing existing visibility splays and what could be done to improve the current situation. The garages are unlikely to be used for their intended purposes. No lighting scheme is shown from the edge of the public highway to the rear car parking area. There is a workshop at the rear. Is this currently in use or could it be brought back into use? No cycle parking shown.

Waste Manager: 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

Site notice displayed: 18 September 2014

Neighbours notified: 12 September 2014

Five letters of objection have been received from 117, 156 and 158 Newton Drive and Flats 3 and 8 Regency Court, 121/ 123, Newton Drive. The objections are summarised below:

Flat 3, Regency Court, 121/123, Newton Drive- I live in a ground floor flat immediately next door to 119 Newton Drive. My two bedrooms and a bathroom will be overlooked should this application be granted. I strongly object to this application for that reason and the following:- This development would be completely out of character with the immediate locality. Apart from the privacy aspect

that I have mentioned there would also be a considerable loss of light. In addition, the inclusion of balconies as is proposed would cause an infringement of my privacy and my right to enjoy my home and garden. Also, the proposed increase of garages and parking spaces would result in considerable extra vehicular movement and the consequential increase of noise, disturbance, headlight nuisance and the general aggravation of an already overcrowded road. The proposed access/ exit facilities are likely to cause conflict between drivers wishing to enter or leave the property. Again, I believe that the proposals of this application are not in any way compatible in terms of the overall character of the area. I ask you to refuse this application for the reasons mentioned. A recent similar planning application for this property was refused.

156 Newton Drive- The site in question currently comprises a single four bedroom house, with (I believe) a large outbuilding at the rear of the lengthy garden. To replace this with seven flats and seven garages represents to me an extensive over-use of the available space. We feel that the seven small flats will not be in keeping with the character of the existing property and believe that a property like that should be retained rather than adding yet more flats to the large number already in Blackpool. We are also very concerned that our property will be directly overlooked by a number of the proposed dwellings in the height extended frontage leading to a loss of privacy. We are also concerned that a large flat roof comprises part of the design, which is very much not in keeping with the area. This flat roof may also be further compromised by additional workings for the proposed lift protruding from it, making it an eyesore. Finally, we are somewhat disturbed by the potential increase in traffic in this particular area of Newton Drive. There is a heavily used pedestrian island right outside the property and double yellow lines all around the vicinity, meaning an additional seven (or very likely more) vehicles will probably cause additional traffic problems especially as Newton Drive is a main route for ambulances to Blackpool Victoria Hospital and also for buses from/to the Town Centre. As many family units now have multiple vehicles, the likelihood of seven garages and two additional parking spaces being sufficient is low and the potential for conflict when two drivers are attempting to use the single drive in opposite directions is high, possibly leading to disturbance and noise.

158 Newton Drive I live directly across from 119, Newton Drive. I strongly object to this application for following:- 1.This development would be completely out of character with the immediate locality. This is and should remain a beautiful old period building 2.Living across from the property I have first hand experience in how difficult entering/ leaving my property at busy traffic times is, The proposed access/exit facilities are likely to cause conflict between drivers wishing to enter or leave the property. 3. I believe this application is in direct contravention of the Council's own standards of improving the local area by making several small flats out of family home. Blackpool already has too many flats of this nature. 4. I think that if the property is to altered it should be into better/larger units for families/people to enjoy and be proud of. A recent similar planning application for this property was refused.

Flat 8, Regency Court, 121/123 Newton Drive- consider the proposal would be a gross over-development of this property and would be strongly out of character with the area. The increase in traffic is unacceptable and the proposed height of the extension would seriously restrict light to their flat. The property is a fine architect designed residence and should remain so.

117 Newton Drive- The locality in general is characterised by residential dwellings of sizes and styles. There are one or two blocks of flats which are out of character with the residential properties (being far larger) and some nursing homes. The presence of these uses has led to very large extensions on the rear of those (see in particular 125) which far outsize the original dwellings. The increase in size of some original dwellings has led to an erosion of both character and quality in the immediate locality. This proposal to change the use of a single, detached property that is in keeping with the locality into 7no flats with associated, large extensions and garage blocks in the rear garden is, in our view, unacceptable.

The proposal would see an increase of the current dwelling by more than double its current length. This of itself would be out of character with the size of existing dwellings in the immediate locality. This proposal would see the property extend beyond our existing rear elevation. This would impact on daylight and sunlight to the side and rear of our property in the first half of the day. The proposed addition of a three storey rear extension that includes balconies to the first and second floors will cause overlooking issues to our rear garden area from the balconies. This is an infringement of our privacy and right to enjoy our home and private rear garden. On the subject of privacy and overlooking, it is noted that there are side windows proposed facing our property (where we have a number of original windows serving habitable rooms on our side elevation facing the proposed development). The windows proposed would serve kitchens and bedrooms. There is a large bay proposed facing our property. The same would also be proposed on the other side directly opposite the flats. This would allow direct vision from the proposed flats in to our property and vice-versa.

The proposed garages and parking spaces in the rear garden would result in increased vehicular movement, noise, disturbance, headlights at night and general activity with vehicle movements from at least nine vehicles (seven in garages and two in the parking spaces) though this would probably end up being more as most flats would probably have two car owners so other vehicles would probably park further down the rear garden causing more problems. The access to the rear garages and car parking spaces is a single drive down the side, adjacent to our property and is considered to be insufficient for the amount of vehicle movements that would probably take place. This would inevitably cause vehicular conflict with drivers wanting to exit the site and others who are coming in to it at the same time. There may be use of horns or flashing of lights which would lead to further disturbance at the side and rear of our property as well. This would be an unwarranted impact on the peace that we currently enjoy at the side and rear (in particular) of our property. Occupants of the flats would undoubtedly have access to the outbuildings and workshop at the bottom of the rear garden. This is also likely to cause noise and disturbance issues. The increased use at the rear of the property would also be likely to give rise to requests to remove what small garden area would remain. Visitor car parking may be required.

All trees and planting would probably be lost to provide additional off-street car parking, further destroying the domestic nature/character at the property to our detriment. The plans show a lift within the proposal but no plant on the top of the enormous flat roof. How is the lift going to operate without plant? The proposed large, flat roof to the block of flats would be out of character with the area. The alteration to the front roof slope, by the installation of four, very large roof-lights, would also be out of keeping with the area. National Planning Policy Framework (NPPF) states there are three dimensions to sustainable development these are, economic, social and environmental. In respect of these issues, it is suggested that in respect of the economic considerations the application proposal is NOT development proposed in the right place. The economic role considers job creation. There is no certainty that approval of this development would see local jobs created. In respect of a social role the proposal clearly seeks to provide housing but at what cost? The local community do not need this development it would be totally out of character with the locality. The proposal would not lead to a high quality built development because the proposal is for excessive alterations and additions to this unique and original property. Unfortunately, many new housing developments are anything but of a qualitative nature and this would just be another conversion (with large extensions) that would ruin the character of the original property. In terms of the environmental considerations of the proposal this does not offer any benefits to environmental matters either on the site itself or the immediately adjoining areas. The proposal would see the loss of the large rear garden to garaging, car parking, access driveway, manoeuvring area. The environmental role of development is supposed to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity. It is difficult to see how the application proposal does that.

The NPPF identifies a number of core planning principles that planning applications should have regard to. Of particular relevance to this proposal are the following; that planning should: - be a creative exercise in finding ways to enhance and improve the places in which people live their lives - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings - take account of the different roles and character of different areas - contribute to conserving and enhancing the natural environment - encourage the effective use of land by reusing land that has been previously developed (brownfield land) In respect of the above, the proposal would NOT enhance or improve the locality, the design of the proposal would just ruin an original dwelling that is pretty much still in its original form. To allow such development in what is basically the back garden of the property, would totally erode the character of the immediate area. The proposal DOES NOT contribute to conserving and enhancing the natural environment, it would do just the opposite. The proposal is considered to be contrary to the NPPF in the above regards. If the council are keen to see additional residential development, it is suggested that it should be in keeping with the locality. Local Authorities should plan for a mix of housing based on future demographic trends, market trends and the needs of different groups in the community, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. The proposal is for seven flats. Where is the mix of housing that the NPPF envisages? Para 53 states that councils should consider setting out policies to prevent the development of residential gardens. This application proposes development of a rear garden following extensive extensions to the property. Whilst there are no dwellings now proposed in the rear garden, there is nevertheless an excessive amount of built development that in effect, removes the rear garden from its original use. Para 58 states that decisions on planning applications should aim to ensure that developments; - will function well and add to the overall quality of the area - establish a strong sense of place - respond to local character and history. The proposal would not add to the overall quality of the area and would be out of keeping. The character and historic layout of the immediate area is of original dwellings in sizeable plots, NOT of inappropriate extensions and over-intensive use of such plots that are totally at odds with the character of the area.

National Planning Practice Guidance (NPPG) discusses design and the natural environment. The design is considered to result in inappropriate additions/extensions to the original design of the dwelling. The Blackpool Local Plan contains a number of relevant policies in respect of this proposal. Main ones are those concerning design. Policy LQ1 refers to the need for high standards of design making positive contributions to the areas where new developments are located. In this case, for reasons already discussed, the proposal is NOT considered to constitute good design. It would ruin an original design of a dwelling and introduce excessively large extensions, a flat roof to the main roof area, balconies and large, front roof lights that are all detrimental to the design of the property. Policy LQ2 states proposals will be considered in relation to the character and setting of the surrounding area. New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. The existing property respects the sites context the extensions proposed have no regard for the site's context and detract from any local/or site context. The proposal would NOT be compatible in terms of the overall character of the area. It relies on excessive alterations and additions to the dwelling, which are considered to be out of character with the immediate locality. The proposed access at the side is considered woefully inadequate in terms of the vehicle numbers that would use it. As mentioned earlier, we feel that a single access width is insufficient for the likely car numbers. Most people will have two cars (per flat) plus visitors and those accessing the rear outbuildings and workshop. We have discussed the potential problems regarding noise and disturbance that would be caused by this side access that is adjacent to the side elevation of our property and the increase in vehicular traffic. The Council have recently refused permission for a not dissimilar proposal. This application should also be refused for the same/similar reasons.

There is a heavily used pedestrian island right outside the property and double yellow lines all around the vicinity, meaning an additional seven (or very likely more) vehicles will probably cause additional traffic problems - especially as Newton Drive is a main route for ambulances to Blackpool Victoria Hospital and also for buses from/to the Town Centre. As many family units now have multiple vehicles, the likelihood of seven garages and two additional parking spaces being sufficient is low and the potential for conflict when two drivers are attempting to use the single drive in opposite directions is high, possibly leading to disturbance and noise.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) came into force in March 2012 and constitutes guidance for local planning authorities and decision-takers as a material consideration in determining applications.

The core planning principles in the NPPF include:

- local authorities always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- local authorities should encourage effective use of land by reusing land that has previously been developed provided that it is not of high environmental value.

National Planning Policy Framework Part 6 - Delivering a wide choice of quality homes.

To boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

Within Part 6 there is also an presumption against the development of residential gardens, for example where development would cause harm to the local area.

National Planning Policy Framework Part 7 - Requiring good design.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The National Planning Practice Guidance

Decisions on building size and mass, and the scale of open spaces around and between them, will influence the character, functioning and efficiency of an area. In general terms too much building mass compared with open space may feel overly cramped and oppressive, with access and amenity spaces being asked to do more than they feasibly can.

Consideration should be given to the servicing of dwellings such as the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries. Such items should be carefully considered and well designed to ensure they are discreet and can be easily used in a safe way.

Unightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore, particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area (for example landfill, recycling, food waste).

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

LQ1	Lifting the Quality of Development
LQ2	Site Context
LQ3	Layout of Streets and Spaces
LQ4	Building Design
LQ6	Landscape Design and Biodiversity
LQ8	Energy and Resource Conservation
LQ14	Extensions and Alterations
HN4	Windfall Sites
HN5	Conversions and Sub-divisions
HN6	Housing Mix
HN7	Density
BH3	Residential and Neighbour Amenity
BH10	Open Space in New Housing Developments
NE10	Flood Risk
AS1	General Development Requirements

Supplementary Planning Document 'New Homes from Old Places' March 2011 (New Homes SPD)

This document outlines the floorspace and amenity standards for conversions (principally though not exclusively of guesthouse and hotels) to provide residential accommodation and was subject to consultation prior to its adoption.

Assuming the principle of residential accommodation is acceptable, the key components are:

- Properties under a 160 square metres of original floorspace (excluding extensions and attic rooms unless purpose built) can be converted to a single dwelling but cannot be subdivided.
- Requires the removal of roof lifts to re-instate original roof forms
- Requires the removal of all extensions to provide amenity space
- Outlines the dwelling sizes and rooms sizes for conversions/subdivisions.
- Gives minimum ceiling height in attic rooms of 2.14m.
- Outlines amenity space/ car parking/ cycle and refuse storage requirements.
- Give best practice guidelines to raise the quality of homes

Supplementary Planning Guidance 11 - Open Space: Provision for new residential development and the funding system

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the full Council on 25th June 2014. The document was published for public consultation on 4th July 2014 for a period of eight weeks. Once this consultation period has now closed and the intention is that the document will be submitted for consideration by an independent Planning Inspector through an Examination in Public in 2015.

The Proposed Submission has been informed by up-to-date evidence, including a new Fylde Coast Strategic Housing Market Assessment 2013 (SHMA), which provides an up-to-date assessment of housing needs for Blackpool and the Fylde Coast, and a 2013 Strategic Housing Land Availability

Assessment (SHLAA) Update. The housing figure in Policy CS2 has been revisited in order to consider the SHMA outcomes as well as other evidence, including the alignment of housing growth to economic prosperity and the level of housing considered realistic to deliver in the Borough. The 2013 SHLAA Update demonstrates a five-year housing supply in accordance with the requirements of the NPPF.

Policies in the Proposed Submission which are most relevant to this application are:

- CS2 Housing Provision
- CS7 Quality of Design
- CS9 Housing Mix, Density and Standards

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

The principle of development

The proposed scheme would deliver 7 new dwellings, each with two bedrooms. This would not be a varied mix of units as required by Policy HN6 which states that sites of between 0.2 and 1 hectares should provide a mix of house types and sizes and the housing proposed should contribute towards the mix of housing provision in the wider local area.

Sub-division and extension of the main dwelling to provide flats

119 Newton Drive has no specific allocation in the Blackpool Local Plan 2001-2016 and has not been identified as a site which has potential for housing development in the 2013 SHLAA Update which supports the Core Strategy Proposed Submission. This assessment demonstrates an adequate housing supply from more suitable sites elsewhere in the town, therefore the additional seven flats proposed are not required to help meet Blackpool's housing requirements in the Core Strategy Proposed Submission.

The property is not within the Defined Inner Area where there is an over-supply of flat accommodation and where the policy stance generally is to resist the sub-division and extension of family homes to provide additional flat accommodation. 119 Newton Drive has original floorspace in excess of 280 square metres and although the loss of a family dwelling is unfortunate, the principle of converting the existing house is considered acceptable in this location subject to design, access, neighbour and residential amenity considerations and subject to the accommodation meeting current guidelines as set out in the New Homes from Old Places Supplementary Planning Guidance .

Design

This revised proposal has deleted the two large side extensions and concentrated the extension works on the rear of the building with a part three storey/ part single storey extension. Visually this retains the attractive existing front elevation intact and also the existing space to the sides of the existing building. In fact the space to the boundary with Regency Court will be increased with the removal of the former orangery and its replacement with a new entrance porch.

The three storey extension to the rear occupies the full width of the existing house and projects a further 8 metres into the rear garden, the single storey extension would add another 6 metre projection. The depth of the existing house is approximately 10.5 metres. Both the three storey and

single storey extensions have a hipped roof and replicate features of the existing house with stone effect quoins, matching window proportions, including a large two storey bay window facing 117 Newton Drive and matching brickwork.

In terms of the design of the extensions the proposal is considered to be acceptable and in accordance with Policies LQ1, LQ2, LQ4 and LQ14 subject to the agreement of appropriate matching materials, and given the remaining space around the building to the sides and rear it is not considered that the extended building will appear overly cramped or an over-development.

Impact on Residential Amenity

The main issues arising here relate to the size of the extensions, the positions of windows in the side elevations, potential impact of the rear balconies and the potential impact of the rear car parking area in terms of noise and disturbance.

117 Newton Drive, itself has recently been extended with a large two storey/ single storey rear extension, has a number of side windows facing the application site. There is approximately 10 metres between the two respective side elevations plus a dividing boundary wall including a fairly lengthy garage within no 117. The relationship between the two properties, with the proposed extension, is considered acceptable subject to the central three panes at first floor of the large side bay window and another side first floor window being obscure glazed to reduce the potential for overlooking. The screening to the rear balconies will also be increased to reduce overlooking potential to both adjacent properties. Loss of light to 117 as a result of the proposed extension is not considered to be a significant issue.

The additional traffic to and from the rear garden will also have an impact upon 117, in particular, given that the access road runs close to their boundary although the existing boundary wall and garage will offer some protection and the traffic levels are not expected to be such so as to cause sufficient harm or impact so as to warrant a refusal.

In terms of impact upon Regency Court the application property is between 8.5 and 11 metres from this adjoining fairly substantial flat development which has a number of side windows overlooking the side and rear of the application site. The proposal includes a number of side windows at ground and first floor levels which would be to bedrooms, kitchens and an en-suite. Along the common boundary there is some level of protection offered by trees and other planting providing a screen.

Although there will be some additional loss of light due to the size of the extension and its orientation relative to Regency Court which will mean some loss of sunlight in the afternoon, the impact of the extension is, on balance, considered acceptable in terms of this relationship. The impact is not helped by the significant number of windows in the side of Regency Court which are at least partly reliant on the application site for their outlook. However it is considered that first floor side windows of the application property should incorporate obscure and fixed lower sections to reduce the potential loss of privacy. The proposal is therefore considered to be in accordance with relevant local plan policy, where impact on neighbouring properties is relevant, particularly policy BH3.

Highway Safety/ Car Parking/ Traffic Generation

The existing house has an existing in-out arrangement onto Newton Drive and car parking and a large garage to the rear to cater for what was a substantial four-six bed house and the associated traffic generation and parking demand. However, the substantial extension and sub-division of the

property will inevitably create significantly greater levels of traffic and parking demand. Although there is ample space for additional car parking to be provided and amendments will be submitted to incorporate a passing place for vehicles entering/ exiting the parking area simultaneously and lighting will also be provided to the footpath. A footpath link has now been included to provide a convenient access into the rear of the building from the car park. The two visitor parking spaces to the front will be revised to address the comments of the Head of Transportation. It is stated that cycle parking can be provided within the garages.

Eleven off street parking spaces are shown for the seven flats which is considered an acceptable provision at over 150 per cent. The existing in-out arrangement is also considered adequate to accommodate the demands of the proposed seven flats and all vehicles are able to turn around within the site and exit the site in forward gear. In conclusion the proposal is considered to satisfy the requirements of Policy AS1 of the Local Plan.

Other Issues

Most of the existing boundary planting will be retained as part of the proposal and substantial areas of the rear garden will remain untouched. The agent confirms that no further additions to the roof will be required to accommodate the lift mechanism

CONCLUSION

The proposal involves the extension and re-use of a large attractive period residence and will provide reasonable sized accommodation which accords with Supplementary Planning Document 'New Homes from Old Places.' The principle of extending and converting a property of this size is acceptable in principle and also in accordance with the Supplementary Planning Document. The large rear extensions would have some impact upon the two adjoining premises as will the rear parking area to a lesser extent although subject to the amendments awaited and the proposed conditions the proposal is considered to be acceptable and in accordance with both local and national policy guidance. Although the Council have met its requirement with regards to providing a 5 year housing land supply the proposal would add to the housing stock, is in a sustainable location and would bring back into use a vacant property consistent with para 51 of the NPPF.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

See condition 8 of this report which requires payment of the appropriate contribution towards public open space provision and maintenance as set out in SPG 11 and Policy BH10 of the adopted Local Plan.

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

Recommended 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. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016.

3. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

4. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans 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.

5. No flat shall be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the approved garages shall not be used for any purpose which would preclude their use for the parking of a motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016.

7. Obscure glazing details for the first floor side elevations shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development and the agreed details shall be implemented prior to the first occupation of the approved accommodation and shall be retained thereafter.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016.

8. 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).

NOTE – The development is of a scale to warrant a contribution of £7224 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11 . The Applicant(s) should contact the Council to arrange payment of the contribution.

9. a) No development 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.

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 need 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.

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COMMITTEE DATE: [01/12/2014](#)

Application Reference: 14/0668

WARD: Stanley
DATE REGISTERED: 23/09/14
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr P Swithenbank

PROPOSAL: Erection of part two storey/part single storey side extension to form additional offices, day room and eleven additional dementia care bedrooms, with additional car parking space at rear for four vehicles.

LOCATION: 397 MIDGELAND ROAD, BLACKPOOL, FY4 5ED

Summary of Recommendation: Grant Permission

CASE OFFICER

M Shaw

INTRODUCTION

The proposal has been the subject of pre application discussions relating to the principle of development, relevant local and national policy, car parking, the design and the need for the extension. Also discussed were the details of the previously approved extension at the property ref: 03/0422

SITE DESCRIPTION

Existing part single/ part two storey detached care home located within a semi-rural setting within fairly spacious L shaped plot. The plot 'wraps around' the rear boundary of the adjoining residential plot at 395 Midgeland Road. Planning permission was granted in 2003 for 'Renewal of planning permission 98/0482 for the erection of single storey side extension with rear roof lift and single storey rear extension to form eleven additional bedrooms and lounge at existing rest home'. This approval has partly been implemented, the rear extension having been built, and therefore remains a valid planning permission enabling the applicant to extend up to the boundary with no.395 regardless of the outcome of this application. 395 Midgeland Road, a two storey detached house, sits within a fairly spacious garden at the northern end of the plot and is located some 17-18 metres from the common boundary with the application property.

The application site is within the designated Countryside Area as defined within the Blackpool Local Plan

DETAILS OF PROPOSAL

Erection of a part two/ part single storey extension to the left of the existing building (when viewed from Midgeland Road) occupying the space towards the shared boundary with 395 Midgeland Road. The extension would be two storey fronting Midgeland Road with a single storey extension to the

rear extending along the same common boundary. The extensions would provide an additional eleven bedrooms for the home plus a day room on the ground floor with a manager's office at first floor level. With the extensions the care home would have a total of 26 bedrooms. An additional four car parking spaces are also proposed to the rear of the existing building which would provide a total of eleven spaces at the extended home.

The application is accompanied by a Planning Statement and a Design and Access Statement

The Committee will have visited the site on 1 December 2014.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of Development
- Need for the Development
- Design of the Extension
- Impact on Residential Amenity and the Character of the Area
- Traffic Generation and Car Parking

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

CONSULTATIONS

Environment Agency: 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.

Head of Transportation: The use is existing has been established for some time. This proposal aims to increase the parking provision from seven to eleven. The existing spaces would have been sufficient to cater for the additional use and increasing the parking provision will help considering that staff numbers may increase, not confirmed as only proposed staff numbers are given. Also, the proposal by its nature is likely to increase visits by health professionals over the course of the day. The site is not accessible by other modes of transport easily so the reliance on the car will be more and in effect supply may not meet demand at certain times. The access point is not great as it is a single track road and visibility is not brilliant. The existing sign directing visitors to the car park does not aid forward visibility.

Contaminated Land Officer: Less than 100m from the proposed development site is the former Midgeland Farm Landfill. As a result a Phase 1 report is requested to ensure that there is not a significant likelihood of contamination being present on the land through leachate. If the Phase 1 shows that there is a significant likelihood of contamination being present then this shall be followed by a Phase 2 report. Both to be submitted to the Local Authority before works commence.

NATS Safeguarding The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.

Blackpool International Airport 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.

Blackpool, Wyre and Fylde NHS Trust 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.

Ass Director of Mental Health and Learning Disabilities 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 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

Site notice displayed: 10 November 2014

Neighbours notified: 2 November 2014

Two letters of objection has been received form **395 Midgeland Road** making the following comments:-

1. I refer to the Planning Statement Clause 6.34 and 6.39. I feel it is important to put into context the statement in Clause 6.34 'that we consider the now proposed scheme to be an improved position in respect of its relationship with our property and the removal of views currently possible from the existing balcony'. This statement was made in relation to the original approved planning application 98/0482 (and subsequently 03/0422 and 08/0820) and the owner of 397 Midgeland Road subsequent discussions with myself on 2nd June 2014 where he stated that it was his intention to extend the balcony to our boundary.
2. The scale of the extension running adjacent to the boundary fence is significant and will dominate the visual outlook from our property.
3. The proposed North West elevation shows a dormer window at the rear and front elevation, creating a 'box like' appearance when viewed from our kitchen-dining room and our side garden. I refer to the Blackpool Borough Council 'Extending Your Home Supplementary Planning Document', Design Note 6 Dormers and Roof Extensions, defines this as a poor design approach along with the recommendation that the dormer should be well set back from the end wall (which the rear dormer is not). This design will create an unattractive appearance from our property and many planning guides state that dormers should be designed as a dormer window, rather than as a large box extension. Due to the size of this already large extension I question that some elements of the proposed extension try and maximise space as opposed to aesthetics. I strongly object to the part of the rear dormer that is visible from our property and ask that you consider the removal of this part of the dormer. The remaining dormer behind the roof ridge line will still allow a sizeable managers office of approx. 45 sqm (the current managers office is located in the training room).
4. The front elevation shows the North West elevation in close proximity to the boundary fence with the ground level lowered. I am concerned that this may result in the fence becoming unstable, especially in high winds.

5. As our property and the moss in general suffers from a high water table, which in winter can be just below ground level, resulting in standing water in the garden and water penetrating under our house, I am concerned that this lowered ground level and the foundations of the extension being so close to the boundary fence will effectively create a 'dam' which may result in poor drainage and potentially increased standing water on our land. I ask that this is considered in the design of the extension and some form of French drain or other is added to assist in the draining of the ground water.

A letter of support has been received from **Councillor Lily Henderson** who confirms she has been involved with various Committees relating to the elderly. There are a number of issues of concern. One relates to both family respite and another when residents of a care home need extra care for dementia and the home does not either have the space or qualified staff, meaning families have to find other homes. This is very unsettling for the resident, families and the homes themselves. Councillor Henderson has visited the home and been made aware of the proposed extensions and is greatly impressed. It is a great weight off families' shoulders to know their parent or relative can reside in the place they call home for a number of years. The application is therefore whole heartedly supported.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) is a single document which was adopted in March 2012 and replaces Planning Policy Statements and Planning Policy Guidance Notes and is a material consideration in determining planning applications.

Paragraph 14 seeks to ensure that sustainable development is approved unless the adverse effects would significantly outweigh the benefits

Paragraph 47 and 48 of the NPPF requires local authorities to have a 5 year housing land supply and this could include a wide range of different housing needs including residential institutions (C2).

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 53 of the NPPF suggests that Local Planning Authorities should resist inappropriate development of residential gardens where development would cause harm to the local area.

Paragraphs 56 - 68 of the NPPF relate to the design of the built environment and confirm that good design is a key aspect of sustainable development and is indivisible from good planning. Good design should contribute positively to making places better for people.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

LQ1	Lifting the Quality of Development
LQ2	Site Context
LQ4	Building Design
LQ14	Extensions and Alterations
BH3	Residential and Visitor Amenity

- BH4 Public Health and Safety
- BH24 Residential Institutions and Community Care Residential Use
- NE2 Countryside Areas
- NE3 Replacement dwellings and Extensions in the Countryside
- NE10 Flood Risk
- AS1 General Development Requirements

EMERGING PLANNING POLICY - BACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16 June 2014 and by Full Council on 25 June 2014. The document was published for public consultation on 4 July 2014 for a period of eight weeks. The consultation has now ended and the document is being updated for submission to the Planning Inspectorate in December 2014 for examination in Spring 2015. Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

The Proposed Submission has been informed by up-to-date evidence, including a new Fylde Coast Strategic Housing Market Assessment 2013 (SHMA), which provides an up-to-date assessment of housing needs for Blackpool and the Fylde Coast, and a 2013 Strategic Housing Land Availability Assessment (SHLAA) Update. The housing figure in Policy CS2 has been revisited in order to consider the SHMA outcomes as well as other evidence, including the alignment of housing growth to economic prosperity and the level of housing considered realistic to deliver in the Borough. The 2013 SHLAA Update demonstrates a five-year housing supply in accordance with the requirements of the NPPF.

Policies in the Proposed Submission which are most relevant to this application are:

- Policy CS7: Quality of Design
- Policy CS14: Health and Education
- Policy CS26: Marton Moss

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

Principle of Development- the application site is sited within the designated Countryside Area on the Local Plan Proposals Map whereby fairly restrictive planning policies apply to new development, namely NE2 and NE3. In order to protect the openness of the countryside Policy NE3 allows extension to dwellings of up to 35 per cent (not specifically applicable to a care home but useful by way of comparison) whereas the proposal practically double the sizes of the floorspace at the home.

Although in this instance, this is tempered by the extant planning permission granted in 2003 under ref: 03/0422, which included a substantial side extension up to the shared boundary with 395 Midgeland Road similar to the two storey extension currently proposed.

In terms of assessing whether the principle of development is acceptable the key considerations are assessing the additional impact of the extension on the countryside over and above the extension previously approved under 03/0422 and whether the need for the additional specialist care bedrooms at the site overrides any additional harm and impact. This is discussed in further detail below.

Need for the Development- Policy BH24 of the adopted Local Plan requires that community care developments will be permitted subject to the type of use applied for, a demonstration of local need, the intensity of use and its effect on adjacent properties, the suitability of the premises and a management plan. The application property is well established, it was originally granted planning permission in 1991, and is clearly a very well run and well regarded facility providing specialist dementia care. It is recognised as a Beacon Home (the highest award available) and in April of this year the home came out first in the top 20 recommended care homes in the UK. The majority of residents are said to be from the local area and there is a waiting list for further admissions. The agent also points out that 3 Blackpool care homes have closed within the past two years with the loss of 120 bedrooms which increases the need for additional provision to be made. Dementia is also stated to be the single most frequent reason for admission to a care home and Blackpool has a higher percentage of dementia sufferers than the national average.

For the all above reasons the proposal is considered to accord with Policy BH24 of the Local Plan and the need for additional dementia care facilities is accepted. The need issue is considered to weigh significantly in favour of the application when assessing the principle of development, particularly given the high quality of care provided here.

Design of the Extension- the front part of the extension onto Midgeland Road incorporating two front dormers, has a dormer bungalow appearance that replicates the style of the application property, and is a style which is not uncommon in this area. The roof of the two storey extension at the rear will appear as a roof lift although only a small section of this would be visible from outside the site. The rear single storey extension has a hipped roof with roof lights facing towards 395 Midgeland Road. The design of the extension is fairly functional, matching materials will be dealt with by way of condition. In terms of design the proposal is considered acceptable and in accordance with relevant local plan policies including LQ1, LQ14 and BH3.

Impact on Residential Amenity and Character of the Area- In terms of the impact of the extension it is appropriate to consider the additional impact of the single storey rear extension given that the two storey extension has already been approved. Because the single storey extension will be positioned behind a two storey extension when viewed from the site frontage it would not be visible although when viewed from 395 Midgeland Road the single storey extension would be visible and running most of the length of its side boundary. However given it is single storey and there is a substantial boundary fence between 395 & 397 it would be just its roofline that is visible. The ridgeline would be for the most part some 2.5 metres above the fence line and the pitched roof slopes away from the shared boundary such that the ridge line would be some 2.5 metres from the boundary. The neighbouring property also has ample space, some 17-18 metres up to this shared boundary, so therefore its impact on the residential amenity of the occupants of 395 Midgeland Road is therefore considered to be acceptable and in accordance with Policy BH3.

Traffic Generation and Car Parking- The existing 15 bedroom home has seven car parking spaces whereas the proposal would create a 26 bedroom home with eleven car parking spaces. Council car parking standards sets out a requirement of one space per five residents where the site is defined as having low accessibility, which is probably the case here given its semi-rural location. This would equate to a parking requirement of six spaces. The proposal therefore more than satisfies the off street parking requirement for this size of development and accords with Policy AS1 of the Local Plan

CONCLUSION

Whilst Blackpool has now met its requirement to have a five year housing land supply the proposal would nevertheless make a valuable contribution towards providing much needed, and high quality specialist housing accommodation and as such is supported. There is additional impact upon the designated countryside as a result of the extension but given the extant planning permission for a substantial two storey side extension and the need argument which the agent has presented, the need for the accommodation is considered to be the overriding factor here.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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

Recommended 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. Notwithstanding the submitted plans details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016.

3. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans 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.

4. 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.

5. Prior to the commencement of development a surface water drainage scheme shall be submitted to and agreed in writing with the Local Planning Authority and the agreed details shall be implemented prior to the substantial completion of the approved extension.

Reason: To ensure that localised flooding is not increased as a result of the approved works in accordance with Policies LQ1 and NE10 of the Blackpool Local Plan 2001-2016.

6. No trees or hedgerows to be removed as part of the development shall be removed during the bird breeding season (March - August in any calendar year). None of the hedgerows to be retained shall be re-laid during the months of March to August.

Reason: To safeguard birds in accordance with Policies LQ8 and NE7 Of the Blackpool Local Plan 2001-2016.

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 need 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.

COMMITTEE DATE: [01/12/2014](#)

Application Reference: 14/0721

WARD: Stanley
DATE REGISTERED: 06/10/14
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr B Jenkins

PROPOSAL: Erection of two single storey utility buildings, creation of a hardstanding, boundary treatment, including two metre high fence and landscaping to site frontage, and use of land as altered as gypsy caravan site for up to five caravans.

LOCATION: LAND ADJACENT TO 39 SCHOOL ROAD, BLACKPOOL

Summary of Recommendation: Refuse

CASE OFFICER

Gary Johnston

INTRODUCTION

In early October the Council became aware that the application site was being cleared and in response to the site being covered in road planings and occupied by caravans a temporary stop notice was served on the applicant on 3 October 2014 requiring the following -

- (i) You are required to cease using the land for the stationing of caravans for residential purposes by removing all the caravans and associated vehicles and equipment, from the land;*
- (ii) You must not bring or allow to be brought on to the land any caravan, vehicle or equipment associated with the use of caravans or associated vehicles or items for residential use on the land, from the date that this notice takes effect;*
- (iii) You are required to stop the unauthorised development of the land and the aforesaid engineering operations and not allow any further unauthorised development and hard-core surfacing to be delivered to or laid on the land from the date that this notice takes effect*

The applicant has complied with (ii) and (iii) but remains on site as this planning application was received on 6 October 2014. To ensure that no further work takes place on site or further caravans are brought onto the site an injunction was served on the applicant on 15 October 2014, having been agreed by a judge at Blackpool Crown Court.

SITE DESCRIPTION

The application site is on the northern side of School Road, immediately to the east of a terrace of four houses. There is an access to the eastern side which serves a nursery and football club and provides pedestrian access to St Nicholas' Primary School. This access is also a public footpath which links to Ecclesgate Road to the north. The site is roughly square and has a frontage of 32 metres to School road and a depth of some 40 metres. There is a 1.8 metres high fence along the frontage to

School Road and there is a field gate in the south east corner of the site. There is a line of trees/hedgerow along the eastern boundary of the site. The site has been cleared of all vegetation and covered in road plantings.

St Nicholas' Primary School is to the east, a football pitch to the north and on the opposite side of School Road is open land with housing to the east and west. The site is within the Marton Moss Countryside Area as defined in the Blackpool Local Plan 2001-2016

DETAILS OF PROPOSAL

It is proposed to use the site for the siting of up to five caravans with two amenity buildings (5m x4m x3.6m high - each building) The existing front boundary fence would be removed and a new two metre high fence erected two metres from the back of pavement with a visibility splay adjacent the access and landscaping would be provided in front of the fence. The access would be seven metres wide and would be tarmaced for a distance of ten metres from the back of pavement. A nine metres deep strip of landscaping incorporating three existing trees would be provided at the northern end of the site adjacent the football ground. The static caravan would be sited in the north east corner of the site with two touring caravans at the northern end of the site adjacent the landscaping and two on the western side. There would be one amenity building on the western side of the site and one on the eastern side. Two of the touring vans and one of the amenity buildings would be close to 39 School Road.

The Committee will have visited the site on 1 December 2014

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 the Marton Moss Countryside area
- impact on residential amenity
- impact on highway and pedestrian safety

CONSULTATIONS

Ramblers Association - As long as the existing hedge that runs along the east boundary of the site remains as it is, then this proposal will have no real impact on those walking the footpath on the east side of this hedge. I therefore have no objections.

Blackpool Services (Contaminated Land) - Looking at the historical use of the land and its surrounding areas, and that the proposed application will require ground works to be carried out. A Phase 1 Desk Study including a conceptual model shall be submitted under the NPPF para 109. If this shows that there is a likelihood of contamination being present a Phase 2 Desk Study will need to be carried out to determine the contaminants present and if they exceed a remediation strategy will need to be produced and submitted before any works take place. The site is on the edge of a historic landfill, with used and disused nurseries within 500m, the land is also susceptible to surface water flooding which can be a pollutant linkage to the site.

Head of Transportation - The proposal seeks to put back into use a domestic vehicle crossing, the width of which is actually just the same width as the opening to the site. I would advise the crossing is widened to accommodate the type of vehicles that will require access. This to ensure there is no overrun on the footway which may result in damage. Visibility is not brilliant due to the height of the fence along the School Road frontage and the same applies along the access road which leads to the rear of the proposal site (the section of hedge which meets the back of the public highway). The drawing submitted with the planning application details a different layout, where the vehicle access is shown with radius kerbs and the alignment of the fence along School Road is different along the different route. The height and alignment of the fence and hedge to be amended to improve visibility and the layout of the vehicle access to be left as existing (to give priority to pedestrians) but strengthened to take the load of vehicles that require access - the applicant should contact the Head of Highways and Traffic, Blackpool Council, Layton Depot, Depot Road, Blackpool, FY3 7HW, 01253 477477 in respect of the changes needed. The use to be restricted for up to five caravans, this to ensure there is adequate turning area within the confines of the site for manoeuvring of caravans and to allow private vehicles to be able park and be able to drive out in forward gear.

Waste - Residential - The application and plans currently make no reference to the storage and disposal of household waste. The developer would need to ensure that adequate storage for euro containers is included to ensure that suitable waste disposal was available to the occupants.

PUBLICITY AND REPRESENTATIONS

Site Notice posted 9 October 2014
Neighbours notified 8 October 2014

Representations have been received from 5 Pleasant View, School Road and nos. 35, 37 and 39 School Road

The owner/occupier of 5 Pleasant View, School Road has commented as follows

I wish to object to the proposal submitted on the following grounds: - 1. The proposed caravan site is in an inappropriate position, i.e. adjacent to the neighbouring houses and in close proximity to St Nicholas School 2. The entrance to the site is within a traffic restriction area next to the school thus affecting safety 3. There is a lack of amenities on the site i.e. water and sanitation 4. No respect has been shown for the legal planning process i.e. this has been an illegal land fill of the site which is known to be prone to flooding, therefore no regard has been given to the adjoining properties. To allow this application to go ahead we feel will set a precedent and make any parcel of land that is for sale fair game for such proposals in future and thus will lead to the destruction of the character of Marton Moss.

The owner/occupier of 37 School Road has commented as follows

The size of the site does not appear large enough for 17 people in five caravans. We are concerned about noise and disturbance as this is an issue with the two caravans and would worsen with five caravans. Also raises concerns about visual intrusion, impact on the character of the area, increased traffic close the school and possible flooding.

The owner/occupier of 39 School Road has commented as follows

I feel that this site is inadequate to house the three large families consisting of seventeen people and in particular I object to the amenity block which would house toilets as this is immediately next to my front door and would block my light source and ability to see oncoming traffic. Already this site has increased noise pollution due to the excess noise of generators working twenty four hours a day. Also large vehicles of which there are six or seven at any one time coming and going daily this now leaves me with no privacy and being overlooked by the caravans that are already there and the

disturbance of animals. This site already has a visual impact to the area and local community particularly myself owning 39 School Road and being next door and I have already noticed in the last few days the transfer of scrap metal from one vehicle to another and I fear this site will become a scrapyard. I feel the vehicles will have an adverse effect on the road system with large vehicles coming and going at all times of the day. This also affects the local Children's Nursery School and over 400 attending children at the Primary School next door, there is a danger of accidents here especially with the road across Marton Moss being shut School Road is already a very busy road. They have already felled a lot of mature trees on this land and this in respect has spoilt the vision from my house. I was led to believe this was Green Belt Land and they have already laid down hardcore and Asphalt this has raised the level of ground and in the west corner of the land there is a Well and I have lived here for twenty seven years and this land has flooded every year with the water table already being high this will create more flooding on the road and my property. As previously mentioned I understand this is to cater for a family of seventeen and the noise and disturbance especially of all the traffic of large vehicles is already disrupting my daily life. Behind the caravans there are old outbuildings covered in Asbestos and even now from my windows this is in a bad state and I fear it will attract vermin. Finally I feel the very important point is the busy road and traffic and already the daily traffic from this land is a danger to all especially the attending school children next door. Also with this being right next door to my property my vehicle access and vision has been greatly impaired.

The owner/occupier of 35 School Road has commented as follows

I live close to the proposed gypsy caravan site and am writing to ask that Blackpool Council refuse this planning application. Blackpool has limited remaining countryside and there are other gypsy caravan sites close by, namely Chapel Road, Whalley Lane, Fishers Lane and Jubilee Lane. There is also a private site at Bambers Lane (Fylde Borough Council), this would suggest another site would create an over-concentration in the area (as per emerging Core Strategy CS15 1e.) Indeed the Blackpool Local Plan 2001/16 is against development of gypsy caravan sites on Marton Moss - HN9 B(iv) Marton Moss is a historic area of Blackpool and has a distinctive character which should be preserved. The development would be out of character with the rest of the area, which along School Road is mainly residential, much of which is over 70 years old. The road has parcels of land which are not used - birds and animals use these for hunting and breeding purposes and accessing other open lands - which add to the special character of the area. Foxes have been seen crossing between the proposed site and unused land across from it, quite possibly to hunt, and access further open land behind the school. Tragically hardcore and road planings have already been spread across the site, without relevant permissions, cover and habitat for wild animals on this site is now reduced to a hedgerow to the east, and trees at the rear. The proposed site has two utility buildings; the one closest to 39 School Road will be visible from the front of my house. The positioning of three caravans at the rear of the site will also be overlooked from the rear of my property leading to a loss of privacy. The land currently has two caravans on it, there is also a generator which is running regularly which can be heard, more caravans, and people would mean an increase in noise generally and from generators, which would be unacceptable. There is no surface or foul water drainage to this low lying piece of land, the level of which has been increased by the spreading of hardcore and road planings without any consideration for immediate local residents' properties and the local environment. This land had standing water on a regular basis, and may well have been part of a local pond system I understand a well is located near the utility building closest to 39 School Road. I am concerned with the possibility of the terrace of 33 to 39 School Road being more susceptible to flooding. A major concern for me is the safety of pupils at St Nicholas School at the start and end of their school day. They use a car park at Wrens Football Club, and walk past the terrace of 33 to 39 School Road and then past the proposed site. The school has grown over the years and now has around 420 pupils, including a nursery which I understand uses the passageway to the east of the proposed site. I am concerned about the safety of these children, some of whom are very young and will not have much awareness of danger, with the movement of vehicles to and from the site there

are usually up to five vehicles there, if the site has the proposed number of caravans, vehicles would likely be increased further. School Road is very busy at certain times of day with school and commuter traffic which should also be considered. On these bases I urge the Council not to grant planning for this development.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Para 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or
 - specific policies in this Framework indicate development should be restricted.

Para 17 sets out the core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paras 47 -55 deal with delivering a wide choice of high quality homes - including the requirement for a five year supply.

Paras 56 -64 deal with the requirement for good design.

Annex 1 of the NPPF deals with Implementation

Para 208. The policies in this Framework apply from the day of publication (27 March 2012)

Para 209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to-date plans.

Para 210. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 211. For the purposes of decision-taking, the policies in the Local Plan (**ie your Blackpool Local Plan 2001-2016**) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.

Para 212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans

Para 213. Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.

Para 214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

Para 215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans (**i.e. your Blackpool Local Plan Part 1 : Core Strategy**) according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

PLANNING POLICY FOR TRAVELLER SITES (PPTS)

This document sets out the Government's planning policy for traveller sites and it 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 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 or 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.

Local planning authorities should, in producing their **Local Plan**:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide **five years' worth of sites** against their locally set targets
- b) identify a supply of specific, developable sites or broad locations for growth, for **years six to ten and, where possible, for years 11-15**
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
- e) protect local amenity and 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.

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller 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 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.

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

PROPOSED CHANGES TO NATIONAL PLANNING POLICY AND PLANNING POLICY FOR TRAVELLER SITES - DCLG consultation published on 14 September 2014 - closing date 23 November

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

- LQ1- lifting the quality of design
- LQ2 - site context
- HN9 - gypsies and travelling showmen
- BH3 - residential and visitor amenity
- BH4 - public health and safety
- NE2 - countryside area (2.1 land at Marton Moss)
- NE10 - flood risk
- AS1 - general development requirements (transport)

EMERGING PLANNING POLICY - BLACKPOOL LOCAL PLAN PART 1 : CORE STRATEGY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16 June 2014 and by the full Council on 25 June 2014. The document was published for public consultation on 4 July 2014 for a period of eight weeks. The consultation has now ended and the document is being updated for submission to the Planning Inspectorate in December 2014 for examination in Spring 2015. Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the

proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

CS5 - connectivity
CS7 - quality of design
CS9 - water management
CS16 - traveller sites
CS26 - Marton Moss
CS27 - South Blackpool connectivity and transport

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

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

In response to the Government's 'Planning Policy for Traveller sites' document and to inform future planning policy and planning decisions this Council in conjunction with our neighbours Wyre and Fylde commissioned a needs assessment for gypsies/travellers and travelling showpeople. The assessment has been finalised and will shortly be published. It records the current situation in terms of provision within the 3 Council's areas and sets out the need in the future and then breaks the need down into 5 year periods as advocated by the Government's document. In terms of Blackpool the current position is that there are 44 gypsy and traveller pitches of which 26 are on the Chapel Road site. There are 18 pitches on private sites - the most recent of these were set up in the late 1990s/early 2000s at Parkway stables, Jubilee Lane (97/0588 refers), Applewood, Jubilee Lane (00/0292 refers) and Holmfield, Jubilee Lane (02/0094 refers). In terms of future need the overall requirement is 38 pitches (21 in the period 2014-2019, 7 in the period 2019-2024, 7 in the period 2024-2029 and 3 in the period 2029-2031 (to coincide with the Core Strategy Plan period).

ASSESSMENT

- **Principle of the Development**

The site is within the Marton Moss Countryside Area where in terms of Policy NE2 of the Blackpool Local Plan 2001-2016 there is a presumption against development other than for agricultural/horticultural purposes and outdoor recreational uses appropriate to a rural area. The rationale for the policy is to retain the rural character of Marton Moss and prevent the peripheral expansion of urban uses into the area. In addition there is a specific policy in the Local Plan relating to the provision for gypsies and travelling showmen (Policy HN9). Part A of the policy requires there to be an identified need for a site and sets out five criteria for the assessment of proposals. Part B of the policy is prescriptive in identifying areas/land where sites will not be permitted. B (iv) states that new gypsy sites will not be permitted within the defined area of Marton Moss (as shown on the Proposals Map to the Local Plan). The rationale for excluding Marton Moss is set out in the justification for the policy (para 5.64) -

Marton Moss is Blackpool's only remaining substantial area of countryside land, the character of which has been significantly affected by its historical importance as a horticultural area (see Policy

NE2). Reflecting its specific character, more restrictive policies exist on the Moss than in typical open countryside areas and new residential development is not permitted other than for agricultural or horticultural purposes. Reflecting the need to safeguard its remaining rural character and be consistent with the policies on the Moss generally, no further gypsy sites will be permitted on Marton Moss

These policies were adopted in 2006 and subsequently saved in 2009 and therefore pre date the publication of the NPPF and PPTS. They also pre date the current assessment (GTAA) and the emerging Core Strategy. Whilst the starting point in considering the application is the policies of the Blackpool Local Plan the weight given to the policies needs to be balanced against what the more recent evidence (GTAA) is saying and what the NPPF/PPTS say and what the emerging Core Strategy says.

The NPPF is seeking to promote sustainable development (para 14) and has 12 core principles (para 17) which include 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 Councils to have a five year supply of sites (and preferably more) if a need is identified. Our recent GTAA identifies a need and suggests a method of delivery over a 17 year period. The need is front loaded in part because there is a waiting list for the Chapel Road site but is also probably a reflection of the fact that the last planning permission for a site was 12 years ago (Holmfild, Jubilee Lane). 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 site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'

The Core Strategy has a policy relating to traveller sites (CS16). It suggests that the target for new pitches established through the GTAA will be met through the next stage of the plan - the site allocations and development management development plan document (DPD). However it also recognises that applications may come forward before the DPD 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 fronts a main east west distributor road which dissects the Marton Moss area and provides links to south Blackpool, the M55 and Lytham St Annes. The site is roughly square and is set between a terrace of houses and a primary school. School Road carries the no 10 bus route which provides an hourly service to Booths on Highfield Road and to the Town Centre. The site is also 200 metres to the east of Common Edge Road which carries the no 17 bus service providing half hourly services to St Annes and to the Town Centre. The site is immediately to the west of St Nicholas' Primary School but is approximately 1.9 km from Highfield Humanities College on Highfield Road. The Shovels public house is approximately 350 metres from the site and the nearest local centres (Common Edge Road/Highfield Road junction and St Annes Road /Squires Gate Lane junction) are some 1.5 km away (Booths and Morrisons are approximately 1.6 km away). So the site is not remote but equally it is not on the doorstep of facilities other than the primary school. The site

extends to 0.12 of a hectare but because of the need to improve access arrangements and retain a buffer around the trees to the northern end of the site the actual area of the site is more like 0.075 of a hectare which is small for what is to be accommodated on the site and in terms of the amenities of the adjoining residents. The proposal is for 1 static caravan, 4 touring caravans and two amenity blocks. 2 of the caravans and an amenity block would be close to the boundary with 33- 39 School Road (which have long narrow back gardens)and there is no buffer proposed between them.

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

The site is not a brownfield site but was overgrown. As mentioned above there is concern about the intensity of what is proposed and the potential impact on the amenities of the occupiers of 33- 39 School Road

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 are no other sites along School Road. The road is characterised by ribbon development interspersed with areas of open land, some of which previously housed green houses. It is more of an urban fringe area than an open countryside location but is characteristic of many roads which criss cross Marton Moss.

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

Whilst it is acknowledged that the adjacent terrace of 4 houses (if moved) could be accommodated on this site, albeit with shorter back gardens the proposed layout would appear cramped and at odds with the prevailing character and building line in School Road. It is considered that it would be a more intense form of development than the general situation in School Road and would as proposed be at odds with the character and streetscene in School Road

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 nearest doctor's surgery is approximately 1 km to the north on Common Edge Road

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 intention is to improve access and visibility for entering and leaving the site by setting the gate back into the site to allow vehicles to pull clear of School Road whilst the gate is opened and set the fence line back to provide a visibility splay for vehicles leaving the site. These improvements would assist in terms of vehicular movements on School Road and in terms of children walking to the school. An area is shown as being available for manoeuvring to enable vehicles to enter and leave the site in forward gear. There is however concern that the number of caravans proposed and associated vehicles could mean vehicles would impinge on the size of this turning area and might render it ineffective in giving space for vehicles to turn.

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;

There is concern that the proposal would be too intensive in terms of the number of caravans and buildings on the site and that because of the size of the site two of the caravans and one of the amenity buildings would be too close to 33- 39 School Road (between 2 and 2.5 metres from the boundary). Another detrimental impact given the size of the site is that there is no screening buffer between the site and nos. 33-39 School Road the road planning surface extends up to the boundary fence. A buffer would help to mitigate the impact of the proposal but would further reduce space on the site. This adds to the concern that what is proposed is over intensive for the site area available. The siting of one of the amenity buildings forward of 39 would look odd in the streetscene and the siting of two caravans close to the rear garden of 39 would affect the enjoyment of the rear gardens of 33-39 especially as the occupants of the caravans would be elevated given the floor level of the caravans

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

The landscaping strip at the northern end of the site is essentially to be provided to allow for the retention of the three trees and hence would not provide a recreational area.

Another tension in terms of the policy position is that the emerging policy for Marton Moss in the Core Strategy (CS26) envisages a continuation of the current policy stance set out in Policy NE2 until a neighbourhood plan is produced which will identify in what circumstances development may be acceptable.

- need for the development

The GTAA demonstrates that there is a need to provide sites over the next five years and beyond. There does not appear to be an alternative site available and hence the need for sites as part of the five year supply and the lack of a five year supply weigh heavily in favour of this proposal.

- personal circumstances of the applicants

In a statement which accompanies the planning application the applicant's agent has stated that - The proposed caravan site is intended to accommodate Brian Jenkins and his brother Mark, and their families, together with their mother. They are gypsies and travellers falling within the statutory definition, with strong family connections to Blackpool, and with a personal need for lawful accommodation in the town. Brian has purchased the site from his cousin, John Ireland, who lives in Bammers Lane, Blackpool. Further information has been requested from the applicant's agent regarding the applicant and his family and this information was requested by 17 November but at the time of writing this report it had still not been received. Clarification is also requested regarding the ownership of the land as the Certificate accompanying the application suggests the land is still owned by John Ireland

- impact on the character and appearance of the Marton Moss Countryside area

The Marton Moss Characterisation Study that forms part of the evidence base to the Core Strategy acknowledges that Common Edge Road and School Road have a more urban feel to them because of the width of the roads, the existence of pavements and the extent of built form which contrasts strongly with the narrower lanes without pavements. Whilst the presence of gaps between the built

form on School Road helps to make development appear a bit more sporadic and not conventional ribbon development the application site does not afford views into the open countryside because it has a football ground with attendant buildings to the north and has a 1.8 metres high fence along the site frontage. The buildings and caravans proposed would be visible above the fence line and as commented before would appear cramped on the site and due to the proposed siting they would be out of character with the streetscene

- impact on residential amenity

The application as submitted would adversely affect the amenities of the occupiers of 33-39 School Road as detailed above.

- impact on highway and pedestrian safety

The intention is to improve access and visibility for entering and leaving the site by setting the gate back into the site to allow vehicles to pull clear of School Road whilst the gate is opened and set the fence line back to provide a visibility splay for vehicles leaving the site. These improvements would assist in terms of vehicular movements on School Road and in terms of children walking to the school. An area is shown as being available for manoeuvring to enable vehicles to enter and leave the site in forward gear. There is however concern that the number of caravans proposed and associated vehicles could mean vehicles would impinge on the size of this turning area

CONCLUSION

This application raises a number of issues. The current Local Plan seeks an embargo on further traveller sites on Marton Moss. However this was adopted in 2006 following 3 sites being provided in Jubilee Lane. Since 2002 no further sites have been provided and the recent GTAA demonstrates a need for 21 pitches in the 2014-2019 period. The existence of a need and the lack of sites to meet that need weigh heavily in favour of this application. The application site is on one of the more urban roads which run through Marton Moss and there is a bus service along the Road (no 10) and another service within 200 metres of the site on Common Edge Road (no 17). The site is next to a primary school but at some remove from other facilities although it is clearly not an isolated site in the open countryside. So need, lack of alternative sites and relatively sustainable location weigh in favour of the proposal. However there is concern about the intensity of what is proposed in terms of the character and appearance of the area and in terms of the impact on the amenities of the occupiers of 33-39 School Road and these factors weigh against the proposal. Para 14 of the NPPF says that Local Planning Authorities should -

- Approve development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless:
 - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as whole; or
 - specific policies in this Framework indicate development should be restricted.

It therefore requires a judgement by the decision taker as to whether the factors that weigh against this proposal (intensity and impact on character and appearance of the area and impact on residential amenity) are so harmful as to outweigh the benefits. There would be a benefit to the applicant in providing the site but a harm to the local residents in terms of the intensity of the development and the proposed layout of the development which would not be mitigated in any way

and a harm to the character and appearance of the area in terms of the intensity of the development and the proposed layout of the development. For these reasons your officers feel that the application in the form submitted should be refused.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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. 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

Recommended Decision: Refuse

Reasons for Refusal

1. The proposed development would have a detrimental impact on the character and appearance of the area and the amenities of the occupiers of 33-39 School Road as a result of the proposed intensity of the development, its layout and its close proximity to the boundary with 39 School Road and the lack of buffer screening between the proposed development and 39 School Road. The privacy of the occupiers of 39 School Road (in particular) and their use of their rear garden would be compromised by the layout of the development proposed. Notwithstanding there is a need for additional pitches within the borough the harm that would occur through the development proposed outweighs this need. As such the proposed development is contrary to paras 17 and 56-64 of the National Planning Policy Framework, Policies NE2 and BH3 of the Blackpool Local Plan and Policies CS7,CS16 and CS26 of the Blackpool Local Plan Part 1: Core Strategy (Proposed Submission)

Advice Notes to Developer

Not applicable