

Blackpool Council

27 February 2015

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

The above members are requested to attend the:

PLANNING COMMITTEE

Monday, 9 March 2015 at 5.00 pm
in the Council Chamber, 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 9 FEBRUARY 2015 (Pages 1 - 10)

To agree the minutes of the last meeting held on 9 February 2015 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 11 - 16)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 17 - 22)

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 15/0002 - SITE OF FORMER NORBRECK CASTLE FILLING STATION, QUEENS PROMENADE (Pages 23 - 34)

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 14/0892 - LAND ADJACENT TO 39 SCHOOL ROAD (Pages 35 - 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

Brown
I Coleman
Williams

Elmes
Hutton

Mrs Jackson
Matthews

Smith
Stansfield

In Attendance:

Gary Johnston, Head of Development Management
Carmel White, Chief Corporate Solicitor
Karen Galloway, Principal Engineer Transportation
Chris Kelly, Senior Democratic Services Advisor
Bernadette Jarvis, Democratic Services Senior Adviser

1 DECLARATIONS OF INTEREST

Councillor Mrs Jackson declared a prejudicial interest in that one of the objectors, who had registered to speak for application 14/0892, was a close family friend. As such she would leave the room for the duration of the item and take no part in the decision making.

2 MINUTES OF THE MEETING HELD ON 14 JANUARY 2015

Resolved: That the minutes of the meeting held on 14th January, be signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Chairman updated the Committee on the percentage of applications that the Planning Department had determined within eight weeks of being received and noted that most appeals against the Planning Department's decisions to refuse applications had not been successful. He acknowledged the hard work and contribution of planning officers in their recent successes against the background of staff shortages.

Resolved: To note the Planning/Enforcement Appeals lodged and determined.
Background papers: (1) Letter from the Planning Inspectorate dated 5 January 2015.
(2) Letter from the Planning Inspectorate dated 19 January 2015.

4 PLANNING APPLICATION 14/0723 - LAND BOUNDED BY FISHERS LANE, COMMON EDGE ROAD AND ECCLESGATE ROAD

The Committee considered application 14/0723 for the erection of a pair of semi-detached houses and six detached dwellinghouses with associated garages, car parking, landscaping, boundary treatment and vehicular access from Common Edge Road.

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Ms J Briscoe addressed the Committee and spoke in objection to the application, raising concerns regarding the effect on nearby listed buildings (1 and 2 Fishers Lane).

Mr Shepherd, agent for the applicant spoke in support of the application.

Mr Johnston, Head of Development Management advised that an application for a residential development of eight houses had been refused by the Planning Committee on 14 July 2014. He explained that the current application attempted to address the concerns that had been previously expressed by the Committee.

The Committee discussed the potential impact of the development with regards to flooding and Mr Johnston advised that there had been no objections to the proposed development raised by either United Utilities or the Environment Agency and that the site had not been listed in the designated flood zone. However, the Committee was not satisfied that the proposal dealt with local drainage and flooding issues.

Members considered that there were still serious grounds for concern in that the development would pose a serious risk to the structure of the cottages and that it would have an adverse impact upon the open setting of the listed cottages, as well as detracting from the character and appearance of the Marton Moss Countryside Area. As such, Members considered that the revised application did not address their concerns and the proposed development was still contrary to paragraphs 129, 131-132 of the National Planning Policy Framework and Policy NE2 of the Blackpool Local Plan 2001-2016.

A concern was also raised that the site had not been identified for residential development in the Local Plan or Core Strategy and that by allowing its development the Committee would set a precedent to allow for other similar plots of land to be developed.

Resolved: That the application be refused for the reasons set out in the appendix to the minutes.

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

5 PLANNING APPLICATION 14/0892 - LAND ADJACENT TO 39 SCHOOL ROAD

The Committee considered application 14/0892 for use of land as a gypsy caravan site for up to three caravans (one static and two tourers), erection of one single storey utility building, creation of a hardstanding and new boundary treatment including two metre high fence and landscaping to site frontage.

Mr Lancaster addressed the Committee and spoke in objection to the application.

Mr Jenkins, the applicant spoke in support of the application.

Mr Johnston advised that a previous application been rejected and the current application for Members' consideration sought to address the reason for refusal of the previous application. Mr Johnston noted that the current application was for the siting of up to three caravans with one amenity building and he provided the Committee with further details of how the application had been amended from the previous application.

MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 9 FEBRUARY 2015

Mr Johnston explained to the Committee that since 2002 there had not been any traveller sites provided in the town and the recent Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment demonstrated a need for 21 pitches in the 2014-2019 period. Mr Johnston commented that the existence of the need for sites and the lack of sites to meet that need weighed heavily in favour of the application.

The Committee raised concerns regarding potential drainage issues that could arise from the development and of the number of large vehicles that would be on site, especially given the location of the site and character of the area. Members raised concerns regarding whether commercial activities were being undertaken from the site.

The Committee sought clarification on the difference between a touring caravan and a static caravan.

Resolved: That consideration of the application be deferred to a future meeting to enable additional clarity to be provided for Members on the details of the proposed development.

(Note - Councillor Mrs Jackson, having declared a prejudicial interest left the meeting room for the duration of this item).

6 PLANNING APPLICATION 14/0903 - LAND AT RUNNELL FARM, CHAPEL ROAD

The Committee considered application 14/0903 for the erection of 38 semi-detached and 45 detached dwellings and garages with associated works, landscaping, open space and access from Midgeland Road.

Committee Members noted their displeasure that the application for outline planning permission had been approved following an appeal decision and also commented that the designs for the properties could be made more attractive. However, it was noted that the principle for development had already been established and the development would provide an addition to the housing stock of the town.

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

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

(Note - Councillor Mrs Jackson, left the meeting during the consideration of this item and did not return).

Chairman

(The meeting ended 6.40 pm)

Any queries regarding these minutes, please contact:

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Application Number: 14/0723 Erection of one pair of semi-detached houses and six detached dwellinghouses with associated garages, car parking, landscaping, boundary treatment and vehicular access from Common Edge Road at land bounded by Fishers Lane, Common Edge Road and Ecclesgate Road.

Decision: Refuse

Reasons:

1. The proposed development would have a detrimental impact on the setting of the Listed Cottages in Fishers Lane as it would create a suburban setting which would be at odds with open the rural/agricultural landscape in which the cottages currently sit. This harm would be emphasised by the proximity of the proposed houses to the cottages and the design/appearance of the proposed houses and the layout of the development. The proposed development would therefore be contrary to paras 129, 131-132 of the National Planning Policy Framework, Policy LQ9 of the Blackpool Local Plan 2001-2016 and the Marton Moss Characterisation Study 2009.

2. The proposed development would have a detrimental impact on the character and appearance of the Marton Moss Countryside Area as it would remove open views into that area from Common Edge Road and would lead to an intensification of built form on the eastern side of Common Edge Road. As such the proposed development would be contrary to Policy NE2 of the Blackpool Local Plan 2001-2016.

3. The application does not contain sufficient information for the Local Planning Authority to be satisfied that the proposed development would not have an adverse effect on the integrity of the Listed Cottages in Fishers Lane. The proposed development would therefore be contrary to paras 129, 131-132 of the National Planning Policy Framework, Policy LQ9 of the Blackpool Local Plan 2001-2016 and the Marton Moss Characterisation Study 2009.

4. The application site is low lying and in an area which is periodically subject to flooding. The loss of this area of natural drainage and its replacement with built form is likely to exacerbate the existing situation in the area and could lead to flooding of adjacent properties and gardens. As such the proposal is contrary to 99-104 of the National Planning Policy Framework and Policy NE10 of the Blackpool Local Plan 2001-2016.

5. ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)

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

Application Number: 14/0903 Erection of 38 semi-detached and 45 detached dwellings and garages with associated works, landscaping, open space and access from Midgeland Road at land at Runnell Farm, Chapel Road

Decision: Grant Permission

Conditions:

1. The development hereby permitted shall be begun before the expiration of two 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) and conditions 1 and 2 of the outline planning permission (ref 11/0260).

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 LQ4 of the Blackpool Local Plan 2001-2016.

3. Details of the surfacing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

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

4. The landscaping works shall be carried out in accordance with the details shown on the approved landscaping drawing 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.)

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies 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 garages shown on the approved plan shall not be used for any purpose which would preclude their use for the parking of a motor car.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts or is side onto a road.

Reason: The development as a whole is proposed on an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development and would be contrary to Policy LQ2 of the Blackpool Local Plan 2001-2016.

8. No refuse bins/containers shall be stored forward of the front building line of any property other than on the day of presentation for collection.

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.

9. Prior to the commencement of development, a scheme for grey-water harvesting (including water butts) and re-use within the site shall be submitted to and agreed in writing by the Local Planning Authority. No property shall be occupied until all grey-water harvesting and re-use mechanisms associated with that property have been installed and these shall thereafter be retained

Reason: In order to minimise flood risk from surface water run off both on and off site in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

10. 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.

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MINUTES OF PLANNING COMMITTEE MEETING - MONDAY, 9 FEBRUARY 2015

Present:

Councillor Owen (in the Chair)

Councillors

Brown	Hutton	Smith
I Coleman	Mrs Jackson	Stansfield
Elmes	Matthews	Williams

In Attendance:

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

1 SITE VISITS

1. Land bounded by Fishers Lane, Common Edge Road and Ecclesgate Road
2. Land adjacent to 39 School Road
3. Land at Runnell Farm, Chapel Road

Chairman

(The meeting ended 4.15 pm)

Any queries regarding these minutes, please contact:
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Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	9 March 2015

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):

The Committee is provided with a summary of planning and enforcement appeals, lodged and determined for its information.

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 6 South Park Drive, Blackpool FY3 9QA (13/8423)

Appeal by Mrs Elizabeth Cathcart against the service of an Enforcement Notice relating to the unauthorised formation, laying out and construction of a means of access to a classified road by removal of all of the front boundary wall and relocation of the gatepost.

Appeal dismissed.

The Inspector stated that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is development permitted under Class A of Part 2 of Schedule 2 of The Town and Country (General Permitted Development) Order 1995 (the GPDO) but this does not include the removal of a wall. The removal of the wall has facilitated, and resulted in, the formation, laying out and construction of a means of access to a highway and this is development permitted under Class B of Part 2 of Schedule 2 of the GPDO but only if the highway is not a trunk road or a classified road. As South Park Drive is part of the A587, which is a classified road, the formation, laying out and construction of a means of access to a highway is not permitted development.

In considering the merits of the development under the ground (a) appeal, the Inspector considered that the main issue was the effect of the removal of the frontage boundary wall and the relocation of the gatepost on the character and appearance of the street scene.

The Inspector highlighted that houses built on South Park Drive and in the wider area, such as those on nearby Honister Avenue and Dunmail Avenue, were all built at about the same time. Each had a narrow entrance in a frontage brick boundary wall either to a parking space in front of the house or to a driveway that led past the house probably to a garage. The entrances had brick gateposts on both sides. The decorative and distinctive walls and gateposts largely remain and make a positive contribution to the character and appearance of each street scene. The removal of the frontage boundary wall and the relocation of the gatepost at the appeal property constitute a poor standard of design and have had a significant adverse effect on the character and appearance of the street scene. The unauthorised development conflicts with saved policies BH3, LQ1 and LQ14 of the Blackpool Local Plan.

The Enforcement Notice was upheld, and is due for compliance by 20 April 2015.

5.2 351 Promenade, Blackpool FY1 6BJ (13/8370)

Appeal by Mr Nabil Awad against the service of an Enforcement Notice relating to the unauthorised erection of timber seating structures and tables on the forecourt of 351 Promenade. **Appeal dismissed.**

The Inspector noted that at the time of his visit, the forecourt area was clear of any seating structures or tables. The requirements of the Enforcement notice have therefore been complied with. However, the Appellant made no claim that the structures and tables were not in place on the date of issue of the notice and his ground (c) appeal had to be determined.

The Inspector noted that in support of his appeal, the Appellant has simply stated that the land in front of his hotel is private land and that its use for a seating area rather than for parking is permitted development. The erection of timber seating structures and tables on the forecourt of the hotel is not permitted development because the land is private. Categories of development that are permitted are those that are set out in The Town and Country (General Permitted Development) Order 1995 (the GPDO). None of the categories relate to development of land that is in use as a hotel. The erection of timber seating structures and tables on the forecourt of the hotel is not permitted development and the ground (c) appeal thus failed.

5.3 23 WARBRECK DRIVE, BLACKPOOL (13/0650)

Appeal by Mr G Jones against the refusal of planning permission for external alterations including roof lift to existing single storey rear extension, installation of external staircase to rear first floor level and formation of first floor balcony to rear, and use of the house as altered as two self-contained permanent flats. **Appeal dismissed.**

The Inspector considered the main issues in this case to be:

- (i) The effect of the proposal on the overall mix and balance of housing provision;
- (ii) Whether the proposal would provide acceptable living conditions for future occupiers of the proposed flats, with particular regard to outlook, daylight and the provision of private amenity space, and the effect of the proposal on the living conditions of the residents of neighbouring properties, with particular reference to privacy, daylight, outlook and the availability of on-street parking.

Mix and balance of housing

This two-storey mid-terrace property is situated on a road that is characterised by similar housing. However there is a mixture of hotels, dwellings and apartments in the nearby streets to the west.

Chapter 2 of the Blackpool Local Plan 2006 (BLP) provides a spatial portrait of the Borough. In doing so it sets out that Blackpool suffers from acute levels of deprivation, has an oversupply of one-person accommodation, limited choice of family housing and a significant demand for good quality affordable housing. Consequently the Council is aiming to re-address the existing housing imbalance and abundance of poor quality housing.

Although the site is not located within a 'Defined Inner Area' or a "Resort Neighbourhood" in the BLP, Policy BH1 states that development proposals will be assessed in terms of their impact on their local neighbourhood and the extent to which they contribute to the pursuit of a more balanced and healthy community. Policy HN5 permits the conversion and subdivision of existing buildings for residential use, where amongst other things; it would satisfy the Council's floorspace and amenity standards, set out within the Council's Supplementary Planning Document "New Homes from Old Places" 2011 (SPD) which aims to address the over-supply of small flats and poor quality dwellings.

The Council stated that Lower Super Output Area 006C within which the appeal property is located is within the top 7.6 per cent of the most deprived areas in the country; and that there is a link between this and the residential accommodation in this area of which 46 per cent is provided by flats, maisonettes or apartments. This percentage of flats is significantly above the local, regional and national averages. Although we did not specify what numerical proportions would be acceptable, the Inspector had no substantive reason to conclude that this evidence is flawed. As such he considered 46 per cent to represent an overconcentration of such units, and that the provision of a further 2 flats would lead to an increase in this imbalance.

The Inspector noted that the property has an overall floorspace below the SPD threshold for conversion (160sq m), but the individual rooms would meet the minimum standards. However he thought that the 2 bedroomed flats would be unlikely to provide accommodation suitable for larger households, and would therefore be unlikely to contribute to the creation of a more mixed and balanced community in the locality.

He concluded that the proposed flats would have a harmful effect on the overall mix and balance of housing provision in the area and would conflict with the aims of Policy BH1.

Living conditions

With regard to external areas, the Inspector was satisfied that the combination of the rear yard and the balcony would provide adequate space for amenity purposes and would not materially harm the privacy of immediate neighbouring residents nor those on Cornwall Avenue to the rear.

He considered that the outlook from the ground floor windows of the adjoining property at 25 Warbreck Drive had already been significantly compromised by the existing two storey outrigger to no. 23 and the shared boundary wall. He did not consider that the extent of the additional built development and screen above it would appear overbearing or lead to an undue loss of outlook, nor any substantial increase in the amount of overshadowing to 25 or 27 Warbreck Drive.

The Inspector felt that there was little firm evidence of car parking problems or congestion along Warbreck Drive. The flats would not have any off-street car parking provision, but at the time of his site visit there was sufficient space on the section of highway directly in front of the appeal site and in the surrounding streets to accommodate additional cars. In the absence of any substantive evidence to the contrary he was unable to conclude that any modest increase in on-street parking would increase congestion to the extent that residential amenity would be compromised.

Access to the ground floor rear amenity space area from the first floor flat would be provided by an external staircase in the light well area. In order to provide adequate privacy to the first floor rear bedroom of the adjacent property, he felt it likely that some form of screening would be needed, which would result in the bedroom having less natural light and a significantly reduced outlook. The staircase would also be positioned in front of the proposed ground floor flat's patio doors and would rise up directly across its side bedroom window. At such close proximity, he considered the level of outlook and natural light for future occupiers would also be significantly compromised.

He therefore concluded that the proposal would not provide acceptable living conditions for future occupiers of the proposed ground floor flat, and that it would have a materially harmful effect on the living conditions of the residents of neighbouring properties, with particular reference to outlook and daylight in both instances. Policy BH3 of the BLP seeks to ensure that developments would not adversely affect the amenity of those occupying residential accommodation and he concluded that the proposal would conflict with the aims of this policy.

Planning balance and conclusion

At the time of the appeal, the Council did not have an identifiable five-year housing land supply and its policies relevant to the supply of housing could not be considered up-to-date. Paragraph 14 of the Framework requires that the decision maker grant permission for proposals for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

To this end, the Inspector felt that the proposal would make a modest contribution towards addressing the undersupply of housing, and would result in private investment. However he also found that the quality of the accommodation would be poor in terms of the living conditions for future occupiers, it would harm the living conditions of the occupiers of neighbouring dwellings and would further intensify an existing over-concentration of flat accommodation in the locality, contrary to the aims of creating a more balanced community. These adverse impacts would very significantly and demonstrably outweigh the factors supporting the proposal and it would therefore not constitute sustainable development for which there is a presumption in favour. In reaching this conclusion he had borne in mind paragraphs 47-49 of the Framework and its guidance that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings, and to create mixed and balanced communities.

For the reasons given above, he dismissed the appeal.

Does the information submitted include any exempt information? No

6.0 Planning/Enforcement Appeals lodged

6.1 Units 1 and 2, Back Threlfall Road, Blackpool. FY1 6NW (14/0387)

An appeal has been submitted by Mr Tony Mulligan against the Council's refusal of planning permission Installation of first floor windows and use of first floor of premises as one self-contained permanent flat.

6.2 Larkfield, St Nicholas Road, Blackpool, FY4 5JB (14/0783)

An appeal has been submitted by Mrs Jenny Taylor against the Council's refusal of planning permission for Erection of single storey side extension including extension to existing first floor roof terrace.

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

Report to:	Planning Committee
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	9 March 2015

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 January 2015.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

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

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

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

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Cases

New cases

In total, 77 new cases were registered for investigation, compared to 24 received in January 2014.

Resolved cases

In January 2015, thirteen cases were resolved by negotiation without recourse to formal action, compared with five in January 2014.

Closed cases

In total, 22 cases were closed during the month (12 in January 2014). 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

- One enforcement notice authorised in January 2015 (two in January 2014);
- Five s215 notices authorised in January 2015 (none in January 2014);
- One Breach of Condition notices authorised in January 2015 (one in January 2014).

- Two enforcement notices served in January 2015 (none in January 2014);
- Four s215 notices served in January 2015 (one in January 2014);
- No Breach of Condition notices served in January 2015 (one in January 2014);

relating to those cases set out in the table below.

Enforcement notices / S215 notices authorised in January 2015

Ref	Address	Case	Dates
14/8545	9 Newton Drive	Unauthorised erection of a boundary treatment consisting of close boarded wooden fencing adjacent to highway, namely Newton Drive and Glenwood Street and between Number 9 and 11 Newton drive, exceeding one metre in height	Enforcement Notice authorised 13/01/2015
14/8602	5 Keswick Road	Poor condition	Section 215 Notice authorised 19/01/2015
13/8575	1 Linfield Terrace	Poor condition	Section 215 Notice authorised 22/01/2015
14/8166	261 Promenade	Poor condition	Section 215 Notice authorised 19/01/2015
15/8061	1 Alexandra Road	Poor condition	Section 215 Notice authorised 29/01/2015
14/8458	22 St. Bedes Avenue	Poor condition	Section 215 Notice authorised 30/01/2015
14/8393	84 Reads Avenue	Breach of condition 4 on 11/0404 re: erection of a dwarf wall along the frontage of the premises at 84 Reads Avenue	Breach of condition notice authorised 19/01/2015

Enforcement notices / S215 notices served in January 2015

Ref	Address	Case	Dates
12/8446	67 Ingleway Avenue	Unauthorised erection of a boundary treatment consisting of close boarded wooden fencing adjacent to the highway, namely Ingleway Avenue and Deneway Avenue, exceeding one metre in height	Enforcement notice issued 07/01/2015. Compliance due 18/04/2015 unless an appeal is lodged with the Planning Inspectorate by 18/02/2015
13/8576	7 Cookson Street	Poor condition	Section 215 notice issued 07/01/2015. Compliance due 13/05/2015 unless an appeal is lodged with the Magistrates Court by 13/02/2015
14/8429	30 Grafton Street	Unauthorised erection of a wooden framed bamboo fence with chicken wire, exceeding two metres in height	Enforcement notice issued 08/01/2015. Compliance due 23/04/2015 unless an appeal is lodged with the Planning Inspectorate by 23/02/2015
14/8162	3 Withnell Road	Poor condition	Section 215 notice issued 07/01/2015. Compliance due 24/05/2015 unless an appeal is lodged with the Magistrates Court by 24/02/2015
14/8374	86 Central Drive	Poor condition	Section 215 notice issued 12/01/2015. Compliance due 23/05/2015 unless an appeal is lodged with the Magistrates Court by 23/02/2015
14/8683	1A, 1B and 1C Reads Avenue	Poor condition	Section 215 notice issued 12/01/2015. Compliance due 23/05/2015 unless an appeal is lodged with the Magistrates Court by 23/02/2015

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

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COMMITTEE DATE: [09/03/2015](#)

Application Reference: 15/0002

WARD: Norbreck
DATE REGISTERED: 23/12/14
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Newfield Construction Ltd

PROPOSAL: Erection of a part two, part four and part five storey building to form 15 self-contained permanent flats with associated balconies, roof gardens, landscaping and boundary treatment, vehicle access and car parking facilities for 23 vehicles.

LOCATION: SITE OF FORMER NORBRECK CASTLE FILLING STATION, QUEENS PROMENADE, BLACKPOOL, FY2 9AB

Summary of Recommendation: Grant Permission

CASE OFFICER

M Shaw

INTRODUCTION

This site has been the subject of several planning applications for residential re-development going back to 2002 and there have been three planning permissions granted in 2006, 2008 and 2010 under reference numbers 06/0882, 08/0507 and 10/0635, respectively, all involving the erection of 15 apartments on the site. The current application is in fact identical to the 2010 planning permission ref: 10/0635.

SITE DESCRIPTION

The application site is a former petrol filling station located in front of the northern end of the Norbreck Castle Hotel adjacent Queens Promenade, on land that lies approximately 1.8 metres lower than the northern wing of the hotel at its lowest point. The application site is 0.148 hectares (1480 sqms) and at present has two vehicle access points from Queens Promenade. The primary entrance located immediately to the north of the site and shared with the hotel and a secondary entrance located to the south west of the site providing access directly onto Queens Promenade. The site has been fenced off for several years pending re-development and has been the subject of enforcement action in 2006 due to the poor condition of the land.

DETAILS OF PROPOSAL

This full planning application seeks approval for the erection of 15 self-contained permanent flats (14 x 2 bed and 1 x 3 bed) in the form of a part two/ part four and part five storey building. At its lowest point, to the southern end of the site, the building would be approximately 6 metres high rising to 14.5 metres at the northern end of the building. At its closest point the rear of the proposed building

would be 26 metres from the Norbreck Castle Hotel increasing to 50 metres away at its furthest point. Vehicle and pedestrian access is shown from the existing access adjoining the northern boundary of the site, with surface level parking for 23 vehicles to the rear of the building including two mobility spaces.

The application is accompanied by Design and Access Statement, a noise survey and an Environmental Investigation report.

The Committee will have visited the site on 9 March 2015.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle
- Design
- Amenity
- Highway Safety/ Car Parking
- Other Issues

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

CONSULTATIONS

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

Contaminated Land Officer: Due to the historical use of the land a Phase 1 Desk Study is requested if this shows that there is a significant likelihood of contamination being present then a Phase 2 Intrusive Investigation is requested. These are to be submitted before works commence. If the Phase 2 shows contaminant levels higher than the recommended levels then a remediation strategy shall be submitted and approved by the Local Authority before development commences.

United Utilities (Water) wish to draw attention to the following as a means to facilitate sustainable development within the region. Drainage Comments In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority: an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably

practicable a sewer (approval must be obtained from United Utilities) To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Drainage Conditions United Utilities have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water Condition Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Surface Water Condition Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Police Architectural Liaison Officer (PALO): The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development. Crime Risks Apartment buildings are often subjected to repeated crime and anti-social behaviour (ASB) which can be difficult and costly to tackle following completion of the build. It is essential to design out the opportunity for crime and ASB at the outset. Within the local area, crime in the last 12 month period includes 59 reported burglary offences, 36 auto-crimes, 37 criminal damage crimes and 43 theft related offences. These crimes target local dwellings and business. In the same period and location, there were 96 nuisance incidents reported to the police, including youths throwing stones at passing vehicles, quad bike nuisance and males doing graffiti on a building. These figures are medium to high and indicate that the development is likely to be at risk of crime and anti-social behaviour. In order to reduce the risk of crime and disorder affecting the quality of life of the residents, the following recommendations should be incorporated.

Main Entrance The access control and external doorsets should be vandal resistant, robust and able to cope with attempts to open them using bodily force (magnetic locks can be forced open if not of an adequate strength). This area must be well lit inside and out, with clear views from the foyer to deter anti-social behaviour such as loitering, graffiti and littering which would soon have a very significant and detrimental effect on the development. Safe delivery of mail must also be considered. Communal mail boxes can be a target of vandalism and theft, robust, vandal resistant mail storage must be chosen to guard against theft of mail.

Physical Security The front doors to individual flats should be certified to PAS 24 to protect the flats against burglary. Ground floor windows which are not well overlooked such as kitchen, bedroom 2 and bathroom of Apartment 1, and the window located between this area and the lift should be laminated and certified to PAS 24. All external entrances particularly at ground floor level should have lighting to reduce the risk and fear of crime. CCTV at entrances and communal stairways should be considered.

External Areas Defensible space is provided to the ground floor apartments along Queens Promenade. This is absolutely necessary to deter anti-social behaviour affecting the residents. The boundary treatments to the east and south are 1.8m high walls which is adequate to secure the development from these directions. The electronically operated gate accessing the car park should be 1.8m to secure the car park in the most vulnerable hours of darkness and the pedestrian access gate should be lockable. The walls with railings to the West and North should reach a combined minimum height of 1.5m with the railings being fixed to the outer edge of the wall to avoid creating a foothold to aid climbing over. This height is essential otherwise the security created by the 1.8m wall and electronic gates is significantly compromised. Balcony balustrades must be of a sufficient height to deter climbing over as the apartments would be at risk of burglary when the doors are open. The bin and cycle stores must be adequately secured with access available to residents only. Should planning permission be granted, in view of the illustrated crime risk, I ask that the above recommendations be made a security condition, utilising your powers under the below council policy and legislation, in order to reduce the risk of crime affecting the future residents, visitors and local area, thereby promoting safer communities and reducing avoidable demand on policing resources.

Waste: The plans for the floor layout have identified a bin chute and bin storage area. The developers would have to ensure that there is enough capacity in the bins for the flats to dispose of waste. Collections would be weekly. Bins would need to be purchased from the Local Authority.

PUBLICITY AND REPRESENTATIONS

Press notice published: 22 January 2015

Site notices displayed: 22 January 2015

Neighbours notified: 14 January 2015- four letters of objection have been received to the proposal on the following grounds:

410 Queens Promenade

The development is far too high and not in keeping with the surroundings. The developers seem to be maximising the site for profit and not in the interest of residents or the Norbreck Castle Hotel.

408 Queens Promenade

The building line of the proposed development is too far forward in relation to the residential housing to the north of the site, this will compromise the privacy of said residential housing. The proposed development is also too high overall and should be no higher than the residential properties to the north of the proposed development. (2 floor maximum) The original filling station on the site had only a small single story building on it. I feel the proposed development is far too big and should be rejected or made significantly smaller overall.

51 Waterhead Crescent

We note that the proposed development would be of five storeys, approximately 14.4 metres high. The development albeit a distance from our bungalow would have an overbearing presence towering above us, as the highest storeys of the flats are to be built closest to the residential properties, surely a 2 storey building would be more appropriate. We would object to the loss of sunlight which would directly impact on our solar panels which we had fitted to the roof to the rear of our bungalow in accordance with the green government initiative. The height and angle of the sun from December to February is at its lowest. If the proposed flats were built they would block the direct sunlight from the solar array, which has an open aspect at present, and also from our conservatory and lounge for the afternoon. We also have an issue with infringement of our privacy as the proposed development has north/northeast facing balconies overlooking our property.

400 Queens Promenade

The proposed development is far too high and has balconies on the north elevation that infringe the privacy of existing residents. Any proposed outlook should be restricted to the west elevation overlooking the sea only.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The document confirms the presumption in favour of sustainable development and sets out 12 core planning principles including 'delivering a wide choice of high quality homes', 'requiring good design' and 'promoting healthy communities'.

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:

AS1 - General Development Requirements
HN6 - Housing Mix
HN7 - Density
LQ1 - Lifting the Quality of Design
LQ3- Layout of Streets and Spaces
LQ2 - Site Context
LQ4 - Building Design
LQ6 - Landscaping and Biodiversity
BH3 - Residential and Visitor amenity
BH4 - Public Health and Safety
BH10 - Open space in new housing developments

SUPPLEMENTARY PLANNING GUIDANCE

SPG 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 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. After the consultation period closed the document was amended and has been submitted to the Planning Inspectorate for consideration and an Examination in Public in Spring 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 Water Management
- CS9 Energy Efficiency and Climate Change
- CS10 Sustainable Design and Low Carbon and Renewable Energy
- CS11 Planning Obligations
- CS13 Housing Mix, Standards and Density

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

ASSESSMENT

Principle

The principle of the site being developed for residential purposes was first established in 2006 by the granting of planning permission (06/0882) with subsequent approvals granted in 2008 and 2010. The site is identified as a site which has potential for housing development in the 2013 Blackpool Strategic Housing Land Availability Study (SHLAA) Update which supports the Core Strategy Proposed Submission and contributes towards the town's current five year housing land supply. The 2010 planning permission granted on 22 December 2011 under ref 10/0635 expired on 22 December 2014 and the current application, which is identical, was submitted on 23 December 2014.

The proposal complies with Policy HN6 relates to housing mix which requires in developments creating four or more units, at least 50 per cent should contain two or more bedrooms. The scheme in this case contains primarily two bedroomed flats with one three bedroomed flat and is therefore in accordance with policy. Policy HN7 relates to the density of development. Government advice encourages housing development at 30-50 dwellings per hectare although higher densities of 50 or more should be sought at more accessible locations within walking distance of the town centre and along public transport corridors. The site area in this case is approximately 0.148 hectares and density of the scheme shown equates to about 101 dwellings per hectare and is considered acceptable as the site has a high level of accessibility.

Design

Policies LQ1 and LQ4 of the Local Plan seek to raise the quality of building design and seek to ensure that new development is of high quality and is appropriate in terms of its scale, massing and height. Policy LQ2 of the Local Plan relates to site context and states that new development proposal will be considered in relation to the character and setting of their surrounding area and should complement the prevailing design character of the surrounding area or be a high quality contemporary and individual expression of design. The external appearance of the proposed development is similar to that approved under both 08/0507 and is identical to planning permission 10/0635 and this proposal is still considered to be acceptable in design terms.

The design of the entrance however would benefit from some modelling and additional emphasis and it is recommended that details of the entrance and materials should be agreed by condition.

Policy LQ6 states that new development will be required to incorporate appropriate landscaping wherever possible and these details should be agreed by condition. The design and external appearance of the proposal is considered to accord with Policies LQ1, LQ2, LQ4 and LQ6 of the Blackpool Local Plan 2001-2016.

The proposal endeavours to take advantage of the westerly and southerly aspects with all apartments having private balconies and a smaller number having access to roof terraces.

Amenity

Policy BH3 of the Local Plan seeks to protect residential and visitor amenity and states that development will not be permitted where it would adversely affect the amenity of those occupying residential and visitor accommodation, or where the scale, design and siting of the proposed development would negatively affect privacy, outlook and levels of sunlight.

The 14.5 metre high northern wing of the Norbreck Castle would be the most significantly affected by residential development on this site, which is over 1 metre lower than the scheme approved under 08/0507. The proposed development is a part 2, 4 and 5 storey building located approximately 4 metres back from the front boundary. The rear of the proposed building at its closest point is located approximately 26 metres from the northern wing of the Norbreck Castle, 2.5 metres further away than approved under 08/0507.

The proposal is considered to have less of an impact on the Norbreck Castle compared with the previously approved under planning application 08/0507. The footprint of the apartment block is now smaller than was previously approved and this has brought the block slightly further away from the Norbreck Castle Hotel by approximately 2.5 metres and is over 1 metre lower in height.

The scale and dominance of the Norbreck Castle Hotel is such that the proposed site, although separately owned, currently appears as part of the wider hotel curtilage. This scheme will reduce the impact on the hotel compared to planning permission 08/0507 as the proposed building is smaller and further away from the hotel. A condition requiring a noise report to be carried out regarding potential levels of noise from the hotel is appropriate.

The proposed building will be over 40 metres away from the nearest residential property (400 Queens Promenade) and this distance is considered sufficient to ensure there will be no loss of privacy and no overlooking for either existing residents or the future occupiers of the proposed flats.

Highway Safety/ Car Parking

Policy AS1 of the Local Plan seeks to ensure that all new development provides safe and appropriate access to existing road network. Policy LQ3 of the Local Plan states that all new development will be expected to create or positively contribute towards a connected network of streets and spaces.

Vehicular and pedestrian access to the site is proposed from the existing access adjoining the northern boundary as per the previous application. As part of the proposal the developer will be required to enter into a Section 278 Agreement relating to off-site highway works to provide a right hand turn lane from Queens Promenade at the site entrance and to close up the existing site entrance on the western boundary of the site and make the footpath up to an adoptable footway

standard. The developer also intends provide pedestrian access onto Queens Promenade via the provision of a footpath from the site entrance to Queens Promenade along the northern boundary of the site.

The site is considered to be highly accessible and is well served by public transport. With regard to on-site parking provision, the applicant has provided a total of 23 parking spaces, two of which are mobility spaces and has also allocated an indoor area for cycle parking. Adopted car parking standards refer to a maximum provision of 1.5 spaces per apartment in highly accessible areas. This level of provision is therefore considered acceptable and accords with Policy AS1 of the Blackpool Local Plan.

The proposal provides a refuse storage area within the building and includes a bin chute. This provision of this refuse store should be controlled by condition.

The access arrangements proposed are considered acceptable to serve a residential development of this size and the levels of vehicle movement relating this use are likely to be significantly less than that related to the previous use of the site as a petrol filling station. Footpath access is provided from Queens Promenade. The block paviers provide a shared surface to be used by vehicles and pedestrians alike and considering the size of the development, it is considered a safe and suitable means of access for pedestrians to enter the apartment block.

Other Issues

The comments of the PALO have been passed onto the agent and a response is awaited which will be reported back via the up-date notes prior to the meeting.

CONCLUSION

The application seeks planning permission to renew of ref 10/0635 and the only significant change of circumstance is the inclusion of the site within the SHLAA report which identifies the site for housing. Notwithstanding the neighbour objections received, there are no planning grounds to warrant reversing the previous approval(s) and refusing planning permission for this development which would bring the site back into beneficial use and contribute towards the regeneration of the town and towards its future housing supply.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

The applicant will be required to pay a commuted sum of £10,664 towards the provision of public open space. This will be dealt with by condition.

The applicant will be required to enter into a Section 278 Agreement relating to highway improvements to provide a right hand turn lane from the Promenade at the site entrance and to close up the existing site entrance on the western boundary of the site and make the footpath up to an adoptable footway standard.

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 the materials to be used on the external elevations including all facing material to external walls, roofing and glazing materials, window frames, balconies, fascias and rainwater goods shall be submitted to and agreed in writing by the Local Planning Authority prior to the development hereby approved being commenced. The approved details shall then be implemented as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policies LQ1 and LQ4 of the Blackpool Local Plan 2001- 2016.

3. Notwithstanding details on the approved plans, details of the main entrance to the building 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.

4. Prior to the commencement of the development a noise report should be submitted to the Local Planning Authority to assess potential noise levels related to various activities associated with the hotel. The report should include appropriate sound attenuation measures where required to the approved scheme. These works shall then be carried out in accordance with the recommendations.

Reason: To the interest of residential and visitor amenity in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016

5. Notwithstanding the approved plans, details of an external illumination scheme to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority and such scheme shall be implemented prior to the first occupation of the development hereby approved.

Reason: In the interests of the appearance of the development in accordance with Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

6. Prior to the development hereby approved being first occupied the cycle parking provision shown on the deposited 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.

7. 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.

8. 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.

9. 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.

10. Notwithstanding details on the approved plans, details of the layout of the car park shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced. The agreed layout shall then be provided and thereafter be retained.

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

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

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic.

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

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

12. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

13. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding and pollution and to improve bathing water quality standards on the Fylde Coast in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

14. 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 £10,664 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.

Advice Notes to Developer

Not applicable

Agenda Item 6

COMMITTEE DATE: [09/03/2015](#)

Application Reference: 14/0892

WARD: Stanley
DATE REGISTERED: 18/12/14
LOCAL PLAN ALLOCATION: Countryside Area
Protected School Playing Fields/Grounds

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr Bjenkins

PROPOSAL: Use of land as a gypsy caravan site for up to three caravans (one static and twotourers), erection of one single storey utility building, creation of a hardstanding and new boundary treatment including 2 metre high fence and landscaping to site frontage

LOCATION: LAND ADJACENT TO 39 SCHOOL ROAD, BLACKPOOL, FY4 5DS

Summary of Recommendation: Grant Permission

CASE OFFICER

Gary Johnston

INTRODUCTION

This application was deferred at the last meeting of the Council's Planning Committee to enable further information to be received from the applicant's agent. This is reproduced below -

'Mr Jenkins makes his living from tree lopping/gardening work (he describes himself as a tree surgeon);

Mr Jenkins has friends and relatives living locally, and travellers tend to use their work vehicles when visiting their friends, particularly during the working day. My client has already provided details of the vehicles he uses, and conditions can be imposed on the number and size of work vehicles that can be based on the site;

I have already provided details of the proposed site occupants. Mr Jenkins, his wife and children will occupy a static caravan; his mother will occupy one of the touring caravans; and the other tourer will be used for travelling away in. It is usual that, as children get older, the older children may sleep in the touring caravan;

Mr Jenkins cannot make all of his living working in the Blackpool area, and will have to travel using his touring caravan for 2 - 5 months per year in order to find work. The extent of travelling, and its duration, will very much depend upon the availability of work. A further key consideration will be the schooling of the children, and trying not to disrupt their education. This may mean, on occasions, that Mr Jenkins will travel without his family. As you will be aware, the definition of "Gypsy" allows for travellers to suspend or cease travelling for reasons including old age and allowing children to attend school;

A dog breeding business is not operating from the site. As with any other dog owner, if Mr Jenkins' dogs have puppies he may sell off any surplus dogs, but this is not a regular occurrence or commercial enterprise;

The surface of the caravan site is porous, and surface water soaks in to the ground. Water butts can, nevertheless, be provided to store roof water from the static caravan and amenity building for use in the washing of cars etc.'

For Members' information the legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960. It was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased –

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined a caravan as:

"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include

(A) Any railway rolling stock which is for the time being on rails forming part of a system, or

(B) Any tent"

Section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that:

"A structure designed or adapted for human habitation which:

(A) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and

(B) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".

Amendment of the definition of caravan 2006

(Permissible Additional Purposes) (England) Order 2006[4] Paragraph 3 of article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (meaning of caravan) shall be amended

(a) Length (exclusive of any drawbar) 20m (65.6FT)

(b) Width: 6.8m (22.3ft)

(c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)

Additional representations have been received from **16 Pear Tree Close, Wesham -**

"Since the last committee meeting I wish to add to my last objection. This said piece of land is well known to many local residents to flood and is therefore unsuitable to live on or build on and is already causing substantial damage to the next door neighbours in the terrace this may also cause health problems to those residents as the water level has been raised here and there is no drainage making its

unhygienic and dangerous. When I pass this site there is always a large selection of Industrial Vehicles advertising on the sides, however they have now since the last meeting taken to parking some in the nearby School/Wren Rovers car park to perhaps appear they are not belonging to the said site. I fear this traffic from the site will cause an accident on this busy road as this car park is for the local primary school and Wren Rovers and has small children often walking up and down from the car park to school at least twice a day. As far as I am aware planning permission has never been approved on this land before so to do so now would set a precedent to others and is in my opinion favouring the travelling community, which is totally unfair. These seem to be a travelling family that do not travel. School Road street scene is now spoilt with the caravans, skip, loose dogs, rubbish, large vehicles, vans, porta loo, kennels, puppies and general mess and has a detrimental impact and character of School Road. Therefore please refuse this application," and

45 Lytham Road, Freckleton -

"Please find attached photographs, invoice, local relevant map from a local resident and advertisements from Mr Jenkins in regards to selling puppies from the site, please be kind enough for all these to be available to the Planning Committee Members prior to the next meeting and that they are added onto either myself or my father's objection Mr Lancaster on line. My father also has to have his damp proof re-inspected and on the day of the next site visit you are welcome to bring the committee into my father's house to see the damage please just let me know and we will vacate his property whilst they inspect this.

As I mentioned to you also Mr Jenkins has this weekend offered to pay for all my father's damage however this is probably just words so maybe when you next speak to him you could clarify this with him although extra costs will follow along with possible damage too to number 37 School Road? As the Committee quite rightly mentioned if this application is approved Blackpool Council may incur these costs as we notified you well in advance of the issues and flood risk to the terrace and it is a planning matter if it is effecting my father's property.

Also please could you confirm to be that you are now available to see Mr Jenkins owns this land? Mr Jenkins has since the last meeting taken to parking his large vehicles on the Wren Rovers/School car park but should this application be approved I fear all the vehicles will return to the land.

Finally if the Jenkins family will leave in April to travel as there culture does how does this fit in with their children attending school please? As we have informed you they do not follow the local terms as they play out daily in school time.

The stress, inconvenience, noise and harrasment my Dad is having to live with for the last five months is interupting his quiet peacefull life here and I do hope this is please taken into great consideration.

The photographs etc will be made available in the Members Library the week commencing 2 March 2015.

I have pointed out that the issue of damage to property is a civil matter and it is clearly identified as a matter we cannot take into account on the neighbour letters we send out."

BACKGROUND

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 a 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 the court. This injunction has been extended as Members will be aware that the previous application was refused on 1 December 2014.

This application seeks to address the reason for refusal of the previous application, which was -

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)

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 the majority of the vegetation that once covered the site and has been covered in road planings.

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

The previous application was for up to five caravans and two amenity buildings. It is now proposed to use the site for the siting of up to three caravans with one amenity building. The existing front boundary fence would be removed and a new 2 metre high fence erected 2 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 7 metres wide and would be tarmaced for a distance of 10m from the back of pavement. An 8 metres deep strip of landscaping incorporating three existing trees would be retained at the northern end of the site adjacent the football ground and there would be a 4 metres wide buffer along the boundary with 39 School Road. The static caravan would be sited in the north east corner of the site with one touring caravan at the northern end of the site adjacent the landscaping and one on the western side of the site. The amenity building would be on the eastern side of the site.

The Committee will have visited the site on 9 March 2015

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 - There is no mention of the footpath running along the east boundary of the site. However, it is stated in the documentation that the applicant owns both the hedgerow and access driveway (which is a PRW) along the eastern boundary and can therefore provide pedestrian visibility splays in both directions. It is essential that the hedgerow along the eastern boundary remains in place otherwise this development will have a significant effect on the public enjoyment of walking this path running up the eastern boundary of the site. Providing the pedestrian visibility splays must not impact on this footpath.

Blackpool Services, Contaminated Land - due to the historic nature of the use of land less than 25m from the site a Phase 1 desk study is requested, if this shows that there is likelihood of contamination being present then a Phase 2 report will need to be provided showing the contaminants and their levels. Based on the Phase 2 report it will be determined if remediation works will need to be carried out. This must be carried out before works take place.

Head of Transportation - the vehicle access point is shown in a different position to the existing one. The redundant crossing must be removed and a new crossing provided where shown. The plan shows radius kerbs and this to be amended to include transition and bull nosed kerbs, in order to give pedestrians priority. Applicant to contact the Highways and Traffic, Blackpool Council, Layton Depot, Depot Road, Blackpool, FY3 7HW, 01253 477477. Visibility is unlikely to be affected taking into account the arrangement of the site fencing, it maybe better though to reduce the height in line with neighbouring boundary walls and fence heights.

WASTE- Residential - recommends that a storage facility for waste should be considered as it may be scheduled for an alternate weekly residual and recycling collection. If this was the case bins would also need to be purchased.

PUBLICITY AND REPRESENTATIONS

Site Notice posted 12 January 2015
Neighbours notified 6 January 2015
Press Notice 15 January 2015

Representations **against** the application have been received from -
4 and 5 Pleasant View, School Road
Longacre, Rushymeade, Norwood and nos 33, 35, 37 and 39 School Road
259 Midgeland Road
16 Pear Tree Close, Wesham
18 Parkfield Crescent, Lea, Preston
Hazelford House, Milton Road, Shipton under Wychwood, Oxfordshire
Feldgate, Red Lane, Bardsea, Ulverston, Cumbria
45 Lytham Road, Freckleton
52 Catherine Street, Chester
71 Boston Road, St Annes

The key issues raised are -

- the development looks out of place
- it has had a detrimental impact on the character and appearance of School Road
- loss of privacy
- overlooking
- noise and disturbance
- skips full of rubbish on the site
- flooding of adjacent properties/gardens
- detrimental impact on highway safety through vehicle movements
- availability of alternative site
- inappropriate location next to houses and a school
- intensity of development
- size of amenity block
- land level and drainage
- lack of amenities on site
- loss of greenery/wildlife

It has to be borne in mind that as it stands the site is not connected to mains electricity and main drainage and does not benefit from refuse collection. Hence some of the issues raised would be addressed if planning permission is granted. The other issues will be discussed in the assessment part of this report.

Representations in **support** of the application have been received from -
317-319 Vicarage Lane
20 Church Lane, Backford, Cheshire
386 Vicarage Lane
Abbeydale Centre, 50 Common Edge Road
St Nicholas' Pre School, School Road
221 Cherry Tree Road
388 Vicarage Lane
Kinross Caravan Site, Whalley Lane

Welcome Pet Shop, 394-396 Vicarage Lane
Squires Gate Football Club, School Road

In the main the letters of support are character references for the applicant and his family, although some of the representations refer to the site being tidied up and having an improved appearance.

Details of any further representations received will be reported in the update note.

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 which 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 (**i.e. 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 planmaking 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. The Government's response has not yet been published.

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
- BH7- playing fields and sports grounds
- 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 - BACKPOOL 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. After the consultation ended the document was updated and was submitted 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 three Council's areas and sets out the need in the future and then breaks the need down into five 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), Fishers Lane (adjacent no 8) (01/0567 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 three 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 5 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 of the Local Plan 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 (Holmfield, 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 development plan document 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 and along the boundary with no 39 School Road the actual area of the site is more like 0.075 of a hectare. The reduction in the number of caravans to three and amenity blocks to one coupled with the buffers along part of the northern boundary and along the western boundary would give the site a more spacious feel than previously proposed.

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. The revised proposal seeks to reduce the intensity of the development and reduce the impact on the amenities of neighbouring residents.

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 and is not characteristic of many roads which criss cross Marton Moss, given its width and the existence of pavements either side of the road. The reduction in the number of caravans from five to three and amenity buildings from two to one would mean less impact on the character and appearance of the area.

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

It is acknowledged that the adjacent terrace of four houses (if moved) could be accommodated on this site, albeit with shorter back gardens and the proposed layout would appear less cramped and be more in keeping with the prevailing character and building line in School Road. It is considered that this less intense form of development would not 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. The reduction in the number of caravans from five to three and amenity buildings from two to one would mean more space on the site and less people on the site which would assist in terms of parking/manoeuvring and in terms of the total number of vehicle movements onto/off the site.

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;

The previous concern was 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 2 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 was that there was no screening buffer proposed between the site and nos 33-39 School Road as the road planing 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 added to the concern that what was proposed was overintensive for the site area available. The siting of one of the amenity buildings forward of 39 would have looked odd in the streetscene and the siting of two caravans close to the rear garden of 39 would have affected 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.

The revised proposal would reduce the number of buildings/caravans, site them more sympathetically in terms of the building line and neighbours at 33-39 School Road, provide a buffer along the boundary with no 39 School Road, reduce the potential for overlooking and noise and disturbance to the neighbours and reduce the potential number of vehicle movements onto and off the site.

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 and the buffer along the western boundary would perform a screening function. However the reduced intensity of the proposal would provide for more space on the site.

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 appear to be an alternative site available in Fishers Lane and the applicant's agent has been asked to comment on this. This does only represent one site and would not meet the need for sites as part of the five year supply and the lack of a five year supply weighs 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 family, together with his 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 is proposing to purchase the site from his cousin, John Ireland, who lives in Bambers Lane, Blackpool.

- **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 building and caravans proposed would be visible above the fence line but would appear less cramped on the site than previously proposed and given the numbers of caravans/buildings and their proposed siting it is not felt that they would be out of character with the streetscene.

- **impact on residential amenity**

The application as submitted would have some impact on the amenities of the occupiers of 33-39 School Road but the reduced intensity of the proposal, the proposed siting of the caravans/building and the provision of a buffer along the boundary with no 39 School Road would help to reduce the impact.

- **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. The reduced number of caravans/building proposed and associated vehicles would mean that there would be less potential that parked 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 and one in Fishers 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 weighs 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. Previously there was concern about the intensity of what was 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 weighed against the proposal. Members felt that in terms of Para 14 of the NPPF the adverse impacts of what was previously proposed would demonstrably outweigh the benefits.

Applying the same judgement to the current proposal suggests that the factors that weighed against the previous proposal (intensity and impact on character and appearance of the area and impact on residential amenity) have been mitigated to some extent by the current proposal and hence are not as harmful so as to outweigh the benefits. On balance your officers consider that a recommendation of approval is now appropriate subject the conditions set out below.

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: Grant Permission

Conditions and Reasons

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

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

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

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

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

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

4. Details of materials to be used on the external elevations of the amenity building 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 LQ4 of the Blackpool Local Plan 2001-2016.

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

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

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

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. Before the development is commenced refuse storage arrangements for the 3 caravans shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall then be provided within one month of the date of written approval by the Local Planning Authority and shall thereafter be retained. If the refuse storage arrangements are not in place in accordance with the timetable outlined above the use of the site shall cease until they are provided.

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016

8. a) No development shall take place until full details of both hard and soft landscaping works (for the buffer adjacent to no 39 School Road and the site frontage) 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, boundary treatment to School Road and to no 39 School Road, 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 five 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.

9. 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.

10. Details of the surfacing materials to be used including those to be used for the access from School Road shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The agreed materials shall then be used as part of the development.

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

11. Before the development is commenced the foul and surface water drainage arrangements for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall then be provided within one month

of the date of written approval by the Local Planning Authority and shall thereafter be retained. If the drainage arrangements are not in place in accordance with the timetable outlined above the use of the site shall cease until they are provided.

Reason: To ensure that the site is not at risk of flooding and does not cause flooding elsewhere in accordance with Policy NE10 of the Blackpool Local Plan 2001-2016.

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

Reason: To safeguard the character and appearance of the area and the amenities of local residents in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

13. The development shall not be brought into use until the access, visibility splay and turning area shown on the approved plan have been provided. The access, visibility splay and turning area shall thereafter be retained.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AS1 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 needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

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