

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

**Application Reference:** 14/0721

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

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mr B Jenkins

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

**LOCATION:** LAND ADJACENT TO 39 SCHOOL ROAD, BLACKPOOL

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**Summary of Recommendation:** Refuse

#### **CASE OFFICER**

Gary Johnston

#### **INTRODUCTION**

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

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

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

#### **SITE DESCRIPTION**

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

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

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

### **DETAILS OF PROPOSAL**

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

The Committee will have visited the site on 1 December 2014

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

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

### **CONSULTATIONS**

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

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

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

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

### **PUBLICITY AND REPRESENTATIONS**

Site Notice posted 9 October 2014  
Neighbours notified 8 October 2014

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

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

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

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

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

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

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

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

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

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

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

### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

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

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

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

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

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

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

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

### **Annex 1 of the NPPF deals with Implementation**

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

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

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

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

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

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

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

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

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

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

## PLANNING POLICY FOR TRAVELLER SITES (PPTS)

This document sets out the Government's planning policy for traveller sites and it should be read in conjunction with the National Planning Policy Framework

The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve this, Government's aims in respect of traveller sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective or local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- for local planning authorities to have due regard to the protection of local amenity and local environment.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### **ASSESSMENT**

#### **• Principle of the Development**

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

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

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

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

The NPPF is seeking to promote sustainable development (para 14) and has 12 core principles (para 17) which include objectively assessing the need for housing, business and other needs of an area, securing high quality design and a good standard of amenity for existing occupants of land and buildings and future occupants, recognising the intrinsic character and beauty of the countryside, encouraging the re-use of brownfield land and encouraging development in locations where it can be served by various modes of transport.

The PPTS clearly requires Councils to have a five year supply of sites (and preferably more) if a need is identified. Our recent GTAA identifies a need and suggests a method of delivery over a 17 year period. The need is front loaded in part because there is a waiting list for the Chapel Road site but is also probably a reflection of the fact that the last planning permission for a site was 12 years ago (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 DPD is adopted and hence it sets out eight criteria against which applications should be judged.

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

*In this case the application site fronts a main east west distributor road which dissects the Marton Moss area and provides links to south Blackpool, the M55 and Lytham St Annes. The site is roughly square and is set between a terrace of houses and a primary school. School Road carries the no 10 bus route which provides an hourly service to Booths on Highfield Road and to the Town Centre. The site is also 200 metres to the east of Common Edge Road which carries the no 17 bus service providing half hourly services to St Annes and to the Town Centre. The site is immediately to the west of St Nicholas' Primary School but is approximately 1.9 km from Highfield Humanities College on Highfield Road. The Shovels public house is approximately 350 metres from the site and the nearest local centres (Common Edge Road/Highfield Road junction and St Annes Road /Squires Gate Lane junction) are some 1.5 km away (Booths and Morrisons are approximately 1.6 km away). So the site is not remote but equally it is not on the doorstep of facilities other than the primary school. The site*

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

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

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

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

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

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

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

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

*See the comments in respect to a. above. The nearest doctor's surgery is approximately 1 km to the north on Common Edge Road*

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

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

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

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

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

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

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

- need for the development

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

- personal circumstances of the applicants

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

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

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

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

- impact on residential amenity

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

- impact on highway and pedestrian safety

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

## **CONCLUSION**

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

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

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

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

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

None

#### **HUMAN RIGHTS ACT**

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

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

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

**Recommended Decision:** Refuse

#### **Reasons for Refusal**

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

#### **Advice Notes to Developer**

Not applicable