

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

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**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 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**

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.