

COMMITTEE DATE: [03/11/2015](#)

Application Reference: **15/0583**

WARD: Stanley
DATE REGISTERED: 25/08/15
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr B Jenkins

PROPOSAL: Retention of a temporary amenity building for a period of two years.

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

Summary of Recommendation: Grant Permission

CASE OFFICER

Gary Johnston

SUMMARY OF RECOMMENDATION

This cabin was previously located on a site further to the east on School Road where it received planning permission in 2008 (08/0705 refers). It was moved to this site in July of this year and permission is sought to retain it on a temporary basis. It is longer than the approved amenity building for the site but having a flat roof it is lower. It is set at right angles to the road and is approximately 6.5 metres back from the back of the pavement in School Road and approximately 21 metres from the front and rear garden of 39 School Road. As there is a hedge/fence along the eastern boundary of the site the cabin is not readily visible when travelling from the east until you are almost at the site. It is partially screened by the fence/gates on the site frontage but as it is 3 metres high it projects 1.3 metres above the fence/gates. It is painted dark brown.

It was not considered to be contrary to Policies LQ2, LQ4 and NE2 of the Blackpool Local Plan in 2008 when it was approved on another site in School Road. As the Moss once comprised a number of small holdings it is not unusual to see buildings of different styles/colours. In the past there have been temporary buildings at the school next door. It is felt that a temporary permission of 18 months would be the best way forward to allow for the construction of the permanent amenity block in the Spring of 2017.

INTRODUCTION

Members will recall that planning permission was granted for the use of this site as a gypsy caravan site for up to 3 caravans and one amenity building on 9 March 2015 subject to various conditions (14/0892 refers). The applicant and his family are on the site and some works have been done to comply with the conditions - boundary fence with the rear garden of 39 School Road, fencing and gates to the site frontage and a eurobin has been purchased and positioned on the site. In addition, there is now an electricity supply to the site and the applicant is in the process of securing a water supply. An application to discharge a number of the conditions has been received and is being considered at the present time. In July the applicant purchased the cabin from Carandaw Farm - a

site on School Road further to the east of the application site- and the applicant is seeking temporary permission to retain it on the site for use as an amenity building until he can build the approved brick built amenity building.

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 1.7 metres high fence set back from the frontage to School Road and a pair of gates (these have been provided in accordance with planning permission reference 14/0892). There is a line of trees/hedgerow along the eastern boundary of the site with a fence on the application site side and a 1.8 metre fence along the boundary with the rear garden of 39 School Road. 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

This application relates to the retention of a dark brown painted cabin on the site for use as a temporary amenity building. The cabin was previously at Carandaw Farm on the southern side of School Road approximately 400 metres to the east of this site, where planning permission was granted in 2008. It measures 9.8 metres by 3.8 metres by 3 metres high and projects approximately 1.3 metres above the front boundary fence and gates. It is set some 6.5 metres back from the back of the pavement to School Road and some 21 metres from the back garden /front garden of 39 School Road. It sits partially on the footprint of the approved amenity building for the site but is longer (9.8 metres compared to 6.75 metres). It comprises a sitting area, kitchen area, toilet and shower. Foul drainage would connect to a sewer at the rear of the site and surface water from the roof would be collected in a 200 litre water butt.

The applicant is seeking permission to retain it on site for two years.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

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

CONSULTATIONS

No consultations have been undertaken on this application

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 3 September 2015

Neighbours notified: 28 August 2015

Letters of **support** have been received from -

20 Church Lane, Backford , Cheshire

4 Harrington Avenue

New Hall Avenue

11 Kingsmede

84 Harrowside

Secretary, Squires Gate Football Club, School Road

7 School Road

386, 388, 390 Vicarage Road

6 Common Edge Road

8 Newlands Avenue

The letters of support refer to the cabin having been located on another site in School Road.

Letters of **objection** have been received from

35 and 39 School 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 (x 2)

71 Boston Road, St Annes

168 Lytham Road, Freckleton

Ings Farm House, Main Street, York

Harver House, Newton with Scales, Preston

31 Hampton Road

The reasons for objection are -

- the cabin is contrary to Policies LQ2, LQ4 and NE2 of the Blackpool Local Plan
- the cabin is visible above the front boundary fence
- the cabin is visible from nearby gardens
- the cabin detracts from the character and appearance of Marton Moss
- the cabin obscures views of Marton Moss
- the cabin being flat roofed is out of character with the Moss
- the cabin is bigger than the approved amenity building

The issues raised will be discussed in the assessment part of this report.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 states - at the heart of the National Planning Policy Framework (NPPF) 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.

Paragraph 17 sets out the core land-use planning principles which should underpin both plan-making and decision-taking.

- 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;

Paragraphs 56 - 65 deal with design and seek to achieve a good standard of design.

Annex 1 of the National Planning Policy Framework deals with Implementation

Paragraph 216 - From the day of publication, decision-takers may also give weight to relevant policies in emerging plans (ie. **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

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

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
LQ4 - building design
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

The Core Strategy Proposed Submission was submitted to the Planning Inspectorate in December 2014 and an Inspector conducted an examination of the Core Strategy in May 2015. Consultation has taken place on modifications to the Core Strategy arising from the examination and the results of this consultation will be forwarded to the Inspector for him to consider. He will then publish his final report on the Core Strategy and the document will be adopted early in 2016.

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.

ASSESSMENT

Principle of the development - Members will be aware that the Committee has approved a planning application involving the erection of a purpose built amenity block for the site in the same location (albeit a slightly smaller footprint than the cabin) on the site. Therefore, the principle of siting an amenity building to serve the site in this location has been approved by the Committee.

Need for the development - The applicant is suggesting that he needs to retain the temporary cabin to enable him to raise funds to construct the permanent amenity building. He has submitted an

application to discharge various conditions attached to planning permission 14/0892 which once resolved will incur costs - landscaping/levels/drainage/site access. In addition there is no plumbed in toilet or shower facility on the site for Mr Jenkins and his family. Whilst personal circumstances are not a material planning consideration, the provision of toilet and washing facilities on the site is a matter of public concern.

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 within Marton Moss. 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 1.7 metres high splayed fence/gates along the site frontage. The cabin is visible above the fence line (by some 1.3 metres) but is set back from School Road (some 6.5 metres) and views of the site from the east are shielded by the hedgerow and fence on the eastern boundary. In the lifetime of the current Local Plan the cabin was deemed appropriate on another site on School Road and hence it is considered that on a temporary basis it would not detract from the character and appearance of Marton Moss in this location.

School Road comprises a mixture of house types and materials and hence there is not a prevailing design character. The cabin is lower than the terrace to the west and the School Buildings to the east and does not stand proud of the building line to School Road. The principle of the development of the site as a gypsy caravan site has been approved by the Committee and the need for sites and the suitability of this site were part of that approval. Given these factors it is not considered that the retention of the cabin on a temporary basis would conflict with Policies LQ2, LQ4 or NE2 of the Local Plan.

Impact on residential amenity - Whilst it is longer than the approved amenity building it is in a similar location on the eastern side of the site. It is some 21 metres from the front and rear garden of 39 School Road and whilst the floor level is slightly elevated it is not considered at this distance that it would have an adverse impact on the amenities of the occupiers of 33 -39 School Road.

Impact on highway and pedestrian safety - Its siting has no adverse impact on highway or pedestrian safety.

CONCLUSION

Approval was given for the use of this site as a gypsy caravan site in March of this year. The applicant is working towards complying with various conditions of that planning permission. He is seeking to retain the cabin on site for a period of two years. Officers consider that a period of 18 months would be more appropriate to allow for the removal of the cabin in the Spring of 2017 and the construction of the purpose built amenity building. Officers also consider that a number of conditions are required to control the use and appearance of the cabin.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None needed.

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

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

BACKGROUND DOCUMENTS

- **Location Plan**

Recommended Decision: Grant Permission

Conditions and Reasons

1. The cabin shown on drawing no.s PC1 Rev A and 07.0800BJ shall be removed from the site after 18 months from the date of this permission.

Reason: The cabin is not considered acceptable as a long term amenity building on the site in accordance with Policies LQ1, LQ2, LQ4, HN9 and NE2 of the Blackpool Local Plan 2001-2016.

2. Within one month of the date of this permission the cabin shall be painted with another coat of matt dark brown paint.

Reason: To improve the weathered appearance of the cabin in accordance with Policies LQ1, LQ2, LQ4, HN9 and NE2 of the Blackpool Local Plan 2001-2016.

3. The cabin shall only be used for the purposes shown on drawing no.s PC1 Rev A and for no other purpose and shall not be used as a self-contained unit of residential accommodation.

Reason: Permission has been granted for one static caravan and two touring caravans on the site with ancillary facilities. The cabin would temporarily provide those ancillary facilities. Any increase in occupancy on the site would require further consideration by the Local Planning Authority in accordance with Policy NE2 of the Blackpool Local Plan 2001-2016.

4. There shall be no external alterations or additions to the cabin without the prior permission of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority has control over the appearance of the cabin in accordance with Policy NE2 of the Blackpool Local Plan 2001-2016

5. Within one month of the date of this permission the water butt shown on drawing no.s PC1 Rev A shall be provided and connected to collect surface water run off from the roof of the cabin.

Reason: To collect surface water run off from the roof of the cabin in accordance with Policy NE10 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.