

<b>DECISION DATE</b> 13 February 2007	<b>APPLICATION NO.</b> 06/01541/FUL A8	<b>PLANNING COMMITTEE:</b> 19 February 2007
<b>DEVELOPMENT PROPOSED</b>  <b>RETENTION OF 8 NO TOILET BLOCKS AND ALTERATIONS TO SITE LAYOUT</b>		<b>SITE ADDRESS</b>  <b>GREENACRE FARM GREEN LANE HEATON WITH OXCLIFFE LANCASHIRE</b>
<b>APPLICANT:</b>  Mr J Robb (Junior) Greenacre Farm Green Lane Heaton With Oxcliffe Lancashire		<b>AGENT:</b>  Mr. H.R. Wheatman

#### **REASON FOR DELAY**

Awaiting consultation replies.

#### **PARISH NOTIFICATION**

**Heaton-with-Oxcliffe Parish Council** - No observations received at the time this report was drafted.

#### **LAND USE ALLOCATION/DEPARTURE**

Within the urban area defined in the Lancaster District Local Plan - no specific proposals affecting the site.

#### **STATUTORY CONSULTATIONS**

**County Council Highways** - Note from a site visit that work on the toilet blocks has commenced, but there are no objections from a highway point of view.

**Environmental Health** - The application meets the requirements of the Caravan Sites and Control of Development Act Standard (Gypsy sites). However, they recommend that the utility blocks should be sited 3 metres from the site boundary in order to provide adequate space for maintenance. The caravans should also be 3 metres from the site boundary.

United Utilities - No objections.

#### **OTHER OBSERVATIONS RECEIVED**

In total two letters and e-mails have been received which object to the proposal on the following grounds:

- Loss of outlook from the adjoining caravan park at Broadfields
- Adverse effect of TV reception
- The layout of the site does not accord with the one approved earlier
- Inappropriate location for a gypsy/traveller site.

One of the objectors also complains that the City Council has not taken a firm enough line with the applicant by preventing him from completing building work on the site, once the unauthorised works came to light.

Geraldine Smith M.P. has written to express her support for the residents of the adjoining caravan site and her concerns about the unauthorised work which has taken place.

## **REPORT**

This application is a retrospective one, involving development which has already taken place. The site is on the north side of Oxcliffe Road, and accessed from the rear off Green Lane. Consent has already been granted for a gypsy and traveller site on it but this made no mention of the toilet and shower blocks associated with the development, which have been erected without consent. The proposal also covers a change in the position of the access road.

The blocks have been constructed in rendered blockwork with tiled pitched roofs. They are all sited 1.2 metres from the site boundary. The Design and Access statement accompanying the application states that the position of the toilet blocks has been chosen to maximise the space available for use by parking and service caravans. It is pointed out that the height of the buildings does not exceed that of the park homes on the adjoining caravan site.

The Lancaster District Local Plan addresses the issues associated with gypsy caravan sites in policies H15 and H16. Policy H15 states that the City Council will refuse proposals which would result in the loss of existing approved gypsy sites, unless it can be shown that they are no longer required as such. Policy H16 sets out criteria for the establishment of new gypsy sites and requires, among other things, that the proposed use is compatible with neighbouring uses.

The principle of providing amenity blocks for gypsy sites, so that shower and toilet facilities are physically separate from caravans in residential occupation rather than incorporated within them, is well established. The problem here is that these particular blocks have been erected without planning permission, and as the comments from the Environmental Health Service point out they are too close to the boundary. This is particularly important on the west side of the site, where in one case a block has been sited in a way which has a significant adversely effect on the outlook of one of the park homes in Broadfields Park, next door.

The scheme as submitted cannot be regarded as acceptable in its present form. It is therefore recommended that permission be refused, and enforcement action taken to secure the removal of the unauthorised blocks. This does not preclude the submission of a further application for replacement blocks in more appropriate locations where they do not interfere with the amenities of the occupiers of the adjoining site.

## **HUMAN RIGHTS IMPLICATIONS**

Two sections of the Human Rights Act are relevant: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). This caravan site was approved on the basis that it would provide for the needs of gypsies and travellers, who frequently have difficulty finding land suitable for their accommodation needs. However, do not appear to be any issues arising from the proposal which are of such importance as to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE REFUSED** for the following reasons:-

Contrary to Policy H16 of the Lancaster District Local Plan – amenity blocks detrimental to the amenities of the occupiers of adjoining land.