

Agenda Item	Committee Date	Application Number
A6	25 June 2018	18/00075/FUL
Application Site Land To The North Of Foundry Lane Halton Lancashire	Proposal Change of use of agricultural land to a gypsy/traveller site comprising 2 static caravans and 3 touring caravans, 2 utility blocks, a septic tank and a 2.1m boundary fence	
Name of Applicant Mr & Mrs F and J Varey	Name of Agent Mrs Alison Heine	
Decision Target Date 19 March 2018	Reason For Delay Request for further information and Committee	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approve subject to conditions	

- (i) This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Frea for the application to be determined by the Planning Committee. The reason for the request reflect those outlined in the Parish Council's response which include change of use from agricultural land, drainage/flooding issues and proximity to M6 causing health risks.

1.0 The Site and its Surroundings

- 1.1 The application site is a paddock located on the western edge of the village of Halton, to the north of Lancaster. The site is accessed via an existing track off Foundry Lane which descends into the site in a north-westerly direction for a distance of approximately 50 metres before turning sharply back on itself to run in an easterly direction for approximately 35 metres where there is a gated access into the main site area. The site is set at a lower level than Foundry Lane and there is a significant tree belt which provides screening. There is a small stable and two metal containers sited on the land which is surfaced with crushed hard-core. The track is surfaced with a mix of crushed material and old tarmac. The site itself is level but falls away to the east (outside the red edge of the application).
- 1.2 The M6 abuts the western part of the site close to the access track and Cote Beck runs in a roughly north/south direction 35 metres beyond the eastern edge of the site. The land to the north and immediate east of the site is agricultural. To the south of the site, on the opposite side of Foundry Lane, there are a small number of properties which include residential dwellings and a children's nursery. In the same manner as the application site, these properties are screened from the adjacent highway by a significant tree belt.
- 1.3 The site lies outside the Halton Conservation Area which is located approximately 100 metres to the south-east of the site. The site is allocated as Countryside Area in the Local Plan. Land to the west of the site on the opposite side of the M6 is designated as Green Belt. The trees which screen the site to the south and east are subject of a Tree Preservation Order (TPO 647(2018)).

2.0 The Proposal

2.1 The application seeks consent for the change of use of agricultural land to form a gypsy/traveller site for two families comprising two static caravans and three touring caravans, two utility blocks, a septic tank and a 2.1m boundary fence. The scheme would utilise the existing access off Foundry Lane. The two statics would be sited within the most westerly part of the site with one touring pitch located 7 metres away from each static pitch respectively. The two utility buildings would each have footprints of 5 metres by 4 metres and would be 3.56 metres high with a pitched roof. An additional touring pitch would be accommodated within the lower part of the access into the site. The scheme would provide accommodation for two families.

3.0 Site History

3.1 There is no planning history associated with this site.

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Conservation	No objection
Housing Policy Officer	No objection though suggests that consideration should be given to the imposition of a temporary consent.
County Highways	No objection. Conditions are recommended in relation to appropriate surfacing and width of the site access.
Highways Agency	No objection in principle. Conditions are recommended in relation to appropriate surfacing of the access and that the boundary with the motorway at this location is screened a close-boarded fence of at least 2 metres in height as well as a vehicle restraint barrier to prevent any vehicles from breaching the motorway boundary fence.
Environmental Health – Noise	No objection. The submitted noise assessment satisfactorily demonstrates the noisescapes at this location and potential noise impacts to future receptors.
Environmental Health – Air Quality	No objection as air pollution levels would be not prohibitive in this location but recommends the provision of an electric vehicle charging point
Tree Protection Officer	No objection. Satisfied with the submitted Arboricultural Implications Assessment. Requests conditions in relation to the Tree Protection Plan and the submission of an Arboricultural Method Statement.
Lancashire Constabulary	No comments received
Lead Local Flood Authority	No comment to make in respect of this scheme.
Environment Agency	No objection. The site is wholly within Flood Zone 1
Parish Council	Strong reservations – Express sympathy to the needs of the applicants but raise concerns regarding the hard-core which has been laid on the land, change of use from agricultural land, drainage/flooding issues, proximity to M6 causing health risks and highway safety

5.0 Neighbour Representations

5.1 62 pieces of correspondence have been received in relation to the proposal.

5.2 56 of these items are objections and raise the following concerns:

- Possibility of flooding
- Loss of agricultural land
- Safety of access
- Health grounds due to the proximity of the motorway
- Hard-core already placed on site raising pollution concerns regarding Cote Beck to the east.
- Highway safety as Foundry Lane is subject to the national speed limit adjacent to the site
- Noise pollution for occupants

- Increase in crime and disorder
- Public nuisance and fly tipping
- Excessive traffic
- Lack of schools
- Devaluation of properties
- Application should be supported by an otter and water vole survey due to proximity to Beck
- Where is confirmation that the applicants comply with criterion i of DM47
- Area of planting removed from motorway boundary
- Discrimination against Gypsies and Travellers as it is forcing them to live in an inhospitable place next to the motorway
- Insufficient police resources to provide safety and protection to existing residents
- Development will be an unsightly distraction from the motorway
- No provision for the site in the neighbourhood plan
- Insufficient consultation with residents
- The application is not in-line with the local plan
- The track, stable block and containers all appeared after August 2017
- Village is getting too big and there are problems with drugs and crime
- All planning of new homes of any description should not be allowed
- Concerns that caravan numbers may increase on the site
- Concerns regarding the proximity of a nursery and scout hut
- Proposal would not be beneficial for the applicant, the community or the environment.

- 5.3 6 items of public comment offer support to the scheme. Comments make the following points:
- Need to provide such sites across the country, and the one proposed for Halton is well chosen.
 - Welcomes the opportunity to demonstrate a respect for people whose lifestyles are different from their own.
 - Support for a small private Gypsy site development as there is a real shortage of successful applications for Gypsy site developments

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 – Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 109 – Protecting and enhancing valued landscapes
 Paragraph 118 – Conserving and enhancing biodiversity

6.2 Planning Policy for Traveller Sites (PPTS) -2015

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF. 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.

6.3 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic

Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

SC4 - Meeting the District's Housing Needs seeks to ensure that housing needs are met through housing Allocation and the planning process in a way which builds sustainable communities. Gypsy and Travellers provision is considered to be part of the housing provision.

SC5 – Achieving Quality in Design

6.5 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.6 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and woodland

DM35 – Key Design Principles

DM39 – Surface Water Run-off and Sustainable Drainage

DM42 – Managing Rural Housing Growth

DM47 – Accommodation for Gypsies and Travellers and Travelling Showpeople

6.7 Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2017) This document analyses the latest available evidence to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople from across the area.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of the development
- Gypsy and traveller pitch provision
- Landscape and visual impact
- Highway impacts
- Impacts on residential amenity
- Tree and ecology implications
- Flood risk, drainage and utilities

7.2 Principle of the Development

7.2.1 In evaluating the principle of this proposal full consideration and appropriate weight must be given to whether or not the proposal would represent sustainable development in terms of satisfying the requirements of the NPPF and in particular, if the site is considered to be sustainably located to support a residential use.

7.2.2 The site is located on land outside of the main urban area and is identified as 'Countryside Area' in the adopted Local Plan. The Council, via the Spatial Strategy described in the District's Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside

such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.

7.2.3 Although the site is within the “Countryside Area” it is located approximately 1 km from the village centre which can be accessed via a highway footpath which runs along the southern side of Foundry Lane. Halton, which is identified in DM42 as a sustainable rural settlement, has a wide range of services which include general grocers, newsagent, primary school, post office, pharmacy, doctor’s surgery, public house, village hall and public transport facilities. Furthermore, the site is also very well located for access to junction 34 of the M6 Strategic Road Network. It is also worth noting that a larger residential scheme on land identified as “Countryside Area” on the northern edge of the village was recently approved. In light of the site’s proximity to local services and transport routes it is considered that the proposal can be viewed as a sustainable form of development in locational terms. However, other key points must also be assessed as part of the overall planning balance and are discussed below.

7.3 Gypsy and Traveller Pitch Provision

7.3.1 Policy DM47 sets out that the Council will support proposals for new Gypsy and Travellers and Travelling Showpeople within the District providing they are in accordance with the general principles and locational requirements set out within that policy as well as all other development management policies. The general principles of DM47 are that such proposals would be supported where they:

- i. Demonstrate that the intended occupants meet the of definition of Gypsy and Travellers and Travelling Showpeople;
- ii. Provide no more than 15 permanent residential Gypsy and Traveller pitches; and
- iii. Area located within the urban area of Lancaster, Morecambe, Heysham or Carnforth. Sites in other locations will only be considered if it can be demonstrated that appropriate sites cannot be provided within the specified urban areas.

7.3.2 In terms of locational requirements DM47 sets out that proposals for new Gypsy and Travellers and Travelling Showpeople sites are expected to take the following locational requirements into account:

- iv. Located within 1 mile of a motorway or Class A Road
- v. Located within 1 mile (or 20 minute walk) of public transport facilities and services
- vi. Located where they will not cause significant nuisance or impact upon the amenity of neighbouring properties;
- vii. Not located in areas defined as Flood Zone 2 or 3 on the Environment Agency Flood Maps; and
- viii. Not located in areas where there are potential amenity issues (e.g. proximity to tips, electricity pylons, and industrial areas). Individual risk assessments must be carried out in such cases.

7.3.3 In addition to DM47, the submission must be considered against the national Planning Policy for Traveller Sites (2015) (PPTS) which has been published since the adoption of the Development Management DPD in 2014 and runs parallel to the NPPF. This document sets out that 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. Annex 1 of the PPTS policy provides the following definition for “Gypsies and Travellers” as follows:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

7.3.4 Paragraph 27 of Planning Policy for Traveller Sites (2015) states:

‘if a local planning authority cannot demonstrate an up-to-date 5 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. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).’

- 7.3.5 In terms of current provision of accommodation for Gypsies and Travellers, the Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2017) identifies, there is a current unmet need of 4 pitches for those with PPTS 2015 definition. Although the Council has committed to bring forward a Site Allocations DPD for Gypsy and Traveller Accommodation to plan for needs over the lifetime of the plan, at this time the Council cannot demonstrate an up to date five year supply of suitable sites and consequently, great weight must be given to the level of unmet need in the context of the current application.
- 7.3.6 The application sets out the personal circumstances of the applicant and from the information contained within the submitted Planning Statement it is considered that the two families who would be accommodated within the proposed caravans meet the definition of Gypsy and Traveller under the current definition for planning purposes identified in Annex 1 of the PPTS (2015). Furthermore the scheme clearly accords with criterion (ii) as less than 15 pitches are proposed. As such the proposal accords with criterion (i) and (ii) of DM47. In respect of location, it is acknowledged that the proposal does not strictly accord with criterion (iii) as the site lies outside of the main urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, as highlighted above, an unmet need currently exists and this is a key factor in the balancing exercise when considering this proposal. While it is accepted that the site is on the fringes of a rural settlement it is considered to be readily accessible from Lancaster, with the city centre being accessible by bus and major employment facilities on Caton Road only 2km away by road. Motorway connectivity via junction 34 of the M6 is close by and Halton also provides for a range of local facilities within 1km of the site.
- 7.3.7 In terms of the locational requirements highlighted within policy DM47, the site is within close proximity of a Class A road (A683) and is within easy access of a bus stop and other services within the village. It is considered that the proposal within the identified location would not cause significant nuisance or impact upon the amenity of neighbouring properties and therefore meets criterion (vi) of DM47. The site is within Flood Zone 1 and the Environment Agency has raised no objections to the scheme. In terms of residential amenity of the occupants, the application has been considered by the Environmental Health Team in respect of noise and air quality. With regards noise, the Environmental Health Officer considers the submitted Noise Assessment to be robust and given that the static caravans would be sited 80 metres away from the motorway coupled with the proposed mitigation of a 2.1m acoustic fence, there would be no adverse noise impacts to the occupants. Notwithstanding the points raised within the public comments regarding possible adverse health implications on people living on this site, the Air Quality Officer has considered the submission and is of the view that air pollution levels would not be prohibitive in this location.
- 7.3.8 In terms of location, consideration is also given to paragraph 25 of the Planning Policy for Traveller Sites (2015) which cautions local planning authorities to strictly limit new Traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Paragraph 25 goes on to advise that 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 local infrastructure. Whilst it is accepted that the site is located within a rural area, it is considered that the proposal respects the scale of, and would not dominate the, settlement of Halton, nor would it place an undue pressure on local infrastructure.
- 7.3.9 The Housing Policy Officer has offered broad support for the scheme but in light of the Council's commitment to bringing forward a Site Allocations DPD for Gypsy and Traveller Accommodation suggests that consideration be given to a temporary permission for a period of three years to allow for this document to come forward. National Planning Practice Guidance advises that temporary permissions should not be granted in cases where development complies with the Development Plan. While the imposition of a temporary consent may be a reasonable proposition in the case of a larger scheme, given the small scale nature of the proposal coupled with the fact that the scheme meets an identified need and is acceptable in terms of sustainability, it would be unreasonable (as it would not pass the test of necessity) to impose such a condition in this instance.
- 7.3.10 Policy DM47 also considers design principles which include consideration of landscaping; the avoidance of contaminated land; provision for access, vehicular parking and turning areas; provision of safe and acceptable living conditions; access to sanitation facilities, a mains water supply and drainage; and stable and level land suitable for caravans.
- 7.3.11 It is concluded that given current unmet need for the type of accommodation proposed, coupled with the significant degree of sustainability that the site offers, the provision of pitches for Gypsies and

Travellers in this location is acceptable on balance in terms of the general principles and locational requirements of DM47.

7.4 Landscape and Visual Impacts

- 7.4.1 Policy DM28 considers landscape impacts of development and saved Local Plan policy E4 takes account of development within the Countryside Area. DM28 sets out that outside protected landscapes the Council will support development which is in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping and this reflects the approach taken within saved policy E4.
- 7.4.2 The visual impacts of the proposal will be restricted by the significant tree belt which wraps around the southern and eastern edges of the site. This screening provision is safeguarded by the Tree Preservation Order which covers this tree belt. The site is located at a lower level in relation to the highway and is adjacent to an embankment of trees. Consequently the site is not highly visible when traveling along Foundry Lane. The fact that two containers have remained on the site without the benefit of planning consent for a number of years without raising complaints is testament to the sheltered nature of the site. There are of course transient views of the site from the M6 but there is ample hedge screening along the northern approach of the motorway boundary and a solid timber fence (14 metres) at a height of 2.1 metres is proposed to the most westerly part of the site boundary adjacent to the M6. Notwithstanding the limited views of the site it is considered appropriate to seek the removal of the two unauthorised containers from the site and this could be achieved through a suitably worded condition if Members are minded to approve this application.
- 7.4.3 It is considered that this is not a prominent site from surrounding vantage points and as such it is considered that the proposal would not result in any significant visual harm upon the landscape or the character of the immediate street scene. The two proposed static caravans and two modest toilet blocks would be enclosed within the remainder of the site by a proposed 2.1m high panel fencing to be installed along the northern and western boundaries. The eastern boundary of the site would be enclosed with 1.2m high post and rail timber fence. The site would also be enhanced by additional landscaping in accordance with the design criteria of policy DM47.
- 7.4.4 On balance it is considered that due to the location of the site and surrounding screening the proposal will have limited landscape and visual impacts subject to conditions regarding fencing and appropriate surface materials.

7.5 Highway Impacts

- 7.5.1 As highlighted earlier within this report, the scheme will utilise the existing access into the site. In addition, parking provision for 4 vehicles has been indicated on the submitted plans. Notwithstanding public concerns which have been raised in respect of highway safety, County Highways has raised no objections to the scheme subject to conditions to ensure appropriate surfacing and width. With regards the latter this would require only a marginal increase to the existing width.
- 7.5.2 Due to the proximity of the site to the motorway Highways England were consulted and responded accordingly. They raise no objections to the principle of the scheme subject to conditions. It is highlighted by the Highways England consultee, the direction of vehicles entering the site would be down the sloping track and roughly at right angles to the motorway itself. At the foot of this slope, vehicles must then make a sharp right turn into the wider site immediately beside the motorway boundary. The suggested conditions relating to the erection of fencing along the boundary with the motorway are considered reasonable along with the installation of a vehicle restraint barrier.
- 7.5.3 Overall the scheme is considered acceptable from a highways perspective.

7.6 Impacts on residential amenity

- 7.6.1 The application site lies approximately 50 metres to the north of the nearest neighbouring properties. As previously highlighted the site is set down from the adjacent highway and screened by trees. Notwithstanding the objections raised by local residents it is considered that the scheme would not result in detrimental impacts on neighbouring amenity.

7.7 Tree and Ecology Implications

7.7.1 No trees are to be removed to accommodate the proposal but surfacing of the site and underground utility services do raise possible implications on the root protection areas of off-site trees within the embankment to the south of the site, which are subject to a Tree Preservation Order due to their important amenity value. At the request of the Tree Protection Officer an Arboricultural Implication Assessment has been submitted. This document acknowledges the amenity value of the off-site trees and a tree protection plan has been included accordingly. Furthermore an Arboriculture Method Statement will be conditioned to the satisfaction of the Tree Protection Officer. Overall it is considered that the proposal can be carried out without undue impacts on surrounding trees.

7.7.2 The site is not covered by any ecological or landscape designations and as Cote Beck is over 25 metres away from the site an Otter and Water Vole survey is not required. However, it is considered prudent to condition details of site drainage to ensure the beck is not impacted by run-off.

7.8 Flood Risk, Drainage and Utilities

7.8.1 The site is within Flood Zone 1 and notwithstanding this enquiries have been made to the Environment Agency due to the concerns raised by objectors. The Environment Agency has considered the scheme and raised no objections but has advised regarding possible permit requirements in respect of site drainage. The Lead Local Flood Authority were consulted due to the presence of Cote Beck 35 metres from the site. However, due to the small scale nature of the scheme they did not provide comment.

7.8.2 The submission sets out that the site can be connected to a water supply and mains electricity. As the site is below the level of Foundry Lane there is no means of connecting to existing mains sewerage and as such a septic tank with an associated drainage field would be installed in the adjacent field close the most northerly of the two utility blocks. Full drainage details would be conditioned to ensure that run off is directed away from Cote Beck.

7.9 Other Matters

7.9.1 It is noted that some of the public comments raise concerns regarding possible increase of nuisance and litter as a result of the scheme. However, such issues, should they arise, would be dealt with by regulatory bodies other than the local planning authority.

7.9.2 As highlighted earlier in this report, the site has already been surfaced with hardcore. This raises slight concerns regarding possible contamination given the proposed sensitive end user and as such it is considered reasonable to include a contaminated land condition.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 Notwithstanding the location of the site in the countryside area, the site is considered to have a significant degree of sustainability. There is an identified shortfall in the provision of Gypsy and Traveller pitches within the District and as such this modest scheme would meet an identified need. In respect of wider policy issues it is considered that the proposal would not result in adverse impacts upon amenity in terms of visual impacts and highway safety or that it presents any other significant planning impacts that would sustain refusal of planning permission.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard timescale
2. Development in accordance with approved plans
3. Appropriate surfacing of access prior to use.
4. Access from the site to Foundry Lane shall be constructed to a (minimum) width of 5.5 metres
5. Precise details of boundary treatments and surfacing

6. Acoustic fencing
7. Details of lighting
8. Samples of external materials for the utility blocks
9. Removal of two containers
10. Use of the site limited to Gypsies and Travellers
11. Landscaping (hard and soft)
12. Submission of Arboricultural Method Statement
13. Implementation of tree protection plan
14. Foul and surface water drainage
15. Submission of drainage management plans
16. Contaminated land
17. Details and installation of vehicle restraint system (adjacent to motorway)
18. Limited to number and location of units shown on plan

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None