

<b>Agenda Item</b> A5	<b>Committee Date</b> 10 December 2018	<b>Application Number</b> 18/00921/FUL
<b>Application Site</b>  Land To The North Of Foundry Lane Halton Lancashire		<b>Proposal</b>  Change of use of agricultural land to a gypsy/traveller site comprising of 2 static caravans and 3 touring caravans, 2 utility blocks demolition of existing stable and erection of a replacement stable building, installation of a septic tank, regrading of land levels, creation of a 1.2m bund and retention of hardstanding and 2.1m boundary fence
<b>Name of Applicant</b>  Mr & Mrs F. Varey		<b>Name of Agent</b>  Building Plan Services
<b>Decision Target Date</b>  3 October 2018		<b>Reason For Delay</b>  Revised plans to ensure no impacts on trees, deferral for legal opinion and Committee cycle.
<b>Case Officer</b>		Mrs Petra Williams
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

- (i) This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a previous submission (18/00075/FUL) earlier this year was called in to Committee but withdrawn prior to the meeting. Under the scheme of delegation, it is considered appropriate to refer the application to Planning Committee for Members' consideration. The application was due to be heard at Committee on 12 November but due points raised within an item of public comment the application was deferred to in order to allow time for Officers to seek legal advice regarding the representation. Members will recall visiting the site on 18 June 2018.

## **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 50m before turning sharply back on itself to run in an easterly direction for approximately 35m 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 are two metal containers sited on the land which is surfaced with crushed hard-core and until recently there was a small stable on the site. 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 35m 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 100m 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 and a septic tank. The submission includes associated parking and also proposes a replacement stable building, installation of a septic tank, creation of a 1.2m bund and retention of hardstanding, regrading of land levels and a 2.1m boundary fence.
- 2.2 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 6.5m away from each static pitch respectively. The two utility buildings would each have footprints of 5m by 7m and would be 3.56m high with a pitched roof. An additional touring pitch would be accommodated 3.5m away from utility block 2. A new L-shaped stable block will be located close to the footprint of the previous stable which has since been demolished. Bunding at a height of 1.2m will be created around the eastern end of the site for a distance of 28m and this will turn at right angles to run along the northern boundary for 50m. The scheme would provide accommodation for two families.

## **3.0 Site History**

- 3.1 As highlighted above, a previous application in relation to this site was submitted and withdrawn earlier this year.

Application Number	Proposal	Decision
18/00075/FUL	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	Withdrawn

## **4.0 Consultation Responses**

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

Consultee	Response
Conservation	<b>No objections</b>
Housing Policy Officer	<b>No objections</b> - though suggests that consideration should be given to the imposition of a temporary consent.
County Highways	<b>No objections</b> - conditions are recommended in relation to appropriate surfacing and width of the site access. The consultee confirms that the means of access from Foundry Lane is considered sufficient to enable access to / from the site by heavy goods vehicle, trailer or low loader suitable for the carriage of static caravans and is satisfied that the means of access is acceptable.
Highways Agency	<b>No objections in principle</b> - conditions are required 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	<b>No objections</b> - no concerns regarding the revised layout subject to the 2.1m acoustic fence being constructed around the caravans. The proposed stable and utility blocks would in principle afford additional protection to the caravans (from transportation noise).
Environmental Health – Air Quality	<b>No objections</b> – specific comments not made in respect of the current submission but AQO requests that comments made in respect of the previous scheme be taken into account. Of the view that air pollution levels would be not prohibitive in this location.

<b>Environmental Health – Contaminated Land</b>	<b>No objections</b> Suggests unforeseen contamination condition sounds appropriate given former uses of the site, proposed use, limited groundworks and inclusion of new surfacing which will isolate the site users from the subsoil.
<b>Tree Protection Officer</b>	<b>No objections</b> - subject to condition regarding AIA.
<b>Lancashire Constabulary</b>	<b>No comments</b> received
<b>Lead Local Flood Authority</b>	Comments that the proposal is not listed in the 'When to Consult the LLFA' document.
<b>Fire Safety Officer</b>	Comments provided as advice
<b>Parish Council</b>	<b>Two items of comments submitted.</b> Initial comments raise <b>No Objection</b> but raises highway concerns. Subsequent comments set out <b>Strong reservations</b> – 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, noise, drainage/flooding issues, proximity to M6 causing health risks and highway safety

## **5.0 Neighbour Representations**

5.1 14 items of objection have been received in response to this submission. The following points are made:

- Highway and traffic matters, including safety of Foundry Lane (national speed limit); safety of access;
- Departure from Local Plan, including criterion (i) of Policy DM47;
- Amenity concerns, including noise pollution/air quality issues for occupants from motorway; possible pollution of Cote Beck due to hardcore placed on site already;
- Visual amenity concerns, including impacts on landscape;
- Concerns regarding flood risk;
- Loss of agricultural land;
- The suitability, or otherwise, of the Brownfield Register sites, along with any other potential sites, should be demonstrated in advance of the planning decision;
- The Council has left itself vulnerable to ad hoc applications of this kind as it has not allocated sites for this type of accommodation;
- Application should include an otter and water vole survey due to proximity to Beck (*NB: this is included within the application*).
- Concerns regarding the proximity of a nursery and scout hut.
- Questions as to whether the proposal is compliant with policy DM47.

5.2 One item of support of the application. The commenter highlights the shortage of available land for culturally appropriate accommodation for Gypsies and Travellers

## **6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7 to 10 Achieving sustainable development  
Paragraph 11 to 14 The Presumption in favour of sustainable development  
Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes  
Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities  
Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport  
Paragraphs 124, 127, 129, 130 - Achieving well-designed places  
Paragraphs 170, 172, 175 - Conserving the natural environment/habitats and biodiversity

6.2 Planning Policy for Traveller Sites (PPTS) -2015

This document sets out the Governments 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 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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

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. The NPPF must be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS). Policy H of the PPTS, requires applications for gypsy sites to be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in both the Framework and the PPTS.
- 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 store, butchers, 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. Policy DM47 allows for the consideration of sites for Gypsy Traveller accommodation outside Lancaster, Morecambe, Heysham or Carnforth where it is demonstrated that appropriate sites cannot be provided within these specified urban areas. Therefore the proposal is not a departure from this policy. 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. Although the policy does not refer to allocated sites, 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 outs 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 Furthermore, 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 that 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. As part of the preparation for the Site Allocations DPD for Gypsy and Traveller Accommodation the Council has made a Call for Sites which has been ongoing since June 2018. To date only 4 sites have been put forward, including the application site. The 3 other sites are constrained by flood risk, surrounding uses (industrial estate) or lack of accessibility (a remote rural area). Only the application site is relatively unconstrained. Therefore given the identified need and the lack of alternative sites in the District, as evidenced by the Call for Sites exercise, it is considered that the proposal addresses the third criteria of the policy.

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. With regard to criteria iii, it is acknowledged that the site lies outside of the main urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, this criteria allows for sites in other locations if it can be demonstrated that appropriate sites cannot be identified within the specified urban areas. The submission highlights that there is currently an unmet need in terms of provision for accommodation for Gypsies and Travellers within the District 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 junction 34 of the M6 and the local facilities within Halton (1km from the site) are easily accessible by vehicle and on foot respectively.

7.3.7 In terms of the locational requirements highlighted within policy DM47, the site is not within flood zone 2 or 3 and 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 due to the distances involved and therefore meets criterion (vi) of DM47.

7.3.8 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 submitted Noise Assessment assumes that the caravans are to be located some 100m from the nearside lane of the M6 while the submitted plan indicates that the static units will be sited 90m from this highway. Notwithstanding this the Environmental Health Officer considers the submitted Noise Assessment

to be robust and has stated that in terms of sound levels there would be a negligible difference (not perceptible to the human ear) between 80m and 100m. Given that the static caravans would be sited 90m away from the motorway, coupled with the proposed mitigation of a 2.1m acoustic fence, the Environmental Health Officer is satisfied that there would be no adverse noise impacts to the occupants. It is noted that the public comments highlight concerns regarding possible adverse health implications and that future occupants would be harmed by air pollution due to vehicle emissions from the M6 motorway. The Air Quality Officer has considered the submission and is of the view that air pollution levels would not be prohibitive in this location.

- 7.3.9 In terms of location, consideration is also given to paragraph 25 of the Planning Policy for Traveller Sites (2015) (PPTS) 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. However, PPTS does not preclude the development of gypsy sites in the countryside as a matter of principle. 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.
- 7.3.10 The Planning and 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. As highlighted within paragraph 7.3.4 of this report, in cases where 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 applicants are willing to accept a temporary consent and it is considered that this is an acceptable way forward in light of the Council's commitment to bringing forward a Site Allocations DPD for Gypsy and Traveller Accommodation as set out in the Local Development Scheme. The grant of a three year temporary consent would allow for this document to come forward which will provide a full opportunity to consider accommodation across the district to meet needs and may present the opportunities for sites within the urban area in the longer term.
- 7.3.11 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.
- 7.3.12 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 proposed caravans and utility blocks 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.

- 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 caravans and two utility blocks would be enclosed within the remainder of the site by further screening which will be afforded by the proposed bund which will be grassed and planted with a hawthorn hedge along the eastern and part of the northern site boundary. The site would also be enhanced by additional landscaping in accordance with the design criteria of policy DM47.
- 7.4.4 Policy DM10 states that proposals for the equine related development will be permitted in principle if new stables and associated infrastructure are well screened from the surrounding countryside and should not interfere within the amenity of surrounding residents, proposals should not have a detrimental impact on the local highway network and highway safety and, the design, scale, siting, external lighting and use of materials should respect the rural setting and landscape. The proposed L-shaped stable block would be located within the western part of the site and as such some views of this structure would be possible from the western approach over the motorway bridge. However, as the site is set lower than the adjacent road it is considered that these views will be limited. Furthermore, soft landscaping is proposed and this will provide screening as well as a general visual enhancement of the area. As discussed below, the County Highways consultee has raised no objections from a highway safety perspective subject to conditions. The L-shaped stable would be 12.3m along the short edge and 14.9 along the longer side with an eaves height of 2.4m. In terms of appearance the stable would be finished with a felt tiled roof with elevation comprising dark brown stained horizontal weatherboard. This is considered appropriate to the rural setting.
- 7.4.5 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.
- 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 5 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 It is noted that Parish Council suggested that consideration be given to the relocation of the 30mph sign. This suggestion was explored with the Highway consultee but he did not feel that re-location of the 30mph speed indicator sign and associated removal of red texture flex macadam surfacing and 30MPH carriageway speed indicator roundel to a location nearer to Foundry Lane Bridge (straddling the M6) would warrant the expense and potential damage to the surface of the carriageway through removal & relaying of the surfacing. The Highway consultee also highlights consideration of the rural nature of the route, limited number of residential properties having access onto the carriageway and reported accident collision data. The safety concerns raised within the public comments and the Parish Council's second response were put to the Highway consultee who has confirmed that the means of access from Foundry Lane is considered sufficient to enable access to / from the site by heavy goods vehicle, trailer or low loader suitable for the carriage of static caravans and is satisfied that the means of access is acceptable.
- 7.5.3 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. The precise wording of conditions has been confirmed as satisfactory by the Highways England consultee. Overall the scheme is considered acceptable from a highways perspective.
- 7.5.4 Overall the scheme is considered acceptable from a highways perspective.



## 7.6 Impacts on residential amenity

- 7.6.1 The application site lies approximately 50m 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 the southern utility block has been shifted slightly in order to remove it from the RPAs of protected trees and the Arboricultural Implication Assessment has been revised accordingly. This document acknowledges the amenity value of the off-site trees. 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 but as Cote Beck is approximately 6m away from the site an Ecology Survey which includes an Otter and Water Vole survey has been submitted. The survey encompassed the entire site and surrounding land within 30m, as well as 200m upstream and downstream of the nearby Cote Beck. The survey concluded that there would be no impact upon either of these protected species. The survey recommends ecological enhancement measures (e.g. native plant species) and some of these suggestions will be taken into account when considering the landscaping scheme. 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 were made with the Environment Agency due to the concerns raised by objectors during consideration of the previous submission. The current Flood Map for Planning shows the red-edge boundary of the site lies wholly within flood zone 1 and is not at risk from fluvial flooding.
- 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 and the nearby M6.

## 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 use i.e. residential. However, this point has been considered by the Contaminated Land Officer who is satisfied that this can be addressed through the inclusion an unforeseen contaminated land condition as he considers the groundworks which have taken place to be limited and as the site will be surfaced with some form of hardstanding which will isolate the site users from the subsoil.

## **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.

It is considered that a temporary consent would be appropriate in light of the provisions of paragraph 27 of the Planning Policy for Traveller Sites document and the Council's commitment to bringing forward a Site Allocations DPD. 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. Temporary consent for 3 years
3. Development in accordance with approved plans
4. Site design and construction plan
5. Site access improvements
6. Details of hard and soft landscaping
7. Details of surface water sustainable drainage scheme
8. Details/samples of external materials, lighting, bin storage and surface treatment
9. Full details of the foul drainage system
10. Details and installation of the acoustic fences
11. Details and installation vehicle restraint barrier system
12. Surfacing of access prior to occupation
13. Access from the site to Foundry Lane shall be constructed to a (minimum) width of 5 metres
14. Development in accordance with AIA
15. Retention of 2.1m high solid timber panel fencing
16. Unforeseen Contamination
17. Stable for personal use
18. Use of the site limited to Gypsies and Travellers
19. Limited to number and location of units shown on plan
20. Removal of permitted development rights
21. Removal of two containers within two months of permission being granted.

### **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