

Agenda Item	A6
Application Number	22/00519/FUL
Proposal	Demolition of existing buildings, reconfiguration of existing 19 pitch traveller site to continue to provide 19 traveller pitches, erection of 9 semi-detached amenity buildings and a landlord/caretaker building, associated internal roads, amenity area, foul drainage infrastructure, a flood ramp at the site entrance and boundary fencing
Application site	Mellishaw Park Mellishaw Lane Heaton With Oxcliffe Lancashire
Applicant	Mr Tom Greenwood
Agent	Mr L Donner
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval (subject to resolving noise issues)

(i) Procedural Matters

This application is classed as a small scale major and in the absence of objections this development proposal would normally be dealt with under the Scheme of Delegation. However, the application site is owned by Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 Application Site and Setting

- 1.1 The application relates to an existing Gypsy and Traveller site which is situated within the Heaton with Oxcliffe area of south-east Morecambe. The site is occupied by 19 existing Gypsy and Traveller pitches which are largely arranged around a central grassed area. Each pitch has a hardstanding area for static or touring caravans with an associated small amenity building which includes a kitchen area, shower, toilet and storage area. There is also caretaker accommodation within the site. The internal access road provides a route around the central grassed amenity area. The site is heavily screened by an embankment/bund and substantial, dense mature tree planting around the boundary.
- 1.2 Open marsh land lies to the south of the embankment/bund. The Sunnyclyffe Retail Park is located approximately 100 metres to the west and the White Lund Industrial Estate is situated further to the north of the site. The Asda retail store is sited approximately 670 metres to the north east of the site. The site is accessed off Lancaster Road from the Mellishaw Road/Ovangle Road roundabout. Each pitch within the site has associated car parking and is accessed from the circular internal access road.

1.3 The site lies within the Open Countryside and the River Lune is located approximately 560 metres to the south of the site. The site lies within Flood zones 2 and 3. To the south-west of the site is the Oxcliffe Marsh Biological Heritage Site (BHS) and the site lies within the Morecambe Bay/Duddon SPA Buffer zone for residential development.

2.0 Proposal

2.1 The application proposes the redevelopment of the existing site and will involve the demolition of existing buildings and the reconfiguration of existing 19 traveller pitches. Plans include the erection of 9 semi-detached amenity buildings and a landlord/caretaker building. The internal access road will be realigned to accommodate the new layout of the pitches and the new proposed amenity area. The foul drainage infrastructure will be upgraded and a flood ramp will be created at the site entrance in addition to new boundary fencing.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
82/572/DPA	Change of use of unused land to gypsy caravan site. Works to raise the level of the land and construction works to provide a residential gypsy caravan site with 20 pitches, amenity blocks and septic tank	Permitted
82/284/DPA	Change of use of unused land to residential gypsy caravan site together with associated works including the erection of amenity blocks and construction of septic tank	Permitted

4.0 Consultation Responses

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

Consultee	Response
Lead Local Flood Authority (LLFA)	No objections - subject to conditions to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment (FRA) and details of the surface water drainage strategy.
Engineering Team	No comments received
Planning Policy Team	No objections - supported from a Housing Strategy perspective and will ensure that there is no loss of pitches.
Waste and Recycling	No comments received
Property Services	No comments received
Environmental Health (Noise)	Neither objects nor supports the scheme but advises that given the location of the residential use in relation to the existing road infrastructure consideration should be given to the impacts of noise on the occupants.
Environmental Health (Contamination and Air Quality)	No objections – subject to conditions relating to contamination, asbestos, dust, hours of construction, noise and vibration. No issues regarding air quality.
Strategic Housing	No comments received
County Highways	No objections
Environment Agency	No objections - satisfied that the development will not exacerbate flood risk elsewhere and recommends the preparation of a flood emergency evacuation plan.
Natural England	Comments awaited in response to the Council's HRA. A verbal update will be provided at the Committee meeting.
Lancashire Constabulary	No comments received
Parish Council	No objections – Supports the application

4.2 No public comments have been received in response to the publicity in respect of this application.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

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

5.2 **Principle of development - NPPF Section 2 (Achieving sustainable development), Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), Development Management (DM) DPD policies DM1 (New residential development and meeting housing needs), DM4 (Residential development outside main urban areas) and DM5 (Rural exception sites)**

5.2.1 The key aspects of the proposal are:

- To provide a minimum of 19 pitches to ensure all of the existing residents can return to the site.
- To provide more substantial, better equipped and more energy efficient amenity buildings for each family.
- To provide a well-considered site layout to ensure the same provision for each pitch.
- Provide a safer road layout on the site, avoiding a continuous 'ring road' arrangement.
- Provide a safer and more usable amenity space.

5.2.2 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. Although the site lies within the Open Countryside it is very well located for access to The Bay Gateway (A683) and other main routes through to the main centres of Morecambe and Lancaster. In light of the site's existing use, 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.

5.3 **Gypsy and traveller pitch provision – NPPF section 5 (Delivering a sufficient supply of homes) Planning Policy for Traveller Sites (PPTS) -2015, Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP6 (The Delivery of New Homes) Development Management (DM) DPD policies DM9 (Accommodation for gypsy, travellers and travelling showpeople)**

5.3.1 The Council has an ongoing call for sites with the aim of producing a Gypsy and Traveller DPD which allocates sites. No suitable sites have come forward as part of this process. It is therefore essential that Mellishaw Park continues to provide pitches for the local families who currently live at the site. The existing site has been in operation since the early 1980s and up until recently was owned and operated by Lancashire County Council. The site is now owned and run by Lancaster City Council. The Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2017) (GTAA) identifies Mellishaw Park as the only Council owned Gypsy and Traveller site in the District. The GTAA found evidence of a need for additional pitches and identified a cultural need for 24 pitches and a PPTS need for 8 pitches over the plan period.

5.3.2 Despite the Council's desire to bring forward a Site Allocations DPD for Gypsy and Traveller Accommodation, 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 made an ongoing call for sites in June 2018.

5.3.3 The site has been in a state of disrepair for a number of years and the internal accommodation is well below modern standards. The existing amenity blocks suffer from rising damp, inadequate heating provision and inadequate ventilation. There are also ongoing problems with the foul drainage 'network' within the northern part of the site and antiquated electrical distribution and lighting.

5.3.4 In terms of design principles, policy DM9 advises that Gypsy and Traveller sites should be well planned and include soft landscaping and play areas, make adequate provision for vehicular parking, turning areas and servicing; provide adequate access to all emergency vehicles; and provide adequate utilities, sanitation facilities, a mains water supply and drainage. These matters will be discussed in further sections of this report.

5.4 **Flood risk and drainage - NPPF Section 14 (Planning for Climate Change), Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015)**

5.4.1 National and local policy both aim to ensure new development proposals are directed towards areas of the lowest flood risk. In this regard, owing to the site's location within Flood Zones 2 and 3, the NPPF and policy DM33 of the local plan provide that a Sequential Test would typically be required. In this instance, a Sequential Test has been submitted in support of the scheme and this sets out that as part of the preparation for the Site Allocations DPD for Gypsy and Traveller Accommodation the Council made an ongoing call for sites in June 2018 (as referred to in para. 5.3.1 above). However, only 4 sites were put forward to date and 3 of which were heavily constrained and unsuitable. As it stands an unmet need remains and as the call for sites that meet the appropriate criteria for Gypsy and Traveller sites in the district has failed to identify any suitable sites in areas at lower flood risk.

5.4.2 However, whilst the content of the Sequential Test here is noted, given that the site is lawfully occupied on a permanent residential basis, it would be somewhat contradictory to apply the Test in its purest form. In the absence of this current application for example, the LPA would have no ability to prevent or cease the residential use of the land in any event; to therefore require other sites to be considered in preference to the current plot would be unreasonable. Furthermore, the Council cannot demonstrate a five year supply of Gypsy and Traveller sites and as such an unmet need exists. This is a material factor which weighs in favour of the scheme.

5.4.3 Therefore, whilst a Sequential Test has been submitted, given the current use of the site, the LPA would not necessarily expect alternative sites to be considered as would be the case for a non-developed site. As such, whilst it would be inaccurate to say that the Test is 'passed', from a Sequential Test perspective, a material conflict with national and local policy has not been identified.

5.4.4 It is considered that the scheme would provide an uplift in the sustainability credentials and standard of accommodation of the site which would be of a significant benefit to those who live there. It is also considered that that the site can be redeveloped without increasing flood risk elsewhere and would improve flood resilience.

5.4.5 The submission has been accompanied by a Flood Mitigation Strategy which sets out a number of mitigations which will be incorporated into the scheme as follows:

Upgrading works to the ramp at the site entrance - As highlighted within para. 1.1 of this report, the site is surrounded by a large earth embankment/bund, which provides some flood protection to the existing site. The height of the bund ranges from approximately 1.1m and 2.8m above the general site ground level. The scheme includes upgrading works to the existing ramped site entrance from Lancaster Road where a raised tarmac ramp will be created across the width of the access. The new ramp will extend between the two ends of the bund and will create continuous coverage around the site, providing an 300mm of additional flood level protection.

Increase in building floor levels - The proposed new amenity blocks are designed to have a higher floor level than the existing, in order to reduce the risk of flooding. This represents an increased finished floor level of between 150 and 200mm from the existing amenity buildings

Adapting building services - The proposed electrical and mechanical services will be designed to ensure that they are as high as practically possible. Non-return valves will be installed within the new foul drainage system to prevent back-flow of diluted sewage wherever this is an identified risk.

Resilient building materials and robust detailing - The plinth level of the proposed new amenity buildings will be finished in a Class B engineering brick which performs well in terms of resisting water penetration with a good ability to dry out. The plinth course of brickwork will be extended higher up the new external walls in order to further improve the flood resilience of the new amenity blocks. The new floor construction is proposed as a solid concrete slab, therefore avoiding floor voids and the associated air vents in external walls that would allow flood water ingress. All insulation is to be a closed-cell polyurethane type to resist water absorption and retain stability and integrity if in contact with flood water.

5.4.6 As Mellishaw Park is an existing site the Environment Agency have raised no objections to the proposals to upgrade to the existing development and are satisfied that the development will not exacerbate flood risk elsewhere and recommends the preparation of a flood emergency evacuation plan. However, it is worth noting that they have advised that if the application were for a new residential caravan development at this location they would object on policy grounds.

5.4.7 The submitted Drainage Strategy sets out that the existing site drains unattenuated to the environment and that the site is unsuitable for infiltration based drainage. It is proposed that surface water will be attenuated on site, with discharge to the nearby drainage channel with discharge restricted to the greenfield runoff rate. The Drainage Strategy site acknowledges that during the development phase runoff containing silt and other construction related contaminants may migrate towards the drainage channels located along the site's south and east boundaries which could potentially cause siltation and pollution into these channels. To mitigate this risk, the Drainage Strategy states that temporary bunds will be formed along these site boundaries. The bunds will be removed at the end of construction following the completion of the landscaping works. The Lead Local Flood Authority have considered the submission and raised no objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment. They have also requested a condition for the submission and implementation of final details of the drainage scheme.

5.4.8 The existing site is served by a package treatment plant with filter/treatment chamber located within the south-east part of the site. The foul drainage infrastructure pipework around the site will be renewed as part of the development and will connect into the existing, retained (modern) package treatment plant.

5.4.9 Overall, it is considered that the scheme is acceptable with regards to the improvements proposed in respect of flood risk and drainage within the site.

5.5 **Impacts on residential amenity NPPF section 12 (Achieving well-designed places); Development Management (DM) DPD policies DM29 (Key design principles)**

5.5.1 The new proposed layout will comply with the current standards, critically the requirement for a 6 metre clear distance between caravans in separate ownership. Each of the relocated pitches will accommodate a 9.14 metre by 3.65 metre long static caravan and a 6.3m by 2.4 metre touring caravan. The new amenity buildings (day rooms) are designed in adjoining pairs and will be approximately 3 times larger than existing, and as such will provide a substantial improvement in accommodation. Each pitch will be separated by a 2 metre high timber fence. The internal layouts of the new amenity buildings adhere to the guidance set out within the "Communities and Local Government: Designing Gypsy and Traveller Sites, Good Practice Guide", providing a kitchen / dining room, a utility area and shower/bathroom. Each unit will have a main entrance door to the side elevation, located beneath a projecting roof canopy in addition to a secure external store.

5.5.2 The proposed amenity space is approximately the same footprint area as the existing. However, the nature of the existing site topography and lack of a demarcated edge, means that the existing space

is not well used. There is a high level of dog ownership at the site and the lack of pitch boundary fences means that some dogs roam around the site and use the amenity space as a toilet, meaning parents of young children are not keen to allow them to use it. Within the proposed clearly defined pitch boundaries, residents will be asked to keep their dogs within their own pitch. The communal external amenity space will be relocated to within the north-west part of the site. As this will be more detached from the new internal road layout it is anticipated that this will create a safer environment for children to play than the existing arrangement. New external lighting will be provided primarily mounted on the new amenity buildings.

- 5.5.3 The new landlord/caretaker building will be sited adjacent to the site entrance and will provide a community hub/office as well as caretaker accommodation.
- 5.5.4 Overall, the scheme will enhance and improve the residential amenity of the site occupants and is supported in that regard.
- 5.6 **Landscape and visual impact** – NPPF section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Strategic Policies and Land Allocations (SPLA) DPD policies EN3 (Open countryside), Development Management (DM) DPD policies DM4 (Residential Development Outside Main Urban Areas), DM29 (Key Design Principles), DM46 (Development and Landscape Impact).
- 5.6.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations. The revised NPPF also places an increased focus on good design through advocating ‘beautiful’ buildings and places to reside.
- 5.6.2 The new amenity buildings are to be timber framed and clad in a mixture of natural larch boarding and blue/grey engineering bricks, with a single ply roofing membrane to the pitched roofs. Externally, the hard surfacing will be a mixture of traditional tarmac (to the access roads and the hard standing within the pitches) and a buff limestone gravel to the perimeter areas, separated by 50mm wide, round topped concrete kerbs. Between pitches, the boundary fencing is to be vertical tanalised timber close boarding 2.4m high in a natural finish. The design and materials are considered to be appropriate and will be an improvement on existing.
- 5.6.3 Notwithstanding the above the site is heavily screened and as such the proposal will not result in landscape impacts from outside the site.
- 5.7 **Tree and ecology implications** - NPPF section 15 (Habitats and biodiversity references); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Environment); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland)
- 5.7.1 The location of the existing trees and the nature of the proposed works means that there will be no requirement for any significant tree removals to achieve the proposed layout. All areas of development are based on the existing inner level site within the bunded area and there are no trees directly adjacent to the edges of the existing hard surfaced area or internal fencing. The relocation of the site boundary fence may require the removal of a small number of trees but these would be within the 150mm DBH size range and trees which do not make any contribution to the screening of the site or the overall structure of the boundary group. The development will not impact upon the levels of the existing bund structure and a protective fence around the outer edge of the development would provide protection for the trees bund during the development phase.
- 5.7.2 The submitted landscape plan indicates that additional tree planting is to be undertaken in a number of areas of the site. This is intended to bolster areas of the site where there is currently less boundary trees stock and increase the overall volume of trees within the site.
- 5.7.3 The submission is supported by a Preliminary Ecological Appraisal which sets out that although bats, nesting birds and amphibians are known to occur in the local area, there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by the proposal. The Appraisal sets out recommendations

precautionary methods of working during the development phase as well as the incorporation of bat boxes within the site to provide a biodiversity net gain.

5.7.4 The site is located approximately 670 metres from the Lune Estuary which forms part of the European designated area of Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar and Morecambe Bay SAC and SSSI Site. The development will not result in any direct impact or land take from the designated areas. Given the separation distance and the existing use of the site, it is considered that the site is not functionally linked to the designated areas. As the proposal does not seek to increase the number of residential units within the site there will be no increase in recreational pressure. Given the proximity of the site to the designations within the River Lune it would be appropriate to condition a construction surface water management plan to ensure there is no risk of pollution.

5.8 **Highway impacts - NPPF section 9 (Promoting sustainable transport); Policy DM61 (Walking and Cycling) and DM62 (Vehicle Parking Provision of the Development Management DPD)**

5.8.1 The proposed development will utilise the existing access onto the highway network which is considered to be acceptable by the County Highways consultee. There are no proposed changes to the existing access other than the upgrading of the flood ramp. The new road arrangement within the site will have two stop-ended roads with turning heads, which will separate the traffic movements across the north and south of the site and minimise speed. Each plot will be provided with two vehicle parking spaces which is considered appropriate and acceptable.

5.8.2 Overall, the scheme will have no implications on highway safety or result in an increase in traffic generation to and from the site.

5.9 **Other Matters**

5.9.1 Contamination - The application has been accompanied by a Phase 1 Land Contamination Risk Assessment and the Environmental Health Officer (EHO) has recommended the standard contaminated land condition. The EHO has also recommend conditions relation to asbestos, hours of construction, noise and vibration, scheme for dust control. Other than the asbestos condition these suggestions are considered unreasonable given the lack of sensitive receptors in proximity to the site.

5.9.2 Noise – The Environmental Health Officer (EHO) has requested more information with regard to the impacts of noise from the adjacent Bay Gateway on the occupants of the site. Although the EHO accepts that the revised layout and improvements (including fences within the plots) and is of the view the noise levels from the adjacent highway are unlikely to exceed unacceptable sound levels a noise assessment has been requested in the interests of transparency and consistency. Councillors will be updated on this verbally ay Committee.

6.0 Conclusion and Planning Balance

6.1 In conclusion, the proposed layout, scale, appearance and landscaping satisfactorily addresses the requirements of the Framework and policies of the development plan. The scheme will improve residential amenity and provide a much needed upgrade to a long established site. The flood resilience of the site will be improved and the additional proposed planting and biodiversity enhancements are a further benefit of the proposal. As such the application can be viewed favourably.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit for commencement	Control
2	Approved plans list	Control
3	Precise details and samples of materials to be submitted for approval for elevations and fencing	Prior to construction
4	Surface Water Sustainable Drainage Strategy and Maintenance	Prior to commencement
5	Asbestos survey	Prior to commencement
6	Construction Surface Water Management Plan	Prior to commencement
7	Flood emergency evacuation plan.	Prior to first use or occupation
8	Details of bin storage and external lighting	Prior to first use or occupation
9	Submission of details and location of bat boxes	Prior to first use or occupation
10	Development in accordance with Tree Protection Plan	Control
11	Development in accordance with the Preliminary Ecological Appraisal	Control
12	Development in accordance with Flood Risk Assessment	Control
13	Implementation of landscape scheme	Control
14	Use of the site limited to Gypsies and Travellers	Control

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

Officers have made this 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 decision 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