

Agenda Item	A9
Application Number	22/00874/FUL
Proposal	Retrospective application for change of use of land to residential traveller accommodation consisting of two mobile homes, three touring caravans, storage of two touring caravans, two outbuildings, septic tank, hardstanding, fencing, gates, associated access, re-grading land levels, creation of bund and use of field as paddock
Application site	Land North Of Bottomdale Road East Of M6 Bottomdale Road Halton Lancashire
Applicant	Messrs F And J Varey
Agent	Mrs Alison Heine
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is 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. Development on this site provides residential traveler accommodation and is comprised two mobile homes, three touring caravans, storage of two touring caravans, two outbuildings. The site is set at a lower level than Bottomdale Road and there is a significant tree belt which provides screening. 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 Bottomdale Road, 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 Open Countryside 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)).
- 1.4 The residential element and associated development was granted a temporary 3-year consent in December 2018. The reason for the temporary nature was due to the Council's commitment at that

time to bring forward a Site Allocations DPD for Gypsy and Traveller Accommodation and the 3-year permission was to allow for this document to come forward following a call for sites.

2.0 Proposal

- 2.1 The temporary consent has now expired and the current application seeks retrospective permission for the temporary elements permitted in 2018 in addition to the use of the adjacent field to the north as a paddock for the applicants horses.
- 2.2 Overall, planning permission is sought for the siting of two mobile homes, three touring caravans, storage of two touring caravans and two outbuildings to provide residential traveler accommodation. Other retrospective aspects of the proposal include the installation of a septic tank, hardstanding, fencing, gates, associated access, re-grading land levels and creation of a bund.

3.0 Site History

Application Number	Proposal	Decision
18/00921/FUL	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.	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	No objections - The caravans are located in Flood Zone 1, and not at risk from fluvial flooding.
Environmental Health	No objections - No significant environmental health implications were noted, and we offer no adverse comments or advice.
Air Quality Officer	No objections - Generally, air quality near to roads has improved since 2018. On this basis there are no objections on air quality grounds.
Planning Policy and Housing Strategy Team	No objections - The Council cannot demonstrate an up-to-date 5 year land supply of deliverable gypsy and traveller sites and this site contributes towards meeting the identified need and meeting the needs of a family which has local connections.
Lead Local Flood Authority	No objections - The above application is understood to involve no change in the existing impermeable and semi-impermeable site area.
County Highways	No objections - Development has a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Suggests condition for surfacing of access track.
Highways England	No objections – Advise that the access track and area at the foot of the slope are surfaced with appropriate hardened material.
Natural England	HRA screening required
Tree Officer	No objections - No works are proposed to/within the RPA of existing trees. The AIA recommends that two ash trees (covered by TPO 647) are felled on health and safety grounds. Unless imminently dangerous, a separate tree work application must be submitted to fell.
Fire Safety Officer	Advice to be sent with decision notice

- 4.2 The following responses have been received from members of the public:

- One item of public comment has been received which **neither objects nor supports** the application but points out that the original planning application was granted temporary permission in the absence of an up-to-date 5 year supply of deliverable sites. Concerns raised in relation to noise, site access and air pollution. Suggests that Lancaster City Council's ongoing failure to address the issue of a supply of appropriate sites therefore means that it must still be considered a significant material consideration, but again, this can only be for a grant of temporary planning permission. It is hoped that the issues around the supply of more appropriate sites are addressed within the period of a further grant of temporary planning permission so that a more appropriate site with a healthier environment, free from the issues of concern, can be identified for a permanent development.

5.0 Analysis

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

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

5.2 Principle NPPF Section 2 (Achieving sustainable development), Planning policy for traveller sites 2015 (PPTS), 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 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.

5.2.2 The site is located on land outside of the main urban area and is identified as 'Open Countryside' in the adopted Strategic Policies and Land Allocations DPD. The LPA 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. Since the temporary permission was granted the site has been allocated within the Strategic Housing and Employment Land Availability Assessment (SHELAA), 2018 as it was put forward in the call for Gypsy and Traveller Call Sites. As there are no identified sites within the Urban areas, the site is considered suitable, achievable and available for Gypsy and Traveller development.

5.2.3 Although the site is within the "Open Countryside" 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 Bottomdale Road. Halton, which is identified in SP2 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 "Open Countryside" on the northern edge of the village was recently approved and currently being developed. 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 DM9 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.

5.3 Gypsy and traveller pitch provision NPPF Section 2 (Achieving sustainable development), Planning policy for traveller sites 2015 (PPTS), Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP6 (The Delivery of New Homes), 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)

5.3.1 Policy DM9 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 DM9 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. *Are in a sustainable location. Preference will be given to new sites within the urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, sites in sustainable settlements will be considered where it can be demonstrated that appropriate sites cannot be provided within the specified urban areas and that the proposal would neither dominate nor be disproportionate to the scale of the existing community*

5.3.2 In terms of locational requirements DM9 sets out that proposal for new Gypsy and Travellers and Travelling Showpeople sites are expected to take the following locational requirements into account:

- i. *Proposals can achieve safe access onto the highway network;*
- ii. *The site is located within reasonable proximity (preferably within walking distance) of public transport facilities and services;*
- iii. *The site will not cause significant harm to the amenity of neighbouring properties;*
- iv. *The site would provide satisfactory living conditions for intended occupants including appropriate consideration of flood risk, land contamination, land stability, and important nature sites; and,*
- v. *The site would not give rise to potential amenity of land compatibility issues (e.g. proximity to waste disposal facilities, electricity pylons and industrial areas)*

5.3.3 In addition to DM9, the submission must be considered against the national Planning Policy for Traveller Sites (2015) (PPTS) which 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."

5.3.4 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).'

5.3.5 There is currently a lack of appropriate sites within or adjacent to the urban areas and the need for gypsy and traveller sites identified in the Gypsy and Traveller Accommodation Assessment 2017

have not been met. Policy DM9 allows for sites in the sustainable settlements identified within policy SP2 of the SPLA DPD where such sites will neither dominate nor be disproportionate to the scale of the existing community. In this case, the site is situated in close proximity to Halton, a sustainable settlement designated within policy SP2 of the SP&LASPD. It is also close to the northern edge of Lancaster where further services and facilities are available and this should be given weight when assessing the locational accessibility of the site. The Council cannot demonstrate an up-to-date 5 year land supply of deliverable gypsy and traveller sites and this is a significant material consideration. The application site has previously benefited from temporary planning permission, and while this has now lapsed, the site does contribute towards meeting the identified need and meeting the needs of a family which has local connections and have now settled on this site.

5.3.6 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 on this allocated site is acceptable on balance in terms of the general principles and locational requirements of policy DM9.

5.4 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).

5.4.1 Policy DM28 considers landscape impacts of development and saved Local Plan policy E4 takes account of development within the Countryside Area. DM46 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 policy EN3 of the SPLA DPD.

5.4.2 The visual impacts of the proposed caravans and outbuildings are restricted by the significant tree belt which wraps around the southern and eastern edges of the site. Furthermore, the paddock is an equestrian use that does not significantly alter the visual appearance of the site. The screening provision is safeguarded by the Tree Preservation Order which covers this tree belt and 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. 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.

5.4.3 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. 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.

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

5.5.1 As highlighted earlier within this report, the scheme utilises the existing access into the site. In addition, parking provision for 6 vehicles is provided on site. County Highways has raised no objections to the scheme subject to a condition to ensure appropriate surfacing.

5.5.2 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. In response to the 2018 application Highways England recommended that the boundary with the motorway at this location is screened by a close-boarded fence parallel to the motorway boundary fence, which has since been installed. However, the Highways England consultee advises that an appropriate vehicle restraint barrier is installed. Overall, the scheme is considered acceptable from a highways perspective and the precise wording of conditions are to be confirmed with Highways England.

- 5.6 Impacts on residential amenity NPPF section 12 (Achieving well-designed places); Development Management (DM) DPD policies DM29 (Key design principles)
- 5.6.1 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. It is considered that the scheme would not result in detrimental impacts on neighbouring amenity.
- 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 As highlighted in paragraph 1.3 of this report, trees which screen the site to the south and east are subject of a Tree Preservation Order (TPO 647(2018)). No works are proposed to or within the root protection areas of existing trees and the Tree Officer has raised no objections. However, the submitted AIA recommends that two ash trees (covered by TPO 647) are felled on health and safety grounds. The Tree Officer has advised that unless these trees are imminently dangerous, a separate tree work application must be submitted to before felling.
- 5.7.2 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.
- 5.7.3 Natural England have advised that a proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development should be carried out via screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations'). They have also advised that if the local planning authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. As the site is located approximately 3.25km from the 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. The Recreational Disturbance Study that was carried out as part of the evidence base for the recently adopted local plan found that visitors to Morecambe Bay who were on a day-trip/short visit from home travelled a median distance of 3.454km to get to the European site. The HRA for the Local Plan therefore considered that increased disturbance to birds (as a result of recreational pressure) at a European site could occur, particularly for sites within 3.5km. The provision of residential development in this area therefore does have potential to impact upon the designated areas from recreational disturbance, depending upon the scale of the development proposed. However, given that the site is close to the edge of the buffer zone and the fact that the number of units/occupation would not be increased, it is considered that recreational disturbance to the designated sites would not be impacted. It is therefore concluded that there will be no likely significant effects.
- 5.8 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)
- 5.8.1 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. The caravans are located in Flood Zone 1, and as such not at risk from fluvial flooding. A narrow band of Flood Zone 3 closely follows the watercourse at the bottom of the wooded slope but has no impact on the developed area.

5.8.2 As the site is below the level of Bottomdale Road there is no means of connecting to existing mains sewerage and as such a septic tank with an associated drainage field has been installed to serve the site granted temporary permission. This tank is in the paddock north of the yard area over 20m from the M6 and the existing water course. There is a gate from the yard to the field to provide access for maintenance and de-sludging of solids. It would be necessary to obtain details of the septic tank and verification of its installation to ensure that it is satisfactory to serve the development. This will be conditioned.

6.0 Conclusion and Planning Balance

6.1 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. Since the 2018 permission the site has been allocated within the SHELAA and the principle of the site for use of the site for traveller accommodation is acceptable. It is considered that the scheme does not result in adverse landscape, ecological or visual amenity impacts. Subject to conditions the scheme will not result in highway safety or drainage issues.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Development in accordance with approved plans	Standard
2	Surfacing of access	Within 3 months
3	Full details of the foul drainage system and verification of installation	Within 4 months
4	Details of surface water sustainable drainage scheme	Within 3 months
5	Landscaping scheme	Within 3 months
6	Details of vehicle restraint barrier system and construction plan	Within 3 months
7	Details of lighting and bin storage (including location)	Within 3 months
8	Use of the site limited to Gypsies and Travellers	Control
9	Limited to number and location of units shown on plan	Control
10	Removal of permitted development rights	Control
11	Retention of boundary fence	Control

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

Lancaster City Council has made the decision 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