

# Agenda



## Special Development Management Committee

Date:	Wednesday, 18 December 2013 at 2.30 pm
Venue:	Kirkham Community Centre, Mill Street, Kirkham, PR4 2AN
Committee members:	Councillor Ben Aitken (Chairman) Councillor Kevin Eastham (Vice-Chairman)  Councillors Tim Armit, Fabian Craig-Wilson, Maxine Chew, Peter Collins, Charlie Duffy, Dr Trevor Fiddler, Peter Hardy, Kiran Mulholland, Barbara Nash, Linda Nulty, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder

Item		Page
1	<b>Declarations of Interest:</b> Any member needing advice on Declarations of Interest should contact the Monitoring Officer before the meeting.	1
2	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
3	<b>Application 12/0118</b> <b>Builders Yard Land, Thames Street, Newton with Clifton, Preston, PR4 3RH</b> Change of use of land to use as a residential caravan site for 4 no. gypsy families each with 2 no. caravans, together with the erection of an amenity block, erection of a boundary fence, installation of a package sewage treatment plant, the formation of a landscaped mound and alterations to the vehicular access.	1 - 36

Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: [lyndseyl@fylde.gov.uk](mailto:lyndseyl@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at [www.fylde.gov.uk/council-and-democracy/constitution](http://www.fylde.gov.uk/council-and-democracy/constitution)

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# Development Management Committee Index

## 18 December 2013 (2.30pm)

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	12/0118	<p>BUILDERS YARD LAND, THAMES STREET, NEWTON WITH CLIFTON, PRESTON, PR4 3RH</p> <p>CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 4 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE, INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED MOUND AND ALTERATIONS TO THE VEHICULAR ACCESS.</p>	Grant	2

# Development Management Committee Schedule 18 December 2013 (2.30pm)

<b>Application Reference:</b> 12/0118		<b>Type of Application:</b> Change of Use	
<b>Applicant:</b>	Mr Isaac McDonough	<b>Agent :</b>	Philip Brown Associates Ltd
<b>Location:</b>	BUILDERS YARD LAND, THAMES STREET, NEWTON WITH CLIFTON, PRESTON, PR4 3RH		
<b>Proposal:</b>	CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 4 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE, INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED MOUND AND ALTERATIONS TO THE VEHICULAR ACCESS.		
<b>Parish/Ward:</b>	Newton with Clifton	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	91	<b>Case Officer:</b>	Mr M Atherton
<b>Stat. Expiry Date:</b>	18 May 2012		
<b>Reason for Delay:</b>	Awaiting additional information from applicant and responses from consultees to that information.		

**Summary of Recommended Decision:** Approve subject to conditions

## **Summary of Officer Recommendation**

This application proposes the establishment of a small residential caravan site for up to 4 Gypsy families on a site that has been previously developed. The status of the Lawful Development Certificate for use for storage of building contractors' materials and whether or not that use may have been abandoned does not affect the status of the site as being previously developed. The proposal would not dominate the scale of the nearest settlement, nor would it harm other acknowledged planning interests such as highway safety, the character of the countryside, flood risk, drainage, contaminated land & the setting of listed buildings. There is an identified need for gypsy and traveller sites in the wider area to which significant weight should be attached. The proposal is considered to represent a sustainable form of development and complies with planning policy contained in the Framework and the Planning Policy for Traveller Sites. These benefits are not outweighed by any adverse impacts, including the limited conflict with the Adopted Fylde Borough Local Plan Policy HL8 or conflict with Policy SP2 .

## **Reason for Reporting to Committee**

Due to the significant amount of public interest generated by this application.

## **Site Description and Location**

The application site is on the perimeter of the village of Newton with Clifton and is a rectangular area of surfaced land on the north side of Thames Street, Newton, previously used as a builder's yard. The area of land measures approximately 0.16 hectares. To the north are the rear garden areas of no's. 15 to 27 Grange Lane. A Grade II Listed Building, Dagger Cottage, is situated 53 metres to the north

of the site on Grange Lane. The application site is within an area designated as countryside on the Fylde Borough Local Plan, as altered (October 2005). The site itself is flat although the land to the north rises from the site. On the opposite side of Thames Street is a poultry farm which comprises of agricultural buildings which are prominent features in the locality and 50 metres to the west of the site are some stables. The site is currently vacant.

### **Details of Proposal**

The application is for the use of land as a residential Gypsy site comprising 8 caravans between 4 families and is partly retrospective in that some of the physical works applied for have been completed as set out below. No residential caravans have been brought onto the site. The application as originally submitted proposed 1 no. static & 1 no. touring caravan per family. The Applicant has confirmed in writing that if the application is approved, he would be willing to accept a condition that both caravans be limited to touring caravans. The application was amended on the 2nd of July 2013 to reflect the altered vehicular access to the highway which had not been acknowledged on the original application form. These works to the access which amount to widening the entrance and setting the gates back from the road have already been implemented.

The application includes the erection of an amenity block for the residents, in close proximity to the southern boundary of the site. This would have dimensions of 11.1 metres wide x 6.15m deep x 4.2m high to the ridge. Internally, this building would comprise a bathroom, a laundry & a communal kitchen/dining area.

The site is screened from the north, west and east by existing landscaping, however further landscaping would be required to ensure the appropriate level of screening is provided and maintained together with landscaping along the southern boundary of Thames Street to screen the visual impact of the fences at the front of the site. The proposal includes on-site parking for 8 vehicles.

Wastewater would be disposed via a Biodisc Klargester package sewage treatment or other approved system which could be controlled by condition..

The aspects of the application that are retrospective are:-

1. an altered vehicular access - the entrance has been set back from the road & splayed.
2. a 2 m high timber fence around the site perimeter
3. surfacing of the site with loose material
4. the formation of a landscaped mound on the northern boundary
5. the excavation of a French Drain

### **Relevant Planning History**

Application No.	Development	Decision	Date
08/0234	CERTIFICATE OF LAWFULNESS FOR USE OF LAND FOR STORAGE OF BUILDING CONTRACTOR'S MATERIALS.	Approve Certificate	29/08/2008

### **Relevant Planning Appeals History**

None.

## **Consultation Responses**

### **Parish Council Observations**

Newton with Clifton Parish Council notified on 23 March 2012

**Summary of Response:** *OBJECT & recommend refusal 3rd May 2012*

**Refusal** – *a significant cause of concern is the lack of information relating to the following*

- i) The LPA's assessed need for gypsy sites and its related Local Development Framework Policy.*
- ii) The current data relating to gypsy occupation in the Fylde Borough area.*
- iii) An initial, without prejudice, planning opinion relating to the location of the proposed development site, access (adequate/safe?), design layout, drainage facilities, biodiversity/environmental sustainability considerations, potential nuisance to neighbours (noise &c), traffic generation, visual amenity.*
- iv) Application's compliance and status in respect of local, county, regional and national planning policy and related guidelines.*

*Moreover, there appears to be an absence of an agreed protocol that would facilitate a due process of informed consultation in the form of Pre-application discussions. Developers may be able to use such omissions to strengthen a planning application, particularly through the appeal mechanism.*

#### **Due process.**

*The LPA does not appear to have been proactive in offering advice and practical help with planning procedures to planning applicant(s), gypsies or their representatives who wish to acquire land for development of this type. Council consider this an essential part of the consultation process.*

*Pre-application discussions are particularly important to avoid misunderstanding. The aim should be as far as possible to help gypsies to help themselves, to allow them to secure the kind of sites they need, and thus help avoid breaches of planning control. In particular, questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests, and any significant environmental impacts should have been resolved at the earliest opportunity (this procedure was initially recommended in Central Government Circular 1/94 and states that these are "particularly important").*

*The planning system places emphasis on early consultation between local authorities and the communities they serve (guidance issued to LPA's by Central Government's Department for Communities and Local Government; Planning policy for Traveller Sites Policy A (6a)). The aim is to ensure that plans properly reflect the needs and aspirations of all sectors of the community. In the case of gypsies and travellers, such early engagement should help in the identification of suitably located sites and a reduction in unauthorised encampments and developments. A review of the LPA's Local Plan indicates there is no documented need nor provision identified and therefore the application should be refused planning permission until the LPAs can demonstrate an integrated provision in their Local Plans. In this respect Council request information relating to what communication there has been between the LPA and the applicant, if so, when did this take place, who was involved and what information was exchanged. The present unsatisfactory situation has resulted in members and parishioners receiving limited advice and information from the LPA. Arising from this is the perception that the LPA has been found wanting in terms of policy and procedures and that consultees/parishioners have through their own separate enquiries been more informed on certain issues. At the very least the present application should be taken as an opportunity to address these perceived shortcomings or demonstrate information to the contrary. This should then ensure that there would not be any repeat of the present situation.*

*Consequently the proposed development is therefore considered contrary to Local Plan Policy SP2.*

Site history.

*The applicant's reference to the existing Lawful Development Certificate for the storage of building materials is considered irrelevant in this instance and if this use had ever been measured against the proper planning criteria it would have almost certainly been refused planning permission. It is the considered view of members that there is evidence of some encroachment from the development site on to highway land and that this issue requires to be addressed by the LPA issuing formal notices to the relevant parties. Previous planning applications relating to the nearby stables night time illumination were refused planning permission. The development site does not benefit from street lighting and the*

*application does not address the issue of site illumination. To avoid a cause of light pollution to the detriment of occupiers of residential property and the established wildlife habitat similar restrictions should apply.*

Inappropriate location.

*The proposed development is considered over intensive use of the site, inappropriate for the area, is likely to cause an increase in vehicular activity in the locality and does not indicate satisfactory sewerage/drainage provision.*

*The proposed development is therefore considered contrary to Local Plan Policy HL8 (4).*

*Access to the site for emergency services is difficult. Thames Street is an unclassified road maintained only to a standard fit for its existing purpose – access &c. The road is used by children and adults on bicycles, dog walkers and horse riders. Also, the highway is poorly drained and subject to standing water*

*and mud along part of its length. Increased number of large vehicles (up to 3.5 tonnes in the planning application supporting document) will cause further deterioration of the road and hence more costs to be borne by the local community.*

*The proposed development is contrary to guidance issued to LPAs by Central Government's Department for Communities and Local Government; Planning policy for Traveller Sites Policy B(9e): protect local amenity and environment, Policy C(12): site scale should not dominate the nearest settled community and*

*Policy H (24b, c & d): sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*

*If planning permission is granted it may create a precedent that could lead to other similar applications that will be difficult to resist and would therefore diminish existing safeguards designed to protect such development in the countryside from encroachment.*

Sewerage/sewage disposal and waste disposal.

*Local knowledge also indicates that there is a problem with flooding and sub soil irrigation to the extent that effluent will not be properly discharged. This is formally recognised by the Environment Agency and the development site is on a flood plain map and to comply with Policy B (11g) the LPAs should ensure*

*that their policies do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans. The area is noted for a high water table with predominantly clay substrate. Local information indicates a previous landowner arranged land infill engineering works in an attempt to address this problem, this may have included, in part, using contaminable material that may now pose a potential hazardous risk to public health. The application is for eight caravans and it is reasonable to conclude a total capacity of thirty two people could live on the site at any one time. The*

*proposed sewage treatment plant has the optimum capacity for eighteen people with the potential of a*

*serious pollution incident. It is considered the application does not demonstrate a suitable scheme for the disposal of foul drainage to the package treatment plant. Council request that the LPA provide a full environmental impact report for reference by statutory consultees and other interested parties.*

*The remoteness of the proposed development site from main sewerage and waste collection points will cause an adverse environmental impact on the immediate local community. The foul waste generated by four families would have to be dealt with by a suitable method of treatment.*

*Refuse collection vehicles will have great difficulty navigating Thames Street safely - because of the single-track road and access/egress by narrow steep roads at right angles and alternative means of refuse disposal would be required. Uncollected refuse can therefore be expected in the area, which is clearly*

*unacceptable from a health and safety perspective as well as being detrimental to visual amenity. These issues could present a hazard to public health. The proposed development does not therefore comply with Policy B (11e) that requires the LPA to provide for proper consideration of the affect of local*

*environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development Central Government's Department for Communities and Local Government National Planning Policy Framework 11(109), inter alia, requires the LPA to implement policies in pursuance of conserving and enhancing the natural environment and where possible providing net gains in biodiversity.*

*The proposed site is in close proximity (c. fifteen metres) to residential dwellings on the outskirts of Newton with Scales. The screening proposed does not adequately conceal the site as required to comply with Planning policy for Traveller Sites, Policy H (24). Related engineering work that has already been*

*executed does not appear to have permission from the relevant authorities, is of an unsatisfactory standard comprising building waste and encroaches on to highway land.*

*Thus the site will have an adverse material physical impact on residential amenity, due to the close proximity of site activities/operations which would be detrimental to the immediate surrounding area and adjoining parishes/towns. The proposed development is therefore considered contrary to Local Plan Policy HL2 (4) HL8 (10).*

#### *Site usage/operations.*

*It is recognised that most Gypsies are self employed people, sometimes occupied in scrap and scrap metal dealing, laying tarmacadam, seasonal agricultural work, casual labouring or other employment associated with their lifestyle. Therefore their occupational needs require consideration - this usually will mean the storage of plant/equipment or materials at their permanent site. This could cause unacceptable visual intrusion; it also lends itself to an increased likelihood of land and watercourse contamination issues related to the business activity. These problems will be exacerbated, if business activities were to be conducted from the site.*

*Most Gypsy sites are mixed business/residential although the submitted application indicates residential usage. The use of power generators for example will be a cause of increased noise pollution and there does not appear to be any provision for fuel storage. Therefore, Council requests the LPA to obtain more*

*information relating to capacity for vehicular parking, materials, storage &c. The proposed development is therefore considered contrary to Local Plan Policy HL8 (6).*

*The development site does not benefit from street lighting and the application does not address the issue of site illumination that is likely to be a cause of light pollution to the detriment of occupiers of residential property and the established wildlife habitat.*



Existing services, utilities and infrastructure.

Existing services in the parish are limited. Consequently, the educational, healthcare and recreational needs of the Gypsies could not be met in any sustainable manner. The LPA is required to comply with guidance from Central Government's Department for Communities and Local Government; Planning policy for Traveller Sites, Policy B (11c) - ensure that children can attend school on a regular basis, & (11f) - avoid placing undue pressure on local infrastructure and services. It is reasonable to assume that if planning permission is granted then the site may be further developed. Within the usual Planning policies

and guidelines, proximity to services is also seen as a requirement. The following amenities for each caravan pitch would be required: water, electricity, sewerage, refuse collection, lighting, plus services to work areas, (if the families are allowed to conduct their business from the premises). Few of these services are presently available at the proposed development site and the increased traffic seeking

access/egress to/from Thames Street is detrimental to road safety.

Site management.

The proposed development does not provide any indication relating to site management. A caravan site, whether or not it is for gypsies, is likely to need a site licence (Caravan Sites and Control of Development Act 1960). Fylde Borough Council is responsible for issuing the site licence and must do so once

planning permission is granted. The licence will contain conditions which specify how a particular site should be regulated and equipped, in the interests of health, safety and amenity - type of caravan site e.g. residential, seasonal or touring, the permitted density (the number per acre/hectare) and the spacing between caravans. water supply and drainage, lavatory and washing facilities, fire precautions and electrical installations.

Details of the licensing conditions should have been discussed while the application for planning permission is being considered, so that the licence can be issued as soon as possible should permission be granted (this procedure was initially recommended in Central Government Circular 1/94).

Précis of other related planning issues.

Neither the applicant nor the LPA has provided any quantitative information relating to the need for the proposed site nor any demographics (originally Central Government Circular 1/94 stated that this information is essential and it is now required to comply with Local Plan Policy HL8 and Joint Structure Plan Policy 29). It is also considered that the proposed development is contrary to North West of England Plan Regional Spatial Strategy to 2021 Policy RDF 2 that requires plans and strategies for the region's rural areas to support the priorities of the Regional Rural Delivery Framework relating to their economy, environment, farming, housing and services.

The site layout is congested/over intensive and therefore does not accord with guidance issued to LPAs by Central Government's Department for Communities and Local Government; Designing Gypsy and Traveller Sites Good Practice Guide in respect of access, layout, orientation issues relating to; site perimeter boundaries, orientation of pitches health and safety, utilities, access (general and for emergency vehicles), security, play areas, landscape design car parking, density and spacing of caravans and trailers and inclusion of space for work/animals.

The site plan and amenity building drawing is not to scale and the location plan does not reasonably indicate the extent of the land in relation to adjacent properties on Grange Lane of which 4NO are Listed.

Council also requests that the LPA fully address the matter of local plan policy for Gypsies and Travellers Site Planning Applications. As Central Government Circular 1/94 originally made clear, plans should wherever possible identify locations suitable for gypsy sites, whether local authority or private sites.

*Where this is not possible, they should set out clear, realistic criteria for suitable locations as a basis for site provision policies. They should also identify existing sites which have planning permission, whether occupied or not, and should make a quantitative assessment of the amount of accommodations required.*

*LPA policy should clearly address the aforementioned issues, define boundaries and also conform to criteria and guidance as originally prescribed in, inter alia, PPG2 relating to:*

- i) Demonstrable need not being met on existing sites in the area and adjacent areas*
- ii) Compatibility with other plan policies i.e. Green Belt and other similar areas of restraint will not usually be appropriate locations.*
- iii) Impact on environment*
- iv) Land use compatibility*
- v) Good access/egress to the public highway and on site provision for vehicular manoeuvre*
- vi) Adequate local services i.e. education, recreation, healthcare provision &c.*
- vii) Screening, landscaping &c.*

*Therefore, on the basis of the above material planning considerations Council recommends that the proposed development be it a site for settled occupation; temporary stopping places; or a transit site should be refused planning permission.*

#### **Further response dated 1st August 2013:**

*The Parish Council reaffirm its objection to the proposed development as outlined in its representation dated 3rd May 2012 and Recommend the application be Refused*

*A significant cause of concern is the lack of information relating to the following points;*

- i) The LPA's assessed need for gypsy sites and its related Local Development Framework Policy.*
- ii) The current data relating to gypsy occupation in the Fylde Borough area.*
- iii) An initial, without prejudice, planning opinion relating to the location of the proposed development site, access (adequate/safe?), design layout, drainage facilities, biodiversity/environmental sustainability considerations, potential nuisance to neighbours (noise &c), traffic generation, visual amenity.*
- iv) Application's compliance and status in respect of local, county, regional and national planning policy and related guidelines.*

*Moreover, there appears to be an absence of an agreed protocol that would facilitate a due process of informed consultation in the form of Pre-application discussions. Developers may be able to use such omissions to strengthen a planning application, particularly through the appeal mechanism.*

#### **Due process.**

*The LPA does not appear to have been proactive in offering advice and practical help with planning procedures to planning applicant(s), gypsies or their representatives who wish to acquire land for development of this type. Council consider this an essential part of the consultation process.*

*Pre-application discussions are particularly important to avoid misunderstanding. The aim should be as far as possible to help gypsies to help themselves, to allow them to secure the kind of sites they need, and thus help avoid breaches of planning control. In particular, questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests, and any significant environmental impacts should have been resolved at the earliest opportunity (this procedure was initially recommended in Central Government Circular 1/94 and states that these are "particularly important").*

*The planning system places emphasis on early consultation between local authorities and the communities they serve (guidance issued to LPA's by Central Government's Department for Communities and Local Government; Planning policy for Traveller Sites Policy A (6a)).*

*The aim is to ensure that plans properly reflect the needs and aspirations of all sectors of the community. In the case of gypsies and travellers, such early engagement should help in the identification of suitably located sites and a reduction in unauthorised encampments and developments. A review of the LPA's Local Plan indicates there is no documented need nor provision identified and therefore the application should be refused planning permission until the LPAs can demonstrate an integrated provision in their Local Plans. In this respect Council request information relating to what communication there has been between the LPA and the applicant, if so, when did this take place, who was involved and what information was exchanged. The present unsatisfactory situation has resulted in members and parishioners receiving limited advice and information from the LPA. Arising from this is the perception that the LPA has been found wanting in terms of policy and procedures and that consultees/parishioners have through their own separate enquiries been more informed on certain issues. At the very least the present application should be taken as an opportunity to address these perceived shortcomings or demonstrate information to the contrary. This should then ensure that there would not be any repeat of the present situation.*

*Consequently the proposed development is therefore considered contrary to Local Plan Policy SP2.*

*Site history.*

*The applicant's reference to the existing Lawful Development Certificate for the storage of building materials is considered irrelevant in this instance and if this use had ever been measured against the proper planning criteria it would have almost certainly been refused planning permission.*

*It is the considered view of members that there is evidence of some encroachment from the development site on to highway land and that this issue requires to be addressed by the LPA issuing formal notices to the relevant parties. Previous planning applications relating to the nearby stables night time illumination were refused planning permission. The development site does not benefit from street lighting and the application does not address the issue of site illumination. To avoid a cause of light pollution to the detriment of occupiers of residential property and the established wildlife habitat similar restrictions should apply.*

*Inappropriate location.*

*The proposed development is considered over intensive use of the site, inappropriate for the area, is likely to cause an increase in vehicular activity in the locality and does not indicate satisfactory sewerage/drainage provision.*

*The proposed development is therefore considered contrary to Local Plan Policy HL8 (4).*

*Access to the site for emergency services is difficult. Thames Street is an unclassified road maintained only to a standard fit for its existing purpose – access &c. The road is used by children and adults on bicycles, dog walkers and horse riders. Also, the highway is poorly drained and subject to standing water and mud along part of its length. Increased number of large vehicles (up to 3.5 tonnes in the planning application supporting document) will cause further deterioration of the road and hence more costs to be borne by the local community.*

*The proposed development is contrary to guidance issued to LPAs by Central Government's Department for Communities and Local Government; Planning policy for Traveller Sites Policy B(9e): protect local amenity and environment,*

*Policy C(12) site scale should not dominate the nearest settled community and Policy H (24b, c & d): sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*

*If planning permission is granted it may create a precedent that could lead to other similar applications that will be difficult to resist and would therefore diminish existing safeguards designed to protect such development in the countryside from encroachment.*

*Sewerage/sewage disposal and waste disposal.*

*Local knowledge also indicates that there is a problem with flooding and sub soil irrigation to the extent that effluent will not be properly discharged. This is formally recognised by the Environment Agency and the development site is on a flood plain map and to comply with Policy B (11g) the LPAs should ensure that their policies do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans. The area is noted for a high water table with predominantly clay substrate. Local information indicates a previous landowner arranged land infill engineering works in an attempt to address this problem, this may have included, in part, using contaminable material that may now pose a potential hazardous risk to public health. The application is for eight caravans and it is reasonable to conclude a total capacity of thirty two people could live on the site at any one time. The proposed sewage treatment plant has the optimum capacity for eighteen people with the potential of a serious pollution incident. It is considered the application does not demonstrate a suitable scheme for the disposal of foul drainage to the package treatment plant. Council request that the LPA provide a full environmental impact report for reference by statutory consultees and other interested parties. The remoteness of the proposed development site from main sewerage and waste collection points will cause an adverse environmental impact on the immediate local community. The foul waste generated by four families would have to be dealt with by a suitable method of treatment.*

*Refuse collection vehicles will have great difficulty navigating Thames Street safely – because of the single-track road and access/egress by narrow steep roads at right angles and alternative means of refuse disposal would be required. Uncollected refuse can therefore be expected in the area, which is clearly unacceptable from a health and safety perspective as well as being detrimental to visual amenity. These issues could present a hazard to public health. The proposed development does not therefore comply with Policy B (11e) that requires the LPA to provide for proper consideration of the affect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*

*Central Government's Department for Communities and Local Government National Planning Policy Framework 11(109), inter alia, requires the LPA to implement policies in pursuance of conserving and enhancing the natural environment and where possible providing net gains in biodiversity.*

*The proposed site is in close proximity (c. fifteen metres) to residential dwellings on the outskirts of Newton with Scales. The screening proposed does not adequately conceal the site as required to comply with Planning policy for Traveller Sites Policy H (24). Related engineering work that has already been executed does not appear to have permission from the relevant authorities, is of an unsatisfactory standard comprising building waste and encroaches on to highway land.*

*Thus the site will have an adverse material physical impact on residential amenity, due to the close proximity of site activities/operations which would be detrimental to the immediate surrounding area and adjoining parishes/towns. The proposed development is therefore considered contrary to Local Plan Policy HL2 (4) HL8 (10).*

*Site usage/operations.*

*It is recognised that most Gypsies are self-employed people, sometimes occupied in scrap and scrap metal dealing, laying tarmacadam, seasonal agricultural work, casual labouring or other employment*

*associated with their lifestyle. Therefore their occupational needs require consideration - this usually will mean the storage of plant/equipment or materials at their permanent site. This could cause unacceptable visual intrusion; it also lends itself to an increased likelihood of land and watercourse contamination issues related to the business activity. These problems will be exacerbated, if business activities were to be conducted from the site.*

*Most Gypsy sites are mixed business/residential although the submitted application indicates residential usage. The use of power generators for example will be a cause of increased noise pollution and there does not appear to be any provision for fuel storage. Therefore, Council requests the LPA to obtain more information relating to capacity for vehicular parking, materials, storage &c. The proposed development is therefore considered contrary to Local Plan Policy HL8 (6).*

*The development site does not benefit from street lighting and the application does not address the issue of site illumination that is likely to be a cause of light pollution to the detriment of occupiers of residential property and the established wildlife habitat.*

#### *Existing services, utilities and infrastructure.*

*Existing services in the parish are limited. Consequently, the educational, healthcare and recreational needs of the Gypsies could not be met in any sustainable manner. The LPA is required to comply with guidance from Central Government's Department for Communities and Local Government; Planning policy for Traveller Sites, Policy B (11c) - ensure that children can attend school on a regular basis, & (11f) - avoid placing undue pressure on local infrastructure and services. It is reasonable to assume that if planning permission is granted then the site may be further developed.*

*Within the usual Planning policies and guidelines, proximity to services is also seen as a requirement. The following amenities for each caravan pitch would be required: water, electricity, sewerage, refuse collection, lighting, plus services to work areas, (if the families are allowed to conduct their business from the premises). Few of these services are presently available at the proposed development site and the increased traffic seeking access/egress to/from Thames Street is detrimental to road safety.*

#### *Site management.*

*The proposed development does not provide any indication relating to site management. A caravan site, whether or not it is for gypsies, is likely to need a site licence (Caravan Sites and Control of Development Act 1960). Fylde Borough Council is responsible for issuing the site licence and must do so once planning permission is granted. The licence will contain conditions which specify how a particular site should be regulated and equipped, in the interests of health, safety and amenity - type of caravan site e.g. residential, seasonal or touring, the permitted density (the number per acre/hectare) and the spacing between caravans. water supply and drainage, lavatory and washing facilities, fire precautions and electrical installations.*

*Details of the licensing conditions should have been discussed while the application for planning permission is being considered, so that the licence can be issued as soon as possible should permission be granted (this procedure was initially recommended in Central Government Circular 1/94).*

#### *Précis of other related planning issues.*

*Neither the applicant nor the LPA has provided any quantitative information relating to the need for the proposed site nor any demographics (originally Central Government Circular 1/94 stated that this information is essential and it is now required to comply with Local Plan Policy HL8 and Joint Structure Plan Policy 29). It is also considered that the proposed development is contrary to North West of England Plan Regional Spatial Strategy to 2021 Policy RDF 2 that requires plans and strategies for the region's rural areas to support the priorities of the Regional Rural Delivery Framework relating to their economy, environment, farming, housing and services.*

*The site layout is congested/over intensive and therefore does not accord with guidance issued to LPAs by Central Government's Department for Communities and Local Government; Designing Gypsy and Traveller Sites Good Practice Guide in respect of access, layout, orientation issues relating to; site perimeter boundaries, orientation of pitches health and safety, utilities, access (general and for emergency vehicles), security, play areas, landscape design car parking, density and spacing of caravans and trailers and inclusion of space for work/animals.*

*The site plan and amenity building drawing is not to scale and the location plan does not reasonably indicate the extent of the land in relation to adjacent properties on Grange Lane of which 4NO are Listed.*

*Council also requests that the LPA fully address the matter of local plan policy for Gypsies and Travellers Site Planning Applications. As Central Government Circular 1/94 originally made clear, plans should wherever possible identify locations suitable for gypsy sites, whether local authority or private sites.*

*Where this is not possible, they should set out clear, realistic criteria for suitable locations as a basis for site provision policies. They should also identify existing sites which have planning permission, whether occupied or not, and should make a quantitative assessment of the amount of accommodations required. LPA policy should clearly address the aforementioned issues, define boundaries and also conform to criteria and guidance as originally prescribed in, inter alia, PPG2 relating to:*

- i) Demonstrable need not being met on existing sites in the area and adjacent areas*
- ii) Compatibility with other plan policies i.e. Green Belt and other similar areas of restraint will not usually be appropriate locations.*
- iii) Impact on environment*
- iv) Land use compatibility*
- v) Good access/egress to the public highway and on site provision for vehicular maneuver*
- vi) Adequate local services i.e. education, recreation, healthcare provision &c.*
- vii) Screening, landscaping &c.*

*Therefore, on the basis of the above material planning considerations Council recommends that the proposed development be it a site for settled occupation; temporary stopping places; or a transit site should be refused planning permission.*

### **Statutory Consultees**

#### **County Highway Authority**

##### **Original response received 1st May 2012**

*Before I am able to provide my views on this application I would request that the following information is provided by the Applicant:*

- \* maximum dimensions of the static caravans proposed*
- \* maximum sizes of the mobile caravans proposed*

*Thames Street is adopted highway but single track along much of its length with grass verges and tight bends/junctions. The applicant needs to demonstrate that the site can be accessed by both the static caravan delivery vehicles and by the mobile caravans. I would therefore request that 'Tracks' modelling diagrams are provided for both the largest static and mobile caravans proposed to show if access can be gained to the site within the available highway. The diagrams will need to show access/egress from Grange Lane into Thames Street and round the bends into the site.*

*Once this information is provided I will be able to submit further comments.*

**Further response received 13/09/2013:**

*The description has change slightly with the removal of the static caravan element.*

*Although "tracking" (swept path analysis) was previously requested and has not provided, photographic evidence has been provided together with some details of existing use of the highways by HGV's. On this point I would state that Thames Street is not ideally suited for use by towed vehicles although I would agree that there is a history of use by farm vehicles other large vehicles which would have had greater difficulties in negotiating the street than the size of vehicles that this development proposal will create.*

*The nature of the development would suggest that when in residence there will be daily vehicle movements with the towed caravans remaining on site. The number of these vehicle movements would be no greater that what would occur from 4 dwellings. Whilst Thames Street is narrow and any additional vehicle movement will increase conflict between pedestrians and vehicles the numbers will still be relatively low. As such I do not see this level of vehicle movement to be such that highway capacity of highway safety issues will arise. I would expect to see towed caravan movements several times a year and wouldn't envisage that these movements would lead to any significant highway issues either.*

*Overall whilst the highway network here is not ideally suited to an increase in vehicular activity I do not consider there to be sufficient detriment to highway safety or highway capacity to raise a highways objection*

**Environmental Protection Team**

**Original response received 5th April 2012**

*There are no objections to the above proposals in principle, however, I would add the following conditions:*

*The Applicant shall contact the Local Authority's caravan site licensing department to ensure that the requirements of the Caravan Site Control and Development Act are complied with.*

**Further response 6th July 2012**

*I have been informed that the site is situated on potentially contaminated land. Our records do not show this hence it was not mentioned in previous memo. I would ask that a contaminated land survey is carried out and remediation report submitted prior to any development commencing.*

**Further response received 16th August 2013**

*The proposed mound must not consist of material currently on site unless the content of the soil can be independently verified to not contain contaminated material.*

*There is currently a mound of earth in situ towards the rear of the site adjacent to the boundary fences on the properties along School Lane. Again this material is potentially contaminated and must be removed from site or independently remediated and verified to demonstrate that there is no material within that would cause a risk to human health.*

## **Planning Policy Team**

*I have assessed the proposal against:*

- *Fylde Borough Local Plan (As Altered: October 2005)*
- *The National Planning Policy Framework (March 2012)*
- *Planning Policy for Traveller Sites (March 2012)*

*The comments below concentrate on the main policy issues relating to the application.*

### ***Need for sites***

*The need for gypsy and traveller sites in Fylde has not yet been established. A sub-regional GTTA has been commissioned by Blackpool, Wyre and Fylde Councils and this will be used to establish a local need for gypsy and traveller sites in the Borough. The Local Plan Part 2: Site Allocations to 2030 document will allocate the location of specific sites in the Borough if a local need is established.*

### ***Gypsy and traveller pitches in the countryside***

*The site is situated within the Countryside Area as designated in the adopted Fylde Borough Local Plan (As Altered: October 2005). Policy SP2 of the Local Plan does not permit development in Countryside Areas unless it falls within one of the categories listed in the policy. The proposed development does not fall within any of these categories and therefore does not meet the requirements of policy SP2.*

*Policy HL8 of the Local Plan provides local guidance regarding applications for sites for caravans providing accommodation for gypsies. Criterion 8 states that gypsy and traveller sites should have no significant harmful effect on the character and amenities of the area, and the landscape character type within which the site is situated. With regard to landscape character, you may want to consult the Landscape and Heritage SPG, which formed part of the Joint Lancashire Structure Plan. The associated policy (Policy 20) in the Structure Plan no longer forms part of the development plan, but the SPG does provide a description of the character of the coastal plain landscape, of which Fylde forms a part (pages 50-53), and also sets out recommendations on how landscape features should be conserved. Regarding policy HL8 of the Local Plan, Criterion 10 states that development of gypsy sites will not be permitted in the open countryside away from settlements.*

*In considering whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, you should also consider the provisions of the NPPF and the Planning Policy for Traveller Sites. The Planning Policy for Traveller Sites permits new sites in the open countryside, but states that this should be limited. Specifically, paragraph 23 of the policy states that “local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.”*

*Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 21 of the Planning Policy for Traveller Sites also states that “applications should be assessed and determined in accordance with the presumption in favour of sustainable development.”*



### ***Landscaping***

*It is noted that the proposal includes landscaping. Paragraph 24)b) states that local planning authorities should attach weight to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. However, you should ensure that the site is not enclosed with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community, in accordance with paragraph 24)d).*

### ***Previously developed land***

*The site comprises previously developed land. Paragraph 111 of the NPPF states that planning decisions should encourage the effective use of land by re-using land that has been previously developed. Similarly, paragraph 24)a) of the Planning Policy for Traveller Sites states that local planning authorities should attach weight to the effective use of previously developed, untidy or derelict land.*

### ***Impact on neighbouring communities***

*Gypsy and traveller sites should respect the scale of, and not dominate the nearest settled community, in line with paragraph 23 of the Planning Policy for Traveller Sites. Policy HL8, criterion 6, of the Local Plan states that the location of the site should not give rise to nuisance to neighbours by any means. The impact upon the nearest settlement (Newton) will therefore need to be considered.*

### ***Conclusion***

*The proposal is contrary to the adopted Fylde Borough Local Plan, specifically policy SP2 regarding development in the countryside and policy HL8 regarding gypsies and travellers (criterion 1 regarding a need for gypsy sites and criterion 10 regarding development in the open countryside).*

*In considering whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, you should also consider the provisions of the NPPF and the Planning Policy for Traveller Sites. The Planning Policy for Traveller Sites states that new traveller site development in open countryside that is away from existing settlements should be limited. Both the NPPF (paragraph 49) and the Planning Policy for Traveller Sites (paragraph 21) state that applications should be assessed and determined in accordance with the presumption in favour of sustainable development.*

*The Planning Policy for Traveller Sites states that weight should be attached to sites that make effective use of previously developed or untidy land, and also to sites that are well planned or soft landscaped so that the environment is enhanced (paragraph 24).*

*In determining the application, the case officer should consider the impact upon the village of Newton (in accord with paragraph 23 of the Planning Policy for Traveller Sites); and also the considerations set out in paragraph 22 of the Planning Policy for Traveller Sites.*

*In terms of the need for gypsy sites, when the sub-regional GTTA is completed the Council will have an identified and definitive requirement for gypsies and travellers pitches.*

## **Environment Agency**

### **Initial response dated 17 April 2012**

*We have no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:-*

**CONDITION** *No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the package treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.*

**REASON** *To prevent pollution of the water environment.*

*Under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.*

*Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.*

*A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.*

### **Further response dated 28 May 2012**

*I refer to my previous response dated 17 April 2012.*

*We did not make any comments in relation to flood risk as the application boundary is wholly within Flood Zone 1. Flood Zone 1 is defined by the Environment Agency Flood Map as having a low probability of flooding and despite being adjacent to areas of Flood Zone 2 (medium risk) & Flood Zone 3 (high risk), the application site itself is not shown to be at risk. In accordance with the NPPF Technical Guide and the risk of flooding, all uses of land are appropriate in Flood Zone 1.*

### **Further response dated 12 March 2013**

*I refer to the above and our response dated 17 April 2012.*

*We previously recommended that any subsequent approval of this application include a planning condition requiring a scheme for the disposal of foul drainage to the proposed package treatment plant be submitted for approval prior to the occupation of the site.*

*In response to correspondence received from local residents, we wish to amend the*

*wording of the condition and remove reference to the package treatment plant, i.e.*

*CONDITION No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The site shall not be occupied until such time as the scheme for foul drainage has been constructed and completed in accordance with the approved plans.*

**REASON** *To prevent pollution of the water environment*

*While we still recommend the use of a package treatment plant and consider this to be the preferred option in accordance with Circular 03/99, rewording this condition will ensure that any alternative foul drainage scheme that may subsequently be proposed would still need to be agreed with the Council while allowing the applicant flexibility in the event that they demonstrate the preferred method of sewage disposal is not appropriate on the site.*

*The applicant should also be aware that in addition to the need for a permit or exemption for any discharge of sewage or trade effluent from the site, any waste materials that may be imported on to the site for the purposes of site preparation or construction will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from us, unless a waste exemption applies.*

#### **Further response dated 15 August 2013**

*I refer to the above and the additional information submitted to us for consultation.*

*Further to our previous responses dated 28 May 2012 and 12 March 2013, we wish to add the following comments:-*

*We have reviewed the Phase 1 Environmental Audit for Land off Thames Street, Newton with Scales by T J Booth Associates (dated January 2013; reference rep-tjba-mcdonough-thames st, preston-phs env-171212.docx). Although the risk to controlled waters is considered to be low, based on the conclusions of the report we would recommend that any subsequent approval is conditioned as follows:*

**CONDITION** *No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*

*1) A site investigation scheme, based on the Phase 1 Environmental Audit for Land off Thames Street, Newton with Scales by T J Booth Associates (dated January 2013; reference rep-tjba-mcdonough-thames st, preston-phs env-171212.docx) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

*2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

*3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,*

*maintenance and arrangements for contingency action.*

*Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.*

**REASON** *To ensure the proposed development complies with saved Policy EP29 in the Fylde Borough Local Plan as altered (2005) and paragraph 120 of the NPPF.*

*We have also reviewed the following reports submitted on behalf of the residents association:*

- *Flood Risk Assessment Screening Study for land at Thames Street, Newton, Preston by Sanderson Associates for Newton Residents Association (reference 6698/JMcK/001/03; dated August 2012)*
- *Letter Report relating to a planning Application at Newton with Scales, Fylde, Lancashire by Ford Consulting Group Ltd for Newton Residents Association (reference 00173-001/NCA/JDWW; dated 6 August 2012)*
- *Preliminary Assessment of a proposed sewage treatment facility at Thames Street, Newton with Scales by Cath Retberg BSc, MIEMA, CEnv (dated June 2012)*

*For your information, copies of these reports have already been referred to us by the residents association. Our response to these reports, dated 9 January 2013, is attached for your information and we have no further comments to add.*

#### **United Utilities - Pylons, electric sub stations**

**Original response 29 March 2012:**

*I have no objection to the proposed development.*

*A separate metered supply will be required at the applicant's expense and all internal pipework must comply with the current water supply (water fittings) regulations 1999.*

**Further response 13 August 2013:**

*United Utilities are unable to comment on this application as it does not communicate with our network either directly or indirectly.*

#### **LCC: (Ecology)**

**Original response 30 April 2012:**

*The Applicant does not appear to have submitted any ecological information in support of this application (and has not therefore demonstrated compliance with policy). However, in my opinion, significant impacts on biodiversity as a result of these proposals seem reasonably unlikely. This conclusion is based on the following assumptions: the site consists of existing hardstanding (suboptimal habitat for most species); there are no existing buildings present; no trees or hedgerows would be felled or pruned to facilitate development; no watercourses would be affected; and there are no ponds within 250 metres of the application area.*

*On this basis, the planning application appears to be in accordance with the requirements of biodiversity legislation, planning policy and guidance.*

**Further response 12 August 2013:**

*The amendment to the application form does not have a bearing on ecology matters and I therefore have no further comments to make at this time.*

## **Natural England**

### **Response received 11 April 2012:**

*This application is in close proximity to Newton Marsh Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.*

*The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.*

*However, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:*

### **Protected species**

*If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the Applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.*

### **Local wildlife sites**

*If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR), the Authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.*

### **Biodiversity enhancements**

*This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the Applicant, if it is minded to grant permission for this application. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.*

*Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with section 4 of the Natural Environment & Rural Communities Act 2006, Natural England should be consulted again.*

## **Observations of Other Interested Parties**

### **Fylde Coast Bridleways Association -**

*Response 25 April 2012 - Object - This is an actual bridleway from Newton to Freckleton which we were involved in prior to its opening in the Millennium year. As I understand,*

*the plan is for the erection of 4 pitches for 4 gypsy families but with no allowance for parking facilities. We are worried that the bridleway will become blocked, preventing horseriders, cyclists & walkers from using the track which was the intention when it was opened. Bridleways are important as offroad access for horses (also used by cyclists & walkers) in an increasingly urban area and we do not want to lose this facility.*

*Further response 8th October 2012: Continue to object strongly against this application on the grounds that the caravan site would create continued obstructions on the bridleway and deny safe passage of horses and riders.*

### **Neighbour Observations**

**Neighbours notified:** 23 March 2012

**Amended plans notified:** 26 July 2013

**No. Of Responses Received:** 185 letters of OBJECTION to original consultation & 104 letters of OBJECTION following reconsultation in July 2013.

In addition, the Newton Residents Association (NRA) have submitted reports and a letter prepared by Consultants relating to highways, contamination, flood risk and drainage issues.

#### **Nature of comments made:**

##### **Concern expressed regarding:**

*Contrary National Guidance & Local Plan Policy*

*Countryside Area*

*Previous use*

*No proven need*

*Site layout - no open space*

*Visual amenity*

*Highway safety*

*Flood risk*

*Drainage*

*Ground contamination*

*Ecology*

*Noise/Air/Light Pollution*

*Retrospective works*

*Affect the setting of a listed building*

*Probable lowering of educational standards in local schools attended by gypsy children.*

#### **In addition following re-consultation the following specific issues have been raised:**

*Alterations to vehicular access*

*Outstanding safety concerns relating to access*

*Revision to house 8 touring caravans*

*Revision to discharge treated sewage into a French Drain*

*No detailed sewage treatment plan*

*No phase 2 contamination survey*

### **The Newton Residents Association (NRA)**

*The NRA submitted the following Reports & Letters in November 2012:*

- 1. Sanderson Associates Flood Risk Assessment (August 2012)*
- 2. Sanderson Associates Transport Statement (July 2012)*
- 3. Ford Consulting Group Contaminated Land Report (6 August 2012)*
- 4. Report by Cath Retberg (Drainage) (June 2012).*
- 5. Planning Statement by Peter Tufnell (Planning Consultant) (November 2012)*

6. *Letter from United Utilities to an occupier of a dwelling in Grange Lane, regarding flooding from a public sewer (July 2012.)*

**EA response**

*The Environment Agency commented on the reports prepared by the Newton Residents Association as follows:*

**CONTAMINATED LAND ASSESSMENT, FLOOD RISK ASSESSMENT & FOUL DRAINAGE ASSESSMENT SUPPORTING CONCERNS OF NEWTON RESIDENTS ASSOCIATION  
PROPOSED TRAVELLERS SITE AT LAND AT THAMES STREET, NEWTON**

*I refer to the above and the following documents that you sent by e-mail to Jason Pusey in our Environment Management team:-*

- *Flood Risk Assessment Screening Study for land at Thames Street, Newton, Preston by Sanderson Associates for Newton Residents Association (reference 6698/JMcK/001/03; dated August 2012)*
- *Letter Report relating to a planning Application at Newton with Scales, Fylde, Lancashire by Ford Consulting Group Ltd for Newton Residents Association (reference 00173-001/NCA/JDWW; dated 6 August 2012)*
- *Preliminary Assessment of a proposed sewage treatment facility at Thames Street, Newton with Scales by Cath Retberg BSc, MIEMA, CEnv (dated June 2012)*

*As you are probably aware, we have already been consulted on this planning application by Fylde Borough Council and we responded to the consultation on 17 April 2012. A copy of our response is attached for your information.*

*Having reviewed your submissions, we have no further comments to add to our consultation response to Fylde Borough Council for the following reasons:-*

**Flood Risk**

*The application boundary is wholly within Flood Zone 1, which is defined as having a low probability of flooding in Table 1 of the National Planning Policy Framework (NPPF) Technical Guide. Despite being adjacent to areas of Flood Zone 2 (medium risk) and Flood Zone 3 (high risk), the application site is not at risk of tidal or fluvial flooding and the Flood Risk Assessment (FRA) Screening Study does not prove otherwise.*

*It would appear that the flooding shown in the photographs within the FRA is surface water flooding, rather than from fluvial or tidal sources. The Flood and Water Management Act 2010 has given Lead Local Flood Authorities (LLFAs) responsibility for the management of local flood risk (surface runoff, groundwater and flooding from ordinary watercourses). In this case, the LLFA is Lancashire County Council and any incidents of surface water flooding should be reported to them.*

*Despite the conclusions of the FRA Screening Study, if the site is not at risk of tidal or fluvial flooding on our Flood Map and we have no evidence that the development will exacerbate flood risk off site, we are unable to object to a development where a FRA has not been submitted. Any risks to the site from other sources of flooding such as surface water or groundwater are for the consideration of Fylde Borough Council or the LLFA.*

**Land Quality**

*We have reviewed the letter report from Ford Consulting Group Ltd and this information post-dates our previous consultation on this development. Some of the information used to inform the report was not previously supplied by the developer, namely a statement by previous owner, containing historical information on uses of the site & contamination and site photographs @ 2001. However, although this*

*information has been used to inform the report, it is not included within it.*

*The ground was originally boggy which suggests that either a shallow groundwater level is present or the clay is not far underground and water has difficulty in escaping the site into the local drains. Drift Geology maps indicate that the sandy clays are shallow.*

*Savick Brook (Middle Pool) is the nearest surface watercourse, about 770metres to the east/south east. The major aquifer is protected by a thick layer of glacial clay. There are no landfills or known contaminated land sites within 250 metres of the development site.*

*It is understood from the report that this site has had previous uses as a builders storage yard that may have resulted in potential contamination. The types of materials that have been used to surface the western part of the site have been described as contaminated materials. Demolition materials, some asbestos containing materials and PFA, with a small area to the east that was covered with concrete at a later dates. The quality of sub base or the boggyness of this eastern area is not commented upon.*

*The existence of the materials as described would need some form of assessment in relation to the proposed end use, specifically the possible impact upon the workers developing the site and the end users of the site. There is a potential that these materials could be reused on site and if suitably capped would stop the potential for contact with the end users. If these materials were not to be re-used they would need to be assessed for disposal purposes.*

*The impact of the contaminated materials as described ( and no specific volumes or ratios are given) would probably be minimal in terms of controlled waters. Asbestos is inert and has no impact on controlled waters and a small volume of PFA if deposited over 40 years ago has probably already leached considerably and would not continue to be causing significant impact.*

*As much of the contamination pertains to human health, we would not specifically require a contaminated land investigation from a controlled waters view point.*

### ***Foul Drainage***

*In accordance with DETR Circular 03/99, it is for the developer to demonstrate to the satisfaction of the local planning authority that the use of non-mains drainage is appropriate. Where it is reasonable and practical to do so, the first presumption should always be a connection to the public sewer and where this is practicable we would object to the use of non-mains drainage in a sewered area.*

*In this case, the applicant is proposing to discharge foul drainage to a private treatment plant. We understand that this is because connection to the foul sewer is not practicable given the distance between the site and the sewer. In accordance with the hierarchy outlined within the Circular 03/99, the applicant has proposed the use of a package treatment plant for the disposal of foul drainage. If the Council is satisfied that it is not practicable to connect the site to the foul sewer, this is the next best alternative provided than an acceptable scheme can be agreed.*

*The report by Cath Retberg recommends that a Foul Drainage Assessment needs to be completed prior to planning approval being granted. However, Circular 03/99 recommends that local planning authorities should also consider whether it is appropriate to condition an application to address concerns regarding foul drainage in a practicable and sustainable manner before refusing an application on these grounds. We are satisfied that if the Council condition the scheme for foul drainage as recommended, in the event that the applicant cannot demonstrate a package treatment plant is appropriate in this location, the condition will not be able to be discharged and an alternative method of foul disposal will need to be identified.*

*In addition to planning permission, the installation of a package treatment plant would require approval under the Building Regulations and any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an*



*environmental permit issued by the Environment Agency. The granting of planning permission does not confer the necessary consents and licences for development required under other legislation and we are satisfied that sufficient control exists to prevent any harm to the environment.*

Full copies of the reports and letters submitted by the NRA are available for inspection at the Public Offices, Clifton Drive South, St Annes.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL08	Sites for Gypsies
EP11	Building design & landscape character

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
DCLG:	Technical Guidance To The National Planning Policy Framework
DCLG:	Planning Policy for Travellers Sites (March 2012)

### **Environmental Impact Assessment**

This development has been assessed and does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 nor is it likely to give rise to significant environmental effects. Consequently, it is considered that the development does not comprise “EIA Development”.

### **Comment and Analysis**

#### **Policy Background**

The National Planning Policy Framework (The Framework) provides national guidance on all planning matters and so is relevant to the determination of this application. The government has also produced specific guidance in ‘Planning Policy for Traveller Sites’ (PPFTS) which was published shortly before the Framework and replaces the previous specific guidance on such matters in Circular 01/2006.

The relevant development plan policy for assessing this application is Policy HL8 of the Fylde Borough Local Plan which relates to the provision of Sites for Gypsies. The elements of policy HL8 that are relevant to this application are in accordance with the guidance in PPFTS. The primary difference between policy HL8 and PPFTS is the approach to development in the Green Belt, which is not a relevant issue with regard to this application. Therefore, significant weight should be attached to policy HL8 as it is generally consistent with national policy.

As the site is within the Countryside, Policy SP2 relating to development in those areas is also relevant. Policy SP2 seeks to restrict inappropriate development within the countryside and pre-dates the Framework and PPFTS. Gypsy caravan sites are not included within the list of appropriate developments within countryside areas. Therefore, Policy SP2 is inconsistent with the policy guidance contained in PPFTS and Policy HL8 which allows the development of suitable sites in the countryside close to settlements.

National planning guidance contained within ‘Planning Policy for Traveller Sites,’ (PPFTS) March 2012 advises at paragraph 21 that applications should be determined in accordance with the presumption in favour of sustainable development and at paragraph 22 that relevant issues to be considered include the existing level of local provision and need for sites; the availability of

alternative accommodation; other personal circumstances of the applicant; that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and that they should determine applications from any travellers and not just those with local connections.

Within the Emerging Fylde Local Plan, there is a criterion based policy (H4) within the Preferred Options for Development which refers to Gypsies & Travellers. This document was subject to consultation between June and August this year and therefore continues to carry limited weight because it is subject to objections which still need to be considered.

A new sub regional Gypsy and Traveller Accommodation Assessment (GTAA) has been commissioned by Blackpool, Wyre & Fylde Councils and this will be used to establish a local need for gypsy and traveller sites in the Borough. However, this is not expected to be published until next year.

### **Need for Travellers sites**

Gypsies & Travellers are of a nomadic nature and do not restrict themselves to district boundaries. The Partial Review of the former Regional Spatial Strategy (RSS) (2009) found significant unmet need at regional and sub-regional levels. The nomadic nature of gypsies makes assessment at a district level problematic. Assessment is made through GTAA at regional and sub-regional level. There is a significant need for sites in the North West and in the sub-region and there is a shortage of suitable available sites to meet that need.

The sub regional GTAA was published in May 2007 and identified a need to provide 0.58 pitches in the period up to 2016 in the Borough of Fylde. However, with the later publication of the NPPF and the 'duty to co-operate with neighbouring authorities' there is an obligation to examine needs on a wider level. This includes considering need in Wyre and Blackpool as well as Fylde Borough, so any references in this report to need in the 'wider area' refer to the area encompassing Fylde, Blackpool and Wyre Boroughs. There is no mechanism for redistribution, although when preparing a Local Plan there is a duty on authorities to co-operate which has arisen from the Framework and the Localism Act 2011.

One of the principal aims of national planning guidance in 'Planning Policy For Traveller Sites' (PPFTS) is to address traveller site provision. There has been a longstanding unmet need for additional sites in the wider area as a whole (Fylde, Blackpool & Wyre) despite policies aimed at increasing the provision of sites. The 2007 GTAA remains the best available source of information on need. It found a need for almost 28 pitches in the wider area up to 2016. A need for less than one pitch was identified in Fylde Borough, with a need for 24 pitches in neighbouring Blackpool and 3 Travelling Showmen sites in Wyre.

The Framework and the guidance in PPFTS do not limit the consideration of need to the district in which a site is located and it is appropriate for the decision maker to ensure that all relevant aspects of need are taken into account. The nomadic character of Gypsies and Travellers is a factor in taking this approach.

The Council is currently reviewing the GTAA and will take action in terms of allocating sites if a need is found. The Secretary of State agreed with his Inspector in his decision of 11th August 2011 in respect of the Travellers' site at Fairfield Road that evidence of need in the wider area is a significant material consideration weighing in favour of the development at that site. Since the Fairfield Road decision there have not been any planning permissions granted for additional Gypsy & Travellers sites in the Fylde, Blackpool and Wyre wider area. Consequently, it is considered that the need for additional pitches in the wider area remains a significant material consideration in favour of granting planning permission for this particular site. A full copy of the decision of the Secretary of State in respect of the Fairfield Road appeal (App Ref 2134060-74 and 2134032) is available for inspection at

the Public Offices, Clifton Drive South, St. Annes or through this link to the FBC Planning Website:- [09/0830](#)

### Conclusion on need

Criterion 1 of policy HL8 requires the identified need for gypsy sites in the area. In view of the lack of an identified need for sites in Fylde Borough within the GTAA, the development can be considered to conflict with that requirement. Nevertheless, the evidence of need in the wider area, albeit of less weight than if an identified need existed within Fylde Borough is a material consideration weighing in favour of the proposal; the Government's policies on how to assess and address identified need for traveller accommodation are significant material considerations weighing in the Applicant's favour.

### **Previous use, including issues of Lawful Development, Abandonment and Previously Developed Land**

A Lawful Use Certificate for the use of this site as a Builders Yard was granted in 2008. The legality of the Council's decision to grant the Certificate has been raised as an issue by the Newton Residents Association (NRA).

This matter has been thoroughly explored by your officers and Counsel's advice has been obtained as to whether grounds exist to revoke this certificate. The advice is that there are no grounds to revoke it. The lawful use of the site is, therefore, for the storage of Building Contractors' materials. However, even if the application was to be considered in respect of the site without the benefit of a Lawful Development Certificate, either because it was revoked or because evidence indicated that the use had been abandoned, evidence of its planning status would have to be considered.

The historic use of the site is as a yard for the storage of materials in association with a builders' merchants business run locally. Aerial photographs, published prior to the submission of the application and prior to the pre-application works carried out on site indicate that the site has retained the characteristics of a storage use with hard standing and it is clear from aerial photographs taken over the past twenty years that these characteristics have been present for many years. The surfaces laid and the fencing are characteristics of the historic use that have not blended into the landscape and this site falls, therefore, within the definition of previously developed land as defined by the Framework.

Therefore, even if the use of the land as a Builders Yard was not lawful due to revocation of the Lawful Development Certificate or the abandonment of the use, this is a brownfield site (or previously developed land) which sits in the existing landscape. The site meets the same policy requirements whether it is considered as previously developed land and/or as having the benefit of a certificate of lawful use for storage of builders' materials. If evidence indicated that the use under the Lawful Development Certificate had been abandoned, the site would still need to be considered as previously developed land.

### **Appropriateness of Location**

The site is previously developed land within a countryside area where policy SP2 of the Adopted Fylde Borough Local Plan applies. Policy SP2 is a generic policy which permits uses appropriate to a rural area but does not make any reference to Gypsy caravan sites. Policy HL8 is a more specific policy dealing with Gypsies and Travellers and is accepting of proposals in the countryside, close to settlements which provide certain services. There is, therefore, a conflict between these policies. Given that Policy HL8 is the more consistent policy with the Framework and the PPFTS and as this location complies with the guidance contained within the PPFTS, less weight can be afforded to Policy SP2.

### Setting

The site is situated on the edge of the settlement of Newton and is allocated as a Countryside Area according to the Adopted Fylde Borough Local Plan. It is surrounded by a mix of uses including residential, agricultural and equestrian. This is not an isolated rural location, therefore, this site is considered to be an appropriate location for this nature of development.

### Sustainability

The Framework describes three dimensions of sustainability: economic, social and environmental. In this case the social dimension is most relevant. Whilst the site would be regarded as having a low accessibility rating by public transport & cycling, it is situated within walking distance of a bus service, a shop, a primary school and a public house which are all situated within the village of Newton. LCC have confirmed that there are available places at the schools within the catchment area of the Thames Street site: there are 5 primary schools within the catchment and collectively they have 179 places available.

There is one secondary school within whose catchment the site falls and after looking again at the number on roll for pupils against the capacity in the school, there are 144 places available.

Accessibility is one aspect of sustainability and overall the proposal is considered sustainable as within the policies of the Framework.

### Impact on the Settled Community

Planning Policy For Traveller Sites (PPFTS) states at paragraph 12, *'When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that scale of such sites does not dominate the nearest settled community.'*

Also at paragraph 24, *'when considering applications, local planning authorities should attach weight to the effective use of previously developed (brownfield) untidy or derelict land.'*

The site is close to the defined boundary of the village of Newton, it measures 0.16 hectares in size and is proposed to accommodate 4 Traveller Pitches. This represents a very small scale increase in the number of households when compared to the existing settlement of Newton. The site is visible when viewed from properties on Grange Lane which look out over the existing site, which is fenced, and onto the existing poultry farm buildings. There would be some visual impact which could be mitigated by the provision of landscaping and planting. This would soften the visual impact of the existing fencing and views to the poultry farm buildings.

Given that the proposal would be situated on brownfield land and would not dominate the nearest settlement, it therefore complies with the guidance contained in PPFTS. There is no evidence that there would be an adverse impact on the settled community by the addition of four gypsy traveller families at this site.

### Impact on the setting of a listed building

The boundary of the site is situated 53 metres from Dagger Cottage, a Grade II listed dwelling on Grange Lane. The garden which forms part of the curtilage of the Listed Building is immediately on the boundary of the development site. There are a significant number of mature trees between the site and the listed building. The listing description for Dagger Cottage is as follows :

*Cruck-framed cottage, dated 1653 on spice cupboard, recently renovated and altered. Brick, thatched roof hipped at right end, with ridge chimney. Three-bay baffle-entry plan, the 1st bay perhaps formerly a shippon. Now 1½ storeys, but formerly single-storey with 3rd bay lofted; door at junction of 1st and 2nd bays, a 3-light sliding sash with glazing bars to the right, and a little window to the 3rd bay; deeply overhanging eaves, with inserted dormers to 1st and 3rd bays. Left gable wall has a little window and an external chimney stack behind the ridge; rear has doors to 1st and 3rd bays, 2 large casements at ground floor and one in the eaves. Interior: 3 complete raised cruck trusses of small scantling, one incorporated in the east gable wall, others at the partitions of the middle bay, with curved slender windbraces, that at the service end with the tie-beam cut for an inserted door on the upper floor (suggesting that housepart was originally unceiled); service room*

*partition wall of posts with straight braces; spice cupboard with carved surround lettered at the top "1653".*

Your Officers have assessed the significance of the setting of the listed building in relation to the development site as required by the appropriate tests in paragraph 129 of the Framework. The listing description has been considered and the view of the Council's Regeneration Manager, who has urban design qualifications have been taken into account, as has the guidance published by English Heritage.

Following the introduction of the Framework which replaced PPS5: Planning for the Historic Environment, English Heritage is revising its guidance on setting of heritage assets. Whilst English Heritage acknowledge that some references in its current document may be out of date, it believes that the document still contains useful advice and case studies.

The current guidance advises that Planning Policy Statement 5: Planning for the Historic Environment (PPS 5) formerly defined the setting of a heritage asset as 'the surroundings in which [the asset] is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'. This definition is maintained in the Framework and so the guidance provided by English Heritage is considered to remain relevant.

From the definition provided above, it can be understood that setting embraces all of the surroundings from which the heritage asset can be experienced or that can be experienced from or with the asset. Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. Views on what comprises a heritage asset's setting may change as the asset and its surroundings evolve, or as the asset becomes better understood. English Heritage advises that setting is separate from the concepts of curtilage, character and context.

Setting is considered to be the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral

In assessing setting, English Heritage recommend the following broad approach to assessment, undertaken as a series of steps:

Step 1: identify which heritage assets and their settings are affected;

Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);

Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;

Step 4: explore the way maximising enhancement and avoiding or minimising harm;

Step 5: make and document the decision and monitor outcomes.

It is your officers' opinion following this assessment, that the proposed caravan site development will not affect the setting of the listed building or any of the special characteristics of the Listed Building as it is set out in the Listing Description. This assessment is based upon the separation distance, the topographical relationship and the landscaping & screening in between the site & Dagger Cottage. The interrelationship between Dagger Cottage and the directly adjacent Dixons Farmhouse, which is also a Grade II listed building would not be affected by the proposed development. Furthermore, both Dagger Cottage and Dixons Farmhouse are primarily appreciated from Grange Lane, the primary elevations of each of these buildings. Over time, the setting of Dagger Cottage and Dixons

Farmhouse has clearly evolved and changed as development of adjacent land has occurred. The context of the setting of these buildings is clearly different from that which existed when the buildings were originally constructed when the buildings would have been viewed in a much more open setting.

Therefore, it is considered that, for the reasons set out above, the proposed development will not have an adverse impact upon the character of the listed building or its setting. The assessment supports this view whether or not the “fallback” position would be the use of the land for the storage of builders materials.

#### Conclusion on the appropriateness of location

The proposed development would be situated in an appropriate location on the perimeter of a settlement, where it would not harm the scale of the village or have an adverse impact on the settled community. It would not harm the character and appearance of the countryside, nor the listed building (or its setting). The proposal is considered to represent sustainable development within the meaning of the Framework.

#### **Highways**

The application originally proposed two caravans per pitch of which not more than one would be a static mobile home. Lancashire County Council (LCC) as Highway Authority originally requested the submission of swept path modelling diagrams, in order to ascertain whether the caravans could access the site. However, the Applicant has submitted alternative information and tracking information is included in the report submitted by Sanderson Assocs (July 2012) and LCC has had enough information to advise as set out below.

During a site meeting with the case officer, the Applicant towed a touring caravan on to the site and photographs were taken of the caravan accessing the site and being towed along Thames Street. These photographs along with the Highways Report prepared by Sandersons as an objection on behalf of the NRA have been considered by the County Highway Authority. During the site meeting, the Applicant indicated that he would be utilising 23 foot long touring caravans of the type he drove onto the site.

The Applicant has indicated that he would be willing to accept a planning condition restricting the proposal to two touring caravans per family only, which would mean static caravans are no longer proposed.

In the LCC Highways Officer's subsequent response of 13th September 2013, it is stated that whilst Thames Street is not ideally suited for use by towed vehicles, there is a history of use by farm vehicles and other large vehicles which would have greater difficulties in negotiating the street than the size of vehicles associated with this proposal.

The LCC Highway's Officer continues, *'The nature of the development would suggest that when in residence there will be daily vehicle movements with the towed caravans remaining on site. The number of these vehicle movements would be no greater than what would occur from 4 dwellings. Whilst Thames Street is narrow and any additional vehicle movement will increase conflict between pedestrians and vehicles the numbers will still be relatively low. As such I do not see this level of vehicle movement to be such that highway capacity or highway safety issues will arise. I would expect to see towed caravan movements several times a year and wouldn't envisage that these movements would lead to any significant highway issues either.'*

*Overall whilst the highway network here is not ideally suited to an increase in vehicular activity I do not consider there to be sufficient detriment to highway safety or highway capacity to raise a highways objection.'*

The bridleway network links into Thames Street & Grange Lane. There is car parking provision proposed on site and there is no evidence that the highway network would be obstructed as a

consequence of this proposal.

#### Conclusion on highways impact

The neighbouring land uses include a poultry farm and an equestrian use. The frequency of towed caravan movements is likely to be low and the proportions of a towed caravan would not be dissimilar to other types of vehicles which use Thames Street. Therefore, it is not considered that a highways objection can be sustained as the proposed development would only have a very limited impact on highway safety, subject to a condition restricting the caravans to a size which is capable of being towed on the public highway.

#### **Visual amenity**

There will be some visual impact from caravans, particularly when viewed from the rear of houses in Grange Lane which are situated at a higher level than the development site. However, bearing in mind the current appearance of this brownfield site, when seen in conjunction with the substantial grouping of agricultural buildings beyond the site and the current level of landscaping provision, then the overall impact is likely to be limited. Given the location of the site between existing agricultural buildings and the edge of the village of Newton, it is considered that any impact on visual amenity will be of an acceptable level. A condition could be imposed to ensure that approved landscaping works will be implemented and maintained to further soften the impact.

#### **Flood risk**

The application boundary is wholly within Flood Zone 1, which is defined as having a low probability of flooding in Table 1 of the National Planning Policy Framework (NPPF) Technical Guide. As the site is less than 1 hectare, the Guidance does not require a Flood Risk Assessment to be submitted by the Applicant. The site is adjacent to areas of Flood Zone 2 (medium risk) and Flood Zone 3 (high risk), but the Environment Agency have stated the application site is not at risk of tidal or fluvial flooding and the Flood Risk Assessment (FRA) Screening Study prepared by Sanderson Associates on behalf of the Newton Residents Association, does not indicate otherwise.

The Environment Agency are of the opinion that it appears the flooding shown in the photographs within the FRA submitted on behalf of the NRA is surface water flooding, rather than from fluvial or tidal sources. Despite the conclusions of the FRA Screening Study prepared by Sandersons, if the site is not at risk of tidal or fluvial flooding on the Environment Agency's Flood Map and they have no evidence that the development will exacerbate flood risk off site, they have no grounds on which to object to a development where a FRA is not required to be submitted under the Technical Guidance.

Flood Zone 1 is defined by the Environment Agency Flood Map as having a low probability of flooding and despite being adjacent to areas of Flood Zone 2 (medium risk) & Flood Zone 3 (high risk), the application site itself is not shown to be at risk. In accordance with the NPPF Technical Guide and the risk of flooding, all uses of land are appropriate in Flood Zone 1.

The Flood and Water Management Act 2010 has given Lead Local Flood Authorities (LLFAs) responsibility for the management of local flood risk (surface runoff, groundwater and flooding from ordinary watercourses). In this case, the LLFA is Lancashire County Council and any incidents of surface water flooding should be reported to them. Any risks to the site from other sources of flooding such as surface water or groundwater are for the consideration of Fylde Borough Council or the LLFA.

The application proposes discharge of surface water to a soakaway, which is a French Drain, backfilled with stone so it will store the excess rainwater within the stones at the bottom. Over time, this water will then effectively drain into the surrounding ground, preventing the risk of floods occurring or the ground becoming waterlogged. As such, the scheme is not considered to present or be at an unacceptable risk to flooding.

### Conclusion on flood risk

The site is not at risk of tidal or fluvial flooding and a Flood Risk Assessment is not required to be submitted. Surface water drainage is proposed to be dealt with by a soakaway which will drain into the surrounding ground over time. All uses of land are appropriate in this flood zone area..

### **Drainage**

The Applicant is proposing to discharge foul drainage to a private treatment plant. This is because connection to the foul sewer is not practicable given the distance between the site and the sewer. In accordance with the hierarchy outlined within the Circular 03/99 '*Planning Requirements In Respect Of The Use of Non-Mains Sewerage Incorporating Septic Tanks In New Development*', the Applicant has proposed the use of a package treatment plant for the disposal of foul drainage. When it is not practicable to connect the site to the foul sewer, this is the next best alternative, provided that an acceptable scheme can be agreed.

Newton Residents Association (NRA) have submitted a Preliminary Assessment of The Proposed Sewage Treatment Facility, which is a report prepared by Cath Retberg which recommends that a Foul Drainage Assessment needs to be completed prior to planning approval being granted. However, Circular 03/99 recommends that local planning authorities should also consider whether it is appropriate to condition an application to address concerns regarding foul drainage in a practicable and sustainable manner before refusing an application on these grounds. The Environment Agency have stated that they are satisfied that if the Council condition the scheme for foul drainage as they recommend. In the event that the applicant cannot demonstrate a package treatment plant is an effective solution in this location, the condition will not be able to be discharged and an alternative method of foul disposal will need to be identified before development can be commenced

The installation of a package treatment plant would require approval under the Building Regulations and any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment Agency. The granting of planning permission does not confer the necessary consents and licences for development required under other legislation and the Environment Agency have recommended they are satisfied that sufficient control exists to prevent any harm to the environment.

### Conclusion on drainage

The means of drainage appears to be acceptable in principle but, in any event, the details of the drainage scheme can be conditioned as advised by the Environment Agency. Drainage issues can therefore be satisfactorily addressed by ensuring that development can only be commenced in accordance with an approved scheme.

### **Contaminated Land**

There are no landfills or known contaminated land sites within 250 metres of the development site. Objectors have raised the issue of contamination on the site and have submitted a 'Letter Report,' by Ford Consulting Group Ltd on behalf of the NRA. The Environment Agency has reviewed the report from Ford Consulting Group Ltd and also a Phase 1 Environmental Audit report from Booth Consulting on behalf of the Applicant

The Ford Report asserts that the site's previous uses as a builders storage yard that may have resulted in potential contamination. The types of materials that have been used to surface the western part of the site have been described as contaminated materials. Demolition materials, some asbestos containing materials and PFA (a fluoro-carbon based polymer), with a small area to the east that was covered with concrete at a later date. The quality of sub base or the boggyness of this eastern area is not commented upon.



The existence of the materials as described would need some form of assessment in relation to the proposed end use, specifically the possible impact upon the workers developing the site and the end users of the site. There is a potential that these materials could be reused on site and if suitably capped would stop the potential for contact with the end users. If these materials were not to be re-used they would need to be assessed for disposal purposes.

The impact of the contaminated materials as described (and no specific volumes or ratios are given) would probably be minimal in terms of controlled waters. Asbestos is inert and has no impact on controlled waters and a small volume of PFA if deposited over 40 years ago has probably already leached considerably and would not continue to be causing significant impact.

As much of the contamination pertains to human health, the Environment Agency has confirmed that it would not require a contaminated land investigation from a controlled waters view point. The Applicant has submitted a Phase 1 Environmental Audit prepared by T J Booth Associates, Consulting, Civil & Geotechnical Engineers. This report is a risk assessment based on the likely level of contamination. The Phase 1 Environmental Audit is an initial survey, which identifies the appropriate approach to take in order to address the contamination issues if planning permission were to be granted, this is a common approach in areas of low risk.

#### Conclusion on contaminated land

Having taken into account the Ford Report, the Environmental Audit prepared by T.J Booth Assocs for the applicant and the comments of the Environmental Agency, it is considered that the site can be decontaminated sufficiently for the proposed use and a condition should be imposed requiring that any decontamination be carried out prior to the development commencing. In respect of this the Environment Agency have stated in their consultation response of 15 August 2013 that the Site Investigation, Remediation Strategy & Verification Plan can be conditioned to ensure effective decontamination and remedial measures as may be required..

#### **Ecology**

The site consists of existing hard standing which is considered to be suboptimal habitat for most species. There are no existing buildings on the site and there are no trees or hedgerows to be removed or pruned to facilitate development. Aside from the discharge of treated water from the package sewage treatment plant into a neighbouring ditch, no watercourses would be affected and there are no ponds within 250 metres of the application area. The County Ecologist and Natural England have been consulted and raised no objections. Therefore, significant impacts on biodiversity as a result of these proposals seem reasonably unlikely & the application is considered to be in accordance with the requirements of biodiversity legislation, planning policy and guidance.

#### **Noise & Light Pollution**

The scale and nature of the use as a small scale (8 caravans) residential caravan site and situated approximately 40 metres from the nearest dwelling is unlikely to give rise to problems of residential amenity. No details of any external lighting have been received and the Applicant has not stated whether they require any external illumination for the site. In the event that lighting is needed, any scheme should be the subject of a condition to control the level of illumination. The Council's Environmental Protection Officer has raised no objection with regard to these issues.

#### **Conditions**

If Planning Permission is granted conditions in accordance with Circulars 11/95, 03/99 and the Planning Policy for Traveller Sites Guidance will be needed. These will include conditions in respect of the limitation to touring caravans only and their size; limiting the size of vehicles; limiting occupation of site to those falling within the definition of Gypsies; limiting the number of pitches; preventing the site being used for any business operations; drainage; contamination; materials; landscaping & lighting.

## **Equality Act 2010**

In respect of the 2010 Equality Act, section 149 requires the Council to consider the extent to which equality of opportunity between persons of relevant protected characteristics may be different from those who do not share those characteristics, as a consequence of this proposal. The application is in respect of a site which is previously developed land and which is currently vacant. There is no evidence that indicates that the s149 duty is engaged. There are no identified impacts of the proposal on any groups with relevant protected characteristics and there is no reason to think that there might be any such impacts

## **Article 8 European Convention of Human Rights**

### ***Right to respect for private and family life***

*1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

*2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

This proposal must be considered under national planning policy and as part of that process the extent to which Art 8 rights may be engaged. The proposal has been considered and found not to have a material conflict with national planning policy. The letters of objection from local residents have been considered but there is found to be no interference with the Art 8 rights of the settled community. The Art 8 rights of the Applicant are not engaged.

## **Conclusions**

This site is previously developed land, whatever the status of the Lawful Development Certificate for use for storage of building contractors' materials and whether or not that use may have been abandoned. The proposal would not dominate the scale of the nearest settlement, nor would it harm other acknowledged planning interests such as highway safety, the character of the countryside, flood risk, drainage, contaminated land & the setting of Dagger Cottage, the Grade II Listed Building adjacent to the site or any other designated heritage asset. There is an identified need for gypsy and traveller sites in the wider area to which significant weight should be attached. The proposal is considered to represent a sustainable form of development and complies with planning policy contained in the Framework and the Planning Policy for Traveller Sites. These benefits are not outweighed by any adverse impacts, including the limited conflict with the Adopted Fylde Borough Local Plan Policy HL8 or conflict with Policy SP2.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

**Reason:** This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is

required to ensure the approved standard of development is achieved.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG Planning Policy For Traveller Sites (March 2012).

**Reason:** In order to ensure the site is occupied by Gypsies & Travellers as the grant of planning permission for a residential caravan park or a holiday caravan park would not be appropriate in this locality.

3. No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

There shall be no more than 4 pitches on the site and on each of the 4 pitches hereby approved no more than 2 caravans, shall be stationed at any time.

Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

No caravan positioned on the site shall exceed 23 feet in length.

**Reason:** In order to control the density of development having regard to the character of the area and in order to ensure adequate parking and manoeuvring space for vehicles within the site.

4. No more than one commercial vehicle per pitch shall be stationed, parked or stored on the land for use by the occupiers of the caravans hereby permitted, and no such vehicle shall exceed a maximum gross weight of 3.5 tonnes. .

**Reason:** In the interests of highway safety.

5. No commercial activities shall take place on the land, including the storage of materials.

**Reason:** In order to protect the character and appearance of the area.

6. Samples of the roof treatment and wall cladding for the proposed amenity building [both inclusive of colour] shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

**Reason:** Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

7. Notwithstanding the requirements of the Town & Country Planning (General Permitted Development) Order 1995 (As amended), a scheme for the external lighting of the site [including degree of illumination] shall be submitted to & agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority.

**Reason:** In the interests of residential amenity.

8. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking, hard surfacing materials minor artefacts and soft landscape works and shall include plans and written specifications noting species, plant size, number and densities, an implementation and maintenance programme. The scheme and programme shall thereafter be varied only in accordance with proposals first submitted to and approved in writing by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in accordance with the approved implementation programme. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

**Reason:** To enhance the quality of the development in the interests of the amenities of the locality.

9. The landscaping scheme approved under condition 8 shall be implemented and subsequently maintained for a period of 10 years following the completion of the works in accordance with the approved maintenance programme.

**Reason:** To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

10. No development hereby approved shall commence until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The site shall not be occupied until such time as the scheme for foul drainage has been constructed and completed in accordance with the approved plans. The approved foul drainage scheme shall be retained thereafter.

**Reason:** To prevent pollution of the water environment.

11. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of surface waters for the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul water and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum forward flow of 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water runoff and to reduce the risk of flooding

12. No development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of

the site has been submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the Phase 1 Environmental Audit for Land off Thames Street, Newton with Scales by T J Booth Associates (dated January 2013; reference rep-tjba-mcdonough-thames st, preston-phs env-171212.docx) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the approved Remediation Strategy.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure the proposed development complies with saved Policy EP29 in the Fylde Borough Local Plan as altered (2005) and paragraph 120 of the NPPF.



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Application No. 12/0118	Address Builder's Yard, Thames Street Newton	Grid Ref.	Scale 0 6 12 18 24 m