

<b>No.7</b>	<b>APPLICATION NO.</b>	2021/0506/FUL
	<b>LOCATION</b>	Land Adjacent To Higgins Lane Burscough Lancashire
	<b>PROPOSAL</b>	Temporary planning permission three years for the stationing of caravans static and mobile for residential occupation by travelling showpeople with the provision of associated hardstanding a storage area boundary fencing and a temporary access from Swordfish Close along with full planning permission for the construction of a vehicular access from Higgins Lane.
	<b>APPLICANT</b>	Mr David Crompton
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	22nd July 2021

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dereli has requested it be referred to the Planning Committee to consider the lack of waste disposal and drainage, and whether the site can be maintained in a tidy state.

## **2.0 SUMMARY**

- 2.1 The application is for a temporary three-year consent for the land to be used for the siting of caravans for residential occupation by Travelling Showpeople and for storage of equipment. Hardstanding would be laid on the site and a landscape strip would be installed on the Higgins Lane frontage. The site is within the Yew Tree Farm Strategic Development Site which is allocated for mixed use development under the Local Plan, with this area being intended for employment use. Whilst the proposal is contrary to policy, given that the Council do not have adequate provision for Travelling Showpeople within the Local Plan and the use would be for a temporary period only (thereby not prejudicing delivery of employment uses on the site), I am satisfied that the principle of development is acceptable. I am satisfied that the development would not cause unacceptable harm to highway safety or visual amenity and an appropriate drainage solution is provided. A Preliminary Ecological Appraisal has been submitted and is currently under review, subject to the findings of this survey being satisfactory I recommend that planning permission be granted.

## **3.0 RECOMMENDATION: APPROVE subject to conditions.**

## **4.0 THE SITE**

- 4.1 The application site is roughly triangular in shape and is flat grassland. It is bounded by Higgins Lane and open countryside beyond to the north, Merlin Business Park to the south and to the west Swordfish Business Park.

## **5.0 THE PROPOSAL**

- 5.1 The application seeks a temporary three-year consent for the stationing of caravans (both static and mobile) for residential occupation by Travelling Showpeople. The use of the site would involve the provision of a direct access taken from Higgins Lane with the western most part of the site used for residential purposes (caravans) and for equipment storage and the east of the site used for the open storage of HGVs/coaches and cars.

Hardstanding made up of recycled plainings is proposed across the site and there would be a 2.4m high green paladin mesh fence around the perimeter to provide security and a 10m wide landscape buffer on the Higgins Lane frontage.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 None.

## **7.1 CONSULTEE RESPONSES**

7.1 Highway Authority (02.06.2021) – No objection.

7.2 Principal Engineer (02.07.2021 and 13.09.2021) – No objection.

7.3 Merseyside Environmental Advisory Service – Comments awaited.

## **8.0 OTHER REPRESENTATIONS**

8.1 Burscough Parish Council (03.06.2021)

Concern that travelling show people do not have a permanent site located within the Burscough area; a permanent site should be agreed through the local plan process.

What happens at the end of three years?

How many static and mobile units?

How many occupants?

Provision for rubbish disposal?

Will occupants pay Council Tax or will this come to the authority via a pitch fee or other charges?

Provision for schooling and medical registration?

What items will be in storage?

What provision for safe storage of fuel and other hazardous materials?

Arrangement for disposal of waste and surface water?

What material will form the surface of the area?

Will there be trees or other screening on the Higgins Lane boundary?

Proposed new permanent access from Higgins Lane suggests that vehicles will be entering via the route through the industrial estate making a right turn into the facility. Has there been any consideration regarding large vehicles turning right out of the junction, and then heading to the site, the visibility lines both ways are extremely poor will these be improved to provide safe passage for all?

## **9.0 SUPPORTING INFORMATION**

9.1 Supporting Letter.  
Preliminary Ecological Appraisal

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The National Planning Policy Framework (NPPF), and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development proposal will be assessed.

10.2 The application site is located at the north-west corner of the Yew Tree Farm Strategic Development Site, which is allocated for mixed-use development under the West Lancashire Local Plan 2012- 2027 policy SP3. The site is marked in the adopted Yew Tree Farm Masterplan SPD as being intended for employment uses in the longer term and

is safeguarded to be delivered beyond 2027 under both the Yew Tree Farm Masterplan and the Local Plan.

### ***National Planning Policy Framework***

Building a strong competitive economy  
Delivering a sufficient supply of homes

### ***West Lancashire Local Plan 2012-2027 DPD***

SP1 – A Sustainable Development Framework for West Lancashire  
SP3 – Yew Tree Farm, Burscough  
GN1 – Settlement Boundaries  
GN2 – Safeguarded Land  
GN3 – Criteria for Sustainable Development

Yew Tree Farm Masterplan SPD

### ***Burscough Local Plan***

BPI1 – Development and Infrastructure  
BPI2 – Surface Water Drainage  
BPH1 – New Residential Development  
BPE1 – Burscough Industrial Estate

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### **Principle of Development**

- 11.1 The site is located within the Yew Tree Farm (YTF) Strategic Development Site, which is allocated for mixed use development under the Local Plan, with this particular part of the wider site being intended for employment uses in the longer term (as detailed in the YTF Masterplan) and is safeguarded to be delivered beyond 2027 under both the YTF Masterplan and the Local Plan.
- 11.2 Local Plan Policy GN2 deals with safeguarded land and advises that '*land identified on the Policies Map as safeguarded land is within the settlement boundaries but will be protected from development and planning permission will be refused for development proposals which would prejudice the development of this land in the future.*' Therefore, Policy GN2 protects the site from development, however it is necessary to consider the need to accommodate Travelling Showpeople within the Borough. National planning policy places a requirement on local authorities to objectively assess the need for all types of residential accommodation in their area, including for Gypsies and Travellers and Travelling Showpeople, and to ensure provision of a deliverable five year supply of pitches/plots to meet these needs, as well as a developable ten/fifteen year supply of sites. The latest Gypsy and Traveller Accommodation Assessment for West Lancashire (2017) identifies a need for 5 Travelling Showpeople plots in the Borough.
- 11.3 In 2012/13, the emerging Local Plan contained a criteria-based policy on Traveller accommodation but did not propose the allocation of any actual Traveller sites. At the examination, the Inspector advised that the policy could not be found sound without specific deliverable site allocations to meet identified Traveller accommodation needs. It was recommended that the Traveller accommodation policy be deleted in its entirety from the Plan and that the Council instead commit to preparing a Traveller site allocations development plan document (DPD) as soon as possible in order to meet need. In 2016, before the DPD reached Publication stage, work on the document was ceased, with the

matter to be addressed instead in the new Local Plan Review, commencing 2016. The Local Plan Review was ceased in September 2019, and work on a new West Lancashire Local Plan is currently at an early stage. No sites have yet been identified to meet the identified Travelling Showpeople need in the Borough.

- 11.4 Over approximately the last two years, a Travelling Showpeople family have been occupying a plot of land at the corner of Tollgate Road / Ringtail Road, adjacent to the west of the YTF site. This plot of land has recently been granted full planning permission for employment uses (2021/0369/FUL, granted 18 June 2021) and according to the information submitted with this application an occupier has been secured for the site. Therefore, the existing occupants will shortly need to move from that site. Given the above, it is my view that national policy on provision of accommodation, the unmet need for Travelling Showpeople accommodation in the Borough, and the current circumstances of the local Travelling Showpeople family, are an important material consideration relating to this planning application.
- 11.5 Given there is a proven unmet need for Travelling Showpeople accommodation in the Burscough area, and a lack of alternative sites have been identified over the years since the current Local Plan was adopted, and taking account of the fact that this application is for a temporary period and would therefore not prejudice the potential development of the site in the future, I consider the temporary use of the site by Travelling Showpeople to be acceptable in principle.

#### **Visual Amenity**

- 11.6 The site is currently open and flanked by commercial buildings to the side/rear. There is a hedge to the rear of the site and a group of trees to the east which would be retained as part of the development. The site would be occupied by residential caravans, equipment and also vehicles, and in order to soften the appearance of this it is proposed to install a landscape strip to the site frontage along Higgins Lane. Although the site is currently open land it is viewed in the context of the surrounding employment uses and the proposed development would only be for a temporary period. Given that landscaping would be retained/introduced to soften the appearance of the proposed development I am satisfied that the proposal would be acceptable in terms of visual amenity in accordance with Policy GN3 of the Local Plan.
- 11.7 Although the land is allocated for employment purposes the Council do not have any control in respect of when the site is likely to be developed for employment uses and given its relatively large size and visibility from the surrounding area, I consider it necessary to impose a condition to ensure that the land is reinstated to its former use (grassed) on expiry of the temporary three-year consent.

#### **Highways**

- 11.8 The proposal includes a new permanent access off Higgins Lane with a temporary access constructed off Swordfish Close to allow for the creation of hardstanding areas and the creation of the permanent access. Currently Higgins Lane has a maximum weight restriction of 7.5 tonnes in place along the full length from its junction with Liverpool Road South to the east of the site to its continuation with New Lane to the west. A 20mph speed restriction together with traffic calming measures is in place on Higgins Lane for approx. 650m from the junction with Liverpool Road South making the road unsuitable for HGVs.
- 11.9 Due to these traffic calming measures on the length of Higgins Lane from its junction with Liverpool Road South, HGVs will need to access the site via Burscough Industrial Estate and Langley Road to the north west of the proposed access. The application includes a

swept path analysis for the proposed access off Higgins Lane together with details of the required visibility splays which are considered acceptable.

- 11.10 The Highway Authority have been consulted with regard to the proposal and raise no objections. I am satisfied that the proposed development is acceptable in terms of highway capacity and highway safety.

### **Drainage**

- 11.11 Surface water on the site would be drained via a drainage pipe set within a gravel trench across the site which would connect to an existing culvert at a controlled flow rate. The surfacing on the site would be laid to fall towards the drainage pipeline route. The Council's Drainage Engineer has assessed the proposals and is satisfied that they are suitable for the proposed use and will not result in increased flood risk either on or off site.
- 11.12 In terms of foul drainage, the Planning Agent has confirmed that the accommodation is equipped with toilets with waste then stored in tanks. The tanks would then be collected/emptied by a private company. As such, the proposals do not include the provision of any separate infrastructure for this.
- 11.13 Given the information provided, I am satisfied that an appropriate foul and surface water drainage solution would be provided for the proposed temporary use and consider the scheme to be compliant with Policy GN3 in the Local Plan.

### **Ecology/Landscaping**

- 11.14 A Preliminary Ecological Appraisal has been submitted with the application. The Appraisal concludes that provided reasonable avoidance measures are undertaken during the course of construction terrestrial mammals and Great Crested Newt will not be adversely affected by the proposed development. The Appraisal identifies the western and southern most boundaries of the site as being important wildlife features which provide foraging opportunities for rural birds and bats and goes on to recommend further planting within the site to improve its biodiversity value.
- 11.15 The ecology survey is currently under review by the Council's ecology advisors MEAS. As ecology is now the only outstanding matter remaining it is suggested that the application is recommended for approval subject to MEAS being satisfied that there would be no detrimental impact on biodiversity as a result of the development and securing any potential avoidance/mitigation measures and enhanced landscaping that may be deemed necessary by imposition of planning conditions.

### **Other Matters**

- 11.16 Concern has been raised about the provision of schooling and medical facilities, whilst this is not directly a planning matter the application is to provide for relocation of existing Burscough residents
- 11.17 The Parish Council have questioned how waste is disposed of from the site. The Planning Agent has confirmed that on the current site the usual domestic waste collection service is used, and as the occupants pay Council Tax this arrangement would continue on the Higgins Lane site.

### **Summary**

11.18 On balance taking into account the temporary nature of the consent and the lack of provision of sites for Travelling Showpeople I am satisfied that the principle of development is acceptable. The proposed development would not lead to unacceptable harm to highway safety or visual amenity and adequate drainage will be provided on the site. Matters relating to ecology are currently under review and provided these are addressed satisfactorily I consider that the proposed development accords with all relevant national and local plan policies.

## **12.0 RECOMMENDATION**

12.1 That the decision to grant planning permission for a temporary period of three years be delegated to the Corporate Director of Place and Community subject to confirmation that the submitted ecology survey is satisfactory and subject to the following conditions and any additional conditions being added in respect of ecology.

### **Conditions**

1. The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The use hereby permitted shall be discontinued and any buildings, structures, hardstandings, enclosures or groundworks other than soft landscaping associated with the use shall be removed and the land restored to its former condition, on or before the expiry of this permission, in accordance with a scheme that shall first have been submitted to approved by the local planning authority.  
Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy SP3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
Location Plan  
010, Rev P2 - Anson Business Park Planting Plan  
L01 - Site Layout  
received by the Local Planning Authority on 19.04.2021.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan L01. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.  
Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No part of the development hereby permitted shall be occupied or brought into use until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.  
The approved works shall be retained as such thereafter.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

SP3 - Yew Tree Farm, Burscough

GN1 - Settlement Boundaries

GN2 - Safeguarded Land

GN3 - Criteria for Sustainable Development

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.