Newton-with-Scales- Planning Application 2012/0118

Planning application (2012/0118) is for eight gypsy caravans and an amenity building on a small plot of land within the small, quiet, rural village of Newton with Scales.

The residents of Newton village and the surrounding areas are **strongly opposed to this application** as a totally unacceptable development within a small rural village. **289 letters of objection** have been submitted. Newton Residents Association (funded by resident donations) has provided to Fylde Borough Council Planning Department an ‘Initial Statement’ prepared by Tufnell Town & Country Planning and four supporting Consultants reports **demonstrating the unacceptability of this application**.

This application is not an acceptable development and should be **rejected** on the following summarised grounds as it will:

- Result in significant intensification of activity in and around the site with consequential **highway safety** and **accessibility** harm; It is noted that the applicant wishes to bring its work related vehicles (3.5 tonne) to and from the site via narrow poorly surfaced lanes. This is contrary to requirements outlined in the Certificate of Lawfulness to manage intensification set in 2008.

- Have **insufficient parking facilities**, leading to overspill parking and attendant **traffic safety** issues; The Highways Agency have not addressed these two issues in their commentary.

- Allow people to live in caravans on a plot of **contaminated land** with documented evidence of flooding; the applicants own contamination study (Phase 1) highlighted contaminants and recommended a further (phase 2 study) and remediation plan prior to development. This is supported by the EA who have conditioned the LPA.

- Harm the **setting of Listed Buildings** adjacent to the site;

- Result in **harm to the surrounding rural landscape and open character of the site’s environs**;

- Adversely **impact residential amenity** by increasing noise, general disturbance and light pollution; 17 properties are close to or directly adjacent the site.

- Raise concerns over dogs on the site, a known issue at Hardhorn with roaming animals damaging local livestock and causing nuisance.

- The area around the site provides significant **recreational amenity** for children walkers, dog walkers, cyclists and horse riders (part of the millennium way and a bridleway) and the application was opposed by the Fylde Coast Bridleways Association. This site will have a negative impact and permanent loss of recreational amenity through vehicular access and parking requirements.

- Be poorly related to and **dominate the locally defined community** and therefore will not promote peaceful and integrated co-existence between the gypsy site and the local community, noting that the site is surround by residential properties on all sides; Contrary to HL8 requirements regarding placement and nuisance.

- Utilise a **package treatment plant unsuitable** for the site due to the locations history of flooding which will result in discharge to open and non-flowing dykes presenting risks to public health; The EA have imposed conditions on the LPA to ensure an
effective scheme is in place. Our consultant believes it will be impossible to meet Pollution Prevention Guidelines in this location and should be thoroughly risk assessed prior to determination.

- Be denied alternative connection to mains sewers as the nearest (Grange Lane) sewers are hydraulically overloaded and not available for discharge (as advised by United Utilities).
- If the package plant is unsuitable and sewer access unavailable there are no other options for sewerage, hence this requirement cannot be managed by a condition.
- Employ a poor drainage design and siting resulting in an inadequate drainage field and potential risks to groundwater, which flow to a Site of Special Scientific Interest and affect controlled waters such as the well in the adjacent listed building;
- Not have demonstrated an acceptable flood risk without a site specific Flood Risk Assessment, including pluvial flooding. The access road running along the boundary of the site is in flood zone 2 and flood risk impacts access and the ability to understand foul drainage and is interrelated with this issue. See photograph attached.
- Damage the ecology of this sensitive area; with nesting bats, birds adjacent the site together with voles and newts in dykes. No survey information has been submitted by the applicant prior to determination contrary to Natural England’s request.
- Not be properly accommodated within the site area and does not accord with Site licensing Standards or with DCLG Good Practice Guide on Designing Gypsy and traveller Sites, the site being too cramped to satisfactorily accommodate the development; Our analysis shows that 2 pitches will be challenging to fit in the site.
- Rely on the questionable granting of a certificate of lawfulness relating to the storage of building materials. This decision has recently been reviewed by FBC and the outcome of which is being challenged by Newton Residents Association and is being referred to the Ombudsman;
- Raises issues FBC planning has attempted to cover via a plethora of conditions. To recommend approval with such a range of significant conditions, many of which unenforceable, is known as a ‘disguised refusal’ and a bad practice in planning circles. Good practice is assessing issues upfront via risk assessment before determination.
- Run contrary to a number of national and local planning policies, outlined in the Newton Residents Association Letter of Objection;
- Not be sustainable economically, socially and environmentally.

There is no identified general need and no identified local need for this proposal. The Applicant has not provided any evidence of any special need or circumstances; there simply appears to be a “desire” to occupy the site.

Finally, there has been no adequate demonstration that the identified harms are outweighed by need or any other special circumstances. On the balance of considerations the Newton Residents Association consider that the Planning Application should be refused outright i.e. without full or temporary consent. For more detail please consult the ‘Initial Statement’ and supporting consultant reports.
Newton-with-Scales showing route of gypsy traffic **through** the village to the access points

![Map of Newton-with-Scales](image)

**Consultant Reports**

Newton Residents Association (funded by resident donations) has provided to Fylde Borough Council Planning Department a Letter of Objection to this application from the Chairman and an ‘Initial Statement’ prepared by Tufnell Town & Country Planning which, together with the Consultants reports detailed below, **demonstrates the unacceptability of this application**:

- A Letter of Objection to the application from the Newton Residents Association, 11 May 2012;
- An ‘Initial Statement’ prepared by Tufnell Town & Country Planning, T1118 01.11.12, 01 November 2012;
- Drainage and Flooding Report (prepared by Sanderson Associates) August 2012;
- Sewage Treatment Plant Report (prepared by Cath Retberg) June 2012;

This evidence and analysis clearly demonstrates that the planning application (2012/0118) for a proposed gypsy site is not an acceptable development and should be rejected. Consideration of the application has been hampered by inadequate information from the applicants.
History of Site

The proposed site on Thames Street was historically tied to the local dairy farming activity, but it was never put to any productive use due to the very poor ground conditions. In an attempt to alleviate the boggy marsh-like conditions, builders waste and fly ash was used as landfill in the early 1960’s. These materials are today considered to be contaminants.

Throughout the 1960's to the early 1990's the site had limited use as a storage area for builder’s material. Over subsequent years the site reverted to nature and grassed over with naturally seeded bushes and weeds. In 2007 the site was cleared of vegetation and for a short while the site had very light usage for the storage of building materials by an organisation called QED. In 2008 a certificate of lawfulness (08/234), for use of the land for storage of building contractors materials, retrospectively made the use of the site for building materials storage lawful (as no planning consent had been given for its former use). An examination of the documentation relevant to the granting of the certificate of lawfulness has raised questions concerning the decision. Fylde Borough Council has conducted a review of the process applied and supporting evidence given at the time, as the validity of planning application 12/0118 is linked to the issue of this certificate of lawfulness. However, the Newton Residents Association believes the review carried out was superficial and are now referring this decision to the Ombudsman.

The site was then sold to the present Traveller owners in 2010, who started preparing the site without the necessary permissions which would support this Application. Preparations included installing sewage and drainage works, clearing away top surface material, fencing off the land, changing access, altered boundaries and created a large earthworks mound to the North of the site. Following these developments a Mr Isaac McDonough submitted planning application 2012/0118 in February 2012, to change the use of land from building material storage to a residential caravan site for four gypsy families each with two caravans, together with the erection of an amenity block and installation of a package sewerage treatment plant.

Flooding on Thames Street

Outlook from garden adjacent to site