

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 September 2017
Application Number	16/11414/FUL
Site Address	Land opposite 6 Hawkeridge Road, Heywood, Wiltshire, BA13 4LE
Proposal	One Gypsy Traveller pitch and associated works including, one mobile home, one touring caravan, one dayroom and amendments to the existing dayroom.
Applicant	Mr P & B McGinley
Town/Parish Council	HEYWOOD
Electoral Division	ETHANDUNE – Cllr. J. Wickham.
Grid Ref	386122 154091
Type of application	Full Planning
Case Officer	Steven Vellance

Reason for the application being considered by Committee:

The application has been called into committee at the request of Cllr Wickham to consider the scale of development, design, bulk height, general appearance, environmental/highway impacts and over-development of the site. The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions)

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Impact on the character and appearance of the area
- Highway safety
- Amenity

3. Site Description

The application site is an area of rectangular land being approximately 0.20 hectares in area and located within the open countryside, sited opposite numbers 5 and 6 Hawkeridge Road,

Heywood. The site currently has planning permission for one Gypsy pitch, one mobile home, one touring caravan, one day room, garage and a shed and stable building.

4. Planning History

W/07/02452/FUL	Siting of one mobile home, septic tank and hardstanding. 3 Year temporary permission. Permission 14.02.2008.
W/11/00196/FUL	Siting of one mobile home and hard standing. 3 Year temporary permission. Permission. 22.03.2011.
W/14/08114/FUL	Change of use of land to Gypsy pitch and keeping of horses, including 1 mobile home, 1 touring caravan, and retention of existing utility shed and stables. Permission. 20.10.2014
W/15/05230/FUL	Retention of existing access, laying of hardstanding, erection of dayroom and garage. Permission. 18.11.2015

5. The Proposal

The proposal retrospectively seeks planning permission for the addition of a second gypsy traveller pitch and associated works, one touring caravan, one day room and proposed amendments to the existing day room.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 47- Meeting the Needs of Gypsies and Travellers

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 61- Transport and Development

Emerging Development Plan Document:

The Gypsy and Traveller DPD (A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan)

National Planning Policy Framework 2012 (NPPF):

Chapter 7- Requiring Good Design

Chapter 11- Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Heywood Parish Council object to the application on the following grounds:

- Plans appear to include encroachment onto land at the brook.
- Inaccuracies in the written description.
- Day rooms show placed over existing mains sewer;
- Pitch is within 8 metres of the top of the bank of Bitham Brook;
- Each pitch to be strictly defined according to use
- No burning of waste

Wiltshire Council Public Protection – No objections

Environment Agency: No objections raised and comment on the flood risk at the site, such that there should be no placement of day rooms within flood zone 3. Request that suggested planning conditions are attached to the permission.

Following on from the above initial consultation response, the agency submitted further comments, such that they had become aware that a fence already installed at the top of the bank of the watercourse on site was creating bank erosion during times of high flow. The agency requested that a planning condition be attached to ensure that measures are taken to protect the bank from further erosion.

Subsequent recent dialogue with the Environment Agency confirmed that this is the current situation and that they maintain their “No objection” to the current application.

Wessex Water: No objection. Comment on the close proximity of the development in relation to existing sewers and recommend that the applicant contact Wessex Water.

Wiltshire Council Highways. No objection.

Wiltshire Council Spatial Plans. The Officer notes that the need for new traveller pitches has been met in the North and West Housing Market Area against the development plan requirement for 2016-21; and materially, against the requirement in the Gypsy and Traveller Accommodation Assessment for 2014-19. The Council cannot however demonstrate a five year supply of deliverable sites due to the absence of a DPD that allocates sites. The 2014 GTAA further notes the specific evidence established during the fieldwork. The key issue is whether the proposal complies with locational criteria expressed in WCS Core Policy 47.

8. Publicity

The application was advertised by neighbour letter and site notice. Two representations were received raising the following points:

- No drainage, mains sewer connection.
- Plan doesn't show total numbers of touring caravans or mobile caravans.
- No existing day room.
- Reference to local planning policy for the application.
- Highway safety.
- Day rooms in flood zone.
- Overdevelopment of the site.
- Amenity issues from the site.
- Clarification in the number of homes on the site.

9. Planning Considerations

9.1 Principle of Development.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this instance the adopted Wiltshire Core Strategy, including those policies of the former West Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area. In addition, the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Government's "Planning Policy for Traveller Sites" (PPTS: DCLG 2015) are material considerations which can be accorded substantial weight.

The Planning Policy for Traveller Sites provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. The Council's Gypsy and Traveller Development Plan Document is still currently under preparation. This document will serve to allocate sites to meet the accommodation needs of travellers in Wiltshire, which will be evidenced in the emerging GTAA.

The Local Development Scheme envisages a consultation on the draft plan to commence in December 2017. The DPD has been delayed due to difficulties finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015 and Environment Select Committee in 2016. Therefore at this stage no development plan document exists which allocates sites for travellers in Wiltshire. As such, the Council cannot demonstrate a five year supply of deliverable sites.

Nonetheless, the Council completed a new Gypsy and Traveller Accommodation Assessment (GTAA) in late 2014 which is published on the Council's website. The GTAA provides evidence on need for new pitches and showpeople plots for 2014-29; and forms part of the evidence supporting the emerging DPD. In terms of overall need, Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2016-21, 21 additional pitches are required. Council's monitoring data suggests that as of July 2017, this need has already been met through grant of permissions. This is due to an 'oversupply' from the previous five years. Consequently The Planning Policy for Traveller Sites in paragraph 11 is engaged which states that criteria based policies should guide proposals where there is no overall need, but where proposals nevertheless are submitted.

Core Policy 47 in the WCS provides locational criteria as follows:-

Criterion i) requires that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.

The application site is an existing Gypsy and Traveller site, with the use going back to 2007. The site is in the main within the Flood Zone 2 area and partially within Flood Zone 3. The Environment Agency was initially consulted within the 2007 planning application and did not raise any objections, subject to planning conditions. The emphasis has always been to keep development away from the Flood Zone 3 area, which is located around the stream itself and planning conditions reflecting this have been requested to be applied by the agency. Wessex Water noted that the development is within close proximity to existing sewers and have asked the applicant to contact them within this respect. The applicant has resolved this by moving the caravans away from the area where the public sewer pipeline runs and has reduced the size of the day rooms to accommodate this. Revised plans to this effect have been received and which also show the day room and mobile home floor levels as being 45.56 metres above Ordnance Datum level, as requested by the Environment Agency.

Criterion ii) requires that the site is served by a safe and convenient vehicular and pedestrian access.

The existing access as approved under planning permission 14/08114/FUL would continue to be utilised. This is where the site access was then proposed to be relocated to the southern aspect of the site and whereby a high level hedgerow to the north would be reduced to aid highway visibility. Both measures have been implemented and the Highways Officer within the 2014 planning application did not raise objections. Within this current application the Highways Officer has not raised any objections and it is considered reasonable and necessary to re-apply the previous planning condition ensuring that the hedgerow is maintained in its cut-back stage in the interests of highway safety. It should also be noted that within Paragraph 32 of the NPPF, it is stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion iii) requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

As the use of the site already exists, it is proposed that the newly created pitch will continue to be served by the existing mains water, electricity and mains sewer, all of which are connected on site.

Criterion iv) requires that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

The highway officer is satisfied with the proposal and has not raised any objections. Each pitch would be able to provide adequate amenity space and parking provision.

Criterion v) states that a site is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The earlier planning approvals with this site confirms that its locality is sustainable in principle. The site is located in between Westbury and Trowbridge, whereby both towns provide for key services and facilities, including schools and medical facilities. Both towns can be reached by car within a short travel time and the B3097 Hawkeridge Road is served by a bus route.

Criteria vi), vii) and viii) relate to landscape and visual amenity, requiring that a site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings; where adequate levels of privacy should be provided for occupiers; and that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The site would not be extended and is located within an existing rectangular field bounded by a highway to the west, with predominantly high level boundary fencing existing on all other sides of the site. Sporadic high level vegetation exists around the north, east and southern aspects of the site.

In the interest of amenity, the current application proposes to raise the existing low level (light coloured) brick wall to the front of the site, by extending it to have brick piers up to 2 metres in height, with metal railings being placed in between. It is further proposed that a Laurel hedge is planted behind this wall to give privacy to the site and the reduction in size of the proposed day rooms will further enhance its visual amenities. The site does not have

any special landscape designation and the nearest dwellings of 5 and 6 Hawkeridge Road, are located approximately 24 metres opposite to the site. Such boundary proposals would ensure adequate privacy for the site's occupants and safeguard the visual amenities of the two dwellings opposite. The proposed mobile homes and day rooms are modest buildings of a form which have generally been accepted by Council on other traveller sites. It is understood that two new day rooms would be brought onto the site at a later date.

The subdivision of the site is proposed to provide two pitches in total for two families. The site is considered to be large enough to accommodate this proposal and would not introduce any unacceptable visual impact. It would therefore be unreasonable to refuse planning permission on this ground alone.

Criterion ix requires that a site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site does not fall within any recognised landscape designation nor an archaeological interest zone.

The Environment Agency has been involved with the site in the sense of investigating alleged works being carried out to the river bank. Through recent contact with the agency It has been confirmed that the matter was fully investigated and monitored, with the eventual outcome being that the matter was closed with no action being taken.

Status of the Applicant

The site is occupied by persons of a Gypsy/Traveller status, this has been confirmed by additional and confidential information from the planning agent and the Council has no evidence to contradict this.

As planning permission runs with the land and not the applicant, a condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a Gypsy/Traveller as set out in national policy. The proposal therefore accords with the Planning Policy for Traveller Sites in this respect.

10. Conclusion.

The proposal seeks permission for the creation of one additional pitch at the site, thereby creating two pitches in total, with each pitch housing one family. The applicant and occupiers are considered to meet the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the DPD has not been completed which is required to add detail to the interpretation and implementation of Core Policy 47 and identify specific sites to deliver the pitch requirements set out within the policy. As this has yet to be adopted, the proposal has been assessed against the criteria within Core Policy 47 and National Policy.

The principle of the development is considered acceptable and the site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts having been identified.

The proposal is therefore considered to be in accordance with both local and national Planning policies.

RECOMMENDATION: Planning permission be granted subject to the following conditions.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing reference PBM16-SLP Site Location Plan registered on 12.01.2017

Drawing reference 16114/01 Site Survey registered on 12.01.2017

Drawing reference 16114/02B Proposed Site Layout received on 24.08.2017

Drawing reference 16114/03RPL Dayroom Plan and Elevations received on 24.08.2017

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The site shall not be occupied by persons other than gypsies and travellers as defined in Annex 1 of DCLG Planning Policy for Gypsies and Travellers, August 2015.

REASON: This planning permission has been granted on the basis that the site is occupied by gypsies and travellers and it is therefore necessary to keep the site available to meet the need.

4 There shall be no more than two permanent pitches on the application site, including the existing pitch.

REASON: In the interests of clearly defining the extent of the permission

5 The location and siting of the mobile homes and day rooms hereby approved shall continue to be located outside of the flood zone 3 area at all times.

REASON: In order to prevent any increase in the risk of flooding.

6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7 Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: In order to minimise the risk of pollution of the water environment

8 Occupation and use of the Mobile homes and touring caravans hereby permitted shall be limited solely to and by close family members of the occupants of the application site. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

10 Within three months of the granting of planning permission, a scheme for the repair of existing water bank erosion and for the prevention of further erosion, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and timetable.

REASON: To protect the integrity of the main river, and prevent unnecessary flooding.

11 Within each of the two pitches, there shall be no more than one mobile home, one touring caravan and one day room, stationed on the site at any time.

REASON: In order for the local planning authority to retain control over the number of caravans on the site, in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

12 Within three months of the granting of planning permission, the applicant shall provide elevation details of the proposed raising of the brick piers and erection of metal railings, on the front wall of the site, as highlighted within plan reference 16114/02A. All works shall be carried in accordance with the approved details.

REASON: In the interests of amenity of the area.

13 INFORMATIVE: The applicant is advised that public sewers are shown on record plans within the land identified for the proposed development, whereby it appears that development proposals may affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

14 INFORMATIVE: The European otter has been recorded on the watercourse adjacent to the development site, the Bitham Brook. The Otter is protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.

Please see Natural England's website for further information on protected species:
[http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standi
ngadvice/faq.aspx](http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standi
ngadvice/faq.aspx)

15 INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

16 INFORMATIVE: In addition to any other permission(s) that you may have already obtained, e.g. planning permission, you may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) if you want to carry out work:

- " in, under, over or near a main river (including where the river is in a culvert)
- " on or near a flood defence on a main river
- " in the flood plain of a main river
- " on or near a sea defence

For further information and to check whether a permit is required please visit:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. For any further advice, please contact your local Environment Agency FRA Permitting Officer, daniel.griffin@environment-agency.gov.uk / yvonne.wiacek@environment-agency.gov.uk