

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	25 th April 2018
Application Number	16/05720/FUL
Site Address	Land adjacent B4040, Minety, Wiltshire, SN16 9RQ
Proposal	Change of use of land to 2 permanent Gypsy pitches including 2 day rooms, 2 mobile homes and 2 touring caravans, and associated works (Resubmission of 15/12615/FUL)
Applicant	Mr B Coward
Town/Parish Council	Minety
Electoral Division	Minety– Cllr Berry
Grid Ref	403886 191233
Type of application	Full Planning
Case Officer	Mike Wilmott

Reason for the application being considered by Committee

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.

The application was called to committee by the local member on the grounds that the Council are above our Gypsy and Traveller allocation and thus will be development on green fields with no perceived need due to under use elsewhere.

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 applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.

- Flooding and drainage
- Highway matters
- Residential amenity

Minety Parish Council object to the proposed development. 14 letters of objection have been received.

3. Site Description

The application site is a 0.35 hectare parcel of Grade 4 agricultural land situated within a 1.22 hectare field located north of the B4040 circa. 1 mile east of Minety. The gently sloping site is bounded by mature hedges along its southern, western and eastern boundaries, and by a public right of way to the north.

There is an existing gated entrance onto the B4040. Approximately 100 metres to the west of the site is Sambourne Park, a 16 pitch Traveller site granted planning permission on appeal on the 3rd October 2008

The nearest residential property, Swiss Cottage, is also approximately 100 metres from the site, and is well shielded visually from the site. The proposed development falls within Flood Zone 1 and within the open countryside.



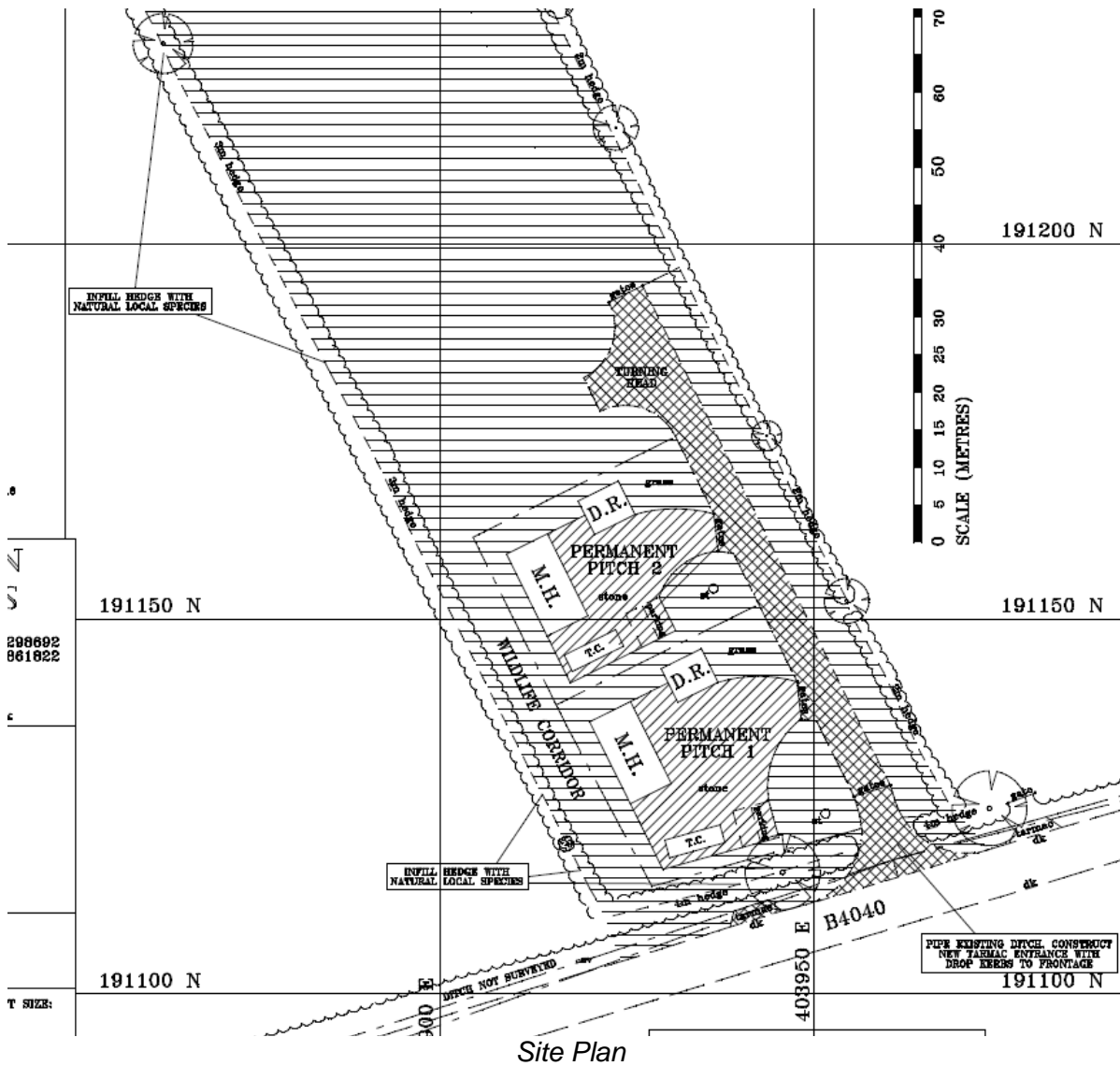
Site Location

4. Planning History

15/12615/FUL Change of Use of Land to 2 Permanent Gypsy pitches including 2 Day rooms, 2 Mobile Homes and 2 Touring Caravans, and Associated Works-
APPLICATION WITHDRAWN

5. The Proposal

The proposal is for 2 permanent Gypsy and Traveller pitches, which will be used by the applicant and his family and will each comprise a day room, mobile home, touring caravan, allocation for parking, and a sealed septic tank. Allowance has been made for vehicle movement and turning.



6. Local Planning Policy

Wiltshire Core Strategy (Adopted Jan 2015):

- | | |
|-----------------|--|
| Core Policy 1- | Settlement Strategy |
| Core Policy 2- | Delivery Strategy |
| Core Policy 47- | Meeting the Needs of Gypsies and Travellers |
| Core Policy 50- | Biodiversity and Geodiversity |
| Core Policy 51- | Landscape |
| Core Policy 57- | Ensuring high quality design and place shaping |

Core Policy 61- Transport and Development
Core Policy 62- Development impacts on the transport network

Saved Policies of the North Wiltshire Local Plan 2011:

NE18- Noise and Pollution
T5- Safeguarding

National Planning Policy Framework 2012 (NPPF):

Paragraphs- 7, 14 & 17

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Minety Parish Council: Object for the following reasons:

- previously approved site, less than 200 yards away from the proposed site, is under used by nearly 70%,
- lack of a need.
- The site is outside the building line of the village and would not obtain normal residential permission as the building would be on agricultural land in a rural setting.
- The infrastructure of the region would be unsustainable and it was noted that the application proposed the use of soakaways on area that is a flood zone”.

Wiltshire Council Highways: No objection.

Wiltshire Council Public Protection: No objection.

Wiltshire Council Rights of Way: No objection.

Environment Agency: No objection.

Wiltshire Council Drainage: No objection subject to conditions.

8. Publicity

The application was advertised by neighbour letter and site notice. 14 letters of objection were received, raising the following issues:

- The land is well outside the planning boundary for Minety
- It's the start of a second caravan site, that will continue to expand
- Using the public footpaths in the area is already very awkward. This site will not help the situation, especially when it expands
- Another entrance onto the B4090 not in a great place. There will be some increase in traffic between the two sites

- Too many pitches already
- Still does not address any flooding issues or foul drainage treatment.
- Can't see any difference to the previous applications

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 case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area.

The Council had previously published its intention to prepare a Gypsy and Traveller DPD and a new Gypsy and Traveller Accommodation Assessment (GTAA) has been prepared in accordance with the commitment in the Wiltshire Core Strategy under paragraph 6.56. However, the production of future Gypsy and Traveller policies will now form part of the forthcoming Wiltshire Local Plan (Core Strategy Review), the preparation of which is in its early stages.

The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Planning Policy for Traveller Sites (PPTS) are material considerations which can be accorded substantial weight.

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.

9.2 Status of the Applicant

The applicant's Agent has confirmed that the applicant and their family satisfy the definition of a gypsy or traveller as set out in Annex 1 the PPTS.

The application seeks a general Gypsy and Traveller permission rather than a personal one. Nevertheless, it is envisaged that the site would be occupied by members of the applicants' family, all of whom are Gypsies.

The Council has no other evidence to contradict the statement as presented and members of the public, in their representations, support the agent's statement that the applicant satisfies the definition of a gypsy or traveller. On balance it is considered that the information in this instance is acceptable to allow the LPA to conclude that the application is associated with a gypsy or traveller.

Moreover, 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 traveller as set out in national policy. The proposal therefore accords with the PPTS in this respect.

9.3 Assessment of Need

The WCS explains that “*provision should be made to help meet the accommodation needs of all of Wiltshire’s communities, including the Gypsy and Traveller community and travelling show people, who normally reside in or travel through the county*”. In March 2012 the government published the National Planning Policy Framework. ‘Planning Policy for Travellers Sites’ was published in August 2015.

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, 22 additional pitches are required. The Council’s monitoring data suggests that as of May 2017, this need has already been met through grant of permissions.

PPTS also 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. At this stage no development plan exists which allocates sites for travellers in Wiltshire.

The Core Strategy Inspector advised that the WCS numbers should be treated as a minimum in the absence of a DPD. In addition, PPTS paragraph 11 is clear that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

The Council’s criteria based policy is CP47. There is still a requirement for the application to accord with the terms of this policy and this is addressed in detail below.

9.4 Wiltshire Core Strategy Policy 47

This states that Proposals for new Gypsy and Traveller pitches or Travelling Show people plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria listed as i-ix, applications will be considered favourably:

- I. 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
- II. The site is served by a safe and convenient vehicular and pedestrian access.
- III. The site can be properly serviced and is supplied with essential services
- IV. The site is large enough to provide adequate vehicle parking
- V. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities.
- VI. The site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties
- VII. The site offers adequate levels of privacy
- VIII. The development is of an appropriate scale with regards to the character of its surroundings
- IX. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology

The criteria referred to above are discussed in more detail below.

Drainage & Stability (I)

The application seeks consent for a G&T site, with the application suggesting that foul water would drain to a septic tank and surface water to soakaway. Concerns have been raised by local residents in relation to foul water disposal on the existing site.

Whilst the precise details of foul and surface water disposal have not been provided within the submission, following the initial concerns of the Council's Drainage Engineer, additional information and assurances in respect of flood risk and foul/surface water management has been provided (letter from SLR, dated 14th February). The Drainage Engineer has considered that additional information and confirmed their general satisfaction with the proposal. In particular, the applicant has also re-confirmed that the day room The Mobile Home and Dayroom on Pitch 2 are both in FZ1 and well above the modelled 0.1% (1 in 1,000) AEP flood level.

It is considered that the precise details of the foul and surface water system can be adequately controlled through the use of planning conditions.

The Environment Agency has raised no objection to the revised Flood Risk Assessment subject to the imposition of a planning condition which compels development to be carried out in accordance with the updated FRA. The standard condition which specifies which plan are approved performs as such.

Access and Highways (II & IV)

An increase in the number of pitches on this road and an additional access will certainly increase vehicle movements along this road, although the amount of traffic generated by two pitches will be limited. The Council's Highway Engineer considers that the additional vehicle movements generated by this application would not result in an adverse impact on highway safety. Consequently, no highway objection is raised subject to conditions. The site provides sufficient space and facility for onsite vehicle parking and manoeuvring for residential purposes.

Essential Services (III)

The applicant has confirmed that the site can be serviced by mains water and electricity. A phone line could be provided but a mobile phone could be used for both telephone and internet connection. A package sewage treatment unit would be provided for foul sewage. The site can therefore be properly serviced/supplied with essential services. The development is in accordance with criteria III.

Sustainability (V)

The site lies in close proximity to Minety which is defined as a large village in the Wiltshire Core Strategy offers a range of services.

The principle of siting Gypsy and Traveller developments outside the defined limits of development is accepted and well established, and in accordance with the PPTS. Policy C, paragraph 12 of the PPTS makes it clear that traveller sites in the countryside may be permissible subject to their scale and ensuring that they do not dominate the nearest settled community.

It is recognised that the PPTS goes on to advise 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*".

As set out above the site is in relatively close proximity to the village, furthermore, Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities.

For the reasons given above it is considered that the site would provide an appropriate site for a gypsy and traveller site with regard to its sustainability credentials.

Impact on the character and appearance of the locality (VI & VIII)

The site layout ensures the retention of numerous large trees and mature landscaping towards the fringes of the site. This is considered to provide some site screening and mitigation of the visual impact of development. The proposal includes soft landscaping in terms of grassed areas as part of the site layout. The test applied by the Inspector on the adjacent site was not whether there would be any harm, but whether the proposal would have an *unacceptable* impact on the character and appearance of the area. He considered that the harm was of a limited extent, tempered by the fact that the site was not readily visible from the majority of public areas and that the site was not subject to any special designations (AONB etc). Given the fact that Government policy allows for such sites to be located in rural locations, it is considered that the harm created is not unacceptable.

The proposals are considered to be laid out in an acceptable manner and the plans ensure that the site licensing minimum layout requirements are met.

As such, it is not considered that the pitches, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Given the material consideration supporting the proposals in principle it is not considered that the visual impact and impact on the character and appearance of the locality would warrant a refusal. When applying the criteria used by Inspectors in relation to landscape impact, it is not considered that the harm that this development in this location creates is unacceptable. The proposal is considered to accord with this criteria of policy CP47.

Impact on Residential Amenities (VII)

Given the site layout and location of the development and position of the caravans within the site it is considered that the proposal would not result in any significant harm to existing residential amenities in the locality through noise disturbance, overlooking and loss of privacy, loss of day light or overbearing impact. Similarly it is not considered that the increased use of the access would be so significant as to result in harm to residential amenities through disturbance.

It is considered that the proposed layout provides for a sufficient level of residential amenity for future occupants of the site especially in the context of the family relationships between existing and future occupiers. Such occupancy to family members will be restricted by condition to ensure that this situation remains acceptable in residential amenity terms.

Given the proposed layout and the acceptable level of residential amenity for future and existing occupants and neighbours, it is not considered that the proposed level of development is too intensive for the site circumstances and does represent an acceptable level of development. The proposal is considered to accord with CP47 of the Core Strategy.

River Quality, Biodiversity or Archaeology (IX)

The site is not located within an archaeologically sensitive area and no concerns are raised in relation to the development in relation to this matter.

Though some compensatory mitigation measures will be required to offset the loss of vegetation it is considered that this can be controlled by condition. The applicant, within the supporting statements and submitted plans indicates that additional planting is proposed. Subject to a suitably worded planning condition relating to landscaping no objection is raised.

10. Conclusion

The proposal seeks permission for a two gypsy and traveller pitches. The applicant meets 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 proposed Gypsy and traveller DPD foreseen in the WCS has been rolled into the preparation of the Wiltshire Local Plan to identify what sites may be needed going forward. In the interim, the proposal falls to be considered against the criteria set out in WCS Core Policy 47 and national policy in the PPTS.

The principle of the development at this location is considered acceptable when measured against the criteria in policy CP47. 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 have been identified. Any landscape impact in this location is limited and the harm is not unacceptable. Precise method of foul and surface water disposal can be adequately controlled through planning condition.

The increased use of the existing access together with the generation of additional traffic movements, resulting from the proposed development, would not be prejudicial to road safety. The proposal is therefore considered to be in accordance with both local and national planning policies and guidance that relate to planning for gypsy and traveller sites.

RECOMMENDATION:

Planning Permission should 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:

Flood Risk Assessment (ref: 407.05774.00001, version 2,V.2) SLR (dated September 2017)
SLR letter (dated 14th February 2018)
1553/02D
1553/04
1553/03B
BC16-SLP

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the 'Day Room' have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 8 No development shall commence on site until details of the works for the disposal of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved foul water drainage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 9 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 10 Occupation and use of the Mobile home and touring caravan hereby permitted for each pitch shall be limited solely to and by close family members of the occupants of that pitch. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

- 11 There shall be no more than two (2) permanent pitches on the application site.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

- 12 No more than one (1) commercial vehicle shall be kept on each pitch for use by the occupiers of the individual caravan hereby permitted, and each vehicle shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 13 There shall be no more than two (2) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 on each pitch hereby approved, of which no more than one (1) shall be a static caravan or mobile home and no more than one (1) shall be a touring caravan, shall be stationed on each pitch at any time.

REASON: It is important 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.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

