

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02037/S73A		
Site Address	Land adjacent Calcutt Farm, Calcutt, Cricklade, Wilts. SN6 6JT		
Proposal	Removal of Condition 1 of 10/01204FUL to Make the Site Permanent for 14 Residential Gypsy Pitches		
Applicant	Mr Jones		
Town/Parish Council	Cricklade		
Electoral Division	Cricklade and Latton	Unitary Member	Cllr Peter Colmer
Grid Ref	411273 193275		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Peter Colmer has request the application be brought to committee to consider whether there has been any material change in circumstances since the approval of the application in June 2010 to review the original decision. In addition, the Area Development Manager considers it appropriate, in light of other current Gypsy and Traveller applications in the north eastern part of the county and the implications for the growth proposed in the context of the emerging Core Strategy and site allocations DPD.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Objections have been received from Cricklade Town Council with four letters of support from local residents.

2. Main Issues

The proposal needs to be assessed against Policies C3, NE13, NE15, HE6 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and government guidance in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

Policy 31 of the emerging Core Strategy, the emerging Gypsy and Traveller DPD as well as the recently published PPS Planning for Traveller Sites (the public consultation on which ended in early August) are material considerations. It is considered limited weight is afforded to these documents for reasons highlighted below.

The key issues in the determination of this application are:

- Need/Policy Considerations
- Impact of the character and appearance of the area
- Amenities of nearby residents
- Sustainability/highways
- Drainage/flooding
- Noise

- Human Rights Act
- Other considerations e.g. Four Oaks, Purdy's Farm

This application is being considered alongside an application for a further 5 pitches at Four Oaks, Lydiard Plain and 2 pitches at Purdy's Farm, Brinkworth. It was decided in the interests of transparency and consistency that the applications be considered by the Area Planning Committee at the same time.

In addition, at the time of this application, there is an on going highways enforcement matter in relation to a wall that has been constructed on the boundary of the site. It is considered that the wall is in the highway and is thus discussions are ongoing in respect of potentially taking enforcement action under the Highways Act.

Aside from being within the highway, the wall is also above 1m in height and did/does require planning permission in its own right.

These two matters are not a reason to delay the determination of this application since they can be dealt with separately and they do not have a bearing on the acceptability of this application or otherwise.

3. Site Description

The site is roughly rectangular and lies between the field between the A419 and the access road to the properties on the east side of the A419 to the roundabout leading to Cricklade and the A419. An area of the land to the east of the access road is also included.

The site is flat and has hedgerows on two sides. The derelict remains of an agricultural building close to the A419 are the only buildings.

To the immediate south are the former farm buildings in a variety of employment uses and beyond those is Calcutt Farmhouse, a listed building. To the north is Calcutt Manor and associated outbuildings, also a listed building.

The site is now fully laid out in terms of surfacing and full occupied with only some of the day rooms constructed.

4. Relevant Planning History		
Application Number	Proposal	Decision
07/00533/FUL	Erection of Three Stables, Hay Store and Tack Room and Change of Use of Land to Equestrian	Permission
09/00912S73A	Change of Use to Include the Stationing of Caravans for 14 Residential Gypsy Pitches with Utility/Day Room Buildings and hard Standing Ancillary to That Use	Non determination - Appeal Withdrawn
10/01204S73A	Same as above. A temporary permission was granted for the following reason: The provision of potential sites are being considered in the emerging Gypsy and Traveller Site Allocations DPD. A permanent permission in advance of this process would be premature and a temporary permission in this instance would accord with advice contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".	Permission.

5. Proposal

The caravans etc were moved unlawfully onto the site in May 2009. Following the temporary permission being granted the site is now completed and the site is fully occupied with children in attendance at schools and pre-schools and residents registered at GP surgeries etc.

The application seeks the permanent use of the site rather than on the temporary basis permitted until 2012.

The site is served by a central access (plot 1 has a separate access) from which pitches are served, each having a mobile home, touring caravan and day room and refuse store. These are the basic requirements for such sites in accordance with good practice guidance.

Vehicle turning spaces are proposed at each end of the site and a package sewerage treatment plant in the field at the other side of the access road.

Landscaping was proposed forward of a bund with close boarded fence atop (total height 3.8 metres) along the frontage with the A419. Due to the temporary nature of the permission only some landscaping was considered reasonable.

6. Consultations

Cricklade Town Council - the draft Wiltshire Core Strategy has just been published for consultation and suggests that the requirements in North Wiltshire may already have been met. Whilst the Wiltshire Core Strategy is still in draft form it would be inappropriate to remove the planning condition as requested. CTC therefore objects to this application to remove the planning condition, due to the possible over-supply of sites in North Wiltshire. If the Council were minded to approve then they should consider whether a S106 payment should be required.

Spatial Planning – detailed comments are on the file together with an addendum following the recent Bridge Paddocks appeal and the submission of the application at Four Oaks, Lydiard Plain. There are no objections to this application but it is recommended that both applications are considered in terms of their potential cumulative effects.

Highways Officer - adhere to their previous recommendations in respect of the 2009 and 2010 application:

‘The site is located in open countryside, some 800m from the nearest bus stop, although a suitable walking route exists for much of that distance.

Bearing in mind the advice in Circular 1/2006 I do not consider that an objection on sustainability grounds is appropriate.

I recommend that no highway objection be raised.’

Environmental Health - no adverse comments are raised.

Thames Water – no objections.

Highways Agency – comments waited but it is noted that the following comments were made to the 2009 and 2010 applications:

‘We have reviewed the documents and concluded we have no objections in principle to the proposals as they are likely to have little detrimental effect on the Strategic Road Network.

However, we do believe that the visual impact of the site could be a distraction to trunk road motorists but acknowledge the intention to install a landscaped bund and fencing to

overcome such problems. The Agency therefore, would like to ensure that this mitigation work is an essential requirement.'

Environment Agency – no objection raise but surface water drainage details still needed for condition 9.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

4 letters of support have been received which refer to the integration of the applicant in the local community assisting elderly neighbours, keeping the site in good appearance and generally being polite, trustworthy and good neighbours.

8. Policy Context

Current Policy and Advice:

Circular 01/06 Planning for Gypsy and Travellers
Wiltshire and Swindon Structure Plan 2016 – Policy DP15
North Wiltshire Local Plan 2011 – Policy H9

Emerging Policy – material considerations:

PPS Planning For Traveller Sites Consultation Draft – Summer 2011
National Planning Policy Framework Consultation Draft – Summer 2011
Gypsy and Traveller Site Allocations DPD – Spring 2010 (no progress since this date)
Wiltshire Core Strategy – Policy 31

9. Planning Considerations

Need/Policy Considerations

Since the 2009 and 2010 applications were considered and temporary permission granted, the current Coalition Government has announced the intended revocation of the Regional Spatial Strategy (RSS). Based on recent appeal decisions (the most recent being Bridge Paddocks at Braydon – paragraph 5 of the decision letter), the intention carries little weight at the present time due to the timescale and form this will finally take.

Given the public criticisms of the GTAA undertaken by the Council in deriving need for the period to 2006 to 2011, the Proposed Changes to the RSS recommended the allocation/provision of 48 pitches in the northern area (former North Wiltshire District Council area). This figure has been carried through to the emerging Gypsy and Traveller Site Allocations Development Plan Document published in Spring 2010 as well as in the recently published Wiltshire Core Strategy Consultation Document, particularly table 6.1 which accompanies Policy 31. There have been a number of recent planning permissions and appeal decisions since the production of that table.

Appendix I of this report contains a table showing the current position in respect of need.

To the end of April 2011 the outstanding number of pitches is 15 pitches. This figure excludes the 10 pitches granted on appeal at Chelworth Lodge in March 2011 because 5 year supply requires sites to be available and deliverable within that period. Due to infrastructure constraints and the speculative nature of that application, it is not considered to meet the need during the period 2006-2011. The site is expected however, to be delivered during the period 2011-2016.

Only 3 pitches have been identified to be required for the period 2011 to 2016. This proposed growth rate was questioned by the Inspector during the hearing for the Bridge Paddocks appeal,

however it was the immediate need due to the outstanding 2011 requirement which carried significant weight in support of the appeal proposal

The level of growth from 20011 to 2016 will be considered during the progress of the Core Strategy and it is a matter for that process to consider the robustness of such a calculation and not this application process.

It was on the basis of the limited weight to be attached to emerging national and development plan policy together with sustainability credentials which led the Council to approve seven pitches in Wootton Bassett and four pitches adjacent an existing pitch (allowed at appeal) at Framptons Farm, Sutton Benger earlier this year.

Thus the application at Calcutt Park would make a significant contribution to the requirement for available and deliverable sites to 2011, all but satisfying need by 1 pitch for the 2011 period.

In terms of the status of the emerging DPD and Core Strategy, the Inspector was unequivocal in confirming "Both these components of the Local Development Framework are at a relatively early stage in their preparation, and accordingly their provisions carry limited weight at this time."

In respect of guidance emerging nationally, limited weight should be given to the emerging PPS.

The approval of a permanent permission, particularly in light of the site being delivered and occupied, would make a significant contribution to the Council's required 5 year supply of pitches to 2011 which is still outstanding.

Character and Appearance of the Area/Residential Amenity

There can be no objection in principle to a Gypsy site in the countryside based on Circular 01/06.

The site is considered acceptable in landscape terms. If it had been considered objectionable this should have formed a reason for only granting a temporary permission with the harm having been identified.

The site was a piece of equestrian land of no exceptional character which had been cut off from adjoining land by the new access road and is now virtually surrounded by roads and other development. It is well screened by hedges to the north and south and there is screening to the A419 which is proposed to enhance with additional planting, a bund and a fence. The surrounding countryside is flat and the site is not prominent in distant views.

There has inevitably been some impact and change in the immediate character of the area but this is not considered to be an unacceptable impact on the setting of the listed buildings (from which the site is separated by other buildings and trees) or on residential amenity.

Gypsy sites are acceptable in principle in the countryside and wherever they are located there will be some impact on the surrounding area.

Notwithstanding the comments of the Highways Agency the site is not particularly visible from the A419 and the proposed bund and fence set behind additional planting will provide adequate screening. If permanent permission is granted it would be reasonable to require this by condition.

In terms of residential amenity, there is no evidence to suggest that the approval of the site on a permanent basis would be harmful to the promotion of the peaceful and integrated co-existence between the site and the local community (paragraph 64 Circular 01/2006).

Calcutt is a small enclave of less than 10 dwellings, including some businesses. Given that some 26 pitches were considered to be acceptable on these grounds at Chelworth (10 pitches at Chelworth Lodge and 16 existing pitches adjacent to that appeal site at Bournelake Park) where the non-Gypsy community was restricted to some 4 dwellings, it would be wholly unreasonable not

to apply the same consistent approach at this location. Calcutt has a slightly higher number of resident population in balance with the Gypsy community, in comparison with the Chelworth Lodge site.

It is noted that concerns have been raised in respect of the scale of Gypsy pitches in the northern part of the former North Wiltshire area as well as in the north of the new County in general. It is accepted that there are a high number of pitches within this area in comparison to the distribution in the wider former North Wiltshire area. Such a pattern of distribution is shared with Chippenham and to a lesser extent Wootton Bassett. This distribution is reflective of the importance of these locations and the roles they play in terms of facilities and employment opportunities and applies equally to the settled community and the relationship between housing and access to employment opportunities.

Officers have carefully considered the Chelworth Lodge appeal decision and other appeal decisions reviewed nationally. There is no evidence which would support a refusal reason based on an over concentration of Gypsy pitches over several Parish/Town Council areas. All the sites are of a reasonable distance from one another so as to not physically appear as an over concentration harmful to the local communities. Distribution of growth is a matter for the emerging DPD and Core Strategy to consider as it progresses in response to demand.

Sustainability/Location of development

Given that there are no objections in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.*" (Officer emphasis).

Policy H9 of the Local Plan requires such sites to have "*reasonable access to local community facilities and services...*" (Officer emphasis).

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

This paragraph has been consistently applied in terms of all appeal decisions within the former North Wiltshire District Council area over the past 5 years including the most recent appeal decision at Bridge Paddock.

It has also been applied in recent planning permissions at Glenville Nurseries in Wootton Bassett (7 pitches) and Framptons Farm in Sutton Benger (4 pitches adjacent the single pitch allowed at appeal).

As documented with the 2009 and 2010 applications, the site falls marginally outside the area of search applied in the emerging DPD at approximately 1200 metres.

It falls within a safe walking distance of some 1500 metres to the High Street and 1800 metres of the primary school as identified in the emerging policy documents.

It should be noted that these distances have been the subject of consultation and suggestions have been made that they should be increased to reduce the potential for conflict between the settled and unsettled communities.

Notwithstanding the above, limited weight can be attached to these criteria and those outlined in emerging Core Strategy Policy 31 and as evidenced in the recent appeal decisions at Bridge

Paddock (which was allowed at 4km distance), Chelworth Lodge and Framptons Farm as well as other decisions nationally.

Thus the application site is considered to be well located to public transport and a range of facilities including shops, schools and employment opportunities. It is within walking distance of Cricklade on surfaced footpaths and a sustainability objection cannot be raised.

Flooding and Drainage

Information provided from the applicants in respect of flooding and drainage with the 2009 and 2010 applications led to the EA undertaking a risk-based approach in respect of any risk to increased flooding on the site and surrounding areas as a consequence of the development. Due to the high impermeability of the site and the low density nature of the proposals, the EA considered that a satisfactory surface water drainage scheme to attenuate and potentially reduce surface-water run-off is achievable within the development and this was conditioned but has not yet been discharged. A condition would also apply to any new permission to obtain this detail within a specified period from the date of the permission.

The EA have investigated the current known flood levels at the site and along the A419 and consider that when compared with the EA's predicted flood levels, the topographic information submitted provides adequate assurance that a safe route of access can be provided in the event of a flood. A flood evacuation plan is required to be submitted via a planning condition as was required for the 2010 application and will be applied to any new permission.

The Council's Environmental Health and drainage officers have investigated the issues raised by residents but have not identified any issues which will not be covered by the requirements of the Environment Agency.

Noise

With the previous 2009 and 2010 applications, the council's Environmental Health officers were concerned that the occupiers could be subject to excessive noise from the A419 bearing in mind the relatively poor sound insulation qualities of mobile homes. Consequently, the applicants commissioned and submitted a noise survey. Further dialogue between the applicant's agent and the EHO took place which resulted in no objections and this remains the case with this current application.

Highways Impact

No highways objections are raised to the proposals.

Human Rights

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Having considered all the circumstances of this application, it is considered that the granting of a permanent permission would be proportionate and would not, therefore, be a violation of the Act.

Other material considerations

No detailed evidence of personal circumstances has been provided and none requested given that the site accords with current guidance contained in Circular 01/2006.

This application is being considered alongside proposals at Four Oaks, Lydiard Plain for 5 additional pitches and re-siting of 4 transit pitches (11/02579FUL relates), together with a permanent permission for two pitches at Purdy's Farm, Brinkworth.

The cumulative impact of the applications in terms of the pitch provision in light of existing and emerging need should be considered.

As outlined above, for the period to 2011 it is considered that there is an outstanding need of 15 pitches. Based on previous appeal decisions outstanding need/failure to meet a 5 year supply of sites is a significant consideration.

In meeting the outstanding need to 2011, the sites are considered on their merits below:

Calcutt Park:

- considered suitable on a temporary basis subject to further consideration of site criteria as part of the emerging DPD;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Purdy's Farm:

- considered suitable on a temporary basis in light of the emerging Local Development Scheme and sites being identified through that process;
- Sustainable as per the definitions in the Circular and broadly in line with the distances contained in the emerging Core Strategy/DPD;
- Fully developed and occupied with residents integrated/balanced within the local community in terms of schools and health care;
- Acceptable in all other respects i.e. landscape impact and highways.

Four Oaks:

- the pitches although contained within the existing boundaries of the site they are undeveloped and unoccupied at present, no evidence of need for personal circumstances of new occupants has been advanced by the applicant.
- The site at Four Oaks, in terms of the emerging Core Strategy and DPD, occupies a less sustainable location than Calcutt Park.
- Private transit pitches operate at the discretion of the site owner occupied largely by family and friends visiting and is thus not considered to be transit in the traditional sense;
- At the time of preparing this report, the intensification of the site results in a layout which does not accord with good practice guidelines and amendments have been sought;
- the community building is unacceptable for reasons detailed in that report.

On the basis of information contained within this report, Calcutt Park would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far. In the event planning permission is granted for this application, there would still be an outstanding need of 1 pitch to 2011.

Purdy's Farm would also satisfy the short term need to 2011 and based on the above and information presented within the report for that application, is not objectionable when considered in the light of recent appeal decisions.

It is acknowledged that in the short term there would be an over provision of 1 pitch for the 2006-2011 period, but this is not considered to be sufficiently harmful so as to warrant a refusal on these

grounds. Further it is not considered to be detrimental to the emerging Core Strategy and DPD since limited weight can be attached to these documents at the current time as evidenced in recent appeal decisions.

On the basis of information contained within this report and the main report for that application, the Four Oaks site is not considered to be a site which could contribute to the outstanding need to 2011.

The sites at Calcutt Park and Purdy's Farm would make a significant contribution to outstanding need to 2011 which has failed to be provided thus far for a number of reasons including the fact that both those sites have already been delivered with occupants enrolled at schools and doctors etc.

The provision of the site at Four Oaks can only be considered in the context of need for the period 2011 to 2016 and if granted, there would be an over provision of 5 year supply of some 13 pitches since the sites Chelworth Lodge and Bridge Paddocks fall within the same period (given dates allowed at appeal or build out timescales).

In light of this over provision which reflects the Governments "bottom up" approach to deriving local need, it is considered that allowing the development at Four Oaks on a permanent basis would be prejudicial to the emerging Core Strategy and site allocations DPD.

Thus, the provision of 5 new pitches at Four Oaks is only considered to be an acceptable for a temporary period until such time as the precise need and location of sites for the period 2011 to 2016 fully considered as part of planned growth.

9. Conclusion

The application site would make an important contribution to meeting the significant outstanding strategic Gypsy and Traveller requirement to 2011, with only one pitch remaining to be provided to 2011 and accords with current Government guidance contained in Circular 01/2006.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011), PPS3 "Housing" and advice contained in Circular 01/2006.

Subject to the following conditions:

1. Within two months of this permission, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with other relevant bodies.

REASON: In order to ensure a safe, dry access to and from the development in the event of flooding.

2. Within two months of this permission, the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: C3

3. Within two months of the date of this permission a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) painted finish to close boarded fence atop the bund.

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

4. Within the first planting and seeding season following the date of this permission; 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.

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

5. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

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.

6. There shall be no more than fourteen pitches on that part of the site south of the main access road and north of the A419(T).

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

7. There shall be no more than twenty eight (28) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than fourteen (14) shall be a static caravan or mobile home and no more than four (4) shall be a touring caravan, shall be stationed on the site 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 policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

8. No more than four commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

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

9. Except for the keeping of commercial vehicles as defined in condition 9 above, 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

11. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

