

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 April 2015
Application Number	14/10797/FUL
Site Address	Greenacres Mobile Park, Semington, Trowbridge, BA14 6HL
Proposal	Change of use of agricultural land to create 6 additional Gypsy and Traveller pitches with associated ancillary development.
Applicant	Mr P Ward
Parish Council	SEMINGTON
Ward	SUMMERHAM AND SEEND
Grid Ref	390172 160112
Type of application	Full Planning
Case Officer	James Taylor

ADDENDUM

This application was considered by the Strategic Planning Committee on 11 February 2015 and deferred *“pending the holding of a site inspection and to request copies of the Secretary of State’s and the Planning Inspector’s appeal decision letters be made available to all members of the Committee prior to a decision being made.”*

Pursuant to this decision and the public debate the applicant has submitted revised plans which reduce the number of pitches by one, so that now 6 additional pitches and associated development are proposed. All the pitches are proposed to the eastern portion of the site and immediately to the west of the pitches it is proposed to erect a 6m thick and 1.5m high landscaped bund. Previously this bund had been located further to the west. Beyond this to the west of the site it is no proposed to have a landscaped area up to 25 metres wide planted with trees. Previously this area had been up to 11 metres wide and no tree planting was indicated. Beyond this the existing right of way (3m easement) would be retained and enclosed by a 2m high wooden fence as previously detailed.

The revisions have been through a further round of public consultation.

The report below is an updated and amended version of that previously presented to members on 11 February to reflect the revised proposals and the consultation responses received, including those on the amended plans.

Members also requested copies of the appeal decision letters. There are three gypsy and traveller sites at Semington in the vicinity of the A361/A350 roundabout, all of which have recent appeal decisions allowing development on them. The applicant's original site at Greenacres was granted a permanent permission on appeal in February 2012. A single pitch at Littleton, to the north of the A361 travelling towards Seend, was approved at appeal on a permanent basis in January 2014; and an additional 4 pitches at a site to the south of the A361 and east of the A350 was allowed on appeal in October 2014. Copies of each of the appeal decisions are attached as an appendix to this agenda. In the case of the applicant's original site, costs were awarded against the Council, and a copy of that decision is also attached. These cases demonstrate the approach adopted by the various Inspectors towards matters such as sustainability, highway safety, the issue of need, personal circumstances and the need for evidence to substantiate reasons for refusal.

Reason for the application being considered by Committee

This application has been called in by Cllr Seed, the Division Member for the following reasons:

- Scale of development;
- Visual impact upon the surrounding area;
- Relationship to adjoining properties;
- Design – bulk, height, general appearance;
- Environmental/highway impact;
- Car parking (use); and
- Inappropriate development in the countryside and in excess of recognised traveller needs and entitlement.

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector 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.

Whilst the Core Strategy has now been adopted new traveller sites will remain as a strategic issue rather than a local issue until the Gypsy and Traveller DPD currently being worked on is adopted.

1. Purpose of Report

To assess the merits of the proposal and to recommend that planning permission be granted subject to conditions.

2. Report Summary

Semington Parish Council objects to the proposal and circa 13 letters of objection have been received.

The traveller status of the applicants has been satisfied and there is a demonstrable need for further accommodation. The Council has recently published a Gypsy & Traveller Accommodation Assessment (GTAA) which provides an estimate of pitch need in Wiltshire and will be part of the evidence base that underpins the forthcoming Traveller DPD. The GTAA identifies that up to 2019 the Council has an outstanding need for traveller pitches in

this housing market area. Furthermore the issue of need has been dutifully considered by Inspectors on a number of recent traveller planning appeals and the Council's assessment of need has been repeatedly criticised.

The proposals have been assessed against the newly adopted policies of the development plan which is now formed by the Wiltshire Core Strategy and some saved policies of the West Wiltshire District Plan 1st Alteration (2004); and central to this application is Core Policy 47. At a national level the Planning Policy for Traveller Sites and National Planning Policy Framework form other material considerations. Whilst the local objections have been duly considered, officer's report that the site is acceptable as the proposals would give rise to no significant harm to planning interests.

3. Site Description

The application site measures approximately 0.6 hectares and is located to the east of the West Wiltshire Crematorium and to the west of an existing traveller site of 3 pitches which is to the south west of the A350/A361 junction. The application area has an approved use as paddock with access to the existing traveller site occupied by the applicant's family.

The site is relatively flat and there are established landscaped boundaries to the application site. The boundary to the existing traveller site to the east is a low close boarded fence; otherwise landscaping on the boundaries is 'soft'.

The site is located outside of any planning constraints or designations in the open countryside with the nearest settlement being Semington to the north-west. There are a number of public rights of way in the vicinity; in particular one runs within the site on its western boundary with the crematorium. Access is existing onto the primary road network of the A361.

4. Planning History

07/03870/FUL - Change of use to private caravan site for three pitches, eight caravans for single extended family with associated works (hardstanding, drainage, fencing and utility buildings) and associated keeping of horses, for occupation by travellers (part retrospective) – Temporary permission on 31.07.2008

W/11/01206/FUL - Change of use to small private gypsy and travellers site for three pitches for eight caravans and associated ancillary works and development (including hard standing blocks, drainage etc) and associated keeping of horses – Refused on 15.06.2011 but appeal allowed with costs awarded against the Council on 24.02.2012

W/12/02148/FUL - Construction of an ancillary day room – Permission on 16.05.2013

14/04110/FUL - Retrospective application for construction of an ancillary day room (previous application W/12/02148/FUL) - Permission on 05/06/2014

5. The Proposal

This application is for the creation of 6 new traveller 'pitches' on land immediately to the west of an existing lawful traveller site where 3 pitches are provided for.

The existing three 'pitches' have approval for 8 caravans and the associated keeping of horses on the application site. They have an approved access through the current application site onto the A361.

Of the proposed six new pitches, the plans show that each would have a mobile home, a touring caravan and a dayroom; however only 3 of the potential 6 dayrooms are proposed at this time. The three proposed dayrooms would be single storey rendered structures with low profile concrete tile roofs. The footprint of the buildings would be 5 metres by 9.6 metres and contain a kitchen/seating area, store and a bathroom. They would be no greater than 4 metres in height. Each site would have its own dedicated cesspit and hard standing for parking of at least 2 vehicles.

Access to the site would be via the established access to 'Greenacres' which is directly onto the A361.

The proposals also detail the erection of a 6 metre thick, 1.5 metre high landscaped bund extending along the west boundary and around the entrance. Outside the new western bund there would be a landscaped area and 2m high close boarded fence to maintain the existing right of way and then the substantial retention of the landscaping at the boundary with the West Wiltshire Crematorium. The pitches would be divided by a 2 metre high fence also. The existing service road will remain through the site and serve the existing traveller pitches as well as the new ones proposed.

6. Planning Policy

Local context:

The Wiltshire Core Strategy (WCS) was adopted at a special council meeting on January 20th 2015 and as such, it can be afforded 'Full Weight' in planning terms. The following WCS policies are relevant:

CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP47: Meeting the needs of Gypsies and Travellers; CP51: Landscape; CP57: Ensuring high quality design and place-shaping; CP60: Sustainable Transport; CP61: Transport and development; and CP67: Flood Risk.

Appendix D saved policies of the West Wiltshire District Plan 1st Alteration (2004) also have full weight, of which policy U1a: Foul Water Disposal is relevant.

National Context:

The National Planning Policy Framework (NPPF) acts as a principal material consideration in the determination of planning applications. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking. The NPPF is clear in stating that *'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. Paragraph 32 is also critical in terms of asserting that local planning authorities should only refuse applications on transport/highway safety grounds where *"the residual cumulative impacts of development are severe"*.

The Planning Policy for Traveller Sites (PPTS) acts as a principal material consideration in the determination of proposals for traveller sites. It needs to be considered in conjunction with the NPPF. At paragraph 3 it summarises that *the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community*. Policy H sets out a framework for the determination of traveller proposals and reiterates that

the law requires planning applications to be determined in accordance with the development plan unless material circumstances indicate otherwise. These may include the NPPF, PPTS and sustainable development considerations.

Planning Practice Guidance (PPG) is also a material consideration.

7. Summary of consultation responses

Semington Parish Council: Object:

“The proposed development will compromise highway safety – there will be significantly increased traffic moving on/off site and there will be disruption to the flow of existing traffic along the busy A361.

It is inappropriate development immediately next to the western boundary of the West Wiltshire Crematorium and will result in a loss of privacy, peace for quiet reflection and dignity.

It represents overdevelopment and will result in a loss of open countryside.

The Appeal Decision in relation to the existing site (Ref. APP/Y3940/A/11/2156159 dated 24/2/12) clearly stated (at Para 17) that no development should take place on the site proposed in this application and Condition 5 stated ‘Pitches shall not be formed, nor caravan sited on land other than the eastern part of the site identified for this purpose.....’. The site is defined at paragraph 9 of the appeal decision and it is stated to be the whole site. To approve this application would overturn the Inspector’s decision.”

Wessex Water: No objection.

Wiltshire Council Drainage: No objection.

Wiltshire Council Ecology: No objection:

Wiltshire Council Education: No objection:

Wiltshire Council Environmental health: No objection.

Wiltshire Council Highways: No objection.

Wiltshire Council Housing: No objection.

Wiltshire Council Spatial Plans: No objection.

Wiltshire Council rights of way: No objection to revised plans.

8. Publicity

The application was advertised by neighbour letters, a site notice and a Wiltshire Times advert. This resulted in circa 34 objections which may be summarised as follows:

- No need for development / too many travellers already / Already a cramped and overpopulated site;
- Village already overwhelmed;
- Impact on the village school;
- Impact on the character of Semington;
- Impact on the open countryside / probably green belt / area looking like a large caravan park / urbanising effect;

- Impact on the crematorium and its memorial grounds; a place for peace and tranquillity – existing traveller development is already causing a nuisance;
- Impact on crime rates / anti-social behaviour in area;
- Impact on highway safety and pedestrian safety;
- Will increase traffic movements;
- Impact on the right of way;
- Site for affordable housing to allow local children to move back to village;
- Application is contrary to assurances provided by the applicant on the original application;
- Application is contrary to the conditions imposed by the planning Inspector who approved the original development restricting use on this land and preventing caravans on this land – the revisions do not change this and the decisions should not be overruled;
- Exacerbates disproportionate allocation of such sites through Wiltshire, compounding concentration within north and west Wiltshire;
- Unsustainable location;
- Applicants have no regard for planning procedure and do not abide by the law;
- Inequality – one rule for minorities and one for everyone else;
- Gross overdevelopment;
- Dayrooms, parking touring caravans next to statics and providing parking spaces all facilitates more accommodation than stated;
- Concern over water supply, drainage and refuse;
- The extended family have lived on site since 2011;
- Impact on protected species;
- The Cremation Act 1902 requires a 200m gap between residential property and any new crematoria;

9. Planning Considerations

9.1 Principle of development.

Proposals need to be determined in accordance with the development plan unless other material circumstances indicate otherwise. The relevant policy of the development plan is Core Policy 47 (CP47) of the WCS and this states that

“Proposals for new Gypsy and Traveller pitches or Travelling Showpeople 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.... general criteria they will be considered favourably.”

The general criteria are detailed as being:

- 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. *It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users*
- iii. *The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.*
- iv. *The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas*
- v. *It 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.*

- vi. *It 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.*
- vii. *Adequate levels of privacy should be provided for occupiers*
- viii. *Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements, and*
- 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.*

As such, subject to those detailed criteria, the proposals are considered to comply with the development plan policy in principle.

Furthermore the NPPF is a material consideration so far as its policies are relevant to detailed matters and the provision of sustainable development. It is silent on the principle of traveller proposals. The PPTS is generally permissive to traveller development subject to detailed considerations and the provision of sustainable development. Policy H of the PPTS details that proposals should be assessed with a presumption in favour of sustainable development..... it sets out *relevant matters* for consideration and emphasises that:

“Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”

The relevant matters are detailed as being:

- *the existing level of local provision and need for sites*
- *the availability (or lack) of alternative accommodation for the applicants*
- *other personal circumstances of the applicant*
- *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- *that they should determine applications for sites from any travellers and not just those with local connections*

As such, subject to those relevant matters, the proposals are considered to comply with the national planning policy in principle.

9.2 Status of applicant.

The applicant and their family are currently residing on the existing adjacent site of Greenacres Mobile Park which is lawfully intended to be 3 pitches. Most of the prospective occupiers of the 7 additional pitches proposed here are living at Greenacres already ‘doubling-up’ and even ‘trebling-up’ on the approved pitches. One occupant is understood to be living in “bricks and mortar” but has health reasons to move back with their family if they had their own pitch. The applicant and his family are considered to satisfy the definition of a traveller as set out in national policy and have been occupying a traveller site in accordance with the condition that restricts occupation to those meeting the definition of a traveller.

Moreover, planning permission, unless expressly made personal, runs with the land and not the applicant. A condition can be imposed to ensure that the Council retains effective control so that any future occupiers satisfy the definition of a traveller as set out in the PPTS.

9.3 Need.

The Council's spatial planning officer has raised no objection to these proposals and set out in detail but succinctly the current position in terms of need which indicates based on the most contemporaneous evidence that there is a residual requirement for 11 pitches in the period 2014-2019 within the north and west Wiltshire housing market area; and identifies that the applicant's family are already living at the site where 3 households should be residing there are actually currently 9 households.

The spatial plans officer has commented and advised as follows:

"...the Council has undertaken a full 2014 Gypsy and Traveller Accommodation Assessment (GTAA) to update the evidence underpinning the Core Strategy; to inform its review post adoption; and the development of the Gypsy and Traveller DPD which will allocate sites to meet that accommodation need."

It is noted also that the Core Strategy Inspector endorsed the council's approach to traveller planning and states in para. 128 of his report that *"until such time as the intended DPD is complete and to ensure flexibility, the pitch requirements are best considered as minimums. This would be prudent and would introduce flexibility within the plan which would aid the effectiveness of its delivery."*

The spatial plans officer goes on to advise (just before the Core Strategy was formally adopted) that *"the 2014 GTAA was undertaken by independent research consultants Opinion Research Services in spring 2014. The final report was published on 16 January 2015. It sets out the overall need for new traveller pitches and showpeople plots in Wiltshire for the period 2014-29. This evidence forms a cornerstone of the emerging DPD and will inform the immediate review of Core Policy 47 of the WCS post adoption. The conclusions of the GTAA have yet to be tested through the Gypsy and Traveller DPD process but it nevertheless forms a material consideration in determining this application."*

"For the North and West Housing Market Area the GTAA established a net requirement of 68 pitches for 2014-29. For the first five years of the GTAA period (2014-19), 21 pitches are required."

"The GTAA takes into account the oversupply from the Core Policy 47 period 2011-16 by effectively establishing a residual requirement..... Since July 2014 (the base date of the GTAA), 10 pitches have been permitted in the North and West HMA which leaves a residual requirement of 11 pitches for 2014-19. Core Policy 47 of the Wiltshire Core Strategy remains the adopted policy but this additional information is a consideration in the determination of this application."

Whilst this provides the most contemporaneous evidence base on the issue of need it is acknowledged that it has not been tested. However your officers would advise that the previous evidence relating to traveller need was substantially criticised by the Core Strategy Inspector who stated that need figures had to be treated as minimums until any DPD was adopted. This was to introduce flexibility that reflected the questionable evidence underpinning need. Indeed in numerous recent case decisions regarding traveller proposals it was considered that need was substantially underestimated in Wiltshire. Based on those Inspector opinions, the Core Strategy Inspector's comments and the most contemporaneous evidence (albeit untested) it is concluded that there is outstanding need.

9.4 Availability of alternative accommodation for the applicants.

It has been established that there is not an adequate land supply and therefore this generates a level of need.

There are no known suitable sites in the locality that have planning permission, are vacant and meet the needs of the applicants. This is a material consideration in assessing this proposal.

9.5 Other personal circumstances of the applicant.

The application is submitted by Mr P Ward. It is understood that the pitches would all be occupied by the wider family of the applicant. Within the family group there are known educational needs with 4 children identified as being of school age. A further 6 children of pre-school age have been identified. A settled base will help those children of school age receive education. Furthermore the benefits of having a settled base are well established, also including access to medical facilities.

Whilst this, in particular the education requirements, will place a pressure on the local infrastructure, it is not considered to be any more significant than a small number of younger families moving into the settled community in place of residents whose children have grown up and moved on. It is not considered to represent any “*undue pressure*” within the PPTS meaning. Furthermore education colleagues have raised no objection and detailed that the catchment primary school of St. George’s is a 3 class school i.e. 90 places, all in permanent accommodation. There were 66 pupils on roll at the January 2014 census and current forecasts peak at 70 pupils in 2017/18. The proposals would therefore arguably help support the local facilities of the village which show ample capacity for additional pupil numbers.

9.6 Impact on the local community.

It has to be agreed that this proposal represents a further intensification in the level of traveller provision on this junction of the A361 and A350. There has been objection on the basis that this would dominate the parish of Semington. However your officers do not share this view.

The proposal would increase the number of pitches in this immediate vicinity (A361/A350 roundabout) from 9 to 16 across three sites. Across Wiltshire there are a number of locations where a considerably greater number of traveller pitches are approved and do not dominate the local community. However each case needs to be assessed on its own merits. The proposals are located outside of the village, have a nominal impact on the appearance of the area and would not of themselves or cumulatively dominate or harm the settled community. There are over 500 houses in Semington village and in total the number of pitches in this location would be 16; a very small number in comparison to Semington parish’s population.

It is concluded that the proposals would be appropriate to the scale and character of the site’s surroundings and existing nearby settlements and therefore satisfy criteria viii) of CP47.

9.7 Sustainability and accessibility to services.

The site is located outside of any defined town or village policy limits. Local and national policy makes provision however for traveller development to be located in the countryside. It has to be acknowledged that the site has been deemed acceptable in sustainability terms by Inspectors on the previous appeals at the adjacent site and at the other two sites in the vicinity that are physically further from Semington village and separated by more roads.

As recently as October 2014 an Inspector found a site further to the east across the A350 to be a reasonably sustainable location for such development with reasonable accessibility to

services. Whilst they acknowledged that most trips are likely to be by private car that did not necessarily mean that an application was not sustainable within the PPTS's meaning.

Whilst each case is assessed on its own merits in light of this decision and the striking similarities on this issue then the site must be considered to be sustainable within the PPTS meaning.

Criteria v) of CP47 has been satisfied in this regard as Semington provides for primary education requirements; and a number of larger settlements are nearby and accessible which provide for secondary education needs and general medical facilities.

Furthermore the Council's highway officers raise no objection.

9.8 Flooding / drainage / infrastructure.

The application site lies within flood zone 1, the lowest probability of fluvial flood risk and there are no rivers in proximity. The proposals involve an urbanising of an agricultural field and as such there is some limited potential to exacerbate surface water discharge. However given that the site is relatively flat and that large areas will be retained with permeable surfaces then this is not a significant concern. No flood risk is posed to or from this proposal. However it is considered prudent to condition the final details as this is a clay area.

In terms of foul water disposal, it is noted that circa 38,000 litre subterranean cesspools are proposed for each of the 6 pitches and these will be emptied as necessary. This is the same approach as agreed on the adjacent Greenacres site; it is understood that this work has been completed and it is also understood that no issues are resulting. As such the foul drainage solution is acceptable.

Equally a condition regarding the final foul disposal is also considered prudent as limited details have been provided and this can ensure adequate provision is made on site to limit potential pollution problems and offers some flexibility for all parties at a future date.

Wiltshire Council's Drainage officers have raised no principle objection and can be consulted further on any discharge of conditions application.

The adjacent site of Greenacres has water supply, power supply and waste collection arrangements. As such these are not areas of concern and demonstrate that the site can be adequately provided for in terms of infrastructure. It is understood that Greenacres currently has power from a communal generator and each plot has a small generator that can be taken on the road and is used sometimes at the site. There are no known issues from this approach. The applicant's agent has detailed that the communal generator has capacity so as to provide for the additional pitches but the intention is to provide mains power to the site. As such these are not areas of concern and demonstrate that the site can be adequately provided for in terms of infrastructure. However it is considered prudent to add a further condition to control final details of any power supply to the additional 6 pitches; it would be unreasonable to control details to the approved development.

Criterion i), iii) and ix) of CP47 has been satisfied in this regard.

9.9 Impact on the rural scene and landscape.

The proposals will result in a change to the character of the site which is currently open and laid to grass as paddock. There will be an urbanising affect and severance from the fencing proposed very much akin to that on the adjacent Greenacres Mobile Park and very typical of a traveller site. However the landscape is such that the site is not widely visible from distant

views, and any impact would be limited to the immediate area and this would be largely screened by the landscaping details which include a landscaped bund. There would remain only glimpsed views of development over the bund and/or through the site entrance or from the public footpath. The purpose of landscaping is not to make development disappear but rather to mitigate its impact; the proposed landscaping would achieve this. Reducing the scheme to 6 units and moving the bund to the east would further limit any glimpsed views through the site entrance over the scheme committee previously considered in February.

The revised proposals would create a more significant landscape buffer area between the pitches and the crematorium than the original submission. The indicative details indicate that this could be an attractive space that contributes to the character and appearance of the area and provides a more substantive buffer with the crematorium compared to the open paddock – albeit the paddock is much larger in area. Given the space that would remain it is considered reasonable and prudent to impose a condition that prevents any caravans being positioned within the landscape area, akin to the approach used by the Inspector who allowed the adjacent Greenacres development. According to the Planning Inspector's report (paragraph 58) that was imposed in the interests of protecting the character and appearance of the area. This condition would be in the same interests, which more specifically may include the interests of protecting the amenity at the crematorium.

Whilst the proposals would encroach into a paddock; the paddock is not part of a wider rural landscape, as it has the existing traveller site to the east; the Crematorium to the west and the A361 and A350 to the north and south-east. To the south is open countryside, however there is a well-established native hedge on this boundary which would be retained.

It should be emphasised that the site is not subject to any particular landscape designations (it is not Green Belt or within an area of outstanding natural beauty) and as such criterion vi) and ix) of CP47 are satisfied in this regard.

9.10 Residential amenity.

The proposals would not impact on the reasonable amenities of any existing neighbouring property. There are 3 other traveller pitches immediately to the east which form part of the applicant's control and would be unaffected in any event. There are no residential properties of the settled community in proximity and other traveller accommodation belonging to other families are separated by landscaping and major roads.

The West Wiltshire crematorium is located immediately to the west of the application site and it is noted that the operators of this facility have raised objection. Their concerns have been given very careful consideration and additional landscaping has been agreed to try and take every reasonable opportunity to mitigate the impact of the proposed development and also address the alleged impact of the existing 3 pitch development of Greenacres and dog fouling.

The Inspector that approved the Greenacres development on a permanent basis did assess the impact of those 3 pitches on the crematorium and its memorial grounds and stated:

"16. The Council is concerned that the normal activities associated with a gypsy and traveller site, such as barking dogs, would be an unwelcome source of disturbance to mourners at the crematorium. However, although the appeal site adjoins the grounds of the crematorium the main building upon them is well removed from the boundary with the appeal site in a well landscaped setting. A substantial landscaping strip within the crematorium grounds runs alongside the boundary with the appeal site.

17. Furthermore, the current occupation of the appeal site, and the area shown on the application plans for the continued provision of pitches and the siting of caravans, is limited

to its eastern end. As such it is well removed from western boundary of the site with the crematorium. The imposition of a planning condition in the event of the appeal being allowed could ensure that this would remain the case.

18. Given the above I consider that the day to day residential occupation of the appeal site by gypsy or traveller families should cause no undue disturbance to those using the crematorium. There is, moreover, no evidence that barking dogs are a particular problem on gypsy sites or that they have been on this site. As recognised in Circular 01/2006 noise and disturbance can sometimes arise from the movement of vehicles to and from such sites. However, given the limited size of the site, and the background noise of traffic adjoining road, such movements should not impact unduly on those seeking peace and quiet at the crematorium. Allegations by the Council that concerns had been raised in the past concerning anti-social behaviour on the site were not supported by substantial evidence."

As a result of these considerations the Inspector imposed the follow condition:

"5) Pitches shall not be formed, nor caravans sited, on land other than the eastern part of the site identified for this purpose on the submitted 1:500 scale plan identified and marked as plan B. Other than the access road shown on plan B there shall be no hardstanding other than in the areas identified in plans B and C for the formation of pitches and the siting of caravans."

The proposals would bring residential occupation closer to the boundary with the crematorium and thus bring any associated activity and noise closer to the memorial grounds and crematorium. However the crematorium itself remains some distance from the site boundary, the landscaping within the crematorium and at the boundary remains substantial and indeed would be very substantially added to with a continuous close boarded fence provided to keep dogs off the crematorium site, and a 4 metre thick, 1.5 metre high landscaped bund provided. Given the Inspector's considerations at paragraphs 16-18 of their report and the landscaping mitigation proposed it is assessed that the proposals would have a neutral impact on the amenity of the crematorium and overcome any reason to have imposed condition 5 on the original decision. The now enlarged landscape area is considered to have become of such a size as to merit a similarly worded condition to preclude any development or caravans on the landscape buffer.

Environmental health officers have raised no objection.

The site is spacious and provides for reasonable amenity of future occupiers and play space within each pitch. The proposals would provide for reasonable privacy even though it is acknowledged to be a proposal for a family site.

As such the proposals accord with criterion iv), vi) and vii) of CP47 in these regards.

9.11 Highway safety

The access has been in existence for a number of years and has good visibility in both directions. The site provides space for vehicles to turn safely and conveniently and adequate parking provision. It is not considered that there are any highway safety concerns with the proposal and clearly no severe impact within the meaning of paragraph 32 of the NPPF.

There is no evidence to suggest that the existing access is or would result in any disruption to the flow of traffic on this busy A-road as alleged by Semington Parish Council.

Wiltshire Council's highway officers have raised no objection. Criterion ii) and iv) of CP47 have been satisfied in this regard as indeed has paragraph 32 of the NPPF. There are no reasonable grounds for refusal on highway safety.

9.12 Other material considerations

The application site has a history of agricultural use and has been in use as a paddock for a number of years. It is not considered to have any potential hazardous substance issues. The proximity to the crematorium has been considered and whether this would be a suitable location for residential property. Environmental health officers have considered this matter and have had regard to the 1902 Act referenced by the crematorium operators. Colleagues have no objection noting that this imposes restrictions on the siting of new crematorium to existing housing, but not vice-versa. Your planning officers would agree with their assessment.

The site has no national or international designations and there are no known archaeological or ecological interests that would be affected by the development proposals. Ecology was not raised as substantive issue either by the Council's officers, Council's committee or Planning Inspectors when considering the development of the adjacent Greenacres pitches. The Council's ecologist has raised no objection but does suggest enhancement and precautionary measures which can be addressed by informatives. The site is not near any river and would not affect river quality and in any event it has acceptable drainage solutions.

The public consultation process raised the idea of making this a site for affordable housing. This is not what is being proposed and it is necessary to assess the merits of the application as it stands. There is no planning policy to require affordable housing provision on this site.

It has been alleged that the proposal would increase anti-social behaviour and crime rates. No evidence has been provided to substantiate this suggestion.

10. Conclusion (The Planning Balance)

The proposals accord with Core Policy 47 of the Wiltshire Core Strategy and its *general criteria*. The proposals accord with the government's policies of the National Planning Policy Framework and represent a sustainable form of development. The proposals accord with the government's policies in the Planning Policy for Traveller Sites and its *relevant matters*. There is a need for the development as identified within the contemporaneous evidence base (GTAA) published as recently as January 2015 and that will be used to inform the Development Plan Document for Traveller Sites. The Council's earlier evidence base has been substantively criticised by the Core Strategy Inspector and by other Planning Inspectors in recent case decisions. The applicants meet the definition of travellers as set out in the PPTS and their personal circumstances are such that they have a need for access to education and health care facilities and a settled base. The proposals would not cause any significant harm to any planning interests, including the operation of the adjacent West Wiltshire Crematorium and its memorial grounds and highway safety. Whilst the local objection has been noted and given very careful consideration it is concluded that the application must be recommended for permission and there is no reasonable reason to conclude otherwise.

RECOMMENDATION

Grant planning permission 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: TP01, TP02, TP03 (Rev E), TP04 and TP05.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for traveller sites (DCLG, 2012).

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.

4. There shall be no more than 6 pitches on the site and on each of the pitches no more than 2 caravans shall be stationed at any time and of these, only 1 caravan on each pitch shall be a static caravan, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

REASON: In order to define the terms of this permission.

5. No commercial activities shall take place on the land, including the storage of materials.

REASON: In order to define the terms of this permission, protect the rural scene and character of the countryside, and protect the amenities of the area and neighbour uses.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.

7. Notwithstanding the submitted details 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, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) car park layouts;
- f) all hard and soft surfacing materials;

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

8. 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 development 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.

9. No development shall commence on site until a scheme for the discharge of foul and 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. No pitch shall be first occupied until it has been provided with its agreed surface water drainage and its agreed foul drainage.

REASON: To ensure that the development can be adequately drained and in the interests of preventing pollution.

10. Pitches shall not be formed, nor caravans sited, on land to the west of the new bund on the submitted plan reference TP03 (Rev E).

REASON: In the interests of protecting the character and appearance of the area and the amenity at the crematorium.

11. No development shall commence on site until a scheme for the supply of power to the development (including a timetable for its implementation) has been submitted to and approved in writing by the Local Planning Authority. No pitch shall be first occupied until it has been provided with its agreed power supply.

REASON: In the interests of protecting the character and appearance of the area and the amenity at the crematorium.

INFORMATIVE: The developer is advised that there is a low risk that great crested newts, reptiles or nesting birds could occur on the application site. Great crested newts, all reptiles and nesting birds are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of amphibians/reptiles occurring on the site, the developer is advised to clear the site and areas of long grass in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the grassland at a short height to make it unsuitable for reptiles/amphibians until the construction works commence. Clearance of scrub should be carried out outside the bird breeding season (March to August inclusive) or where this is not possible, preceded by a check for active nests by a competent ecologist. If reptiles or nesting birds are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or a Council Ecologist. If great crested newts are found, all works should stop immediately and Natural England contacted for advice on any special precautions before continuing (including the need for a derogation licence). Please see the council's website for further information:
<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm> or
Natural England's website
<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx> or <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE:

The developer is encouraged, in order to provide ecological enhancement, to increase the number of tree/shrub species to a minimum of 5 native and locally characteristic species on any final bund planting details.

