

REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 th May 2015
Application Number	14/10556/FUL
Site Address	Land at west side of B3092 Mapperton Hill Mere Wiltshire BA12 6LH
Proposal	Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access, and keeping of horses.
Applicant	Mr M. Doe
Town/Parish Council	MERE
Ward	MERE
Grid Ref	380459 130726
Type of application	Full Planning
Case Officer	Warren Simmonds

Officer's Supplementary Note

The application was previously considered by Members at the Strategic Committee meeting of 11th March 2015 when the application was put before Committee with an officer recommendation of approval, subject to Conditions.

The Committee resolved to DEFER determination of the application in order to seek further information from the Drainage Engineer on the practicalities of drainage of the site and to request that copies of the Planning Inspector's decision regarding a similar application at Alderbury be provided.

Additional information submitted in support of the application:

(i) The status of the applicant as a gypsy and traveller

The agent for the application has subsequently submitted additional information/confirmation in respect of the status of the applicant as a person of gypsy and traveller status. He confirms the applicant is a gypsy who meets the definition of gypsies and travellers as set out within the DCLG document Planning Policy for Traveller Sites; he does not reside in a

'bricks and mortar' house and has not ceased to travel. He has family on a Gypsy and Traveller site in Swindon.

(ii) Percolation Testing data for the application site

The applicant has submitted Percolation Test data for the application site (attached to this report as appendix A). The Council's Drainage Engineer has assessed the submitted percolation test data and provided the following response:

Comments:

- I can accept the percolation figures although they are nearer to the higher end of the limit range – assuming they were taken at proposal soakaway locations – no plan of where they were taken or any plan showing the required system – could look for a condition to cover this issue*
- Please confirm that unit is only for 2 persons as that is what is shown in calculations – may need a planning condition to limit site to 2 persons as more persons will require a bigger soakaway system than shown in calculations*

Further Highways Officer comments

Members requested further clarification from the Highways officer that the methodology used in assessing the application in terms of Highway safety was appropriate. The Highway Development Control Manager has provided the following additional comment:

“The two sets of standards for visibility contained in Design Manual for Roads and Bridges (DMRB) and Manual for Streets 2 (MfS2) are based on different braking characteristics for vehicles. The standards in DMRB were set in the 1960s and have not been revised since. Those in MfS2 reflect that braking characteristics of vehicles have improved since that time and thus the calculations use a higher rate of retardation. The braking rate used is still much lower than would be required for an emergency braking situation.

The appeal decision for Hill Billy Acre has been referred to. Although there is some discussion about the relevance of the two sets of standards, in this case the standards from DMRB were achievable so that the discussion was somewhat academic. The application of standards is ultimately a matter for professional judgement taking account of circumstance at a location. There is no suggestion that the application of the MfS2 standards would give an unsafe access/junction. Indeed, no published standards would ever result in an unsafe situation.

In the case of this application a condition was requested requiring alterations to the hedge between the proposed site entrance and the site boundary. Taken together with the existing highway verge this would improve visibility at the access. Detailed measurements have been taken on site and these have shown that, with the alterations to the hedge, visibility splays of 153m to the south and 105m to the north can be achieved. That to the south is very close to the standard laid down in DMRB and any refusal to relax that standard by that small amount would not be defensible. The standard to the north, although not meeting the DMRB standard does meet the standard in MfS2. Furthermore traffic approaching from the north will generally be on the far side of the road.

*It is not unusual where a recommendation has been given for refusal for this to be reviewed to ascertain whether the standards applied could be defended in the event of an appeal. NPPF makes it clear that applications should not be refused on highway grounds unless the effect on the highway network is **severe**. In this case it was concluded that, as the visibility to the north complies with the standards in MfS2, the effect on the highway network is not severe.*

In view of the above it is my professional opinion that a refusal of the application on highway grounds would be very difficult to defend”.

Officer's additional comments

Subsequent to the Committee's deferral of the application on 11th March 2015, the requested additional information has been compiled:

- The applicant has confirmed the applicant is of gypsy and traveller status and has not ceased to travel.
- The applicant has provided the requested percolation test data, on which the Council's Drainage Engineer has been re-consulted (response above)
- The Highways Development Control manager has confirmed and reiterated the proposed development would be acceptable in Highway safety terms, subject to the Conditions previously recommended

The additional information provided/compiled does not lead officers to change their previous recommendation that the application be APPROVED, subject to the Conditions set out within the original report.

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.

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.

The original officer report and suggested Conditions are hereby attached.