

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th July 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0601/07/F – SWAVESEY

**Development of Land as Gypsy Caravan Site (8 pitches)(Retrospective Application)
Plots 1-8 Junction with Rose & Crown Road & Scotland Drove - for Mr W Fuller**

Recommendation: Temporary Consent for 3 Years

Date for Determination: 22nd May 2007

Site and Proposal

1. The 1.5 hectare site is in an area of generally flat agricultural Fen land with few hedges. The application site itself is a roughly rectangular plot measuring 150 by, on average, 115 metres forming part of a strip of land on the south side of Rose and Crown Road.
2. The application, received 27th March 2007, proposes residential use of the land by Gypsy travellers, involving mobile homes, touring caravan, and ancillary utility buildings on 8 pitches.

Planning History

3. The site was developed without the benefit of planning permission and currently accommodates 8 unauthorised pitches. There is an extant enforcement notice for unauthorised development of this site that was issued on 17th September 2002.
4. The site has previously been the subject of 8 individual applications that were all taken to appeal and dismissed in July 2004.
5. The Inspector accepted that there was a need for such a site but concluded that there was harm to highway safety and to the character and appearance of the countryside. He considered that there was no case for a temporary consent given the site's impact on the countryside and highway safety.

Planning Policy

6. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
7. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including Gypsies and Travellers.
8. **Policy P1/2** says, inter alia, that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy 7/4** says that development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.

S/0601/07/F



SITE

ROSE AND CROFT ROAD

Drain

Drain

Drain

Drain

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10. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
11. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area.
12. **Policy HG23** is a specific policy concerned with caravan sites for Gypsies and Travelling show-people. It indicates that proposals for caravans for Gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria in summary are as follows:

- (1) The site is reasonably located for schools, shops and other local services.
- (2) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
- (3) The site would not, either on its own, or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.
- (4) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
- (5) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.
- (6) The site would not adversely affect any buildings of historic or archaeological importance, or sites of wildlife or nature conservation value.
- (7) Where planning permission is allowed, built forms of development will not be permitted except for utility outhouses. Small stables will be considered on their merits depending upon need and the nature of the site.
- (8) The site has adequate infrastructural connections to local services including water supply.
- (9) The use would not detract from convenient, safe and enjoyable use of a public right of way.

13. Also relevant is **Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites and PPS3 Housing**. Circular 1/2006 confirms that the Government is committed to ensuring that members of the Gypsy and Traveller communities should have the same rights and responsibilities as every other citizen and provides updated guidance on the planning aspects of finding sites for Gypsies and Travellers and how Local Authorities and Gypsies and Travellers can work together to achieve that aim. The policies in this Circular apply throughout England.
14. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, *The Use of Conditions in Planning Permission*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative Gypsy and Traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will

meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances, Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.

15. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

Gypsy and Traveller Development Plan Document

16. Consultants CDN Planning began working on this project in April 2006. The Issues and Options Report was considered by the Member Reference Group on the 15th February 2007. The Member Reference Group recommended to Council that:

- (a) The responses to representations on the GTDPD Issues and Options 1 Report and the Sustainability Appraisal at Appendix 3 are agreed.
- (b) The list of Preferred Options at Appendix 2 is approved in order for stage 2, the site options search to begin.
- (c) The actions put forward in Appendix 1 and summarised in Appendix 2 be addressed and taken forward into stage 2 of the Issues and Options process (Site options selection).
- (d) The three-tier scoring matrix at Appendix 4 is used in the next stage of the GTDPD Issues and Options process.
- (e) Authority be delegated to the Corporate Manager for Planning and Sustainable Communities, to make any minor editing changes necessary to the responses as set out in appendices 1 and 3 with any which involve a material change being delegated to the Planning and Economic Development Portfolio Holder.

17. A second Issues and Options report will be prepared, and this will specifically identify potential sites within South Cambs for Gypsy/Traveller sites using the criteria already agreed. At this stage we expect the second Issues and Options report to be consulted on in Summer 2007. Under our policies, Swavesey is a group village (Policy ST/6 of the Local Development Framework Core Strategy 2007). The site is within 2000 metres of key local amenities, and hence is likely to be considered under the site options report.

Consultation

18. **Swavesey Parish Council** recommends refusal:

“As far as the Council is aware no planning laws have changed since the original application in September 2002 for 8 plots on this site. Since then the applicants have been refused and appeals dismissed. The site is considered harmful to the character and appearance of the area and to highway safety. The Parish Council’s response is therefore to object on the same grounds as raised in 2002 in response to the original application”.

19. The Council would also like to ask what action is being taken by SCDC with regard to enforcement, as the site still remains illegal.

20. **Chief Environmental Health Officer**
The application has been considered in respect of noise and environmental pollution and it is concluded that there are no significant impacts. It is recommended that, if the application is successful, the applicant should be able to comply with the attached site license conditions relating to permanent residential caravan sites.
21. **Building Control Manager**
- (a) The surface water run off will be directly affected by the amount of impervious surfaces proposed for the site. If these are significant the use of on site storm storage with controlled outfall will need to be considered to prevent localised flooding. The provision of a pumped sewage system is a sensible solution to a site if ground water or impermeability is an issue this would need to be designed to allow 24 hour storage in case of pump failure. Obviously this may be a costly solution if the distance is excessive. This would however be offset by the cost of providing separate on site sewerage treatment plants as these may require large areas of land to enable adequate soakage for the effluent.
 - (b) The agent is correct in his comments concerning the effect of the effluent discharge, as this would be of limited effect. That said if the ground is prone to water logging or impermeable the flooding would affect the plant itself resulting in possible raw sewage problems.
 - (c) I am not sure of the distances involved but cost will be offset by the reduction in individual treatment systems.
22. **Environment Agency**
The application falls within flood zone 1 (low to medium risk). A condition is recommended relating to the foul water drainage to avoid pollution in the water environment. While the preferable method of foul sewage treatment is by discharge to the public foul water sewer, alternative such as septic tanks can be accepted where it can be demonstrated that a connection to the public foul water sewer is not available. Cost is a material consideration as to whether it is available.
23. **Traveller's Liaison Officer**
Comments are awaited.
24. **Old West Internal Drainage Board**
The Board does not object from a drainage point of view.
25. **Local Highways Authority**
"The proposed visibility splays as shown on drawing number 206/036001 Rev.B are acceptable to the Highway Authority. Please condition any planning permission to the effect that the land shown cross hatched on drawing number 206/036001 Rev.B, be dedicated as adopted public highway under Section 37 of the Highways Act 1980, once all works to create the required visibility splays have been completed. For the avoidance of doubt, a plan is required to show the proposed width of the access road and the radii to the proposed junction with details of the highway boundary is to be demarked (preferably by a square section channel block laid flush with the carriageway)". N.B. A plan has been submitted and Highways have confirmed that it is acceptable.
26. **Landscape Design Officer**
The revised scheme has been the subject of pre-application advice. Further comments are awaited.

Representations

27. One letter from an agent representing an adjacent landowner concerning the outfall from the proposed foul drainage system and that the increased surface water run off should be controlled so as not to add to problems of flooding of adjacent fields, and that foul sewage should be connected to the mains in Rose & Crown Road by means of a pumped system.
28. The applicants agent, in response has commented that the 7 individual treatment plants proposed will have no identifiable effect during heavy rainfall impacting upon adjacent fields. The effluent is attenuated in the tank and treated and only trickle filtrated into the ground 24/7, 365 days per year.
29. The foul drainage is hundreds of metres down the main road and massively expensive to reach even with a pumped system, which is totally unwarranted.

Personal Circumstances

30. Needs audit have been completed for all the families living on the site. They confirm that there are no significant health issues. There are however a number of people on the site who do require medical treatment and there are a number or children attending school at Swavesey and Willingham in addition to those of pre-school age.
31. There is consistent stated desire for a settled lifestyle with access to schools, doctors and amenities.

Equal Opportunities Implications

32. Under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, the Council has a statutory duty to eliminate unlawful discrimination and to promote race equality and good race relations. The Race Equality Scheme, updated by the Council in July 2006 with an update of the 2005 - 2008 action plan, gives priority to actions relating to Travellers, as the biggest single ethnic minority in the District (around 1.0% of the District's population). The Council is committed to treating everyone fairly and justly, whatever their race or background and the scheme gives priority to actions relating to Travellers. It also incorporates recommendations from the Commission for Racial Equality's "Common Ground" report.

Planning Comments – Key Issues

33. The key issue is conflict with countryside policies and policy for Gypsy caravan sites with regard to the need to limit impact on the landscape and rural character of the area, highway safety, and having regard to the special circumstances that are argued here, together with the advice in circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
34. In terms of the relevant criteria it is reasonably well located for schools, shops and other local services. Indeed children from the site attend local school. It performs well against the site criteria within the emerging Gypsy and Traveller Development Plan Document. I am not aware of any service provision issue.
35. The site is currently poorly landscaped with unattractive bund and inappropriate planting. However in response to the council's legitimate concerns that the development had a significant impact on the landscape, a scheme of landscaping has been submitted to support the proposal. This scheme includes planting of more appropriate species, together with removal of the intrusive bund that has been erected alongside the highway boundary. Instead a graded grass bank is proposed with planting of indigenous species and a farm style post and rail fence and hedging.

If it is granted permission, I am confident that appropriate landscaping could take place to reduce its impact.

36. The highway issues, resulting from its use, have been addressed by the revised design that provides the required sight lines.
37. Nor are there any significant conservation, archaeological or wildlife issues. It would not adversely detract from the use of a public right of way.
38. There have been no adverse comments from any of the service providers, and drainage will be conditioned and subject to further approval. This would include a requirement to demonstrate that connection to public foul water sewer is not available.
39. As set out in the Policy section, the principle of locating Travellers' sites in the countryside is acceptable. There is nothing intrinsically wrong about this site's relationship with the other properties in the area since it is some distance from any other residential property, and the use of the access would not affect residential amenity.
40. Since the site has been established there have not been any significant public amenity issues from its use
41. The Parish Council has questioned whether there have been any changes in legislation since the original decision. Members are aware that there have. In accordance with these new requirements, the consultation on the options for Traveller site provision within the District are proceeding and it seems to me that this is an entirely appropriate case to be considered for a temporary consent on a without prejudice basis. Such a consent would of course be in accordance with the Government's new advice in Circular 1/2006. Such consent would enable the reasonable concerns of the Parish Council to be properly considered against the locational criteria, since this is one of the issues that the Council will be consulting on in preparing its G&TDPD. In view of these developments, it has not been appropriate to pursue enforcement action against the site.

Recommendation

42. That temporary permission is granted for 3 years subject to conditions including a requirement to provide safe access, and proper landscaping and drainage.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Circular 1/2006
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Gypsy and Traveller Development Plan Document
- Planning Application Files Ref: S/0601/07/F and S/1966/02/F to S/1973/02/F inclusive

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