

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th February 2008

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

S/1332/07/F - MILTON

Change of use to 19 Gypsy Caravan Pitches (retrospective application) at Plots 1,3 & 5 Sandy Park, Chesterton Fen Road for Mr N O'Connor

**Recommendation: Delegated Approval for temporary permission of 3 years
Date for Determination: 20 February 2008 (Major Application)**

DEPARTURE APPLICATION

Site and Proposal

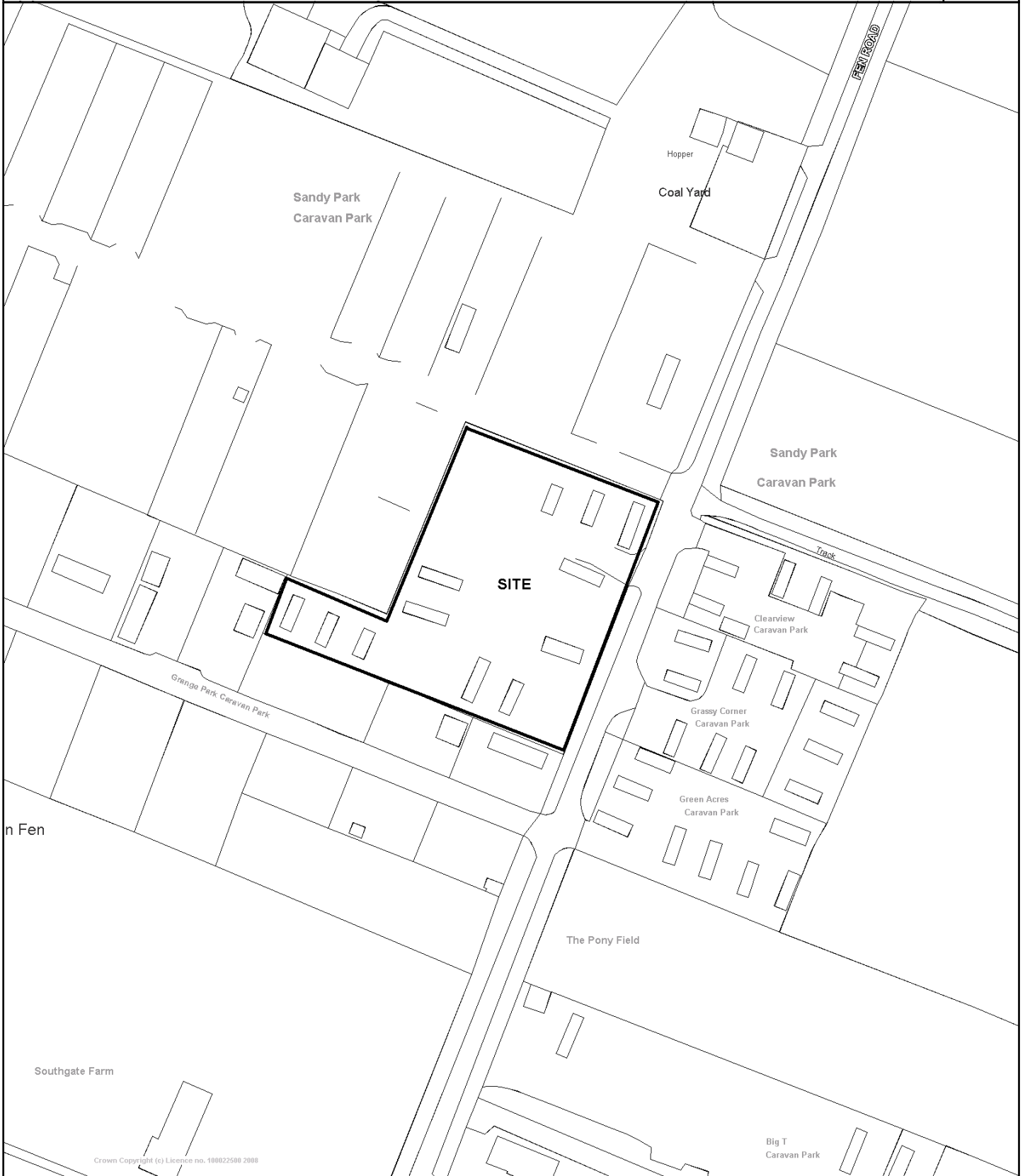
1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The surrounding area is generally flat and much of the land is still open in character. The Cambridge to Ely railway line runs to the west, the river Cam and a towpath lie to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road. As this is the only access into the area, the Fen is relatively isolated.
2. The site is on the western side of the road. This L-shaped site is currently divided into a number of plots, most of which are occupied by caravans. There is one access into the site to the east off Chesterton Fen Road. There are also a couple of sheds and a mobile home to the front of the site. Immediately to the north west of the site is Sandy Park Caravan Site. Opposite the site are three longstanding Gypsy sites. There are other Gypsy sites to the south, interspersed with areas of open land.
3. The application is for the change of use to 19 Gypsy caravan pitches. This description was originally for 19 transit caravan pitches but has since been amended to gypsy caravan pitches. A Flood Risk Assessment accompanies the application.

Planning History

4. Permission was refused in 2003 for a transit site for gypsies and construction of access and the appeal was dismissed S/0903/03/F refers.

Planning Policy

5. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Development Framework Development Control Policies 2007.
6. **Policy 9/2a** Green Belt specifies that a Green Belt will be maintained around Cambridge. Within Green Belt new development is to be limited to that required for agriculture and forestry, outdoor sport cemeteries and other uses appropriate to a rural area.



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7. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site where permission may be granted for private Gypsy sites to meet local need so long as they are properly landscaped and drained.
8. **Policy DP/1 Sustainable Development** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The policy lists the main considerations in assessing whether development meets this requirement.
9. **Policy DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
10. **Policy DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
11. **Policy GB/1 Development in Green Belt** established that there is a presumption against inappropriate development in the Green Belt as defined by PPG2
12. **Policy GB/2 Mitigating the impact of Development in the Green Belt** where development is permitted landscaping conditions will be attached in ensure impact on Green Belt is mitigated.
13. Also relevant are Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and PPG3 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 Member Reference Group on the 15th February considered responses to the consultation on the first Issues and Options Report and was asked to agree the approach to the next phase (site options). The Member Reference Group recommended to council that:
1. The responses to representations on the GTDPD Issues and Options 1 Report and the Sustainability Appraisal at Appendix 3 be agreed.
 2. The list of Preferred Options at Appendix 2 be approved in order for stage 2, the site options search to begin.
 3. 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).
 4. The three-tier scoring matrix at Appendix 4 be used in the next stage of the GTDPD Issues and Options process.
 5. 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. Arising out of the meeting, the following changes were recommended to Council and accepted at their meeting on the 22nd February:

Page/Policy	Action
APPENDIX 3	
Page 140 rep 19095	Remove the word “authorised” as any site should be considered regardless of planning status.
Page 125 Rep 19572	Amend in the Council assessment column “county” to “region”.
Pages 98 and 99 Reps 18695, 18591 and 19529	Typo - need to add “no” in between 'be' and 'more' in the Council assessment column to correct typing error and be consistent with the approach proposed.
APPENDIX 2	
GT2	Amend proposed policy wording to: “New Gypsy and Traveller pitches will be proportionately distributed throughout the district to promote integration and assist equal access to services.
GT17A	Amend proposed policy wording from “half hourly” to “hourly” to better reflect the approach selected.
GT33	Final policy wording needs to reflect the different needs of Travelling Show People.
GT44A	Amend policy wording from “county” to “region”. The DPD should include a clear definition of what constitutes a transit site.

Page/Policy	Action
GT48	Amend policy wording to: "SCDC will support and encourage programmes and initiatives to regenerate SCDC managed Gypsy and Traveller sites at Whaddon and Blackwell if they remain in use following this GTDPD.
GT49	Option should not be pursued through a policy in the DPD, but instead should be explored through the new Community Strategy.
APPENDIX 4	
	Remove reference to 'Gypsy Preference Areas' from scoring matrix.

18. A further round of consultation was programmed for September 2007; however this will now be subject to a delay to enable further work to be undertaken. A revised timetable will be produced in due course.

Consultation

Advertised 31 July 2007

Milton Parish Council

19. Refuse. We would have more sympathy if we felt that this was a genuine transit site for the visiting travellers caravans. However we believe that the caravans are permanent although the occupants appear may be in transit. The caravans appear to be used for commercial lettings, for migrant workers. Should permission be granted we recommend extensive landscaping be carried out.

Representations

20. Local Councillor, Hazel Smith, has raised concerns about the site not being used as a transit site for gypsies but for hostel accommodation/short term lets. The applicant owns all caravans on the site and therefore it is not available for families in transit to pull their caravans onto. She wants to ensure that the County Highway would approve the road junction at Sandy Park. The fence is too high and causes a blind corner at junction. The long term transport plans for Cambridge East show 2 way bus traffic running the length of Fen Road. This will entail the widening of the road and the frontage of Sandy Park will be a bottleneck to this. There is no pavement here so can we have a pavement, verge and a hard layby area to the front of the development?

Environment Agency

21. No objections, the Flood Risk Assessment is acceptable in principle to the E.A. conditions relating to a flood warning evacuation plan and foul water drainage are recommended.

County Highways

22. 19 residential units would be anticipated to generate around 95 motor vehicle trips (two-way) per day. Of those trips, 10% (ten trips) would be anticipated to occur in the morning peak, with a similar number in the evening. Therefore no significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of planning permission. In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that the granting of planning permission does not constitute a permission or licence to a

developer to carry out any works within or disturbance of, or interference with the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

Chief Environmental Health Officer

23. No significant impacts from an environmental health standpoint.

Travellers Officer

24. My understanding is that a transit site would allow people to pull on with their own tourer vans. As acknowledged this application is retrospective and the site currently contains in the region of 20 static vans. These are I presume are to remain so what facility is there for people to pull on with their own vans? Is the applicant stating that the current statics on site belong to the occupants? In definition such a site would be different from the one described in the application of a transit site which would be service blocks and concrete hardstanding allowing people to pull their own tourers on and off the site. Application makes no mention of provision for people to pull their own tourers onto the site. Confirm knowledge of occupant of site who has since left was not of Gypsy/Traveller ethnicity.

Representations

25. None

Amended Consultation

Advertised 31 November 2007

26. **Milton Parish Council** No recommendation. Should permission be granted we recommend that extensive landscaping be carried out. We understand that guidelines for development in the Green Belt recommend keeping fencing to a minimum. Please note the amount of 6' high fencing already at this site.

Environment Agency

27. No comments received

County Highways

28. No comments received

Chief Environmental Health Officer

29. No comments received

Travellers Officer

30. No comments received.

Equal Opportunities Implications

31. In line with general and specific statutory duties under the Race Relations Act 1976 and Race Relations (Amendment) Act 2000, the Council operates a Race Equality Scheme (RES). This was last revised and agreed by the Council in July 2006, with an update of the 2005 - 2008 action plan.

- (a) The Council is committed to treating everyone fairly and justly, whatever their race or background.
 - (b) The Scheme gives priority to actions relating to Travellers as the biggest ethnic minority in the district (around 1.0% of the district's population).
32. Planning is identified as being amongst the services most relevant to promoting race equality.
33. The lead Cabinet Member for Race Equality, Councillor Edwards, is establishing an RES Member Working Group. This will highlight to the Cabinet and GTDPD Member Reference Group findings and recommendations from ODPM Circular 1/2006 and the Commission for Race Equality's "Common Ground" report, which may be appropriate to the Council's strategic approach to Traveller issues and the Gypsy and Traveller Development Plan Document.

Planning Comments – Key Issues

34. The key issues are conflict with countryside policies, Green Belt policy, concentration of sites, sustainability and highway safety and policy for Gypsy caravan sites with regard to the need to limit impact on the landscape and rural character of the area, together with the special circumstances that are argued here, and the advice in circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
35. The site is basically clean and tidy and is set within an area of similar caravan developments. On balance whilst this is in a Green Belt Location the use would not significantly harm the openness of the Green Belt anymore than the adjacent authorised uses which benefit from temporary planning permissions.
36. The applicant has confirmed that he intends to offer the static mobile homes for rent to the Gypsy community. They will be able to bring a tourer on site with them or put their touring caravan into storage. Although he anticipates a high turnover of pitches he does not wish to discourage those who wish to use his site as a settled base and indeed he already has families occupying the site in this way. The applicant is only allowing bona fide Gypsies and is aware of the need to restrict occupancy to genuine Gypsy families. It is intended to operate the site more along the line of a public site by allowing occupancy by families unable to provide pitches for themselves. The site will be closely supervised by a resident warden (the applicant) and will be well managed. The applicant has no objection to a temporary permission.
37. In terms of the relevant criteria it is reasonably well located for schools shops and other local services. The site has limited impact on the amenities of neighbours. It is seen in the context of the adjacent permitted and unauthorised Traveller sites, and to that extent it does add to the concentration of sites. However a temporary permission while the Gypsy and Traveller Development Plan Document proceeds through the relevant planning stages is not unreasonable.
38. The highway issues have been carefully assessed by the Highways Officer, and I do not dispute the conclusion that there is no significant highway problems. There is no request for additional pavement or a layby.
39. There have been no adverse comments from any of the service providers including flooding and foul drainage.

40. The Council has accepted the need for additional Traveller sites in the immediate area in response to the clear need notwithstanding the area's inclusion within the Green Belt.
41. The consultations 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.

Recommendation

42. That the proposal, as amended by letter dated 13 November 2007, be referred to the Secretary of State, and subject to her agreement I request delegated power to grant a temporary permission for 3 years subject to conditions.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- South Cambridgeshire Development Control Policies 2007
- Circular 1/2006
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Gypsy and Traveller Development Plan Document 2006
- Planning Files S/1332/07/F and S/0903/03/F

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