

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

2<sup>nd</sup> December 2009

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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### **S/1308/09/F - WILLINGHAM**

**Change of Use of Land to Provide Four Additional Gypsy/Traveller Pitches  
Each Comprising of One Static Caravan and One Touring Caravan  
Land to the South of 3 Meadow Road, for Mrs L Brown**

**Recommendation: Delegated Approval**

**Date for Determination: 4<sup>th</sup> November 2009**

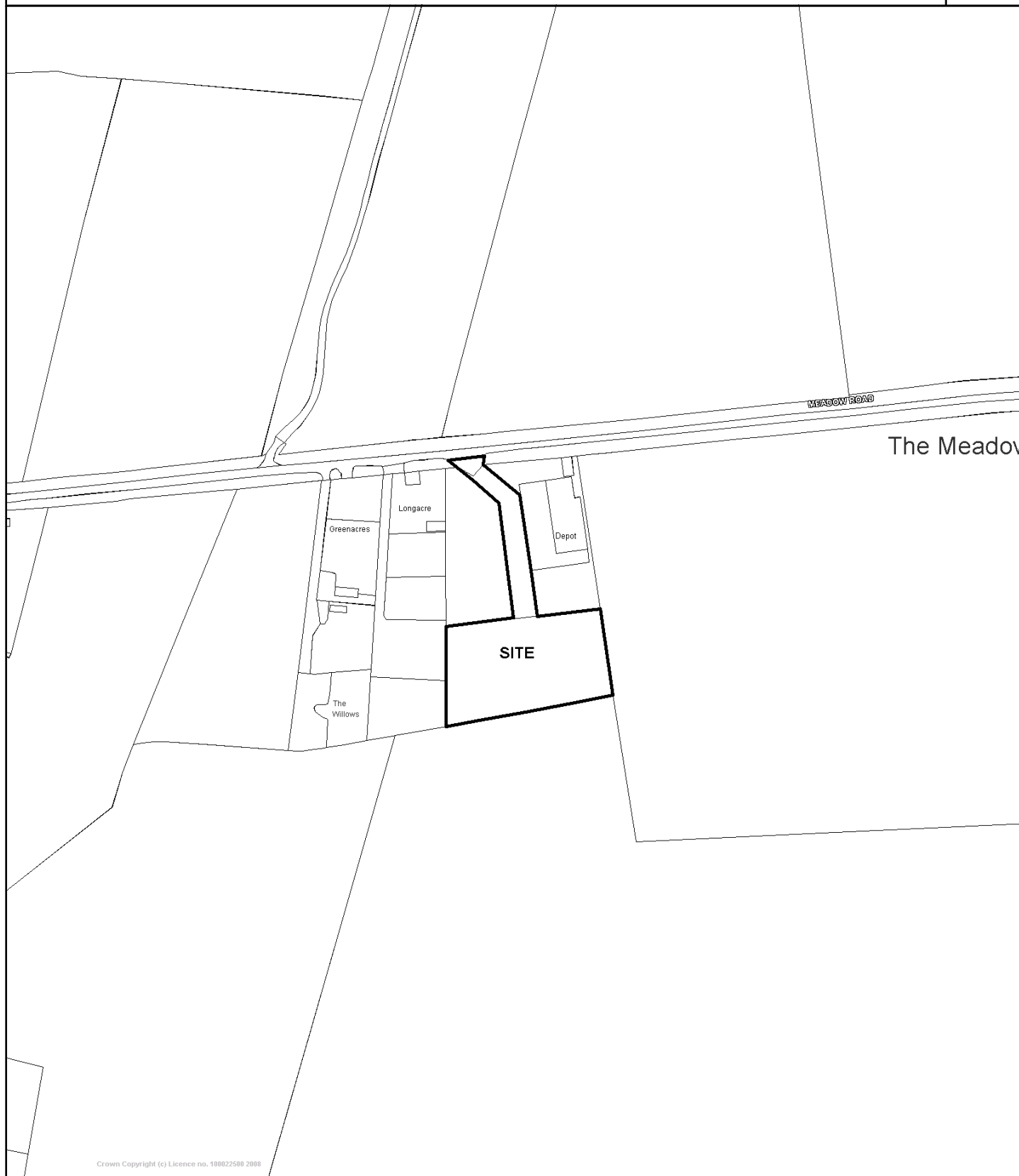
**This Application has been reported to the Planning Committee for determination because following a recommendation of refusal by the Parish Council.**

#### **Site and Proposal**

1. The site is set to the south of an old agricultural /industrial building, set outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. The site, excluding the access, is approximately 75m by 42m. Access is achieved through old industrial gates to the front of the site, accessing onto Meadow Road. The access passes through the existing pitch that has temporary consent under application S/1191/09/F.
2. To the north of the site is the former Beaumont Place depot building, around which consent has been granted for 6 caravans. To the east of the plot is open agricultural land, the shared boundary of which is a mature 2m high hedge. To the south is a 2m high hedge beyond which is agricultural land. To the west side are further traveller sites at Longacre. The shared boundary is a 1.8m high fence with planting.
3. The full application, submitted on 9<sup>th</sup> September 2009 seeks consent for the addition of four further pitches on the site, each comprising of one static caravan and one touring caravan. The application includes a Planning Statement.

#### **Planning History**

4. On the land directly to the north, application **S/1191/09/F** was approved by Members at October 2009 Planning Committee on a temporary basis for the siting of 6 caravans, toilet/shower block and use of the existing building for domestic storage. The site area for this scheme includes and surrounds this application site. This followed application **S/2010/04/F**, which granted temporary consent for three years for the siting of six gypsy caravans (part retrospective) and the use of the building for storage for personal use.
5. There is a current application on the land directly to the north for an additional traveller pitch (**S/1297/09/F**). This application has yet to be determined. There are various other applications relating to the site, none of which are considered relevant to the determination of this application.



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December Planning Committee 2009

6. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

### **Planning Policy**

7. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning Authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
8. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. 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 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.
9. 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. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process is currently running to access 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
11. The site is not included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The land directly to the north is included, and is site number 16 in the consultation, which ended on 9<sup>th</sup> October 2009.
12. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks and **TR/1** - Planning for More Sustainable Travel.

13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy adopted January 2007.

### **Consultation**

14. **Willingham Parish Council** recommends refusal of the application. They state Willingham already accommodates four times the District ratio of settled gypsy/traveller parishioners, and the Primary School includes 12% of gypsy/traveller children. They note a high demand on the Willingham Medical Practice, and that 408 caravans are located to the north of the A14, whereas only 58 are to the south. Proposals to make permanent, temporary or illegal sites and create new ones simply exacerbate Willingham's already intolerable situation. Granting consent would also prejudice the current gypsy and traveller site consultation.
15. The **Traveller Site Team Leader** notes the site would meet the potential users' accommodation needs, including an expanding family, a family facing eviction and another experiencing stress living in bricks and mortar, enabling them to live together and have the security and safety within their family group. There are currently insufficient pitches on Council owned sites to be able to address their needs and therefore if they can provide their own accommodation to meet their own needs, the application should be supported.
16. The **Environmental Health Officer** requests a condition regarding the investigation of contamination on the site, and relevant remediation methods and proposals.
17. The **Local Highways Authority** recommends refusal of the scheme on the basis that insufficient information has been provided regarding dimensions of parking and turning areas, the access width, the location of gates, visibility splays, drainage, and materials. Informatives are recommended regarding works to the public highway and public utilities.
18. Members will be updated on any comments from the Landscape Design Officer, County Council Education Team and the Head Teacher at Willingham Primary School.

### **Representations**

19. No comments have been received at the time of preparing the report. Members will be updated on any comments received.

### **Planning Comments – Key Issues**

20. By virtue of the guidance set out in Circular 01/2006, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers, the impact on education infrastructure, the visual impact of the site, highway safety and land contamination. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

### ***Need to Provide Residential Accommodation***

21. The applicant for the proposal is the same as that for recently approved consent S/1191/09/F and current application S/1297/09/F on the land to the north of the application site. Six caravans have been approved on this land, whilst the current application seeks consent for a further touring caravan and static caravan. The site to

the north and the pitches to the west are included within the South Cambridgeshire District Council Gypsy and Traveller Development Plan Document, currently under review. The consultation process has assessed 20 potential sites that performed best against the site criteria agreed after consultation in 2006. However, the application site does not form part of this consultation period. It would appear the land was never assessed for its potential. This application therefore forms the assessment criteria of its suitability for use by gypsies and travellers.

22. The land to the north was assessed under a number of criteria. These included land and water resources, biodiversity, landscape, townscape and archaeology, climate change and pollution, healthy communities, inclusive communities, and economic activities. The summary of the site in the Issues and Options Report 2 June 2009 states that there was unlikely “to be many significant effects given the scale of development proposed at the site. It is likely that there will be benefits in relation to access to facilities and amenities as the site is close to Willingham Village”. The Technical Annex also adds the site “could potentially accommodate around three small pitches at more typical density”.
23. Details of the proposed occupiers have been provided, but at the request of the applicant, these will not be summarised in depth in this report. Their current situations have been provided. It is unclear if the potential occupiers meet the definition of gypsies and travellers as defined in the ODPM Circular 01/2006. However, a condition can ensure that only people who meet this definition would be available to live on the site. The proposed occupiers are related to the applicant, and connections to the Cambridge area have been provided. The tests set out in the Circular state the Local Planning Authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified.
24. Of the proposed occupiers, two people currently live on the site approved under S/1191/09/F. The other two potential occupiers would be new residents to the site. From the information provided, there would be no demand on Willingham Primary School. Members will be updated on any comments from the School. A condition allowing a personal consent is not considered to meet the test of Circular 11/95. A temporary consent should be appropriate without the need for such a condition.
25. Members must decide whether a temporary consent is appropriate for a site that has not been formally assessed in the formation of the Gypsy and Traveller Development Plan Document. Some weight must be given to the assessment of the site immediately to the north, which scored well on the criteria discussed above. As noted, a temporary consent does not commit to a permanent consent in the future.

### ***Visual Impact***

26. There is a good hedge running to the south and east side of the site, which restricts views into the site from the countryside. There is currently a post and rail fence separating the land from the consented pitch to the north. The main public views would be from the access at Meadow Road to the north, approximately 75m from the site. Members will be updated of any comments from the Landscape Design Officer.

### ***Impact upon Highway Safety***

27. I note the comments from the Local Highways Authority regarding the scheme. The access is existing and serves the 6 caravans on the surrounding land. The refusal is based on a lack of information, but I consider this information unnecessary to

determine the application in this instance, given the previous approval that included the access. The Local Highways Authority has verbally confirmed that they do not object to the intensification of the access per se. I do not consider it necessary to add any conditions to the consent regarding the access. The recommended informatives can be added to any consent. It should be noted that the Issues and Options 2 Technical Annex of the Gypsy and Traveller Development Plan Document states “the Local Highway Authority indicates that no significant adverse effect upon the Public Highway should result from this option”.

### ***Land Contamination***

28. I note the comments from the Environmental Health Officer regarding potential land contamination from the adjacent former industrial building. A similar condition was placed on consent S/1191/09/F, and it can again be added to any approval.

### ***Other Matters***

29. The site is excluded from the High Court injunction dated 20<sup>th</sup> December 2007. Any consent would require conditions relating to prevention of further caravans being positioned on the site, storage of large vehicles, commercial activity and lighting. I do not consider a condition regarding landscaping is required given the screening enjoyed by the site as a whole. Any temporary consent for approval should be tied to the date of the approved application S/1191/09/F, and therefore any temporary consent should run until 31<sup>st</sup> October 2012.

### ***The Gypsy and Traveller Development Plan Document***

30. The Parish Council have real concerns regarding the distribution of sites across the District. Similar comments have been submitted in connection with the site options exercise, on the basis that the distribution could perpetuate a settlement pattern that denies Travellers the option of living to the south of the District. The Inspector in the recent case at 3 Cadwin Fields took the view that the needs of the applicant were sufficient to justify a temporary consent to allow proper consideration of all the relevant factors in determining the appropriate site options. Here, the needs are not so pressing, but nevertheless real. However, on balance the harm in the relatively short term is not considered so significant to justify a refusal.

### ***Recommendation***

31. Delegated approval subject to any comments received from the Landscape Design Officer, County Council Education Team and the Headteacher at Willingham Primary School.
32. If the scheme were to be approved, conditions would be required regarding a temporary consent to expire on 31<sup>st</sup> October 2012, occupation of the site being for defined gypsies and travellers, no more than the two caravans being placed on the site, a restriction on stationing, parking and storage of vehicles over 3.5 tonnes, no commercial activity to take place on site, external lighting and land contamination.

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

- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The Use of Conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files: S/1308/09/F, S/1297/09/F, S/1191/09/F, S/2010/04/F & S/1919/08/F

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