

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd December 2009

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

S/1297/09/F - WILLINGHAM

Change of Use of Land to Provide 1 Additional Gypsy/Traveller Pitch and Associated Parking at 3 Meadow Road For Mrs L Brown

Recommendation: Delegated temporary approval

Date for Determination: 23rd November 2009

This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site is set to the western side 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 as a whole is approximately 65m by 70m, whilst the application site measures approximately 25m by 20m within this larger area. Access is achieved through old industrial gates to the front of the site, accessing onto Meadow Road.
2. The proposed site lies within a parcel of land where a temporary consent was previously approved (S/1191/09/F) for the siting of 6 caravans. These are likely to be located to the south and east of this new site. To the north an area of hardstanding and the access into the site, beyond which is agricultural land. 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 an area of hardstanding, then an area of grassland, beyond which is a further 2m high hedge and 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 28th September 2009 seeks consent for the addition of one further pitch on the site, comprising of one static caravan and one touring caravan. The application includes a Design and Access Statement.

Planning History

4. 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 to the south (S/1308/09/F) for a further four pitches each comprising of a static caravan and a touring caravan. This application



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Scale 1/1250 Date 18/11/2009

Centre = 541271 E 270751 N

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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.

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 plot as a whole is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 16 in the consultation, and the consultation document states "this existing temporary site is close to Willingham's services and facilities. Storage buildings are a prominent feature on the site, but the use of adjoining land for a pitch would have limited additional impact. The consultation period ended on 9th 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** supports the scheme and notes the scheme would meet the needs of the applicant's family and would ensure provision into the future for their accommodation needs. There are currently no available pitches on Council owned sites and therefore alternatives should be considered, particularly where a family is self-sufficient and able to provide their own land and accommodation. The addition of one further pitch would not have a negative impact upon the local area.
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. The **Planning Policy Officer** refers to the status of the Gypsy and Traveller Development Plan Document, and the assessment of the site in that process.
19. Members will be updated on any comments from the County Council Education Team and the Head Teacher at Willingham Primary School.

Representations

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

Planning Comments – Key Issues

21. 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

22. The applicant for the proposal is the same as that for recently approved consent S/1191/09/F on the surrounding land. All 6 caravans approved under that consent are on site, although the concrete bases are not laid. The site as a whole is 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. The Issues and Options 2 Technical Annex July 2009 states the site “could potentially accommodate around three small pitches at more typical density”. Whilst the site has only been assessed for one pitch, I do not consider the addition of one further static and one touring caravan would cause additional harm against the assessment criteria. Information has been provided as to the proposed occupiers, but at the request of the applicant, these will not be summarised in depth in this report. However, their current situation has been provided.
23. 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, 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. The site is set immediately adjacent to several existing pitches. Given the existing temporary condition on the site and the status of the Development Plan Document, the site is considered as an acceptable site for a further temporary consent. I note the applicant has applied for a permanent consent. A three year time period would allow the proposed occupiers to remain on site until the Development Plan Document is adopted. At this time, the suitability of the site for a permanent consent will have been assessed, and the applicant can then re-apply as necessary.
26. Application S/1191/09/F had a condition restricting the site to just six caravans, which represents what was originally applied for. The reason for this was to ensure there is no adverse pressure on local infrastructure. Given the information has been provided as to potential occupiers, I do not consider there would be an additional harm to the demand on local services. And as a result, I consider the further development acceptable on the site. The agent has confirmed in her e-mail dated 17th November 2009 that a temporary consent would be acceptable if necessary.

Visual Impact

27. There is a very good hedge around the north and east boundary of the plot as a whole, restricting views from the surrounding countryside. No boundary treatment is proposed around the north, south and east boundaries, to allow integration with the existing caravans on site. The west boundary adjacent to the other plots has some good planting, further screening the site. The site will be visible through the gates at the access. However, I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside.

Impact upon Highway Safety

28. 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

29. 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

30. The site is excluded from the High Court injunction dated 20th December 2007. Further conditions would be required 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 should be tied to the date of the approved application S/1191/09/F, and therefore any temporary consent should run until 31st October 2012.
31. 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

32. Delegated approval for 3 year temporary consent, subject to any comments from the County Council Education Team, the Head Teacher at Willingham Primary School, and other representations that may be received.

Conditions

1. The use, hereby permitted, shall be discontinued and the six caravans and toilet/shower block, hereby permitted, shall be removed and the land restored to its former condition on or before 31st October 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan Document, and on a without prejudice basis to a

permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of traveller development on Willingham.)

2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of the ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. (Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore the use of the site needs to be limited to qualifying persons.)
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than six touring caravans at any time (of which none shall be static caravans or mobile homes). (Reason - To ensure there is no adverse pressure on local infrastructure such as local schools created by further people living on the site.)
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No commercial activities shall take place on the land, including the storage of materials. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. (Reason - In order to limit the site's impact on the area's rural character.)
7. No development approved by this permission shall be commenced until:
 - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

Informatives

Any development that requires work to the public highway will require the approval of Cambridgeshire County Council as Highway Authority. It is an offence to carry out works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. Please contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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 Ref: S/1297/09/F, S/1308/09/F, S/1191/09/F, S/2010/04/F & S/1919/08/F

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