

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/0518/12/FL - WILLINGHAM

Siting of 4 static caravans and 6 touring caravans (part retrospective), erection of facilities block, erection of dayroom/storage and use of existing building for permanent storage use – 3 Beaumont Place, Meadow Road, Willingham, Cambridge, Cambridgeshire, CB24 5JL for Mrs L Brown

Recommendation: Approval

Date for Determination: 28 June 2012

This application has been reported to the planning Committee for determination as the Parish Council's recommendation differs from the officer recommendation.

To be presented to the Committee by John Koch

Site and Proposal

1. The site is a large (0.54 ha) rectangular parcel of land located on the south side of Meadow Road. It lies outside the defined village framework and sits within a generally flat and open fen-edge landscape. There is open farmland to the east and opposite and also to the south beyond a small paddock. To the west is a group of traveller sites, some of which have permanent and some temporary planning consent. Boundaries are marked by fences and hedges. The site lies in flood zone 1 (low risk) and is mostly laid to hardstanding and currently occupied by two mobile homes, four touring caravans and a large depot building generally used for storage. These are occupied by the applicant and her extended family comprising her son and his wife and their five children aged between 13 and 21. The site is generally tidy, if somewhat devoid of planting and soft amenity space. Access is achieved through old industrial gates to the front of the site.
2. The application, as amended, seeks permanent planning permission for the existing caravans and to increase the number by a further four including two statics along with a new facilities block. These would all be distributed around the periphery of the site.

Planning History

3. The site was granted planning permission in 1984 for the storage and repair of agricultural equipment, which subsequently included manufacture and repair (Beaumont Engineering). The applicant has occupied the site since September 2004. Temporary planning permission was first granted in 2006 under reference **S/2010/04** for three years expiring in September 2009. This consent was renewed under reference **S/1191/09/F** for a further three years which expires on 31 October 2012. The reason for granting a temporary

permission was so as not to prejudice the outcome of the then pending Gypsy and Traveller DPD.

4. Planning permission to create an additional pitch within the site was refused in January 2010 under **S/1297/09/F**. At the same time, an application to use the grassed area to the rear of the site for four additional pitches under reference **S/1308/09/F** was also refused
5. There are numerous other sites in Willingham with the benefit of either temporary or permanent planning permission. To assist Members these are shown on the plan at **Appendix 1** and the list at **Appendix 2**, both of which are appended to the report under reference **S/0097/12/F**.

Planning Policy

6. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for lpa's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
7. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
8. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
9. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
10. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
11. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
NE/10 Foul Drainage

12. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
13. **Gypsy and Traveller DPD (GTDPD)**
The "Issues and Options 2 Consultation July 2009" identified the site as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.
14. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
15. Circular 11/95 (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.
16. The **Willingham Parish Plan (October 2008)** does not raise issues that relate specifically to traveller sites.

Consultations by South Cambridgeshire by District Council as Local Planning authority

17. **Willingham Parish Council** recommends refusal and until such time as a full review of traveller sites is completed would only support temporary permission for those caravans that have existing permission under reference S/1191/09/F.
18. In addition, as previously stated by SCDC Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. At present there are some six authorised pitches, 14 with temporary planning permission and one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. These pitches are located in relatively close proximity to one another. Government advice states that the scale of sites should not dominate the nearest settled community. This has been an issue of significant concern during consultation on an emerging site allocations policy. Recent permissions in the village have all been on a temporary basis in recognition of the demands that would be placed on the village should a large number of sites be allowed, particularly in a relatively small geographical area. The grant of a permanent consent will only add to the frustration caused by additional demands on the village's services and facilities and will severely hamper proper consideration of the issue of site provision when the results of

the latest GTANA are known. The proposal is therefore contrary to Policy DP/1 of the LDF that requires development to contribute to the creation of mixed and socially inclusive communities and provide for the health, education and other social needs of all sections of the community. There remain strong doubts over the capacity for the village to permanently accommodate all of the gypsy sites that are currently occupied (and the growth in population that will come with them) both in terms of physical and social impact.

19. The **Environment Agency** has no objection in principle. The use of an existing septic tank will require further investigation and the applicant is advised to seek professional advice as to whether the septic tank and the associated soakaway system are adequate. There should be no discharge of effluent to any watercourse or surface water drain or sewer.
20. **Old West Drainage Board**. Initial objections in respect of the residual capacity of the surface water receiving system have now been withdrawn.
21. The **Highway Authority** is satisfied that a Transport Statement received from the applicant is acceptable having regard to the increased traffic generation that would arise. As a result, an earlier objection on lack of information has been overcome.
22. The **Scientific Officer (Environmental Health)** states that as the site is of former industrial use, I recommend that no development shall be commenced until the site has been subject to a detailed scheme for the investigation and recording of contamination and remediation as appropriate.
23. No comments have been received from the **Travellers Site Team Leader**.

Representations by Members of the Public

24. None received

Material Planning Considerations

25. Having regard to information provided as part of this and the previous application in 2009, the applicant meets the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites.
26. The main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;
 - The case for a temporary permission should permanent permission not be granted; and
 - Human Rights Issues

The Development Plan

27. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires lpa to make their own assessment of need rather than relying on a regional target (see below).
28. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
29. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.
30. The principal concerns in this case are the impact on the character and appearance of the area and (reflecting the Parish Council's concerns) the capacity of the village to accommodate further gypsy sites.
31. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from Rockmill End and the harsh eastern edge of the village to the west. It is viewed in the context of adjoining sites and cumulatively adds to an urbanisation of this part of the countryside. The land is not designated or protected and the site is otherwise occupied by longstanding industrial buildings. It is therefore a brownfield site. The site is not seen in long-distant views from the west but the existing buildings are evident when seen from further along Meadow Road to the east. There are good hedges along the north (front) and eastern boundaries and these help to screen the existing caravans, such that clear views are only apparent from in front of the site. This is a relatively large site and the addition of more caravans and a facilities building will not materially create a sense of overdevelopment on the site, which is otherwise open.
32. In the circumstances, the continued use of the site is considered to accord with Policies NE/4, DP/2 and DP/3 that seek to preserve or enhance the character and appearance of the local area and countryside and to protect landscape character.
33. The sustainability of the site has also already been assessed as part of the background work for the then emerging site allocations policy. That concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village. Although Meadow Road has no footway, it is lightly trafficked and there are no highway safety concerns. The family's needs are currently being met by the medical practice in Cottenham (where the family originally lived) and the one child in school is at Over. There is no known mains connection

along Meadow Drove and the use of a septic tank is acceptable in principle. The EA has suggested informatives regarding the discharge of surface water and these can be relayed to the applicant in the event the application is approved.

34. As the parish council has stated, Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. Following the Bibby decision, there are now 7 authorised pitches, 13 pitches with temporary or lapsed temporary planning permission, one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. The desire to ensure that the scale of sites should not dominate the village remains an issue of significant concern to the parish council. While recent permissions in the village have all been on a temporary basis in recognition of a pending site allocations policy, this policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
35. In the event that permanent planning permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. The applicant has agreed to this in the event that the permanent permission is granted, albeit there is a suggestion that she would wish the actual amount to be negotiated.
36. The existing temporary planning permission required the submission and approval of measures to deal with any possible contamination and remediation following the previous lawful use of the site. While some information was submitted, the Scientific Officer did not consider this to be sufficient. In the circumstances she is satisfied that the condition can be, and should be, reapplied.
37. Ultimately, officers consider the location of the site is considered to be suitable on landscape and wider sustainability grounds.

The general need for, and availability of, additional gypsy sites

38. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
39. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 68 pitches with temporary planning permission and while there can be no certainty that these

will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.

40. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
41. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal. The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicant's personal needs and circumstances

42. Mrs Brown has stated that she is now settled in the area with her children and grandchildren. She is now of pensionable age but undertakes some seasonal work and travels to shows in the summer months. The family has a local connection and this is a consideration that carries some weight.

Conclusion

43. The site is well screened and in a reasonably sustainable location. In that sense, it scores well when judged against other sites in the surrounding area. The lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, albeit their need for this particular site is not compelling. The potential delivery of at least one new site within the next 18 months also diminishes the weight to be given to unmet needs.
44. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months.

Human Rights Issues

45. Refusal of permanent planning permission would lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights. This must, however, be balanced against the protection of the public interest in seeking to ensure needs arising from a development can be properly met, or that they do not prejudice the needs of others. These are part of the rights and freedoms of others within Article 8 (2). Officers consider that refusal of permanent planning permission would not be proportionate and justified within Article 8 (2).

Recommendation:

46. It is recommended that the Planning Committee approve the application subject to the following conditions.
1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'
(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 use of the site needs to be limited to qualifying persons.)
 2. The use, hereby permitted, shall be discontinued and the caravans, facilities block and dayroom/storage building, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 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 “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)
 3. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 4. No vehicles 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.)
 5. 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 -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
 6. The site shall cease to be occupied and the land returned to its former condition within 28 days in the event of failure to meet the requirements set out in (i) to (v) below:
 - (i) Within 2 months of the date of this decision a detailed scheme, including a timetable for its provision, for the investigation and recording of contamination and remediation objectives for the site determined through risk assessment and proposals for the removal,

containment or otherwise rendering harmless any contamination (the remediation method statement) shall have been submitted for the written approval of the local planning authority.

- (ii) Within 8 months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development schemes shall have been approved by the Secretary of State.
- (iv) The works specified in the remediation method statement shall be completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- (v) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

(Reason - To ensure that risks from land contamination to the 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).

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

- Regional Spatial Strategy for the East of England
- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning policy for traveller sites
- Planning file reference S/00518/12FL
- Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012

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