

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/0825/13/FL - WILLINGHAM

Change of use of land to Gypsy and Traveller site. – Alwyn Park, Willingham Road, Over, Cambridgeshire, CB24 5EU for Mr Paul Pickering

Recommendation: Delegated Approval

Date for Determination: 12 June 2013

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

To be presented to the Committee by John Koch

Site and Proposal

1. Alwyn Park is a longstanding site for touring caravans and camping comprising several pitches restricted to an eight-month occupancy. The site lies within Over, albeit on the edge of Willingham and outside any defined village framework. It contains a bungalow, two mobile homes, domestic garaging a storeroom/stables, and a toilet/shower block. The application site comprises the central access that runs through the site and an area of mainly grassed land along part of the eastern boundary. It is currently vacant.
2. The proposal is to create three permanent pitches each comprising space for a mobile home, a small amenity building, car parking and refuse and recycling facilities. Two of the pitches are 720 sq m. while the other is 480 sq m. It is intended the site will be managed by the site owner who lives in the bungalow and the pitches will be rented out to prospective families.

Planning History

3. Apart from permissions covering the existing buildings on the site, the relevant planning history is as follows:
S/1360/78 - Use as a touring caravan site between 1 March and 31 October in any one year - Allowed on appeal.
S1312/06/F - Siting of 16 mobile homes for permanent accommodation - Refused.
S/0880/07/F - Change of use from holiday caravan accommodation and the storage of caravans to use for the siting of 16 low-cost mobile homes - Refused and dismissed at appeal.
4. There are currently no traveller sites in Over. There are 11 permanent, six temporary and four expired permissions in Willingham (with four of the

temporary permissions currently at appeal). There is also the emergency stopping place on the former local authority site off Meadow Road.

Planning Policy

5. **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 Ipa'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.
6. Paragraph 10 states that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Paragraph 25 states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration when in any subsequent planning decision when considering applications for the grant of temporary planning permission.
7. 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.
8. **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.
9. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres (Willingham)
ST/6 Group Villages (Over)
10. **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
11. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen

12. 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.

Consultation by South Cambridgeshire District Council as Local Planning Authority

13. **Over Parish Council** recommend refusal on the grounds we believe the need for additional traveller sites within the area has been met. We see no reason to change the use of any part of the site from that of touring to permanent. Any such change of use from a touring site would set a precedent for other sites in the area. There is, in addition, no footpath from the site to Willingham.
14. **Willingham Parish Council** recommends refusal on the grounds of proportionality. Willingham has more pitches already than they can reasonably absorb and although the land is technically within Over it will most probably be Willingham Services that will be used and put under additional pressure. This has also previously been refused at appeal in 2008.
15. The **Local Highway Authority** comments that the access is acceptable in highway terms. The proposal is likely to reduce the number of traffic movements overall from the site, in particular during the summer season. The proposed parking spaces and manoeuvring spaces should be properly laid out.
16. The LHA would require the applicant to enter into a Section 106 agreement for the provision of a 1m. wide footway from the western side of Haden Way (i.e. outside the northern boundary of 1 Haden way) to the proposed pedestrian access to the site. The footway should be constructed before any of the proposed pitches are occupied in order to provide safe and efficient operation of the adopted public highway.
17. The **Landscape Officer** has no objections in principle but suggest conditions in respect of hard and soft landscape works and boundary treatments.
18. The **Travellers Site Team Leader** has made no observations on the application.

Representations by Members of the Public

19. Two letters of objection have been received, raising the following points:
- Out of keeping with the rural character of the area
 - If further sites are needed the sites at Schole Road could be expanded
 - Increased traffic generation
 - Willingham has more than its fair share of Gypsy and Traveller sites
 - Devaluation of property

Planning Comments

20. The main issues in this case are:

- The extent to which the application accords with the provisions of the development plan - principally the impact on the character and appearance of the area; the sustainability of the location; the capacity of Willingham (as the nearest settlement) to accommodate further traveller sites; and highway safety
- The general need for, and availability of, additional gypsy sites in the district.

The Development Plan

21. 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 at Chesterton Fen that is suitable, available and affordable.
22. 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.
23. The site is clearly read as part of the countryside but is very much self-contained. It is not otherwise designated or protected for its landscape value or contribution to the setting of either Over or Willingham. All the relevant boundaries are generally well screened such that use of, and activity on, the three proposed pitches would not be visible outside the site. The pitches are of an appropriate size so that the site could be satisfactorily laid out for the benefit of future occupants and enhanced with landscaping and suitable boundary treatments where necessary. Adequate space for car parking and refuse provision can be provided. No harm to the character and appearance would result.
24. PPTS states that the scale of sites should not dominate the nearest settled community. Clearly in terms of its physical impact, that would not be the case here, especially as permission already exists for use by caravans for a larger part of the year and their storage for the remainder.
25. In sustainability terms, 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 there is no footway link with Haden Way at present, the applicant has agreed to provide a new link as requested by the local highway authority. This can be covered by way of a condition rather than the legal agreement sought by the lha. The Citi 5 bus service provides an hourly bus service between Cambridge and St Ives via Over. The site therefore has the potential to be made safely accessible.
26. As ever, there are concerns that Willingham lacks the capacity to accommodate additional sites and that it already has its "fair share" of sites. 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 and understandably this continues to be an issue of significant concern to the

parish council. However, there remains a lack of demonstrable evidence that undue pressure is being placed on village services, to an extent that this application should be refused for these reasons. Neither is there any suggestion that occupation would prejudice peaceful and integrated co-existence between the site and the local community, or that the site and its occupants would be deliberately isolated from the rest of the community.

27. In the event that planning permission is granted, the applicant has already offered provided a Heads of Terms for the necessary contributions towards open space, indoor community facility provision (which it is assumed would be for Willingham Parish Council) and refuse collection. This is in accordance with policies DP/4 and SF/10.
28. The local highway authority has raised no objections on highway safety grounds, subject to the agreed provision of the footpath link.
29. In the circumstances, the use of the site is considered to be suitable on landscape and wider sustainability grounds and subject to the conditions set out below is in accordance with the development plan.

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

30. 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. 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.
31. Since 2011, 18 pitches with permanent planning permission have been developed. At the April 2013 meeting, the Planning Committee granted planning permission for a further 55 pitches across three sites at Chesterton Fen, although the decision notices have not yet been issued. This brings the total to 73 pitches, which is in excess of the assessed need for the period up to 2021. In spite of this, however, the two public sites at Whaddon and Milton are full with infrequent turnover of pitches. While two extra pitches are to be provided at Whaddon when the site is refurbished, the Council currently has around 36 applications on the waiting list for its two sites. There are also approximately 11 sites in the district that have temporary or an expired temporary planning permission. There are no other sites in the district where pitches are known to be vacant, available and suitable for travellers.
32. Thus while the need arising from the GTANA has been met, approval of the application site would have the potential to meet some of the unmet need arising from the waiting list for the two public sites. Critically, given no harm has been identified from the use of the site, officers consider that the lack of any perceived need for additional sites would not in itself be a reason to refuse the application. This view is consistent with paragraph 10 of the PPTS set out in paragraph 7 of this report.

Other Matters

33. The previous appeal decision to refuse "Park homes" at Alwyn Park covered a larger area of land including the current application site. It was based on materially different circumstances and the application of different development plan policies, which prevent the location of such development in the countryside. While traveller mobile homes may be no different in their appearance, PPTS places no such presumption other than new traveller site development should be strictly limited in open countryside away from existing settlements. The application site is not part of open countryside which can be regarded as remote from either Over or Willingham in particular.
34. Approval would not act as a precedent for other sites coming forward, albeit there would be scope to further expand the use within the confines of the Alwyn Park site. The greater urbanising effect of a larger site would need to be considered on its merits and this would give the local planning authority control over the possibility of the impacts arising from a larger site.

Conclusion

35. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development accords with the development plan and no material considerations have been identified to suggest the application should be refused.

Recommendation:

36. Approve subject to the satisfactory completion of a section 106 agreement to secure the necessary infrastructure contributions and the following conditions:
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 6314-01A.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. 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.)
 4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of boundary treatments

and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

6. 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 on highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. 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.)

8. Notwithstanding the details shown on drawing no. 6314-01A, full details of the line of the proposed footpath and its link between the pedestrian access into the site and the western side of Haden Way shall be submitted to and approved in writing by the local planning authority before the use of the site hereby permitted is commenced. The use shall not be commenced until the footpath has been provided in accordance with the approved details.

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

- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S/0825/13/FL**
- **Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011**

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