

AGENDA ITEM NO: 8/1(g)

Parish:	Walsoken	
Proposal:	Change of use of paddock to 5 pitches for traveller families each comprising a day room, space for a mobile home and touring caravan as well as car parking and landscaping	
Location:	Land South West of Flying Field Farm Wheatley Bank Walsoken Norfolk	
Applicant:	Christine Harrison	
Case No:	19/00963/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 7 August 2019 Extension of Time Expiry Date: 6 March 2020

Reason for Referral to Planning Committee – Appeal history and at the request of Councillor Richard Blunt

Neighbourhood Plan: No

Case Summary

The site is located on the western side of Wheatley Bank approximately 350m south of its junction with Lynn Road and 1.3km north-east of Walsoken. The heavily used A47 lies some 300m to the east parallel to Wheatley Bank. There is however no direct access from the site to the A47 which is some 0.8km away by road along Wheatley Bank and Lynn Road.

The site comprises 0.97 Ha or approx. 3/5ths of a parcel of paddock land with established mature hedging to the north and part west boundaries, timber fencing to the southern boundary and recent temporary close boarded timber fence fronting onto Wheatley Bank. It is surrounded by an agricultural field to the north, commercial premises to the west, equestrian use to the south and an agricultural field and orchards to the east.

Members may be aware that this whole parcel of land (1.6 Ha) was the subject of a previous application for 12 pitches for Gypsy & Travellers which was refused under ref: 16/01002/F and dismissed on appeal (copy of Inspector's decision is appended to this report for ease of reference).

This current proposal seeks to create 5 equally sized pitches served by a central 5m wide spine road using an upgraded existing access point off Wheatley Bank and a communal amenity area to the south of Pitch 1. The site layout indicates the standing of a mobile home and caravan on each pitch, together with a timber clad blockwork and tiled roof dayroom, comprising kitchen/dining/family room and bathroom within a footprint of 6m x 7m.

There is a comprehensive hard and soft landscaping scheme accompanying the application, which is extensive and effectively surrounds the proposed pitches.

The site lies mostly within Flood Zone 2 and partially in Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

The application is accompanied by a Planning Statement, Landscape Design Statement plus a Landscape Character & Visual Impact Assessment, and a Flood Risk Assessment.

Key Issues

Previous appeal case
Assessment of currently proposed development
Need for pitches
Impact upon appearance of the countryside
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site is located on the western side of Wheatley Bank approximately 350m south of its junction with Lynn Road and 1.3km north-east of Walsoken. The heavily used A47 lies some 300m to the east parallel to Wheatley Bank. There is however no direct access from the site to the A47 which is some 0.8km away by road along Wheatley Bank and Lynn Road.

The site comprises 0.97 Ha or approx. 3/5ths of a parcel of paddock land with established mature hedging to the north and part west boundaries, timber fencing to the southern boundary and recent close boarded timber fence fronting onto Wheatley Bank. It is surrounded by an agricultural field to the north, commercial premises to the west, equestrian use to the south and an agricultural field and orchards to the east.

Members may be aware that this whole parcel of land (1.6 Ha) was the subject of a previous application for 12 pitches for Gypsy & Travellers which was refused under ref: 16/01002/F and dismissed on appeal (copy of Inspector's decision is appended to this report for ease of reference).

This current proposal seeks to create 5 equally sized pitches served by a central 5m wide spine road using an upgraded existing access point off Wheatley Bank and a communal amenity area to the south of Pitch 1. The site layout indicates the standing of a mobile home and caravan on each pitch, together with a timber clad blockwork and tiled roof dayroom, comprising kitchen/dining/family room and bathroom within a footprint of 6m x 7m. Access to the retained paddock land to the rear/west is achieved off the private track.

There is a comprehensive hard and soft landscaping scheme accompanying the application, which is extensive and effectively surrounds the proposed pitches.

Boundary treatments are shown as 1.2m high timber post & rail fencing to roadside/frontage boundary and common boundaries between pitches within the site, combined with native hedgerows alongside the road, bordering the amenity area and access track frontages. There is a 1.8m high timber hit & miss fenced bin store adjacent to the entrance. A road frontage of orchard planting; peripheral native woodland buffers to north, south and rear plus strategic native tree planting within the site.

The site lies mostly within Flood Zone 2 and partially in Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

Foul water is proposed to be disposed of via a private package treatment plant and surface water is proposed to be disposed of via soakaways.

The application is accompanied by a Planning Statement, Landscape Design Statement plus a Landscape Character & Visual Impact Assessment, and a Flood Risk Assessment.

SUPPORTING CASE

The applicant's agent has raised the following statement in support of the application:

"The application seeks the provision of 5 traveller pitches and has been significantly revised since the original application (ref 16/01002/F) for 12 pitches which went to planning appeal in 2018. The application has materially changed in terms of the travelling status of the occupants, scale of development, site layout and landscape strategy in light of the appeal.

Core Strategy Policy CS09 states that sites for gypsies and travellers will be given permission where they meet an identified need. It has been demonstrated that the residents who have been allocated a pitch at the proposed development all meet the following criteria of 'Gypsy and Traveller' as defined by the Department for Communities and Local Government in The Planning Policy for Traveller Sites (PPTS), 2015.

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life.
- b) The reasons for ceasing their nomadic habit of life.
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

A survey based on the Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment, 2016 (GTAA) methodology was undertaken to confirm the travelling status of the proposed occupants of the site. Evidence including the questionnaires, references and business documentation was submitted as part of the planning application to confirm the status of the proposed occupants.

The GTAA identifies a need for 5 additional pitches for Gypsy & Traveller Households who meet the PPTS definition and an unknown need for up-to 35 additional pitches for Gypsy & Traveller. Households that may meet the definition are those that either refused to be interviewed or were not on site at the time of carrying out the assessment. The needs of these households still need to be recognised by the GTAA as they are believed to be ethnic Gypsy & Travellers who may meet the new definition and therefore may be identified at the time of submitting a planning application.

The need for gypsy and traveller pitches in the area is therefore evident from the GTAA as they fall into the 'unknown category'.

Core Strategy Policy CS09 states that sites for gypsies and travellers will be given permission where they are capable of being serviced by basic utilities; afford good access to main routes (including the A47(T); A17; A10; A148/9; and A134); and are located within a reasonable distance of facilities and supporting services (such as schools or health provision). It has been acknowledged in the appeal decision (APP/V2635/W/17/3180533)

that the proposed development site conforms to CS09 as it affords good access to main routes, particularly with regard to the A47 and that it is located within a reasonable distance of facilities and supporting services which many of those who have been allocated a pitch are reliant upon. There will be minimal impact on the highway as well as providing 'safe and suitable access' in accordance with paragraph 108 and 109 of the NPPF.

Core Strategy Policy CS09 states that sites for gypsies, travellers will be given permission where they avoid environmentally sensitive areas and areas at risk from flooding. An updated Flood Risk Assessment has found that the site is safe and suitable for the proposed development. In addition, consideration has been given to the findings of the FRA which has informed the design, layout and landscaping of the proposed development.

Furthermore, whilst impact on landscape character was raised as an issue at the previous appeal, the scale of development and site layout have been revised for this submission. A Landscape and Visual Impact Assessment (LVIA) and Landscape Strategy have been produced for the new scheme. The LVIA concludes that the proposed development:

- Avoids environmentally sensitive areas.
- Protects the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife.
- Is of a high-quality design and responds to the context and character of its setting by ensuring that its scale, density, layout and access enhances the quality of the environment.
- Is informed by and seeks opportunities to reinforce the distinctive character of its setting as identified in the King's Lynn and West Norfolk Landscape Character Assessment.
- Demonstrates that its location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements, landscape setting, distinctive settlement character and landscape features.
- Protects and enhance the amenity of the wider environment including its heritage and cultural value.
- Contains sufficient space to ensure a high standard of layout and amenity to the residents of the proposed development and ensures that the scheme integrates into the wider landscape setting.

The mitigation measures which have been incorporated into the landscape strategy for the proposed development have been designed to maintain local character and a high-quality environment in order to conform to Policy CS06 Development in Rural Areas.

The proposed development conforms to Policy CS12 by enhancing the green infrastructure and biodiversity of the area.

The development has been significantly altered to ensure that its scale, massing and layout of a development should respond sensitively and is sympathetic to the local setting in line with Policy DM15. Furthermore, there will be no impact on neighbouring uses for example in terms of visual impact and amenity.

It is considered that the proposed development conforms to Local and National Planning Policy and with regard to the planning balance the site is suitable for the proposed use as a site for gypsy and traveller accommodation. Given the positive presumption in favour of such development in policy, permission should be granted."

PLANNING HISTORY (Relevant)

16/01002/F: Application Refused: 10/02/17 - Change of use of paddock to 12 pitches for traveller families including standing 12 mobile homes, 12 touring vans and construction of 12 day rooms (Delegated decision) - Appeal Dismissed 02/02/18

RESPONSE TO CONSULTATION

Walsoken Parish Council: REFUSE - It is a residential application in open countryside. It is likely to be highly visible from the surrounding properties and roads (A47 and B198) for some years as it will take a long time for the proposed trees to grow enough to screen the site. Five pitches could result in 20 to 30 people living on the site.

West Walton Parish Council: SUPPORT Walsoken Parish Council's recommendation of **REFUSAL** (on the grounds stated above).

Highways Authority: NO OBJECTION In terms of the highway considerations for this application these would be the same as for a previous application on the site under planning reference 16/01002/F. I therefore refer you to those comments and conditions.

NB Taken from earlier application: If minded to approve, subject to conditions relating to access construction, parallel visibility splay and on-site parking/turning created prior to occupation.

Water Management Alliance Drainage Board: NO OBJECTION – possible byelaw implications.

Environment Agency: NO OBJECTION – subject to condition that the development is carried out in accordance with the recommendations of the FRA with regards to levels.

District Emergency Planning Officer: NO OBJECTION recommends conditions relating to signing up to the Environment Agency's Flood Warning System and the preparation of a flood evacuation plan.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition relating to unexpected contamination during construction.

Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to foul & surface water drainage details and lighting scheme.

Natural England: NO COMMENTS

Arboricultural Officer: NO OBJECTION

Housing Strategy Officer: NO OBJECTION

REPRESENTATIONS

FIFTEEN items of correspondence received (including the Walsoken Community Association) **OBJECTING** on the following grounds:

- No need for the proposed pitches;
- Negative impact upon character and appearance of the countryside;
- Questionable accessibility of the site to facilities;
- Flood risk implications;
- Disproportionate concentration of traveller sites in this locality;
- Local schools at capacity;
- Possibility of sixth pitch (on amenity area);
- Difficult to monitor and control number of caravans and occupants;
- Concerns about refuse that may appear around the area;
- Increased traffic;
- Impact upon wildlife and biodiversity;
- Residential amenity and living conditions of adjacent properties;
- Loss of agricultural land; and
- Touring caravans already moved onto the site.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

In assessing this application the following key issues are identified:

- Previous appeal case
- Assessment of currently proposed development
- Need for pitches
- Impact upon appearance of the countryside
- Other material considerations

Previous appeal case

As stated above, this whole parcel of land (1.6 Ha) was the subject of a previous application for 12 pitches for Gypsy & Travellers (G&Ts) which was refused under ref: 16/01002/F and dismissed on appeal in February 2018.

The application was refused for the following reasons:

1. The Council has an up-to-date development plan within which adequate provision is made for the identified needs of Travellers and Gypsies as set out in the Cambridgeshire, King's Lynn and West Norfolk, Peterborough and West Norfolk Gypsy and Traveller Accommodation Assessment 2016. Therefore it is considered that there is no overriding need for the development proposed and it is not sustainable development and contrary to Core Strategy policies CS06 and CS08 of the LDF.

2. From the evidence submitted the proposal is not considered to accord with the definitions of gypsies and travellers as set out in the National policy Guidance Planning Policy for Travellers Sites. There is no overriding policy presumption to enable this new development in the countryside must therefore be regarded as inappropriate new residential development within the open countryside contrary to the provisions of the NPPF (particularly paras 17 and 55) and Core Strategy policies CS01, CS02, CS06 and CS08 of the LDF.

3. The proposal would introduce 12 mobile homes, 12 touring vans as well as 12 dayrooms onto an area of open fen landscape and in doing so would be harmful to the rural amenity of the area contrary to Core Strategy Policy CS08 and policy DM15 SADMP.

4. The proposal constitutes inappropriate development in the countryside and which lies within an area identified as being at risk of flooding and as such is contrary to the provisions of para 100 of the NPPF and Core strategy policy CS08 which seek to direct new development away from land at risk from flooding.

The key issues and findings of the Inspector may be summarised as follows:

Whether all of the proposed occupants met the definition of Gypsies & Travellers contained in Annex 1 of Planning Policy for Traveller Sites (PPTS) August 2015

The Inspector was satisfied with four of the pitches for named residents i.e. George Harrison, John Twinley, Steve & Lucy Smith and Kathleen Buckley. He was not fully satisfied that the applicant, Mrs Christine Harrison, had the firm intention and was likely to travel for work so as to meet the G&T definition. The remainder of the occupants, and therefore the units, were effectively open market residential dwellings in the countryside.

Effect of the proposal upon the character and appearance of the countryside

The form and density of the proposal would have a significant impact upon the characteristically open flat landscape; would be unduly prominent, intense and incongruous. Even ignoring the length of time to have mature landscape/screen planting, he was not persuaded that such planting would adequately mitigate the harm caused by development on this scale.

Accessible location

The Inspector opined that for a G&T site, the location is within reasonable distance of facilities and supporting services and does afford good access to the A47. He considered that it was compliant with the criteria contained in Core Strategy Policy CS09.

Flood risk

The proposal passed sequential testing as there were no alternative sites available to accommodate this development in this locality in a lower flood risk zone. When applying the exception test, the second part would be met in that the development could be made safe for its lifetime by ensuring that the levels of the caravans/mobile homes and Finished Floor Levels of dayrooms would be 300mm above existing site levels. With regards to the first part, there would be moderate harm (as concluded in the overall planning balance) and the development would not meet an identified need and therefore provide wider sustainability benefits to the community that outweigh the flood risk.

Need for sites

There was a need identified in the Cambridgeshire, King's Lynn & West Norfolk, Peterborough & West Suffolk Gypsy & Traveller Accommodation Assessment (GTAA) October 2016, for 5 pitches for the period up to 2036. This is made up of a current need for 4 pitches in the period 2016-2021 and a future need for 1 pitch in the period 2031-2036. The proposal for 12 pitches therefore significantly exceeded the identified need. Even if one adds 3 pitches to take into account unknown households, this figure is exceeded.

Planning balance

The development of 12 pitches was not justified by general need for G&T sites as identified in the GTAA and the majority of the occupiers did not meet the definition of G&Ts.

With regards to PPTS paragraph 24, the accommodation needs and personal circumstances weigh moderately in favour of the proposal (even non-G&Ts). However those accommodation needs do not outweigh the harm and conflict with policy including significant detrimental impact upon the character and appearance of the area; moderate harm in locating 'highly vulnerable' development in an area at risk of flooding; and moderate harm in terms of conflict due to the likely reliance on use of private car.

There was some interference with the rights of the intended occupiers under Article 8 of the European Convention on Human Rights, but proportionate and the minimum necessary for the legitimate public objective of safeguarding the character and appearance of the countryside, minimising flood risk and reducing the need to travel.

No weight was attached to the concerns of local residents regarding the fear of crime and antisocial behaviour.

Assessment of currently proposed development

The main planning policy relating to Gypsy & Traveller (G&T) sites is contained in Core Strategy Policy CS09, which states:

“Sites for gypsies, travellers (or travelling show people) will be given permission where they:

- Are capable of being serviced by basic utilities;
- Meet an identified need;
- Avoid environmentally sensitive areas and areas at risk of flooding;
- Afford good access to main routes (including the A47 (T), A17, A10, A148/9 and A134); and
- Are located within reasonable distance of facilities and supporting services (such as school or health provision).”

Effectively two years have passed, and the findings of the Planning Inspector need to be taken into consideration when assessing this current application for 5 pitches, and can be broken up into the following headings:

Need for pitches

Anyone coming forward with a planning application for a new pitch or a site for use by G&Ts, or a plot for Travelling Show people, would need to demonstrate that the intended occupants meet the planning definition, i.e. they currently travel or have ceased travelling temporarily and that they comply with the criterion specified in Policy H of PPTS and Core Strategy Policy CS09 (above). This is important as it ensures that the local authority can control any future occupancy to meet the needs of travellers who comply with the national definition.

The proposed occupants of the 5 pitches are specified as George Harrison, John Twinley, Steve & Lucy Smith, Frank & Marie Buckley and Christine Harrison. The nominees for three of the pitches were confirmed by the appeal Inspector to meet the G&T status. Information in the format of the questionnaire used in the GTAA has been submitted as part of this application. Frank & Marie Buckley meet the definition; and the additional information submitted regarding Christine Harrison’s previous and current employment plus travel plans, allows your officers to be satisfied that she also meets the current definition contained in the PPTS.

The Council’s GTAA identifies a need for 5 additional pitches for G&T households who meet the PPTS definition, and a need for up to 35 additional pitches that may meet the new definition – although if the national average of 10% is applied, this could be as low as 3 pitches. Households that may meet the definition are those that either refused to be interviewed or were not on site at the time of carrying out the assessment. The needs of these households still need to be recognised in the GTAA as they are believed to be ethnic G&Ts who may meet the new definition and therefore may be identified at the time of submitting an application.

The site has already been used to accommodate touring caravans (at the applicant’s own risk in the absence of planning permission – so this is partly retrospective) due to pressure on three of the named occupiers to move from ‘doubled up’ pitches (at West Walton Court/Blunt’s Drove and Sommersham (Cambs)). Attempts have been made to acquire pitches on alternative sites – on waiting lists in West Walton Court/Blunt’s Drove, Fenland, East Cambs and Blackpool. The applicant has been passed over at the West Walton Court site for a family to use a vacant pitch. Steve & Lucy Smith have children in a local school.

In the appeal decision the Inspector noted that whilst it is intended to inform the local plan for the period up to 2036, the Council acknowledged that the 2016 GTAA has a “shelf life” of perhaps 3 – 5 years. Significant changes in data trends or increases in unauthorised encampments would prompt a review. This is not a simple mathematical equation as the situation is quite dynamic.

Considering the information submitted, it is therefore accepted that the proposed occupiers meet the new definition of G&Ts and there is a demonstrable need for the proposed pitches. This position has been confirmed by our Housing Strategy Officer.

Impact upon appearance of the countryside

As stated above, the site comprises 0.97 Ha or approx. 3/5ths of the appeal site. This current proposal seeks to create 5 equally sized pitches served by a central 5m wide spine road using an upgraded existing access point off Wheatley Bank and a communal amenity area to the south of Pitch 1. The site layout indicates the standing of a mobile home and caravan on each pitch, together with a timber clad blockwork and tiled roof dayroom, comprising kitchen/dining/family room and bathroom within a footprint of 6m x 7m. Access to the retained paddock land to the rear/west is achieved off the private track. The layout corresponds with the policies contained in the PPTS.

There is a comprehensive hard and soft landscaping scheme accompanying the application, which is extensive and effectively surrounds the proposed pitches.

Whilst the site still lies within an area categorised as The Fens, the scale of the development is much less dense, and the structured landscaping proposed would assimilate the site into its rural setting. The application is accompanied by a Landscape Design Statement and a Landscape Character & Visual Impact Assessment. The site will be open to direct public views from a stretch of approx. 90m along Wheatley Bank to the immediate east and a stretch of approx. 150m of the A47 some 400m further east. Beyond these fields of view, the site is effectively screened by existing established hard and soft landscaping and adjoining properties.

The planting scheme shows orchard trees on the road frontage (in harmony with the orchards to the north-east and south-west on the opposite side of Wheatley Bank) with buffers of native woodland planting around the periphery. The landscape consultant predicts the planting to become established within a 3-5 year period, and that this could be controlled via condition.

From the A47 the development would be seen with a backdrop of commercial buildings to the west off Lynn Road. Within this locality there is a mixture of glasshouses and agricultural buildings, sporadic dwellings, equestrian buildings and temporary caravans plus containers.

The key question is would the harm to the character and appearance of this locality be outweighed by the need for the G&T site/pitches? In the planning balance of the previous appeal decision the Inspector was ‘heavily’ against the impact upon the countryside, however the accommodation needs weighed ‘moderately’ in its favour even though the scheme involved non-G&Ts. The current application solely involves G&Ts and meets a recognised need; this is now considered to weigh more ‘heavily’ in favour of the proposed development. It is considered that the reduction in scale of the site and mitigation measures contained in the detailed landscaping scheme would ameliorate the impact of the development into its setting and could be controlled via condition, resulting in a ‘moderate’ impact.

Other material considerations

Flood risk

At the time of the decision the appeal site fell partially within Flood Zone 2 and partially within Flood Zone 3 of the Council-adopted Strategic Flood Risk Assessment (SFRA). The SFRA has subsequently been updated and the site now falls mostly within Flood Zone 2 and partially in Flood Zone 1. The proposal still requires both sequential and exception testing as endorsed in the NPPF.

The proposal once again passes the sequential test as there were no alternative sites available to accommodate this development in this locality in a lower flood risk zone.

When applying the exception test, the second part would be met in that the development could be made safe for its lifetime by raising the levels of the static caravans/mobile homes and Finished Floor Levels of dayrooms by 300mm above existing site level. With regards to the first part, there would be moderate harm (as concluded in the overall planning balance of the earlier appeal), however the development would now meet an identified need and therefore provide wider sustainability benefits to the community that outweigh the flood risk.

The flood risk implications are therefore considered to be acceptable.

Accessibility

In terms of facilities, the site lies approx. 0.65km from a farm shop and bar & grill ('Worzals' north of Lynn Road and west of the roundabout junction with the A47) and 0.7km to former Bamber's Garden Centre, 2.3km from the centre of Walsoken at the junction of Kirkgate Street/Lerowe Road/Chapnall Road which contains a village hall, One-Stop convenience store, chemist, hairdressers, butchers and takeaways plus All Saints Church, 2.8km from the nearest Infants School (West Walton Community Primary School), 2.9km from the nearest high school (Marshland High School – West Walton) and 4.4km from Wisbech town centre shops and medical centre/hospital.

The Inspector opined in the previous appeal inter alia:

"On balance, though not especially well located, I conclude that, assessed as a gypsy and traveller site, the location is within a reasonable distance of facilities and supporting services and it does afford good access to the A47. In this regard, in so far as it would accommodate gypsies and travellers, the proposal complies with CS09."

This issue has therefore already been addressed and found to be acceptable.

Third party concerns

Consolidation of sites within this locality – this was not considered to be a concern when the previous appeal was determined for indeed more pitches. This is an area which has historically been associated with G&T work and accommodation.

Highway issues - Accessibility has been covered earlier in this report.

Control and monitoring – The number of caravans and G&T occupiers can be restricted via condition. The site will be monitored by the twice-yearly count as part of the GTAA process.

Local school capacity – 5 pitches are not likely to create a significant impact as school-age children are already enrolled in local schools; however, this will be addressed by the Local

Education Authority. The day rooms are permanent structures and would attract Community Infrastructure Levy.

Prospect of additional pitches – This would require planning permission and a formal planning application.

Loss of agricultural land – The site is presently paddock or rough grazing and has not been in production for some considerable time. Its loss would not be significant and was not an issue at the previous appeal stage.

Impact on wildlife and biodiversity – The site is presently paddock land with little ecological value. The substantial landscaping scheme would potentially introduce additional ecological benefits to this site.

Crime and Disorder

There was no weight attached by the Inspector to the fear of crime and anti-social behaviour expressed by local residents. This continues to be the case for this current proposal.

CONCLUSION

Members will need to consider the planning balance and the various competing issues in this case.

Planning permission was sought and refused on appeal for a 12 pitch Gypsy & Traveller site on this paddock land in February 2018. Where the Inspector determined that not all of the intended residents met the definition of G&Ts in Annex 1 of the Planning Policy for Traveller Sites and therefore did not meet a defined need for G&T sites and was contrary to housing policy; the scale of the development would significantly affect the character and appearance of the countryside; and failed exception testing with regards to flood risk given that it would not provide wider sustainability benefits to the community that outweigh the flood risk.

In deciding the appeal he also opined that, assessed as a gypsy and traveller site, the location is within a reasonable distance of facilities and supporting services and it does afford good access to the A47.

This current proposal is for a 5 pitch site on approx. 3/5ths of the overall paddock in a less dense format and incorporating a comprehensive and substantial landscaping scheme. The residents now all meet the G&T definition and will meet a demonstrated need for pitches. The balance has now altered in that the need is considered to outweigh the impact upon the countryside which can be ameliorated by the landscaping scheme, which can be secured via condition. It is proven that the development can be made safe with regards to flood risk and passes both sequential and exception testing.

All the matters of concern identified by the Inspector when determining the previous appeal have been addressed.

In light of the assessment outlined in the above report, the application is therefore recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout & Detailed Landscape Scheme Revision A, Proposed Day Room – Pitches 1, 2 & 3 and Proposed Day Room – Pitches 4 & 5.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition On each of the 5 pitches hereby approved there shall be no more than two caravans, as defined in the Caravan Sites & Control of Development Act 1960 and the Caravan Sites Act 1968, stationed at any time (of which no more than one shall be a static caravan or mobile home).
- 2 Reason To define the terms of this permission and to meet a specific need for Gypsy & Traveller sites in accordance with the provisions of the NPPF, PPTS, and Policies CS09 & CS06 of the LDF.
- 3 Condition The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites 2015.
- 3 Reason To define the terms of this permission and to meet a specific need for Gypsy & Traveller sites in a countryside location and to accord with the provisions of the NPPF, PPTS, and Policy CS09 of the LDF.
- 4 Condition No commercial activities shall take place on the land.
- 4 Reason To define the terms of this permission in the interests of the visual amenity of this locality and amenity of local residents; in accordance with the provisions of the NPPF, Policy CS06 of the LDF & Policy DM15 of the SADMP.
- 5 Condition Within 2 months of the date of this permission, full details of the external lighting arrangements for the site shall have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.
- 5 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the provisions of the NPPF, Policy CS06 & CS08 of the LDF and Policy DM15 of the SADMP.
- 6 Condition Within 2 months of the date of this permission, full details of the foul and surface water drainage arrangements for the site shall have been submitted to the Local Planning Authority for approval in writing. The drainage details shall be constructed as approved before any part of the development hereby permitted is formally brought into use.
- 6 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 7 Condition All hard and soft landscape works shall be carried out in accordance with the approved details, with the exception of the access at its junction with the highway (Condition 10 below). The works shall be carried out prior to the occupation of any authorised pitch or in accordance with a programme to be agreed in writing with the

Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 7 Reason To ensure that the work is carried out within a reasonable period and to assimilate the development into its rural setting; in accordance with the NPPF and Policies CS06 & CS08 of the LDF.
- 8 Condition Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the day rooms until the type, colour and texture of all materials to be used for the external surfaces of the buildings have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 9 Condition The static caravans/mobile homes and day room finished floor levels shall be set at a minimum of 2.50m aOD.
- 9 Reason To safeguard the proposed future occupants at times of risk of flooding and to accord with the provisions of the NPPF & Policy CS08 of the LDF.
- 10 Condition Notwithstanding the details show on the submitted plans, prior to the first occupation of the pitches hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification TRAD 5. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 10 Reason To ensure satisfactory access to the site and avoid carriage of extraneous material or surface water from or onto the highway; in accordance with the provisions of the NPPF, Policies CS08 & CS11 of the LDF.
- 11 Condition Prior to the first occupation of the pitches hereby permitted, a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 11 Reason In the interests of highway safety; in accordance with the provisions of the NPPF, Policies CS08 & CS11 of the LDF.
- 12 Condition Prior to the first occupation of the pitches hereby permitted, the associated access, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 12 Reason To ensure the permanent availability of the parking/manoeuvring areas in the interests of highway safety; in accordance with the provisions of the NPPF, Policies CS08 & CS11 of the LDF.

- 13 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 13 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.