
MAIN CASE

Reference No: 15/01346/FUL

Proposal: Change of use of land to siting of 8 traveller pitches including the erection of 8 family day rooms

Site Address: Land North Of Amberside Stretham Station Road Wilburton Cambridgeshire

Applicant: Messrs Tidd & Gray

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Wilburton

Ward: Stretham
Ward Councillor/s: Councillor Bill Hunt
Councillor Charles Roberts

Date Received: 17 November 2015 **Expiry Date:** 12 February 2016
[Q182]

1.0 RECOMMENDATION

1.1 Members are requested to approve the application subject to the recommended conditions below; the conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Limit
- 4 Use
- 5 Tree protection measures
- 6 Landscape
- 7 No lights
- 8 Bird Breeding Season
- 9 Surface water
- 10 Control of surface water onto the public highway
- 11 Gates
- 12 Archaeology

2.0 SUMMARY OF APPLICATION

2.1 The proposal is for 8 traveller pitches; with each pitch being made up of 1 mobile home, 1 touring van and 1 dayroom. The vehicular entrance way has the width of

6m before narrowing to 5m. Five out of the eight pitches will have children at school age.

- 2.2 The application is brought before members, as officers believe this application will benefit from public discussion and Cllr Roberts supports this view due to the contentious nature of the application.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|---|---------|------------|
| 06/00795/FUL | Change of use of land for storage of scaffolding (extension of existing business) | Refused | 18.08.2006 |
|--------------|---|---------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located 3,360 metres/2 miles (approx) outside of Wilburton and 1,600 metres/1 mile (approx) outside of Stretham. The site is currently used as grazing land, which sits lower than the public highway. The public highway and a ditch defines the western boundary. The site is located within Floodzone 1 (low probability of flooding).

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees, which are summarised below. The full responses are available on the Council's web site.

Ward Councillors – Cllr Bill Hunt wanted to ensure that all the likely affected parishes (and relevant Councilors) had been consulted.

Cllr Charles Roberts – Cllr Roberts seeks for the application to be determined at Planning Committee. He seeks for the application to be refused on the grounds of harm to the countryside, more suitable sites along Whitecross Road (where other similar development is located), area floods regularly that could lead to water pollution, detrimental harm to highway safety and the site is in unsustainable location.

Witchford Parish Council – It does have concerns in regards to this proposal. It is outside of the development envelope and should be considered in light of the decision under planning reference 12/00069/FUL.

Stretham Parish Council – It has concerns in regards of the proposal. Its concerns are based on the site being outside of the village framework, would detrimentally

harm the open landscape that forms Grunty Fen, high level of flood risk and that it has received letters echoing its concerns.

Little Thetford Parish Council – Seeks to support the comments made by Mr Parish on the 29 December 2015.

Local Highways Authority – The Highways Authority has no objections to this application in principle.

The access layout and inter-vehicle visibility splays are adequate and acceptable. The application does not provide any information in regards to amenities for the site.

No information on transport links or school routes have been provided and there are no footways within the vicinity of the development site.

Requests conditions relating to removing permitted development rights relating to gates, control over the detail of the access and inter-vehicle visibility splays.

(Updated comments) It states that the inter vehicular visibility splays are not required and no transport statement/traffic assessment as the number of trip generated would be negligible and would have little impact upon the highway.

CCC Growth & Development – No comments received.

Historic Environment Team – Do not object to the development but requests a condition requiring a programme of archaeological investigation.

Environmental Health (Technical Officer) – No comments to make on this proposal.

Environmental Health (Domestic Team) – The proposal requires a license under the Caravan Sites and Control of Development Act 1960.

The homes should be 6m apart with no obstruction to prevent the spread of fire between the homes.

The applicant will need to carry out a fire risk assessment on the site and put in place, all necessary fire precautions.

The applicant should seek advice from the Fire Authority.

Littleport and Downham Internal Drainage Board – Provided that the proposed soakaways form an effective means of surface water disposal in this area, the Board does not object. If any other method of surface water disposal is considered the Board states it must be reconsulted.

The Board's Stretham Station Main Drain forms the eastern boundary of the site. Works on the access will require the prior consent of this Board under the Land Drainage Act.

Any new planting or construction within 9 metres of the watercourse will require the consent of the Board. Any new discharge (surface or foul) to any watercourse will also require the Board's consent.

Housing Section – States that the Council currently has a shortfall of 8 pitches, due to the closure of the Burwell Site. Supports this proposal as it replaces the lost pitches.

Senior Trees Officer – The Tree Officer recommends the following:

- No objections in principle.
- The landscaping proposal of hawthorn, blackthorn and Elder along the eastern boundary is not acceptable, though this does not quite meet with the Hedgerow Species Composition (Table 1) both detailed on drawing number 15/6/1936/1. Recommends not planting Elder, in the hedgerow mix. The more extensive list of species in Table 1 is a better range of species for new hedgerow planting, including gapping up of the sparser sections on existing boundaries.
- Looking for trees, such as field maple to be added into a native hedge row and additional hedge rows should be planted along the eastern and western boundaries. (Can be covered by way of a landscape condition). Details of the landscape scheme including provision for aftercare and replacement of losses in first 5 years after planting required.
- The existing hedgerows on the north and south boundaries need to be protected by way of condition(s). Protection of the existing hedgerows during any development works and also the condition that no boundary hedgerows will be removed without the Council's consent.

5.2 Neighbours – 3 neighbouring properties were directly notified. The responses received are summarised below, full details on the Council's website. A site notice was put up on the 15 December 2015. A full copy of the responses are available on the Council's website.

The concerns raised by residents are:

- Highway safety and capacity
- The amount of static/mobile homes within the local area
- Twelve pitches have been provided at Pony Lodge 13/00863/FUL and at Land West of White Cross Farm 11/01056/FUL.
- Increase in fly tipping in the local area.
- Outside of the village framework
- High risk of flooding
- Impact upon the rural character of the area.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

HOU 9	Gypsies, travellers and travelling showpeople sites
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 National Planning Policy Framework 2012 (including Planning Policy for traveller sites)

6.3 Planning policy for traveller sites August 2015

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as whole.

7.3 The Central Government Planning policy for traveller sites (August 2015) requires Local Planning Authorities to provide sites that are both sustainable and facilitate the traditional and nomadic life of travellers, while respecting the interests of the nearest settled community. This policy also defines gypsies and travellers as those people of a nomadic life but does include those that by virtue of education or health needs or old age have ceased to travel temporarily.

7.4 Policy HOU 9 states that the Council will make provision for Gypsy, Traveller and Travelling Showpeople sites to meet identified needs. The needs that is identified in the local plan is for 38 permanent Gypsy and Traveller pitches between 2011 – 2031. This does not include the 8 pitches lost in Burwell. Taking into account previous approved sites since 2011 the residual need is 24 pitches.

7.5 Policy HOU9 states that proposals for Gypsy, Traveller and Travelling Showpeople accommodation should meet the following criteria:

- Adequate schools, shops and other community facilities are within reasonable travelling distance.
- There is no significant adverse impact on the character and appearance of the countryside and the setting of settlements.

- The site would not lead to the loss or adverse impact on historic and natural environment assets as defined in Policies ENV7 and ENV11-15.
- There is no significant risk of land contamination.
- There is no unacceptable risk of flooding.
- The scale of the proposal is not disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.
- The site provides a suitable level of residential amenity for the proposed residents and there is no significant adverse impact on the amenity of nearby residents.
- Safe and convenient vehicular access to the local highway network can be provided together with adequate space to allow for the movement and parking of vehicles.
- Essential services (water, electricity and foul drainage) are available on site or can be made available.

All of these criteria would need to be met in order for a proposal to be supported.

7.6 Access to facilities/services

- 7.7 The proposal by virtue of the distance (Stretham approximately 1 mile away, Little Thetford 1.5 miles, Wilburton 2 miles and Ely 3.5 miles away) to the local services/facilities and the lack of a public footpath along the road creates a situation where if approved the residents would very likely be reliant on private motorised transport.
- 7.8 However, it should be noted 10 traveller pitches was approved in very close proximity to the application site under planning reference 11/01056/FUM (White Cross Road); this site does not benefit from a public footpath and is a similar distance to services/facilities as this site.
- 7.9 There is concern that children, the sick and the elderly will struggle to access education and health care in a sustainable easy manner. It is considered that there would be some harm to sustainability if the application was approved.
- 7.10 The children of school age currently attend schools in Manea, Lowestoft and Ely, some of these children may suffer from some disruption in moving schools. However, this is no different to any other children when parents move house into a new area. There are primary schools located in Stretham, Little Thetford and Wilburton, which are all within a couple of miles of the site.
- 7.11 With no easy access to facilities/services this criteria acts against granting approval for this development.
- #### **7.12 Impact upon the character and appearance of the local area**
- 7.13 Policy HOU9 requires there to be no significant adverse impact on the character and appearance of the countryside.

- 7.14 The site is in the open countryside and is currently undeveloped. However, it is bounded to the north and south by existing development. The buildings located to the north and south of site are single storey in height. These existing built up areas are separated from the application site by mature hedgerows.
- 7.15 With existing single storey buildings located on either side of the site, the openness of the site is significantly limited and therefore the impact is limited.
- 7.16 The front (west) and rear (east) of the site is very open with only a few trees defining these boundaries. This openness is fairly typical of this area, with the greatest open views being located on the other side of the road to the west/northwest. However, there are several examples of mature hedgerows and tree belts within the local area.
- 7.17 The application could be conditioned in order to ensure that the existing mature hedge rows are protected and that additional planting is secured. Additional hedgerows will further limit the openness of the countryside in this area but does tie in with the several mature hedgerows in the locality. The addition of extra hedgerows would help assimilate the pitches that are single storey in height and thus preserve the visual appearance of the area.
- 7.18 It is considered that with appropriate conditions the impact upon the rural character of the area is minimal. This weighs in favour of granting approval.
- 7.19 **Impact on historic and environmental assets**
- 7.20 The proposal is not within a conservation area and there are no listed buildings in close proximity. Cambridgeshire County Council has requested a condition requiring archaeological investigation and has provided details on the likelihood of archaeological remains. It is considered reasonable and necessary to condition an archaeological investigation.
- 7.21 An Ecological Report (November 2015) was submitted with the application, which suggested several mitigation measures. These mitigation measures include the prevention of removing wood vegetation during bird breeding season, lighting should be limited/controlled, that excavations should not be left open overnight and that additional planting should be secured. It is considered reasonable to place conditions to protect breeding birds, control light pollution and add additional planting. The request to control excavations will be added as an informative, as the amount of excavation work in relation to the development is fairly limited and that this relates more to best practice than direct protection or enhancement.
- 7.22 The proposal will, therefore, have a neutral impact upon biodiversity and the historic environment. This weighs in favour of granting approval.

7.23 Risk of Land Contamination

7.24 The Environmental Health Officers are not seeking any conditions in regards to contaminated land. It is therefore considered that there is no significant risk of land contamination. This weighs in favour of granting approval.

7.25 Risk of Flooding

7.26 Though evidence has been submitted of flooding within the local area, the area is within Floodzone 1 (low risk, 1 in 1,000 annual probability of river or sea flooding).

7.27 Surface water can be dealt with by condition, this could involve soakaways or/and water attenuation tanks. For instance water attenuation tanks could work by rainwater harvesting of the day room roofs and being stored and used to flush the toilet.

7.28 The proposal involves a sewage treatment plant and would need separate permissions under Environment Agency and Drainage Board legislation.

7.29 It would be unreasonable to refuse the application on the grounds of flood risk given that the site is located in floodzone 1 where development should be focussed.

7.30 Scale/Proportion to nearest settlement

7.31 Taking into account previous recent planning applications for ten plots (11/01056/FUM) this area of Wilburton would see a significant increase in the number of gypsy/traveller plots. However, Wilburton has a population of approximately 1,360 people in around 560 dwellings. The addition of 18 gypsy/traveller plots would make up 3.1% of the total number of residential units in Wilburton. However, it is estimated that the amount of new dwellings in Wilburton between 2013-2031 would be 20, which means these 8 gypsy/traveller units would be 40% of the allocation.

7.32 It is considered that the amount of gypsy/traveller pitches remains a very small proportion in comparison to the settled community. The proposal would not be disproportionate to the size of the nearest settlement. This weighs in favour of granting approval.

7.33 Residential Amenity

7.34 There is no significant noise polluters within the local area and it is noted that Environmental Health have no concerns in regards to residential amenity. In addition each plot has a day room and a good level of amenity space.

7.35 Any noise to nearby residents would be of a similar level to any other residential unit, which is not considered to be detrimental to other residential occupants.

7.36 This weighs in favour of granting planning approval.

7.37 Highway Safety/Capacity

- 7.38 The proposal seeks permission for 8 pitches, all of which have space for off road parking. The Local Highways Authority have been contacted and state that the proposal will have no impact upon highway safety, subject to some conditions, and because of the low number of residential units does not require a Transport Assessment/Statement.
- 7.39 While there may at times be heavy traffic using the adjacent public highway, in particular when the A10 is congested the proposal will not have a significant or detrimental impact upon the flow of traffic.
- 7.40 With the Local Highways Authority confirming that there are suitable visibility splays and that the applicant can enter and leave the site in a forward gear, there are no highway safety concerns. This weighs in favour of the application.
- 7.41 **Essential Services**
- 7.42 The site will include a foul water sewage treatment system in order to control/prevent the foul water from the site entering into the water system.
- 7.43 The agent confirms that the site already has access to mains water and electricity.
- 7.44 It is considered that the site has access to essential services and this weighs in favour of granting planning permission.
- 7.45 **Other Matters**
- 7.46 The fear of crime is not a material planning consideration and this cannot be considered in the determination of a planning application. However, planning proposal should seek to ensure that its design minimises the potential of crime. The layout of the site does not increase the potential for crime within the local area.
- 7.47 The site has been designed in order to allow for large vehicles to enter and leave in a forward gear. The guidance from the Environmental Health Officer's relating to separate legislation and fire safety will be added as an informative.
- 7.48 The proposal is both Community Infrastructure Levy (CIL) liable and payment will be expected before development commences.
- 7.49 **Planning Balance**
- 7.50 The Local Planning Authority can also not demonstrate a 5 year land supply and therefore development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.51 The only identified harm that could not be mitigated against is the site's remote location. However, given the recent approvals of other sites in the locality and existing sites, the application would be the same distance to local services/facilities, which are within a couple of miles. The location needs to be weighed up against the need for gypsy/traveller plots, there would be no issues in regards to highway safety or surface water subject to conditions and that the locality has recently had gypsy/traveller plots approved.

8.0 APPENDICES

8.1 Appendix 1 – Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01346/FUL	Andrew Phillips Room No. 011	Andrew Phillips Senior Planning Officer
06/00795/FUL	The Grange Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Planning Policy for Traveller sites August 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf

APPENDIX 1 - 15/01346/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference
15/6/1936/1

Version No

Date Received
17th November 2015

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The development shall not exceed 8 pitches (each pitch being 1 mobile home, 1 touring van and 1 day room).
- 3 Reason: This is the amount the application has been assessed and determined on, in accordance with HOU9 of the East Cambridgeshire Local Plan Adopted 2015.
- 4 The site shall only be used by persons of nomadic habitat of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4 Reason: To meet with Central Governments definition of gypsies and travellers (defined within Planning policy for traveller sites August 2015).
- 5 No development shall take place until a scheme for the protection during construction of the trees/hedges on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 5 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of

the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.

- 6 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. 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.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 No lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 7 Reason: To safeguard the character and appearance of the area and to protect biodiversity, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 8 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 8 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 No development, aside from demolition, shall take place until a scheme detailing how surface water will be drained within the site; has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation.
- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV7 and ENV8 of the adopted Local Plan. This is prior to commencement as these details are needed before construction work begins.
- 10 The access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 10 Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015.

- 11 No gates shall be installed within 15 metres of the boundary of the adopted public highway.
- 11 Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015.
- 12 No development shall begin until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in accordance with the approved details.
- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.