

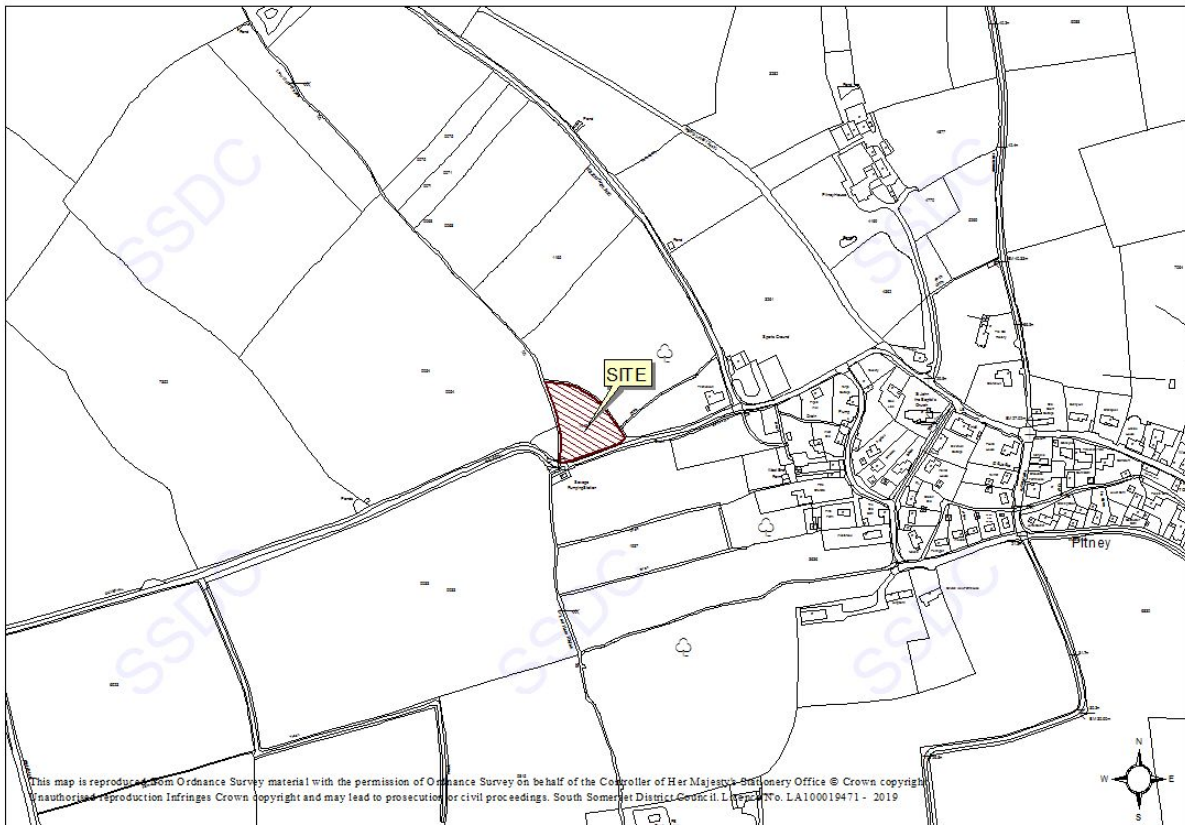
## Officer Report on Planning Application: 18/01803/FUL

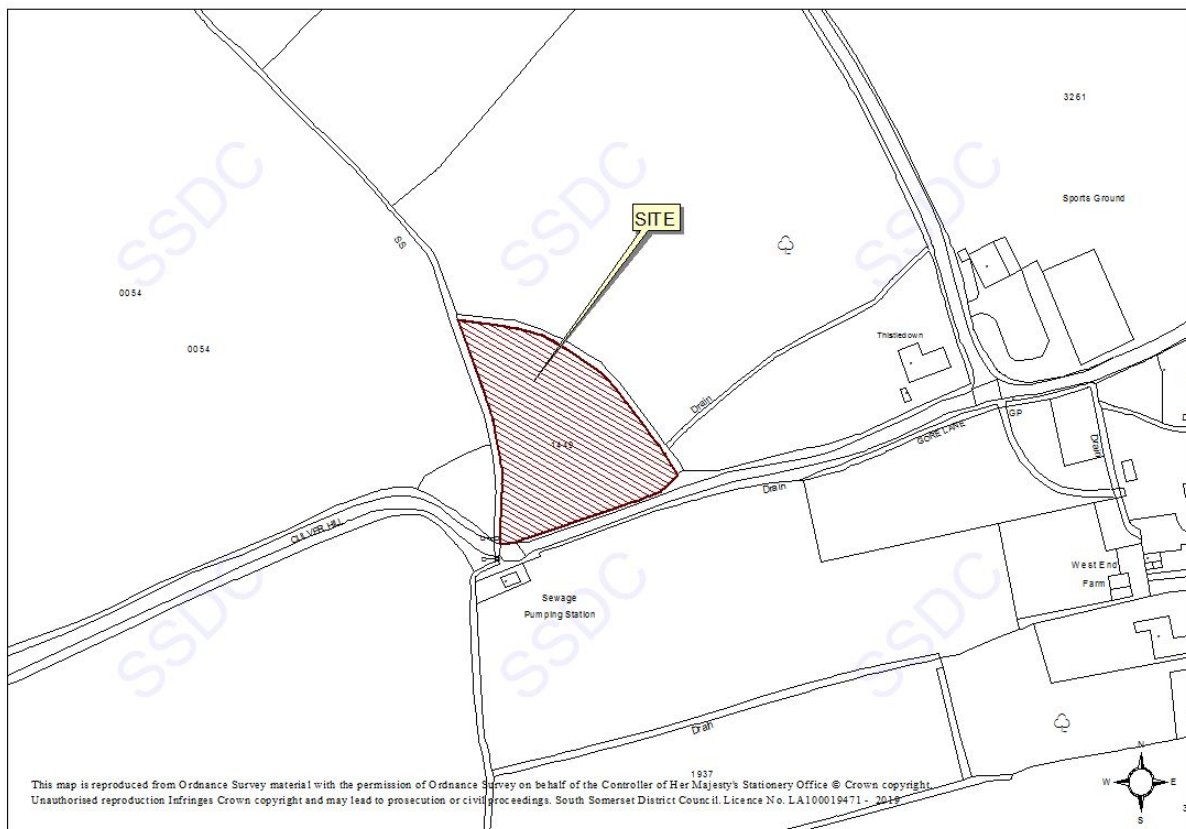
<b>Proposal:</b>	The change of use of land to 2 No. Gypsy / Traveller pitches comprising 2 No. mobile homes, 2 No. touring caravans, and associated works
<b>Site Address:</b>	Land OS 1449 Gore Lane, Pitney
<b>Parish:</b>	Pitney
<b>TURN HILL Ward (SSDC Member)</b>	Councillor Gerard Tucker
<b>Recommending Case Officer:</b>	Andrew Gunn
<b>Target date :</b>	10th August 2018
<b>Applicant :</b>	Mr D Smith
<b>Agent: (no agent if blank)</b>	Dr. Simon Ruston, Ruston Planning Limited The Old Office 1 Great Ostry Shepton Mallet Somerset BA4 5TT
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Member and in agreement with the Chair in order for a full discussion of the key planning issues to be undertaken.

### SITE DESCRIPTION





The site is located on the western edge of the village of Pitney, on the northern side of Gore Lane. The site is currently a flat grassed field bounded by mature hedgerows. There is a gravelled pull-in/lay by area off Gore Lane, in front of the existing gated agricultural access at the south-east corner of the site. This layby area also serves a separate gated entrance to an adjoining residential property. Aside from this neighbouring property, and a sewage pumping station on the opposite side of Gore Lane, the site adjoins a number of other fields. Ditches run along both the western and eastern boundaries.

## PROPOSAL

This application seeks consent for the change of use of land to 2 gypsy/traveller pitches. Both of the pitches will comprise 2 mobile homes, 2 touring caravans, a day room and a parking area. These will be located along the western side of the site. A new tarmacked vehicular access will be created in the south eastern corner of the site. Both pitches will contain a mix of stone and grass surfacing. A play area will be located in the northern section of the site. The 2 pitches and play area will be divided via wooden fencing. The existing roadside hedgerow will be replaced with a new native species hedge and set slightly back to provide the necessary highway visibility splay. Additional hedgerow will be planted along the whole of the eastern boundary to supplement/enhance the existing hedgerow.

Since submission of the application, it has been confirmed that the applicant will install a package treatment plant to deal with the disposal of foul waste.

The following statement has been submitted on behalf of the applicant's Mr Dale Smith and Ms Charlotte Isaacs, by Maggie Smith-Bendell, a Romani Gypsy Liaison Officer, who has outlined their personal circumstances. The applicant is Mrs Smith-Bendell's nephew and his partner. Usually these statements are submitted on a confidential basis but in this case, it has been agreed that it can go on the public file. It has been made available to view on the website.

Dale and Charlotte were lucky enough to secure a pitch on the Glastonbury - Wick Lane Gypsy

Site, when they first got together. Unfortunately, the owner of that pitch gave them notice to vacate it because the owner needed the pitch for his daughter which made this young couple with two small children homeless - and nowhere to put their static caravan.

We relocated them to my brothers private site at Ashwell Lane, Glastonbury but it could only be a short stay-owing to the current planning permission on that site.

My brother located a piece of land on Station Road, Ashcott, which was up for sale. They met with the owner of said land and she agreed to sell half the land to them---they paid one thousand pounds deposit and gave Dale and Charlotte permission to move on the land because they were homeless. The owner had the contract of sale drawn up but after weeks of pleading with her, she refused to sign it, unknowing to us, this lady was a drug addict, hence the need of the cash deposit, the police became involved for the safety of Dales two small children. Then one day their static caravan and all their belongings plus their pet dog was burnt down.

The local community made a collection and bought them a second hand static caravan to live in. Things went from bad to worse with the land owner - police was constantly on site. In the end I moved Dale and Charlotte on to my site for their safety, where they stayed until the council gave them a flat at High Ham.

The land at Pitney came on the market and Dale and his dad purchased it - hence this planning application. This is a very quiet and private little family unit with two young children attending the local school. Dale and Charlotte are not compatible to live in bricks and mortar. With Dale at work, Charlotte spends a great deal of the time away from the flat.

Dale leads a very nomadic life style - he is a qualified brickie. He travels to most parts of the country working for Gypsy /Travellers by bricking in mobile homes and laying patio's on private sites. This is a young self-supporting couple. Dale and Charlotte have integrated with both High Ham and Pitney residents and both are well regarded in that area.

The site will be well managed and kept clean and tidy at all times. The site will have all services such as mains Water, electricity and a Sewage Treatment Plant.

## **HISTORY**

No previous planning history on this site.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS2 - Development in Rural Settlements.

HG7 - Gypsies, Travellers and Travelling Showpeople

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ4 - Biodiversity.

Planning Policy for Traveller Sites (Government Policy published August 2015)

Other relevant materials planning considerations  
National Planning Policy Framework  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 15 - Conserving and Enhancing the Natural Environment.

Pitney Village Design Statement

## **CONSULTATIONS**

Pitney Parish Council:

The Parish Council considered the application at a recent meeting. There was considerable public interest in the application with approximately 60 additional parishioners in attendance and the councillors.

## **CONSIDERATIONS**

### **National Guidance**

No exceptional circumstances have been shown and therefore the land should remain greenbelt as per policy E16 from the DLGC national policy. This application contradicts the Planning Policy for Traveller sites policy which refers to the following.

Green Belt Concern: Policy E16 'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

### **Local Factors**

Contrary to the planning documents locals were able to produce a photograph at the meeting of the adjacent land in winter in which it was clear that the land flooded. There is an evidenced flood risk which has not been addressed. A local farmer who has knowledge of the field for the past 60 years noted that 'there have always been problems with machines getting stuck in that area due to so much wet'. Water run-off from the hardstanding etc. does not appear to have been considered.

The DLGC Planning Policy for Traveller Sites refers to floodplain concern in policy B13g as follows; 'do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans'

It was felt that the waste disposal system for the site was inadequate referring only to 'foul water will be dealt with by way of septic tank' More details of the capacity and adequacy need to be known now and not later.

The Parish Council cannot support the use of the site and the number of vehicle movements that will be necessitated by living on this site with traffic accessing a poor entrance close to a road z bend. Additionally it is only a short distance from the playing field and play area and there is the safety of children using the playground to consider and it is not thought to be safe from the highways point of view. As you may be aware there was a fatality some years ago in the Mendip area where a traveller's child was killed running across a road to open a gate. The visibility at this site is not good due to the bends in the road on the approach to the site and also the access road to Pitney is not suitable for the traffic which may be generated.

It was additionally felt to be over-development due to the size of the associated works which were quite large, although the main concern was that it was not suitable for development at all.

The site being at the bottom of the hill is viewed from several footpaths and properties and would have an adverse visual impact on the area and would spoil the enjoyment of the footpaths that are regularly used. The screening is inadequate particularly in winter when tree cover will not work as well and the lighting of the site will be highly visible in the entire area. The light pollution created would cause an adverse impact for others living in the vicinity.

The site is wholly unsustainable and unsuitable due to the remoteness of the area and lack of school, doctors, general convenience store, cashpoint etc.

There is already a large registered encampment in Pitney with five caravan sites allowed currently. This puts the density of traveller's pitches to settled households in Pitney at 1/35, almost 30 times the national average. If the present application were allowed that density would be increased to 1/26.

### **IMPORTANT ADDITIONAL INFORMATION**

Wessex Water would need to be consulted on the application due to the local difficulties at the pumping station and water system for the village. Over the last 2 years there have been several failures and Wessex water are repairing it more often than not. The current strain on the system does not need adding to.

### **CONCLUSION**

**The Parish Council** unanimously voted to object to the application on the grounds of flooding, that it is greenbelt development, inappropriate density of traveller sites in the community, inadequate waste disposal, over development and adverse impact to the area. In addition some questions were raised to the District Councillor and I believe he will be contacting you for information on some policies and details.

#### **Highway Authority:**

The proposed access is to be realigned to be perpendicular to the highway and when consulting drawing number 18067/02, it would appear that the visibility that can be achieved from the access would be 2.4 x 88 metres to the east and 2.4 x 52 metres to the west. From my onsite observations vehicle speeds were approximately 30mph along Gore Lane. Gore Lane can be considered a lightly trafficked rural road and as such Manual for Streets can be considered the appropriate guidance. The existing access must be closed off and its use abandoned within 1 month of the new access first being brought into use.

Taking into consideration the observed vehicle speeds, the Highway Authority would not raise an objection to the visibility from the proposed access.

There would appear to be sufficient space within the site to allow for vehicles to park and turn around and thus allow vehicles to enter the highway in a forward gear. To prevent vehicles from overhanging onto the carriageway any entrance gates must be located a minimum of 12 metres from the edge of the carriageway and designed to open inwards.

The applicant must remember that it is an offence under the Highways Act (1980) for water and detritus to be discharged onto the highway. The applicant must also not assume that connection can be made to any existing highway drains or gullies.

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application, however, I would recommend that the following conditions are imposed:

Officer comment: The Highway Officer recommends 6 conditions in regard to visibility splays, closure of the existing access, drainage, consolidation of the vehicular access, location of any entrance gates and keeping the parking areas clear of obstruction. An advisory note also to be added in regard to securing the necessary licence from the Highway Authority in respect of the access works.

#### **Wessex Water:**

No objection.

**Ecologist:**

No objection.

**County Archaeologist:**

No objection on archaeological grounds.

**REPRESENTATIONS**

103 letters/emails have been received raising objections to the scheme with a couple making observations. The full responses are available to view on the Council's website with a summary of the main points outlined below:

- No need for any additional gypsy/traveller pitches in the village
- Accept there may be a need for pitches but Pitney currently has 5 pitches and well above average pitches per village population
- No need for a play area as there is a good play area close by
- Lack of suitable infrastructure to cope with the development.
- Foul drains cannot cope with regular callouts to/visits by Wessex Water
- Village only has a limited number of facilities and travel by car would be needed to access key services.
- Not a sustainable location
- The site regularly floods/waterlogged and is not suitable for habitable development
- Septic tank not appropriate - risk of pollution.
- Concern about the proximity of the dangerous S bend close to the access.
- The lane is already busy and increased traffic from the development could cause highway safety issues.
- Narrow access roads
- harmful to local landscape character
- harmful visual impact
- loss of existing roadside hedgerow.
- loss and harmful impact on green belt land.
- development would be out of character with traditional blue lias stone properties in the village
- Would set a harmful precedent for further development
- Day rooms would be permanent buildings
- Harmful impact on residential amenity
- Light and noise pollution

**CONSIDERATIONS**

Need for gypsy/traveller pitches.

Based upon the Gypsy and Traveller Needs Assessment Update 2013, the Council has an identified need for at least 23 residential pitches up to 2028. This figure is incorporated into the adopted South Somerset Local Plan under Policy HG7. To date, 26 pitches have been approved. On this basis, without allocating any sites for gypsy and traveller use, the Council has met the target for residential pitches. However, these figures, as with all housing numbers, are targets and not maximum figures. Moreover, the assessment is a snapshot in time and figures are calculated based on the information and knowledge collected at the time.

Moreover, from the case officer's experience of Planning Inspector's assessments of need in regard to gypsy/traveller sites, the fact that pitches are being sought, with personal circumstances outlined, demonstrates that there is an existing need for those pitches. Therefore, it is not considered reasonable to refuse this current proposal on the basis that more than 23 pitches have been provided in the district to date.

### Gypsy status

On the basis of the information submitted to support the application, particularly the statement received from by Maggie Smith-Bendell, a Romani Gypsy Liaison Officer, who has outlined their personal circumstances, the Council is satisfied that the applicant meets the definition of a gypsy. Moreover, that a need for a site for the applicant's has been demonstrated. An assessment of the suitability of the proposed site therefore has to be undertaken.

### Existing pitches in Pitney

Concern has been raised that there is already sufficient provision in Pitney and that approval of this scheme would give rise to a disproportionate level of gypsy/traveller pitches. The Parish Council have referred to 5 existing pitches in their response to the application. Whilst the number of current pitches is noted, the current application is for 1 family on a contained site. Government policy for assessing the suitability of sites in rural areas and the countryside, outlined in Planning Policy for Traveller Sites, states that the '...scale of such sites does not dominate the nearest settled community'. It is not considered that the proposal would result in an excessive number of pitches or that the village would be dominated by the creation of these additional pitches.

### Alternative Sites

There are 2 main existing public gypsy and traveller sites in the district - Ilton and Tintinhull, plus a smaller site in Pitney. However, at the current time, there are no spare pitches available. In addition, there are no allocated gypsy or traveller caravan sites in the district. It is therefore clear that there are no available public alternative sites for the applicant to occupy.

If members do not agree that a permanent permission be granted in this case, in circumstances where the Council is not able to demonstrate an up-to-date 5 year supply of deliverable sites, this position should be a significant material consideration in any planning decision considering gypsy sites for the grant of temporary planning permission.

### Highways/parking

The Highway Authority have assessed the proposal taking into account the approach roads, vehicle speeds, parking and new access arrangements. The Highway Authority do not object to the application on highway grounds subject to a number of conditions. The existing roadside hedge would be removed and a new hedge planted and set back from the road to provide the necessary visibility splay to the west. A condition will require the closing up of the existing access.

Concern has been raised about the proximity of the site access to an S bend to the west of the site. The new access will provide a visibility splay measuring 2.4 metres (distance set back from road) x 52 metres (length of road until the S bend). The Highway Authority are satisfied that given the observed vehicle speeds along Gore Lane, this level of visibility to the S Bend is acceptable.

There is sufficient room within the site for both the parking of a touring caravan on each pitch plus car parking spaces.

### Foul drainage

Concern has been raised by the Parish Council and local residents about the current issues in the village with the foul water infrastructure. It is understood that this has been subject to failure on a number of occasions and Wessex Water are called out fairly regularly to address the issue. Accordingly, concern has been raised that the system can't cope with additional demands placed upon it. For this development however, there will be no connection to the existing sewer infrastructure. The applicant will install a package treatment plant. This is preferable to a septic tank and, preferred by the Environment Agency, as it can significantly reduce the level of pollutants in the waste water, and subject to the consent to discharge from the EA, be discharged directly to a watercourse. A number of residents had raised concerns

about the use of a septic tank, however, a package treatment plant will be installed to serve this development.

Wessex Water have assessed this development and have not raised an objection. They do acknowledge that the area is prone to sewer flooding caused by high levels of groundwater during prolonged wet weather periods. Technical advice is given as to the type of separate systems of drainage which should be used. A condition shall be attached to any consent to agree the details of the package treatment plant.

#### Surface water

Concern has been raised that the site has flooded and there is a lack of information in regard to the treatment of water run-off from the buildings and hardstanding. The site is located in Flood Zone 1, thus a low probability of flooding from sea or river. It is not considered that given the nature of the development and the limited amount of hardstanding and built form, that the proposal would increase flood risk off site. There are also ditches on both the eastern and western boundaries of the site.

Having checked the Government's surface water flooding maps, these show that the front part of the site is at very low risk, the centre and rear of the site at low risk with medium risk along a small section of the eastern boundary adjacent to the ditch.

The applicant will use sustainable drainage techniques to manage and control water run off, including permeable surfacing and the installation of water butts on each of the mobile homes and day rooms to capture rainfall. There will also be a very limited amount of hardstanding on site, most will be either grass or stone which will allow natural drainage. No development is proposed along the eastern boundary. As proposed at other similar situations, residual flood risks can be controlled by setting the floor level of the caravans 300 to 600mm above ground level. This is considered to be acceptable and would satisfactorily address the low surface water risk. Moreover, it is not considered that this increase in height would make them adversely visually dominant warranting refusal.

#### Landscape impact.

Concern has been raised that this development would be located on greenbelt land and harmful to the local landscape and character of the village. There is no formal designated green belt land in South Somerset. It is accepted that it is located on a green field on the edge of the village. However, it is not in an isolated location and in close proximity to the village, certainly much closer to an established settlement than a number of gypsy and traveller sites.

A number of residents have raised concerns about lighting at the site. A condition can be imposed on any consent to seek agreement from the Local Planning Authority in respect of any external lighting. It is not expected that any internal lighting would be different from traditional housing that would give rise to adverse levels of lighting warranting refusal.

Whilst the development would clearly have a landscape impact, given the nature of the development proposed, current and proposed new landscaping / screening of the site, and that it is at the lower end of the village, it is not accepted that this development would give rise to an adverse landscape impact that would warrant refusal.

### **SECTION 106 PLANNING OBLIGATION**

Not applicable to this application.

### **RECOMMENDATION**

Grant permission.

01. The proposed development would meet a need for gypsy/traveller pitches, would not



adversely harm residential amenity or the local landscape and would provide an acceptable means of vehicular access and provide sufficient parking. The scheme would accord with policies SD1, SS2, HG7, TA5, TA6, EQ2 and EQ4 of the SSLP, Planning Policy for Traveller Sites and the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites.

Reason: To ensure that only gypsies and/or travellers reside on the site.

03. When the site ceases to be occupied by gypsies/travellers, the use hereby permitted shall cease and all caravans, buildings, structures, fences, materials, vehicles and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the site restored to its condition before the development took place.

Reason: To protect the amenities of the area once the use has ceased to accord with Policy EQ2 of the South Somerset Local Plan.

04. There shall be no more than two pitches on the site. On each pitch no more than two caravans shall be stationed at any time, of which only one caravan shall be a static caravan.

Reason: The application has only been assessed on the basis of 2 pitches.

05. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of highway safety and to prevent commercial vehicle storage to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

06. No commercial activities shall take place on the site including the storage of materials.

Reason: To protect the amenities of the area to accord with Policy EQ2 of the South Somerset Local Plan.

07. No buildings or structures shall be constructed on the site other than those allowed by this permission.

Reason: To protect the amenities of the area to accord with Policy EQ2 of the South Somerset Local Plan.

08. No external lighting shall be installed within the site other than that agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area to accord with Policy EQ2 of the South Somerset Local Plan.

09. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted

plan Drawing Number 18067/02. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

10. 2. The existing access shall be closed to all traffic and its use permanently abandoned within 1 month of the new access hereby permitted being first brought into use.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan,

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. The driveway between the edge of carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

13. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

14. The area allocated for parking and turning on the submitted plan, Drawing number 18067/02, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

15. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan received 5th June 2018, Proposed dayroom plans and elevations - 18067/03 and site layout - 18067/02.

Reason: For the avoidance of doubt and in the interests of proper planning.

16. Before the development hereby permitted is first occupied, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought

into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained to accord with the NPPF.

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement or license with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.