

**Committee date 12/12/2023**

**Application No:** 54/23/00002

**Application Type:** Full Planning Permission

**Case Officer:** Dean Titchener

**Registered Date:** 14/02/2023

**Expiry Date:** 10/04/2023

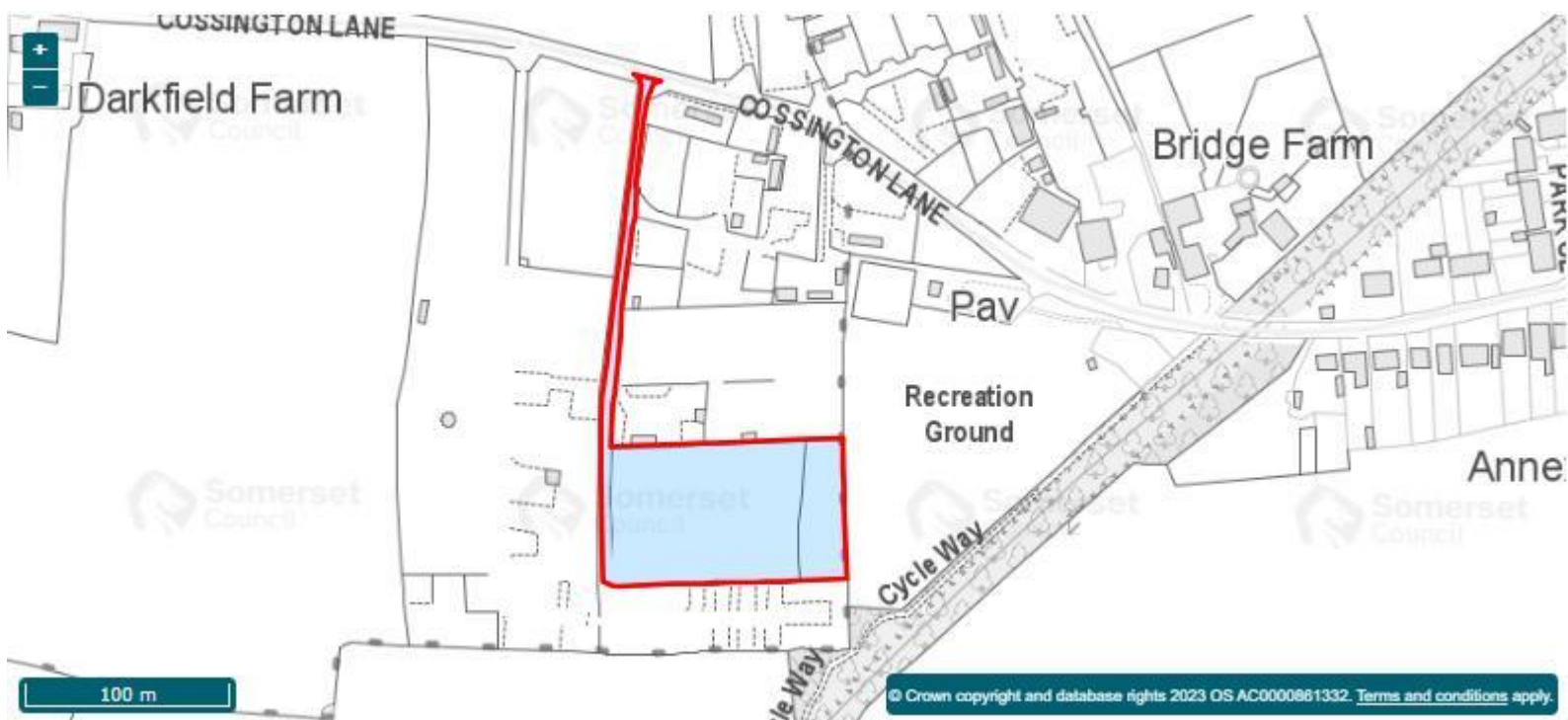
**Parish:** Woolavington

**Division:** Puriton and Woolavington

**Proposal:** Change of use of land to enable formation of 4no. pitch site for gypsies and travellers (revised scheme).

**Site Location:** Land At, Green Paddock, Cossington Lane, Cossington, Bridgwater, Somerset

**Applicant:** Mr A Smith



**Committee decision required because**

*This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Councils to be debated.*

## **Background**

The application site is located to the west side of the village of Cossington. It comprises a rectangular field on the south side of Cossington-Woolavington Road. Immediately to the north and west are existing gypsy and traveller sites, to the east the site shares a boundary with the village playing fields. The site is laid to grass at present with mature trees and hedgerows on the eastern and western sides. Access is via an existing track off the Cossington-Woolavington Road (Brent Road) which currently serves the existing traveller site to the north.

In 2022 a scheme was submitted for change of the use of land to enable formation of a site for gypsies and travellers. The land was to be subdivided to form 9 pitches, each to accommodate space for two mobile homes and one touring caravan. The site was to be laid out with stone hardstanding, with a grass margin retained around the perimeter. Plots would be delineated with post and rail fences, whilst the whole site would be enclosed with new hedgerows on its north, west and southern boundaries. Access would be via the existing track to the north which connects to Brent Road.

That application was subsequently refused on the three following grounds:

### *Reason 1*

*No ecological surveying has been provided with the application to establish whether protected species may be affected by the proposed development. Without such information it is not possible to determine whether all relevant material considerations have been taken into account, nor whether ecological mitigation is required. The proposal is therefore contrary to Section 99 of the Government circular 2005/06 on biodiversity and geological conservation and contrary to Sedgemoor Local Plan 2011-2032 policy D20.*

### *Reason 2*

*It has not been demonstrated that the proposed development can be brought forward without resulting in added nutrient loads (phosphorous) in the catchment of the Somerset Levels & Moors Ramsar Site. Insufficient information has therefore been provided to confirm, through a Habitat Regulations Assessment, that there would be no Likely Significant Effect on the Ramsar site. As such the proposal is contrary to Local Plan 2011-2032 policy D20 and the Conservation of Habitats and Species Regulations (2017) (as amended).*

### *Reason 3*

*The number and density of pitches proposed does not provide a layout which would enable provision of on-site ecological mitigation and enhancement, adequate separation from adjoining trees, appropriate space for means of disposal of foul waste in relation to phosphate mitigation, as well as not providing provision for on-site play for quality of life and well-being of future residents. The proposal is therefore contrary to the Sedgemoor Local Plan 2011-2032 policies D2, D8, D20, D22 and D34.*

A revised scheme has been submitted which seeks to overcome the previous reasons for refusal. The amended scheme now seeks provision for 4 (instead of 9 as previously sought on the previous application – though the current application originally proposed 7 pitches). They are grouped in the western part of the site. The eastern is now proposed as a wild flower meadow and play area.

Each pitch is proposed to consist of up to 3 caravans, of which no more than two would be caravans (one of which is in lieu of a dayroom).

Access will be as per previous, utilising the existing access on to Brent Road to the north of the proposal, which already serves the adjoining pitches.

### **Relevant History**

The below application for the site though various for the adjoining land parcels.

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
54/21/00012	DT	REF	Change of use of land to enable formation of 9 pitch site for gypsies and travellers.

### **Supporting information supplied by the applicant**

Design & Access Statement  
Preliminary Ecological Appraisal

### **Consultation Responses**

Woolavington Parish Council – Recommend permission granted:

*Woolavington Parish Council recommend that planning permission be granted for the above application, subject to the following issues being satisfactorily clarified/resolved*

- 1) The D & A statement indicates that the application is for five pitches but the plans, application form and application title indicates seven pitches;*
- 2) Provision of the play area and wild flower meadow should be strongly conditioned, then closely monitored and enforced should it not materialise;*
- 3) More detail should be obtained on the surface water drainage proposals in view of the prevalence of underground springs in the area;*
- 4) Clarification should be sought on the adequate provision of services (water, sewerage and electricity) for use on the site;*
- 5) The applicant runs a tarmacking business and therefore assurances need to be obtained that the units will be for bona-fide family use rather than by casual workers.'*

Cossington Parish Council (adjoining parish) – Objects:

*Refusal is strongly recommended, primarily for the following reasons, in accordance with Local Plan policy D8 and the Government's National Planning Policy for traveller sites:*

- The proposal would significantly add to the existing domination by traveller sites of the nearest settled community (Cossington) – where over half of the perimeter of the village playing field is bordered by traveller sites. This domination was acknowledged by Messrs. Houlet and Tait during a site meeting in December 2021 when the original scheme for 9 pitches was proposed.*
- The proposal is not within easy reach of the nearest facilities (doctor's surgery, school) being sited over 1.7 km away in Woolavington – certainly too far for normal pedestrian access. The pharmacy and nearest local shop are closer – but still over 1 km away, accessed via a long track leading to a narrow, well-used unlit country road with no pedestrian footpath. It is therefore highly unlikely that the location would be considered sufficiently well-connected for a domestic self-build application due to the distances from local services – so why should this proposal be any different?*

*Cossington Parish Council would recommend similar important conditions – relating to landscaping, surface water drainage, access to services, and occupation (bona-fide family use only) – to those proposed by Woolavington Parish Council were approval to be considered.*

*However, virtually every other site in the area has flouted such conditions in the recent past only to have them removed and variations subsequently approved in retrospective planning applications. The overall effectiveness of such conditions is therefore doubtful given the Local Authority's past success in enforcement.*

*It is also noted that nothing has been mentioned regarding the design or size of the mobile homes proposed. Without this, there can be no assurances of adequate parking / manoeuvring space on site, as required by Planning Policy and other associated local impacts. Assurance should also be sought that the mobile homes proposed to be used as day rooms are suitable for that purpose.*

*As a point of detail, the following should be noted -The Bridge School, Cossington (closer than the Woolavington School) is a remedial facility for pupil referral only.*

*In conclusion, it should be pointed out that the Local Authority is under no obligation whatsoever to approve applications which do not meet Local and National Policy even if it hasn't fulfilled its stated aims in the Local Plan*

County Highways – No objection subject to conditions.

Environmental Health – Drainage issues in the local area. Requests conditions to secure details of a foul drainage system and a verification report to confirm its installation.

Landscape Officer – No observations.

Environment Agency – Discharge of domestic sewage will require an Environmental Permit.

County Ecologist – No objection, and recommends conditions requiring submission of a Construction Environmental Management Plan, Landscape and Ecological Management Plan with associated mitigation and enhancement, and a lighting design for bats. No further comments on phosphates given proposed package treatment plan drainage field discharges outside of Ramsar catchment.

### **Representations**

6 received in objection:

- Traffic impact – volumes and width of carriageway
- Will have adverse impact on settled community
- Village has had 'fair share'
- Accessed off narrow potholed lane
- Impact on walkers and cyclists
- Would 'dwarf' the village
- Surface water impacts
- Poor road infrastructure
- Inadequate parking
- No local school
- Rehash of applicant trying to obtain temporary housing for Hinkley
- Not fair on existing residents
- May lead to other fields being purchased for development
- Local school is special school only
- Previous applications not adhered to consents given

### **Most Relevant Policies**

#### National Planning Policies

National Planning Policy Framework

Planning Policy for Traveller Sites

#### Sedgemoor Local Plan (2011-2032)

CO1 Countryside

D2 Promoting high quality and inclusive design

D8 Gypsies, Travellers and Travelling Show People

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D22 Trees and Woodland

D24 Pollution Impacts of Development

D25 Protecting residential amenity

D34 Outdoor Public Recreational Space and New Residential Areas

## **Main Issues**

### Planning history

A recent application for nine pitches for gypsies and travellers was refused permission on the site. The refusal made reference to three reasons for refusal. Two related to ecology – i.e. the absence of surveying, and the failure to address the impacts of phosphate pollution. The first related to layout, and the need to provide space on site for appropriate ecological mitigation, phosphate mitigation alongside other planning requirements.

This report sets out how the applicant has sought to overcome the three previous reasons for refusal. It also addresses the other planning matters previously considered with the earlier scheme (even if they did not constitute a reason for refusal).

### Principle of development

The Government's Planning Policy for Traveller Sites states applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Applications should be assessed in accordance with the presumption in favour of sustainable development. It states local planning authorities should strictly limit new sites in open countryside that is away from existing settlements. It also states that sites in rural areas should respect the scale of and not dominate the nearest settled community and avoid placing undue pressure on local infrastructure.

Policy D8 states until a specific gypsy site allocations development plan document is prepared a criteria based policy will apply to applications coming forward proposing new or extended traveller sites. The criteria states sites should be of appropriate size and proportionate in scale to and avoid dominating the nearest settled community in rural/semi-rural areas. Proposals should take account of the particular and differing needs of different groups of Gypsies and Travellers, should promote and facilitate access to schools and health facilities, should ensure that the development will not result in severe transport impacts including providing appropriately safe access, should provide sufficient space within the site for parking and manoeuvring of vehicles, should provide opportunities where appropriate for travellers to live and work from the same location where this can be sensitively designed to mitigate potential impacts on the site surroundings or other residential uses near to the site; and ensure the site is suitable in flood risk terms for the proposed use.

## Assessment

Policy D8 sets the policy context for applications for additional gypsy and traveller pitches. In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update currently provides the most up to date information in respect of local need. In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update advises that 69 pitches are needed up to 2032. Whilst the GTAA update technically covered the period from 2010-2032 (rather from 2011), for simplicity it was considered appropriate to apply the full pitch requirement over this time to the Local Plan 2011-2032 period. This approach was agreed at the Local Plan examination.

At the time of examination of the Local Plan, 24 pitches had been delivered against the requirement, leaving a residual pitch requirement of 45. This is the 45 pitches referred to in Policy D8. This was up to the 2015/2016 monitoring period at the time. Since that time our monitoring confirms consents for an additional 19 pitches have been granted. Therefore, this leaves a current residual need of 26 pitches up to the end of the plan period.

National and local policy also states that whether a Council can demonstrate a '5 year supply' of deliverable traveller sites is a material planning consideration that should be taken into account when determining applications. As Sedgemoor cannot currently demonstrate a 5 year supply of sites, this is another factor to be weighed in consideration of the application.

The proposal adjoins other consent traveller sites on the west side of the village of Cossington. The application site is currently undeveloped but adjoins a large site to the west (The Poove), another immediately to the south, and others to the north between the site and the public highway; the site immediately to the north is currently under construction. Consideration needs to be given to the size of the site and whether it is proportionate in scale such that it does not dominate the nearest settled community. This is a requirement of Local Plan policy D8 as well as being set out in the national Planning Policy for Traveller Sites (PPTS). It is also underpins the objection of Cossington Parish Council, that the proposal, when considered alongside the adjoining traveller sites has grown to a point where it dominates the neighbouring village of Cossington.

There are different ways in which the issue of over-dominance can be considered. PPTS discusses it in terms of the pressure placed on local infrastructure. Appeal inspectors have considered comparisons of the population of settled community examined against the population of the traveller community. Visual impact is another metric, whereby the scale of sites could visually dominate the size of the settled community.

In terms of infrastructure impacts the County Education authority has previously indicated that this and other nearby proposals could lead to some pressure on Woolavington Primary and Crispin

Secondary schools. However, they state it would be normal practice to request Community Infrastructure Levy (CIL) funds to facilitate improvements/expansions to schools should these be deemed necessary, rather than generate a reason for refusal on capacity grounds.

In terms of impacts on highways infrastructure the proposal is making use of an existing access into the site. The view of the highways authority was that provided a condition was imposed to secure improvements to the visibility splay at the access, then they would not raise an objection to the proposal. Such a condition would be imposed on the permission. On that basis, there would be no unacceptable impact on highways infrastructure.

Inspectors have sometimes examined the population of the settled vs traveller community as one means to understand the issue of over-dominance, however population statistics at this small scale are not always readily available and can be difficult to use to make direct comparisons. Furthermore, estimating the traveller population is also difficult as reliable evidence on the number of residents is not available.

Visual impact is instead another means to assess the scale of a proposal in context of the size of the adjoining settlement. The site is set to the rear (south) of existing sites which adjoin the public highway. It is likely that there would be very little discernible change when viewed from the highway given the distance the site is located from the point of access and intervening built form. To some extent the site may be visible from the adjoining playing fields located immediately to the east. It would mean the north west boundary of the playing fields adjoined traveller sites along its entire length, as opposed to its partial length as current is the case. However, there is consistent planting and screening along this boundary, combined with some hard landscaping on the traveller site side that much of the visual impact of the built form is filtered out. Over-dominating visual effects would not be considered to arise as a result.

There is a need for pitches in the district, and the proposal would not be considered to place undue pressure on infrastructure or have over-dominating visual effects in relation to the existing community.

The previous permission was not refused on grounds of over-domination. It is not considered that local policies have changed or new material considerations arose that would justify a reason for refusal on this basis.

#### Ecological issues including phosphates

The county ecologist objected to the previous application on the grounds of the absence of ecological surveying. It was noted that a north-south hedgerow running within the eastern part of the site would be lost.



The revised application has now been submitted with an ecology survey. The survey notes the site is currently an isolate grassland within a mixed landscape of caravan sites, amenity grassland, hardstanding and arable farming. It is however linked linear woodland features and hedgerows.

The county ecologist has reviewed the survey and has provided comments. They are no longer objecting to the proposals and are recommending a number of conditions. These conditions seek to mitigate the impact of construction works on protected species through submission of a Construction Environmental Management Plan and require submission of lighting details to minimise impacts on bats. They also require submission of a landscape planting and ecological management plan, to include provisions for additional planting along the eastern boundary of the site, alongside installation of other ecological enhancements. Subject to the imposition of conditions to control these aspects they raise no further concerns. As such it is considered that the previous ecological reason for refusal has been overcome.

The previous scheme was refused on the basis of an absence of any required phosphates mitigation. The site straddles the boundary of the Somerset Levels and Moors Ramsar catchment, such that the western part of the site is outside the catchment, but the eastern within. In response to this the applicant has amended their scheme to remove the proposed pitches that were in the part inside the catchment. They have reduced the number of pitches sought to four to enable them to be positioned in parts of the plot that will not avoid phosphates impacts. They have also provided plans showing the proposed drainage location for the package treatment plant to service the mobile homes.

The county ecologist has reviewed the submitted details and confirmed that given it drains outside of the catchment of the Ramsar site, they no longer have any concerns. A condition is proposed to control the installation of the package treatment plant. Subject to its imposition, it is not considered that there is any basis to object to the proposal on grounds of phosphates impact.

### Other Matters

The development would be served by a vehicular access which connects to Cossington Lane, to the north of the site. This is an existing access which serves a number of consented sites for travellers located along its length. It emerges on to a straight section of road, which is unclassified and subject to the national speed limit.

The highway authority commented in detail upon the application having made a site visit. They made recommendations about the cutting back of vegetation at the point of access in order to improve visibility to the west. To the east they state the visibility is adequate with a well maintained verge behind a ditch. They also note that there is sufficient space on site for parking and turning. Overall, they raise no objection to the proposal but request the imposition of a

condition to ensure visibility at the access is maintained. Given the absence of any objection from the highway authority the proposal would therefore be considered acceptable on highways grounds.

Finally, the application provides accommodation for gypsies and travellers, a group that has protected characteristics that fall under the Council's duty to be considered as part of the Public Sector Equality Duty. The application, if granted, would provide additional pitches for the needs of this group. The need to provide such pitches has to be considered in the planning balance, taking account of planning policy and material considerations.

### Summary and planning balance

The proposal provides for four pitches for gypsies and travellers. It is located between existing consented sites for travellers and as such it is not considered to give rise to any visual harm. The scale of the proposal is not such that would be considered to amount to over-domination of the settled community.

It is considered that the three reasons for refusal on the previous scheme have been overcome through the submission of updated information and changes to the quantum of development sought and layout proposed. Subject to conditions, the development is now considered acceptable.

## **RECOMMENDATION**

### **GRANT PERMISSION**

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of biodiversity, species and habitat protection zones.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to habitats and species.
  - d) Risk avoidance measures to protect habitat features from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows, and other sensitive habitats.
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - i) Use of protective fences, exclusion barriers and warning signs.
  - j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
  - k) Any additional species licences that are required must be disclosed and the granted licence(s) attached.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition in the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

4 With the exception of any groundworks, prior to the commencement of any other development the following shall be submitted to and approved in writing by the Local Planning Authority:

- A Landscape Planting and Ecological Monitoring Scheme which shall include new a detailed scaled drawing which identifies the proposed green infrastructure (inclusive of new tree and hedgerow planting on the site's eastern boundary) and include full a plant schedule and planting specification. The planting schedule shall detail the proposed species, quantities, stock sizes, planting densities and spacings. The scheme shall include the details of its ongoing management and maintenance arrangements.
- A scheme of biodiversity enhancements, inclusive of a minimum of 2x bird boxes to be erected within the site on a building or mature tree. The enhancements shall be installed prior to the first use of the site hereby approved and shall thereafter be retained.

Reason: This is a pre-commencement condition to ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, and to ensure biodiversity is maintained and enhanced into the future in accordance with policies D19 and D20 Sedgemoor Local Plan 2011-203.

5 There shall be no obstruction to visibility (within the area of the red line as indicated on the submitted and approved Location Plan Drg No. 01) greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 65 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 6 Prior to the first siting of any caravan on the development site, a lighting design for bats and other biodiversity, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats, and no more than 0.5 lux on features and habitats potentially used by other bat species. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 7 The site shall be served by a package treatment plant (PTP) installed in accordance with the details on the submitted and approved Revised Site Layout Plan (submitted 19<sup>th</sup> April 2023). All foul water from the development hereby approved shall discharge via the approved PTP. No other means of disposal of foul water shall be permitted.

Reason: To ensure that the proposal does not negatively impact upon the Somerset Levels and Moors Ramsar site (due to an increase in nutrient loads (phosphorous) from foul waste) in accordance with Sedgemoor Local Plan 2011-2032 Policy D20.

- 8 The development hereby approved shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1 to Planning policy for traveller sites (August 2015) or any such definition arising from amendments to that document or relevant case law.

Reason: In accordance with national and local policy on the provision of sites for gypsies and travellers.

- 9 The approved four pitches shall each comprise no more than 1 touring caravan and 2 mobile homes at any one time. Occupation and use of each pitch shall be limited solely to one household.

Reason: For the avoidance of doubt as to the extent of the permission and to ensure an acceptable level of amenity is provided per household.

### **Schedule A**

Location Plan Drg No. 01

Revised Site Layout Plan Drg No. 02 (submitted 19th April 2023)

### **DECISION**

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