

## Development Management Report

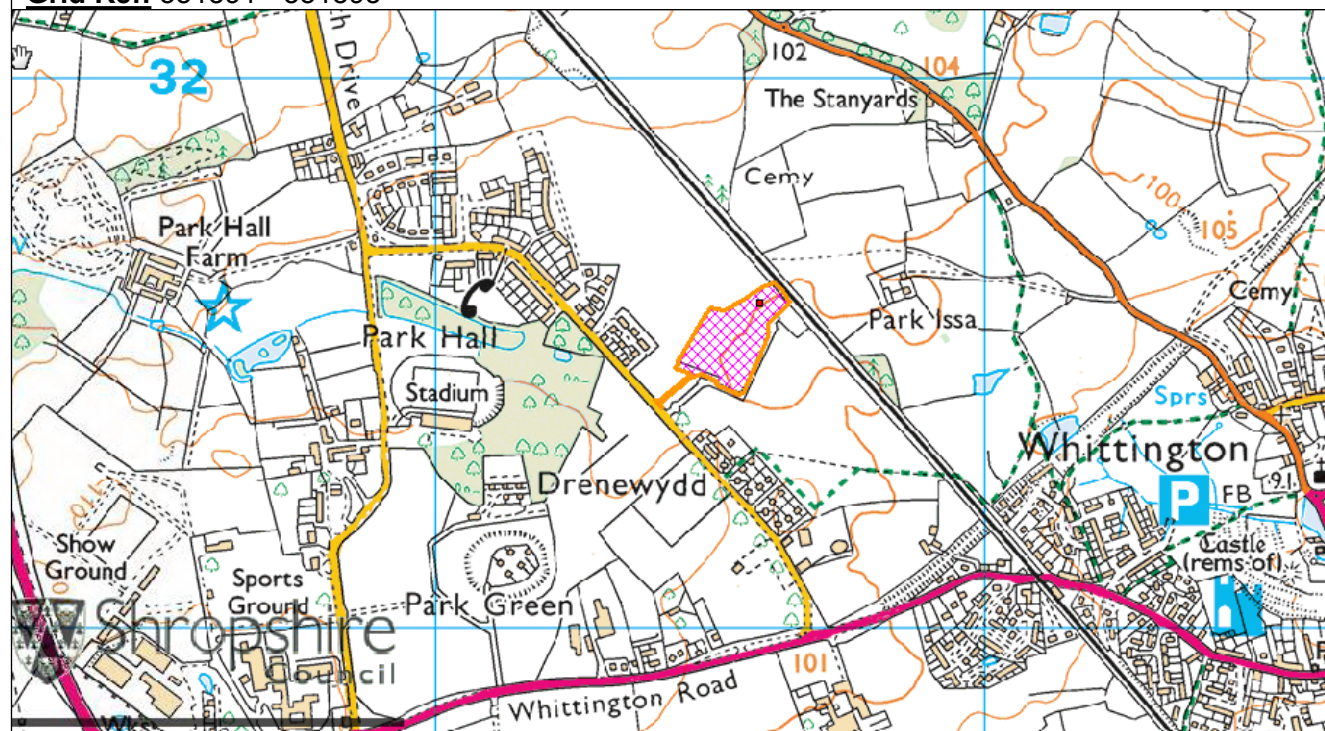
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 16/05810/FUL	<b><u>Parish:</u></b>	Whittington
<b><u>Proposal:</u></b> Change of Use of Land for the Provision of up to 3 Gypsy Traveller Pitches OR up to 3 Travelling Showpeople Plots (to include construction of new vehicular and pedestrian access and bunding, and a maximum of 1 double amenity block with associated landscaping).		
<b><u>Site Address:</u></b> Proposed Development Land To The East Of Drenwydd Park Hall Shropshire		
<b><u>Applicant:</u></b> Shropshire Council		
<b><u>Case Officer:</u></b> Karen Townend	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 331591 - 331593



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 The application seeks consent for a change of use of the land from agricultural use to a site for the provision of up to 3 gypsy traveller pitches or showpeople plots. The application as originally submitted proposed 6 pitches. During the consideration of the application the scheme has been reduced to the provision of up to 3 pitches. The application includes the construction of a new vehicular access, bunding and landscaping around the site for the pitches/ plots and the erection of 1 double amenity block to be finished in brick and tile.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is currently agricultural land of 2.59 hectares which is situated between an existing bunded area, the railway line and sewerage treatment works. Other agricultural land lies immediately around the site which extends from the railway line to the rear of the existing houses on Drenewydd.
- 2.2 Park Hall is a dispersed settlement used as a military camp up to 1975 and located between Oswestry and Whittington, within the Parish of Whittington. The settlement includes two groups of houses, the majority in one group adjacent to the junction of North Drive and Inglis Road and the other smaller group along Drenewydd which is made up of three cul-de-sacs of detached and semi detached two storey dwellings finished in red brick, render and tile. A recent affordable housing scheme has been built on the edge of Park Hall extending that part of the settlement towards the housing on Drenewydd.
- 2.3 In the wider area, also considered part of the Park Hall area, there are several various sized business units, including the Council highway depot; community facilities including football and rugby clubs and The Venue, Park Hall Countryside Experience and Oswestry showground. There is also an existing traveller site southwest of the proposed site, accessed off the A495, which provides 15 pitches on the original site and has recently been extended with a further 10 pitches on land immediately north of the original site.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council comments are contrary to the recommendation of officers. The local members have also requested that the application be determined by committee. The Chair and Vice Chair of the North Planning Committee, in discussion with the Principal Planning Officers, have agreed that the issues raised are material planning considerations and that the matter should be decided by members at committee.

**4.0 COMMUNITY REPRESENTATIONS****4.1 Consultee Comments**

- 4.1.1 **Parish Council** – The site is remote from the existing travellers site which is already established and has the benefit of existing infrastructure and facilities. As such, this is not an extension but a NEW DEVELOPMENT.

The proposed use has no relationship with its surroundings, the applicant has

made little attempt to blend the scheme into the landscape. It looks like it has been 'dropped' in next to a railway line with some simple planting and little thought to design and minimum thought for how it will be managed.

The proposed new access lies next to traffic calming measures. The road is already narrow and causes problems when vehicles try to pass. The turning of caravans, lorries and trailers will cause further disruption and could, potentially, block the road. What thought has been given to the rubbish trucks gaining access to empty bins and delivery vehicles?

The infrastructure costs of providing this new road to serve the site will not only be high but will have a negative impact of the environment. Taxpayers money will be used to deliver a poorly thought scheme with very little benefit coming back into the Parish.

The site should be properly screened from nearby development but this, in itself, would present the opportunity for fly tipping and dumping of burnt out vehicles as seen on the existing site which is more visible. This could cause a problem to the nearby popular and busy railway line. Do we want people commuting to Oswestry and Gobowen to be welcomed by this site and potential eyesore?

There was a significant number of residents at a recent Parish Council meeting who are clearly upset that this new development is even being considered. The Parish Council believe that Whittington Parish has done its bit and totally object that this is even being considered by the Planners.

- 4.1.2 **West Mercia Police Architectural Liaison Officer** – I comment on this proposal as design Out Crime Officer for West Mercia Police.

Having discussed the proposal with the local Police Inspector I have no objections.

- 4.1.3 **Network Rail** – No comments received.

- 4.1.4 **Education** – No comments received.

- 4.1.5 **Public Protection** – Having considered the location I can confirm that I have no objection to the development in principal. There are no contaminated land concerns highlighted for this site and therefore no contaminated land conditions are necessary. A noise assessment has been prepared and submitted in support of this application. It assumes brick built amenity buildings and has considered noise impact from surrounding sources including the railway. I agree with its conclusions and therefore have no objection to the proposed site in respect of noise assuming that caravans are placed a minimum of 30m back from the railway line.

As a result I have no conditions to recommend on this application.

- 4.1.6 **Highways** – The proposal shows the construction of a new vehicular access onto Drenewydd, a short distance northwest of an existing access and private road leading to a pumping Station. The new access is located immediately adjacent to a build-out on Drenewdd which has not been acknowledged as part of the

submitted details. This is not however a substantive issue but clearly if the development were implemented, the build-out would need to be relocated at the applicant's expense. Is satisfied that this matter can be dealt with by condition.

The proposed junction layout appears somewhat excessive in terms of its radii, bellmouth size and width of access road leading to the Traveller site. There may be scope to reduce the overall scale of these works but this will be dependent upon the scale of the development, if reduced from that currently shown. Again this matter can be dealt with by condition.

The applications drawings do not show visibility splays being provided at the proposed access onto Drenwydd but it is apparent that the site frontage can provide the requisite visibility splays commensurate with the speed of traffic and in accordance with Manual for Streets Guidance.

Considers, therefore, that there are no highway grounds to refuse planning consent and recommend the following condition be imposed upon any consent granted:-

- Prior to the commencement of development full engineering details of the access, visibility splays, access road and parking areas together with measures to relocate the existing traffic management build-out on Drenwydd, shall be submitted to and approved in writing by the Local Planning Authority; the scheme shall be carried out fully in accordance with the approved details before the Traveller site is first brought into use/occupied. Reason: In the interests of highway safety.

4.1.7 **Rights of Way** – No comment

4.1.8 **Ecology** – No objection, recommends conditions.

4.1.9 **Drainage** – The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.10 **Archaeology** – No comments to make on this application with respect to archaeological matters.

## 4.2 **Public Comments**

4.2.1 209 comments have been received objecting to the application on the following grounds:

- Already have a traveller site in the area which has recently been extended and is not full/ overcrowded
- Combination of traveller sites would dominate settlement
- Traveller and showpeople groups do not always get on
- On greenbelt land
- Land currently used by community
- Land sold to Council by MOD on the basis it would be used for agriculture for 99 years – development contrary to this agreement
- Other sites available – Smithfield, Oswestry; Maesbury School; St Martins school;
- Council should legitimise site opposite Henlle golf club

- No evidence of need
- No public consultation carried out
- Lack of school places and other amenities
- Too close to the railway line
- Roads too narrow and existing traffic speeding issues
- Access opposite traffic calming bollards and therefore may not be suitable for large vehicles such as site occupants vehicles and bin collection vehicles
- Increase in traffic and footfall
- Loss of property values
- Increased crime and disorder
- Adverse impact on community cohesion
- Impact on farming of adjacent land
- Impact on neighbours amenities from noise
- Impact on future residents of proposed site from noise of trains
- Affect on wildlife

4.2.2 A petition of 190 signatures has also been received objecting on the following points:

- Site is outside settlement, therefore countryside
- Impact on openness and green wedge
- Increase in traffic on already highly trafficked road
- Increase in debris and rubbish
- Impact on privacy of residents
- Decrease in property value
- Whittington already accommodates traveller site
- No consideration of other sites/ brownfield sites
- Not sustainable location
- No public consultation
- Impact on character of area
- Should await results of Gypsy and Traveller Accommodation Assessment

## **5.0 THE MAIN ISSUES**

- Policy & principle of development
- Need and status of applicants
- Suitability of proposed site
- Layout of site, scale and design of buildings
- Impact on local area and neighbours amenities
- Access and highway issues
- Trees and ecology
- Drainage
- Other matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

6.1.1 This application is to establish a new site for either up to 3 gypsy traveller pitches or up to 3 travelling showpeople plots. As noted above the scheme has changed since the original submission to reduce the number of pitches/ plots and also to clarify that the site will only be used for one or the other and not both uses. The

proposal is to accommodate existing families who are currently living on sites which only have temporary planning permission in the North Shropshire Area.

- 6.1.2 Gypsy travellers are defined in the Planning Policy for Traveller Sites (PPTS) (2015) as being:  
*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their 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 show people or circus people travelling together as such.”*
- 6.1.3 Travelling Showpeople are defined in the Planning Policy for Traveller Sites (PPTS) (2015) as being:  
*“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel, temporarily”.*
- 6.1.4 The PPTS also defines the difference between “pitch”, which means a pitch on a “gypsy and traveller” site and “plot”, which means a pitch on a “travelling showpeople” site (also called a “yard”). For ease of reference this report from this point on will refer to the proposal as being for up to 3 pitches but with the understanding that it would be up to 3 plots if the site is used by the travelling showpeople community.
- 6.1.5 The development of such sites, by their very nature, is often contentious. However, local planning authorities are obliged to ensure that the accommodation needs of gypsies and travelling showpeople is assessed and addressed through a plan-led process and local authorities are also obliged to react to other immediate requirements which may not be able to be planned through the plan led process.
- 6.1.6 Within the supporting statement submitted with the application it advises that the current application is proposed as part of the ongoing management of gypsy and traveller sites. Furthermore, as noted above the proposal is intended to provide a permanent site for existing families currently residing on sites within the north west Shropshire area which only benefit from temporary planning permission. As such the current proposal is reacting to a current identified need to re-site some of these existing families. The revised proposal is for up to 3 pitches, the end layout and number of pitches will depend on which family takes on the site. It is not intended to use the site as a transit site and, as confirmed above, it is not intended to allow the site to be occupied by gypsies and travelling showpeople at the same time.
- 6.1.5 National policy for this form of development is within the PPTS which was amended in August 2015. The PPTS advises that it should be read in conjunction with the National Planning Policy Framework (NPPF). Both the NPPF and the PPTS reiterate the requirement that planning decisions must be taken in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this instance the Shropshire Core Strategy which has a specific policy Gypsies and Traveller Provision (Policy CS12). Policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and

Development Principles) and CS9 (Infrastructure Provision) are also material to the decision along with the Supplementary Planning Document on Type and Affordability of Housing (SPD).

- 6.1.6 The PPTS and NPPF are also supplemented by additional key evidence and supplementary policies namely;
- Regional Gypsy and Traveller Accommodation Assessment 2014 (updated January 2015); and
  - Designing Gypsy and Traveller Sites. National Good Practice Guide (2008)
- 6.1.7 Policy CS12 of the Core Strategy is the key local policy for consideration of the accommodation needs of gypsies and travellers. This policy advises that the accommodation needs will be addressed by:
- Allocating sites to meet identified needs
  - Supporting suitable development proposals for sites close to Shrewsbury, the market towns, key centres, community hubs and clusters
  - Supporting small exception sites (up to 5 pitches) where a strong local connection is demonstrated
  - Identifying a site for Travelling Showpeople in North-West Shropshire
  - Ensuring all sites are accessible to services and facilities, incorporate suitable design and screening, have suitable access and manoeuvring areas and make provision of business and recreation within the sites.
- 6.1.8 The current proposal is for a site close to the development boundary of the settlement of Park Hall which is part of a community cluster with Hindford, Babbinswood and Lower Frankton in the recently adopted SAMDev and also close to the boundary of Whittington which is a community hub in the SAMDev. The site is not being considered as a small exception site (third bullet point) but as a site close to the community cluster (second bullet point) or a site for Travelling Showpeople (fourth bullet point). As such it is officers advice that the principle of the change of use for gypsy or travelling showpeople is in line with the adopted development plan.
- 6.1.9 The key issues when assessing applications for new sites is also set out in the PPTS as follows:
- The existing level of local provision and need for sites
  - The availability (or lack) of alternative accommodation for the applicants
  - Other personal circumstances of the applicant
  - That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/ plots should be used to assess applications that may come forward on unallocated sites, eg:
    - Is the site in a suitable and sustainable location?
    - Is the site reasonably accessible to services and facilities?
    - Is suitable access provided?
    - Is the site well planned or landscaped in such a way as to positively enhance the environment and increase its openness
- It is consideration of these issues which forms the basis of this report.

## 6.2 **Need and status of applicants**

- 6.2.1 In a Shropshire context accommodation needs for gypsies and travellers and

Travelling Showpeople have been identified in the sub-regional Gypsy and Traveller Accommodation Assessment and updated in the 2014 Shropshire Gypsy and Traveller Accommodation Assessment (GTAA). Through the Core Strategy Shropshire aims to facilitate the provision of 79 gypsy pitches, one transit site and a site for Travelling Showpeople. The most recent published GTAA (2014) has demonstrated that there is a shortfall of 19 gypsy pitches over the period 2014/15 to 2018/19 (excluding turnover) and sufficient capacity if turnover is considered. However, the GTAA notes that the Council is seeking to deliver a minimum of 5 additional pitches and a transit site of around 5 pitches. The GTAA also confirms the need to provide a permanent site for Travelling Showpeople.

- 6.2.2 The GTAA has been undertaken to inform planning applications and local plan preparation. The work carried out includes an assessment of pitch and plot requirements by utilising information on current supply and the results of interviews with gypsy and travelling showpeople families. The GTAA considers the number of existing households, the number of authorised pitches, households planning to move, the turnover of pitches and emerging housing in establishing the need for future pitches. This document is therefore useful in understanding need.
- 6.2.3 To date the Council has not identified any alternative sites for the existing families currently living on temporary sites in the north west of Shropshire. This is a locational specific need. These families have existing connections to the area and it would meet the needs of these families to provide them with sites in other parts of the County. It is therefore considered that there is an identified need for sites to accommodate these families in the north west of Shropshire. The proposal as now amended will provide for one group and as such it is accepted that further sites may still need to be found at a later date. However, the current proposal could accommodate one of the existing gypsy families or the travelling showpeople living in the North of Shropshire on a site with temporary planning permission.
- 6.2.4 Objectors have questioned why the gypsies in need of accommodation cannot be provided for within the recently extended existing site at Park Hall. Case law has established that, for Gypsy and Traveller applications, the balance between rights of the individual and the rights of others has to take into account the difficulties faced by this recognised ethnic group in finding any suitable sites on which to live, that respects their culture. This legal situation means that the identified need for gypsy and traveller sites is a material consideration which must be given significant weight by the Council in reaching any decision.
- 6.2.5 The personal circumstances of gypsy and showpeople families currently living on sites with temporary consent is sufficient justification to provide an additional site. The Council operate the existing Park Hall site and are aware of the potential families which may occupy the current application site. Furthermore, it would be unreasonable of the Council to require a gypsy family to live on a site that does not meet the locational needs of the family having regard to their children's education etc. and other family links to an area. As with the settled community members of the gypsy community have a choice and have human rights which need to be respected. Officers advise that it is the personal circumstances of the families that means they cannot be accommodated on the existing Park Hall site.

6.2.6 The concerns raised about anti-social behaviour need to be considered with great care as there is no reason to assume that gypsy families create any more anti-social behaviour issues than the settled community. The comments from the local police Inspector are noted at 4.1.2 above and no objections are raised.

6.2.7 The concerns of the Parish Council and the local residents are noted, however, there is no requirement for the applicant to prove a local connection under the PPTS or the NPPF and both of these documents supersede the Core Strategy. As noted above the current application is being proposed under the second bullet point or fourth bullet point of policy CS12. It is considered by officers to be compliant with the principle of the second bullet point of this policy in that it is close to settlements with services and facilities. The site is considered to be in close proximity to both Park Hall and Whittington which are being promoted as a community hub and a community cluster. Alternatively, as a site for showpeople the proposal would be compliant with the principle of the fourth bullet point. As such policy CS12 is supportive of the principle of the proposal in either form.

### 6.3 **Suitability of proposed site**

6.3.1 The application site is outside the development boundary for both Park Hall and Whittington as identified in the SAMDev and as such, for planning purposes the site is considered to be countryside. However, policy CS12 of the Core Strategy supports development for gypsy and showpeople sites where they are close to community hubs (such as Whittington) or community clusters (such as Park Hall). Accordingly there is policy presumption in favour of developments outside development boundaries for the proposed use. The site is between the two identified settlements and within a short drive of both. Whittington provides a good range of services and facilities and access to other facilities is available in Oswestry which is approximately 3 miles away. It is considered by officers that the development of this site for the proposed use would be appropriate and would enable integration with the community.

6.3.2 Both settlements are considered to be sustainable locations suitable for open market housing as both have housing allocations and settlement guidelines for new housing. As such both settlements are considered to be sustainable and the site is not significantly detached from either settlement and as such it is officers opinion that the site is in a sustainable location.

6.3.3 Furthermore, it is considered that the development of this site as proposed would meet the sustainable criteria in paragraph 11 of the PPTS. The site provides the opportunity to promote integrated co-existence between the occupants and the community; provides the occupants with a settled base to access health services and schools and reduce the need for long distance travel. In this case the families are also already resident in the area and therefore already accessing these services and facilities. The proposal would firstly not add pressure to existing services and facilities and secondly would allow the families an element of consistency. The issues of impact on the amenities of existing and future residents are considered later in the report, however there is no issue of flooding at this site, the scale of the development proposed would not place undue pressure on the local infrastructure and services.

**6.4 Layout of site, scale and design of buildings**

- 6.4.1 Policy CS12 also requires all developments to incorporate suitable design and screening and have suitable access and areas for manoeuvring and parking. Policy CS6 seeks to ensure that development is designed to a high quality respecting and enhancing the local distinctiveness.
- 6.4.2 The proposed layout plan shows a new vehicular access driveway off Drenewydd following a similar line to the existing access to the sewerage pumping station. At the end of the new driveway the proposal is for a tarmac hardstanding area providing 3 pitches with one amenity building in between the pitches. The amenity building is approximately 6.7m by 7.3m, single storey, with a low pitched roof. Internally the building will provide an open plan kitchen/ day room and a bathroom. It is proposed to construct it out of brick and clay tile. The provision of amenity buildings on gypsy and traveller pitches is accepted as there are known hazards and welfare issues with cooking and bathing in a caravan on a regular basis. The principle of the proposed single building is not unacceptable and the scale and design of the proposed structure is considered to be appropriate for the use and the site.
- 6.4.3 Policy CS12 requires all gypsy and traveller developments to incorporate suitable design and screening and the PPTS requires sites to be well planned in such a way as to positively enhance the environment by not enclosing a site with hard landscaping or high fences. It is acknowledged that the 3 pitches will be hard standing, however the plan shows the existing bund on the western edge, a new bund on the northern and eastern edges and new landscaping on the southern edge. The details of the size of the bund and the amount and type of landscaping can be dealt with through an appropriately worded condition. The scheme would need to ensure that the visibility of the caravans is minimised but it is not necessary to attempt to completely hide them from view. Officers accept that the site is currently highly visible from the nearby properties, as will be considered below, and as such there is a need for additional bunding and landscaping to reduce this impact. The addition of the new bund and landscaping will ensure that the site is designed in accordance with the good practice guide on designing gypsy and traveller sites and will help to soften the development.
- 6.4.4 Officers also acknowledge that the site is within existing fields and in an area identified in the development plan as open countryside. However, the principle of gypsy and traveller sites in rural locations is accepted, as detailed in section 6.2 above. Officers consider that the development of the site for 3 pitches would be read as part of the settlement of Park Hall and not as a visually intrusive or isolated development in the countryside. It also lies adjacent to an established railway line and water treatment pumping station. It will result in a change of appearance of the site and any future lighting may also result in a greater impact. However, officers do not consider that this impact is of significant harm to outweigh the benefits of providing 3 additional pitches towards the identified need in the County and specifically the benefits of providing settled pitches for families currently living on sites with only temporary planning permission.

**6.5 Impact on local area and neighbours amenities**

- 6.5.1 Paragraphs 12 and 23 of the PPTS states that when considering the suitability of a site in a rural area regard should be had to the scale of the nearest settled

community. The nearest community is Park Hall which, as noted above, is being promoted as part of a Community Cluster, the fourth tier in the settlement hierarchy below Shrewsbury, the Market Towns and Community Hubs. It is acknowledged that it is a small settlement with limited, to no, services and facilities. However, it is an identified settlement with existing housing and allocations and consent for new housing. The proposals for 3 pitches would not therefore dominate the settlement.

6.5.2 Concerns have been raised about the cumulative impact of this proposal with the existing gypsy site. The original Park Hall site provides 13 pitches, the extension to Park Hall provided a further 10 pitches and this application is for 3 pitches. Therefore, if this application is granted there will be 26 pitches. The area does not have a higher proportion of gypsy pitches than other parts of the County as is assumed by some objectors, there are other Parishes across Shropshire that also have similar numbers of pitches. In considering whether cumulatively the overall pitch provision would dominate the settlement members need to consider the scale of the existing settlement. There are currently 33 houses in the group of houses on Drenewydd to the south of the application site. These houses are detached from the main body of Park Hall which is larger and also has an allocated housing site for 20 further dwellings. The existing settlement is significantly bigger than the combination of Park Hall and the proposed pitches and as such it is officer's opinion that it would be difficult to argue that the proposal would result in pitch provision dominating the settlement.

6.5.3 The Parish Council and residents have raised concerns about the impact on recreational use of the land and the impact on the amenities of existing residents from noise, air pollution, loss of privacy and light pollution. The land is not designated recreational and does not have any rights of way passing through it. The existing use by dog walkers and others has been at the discretion of the land owner and the tenant farmer and there is no protection over retaining this use.

6.5.4 The nearest neighbouring properties are the houses on Drenewydd which are approximately 150m away from the edge of the hard standing proposed as the new pitches. The distance will ensure that there is no loss of privacy and will also reduce the potential for light pollution providing the lighting is provided appropriately to not spill beyond the site. The noise and air pollution from the site would not be any greater than if the site were in a residential use and as such would not be any greater than the noise and air pollution from the existing residential properties.

## 6.6 **Access and highway issues**

6.6.1 As noted above the application proposes a single vehicular access off the existing public highway, Drenewydd, serving a driveway which leads to the area for the proposed gypsy pitches. Local concerns have been raised about the safety of the proposed access point, the proximity of the access to existing traffic calming measures, speed of traffic on this section of road and the increase in traffic which could result from the proposed development.

6.6.2 The Council Highway Officer's comments are provided in full under section 4.1.6 above. Within the comments the Highway Officer has noted the proximity of the access to the traffic calming build-out but has also confirmed that this is not an

issue and that the build-out could be relocated. The Highway Officer has also commented on the detail of the access proposal and advised that the size of the access could be reduced and that visibility will need to be shown. These issues, as noted by the Highway Officer, can be dealt with by condition and the Highway Officer is at no point stating that there is not a solution to the access junction design.

- 6.6.3 Although there is no control over traffic movements it is unlikely that the larger static caravans would be moved from the site once they have been sited unless either ownership changes or a new caravan is purchased. The majority of traffic movements would be with cars or 3.5T (or less) vehicles as could be associated with any domestic dwelling. The touring caravans are likely to move when the occupants travel but this could also be expected at an open market property with a caravan.
- 6.6.4 It is acknowledged that if the site is occupied by the travelling showpeople that there is a potential for large show vehicles to need to be on site. Officers experience of applications for travelling showpeople plots is that the vehicles are out at fairs and shows for most of the year, as this is the source of income for the family, there may be occasions when vehicles are brought back but it is not likely to be frequent or for there to be many vehicles at any one time. The site could not accommodate a significant number of fair vehicles.
- 6.6.5 In conclusion, although the concerns of the local community are noted, the technical issues can be overcome by amending the design of the access and relocating the build-out on the road and the level of traffic which would be associated with up to 3 pitches could not be considered to have a severe impact on highway capacity or safety to justify refusal. As such the proposal is considered, in principle, to be acceptable in highway terms.
- 6.7 **Trees and ecology**
- 6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The site is currently agricultural land and open to the adjacent fields. An ecological survey has been undertaken and submitted with the application and considered by the Council's Ecologist.
- 6.7.2 The submitted ecology report considers the potential impact on great crested newts, birds, bats and badgers and details the habitats on site as being improved grassland with small areas of bare ground and a single small area of scrub. No existing trees or hedges are present within the application site. The report advises that there are no suitable breeding habitats for GCN within 250m of the site and no records within 500m. No signs of birds nesting in the area of scrub and no features present for bats or badger activity. The report considers that although there are species recorded in the local area none of these are considered likely to rely on the application site for their continued presence and abundance in the locality.
- 6.7.3 In conclusion the report considers that the potential ecological impact is minimal. Construction monitoring is recommended as too are the provision of nest boxes to

enhance opportunities for nesting birds. The Council Ecologist has raised no objection to the proposed development recommending conditions to provide ecological enhancements and to manage the timing of development to outside nesting season.

- 6.7.4 As noted above there are no trees or hedges within the site or on the boundaries of the site and as such the development will not have a detrimental impact on existing trees or hedges. New planting is proposed and a suitably worded condition can be imposed to ensure that the planting is of native species and appropriate for the landscape. Given the minimal ecological and tree impact the development can be considered to be compliant with policy CS17.

## 6.8 **Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application form advises that the foul drainage from the development is proposed to be disposed of to the existing mains drainage system in the area and surface water disposed via soakaways.

- 6.8.2 The supporting statement submitted with the application details that there is an existing combined sewer which runs through the site which will provide connection to the mains drainage subject to the necessary agreements with Severn Trent Water. Percolation tests will also be required to ensure that the surface water drainage system is designed appropriately and provided with sufficient length of outfall. The Council Drainage Engineer has confirmed that this could also be dealt with by condition and would also need to include details of how the surface water will be accommodated and the finished floor levels to ensure that they are above the known flood levels of the surface water flooding.

- 6.8.3 Subject to the details required by condition the development of the site can be undertaken in accordance with the requirements of CS18.

## 6.9 **Other matters**

- 6.9.1 The supporting statement notes that the site was formally used as part of an army camp during the first and second world wars and that the land was reclaimed and the buildings demolished in the 1970's and as such the site is not considered to have any specific archaeological interest.
- 6.9.2 Local objectors have commented that the sale of the site from the MOD to the Council was on the basis that the land was used for agricultural uses for 99 years. This may be the case but would not be a planning matter. If the Council are not able to use the site for the proposed use due to clauses of purchase this is a separate matter. The planning merits of the proposal are considered separate to any land ownership and legal rights.

## 7.0 **CONCLUSION**

- 7.1 The application site is considered to comply with the requirements of policy CS12 of the Shropshire Core Strategy as the site is close to the proposed Community Cluster of Park Hall and as such is close to a sustainable settlement. The scale and design of the development, as amended, is considered to be acceptable and

although it would result in some harm to the character and appearance of the area this harm is not considered to be significant. The proposed use of this site would not result in harm to the amenities of nearby residents given the distance of existing properties from the site and the proposed landscaping and bund.

7.2 The specific need to accommodate families which are currently residing on sites with temporary consent in the north west of Shropshire also needs to be given weight and previous appeal decisions have given this matter significant weight and deemed that this need outweighed the harm.

7.3 As such it is officer's opinion that the proposal for the change of use of the site from agricultural use to the provision of up to 3 gypsy pitches or up to 3 travelling showpeople plots, and the associated infrastructure works of the new access, driveway and amenity building is acceptable and complies with CS12 of the Shropshire Core Strategy, the NPPF and the Planning Policy for Traveller Sites.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

**8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

**9.0 FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

**10. BACKGROUND**Relevant Planning Policies

National Planning Policy Framework

Planning Policy for Traveller Sites

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS12 - Gypsies and Traveller Provision

CS9 - Infrastructure Contributions

Relevant planning history:

No relevant history

**11. ADDITIONAL INFORMATION**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Steve Charmley
Appendices APPENDIX 1 - Conditions

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved amended plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. 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.

Reason: To control the occupation of the site in accordance with adopted policy.

4. No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: In the interests of visual amenities.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

5. Prior to the commencement of development full engineering details of the access, visibility splays, access road and parking areas together with measures to relocate the existing traffic management build-out on Drenewydd, shall be submitted to and approved in writing by the Local Planning Authority; the scheme shall be carried out fully in accordance with the approved details before the Traveller site is first brought into use/occupied.

Reason: In the interests of highway safety.

6. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of bunding and landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Details of the height, width, length and materials of bunding of the site

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

7. At the same time as the landscaping scheme required by the above condition is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting commencing at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule. The existing hedges around the site shall be retained at the agreed minimum height for the lifetime of the development.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

9. No external lighting shall be installed on the site unless details of the position, height and type of lights have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved scheme and no other lighting shall be installed or operated.

Reason: To ensure the amenity and character of the area is protected.

10. A total of 5 woodcrete artificial nests suitable for small birds such as sparrow shall be erected on the site prior to the first occupation of the site and retained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds.