

Development Management Report

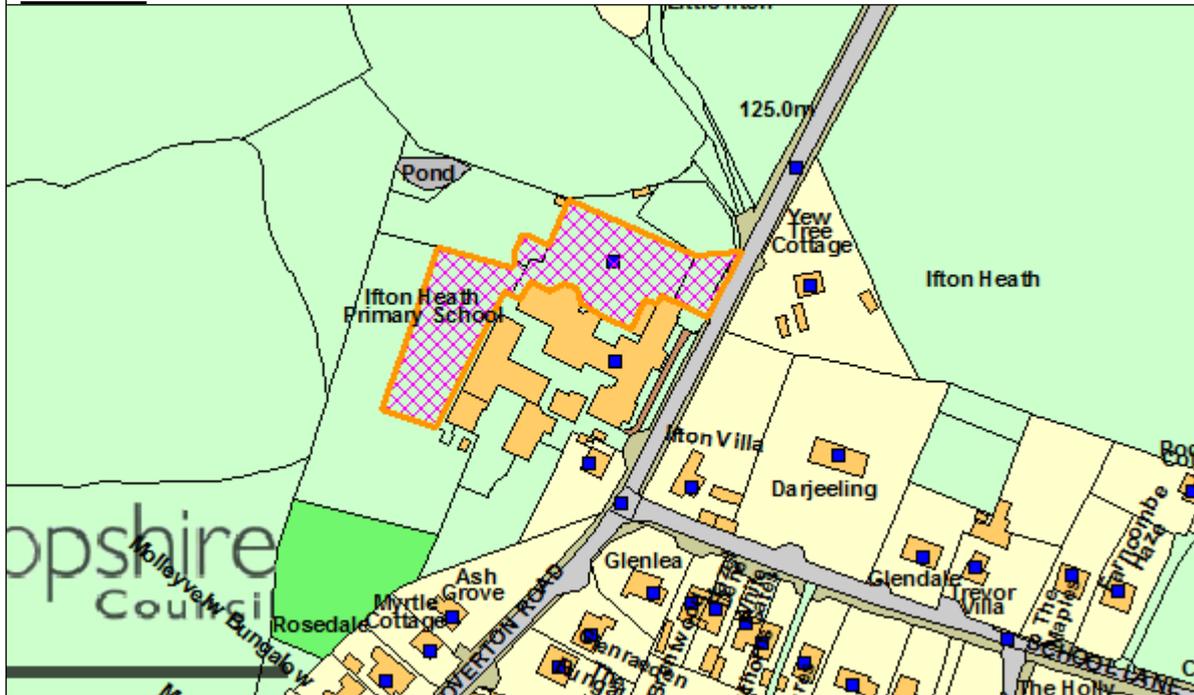
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/01959/VAR	Parish: St Martins
Proposal: Variation of Condition No.1 attached to permission 17/01284/VAR to allow for the family to remain on site for a further temporary period of twelve months	
Site Address: Ifton Heath Former Primary School Overton Road Ifton Heath St Martins Oswestry	
Applicant: Shropshire Council	
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk

Grid Ref: 332617 - 337165



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks consent for variation of condition 1 of planning permission 17/01959/VAR, this is the latest in a series of variations to the original planning numbered 15/00537/FUL. The original condition 1 restricted the use of the site by Travelling Show people for siting of caravans for a period of 12 months. The first variation permission numbered 16/02096/VAR provided a further 9 months for the site's occupation, the second then requested an additional 12 months under application numbered 17/01284/VAR. This current application now seeks consent to extend the time period again for a further 12 months.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site consists of the hard surfaced play area and grassed field to the north and west of the school buildings at Ifton Heath Primary school which is no longer used and has been out of use since the closure of the school. The caravans and associated vehicles have been sited on the hard standing since 2015. No structures or additional hard surfacing is proposed.

2.2 Ifton Heath school lies on the northern edge of the village of St Martins with existing housing to the east and south, a business to the north and agricultural land to the west and beyond the housing and business to the north and east. The school is made up of a variety of buildings with the roadside building being single storey, brick and tile with multi-pitched roofs. The hard surfaced play area is to the north of this building and is enclosed with green mesh fencing.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The minutes of the North Planning Committee meeting dated 12th May 2015 required any application for extension to the temporary period being considered at that time to be determined by the North Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 **St Martins Parish Council** – Although St Martins Parish council supported this application they had concerns that Shropshire Council who have a legal position to house this family seem to be doing little to look for an alternative site for this family.

Police- no objections

4.2 Public Comments

4.2.1 No representations received at time of writing report.

5.0 THE MAIN ISSUES

- ☐ Policy & principle of development
- ☐ Suitability of proposed site
- ☐ Layout of site
- ☐ Impact on local area and neighbours amenities
- ☐ Access and highway issues
- ☐ Drainage
- ☐ Other matters

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 This application is to extend the use of a temporary site for a single family of travelling show people for a period of up to 12 months, which is in addition to the three previously approved consents which total 33 months. Travelling show people are defined in the Planning Policy for Traveller Sites (PPTS) (2012) as being:

“Members of a group organised for the purpose 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 family’s or dependant’s more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently but excludes Gypsies and Travellers” (as these are defined separately).

6.1.2 The principle of the use has been accepted by the granting of the original 12 months consent and the subsequent extensions to further increase the time period. The key issue is therefore whether a further 12 month occupation would be unacceptable.

6.1.3 The status of the Stokes family as travelling show people was also accepted as part of the previous consents. The current application is for the same occupiers Mr Stokes and his family which consist of his wife, brother and two sons and their families. The accommodation requirements are therefore 5 caravans and therefore the 4 plots proposed for travelling show people within the North West of Shropshire within policy CS12. It is considered that there is an identified need for the site for Mr Stokes and his family and that no further evidence is required of need. Furthermore, no questions have been raised about the status of Mr Stokes and his family as travelling show people who prior to moving to their current site had been living on the land adjacent to the Smithfield Livestock Market in Oswestry for a number of years but had to relocate due to approval for re-development of that site.

6.1.4 Members may have concerns that the previously granted consents were meant to allow the Council time to pursue an alternative site for permanent occupation and that the applicant is now seeking a further 12 months. Alternatives are being considered by the Council with a view to finding the Stokes family a permanent site, however further time is required. Members should be reassured that alternatives are still being sought and there is no intention for there to become permanent occupancy of the Ifton Heath school site.

6.1.5 The site is currently being promoted as part of the Local Plan review, the outcome of this will then guide the Council with regards to its future intentions and development opportunities for the site.

6.2 **Suitability of proposed site**

6.2.1 The application site is on the edge of St Martins using part of the ground of the former Ifton Heath Primary School. For planning purposes the site is considered to be countryside as it lies outside, yet adjacent to, the development boundary for St Martins. However, policy CS12 (Gypsy and Traveller Provision) supports development for this use close to the Community Hubs and Clusters such as St Martins. The policy does not prevent or resist this form of development outside of the development boundaries. Policy CS5, which controls development in the countryside, provides an exception for housing which is to meet an identified need, including the needs covered by policy CS12.

6.2.2 The site is adjacent to the primary school buildings and opposite existing housing. Although it is on the edge of the built development it is not considered to extend the village into the open countryside. There is an established hedge boundary around the school boundaries and the application site does not extend beyond the hedge. The proposal is for the continued siting of the caravans and associated vehicles on the hardstanding which was previously used as the school playground. The use of this part of the site means that no further hardstanding is required and therefore no built development is required to enable the occupation of the site for a further 12 months.

6.2.3 Although this does mean that the caravans and associated vehicles are visible from the Overton Road, which runs past the site, they have been located at the rear of the hardstanding and as such are set back into the site. It is Officers opinion that the layout has been undertaken in an appropriate manner which provides security and natural surveillance of the site and access and as such is acceptable and does not result in any significant harm to the character of the area.

6.2.4 The fairground equipment spends most of the year being moved from fair to fair and it is not within the occupier's interest to have equipment sat around unused and not making money. As such it is likely that for the majority of the time that there will not be any fair equipment on site. Although some equipment will occasionally be on site this is not a regular occurrence and the equipment will normally be out travelling between fairs and shows.

6.2.5 It is considered that the development of this site 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; although only for an additional 12 months it will provide the occupants with a continuation of their settled base for a further 12 months and enable the family to continue to access health services and schools which they have been using.

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

- 6.3.1 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.
- 6.3.2 As noted above the caravans have been laid out towards the rear of the existing hardstanding in a row, end on to the road. The site is already enclosed with security fencing on the roadside and a hedge on the north boundary with the school buildings to the south. The land between the caravans and the roadside fence is available for parking and manoeuvring. No built development is proposed. The caravans provide all of the accommodation requirements for the family, kitchens and bathrooms within the units without the need for washrooms.
- 6.3.3 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. The site is already enclosed with fencing and hedge boundary limiting the view of the development from the open countryside beyond the village. The current application for temporary use, does not propose any additional fencing or boundary treatments and it is considered that the existing boundary and siting provides sufficient screening and an appropriate layout so as not to result in significant adverse impacts.

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

- 6.4.1 Paragraphs 12 and 23 of the PPTS states that when considering the suitability of a site regard should be had to the scale of the nearest settled community. As noted above St Martins is being promoted as a Community Hub, the third tier in the settlement hierarchy below Shrewsbury and the Market Towns. It is one of the larger villages in the north west of Shropshire and has a number of services and facilities. The proposals for a travelling show people's yard for one family, providing up to 5 plots, would not therefore dominate the settlement.
- 6.4.2 The nearest dwelling to where the caravans have been positioned is Yew Tree Cottage which is opposite the entrance to the site and is approximately 35 metres from the boundary fence and therefore further from the position of the caravans. The distance ensures 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. All other surrounding properties are further from the application site and therefore the amenities of existing residents would not be adversely affected by the use. The Planning Department is not aware that any complaints have been raised during the already lengthy occupation of the site by the Stokes family and therefore there is no evidence of any adverse impact.
- 6.4.3 With regard to the impact from traffic movements regard has to be had of the previous use of the site as a school which would have had associated traffic, large number of cars dropping off and collecting children, large delivery vehicles, buses to transport for trips and also the general noise of the use as a school and

playground. Regard also should be given to the confirmation that for the majority of the additional 12 month period applied for the fair equipment, and therefore the larger vehicles used to tow the equipment is off site travelling between fairs. As such it is considered that noise from traffic would be limited to the traffic associated with the occupation of the 5 residential caravans and as such would be a limited impact.

6.5.4 Overall it is considered that the use of the site, as laid out, for 5 caravans and associated traffic for occupation by a single family would not result in unacceptable loss of amenity for the residents of the neighbouring properties.

6.6 **Access, highway and drainage issues**

6.6.1 The site is served by a single access which was previously considered acceptable for the occupation of the site and there is no justifiable reason to consider that the access would not remain suitable for use for an extra 12 month period. The access, which previously served as access to the school, provides both vehicular and pedestrian access off Overton Road.

6.6.2 The caravans are sited on existing hard standing and as such will not create any additional surface water run-off. The agent for the applicant has confirmed that the caravans are not connected to the mains drainage system but are using their own internal facilities with a contract for emptying the systems. This therefore provides a form of private foul drainage and therefore no additional pressure on the existing foul or surface water drainage system.

7.0 **CONCLUSION**

7.1 Overall the development is considered to comply with the requirements of policy CS12 of the Shropshire Core Strategy, the site is close to the proposed community hub of St Martins and as such is close to a sustainable settlement. The scale of the development and the temporary nature of the current application is considered to be acceptable and would not result in any harm to the character of the area furthermore 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.

7.2 The unmet need for a site for travelling show people within Shropshire also needs to be given weight and previous appeal decisions have given this matter significant weight and deemed that this need outweighed harm in many cases.

7.3 In the case of this application it is officers' opinion that there is no harm resulting from the continued use of the site for a further 12 months for the single family and therefore that there is no grounds on which to refuse consent.

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 six weeks after the grounds to make the claim first arose 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

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS12 - Gypsies and Traveller Provision

RELEVANT PLANNING HISTORY:

15/00537/FUL Change of use of part of former school site to provide temporary residential site for single travelling showpeople family for a period of up to one year GRANT 14th May 2015
16/02096/VAR Variation of Condition No. 1 attached to Planning Permission 15/00537/FUL dated 14 May 2015 to allow for the family to remain on site for a further temporary period of nine months GRANT 17th June 2016
17/01284/VAR Variation of Condition No. 1 attached to permission 15/00537/FUL to allow for the family to remain on site for a further temporary period of twelve months GRANT 27th April 2017
18/01959/VAR Variation of Condition No.1 attached to permission 17/01284/VAR to allow for the family to remain on site for a further temporary period of twelve months PDE

11. Additional Information

View details online:

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 R. Macey
Local Member Cllr Steven Davenport
Appendices APPENDIX 1 - Conditions

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

1. This permission shall be for a period of 12 months, from the date of this permission, by which date the caravans shall have been removed off site and the site reinstated to its previous condition.

Reason: The temporary consent is granted on the basis of the personal circumstances of the applicant.

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

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 residential use of the site hereby permitted shall be limited to Mr Stokes and his resident dependents only.

Reason: To control the occupation of the site in accordance with adopted policy and on the basis of the personal circumstances of the applicant and the status of the site.

4. No more than 10 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 5 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: In the interests of visual amenities.

5. This consent does not permit the commercial operation or storage of any of the travelling show equipment from the application site.

Reason: To protect residential and visual amenities.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT****CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**