

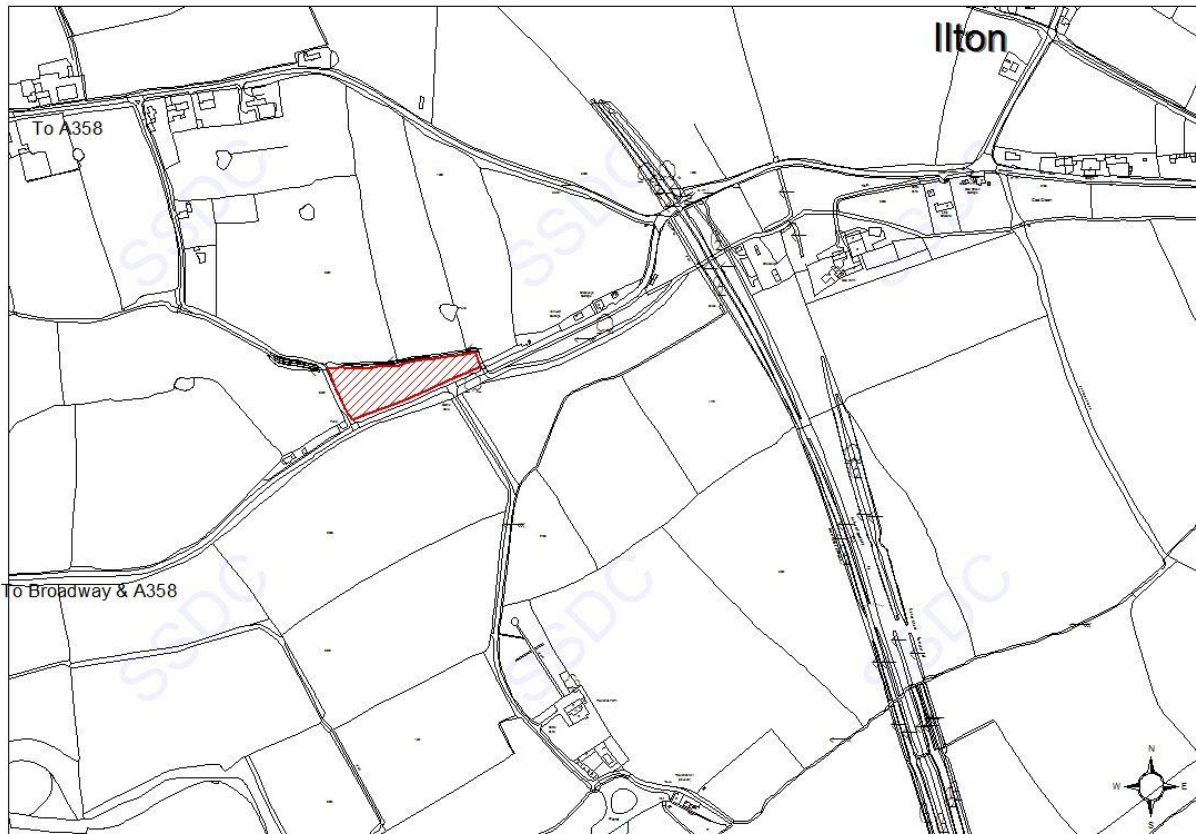
## Officer Report On Planning Application: 13/04848/FUL

<b>Proposal :</b>	Change of use of land to private gypsy caravan site consisting of 6 No. pitches, associated developments and creation of new access (Revised Application). (GR 334181/116766)
<b>Site Address:</b>	Land Os 1074, Crosskeys, Ashill.
<b>Parish:</b>	Ashill
<b>NEROCHE Ward (SSDC Member)</b>	Cllr L P Vjeh
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	24th January 2014
<b>Applicant :</b>	Mssrs And Mrs Brazil, Pucker, Ayres And Pucker
<b>Agent: (no agent if blank)</b>	Dr Angus Murdoch, P.O. Box 71, Ilminster Somerset TA19 0WF
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASONS FOR REFERRAL TO COMMITTEE

This application has been referred to committee as agreed by the Ward Member and Chair in order for a full consideration of the planning issues.

### SITE DESCRIPTION AND PROPOSAL





The site is a triangular shaped field extending to 0.5 hectares, bounded on its southern side with Cad Road and on the western side with Butts Lane. The site extends approximately 170 metres from west to east, with a width of 70 metres and 15 metres at its far western and eastern ends respectively. Whilst the site lies in the parish of Ashill, it is a stones throw from the parish boundary of Ilton. The hamlet of Rapps is located approximately 300 metres to the north of the site. The village of Ilton is approximately 1km to the east, Ashill 2 km to the west, Broadway 2 km to the south west, Horton 2.5km and Ilminster 4km to the south.

Vehicular access is currently gained from Cad Road towards the eastern end of the site. The site is bounded by mature hedgerows and trees. A tributary of the Cad Brook flows along the northern boundary of the site and a ditch runs along the southern boundary. The site occupies a rural setting with the local development character defined by isolated dwellings along Cad Road and beyond. A dismantled railway line runs north to south to the east of the site.

The entrance to Rowlands Farm, a Grade 2\* listed farmhouse is located opposite the site, on the southern side of Cad Road. This entrance is defined by Grade 2 listed gate piers with attached cast iron railings. To the south of Rowlands Farm is Rowlands Mill, a further listed Grade 2\* building. A further Grade 2\* listed building is a Grotto at Jordan's located to the west. Rowlands Farm is located approximately 400 metres from the site whilst the Grotto is located approximately 600 metres from the application site.

This application seeks consent for the change of use of land to a private gypsy caravan site comprising 6 pitches and the creation of a new vehicular access. Each pitch would contain a static caravan, a mobile caravan and an amenity block - this would contain a day room, store and bathroom. Three of the pitches shall be located along the western boundary of the site with the other 3 located centrally within the site. A play area will be established at the far eastern end of the site. The amenity blocks will measure 11 metres x 3.6 metres with a height of 2.85 metres.

The existing vehicular access would be closed up with a new access formed 65 metres to the west. A new internal gravelled/shingle road would be created to serve the 6 pitches. Low level bollard lighting will be installed along the road. In addition, a pedestrian access will be provided onto Butts Lane from Plot 6 to enable emergency pedestrian access only.

The existing boundary hedgerows will be retained other than for a section to create the new access from Cad Road. The current access will be enclosed with planting of a new hedgerow. Information submitted on the layout plan indicates that the existing 2.5 metre boundary hedgerows will be retained and encouraged to increase in height to provide screening. Additional planting will be undertaken within the site.

In addition to the site, elevation and layout plans, the application was supported by a Flood Risk Assessment (FRA) and a Heritage Appraisal and Impact Assessment (HAIA).

Both of these assessments were requested and undertaken following comments and concerns raised in relation to the previous application. This related to flooding in the local area and impact of the proposal upon the setting of the listed buildings and structures within the vicinity of the application site.

In terms of the FRA, this report assessed the risk of flooding and any relevant mitigation measures. As the site is less than 1 hectare in area, it is not a usual requirement to provide a FRA. However, where there is local information and/or knowledge about localised flooding events, a FRA can be requested in order to assess the risk of flooding. In this case, a large number of local residents informed the case officer of the most recent flooding events in the immediate area but also of flooding events over the last decade. Along with advice from the Environment Agency and the Council's Engineer, it was clear that a FRA was required.

### **The FRA**

The submitted report outlines the development proposal, the vulnerability classification of the proposed use, relevant planning flood policies, the potential sources of flooding, assessment of the flood risk, influence of climate change, flood risk management measures, residual risks and conclusions.

The proposed caravan/residential use falls under the category 'Highly vulnerable'. Therefore, although the site falls within Flood Zone 1 ie a low risk of flooding, due to the information about localised flooding, particularly along Cad Road, the risk has to be carefully assessed. The key question is whether or not in regard to flooding issues, this is an acceptable site for residential use.

The FRA outlines the various potential sources of flooding. Flooding from land was considered but the report states that any overland flows to the site from the higher land to the north would be intercepted by the watercourse to the north of the site. In terms of flooding from groundwater, the Council's Strategic FRA states that there is no know flooding due to groundwater at the site. Those 2 potential sources are not considered any further. River/fluvial and sewer flooding are 2 sources that are assessed further in the report.

The report refers to information of local flooding events provided by local residents, for example the road at Ilton Cottage in November 2012. The evidence shows that local roads including Cad Road and some land in the area have flooded although not of the site itself. The report also does briefly mention the rainfall and flooding at the end of last year. It states that both years have seen exceptional rainfall, yet the site was not flooded.

Moreover, the report outlines that in flood conditions, flood water will spill at the shallowest part of the channel, in this case, the reports states that this is likely 300 metres up stream. It would

then follow the natural valley, which is the southern boundary of the site, and then approximately along Cad Road. The report concludes that given the site is elevated above Cad Road, the risk of flooding of the site from this flood flow path is unlikely.

With regard to the potential of flooding from sewers, the report outlines that Cad Road and Butts Lane are approximately 400mm and 500mm below ground levels on site respectively. Any flooding due to failure of any drainage system that may be present within these roads would be conveyed south along Butts Lane and along Cad Road.

In terms of the potential impact from Climate Change, the FRA acknowledges that based on the latest guidance, the site is likely to be subject to increases in rainfall intensity and peak river flow over the next 100 years but it is not anticipated that the impact of climate change would significantly increase the flood risk to the site.

Notwithstanding the above conclusions, and that flooding along Cad Road would not remain for any significant period, the FRA recommends that the applicant prepares a Flood Emergency Plan. This document would make future residents aware of flood risk and also to sign up to the EA's flood warning system. Residual risks can be controlled by setting the floor level of the caravans 600 to 700mm above ground level.

The FRA also advises about the use of sustainable drainage techniques to manage and control water run off. The areas of hardstanding and the internal site access road will use gravel over a hardcore base providing a permeable surface.

### **The Heritage Appraisal and Impact Assessment**

The HAIA sets out the history and description of the area and its heritage. It then goes into detail about the listed buildings and structures that are located in the vicinity of the site. These include Rowlands Farm, its associated listed entrance gate piers, Rowlands Mill, the grotto at Jacob's and the listed road bridge to the east of the site. These range in distance to the site from around 20 metres (stone gate piers) to 600 metres to the grotto.

The HAIA outlines that the proximity and setting of the site to Rowlands, its gate piers and the road bridge were issues raised during the earlier application. This report therefore assesses the importance of these structures and the possible impact of the proposed development upon these heritage assets. The history of each of the heritage assets is outlined along with an overview of the 2 separate estate ownerships relating to the application site (Egremont Estate) and Rowlands, Jordan's (Speke estate). The site formed part of a tenanted holding. The Rowlands estate and in particular the entrance was designed to provide a sense of arrival for the visitor or those passing.

The HAIA report advises that the proposed development would not have a physical impact on the identified heritage assets. The report acknowledges that the character of the field will be changed as a result of the development but that the caravans and structures will be low level and screened by landscaping.

In terms of the impact on the setting of the proposed development on these heritage assets, the report states that given the distance to the grotto at Jordan's, the fact that the site and grotto cannot be seen from each other nor from any known vista, the development would not have an impact on the setting or heritage significance of the grotto. In terms of the road bridge, the report states that the development does not alter the setting of the bridge or general character of the road.

In terms of the impact of the development to the entrance to Rowlands and its gate piers, the report does state that a new tarmacked driveway directly opposite this important entrance

would have a detrimental impact to the setting of the gateway and approach into Rowlands. The report advises that to mitigate this impact is to close the existing access and to create a new access further to the west. The current access would be enclosed with hedgerow planting. The creation of an unbroken hedge/verge opposite the entrance to Rowland's would enhance the immediate setting of the gate piers and arrival experience. The report concludes that the development would have minimal impact on the heritage assets and is in accord with the NPPF.

## **HISTORY**

13/01832/FUL - Change of use of land to private gypsy caravan site consisting of 6 pitches, associated developments and alterations to access.

The above application was withdrawn in order for a Flood Risk Assessment and Heritage Assessment to be undertaken.

91/01302/FUL - The erection of looseboxes (permission granted in 1991).

791963 - The erection of a dwelling and garage. Refused 1979.

91839 - Erection of 6 dwellings and formation of access. Refused 1972.

## **POLICY**

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

### Relevant Development Plan Documents

South Somerset Local Plan (saved policies)

ST3 - Development Areas

ST5 - General principles of Development

ST6 - Quality of Development.

EC3 - Landscape Character

HG11 - Long term gypsy /traveller sites.

EH5 - Setting of Listed buildings

### National Planning Policy Framework

Core Planning Principles

Chapter 6 - Delivering A wide choice of high quality homes

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change.

Chapter 12 - Conserving and enhancing the historic environment

### Policy-related Material Considerations

Planning Policy for Traveller Sites

## CONSULTATIONS

### **Ashill Parish Council:**

Planning application 13/01832/FUL was considered at a meeting of Ashill Parish Council (PC) on 7th January 2014. The meeting was attended by several members of the public. In summary, the PC is opposed to the application as notified by email on 7th January.

Based on discussion at the meeting, the PC's observations on the proposal are:

- a. The application form is not consistent with the evidence, especially regarding: drainage, landscaping and flooding. For example, the proposed new access would require the removal of hedges/trees but the application form states that there are no hedges/trees on the site nor adjacent to it. Despite the site not being included on the Environment Agency map as a 'flood zone' the fact is that Cad Road, in the vicinity of the site, has flooded a number of times in recent years to the extent that it has become impassable.
- b. Cad Road near the proposed location has flooded badly this year and in previous years, to the extent that it has become impassable. Photographic evidence of this has been sent to SSDC. The proposal is likely to make matters worse. Currently the site is an agricultural field and as such absorbs considerable amounts of rainfall. The proposal would cover much of the site with hard standing and accommodation thus preventing rainfall absorption resulting in more water run off into the watercourse bordering the site.
- c. The proposed waste disposal arrangements are inadequately specified. It is understood that the geology of the site makes it unsuitable for soakaways. Before deciding on this application, SSDC and the Environment Agency need to press the applicants to set out the arrangements they plan to make for sewage disposal.
- d. A survey commissioned by residents states that it is impossible to provide an access point which would satisfy visibility splay requirements. Before deciding on this application, SSDC should seek the views of the Highway Authority on this issue.
- e. The location fails to meet the requirements for a sustainable development. It is remote from all community facilities including bus services therefore residents would have to rely exclusively on private cars.
- f. Cad road is only about 5.5m wide, has a speed limit of 60mph and is a main route for vehicles accessing Ilton Business Park. Surveys conducted by residents have shown that it is already very busy with private and commercial vehicles travelling at speed. There is no footpath and no lighting so pedestrians trying to access the site would be forced to walk on the highway with obvious risks to safety.
- g. The same restrictions on running a business from the site must be applied to both the gypsy/traveller community and the settled community. Residents near to the site have been refused permission to operate a business from their property.
- h. Previous applications to build houses on the site have been turned down on the grounds that it was not suitable for development. There have been no material changes since those applications, therefore granting approval for the application would amount to discrimination against the settled community. Residents have been informed by a Government Department that gypsies/travellers are not exempt from planning legislation.

The application form states that SSDC sent an email to the applicants stating that they supported the application. It is understood that members of the public have requested a copy of this email but SSDC has refused to release it. It is further understood that the matter has been referred to the Information Commissioner. SSDC is strongly urged to publish the email on its website so that it can be viewed together with all other correspondence.

## **Adjacent Parish**

### **Ilton PC:**

The proposed development is in the Parish of Ashill, which borders the Parish of Ilton. There is a physical barrier of the very busy A358 between the proposed development and the village of Ashill. There is no such barrier between the proposed development and the village of Ilton and therefore geographically and accessibly it is closer to the village of Ilton than the village of Ashill. Accordingly Ilton Parish Council wish to ensure that their observations, comments and objections are given equal weight to those of Ashill Parish Council.

Councillors commented that there appears to be very little difference between this application and the previous one, number 13/01832/FUL, apart from the creation of the new access and the inclusion of a flood and risk survey. Councillors feel that the new access does not change the comments made on the previous application.

Accordingly Ilton Parish Council would like to submit the following objections to the application number 13/04848/FUL:

#### 1. SSDC's Policy SS2

##### (i) Community Support

The proposed development contravenes SSDC's SS2 planning policy in which there is a presumption against development in rural areas unless the community support it on the basis that it is delivering a benefit (such as employment opportunities, community facilities or services, or housing). There is overwhelming opposition to this proposal from the local community. 39 members of the public present at an Ilton Parish Council Meeting voted unanimously to oppose the application for a private gypsy caravan site at this location.

##### (ii) Provision of housing to meet identified local need

SS2 states that "some new housing should be provided to meet identified local need in other villages". The applicants for this development are not local people and therefore the development will not meet an identified local need.

##### (iii) Location of housing in rural areas

SS2 states that housing in rural areas should not be located in places distant from local services. The proposed development is located close to the A358, a very busy road which has no safe crossing points for pedestrians making access to Ashill Village difficult and dangerous. Access to Ilton village is along another busy road, Cad Road, which carries a 60 mph speed limit, heavy industrial traffic and has no pedestrian footway along its length.

##### (iv) Sustainability

This development is not sustainable because it is highly car dependent. There is no easily accessible public transport and no local shop (the Post Office and shop in Ilton closed in 2010 and there is little likelihood now of a new shop being opened).

#### 2. Road Safety

Access into Ilton village is along Cad Road which carries a national speed limit of 60 mph. It is generally a very busy road, particularly during mornings and early evenings. There are no pedestrian footways. Cad Road serves local communities in the area as well as two business

parks in Ilton - Ilton Business Park and Conquest Business Park. Ilton Business Park has recently expanded resulting in an increase in heavy industrial traffic. Conquest Business Park is also expanding. Traffic numbers were counted before these latest expansions. Cad Road also carries heavy traffic into and out of Merryfield Airfield including two extra-large fire engines up to four times a day. Without a pedestrian footway Cad Road is not safe for pedestrians. Further development in this area will increase both vehicle and pedestrian traffic and increase the risk of an accident.

It should be noted that recent SID results from Ilton show that motorists are regularly speeding as they turn into the village. These results show that in a 30 mph area a significant number of motorists are travelling between 40 and 50 mph and some at more than 50 mph. Thus it is reasonable to assume that the road adjacent to the proposed development, which has a 60 mph limit, carries a high number of vehicles travelling at that speed and possibly more.

### 3. Equality of treatment

Proposals to develop neighbouring sites to provide dwellings for the settled community were refused in 1972, 1979 and 1990, partly because they were considered to be too isolated to be sustainable. Since then, bus services have declined and the post office and shop in the closest village of Ilton have closed with no prospect of a replacement or alternative services. Residents have no option but to take the view that granting approval for this proposal discriminates against the settled community.

### 4. Flood Risk

This site is subject to flooding. Photographs of the flooded area have previously been submitted by Ashill Parish Council. Ilton Parish Council is aware that the area has flooded in past, particularly last winter.

### 5. Pollution of watercourses

Residents of property close to the site have been required to install bio-digesters to ensure that local watercourses are not polluted. This application seeks to dispose of sewage via a septic tank. The amenity blocks for plots 1 and 3 border the watercourse to the northern boundary of the site. If the potential for pollution of the watercourse has been identified, it is not acceptable that a new development should go ahead with a septic tank so close to a watercourse.

### 6. Development of greenfield sites

Allowing this development will weaken the case for refusing further applications to develop greenfield sites in the area.

### 7. Impact on tourism

The proposed site will have a negative impact of businesses serving the needs of holidaymakers and could result in job losses. This conflicts with SCC's policy of encouraging tourism as a means to bring unemployment down.

### 8. Impact on heritage

Rowlands Mill is the oldest mill left in Somerset and a listed building and is located opposite the proposed site. The old railway bridge along Cad Road is also listed. It is considered that the proposed development would have a negative impact on the heritage sites.

### 9. Need

SSDC has already exceeded its target for traveller / gypsy sites as set out in the local plan. There is therefore no need for further sites. There is already a gypsy site nearby and if further capacity is required then the first option should be to bring the Fivehead site back into use.

### 10. Out of character



This proposed development is out of character with the area. The application states that the site will be hidden from view by the trees and bushes. Although the site is densely wooded now, this will not be the case in the autumn, winter and early spring when coverage will be sparse and the site will be clearly visible.

### **Seavington PC:**

Object to the planning application. Outline 5 reasons:

1. Historic problem of flooding very close to the site, with an obvious high water table this will lead to severe sewage issues with the use of septic tanks. This would lead to very unpleasant flooding for everyone next to and downstream of the site.
  2. There are a number of other sites in the area that are utilized so therefore there is no need to further sites.
  3. There have been a number of previous applications on this site and nearby that have been refused, there is no need to turn agricultural land into a brown field site.
  4. The site is on a busy 'B' road with a 60 mph speed limit, with heavy HGV traffic going to the business park, and limited sight lines, vehicle and pedestrian entry and exit will be extremely dangerous to the residents and passing traffic.
  5. The site will have an adverse effect on the number of grade 2 listed buildings in the area.
- For these reasons, we wish to support Ilton PC and object to the application.

### **Highway Authority: (Original comments):**

It is noted that the Local Highway Authority provided comments on the previous planning application 13/01832/FUL. The decision notification indicates that the application was withdrawn on the 17th September 2013.

The revised planning application seeks the change of use of agricultural land to a private gypsy caravan site consisting of six pitches, formation of new vehicular access and associated developments. My comments are made from onsite observations and the information submitted supporting the planning application.

Location - Land OS 1074, Crosskeys, Ashill

The site is located off of Cross Keys a designated classified unnumbered highway to which the National Speed Limit applies past the site frontage.

Manual for Streets indicates within section 2.2 Streets and roads (p15) paragraph 2.2.1 the following definitions between a street and road:

"A clear distinction can be drawn between streets and roads. Roads are essentially highways whose main function is accommodating the movement of motor traffic. Streets are typically lined with buildings and public places, and while movement is still a key function, there are several, of which the place function is the most important."

Based on my site observations it was noted that this is a location where there is no provision of pedestrian footway or street lighting nor is it considered to be a 'built-up area', it is therefore the view of the Local Highway Authority that this is a location where design guidance taken from Design Manual for Roads and Bridges (DMRB) should be applied.

Furthermore, having checked accident data, I can confirm that there are no known recorded accidents in proximity to the site.

### **Access**

The development seeks to provide a new vehicular access onto Cross Keys. Drawing No. 01219/1B, indicates that the access is to be approximately 10.0m in width with a 6.0m apron of hard standing, which is considered acceptable. Suitable drainage provision will be required to

prevent any discharge of surface water onto the adopted highway.

The formation of a new vehicular access would require contact to be made with the South Somerset District Area Highway Office to obtain a Section 184 licence. Additionally, the existing access would be required to be stopped up and its use permanently ceased.

#### Vehicular Visibility

As indicated above this is a location where it is considered appropriate to apply design guidance from Design Manual for Roads and Bridges (DMRB).

The site access has been relocated approximately 65m to the south west frontage. Cross Keys a designated classified unnumbered highway is subject to the National Speed Limit and therefore would require a minimum 'X' distance of 2.4m and a 'Y' distance (SSD - Sight Stopping Distance) commensurate with the allocated speed limit, which in this instance would be 215m.

The supporting information does not include neither speed survey data nor any drawings detailing vehicular visibility from the proposed access. As a result I would request that vehicular visibility splay coordinate drawings are submitted to be assessed. A suitable scaled drawing (1:200) should indicate the maximum achievable level of visibility from the proposed access, to which it will be considered by the Local Highway Authority.

The development is likely to generate vehicle movements, above that of the existing use of the land (agricultural), to which the proposal is likely to be comparable to that of a residential dwelling development. However, I do not consider that the development will result in any significant impact in terms of the volume of traffic to the surrounding highway network.

However, NPPF (National Planning Policy Framework) (March 2012) states the following within paragraph 32 (p10):

"safe and suitable access to the site can be achieved for all people."

"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

It is the view of the Local Highway Authority that any new access created will be required to provide the appropriate level of vehicular visibility. Without any justification or evidence to support a reduction the view of the Local Highway Authority is that access to serve development is considered severe, regardless of scale.

#### Parking Provision

Drawing No. 01219/1B, does not indicate the level of parking provision per plot. However, taking a pragmatic approach and referring to the Somerset County Council - Parking Strategy (amended September 2013), to which Ashill has been identified as a Zone C region for parking provision. That three vehicle spaces per plot would be acceptable.

It is considered that Drawing No. 01219/1B can accommodate this level of provision per plot and vehicle turning.

In conclusion the Local Highway Authority requires that drawings are to be submitted to detail the levels of visibility provided at the proposed access. Once further information has been submitted the Local Highway Authority will comment further on the scheme. I look forward to receiving this information.

If however this is not forthcoming, it may be necessary to recommend the refusal of this application for the following reason:-

The proposal is contrary to Policy ST5 of the South Somerset Local Plan (Adopted April 2006) and Paragraph 32 and 35 of the National Planning Policy Framework (March 2012) since the proposed access to the development site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

Highway Authority (Revised comments following submission of amended plans and additional highway information).

Access Arrangements -

Drawing No. 01219/6A rev 4 indicates the point of access, which details that the access is to be approximately 10.0m in width with a 6.0m apron of hard standing, which is considered acceptable. Suitable drainage provision will be required to prevent any discharge of surface water onto the adopted highway.

The formation of a new vehicular access would require contact to be made with the South Somerset District Area Highway Office to obtain a Section 184 licence. Additionally, the existing access would be required to be stopped up and its use permanently ceased.

Vehicular Visibility

The Local Highway Authority's main concerns were that of vehicular visibility for vehicles emerging onto Cross Keys. Vehicular visibility in an east bound direction (visibility to the right when emerging from the proposed access) is considered acceptable. However, concerns were raised relating to visibility for west bound traffic (visibility to the left when emerging from the proposed access).

It is considered that the bridge to the west of the application site, T5370/30 acts as a natural traffic calming feature due to its restricted width, which is considered to reduce vehicle speeds. Onsite observations would suggest that vehicle speeds are estimated to be approximately 40mph at this point.

Drawing No. 01219/6A rev 4, indicates that a visibility splay of 2.4m x 120m to the bridge (T5370/30) can be achieved, which is commensurate with Design Manual for Roads and Bridges (DMRB) guidance based on vehicle speeds of 42mph. It is therefore considered that the level of visibility for west bound traffic (visibility to the left when emerging from the proposed access) is acceptable.

Whilst there is no physical obstruction to prevent an overtaking manoeuvre for vehicles travelling east bound, it is considered that due to the vertical alignment of the carriageway and the width of the bridge. This results result in a natural constraint which reduces vehicle speeds and the likelihood of overtaking manoeuvres.

Additionally, whilst the development is likely to generate vehicle movements over and above that of the existing use that of the land (agricultural). The proposal is likely to be comparable to that of a residential development (dwellings).

Therefore, in reviewing TRICS (Trip Rate Computer Systems) data a national industry standard method the proposed development would therefore generate four vehicle movements within the peak hour. In conclusion the trip generation as previously stated is considered a robust figure and the vehicle trips generated by the development would not result in there being a severe traffic impact to the surrounding highway network.

### Parking/Turning Provision

With regards to vehicle parking Drawing No. 01219/1B, does not indicate the level of parking provision per plot. However, taking a pragmatic approach and referring to the Somerset County Council - Parking Strategy (amended September 2013), to which Ashill has been identified as a Zone C region for parking provision, three vehicle spaces per plot would be acceptable and that vehicle turning can still be accommodated.

As a result there is no objection to the proposed development. However, in the event of permission being granted, I would recommend that the following conditions are imposed. 5 conditions are recommended in relation to consolidation of the access, surface water disposal, visibility splay, parking spaces and closing up of the existing access within 1 month of the use first being brought into use.

### **Landscape Officer (Original comments):**

As before, there are landscape-related issues with this proposal. We have previously spoken of this field as a potential gypsy/traveller site, and with certain provisos, I considered it to have some potential as a single site - in some respects, it has parallels with the Hare Lane site, Broadway (app no; 10/02754) in that it lays in open countryside, yet is located alongside a road that is characterised by intermittent building presence, to thus provide a settlement pattern that might accommodate a discreet gypsy/traveller site. However, the development of this site for 6 plots appears an intensive footprint, and a development of this scale would make this site the largest development node along this local road between Cad Green and Bow Bridge, which is contrary to local character, as is the scale of development in this general rural context, where development form is limited to singular dwelling sites and farmsteads. Consequently I am still unable to offer support to the scale of development, even though I agree that the site has potential as a gypsy and traveller site.

I had previously expressed some concern over the potential impact of the presence and activity involved with this site's access upon the listed entrance gateway serving Rowlands Mill. However, I had suggested that there could be a potential way forward if the entrance were to be moved to the west, and the existing entrance planted-up; a clear specification on the character and appearance of a new access (which should be low-key and rural in character); and a protection plan agreed for the bounding vegetation. All of these points are accommodated within this revised proposal, as is the retention of the east end of the site as grassland, and I see this as an improvement on the initial proposal. As a consequence the landscape view is finely balanced, and I would advise that if there is a strong planning case for development of this scale, then the landscape impact is not so great as to offer over-riding grounds for objection.

A landscape proposal is incorporated into the site plan. This is fine as an indicative, but if you are minded to approve this application, then we shall require a more detailed proposal be submitted as a condition of planning.

### **Conservation Manager:**

I continue to have reservations about this site because of its proximity to the listed gated entrance to Rowlands Farm and the potential change that would result in the character of the area, the setting of the gates, through activity, noise etc.

The proposal to move the entrance westwards has reduced the impact on the setting of the gates somewhat but I am not convinced that there is enough distance between them to remove the impact sufficiently. This together with the rather slight screening along the roadside boundary and the size of the site will not preserve the tranquil rural setting well enough. That said there is a pattern of sporadic development along Cad Road and a limited quantity of low scale, small-extent development would not be completely out of character provided the setting

of the gateway can be preserved.

I have read the Statement of Objection prepared on behalf of Mr and Mrs Speke and as stated above, agree there is an issue over the setting of the listed gateway but not with the suggestion that the whole of Rowlands Farm and Jordans is a single historic landscape entity. If it was I agree that the significance of the individual elements would be greater. The historic landscape character mapping in the HER shows clearly the extent of the Jordans park distinctly separate to the land around Rowlands which is described as 'recently enclosed land' of C18 -C20; it is an area of rectilinear fields, yes, probably enclosed in C18, as opposed to historic parkland and I do not think it can be considered as part of the Jordans Park although it is clearly part of the wider Jordans estate. This is therefore an issue about the setting of the grade 2 listed Rowlands gateway rather than the sum of the other assets.

**English Heritage:**

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommend: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Somerset Gardens Trust:**

Object to the application. Raise concerns about the impact on the setting of the important entrance to the Rowlands/Jordans Estate, including the gate piers at the entrance to Rowlands Farm. The development would change the character of the site and detract from the character and setting of the adjacent listed features of the Jordans/Rowlands Estate. It is therefore contrary to both local and national policies in respect of protecting heritage assets.

**Campaign to Protect Rural England**

The application is much the same as the earlier one for the same site, 13/01832/FUL, which was withdrawn; except that the site entrance would be moved westwards, so as not to be opposite the gateway to Rowlands, and the applicants have submitted reports concerning the likelihood of flooding and the effect of the proposed development on landscape and heritage. CPRE objects to this application for reasons given below.

There is no evidence presented of the need for six traveller pitches in this particular location, bearing in mind that there is already a District Council managed traveller site at Ilton and planning permission for another site at Fivehead. There is confusion about the risk of flooding on and around the site, with local residents giving cogent evidence that flooding is a frequent occurrence and the applicants' agent providing a professional opinion that the risk of serious flooding is minimal or of no consequence. Six pitches imply six households which would indicate over 40 extra vehicle movements daily onto Cad Road and the only comment from County Highways is "To be considered further". The Environment Agency has pointed out that disposal of sewage by use of septic tanks is not acceptable in the area of the site and yet that is what is proposed by the applicant.

The Landscape Architect commented on the previous application that "... the development of this site for 6 plots appears too intensive a footprint..." and still states, after acknowledging that changing the position of the site entrance improves matters, that "...6 plots appears an intensive footprint..." though also stating that he "...would advise that if there is a strong planning case for development on this scale, then the landscape impact is not so great as to offer over-riding grounds for objection." Where is that strong planning case? Presumably the Landscape Architect would still want to see "a reduction in plot numbers", as for the previous application.

There appears still to be some confusion about who owns the site, who would live there and

why there should be a need for them to live in such a place. It has been clearly established that construction of any permanent dwelling would normally not be permitted in the area of the site. It is recognised that sites for travellers/gypsies are exceptional and should be reasonably close to facilities such as shops and schools, which this site is not. It may be deduced that the applicant expects any occupiers of the site to be totally if not entirely dependent on motor transport for all their needs because parking for 12 cars is specified. Any comparison with the Broadway traveller/gypsy site, which gained permission on appeal, seems invalid because that concerned a one pitch "owner occupier" site whereas this application is for six pitches.

**Arborist:**

Having previously walked this site, I am well aware that the hedgerow trees are located to the North of a deep watercourse, making the root systems significantly less vulnerable than otherwise would be the case. There is some potential for the pruning back of limbs overhanging the site, which would have little significance. The Northerly orientation & separate ownership of the adjoining land/trees makes it less likely for there to be future pressure for felling by future occupants.

The hedgerows are shown as retained and the creation of the new access would be acceptable, on the basis that the existing entrance was carefully 'gapped-up'.

I have no objections to the proposal.

**Environment Agency:**

We have no objection to the proposed development subject to the following informatives being included in any planning permission granted. We have the following additional comments to make on the information submitted.

**Private Foul Drainage**

The applicant proposes use of non-mains drainage facilities. We note that the documents submitted indicate that use of septic tanks is proposed. However, these may not be suitable due to local ground conditions during adverse weather affecting the infiltration. There were issues with existing properties septic tanks last year that would confirm this point. Therefore, we would recommend that the development is served by sewage treatment plants.

**INFORMATIVE**

If non-mains foul drainage is the only feasible option an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before any development commences. This process can take up to four months to complete and it cannot be guaranteed that a Permit will be granted. The applicant should contact the Environment Agency.

**Flood Risk**

As this site is shown to be in flood zone 1 (low risk), and there is no mapped flood zone associated with this site as the catchment is less than 3km, due to the local sources of flooding your Technical Services department should lead on the review of the Flood Risk Assessment. This is especially important, as this form of development is considered highly vulnerable under the National Planning Policy Framework Technical Guidance. Therefore, as the drainage authority you must ensure that this matter has been suitably addressed.

We do note that there have been reports of flooding in the vicinity of the site. As the flooding is likely to be from ordinary watercourse, groundwater or surface water sources you must consult with your Technical Services department. As the drainage authority you must ensure that this matter has been suitably addressed.

Your Council's Emergency Planners should be also be consulted in relation to flood emergency response and evacuation arrangements for the site as there are reports of the access to the development being adversely impacted on by flooding.

We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Local Planning Authority may wish to secure this through an appropriate condition. We can confirm that the site does not lie within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Planning Policy Statement 25 and the associated Practice guide places responsibilities on LPA.s to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

**Wessex Water:**

Wessex Water advise that the site lies within a non sewered area of Wessex Water. They advise how to apply to Wessex Water in terms of new water supply connections.

**National Grid:**

No objection to the above proposal.

**Ecology:**

No objection to the application.

**Environmental Health Officer:**

No objection to the application.

**Ministry of Defence:**

No safeguarding objections to the application.

**REPRESENTATIONS**

116 letters/emails were received objecting to the original application. A summary of the comments is given below:

Highways

- Cad Road is dangerous and an increase in traffic would create additional safety concerns
- No passing places
- No pavements and therefore dangerous for pedestrians.
- Poor visibility entering and exiting site
- Many more vehicles are using Cad Road due to enlarged business parks at Ilton

Sustainability

- Lack of local facilities which would mean driving to schools, shops etc
- Lack of public transport
- The site is not in a sustainable location
- No pavements or street lighting will mean car trips
- Residential applications have been refused due to highways and sustainability reasons

Flooding/Drainage

- Cad Road regularly floods
- Road becomes impassable other than for 4x4 vehicles
- Residents would be at risk of flooding
- Site does not readily drain due to clay soil

- Septic tanks not suitable and could contaminate the local watercourse
- Local residents had to install water treatment plants
- Cad Road has been closed due to floods

#### Heritage Assets

- The site is opposite a grade 2\* listed building and listed gated entrance - the development would be harmful to its setting.
- Disagree with conclusions of Heritage Report
- Site would not revert back to current situation
- Considerable sums spent saving Rowlands

#### Landscape/visual impact

- development would be out of character with the area
- loss of trees and hedgerows
- Caravans not in keeping with the area

#### Need for gypsy sites

- Existing gypsy sites should be used
- Council has met its target for providing gypsy sites.
- Spaces available on existing council gypsy sites

#### Other issues

- The site may be used for business use
- Close to an existing gypsy site at Ilton - don't require another site.
- Site should remain in agricultural use
- Would harm local tourism to the area.
- All applicants should be treated the same - consistency of planning applications/decisions
- Very similar to the previous application
- Drop in property values
- Applications refused in the 1970's for housing
- Pre-app advice not publicly available
- Support Ilton PC's comments
- Respect wishes of gypsies/traveller but local interests should also be respected
- Will conditions be enforced?
- Impact on hamlet of Rapps

14 letters/emails were received in respect of the additional highway information and amended highway visibility plans. Comments received that it did not address their concerns and reiterated previous concerns about the site. Moreover, do not share the view of the Highway Officer and, in particular, view about speed of traffic along this section of Cad Road.

11 letters/emails have been received in respect of the amended layout to provide a pedestrian access onto Butts Lane. Comments state that this would mean exiting onto a road that floods and reiteration of previous comments.

## **CONSIDERATIONS**

The main considerations with regard to this application are legal issues relevant to determination of the planning application, suitable alternative sites, the impact of the proposed development on the countryside setting, impact upon local heritage assets, flooding and drainage issues, highways issues, impact on residential amenity, and accessibility to services and facilities.



Legal issues relevant to the determination of the planning application

The following advice has previously been provided by the Council's legal team in respect of gypsy/and traveller applications.

All applications must be made in accordance with the development plan unless material considerations indicate otherwise. An assessment therefore has to be made as to whether the application site meets the criteria as outlined in HG11 and guidance in Planning Policy for Traveller Sites and specific policies in the NPPF.

This application is for the provision of a private site for use by gypsies / travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG11, there is a legal presumption in favour of the decision on the application being made in the applicant's favour if it accords with the latter planning policy, unless other identified material planning considerations (including other Local Plan policies) say to the contrary.

Policy HG11 only applies to sites for 'gypsies and travellers' as defined within government guidance - 'Planning Policy for Traveller Sites'.

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

Thus the status of the occupiers of the site is a condition precedent for use of the site pursuant to a grant of permission under Policy HG11. This means that if this application is granted, SSDC will need to ensure that the occupation of the site is only by gypsies / travellers as defined, and no other persons. The Committee is advised that the way to do this is by a robust occupancy condition as set out in the suggested list of conditions within this report.

## **Human Rights**

In deciding this application, the Committee must consider whether any planning harm caused by the development in question is outweighed by the interference with the applicant(s) human rights and the human rights of other occupiers of the site. Additionally, the Committee must consider the human rights of others (such as local residents) who may be affected by the development and any grant of planning permission.

The Committee's assessment of the human rights issues will need to be based on this legal advice and the evidence presented to the Council in connection with the planning application.

As the Committee will be aware, the Human Rights Act 1998 (HRA) enacted the European Convention on Human Rights into UK domestic law. The Convention imposes duties on public authorities, including local planning authorities, and Section 6 (1) HRA makes it unlawful for an authority to act in a way incompatible with Convention rights, unless specifically mandated to do so by legislation that does not allow the authority to act differently. The most relevant Convention rights with this type of application are Articles 8 and 14, namely, (Article 8) the right to respect for private and family life, home and correspondence and (Article 14) the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status. Article 1 of Protocol 1 to the Convention (protection of property) is also relevant, as is Article 2 of Protocol 1 (the right to education). Both Article 8 and Article 1 of Protocol 1 allow proportional interference by the State with the rights expressed for purposes of environmental protection (which includes planning controls) or the control of property in the

general interest.

For the purpose of considering Article 8 rights, any decision-maker (such as the Committee) has a duty to carry out an overt and structured assessment of the proportionality of the interference with human rights resulting from the action it proposes by asking itself a series of connected but discrete questions. To this end, the Committee must identify the (perhaps competing) interests that will be interfered with, carry out a balancing exercise of such interests to ensure the proportionality of the interference, decide the matter before it in the light of that balancing exercise and give reasons for its decision, with those reasons being minuted.

In deciding this application, and for the purposes of the required human rights assessment, the Committee should have regard to the following (particularly if minded to go against the officer's recommendation and refuse permission):

- (a) Does the proposed measure constituting the interference with human rights (a decision to refuse planning permission, contrary to officer advice) serve a legitimate aim of upholding planning policy; that is, is the objective sufficiently important to justify limiting a fundamental right under human rights legislation?
- (b) Is the measure proposed (a refusal of permission) rationally connected to that aim of upholding planning policy; that is, can it in fact serve to further that aim?
- (c) Is it the least restrictive way of achieving the aim; that is, are the means used (a refusal of permission) no more than its necessary to accomplish the objective?
- (d) Is it proportionate in the longstop sense that, viewed overall, the measure does not place too great a burden on the individual for the good of the community?

Some important factual matters that are relevant to the Committee's consideration of the human rights issues pertaining to this application include:

1. The seriousness of the impact of the Committee's decision on the applicant(s) and other occupiers basic rights including their security of accommodation, family life, health, children's education and ability to maintain their traditional travelling way of life. Whilst Article 8 does not create a positive obligation on the authority to provide any individual with a home, it is relevant as regards family life and the gypsy way of life. Gypsy status is viewed as a special aspect of private life, and the applicants' private life is lived from their caravan.
2. The availability of an alternative site, including its suitability for the individuals particular needs, the financial circumstances of those affected, and the efforts made to find an alternative site.
3. Whether there has been a full and fair opportunity for the applicant(s) and other occupiers of the site to make their case for respecting their Article 8(1) rights, including those arising from their gypsy status, before the relevant administrative authorities, including a planning inspector;
4. The strength of reasons justifying an interference with human rights;
5. The views and rights of others such as third party objectors and any other persons who may be affected by the development.
6. What planning conditions can be imposed?
7. What provision for housing homeless persons can be made if this application is refused?
8. Whether a decision to grant permission could arguably amount to a precedent for the district and whether it is desirable or undesirable in planning terms.

The above does not purport to be an exhaustive list. It will also be relevant to some of the material planning considerations to be considered in connection with this application, such as the availability of alternative sites.

## **Race Relations Act 1976 ('RRA')**

Members need to have regard to the legal obligation imposed on SSDC under the RRA when exercising its planning functions. Such considerations are also relevant to ensuring that there is no breach of Article 14 referred to above.

The RRA provides so far as material:

"71(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-

(a) to eliminate unlawful racial discrimination; and

(b) to promote equality of opportunity and good race relations between persons of different racial groups."

72. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess the impact of their policies on those groups. Romany Gypsies and Irish Travellers have been recognised by the courts as being distinct ethnic groups covered by the RRA 1976. Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of gypsy and traveller site planning."

## **PLANNING CONSIDERATIONS**

### **Alternative Sites**

There are 2 existing public gypsy and traveller sites in the district - Ilton and Tintinhull. At the current time, there are no spare pitches available on either of these sites. In addition, there are no allocated gypsy or traveller caravan sites in the district. It is therefore clear that there are no available public alternative sites for the applicant to occupy.

### **Need for the Development:**

The Council's most recent published Gypsy and Traveller Accommodation Assessment (July 2013) stated that for the South Somerset district, a total of 10 permanent pitches are required between 2010-2015, a further 8 from 2016-2020 and an additional 9 pitches between 2021-2025. Since 2010, a total of 14 pitches have been approved. Therefore, as per the point made by a number of local residents, without allocating any sites for gypsy and traveller use, the Council has met its target for the period between 2010-2015.

However, notwithstanding this position, the Planning Policy for Traveller Sites requires that the Council is able to demonstrate a deliverable 5 year supply of gypsy /traveller sites. On this point, the Council is not currently in a position to be able to demonstrate a 5 year supply. If the need for the next 5 years is assessed, based upon the GTAA report, the Council target will be for 4 pitches. However, these figures, as with all housing numbers, are targets and not maximum figures. As a recent appeal Inspector concluded in assessing an appeal for 2 gypsy pitches at Haselbury Plucknett, the fact that 2 gypsy pitches were being sought, demonstrated that a need existed for those pitches. Therefore, additional pitches are required in the district, albeit only a relatively small number.

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

Some residents have commented on the availability of a site in Fivehead. This was granted for 4 pitches and it is understood that this private site is currently vacant. However, this approval is included within the 14 approved pitches. However, the Council has a duty to consider the merits of this current application site. Moreover, as outlined above, there is a need for further pitches.

Comments have also been made that there is availability at the existing Council run site at Ilton. It is understood from speaking to the housing department that there are currently no available spaces. Pitches do become available from time to time but these are usually filled quickly from those on the waiting list. Moreover, there is no guarantee of being housed as an assessment of need is undertaken and those deemed to have greater needs will be given priority.

### **Countryside Location**

Both saved Policy HG11 and government policy make it clear that gypsy and traveller caravan sites located in rural locations are acceptable in principle. Therefore, whilst there are other policies that seek to protect against development in the countryside, an application for a private site should not be refused just because it is located in the countryside. However, the impact of the development on its setting and wider landscape impact, impact on heritage assets, sustainability considerations, highway issues, flooding and impact on residential amenity still have to be carefully assessed.

### **Highway issues**

One of the biggest concerns raised has been in relation to highway safety issues and the increase in traffic using Cad Road, generated not only from the proposed development but as a result of other permissions granted, in particular, the growth of businesses in Ilton parks and a distribution warehouse in Ilton.

The Highway Authority originally recommended refusal of the application due to the substandard level of visibility available at the site entrance. Revised plans and additional supporting information were submitted which have been assessed by the Highway Authority. The key issue as outlined above by the Highway Authority was the visibility to the west i.e. towards the road bridge. The Highway Authority have advised that a splay of 2.4m x 120m to the bridge can be achieved - this is commensurate with Design Manual for Roads and Bridges based on vehicle speeds of 42mph. The Highway Authority's advice is that the bridge acts as a traffic calming measure and that on site observations indicate speeds of around 40 mph. Accordingly, the visibility to the west is considered to be acceptable.

With regard to the level of traffic generated by the proposal, the Highway Authority accept that the development would create more traffic than an agricultural use and is comparable to a residential development. Based on the TRICS data, this would generate 4 movements in the peak hour. On this basis, the Highway Authority conclude that the number of vehicle trips generated by this development is acceptable and would not result in a severe impact warranting refusal.

The Highway officer was specifically asked by the case officer about the increase in traffic along Cad Road, in particular traffic generated from the business park, and whether the traffic generated from this development would be acceptable. The advice given was that the local highway network would be able to satisfactorily accommodate the level of traffic from this development. Given the overall traffic resulting from developments in particular at the business park, and existing road traffic using the road, the level of movement generated by this development would only be a very small percentage of overall traffic. There is no evidence to suggest that this would result in a severe highway impact, sufficient enough to warrant a refusal on highway grounds.

In terms of parking, the Highway Authority has requested a condition to seek a plan showing 3 parking spaces per pitch. It is considered that there is sufficient parking provision within each plot to provide 3 spaces. A condition will be attached to any consent to require submission of a revised layout plan.

### **Sustainability**

A number of comments received about the application is that the site is not located in a sustainable location. The nearest settlements at Ilton, Ashill, Broadway and Horton have a lack of facilities. This would therefore very likely result in travel to Ilminster (4 km distance) and possibly beyond to access education, health, shops and other services. In addition, given the lack of street lighting, pavements and poor public transport provision, this development is likely to generate car use. It is accepted that in planning terms this would usually warrant refusal on sustainability grounds. Indeed, local residents have commented that this has been the basis for refusing locally submitted applications.

However, based on the experience of dealing with a number of gypsy site applications and in particular planning appeals, whilst the focus is on achieving sustainable forms of development, it is clear that car use is expected and that, in the context of gypsy sites, a distance of 4km or more is not an unreasonable distance from services and facilities. On this basis, and in this case, it is not considered that this is an unreasonable distance to travel in a rural area to access, education, health and other services and facilities. Indeed, Planning Inspectors have previously concluded that distances of up to 10km are not great in a rural location. It is not considered that this site is in such an unsustainable location to warrant refusal.

### **Flooding**

Concerns were raised during consideration of the previous application in respect of flooding in the local area. Whilst the site is in Flood Zone 1, due to local information and knowledge regarding flooding in the area, a FRA was sought. The application was withdrawn in order for the FRA along with a Heritage Assessment to be submitted.

This new application was accompanied by a Flood Risk Assessment. The key points and conclusions from the FRA have been outlined earlier in this report. The FRA clearly accepts that whilst flooding has occurred in the vicinity of the site, namely Cad Road, the site itself does not flood. Importantly, whilst residential use is considered to be a 'highly vulnerable' use, given that the site is within Flood Zone 1, the site is unlikely to be at risk of flooding, the use of permeable surfacing would be implemented along with the preparation of a Flood Emergency Plan, it is considered that the development would not increase the risk of flooding elsewhere and unlikely to flood on site. On the basis of the above, and importantly in the absence of an objection from the Environment Agency or the Council's engineer, it is not considered reasonable to refuse the application on flooding grounds.

### **Drainage**

The applicant has indicated in the submitted forms that septic tanks will be used to deal with foul sewage. However, both the Environment Agency and local residents have stated that due to the local ground conditions, septic tanks are not suitable in this location. Moreover, local residents have upgraded their systems to sewage treatment plants. The use of private sewage treatment plants is recommended by the Environment Agency in this case. The applicant has stated verbally that they would install such systems. A condition shall be installed on any consent to impose the use of private sewage treatment plants and not the use of septic tanks.

### **Landscape**

The adverse impact of the proposed development on the local landscape has been raised by many local residents and Parish Councils. The advice of the Council's Landscape Officer have

been outlined earlier in this report. Accepting that the site could accommodate a single pitch gypsy site, and that the road is characterised by isolated development, the proposal for 6 pitches is considered too intensive and out of character with singular dwellings and farmsteads. Thus, the landscape officer does not support the scale of development.

Previously, the landscape officer had raised concern about the impact of the site's access in regard to the listed gateway serving the entrance to Rowlands House and Mill. Advice was given to move this entrance further to the west and the current access enclosed with planting. Moreover, to retain the east end of the site as grassland. These issues have been addressed in the revised application and the landscape officer views this as an improvement on the earlier scheme. Accordingly, the landscape view is finely balanced. The landscape officer's advice is that if there is an overriding planning need for the development, then the landscape impact is not so great as to offer over-riding grounds for objection. Given that there is a planning need for sites, it is considered that subject to a condition seeking details of the landscape scheme, the landscape grounds are not sufficiently adverse to warrant refusal of the proposal.

### **Conservation - Impact upon the setting of heritage assets.**

The impact of the proposed development on local heritage assets was one of the main issues raised during the previous application. As a result, a Heritage Assessment and Impact Assessment was undertaken of the proposed development. Notwithstanding this report, there remains considerable local concern about the impact of the development on heritage assets, in particular, upon the setting of the entrance to Rowlands and its listed gated piers.

The Conservation Manager has assessed this revised proposal along with additional comments submitted by Michael Heaton Heritage Consultants on behalf of the owners of Rowlands about the impact of the proposal on Rowlands. Whilst acknowledging that the movement of the access westwards has reduced the impact on the setting of the gates, he retains reservations about the proximity of the site to the gated entrance. Mention is made of the 'slight screening alongside the road boundary'. Whilst the thickness/depth of screening required could be a lengthy debate, it is considered that there is a mature hedgerow along the roadside boundary and that this would be supported by additional planting through a detailed planting scheme as requested by the landscape officer. Given the finely balanced view of the landscape officer, the lack of an objection from English Heritage, the existence of sporadic development along Cad Road, and the ability through condition to seek additional planting, it is considered that the setting of the entrance to Rowlands will be preserved.

In response to the report submitted by Michael Heaton Heritage Consultants, the Conservation Manager agrees in relation to the setting of the listed gateway. However, as outlined above he does not agree with the suggestion that the whole of Rowlands and Jordans is a single landscape entity. This case is an issue about the setting of the listed gateway, rather than the sum of the other assets.

### **Residential amenity**

In terms of impact on residential amenity, the site is located approximately 130 metres from the nearest residential property. In addition, no business activity is proposed on site. Therefore, it is not considered that the proposed use would cause any harmful impact to the residential amenity of local residents.

Policy contained in 'Planning Policy for Traveller Sites' states that sites located in rural areas should respect the scale of, and not dominate the nearest settled community. Whilst it is accepted that the scale of this development is larger than the usual sites for 1 or 2 pitches, it is not considered that, given the sites visual containment, there is sufficient evidence to indicate that the nearest settled communities at Rapps and further afield at Ilton would be adversely dominated by this proposal. Moreover, if this application were to be approved, then a set of

conditions would be imposed that seek to strictly control the use of the site including the number of caravans and to prohibit business use. If there was any breach of one or more of those conditions, then the LPA may use enforcement powers to regularise the situation.

## **CONCLUSION**

It is accepted that the Council does not have any allocated sites where the applicants and their respective families could reside nor does the Council have a 5 year supply of deliverable sites. Moreover, the two Council run sites are fully occupied. Therefore, careful consideration has to be given to applications for private sites. The need for the site has to be weighed up against the various concerns and objections raised in respect of highway, flooding, sustainability, impact on heritage assets and landscape issues. Whilst it is considered that the above issues have been satisfactorily addressed, in the absence of a deliverable 5 year supply of sites, if members are not supportive of either a permanent or personal permission, significant consideration should be given to a temporary permission.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Not relevant to this application.

## **RECOMMENDATION**

Grant Consent

01. Notwithstanding the concerns raised in respect of highways, flooding and drainage, impact on heritage assets, and sustainability, the proposal would provide a satisfactory means of access, would preserve the setting of the listed gate piers and entrance to Rowlands, would preserve the setting of the listed road bridge, is located within a reasonable distance to services and facilities, can be satisfactorily drained and would help meet the Council's need for gypsy/traveller sites. The proposal is therefore in accord with Chapters 4,6,10 and 12 of the NPPF, Planning Policy for Traveller Sites and saved policies ST5, ST6, EH5, and HG11 of the South Somerset Local Plan.

### **SUBJECT TO THE FOLLOWING:**

01. The site shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites.

Reason: To ensure that the site is only occupied by gypsy and travellers.

02. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on each pitch at any time.

Reason: To protect the amenities of the area to accord with saved Policy ST6 of the South Somerset Local Plan.

03. No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenities of the area to accord with saved Policy ST6 of the South Somerset Local Plan.

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

Reason: To protect the amenities of the area to accord with saved policy ST6 of the South Somerset Local Plan and policies in the NPPF.

05. No development shall take place until a revised plan showing parking and turning areas; drainage details to include the private water treatment plant, proposed external lighting within the site; details of any access gates to Cad Road and pedestrian gates to Butts Lane; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, this shall include details of the planting to enclose the existing vehicular access; have been submitted for the written approval of the local planning authority. Once agreed these details shall not be changed without the written consent of the Local Planning Authority.

Reason: To protect the amenities of the area to accord with saved policy ST6 of the South Somerset Local Plan and the NPPF.

06. There shall be no external lighting on the site other than as approved under condition (5) above.

Reason: To protect the visual amenity of the area to accord with saved Policy ST6 of the South Somerset Local Plan and policies in the NPPF.

07. The parking and turning areas as provided pursuant to condition (5) above shall be kept available for such uses at all times for the duration of the development.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

08. Prior to the occupation of the development hereby permitted the proposed access over at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

09. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 215 metres to the west of the access and 120 metres to the east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.



10. The existing access shall be abandoned and its use permanently abandoned within one month of the new access hereby permitted being first brought into use.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

11. The application hereby approved shall be carried out in accordance with the following submitted plans:

Drawing numbers: 01219/1A REV8, 01219/3 REV 2, 01219/4 REV and 01219/6AREV4.

Reason: For the purposes of clarity and in the interests of proper planning.

12. Septic tanks shall not be used to deal with foul sewage within this development. Foul sewage shall be dealt with by private sewage treatment plants, commensurate with condition 5.

Reason: To ensure the satisfactory disposal of sewage.

#### **Informatives:**

01. The applicant's attention is drawn to the following information from the Environment Agency.

We have no objection to the proposed development subject to the following informatives being included in any planning permission granted. We have the following additional comments to make on the information submitted.

#### **Private Foul Drainage**

The applicant proposes use of non-mains drainage facilities. We note that the documents submitted indicate that use of septic tanks is proposed. However, these may not be suitable due to local ground conditions during adverse weather affecting the infiltration. There were issues with existing properties septic tanks last year that would confirm this point. Therefore, we would recommend that the development is served by sewage treatment plants.

#### **INFORMATIVE**

If non-mains foul drainage is the only feasible option an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before any development commences. This process can take up to four months to complete and it cannot be guaranteed that a Permit will be granted. The applicant should contact the Environment Agency on 03708 506506 for further details on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

#### **NOTE TO APPLICANT**

We are currently reviewing the registration of small sewage discharges. The review is ongoing where we will not pursue registration for a small sewage discharge in England where the:

- discharge is to ground and is of 2 cubic metres per day or less via a septic tank and infiltration system (soakaway) and is outside a Source Protection Zone 1. This is approximately equivalent to 9 people occupying a single property;
- discharge is to surface water and is of 5 cubic metres per day or less via a package sewage treatment plant. This is approximately equivalent to 30 people occupying a single property (for example, a small school, residential home and so on);
- sewage is only domestic;
- sewage system is maintained in accordance with the manufacturer's instructions and you keep a record of all maintenance. In the case of septic tanks this includes regular

- emptying; and;
- does not cause pollution of surface water or groundwater.

Please note that if you do wish to register your discharge this facility is still available via our website.

#### Pollution Prevention During Construction INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

#### Flood Risk

As this site is shown to be in flood zone 1 (low risk), and there is no mapped flood zone associated with this site as the catchment is less than 3km<sup>2</sup>, due to the local sources of flooding your Technical Services department should lead on the review of the Flood Risk Assessment. This is especially important, as this form of development is considered highly vulnerable under the National Planning Policy Framework Technical Guidance. Therefore, as the drainage authority you must ensure that this matter has been suitably addressed.

We do note that there have been reports of flooding in the vicinity of the site. As the flooding is likely to be from ordinary watercourse, groundwater or surface water sources you must consult with your Technical Services department. As the drainage authority you must ensure that this matter has been suitably addressed.

Your Council's Emergency Planners should be also be consulted in relation to flood emergency response and evacuation arrangements for the site as there are reports of the access to the development being adversely impacted on by flooding.

We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Local Planning Authority may wish to secure this through an appropriate condition. We can confirm that the site does not lie within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Planning Policy Statement 25 and the associated Practice guide places responsibilities on LPA.s to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

#### NOTES TO APPLICANT

##### Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance it is available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/).

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>

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