

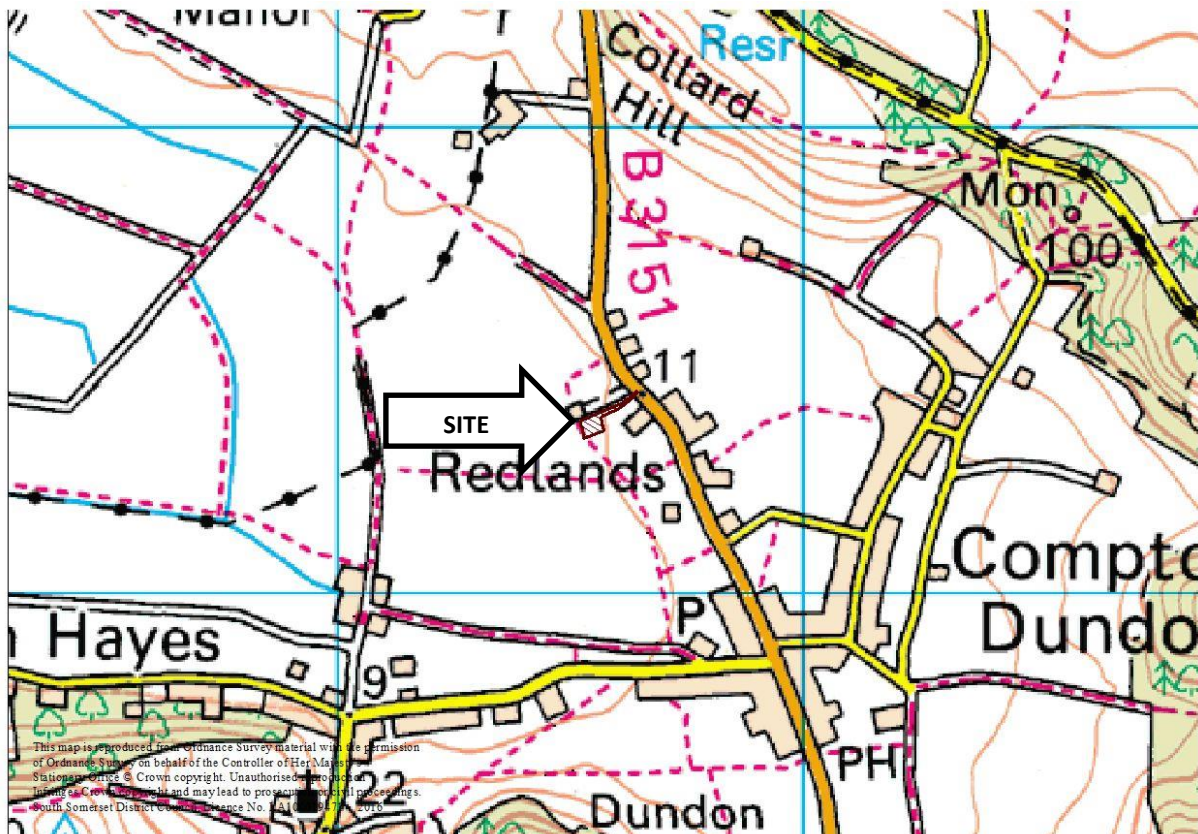
Officer Report On Planning Application: 16/01761/S73A

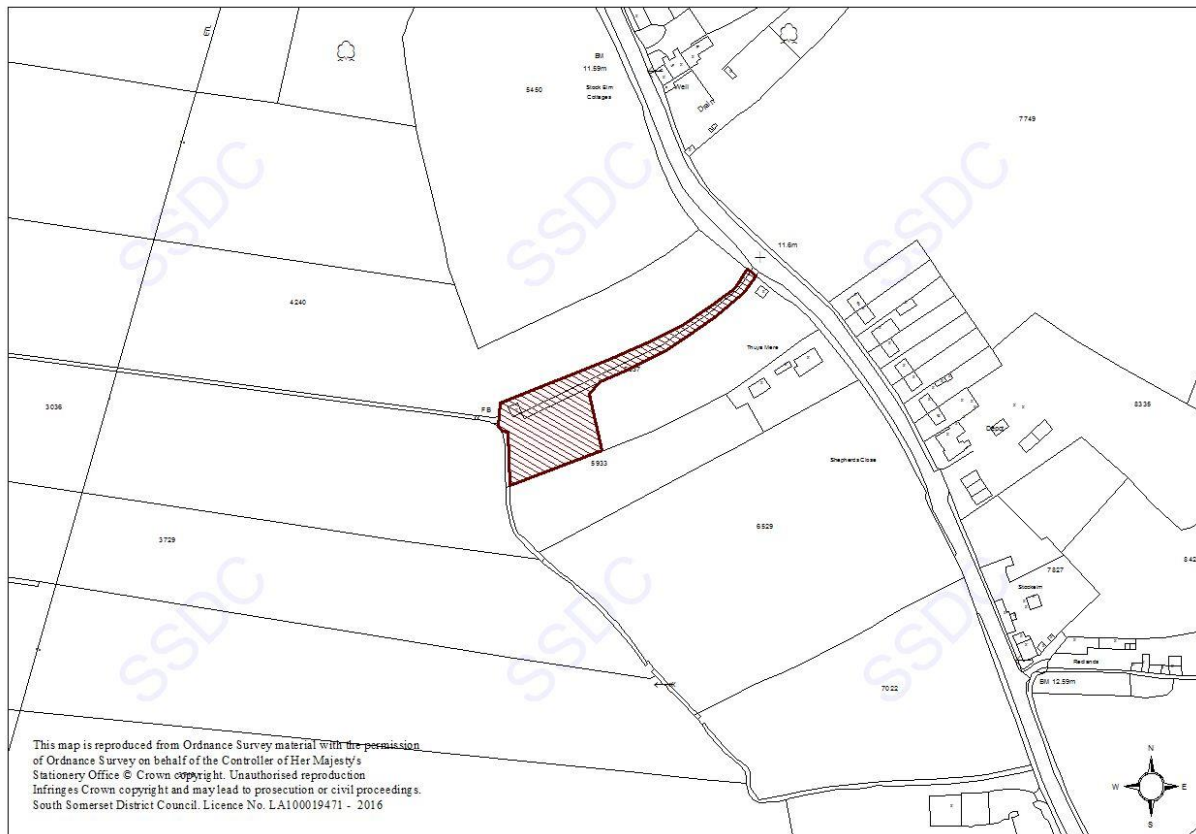
Proposal :	Application to vary Conditions 2,3,4,6,7,8,9 and 10 of approval 13/04943/FUL to regularise the existing development ; 2 additional touring vans; external lighting; turning and parking area and hardstanding; landscaping schedule;1 additional storage container materials and the substitution of plans.
Site Address:	Hedgerow Meadow, Street Road, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	21st June 2016
Applicant :	Ms E Brown
Agent: (no agent if blank)	Dr Simon Ruston, The Picton Street Centre, 10-12 Picton Street, Montpelier BS6 5QA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Area Chair at the request of the Ward Members, who are of the view that the application should be referred to the Committee for a decision in the interests of a full discussion of the relevant issues.

SITE DESCRIPTION AND PROPOSAL





The site is located approximately 0.5 Km north of Compton Dundon, on the west side of the B3151 (Street Road). It comprises the rear portion (approx. 2000 sq m) of a field, set back 200m from the highway. The field is bordered by hedging and surrounded by open agricultural land. On the land to the south of the site a bungalow is sited adjacent to the highway. The bungalow is some 200m from the eastern edge of the site. There is a ribbon strip of dwellinghouses on the east side of Street Road, across the road from the bungalow.

Permission was granted (13/04943/FUL) for the creation of a single, permanent traveller pitch, with the siting of 1 Static Caravan (Mobile Home) , 1 Touring Caravan, 1 ISO container, 1 storage shed, a composting toilet and a polytunnel.

An amendment to this permission has now been sought, to make the following changes:

- stationing of two additional touring caravans on the site at any one time
- clarification and rearrangement of areas of hard surfacing within the pitch
- a revised landscaping and planting scheme
- siting of one additional storage container, for business purposes

HISTORY

13/04943/FUL - Change of use of land to 1 No Traveller pitch and associated works comprising 1 No mobile home; 1 No Touring Caravan; 1 No ISO container; 1 No shed; 1 No compost toilet and a polytunnel; use of shed and land for siting/storage of domestic items; access and associated hardstanding - permitted with conditions

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1 Sustainable Development
HG7 Gypsies, Travellers and Travelling Showpeople
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ2 General Development
EQ3 Historic Environment
EQ4 Biodiversity

National Planning Policy Framework (March 2012):

3. Supporting a prosperous rural economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Planning Policy for Traveller Sites - Department of Communities and Local Government, August 2015

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: The PC recommends refusal for the following reasons:

The original application 13/04943/FUL was already retrospective as is this application, indicating a total disregard for any planning laws and any conditions determined. The Area North Committee minutes of 26.03.2014 indicate members' commenting on the need for reassurance that conditions will be adhered to. This has not been the case and probably will not be in the future.

The block plan (EB16-Block) shows the location of two "touring" caravans, a residential caravan and a Mobile Home all behind the post and rail fencing and inaccessible by the double gated entrance shown - implying that none is to be used for touring as claimed.

The reason given for a variation of Condition 8 is stated as "to regularise the addition of 1 no. additional storage container". However the proposed wording is actually changing the Condition that "no part of the site other than the storage container shall be used for business purposes or commercial storage of any kind". In fact this variation is sanctioning a retrospective change of use from a single traveller's pitch with a container for storage, to a scrap business in open countryside. Additionally, the proposed variation of Condition 2 allowing for a second touring caravan for the purposes of renovation is sanctioning a further business to be run from "another part of the site".

The water table in this location is very high. Concerns were raised during the original application that no testing had been carried out to assess drainage and natural sewage handling on the site. This application proposes an increase in accommodation units and there is no assurance that the current scrap business is not creating water pollution. Concern has been raised by the fact that Environmental Protection has been called to the site on several occasions following the burning of scrap.

If any of the conditions were to be varied the Council strongly recommends that before any further accommodation is permitted the landscaping plan should be implemented in full and allowed to become established. Any lighting approved should be limited by lumen intensity. Material used for hardstanding should be as defined and the use of concrete forbidden.

Highways Authority: No objection.

SSDC Landscape Officer: No objection. A suggested increase in the amount of new planting has been incorporated in an amended plan submitted by the applicant.

SSDC Environmental Protection Officer: No comments received.

Wessex Water: Pointed out the existence of a water main to the west of the site. No further issues are raised.

Somerset Drainage Board: No comment received.

Mendip District Council: No comment received.

County Gypsy Liaison: No comment received.

REPRESENTATIONS

11 letters of representation have been received, making the following main points:

- there are concerns about using agricultural land for this purpose;
- the proposal would be visually harmful and represent over-development of the site;
- the number of caravans and containers is excessive for one family;
- occupancy by more than one family is likely;
- the suitability of the compost toilet is queried;
- the site is being used for business purposes, which this application seeks to increase;
- the application is retrospective;

- the site is visible from various vantage points;
- there are drainage concerns about the site; no expansion should be allowed without investigating this impact;
- conditions imposed have not been adhered to; future adherence to conditions is questioned;
- the fact that 8 of the conditions are now being amended indicates the degree of non-compliance with conditions;
- lighting is a concern;
- landscaping has not been carried out

CONSIDERATIONS

Principle of Development

The site has been approved as a traveller pitch, personal to the current occupant and owner, and her family. The proposed changes are minor in nature, and do not extend the size of the pitch or the occupancy level of the pitch. The overall principle of the development is accepted, and each of the proposed changes falls to be assessed on its merits.

Two Additional Touring Caravans

The applicant has applied for an increase in the number of touring caravans on the site on the basis that she restores and re-sells caravans when the opportunity arises, never more than one at a time. The other additional caravan is to be a holiday caravan for use by the family in addition to the two larger caravans on the site in which the family permanently lives. The applicant notes that it is customary to allow a day room on traveller sites, as ancillary accommodation to the static caravan allowed under the permission. The touring caravan on the site (the second caravan as allowed under the original permission) is, in fact, used for this purpose. This means that when the family tours an additional caravan is required.

An additional caravan instead of a permanent built structure minimises the visual impact of the pitch, and the arrangement is considered acceptable in this context.

Undertaking work on a single caravan on the site for resale is would not create any harmful impact within the overall operation of the site, or the locality. It is considered reasonable to allow this in the context of residential occupation by this traveller family, provided that it is clear that no permission is being granted for a general caravan trading, dealing or repair business. These concerns can be adequately covered by condition.

The site is of adequate size to permit the storage of an additional touring caravan for use by the family on site.

Areas of Hard Surfacing

The proposed areas of hard surfacing form part of a clear layout for the pitch, which includes grassed areas and linking paths between the various components. They fall within the pitch as originally approved, and have no significant impact on the appearance of the site.

Landscaping

The scheme of landscaping originally approved has not been completed. In accordance with the advice of the Council's Landscape Architect, a revised scheme has been provided to ensure adequate planting to demarcate the pitch and provide screening. The scheme would improve the satisfactory embedding of the pitch within this setting.

Additional Storage Container

Also within the area already approved, permission is sought for the siting of an additional container for storage use in association with the business of the applicant's spouse. This container would assist in keeping stored materials within a defined space. It can be accommodated within the pitch without causing any visual harm.

Impact on Residential Amenity

The proposed minor changes will have no impact on the amenity of local residents, the closest of which is 200m away.

Highway Safety

These minor changes would not alter the approved intensity of use of the site, and would therefore not have any significant impact on highway safety.

Concerns raised by Parish Council

The main issues have been dealt with in the report. However, the following additional comments should be made:

- Notwithstanding the retrospective nature of the application, the substance of what is being sought is required to be assessed on its own merits. A judgement on likely adherence to conditions in the future is not a material consideration.
- It is not considered that the site layout would inhibit the moving of a caravan into/out of the pitch (i.e. for touring use, and also for removing the caravan being worked on). Such movement would not be frequent, and moving across the grassed area towards the gates would be manageable.
- The proposed wording of the condition relating to containers on site is not fundamentally changed from the wording in the existing permission, which is *No part of the site other than the storage container hereby approved shall be used for business purposes or commercial storage of any kind*. The application seeks to change the wording to allow for two containers instead of one. This does not change the essential nature of the pitch, which is a residential pitch on which the owners use some space for their employment activities.
- The changes proposed are not so significant as to alter the current drainage arrangements on the site.
- Landscaping, lighting and hardstanding proposals are submitted with the application for detailed consideration.

Concerns of Local Residents

These issues have largely been dealt with in the report. However, the following points require comment:

- The principle of the use of the site - and all aspects relating to highway safety, drainage, appropriateness of the use, etc. - has been determined. Only matters relevant to the minor changes applied for are considered in formulating a recommendation.
- It is not agreed that there would be significant visual harm resulting from the changes - which essentially amount to two additional caravans and a container on the large site, the area of which is in excess of 2000m². The pitch is well back from the highway, and well screened by hedges. The three additional items within this spacious pitch are not considered to have so serious an impact as to warrant a refusal.
- No application has been made to increase the numbers of occupants on the site, and the original occupancy conditions remain.
- The original permission acknowledged that the applicant and her spouse are self

employed and would make partial use of the site for this purpose. Business storage was limited to one container, and the application seeks to increase this to two. In addition, one caravan would be kept on site at any time for purposes of restoration and resale. No other business use is sought or recommended should this permission now be granted.

- Retrospective permission is an accepted response where a breach of planning control has occurred. The original application was approved on this basis. The current application for changes to the original permission has partially arisen out of concerns raised locally that some aspects of the permission were not being adhered to. In response to an investigation of an allegation of a breach of planning control, the applicant has made the appropriate application, including all the changes she considers necessary for her future requirements. This application now has to be considered on its planning merits.
- The application requires changes to a number of conditions only because conditions cross-reference plan numbers and that would require each and every condition to be amended to reflect the substitution of new plans (which is largely what this Section 73 application seeks to do).

Conclusion

The minor changes sought do not change the fundamental use for which the site was approved, i.e., as a single pitch for a traveller family, or the intensity of use of the site. The changes reflect the small changes in needs of the applicant which have emerged over the two years since the permission was granted, and are not considered to have any significant effect on the setting, local amenity or highway safety. Subject to appropriately amended conditions, the application is recommended for approval.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Grant permission.

01. The proposed minor changes to the approved use of a traveller pitch on this site would have no significant impact on the character and appearance of the setting, residential amenity or highway safety, and accord with the aims of Government advice contained in Planning Policy for Traveller Sites and the NPPF, and Policies EQ2 and HG7 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 Annex 1: Glossary of the Planning Policy for Traveller Sites (August 2015).

Reason: In the interests of sustainable development and to comply with the aims of the document Planning Policy for Travellers and Policy HG7 of the South Somerset Local Plan.

02. There shall be no more than 1 pitch on the site, and no more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Reason: In the interests of sustainable development and to accord with the NPPF and Policy HG7 of the South Somerset Local Plan.

03. No external lighting other than that shown on the submitted plan ref. EB16-BLOCK Rev B (and specified in the submitted details) shall be installed or erected on the site unless the details have first been agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the area and in the interests of preventing light pollution in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan.

04. The parking and turning areas shown on the submitted site layout plan ref. EB16-BLOCK Rev B shall be kept clear and used only for the parking and turning of motor vehicles.

Reason: In the interests of highway safety and to ensure that vehicles leave the site in forward gear, in accordance with the aims of Policy TA5 of the South Somerset Local Plan.

05. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splay shown along the entire site frontage on the submitted plan - Drawing No J327/02 rev B, submitted with the original planning application 13/04943/FUL . Such visibility splay shall be maintained at all times.

Reason: In the interests of highway safety and to ensure that vehicles leave the site in forward gear, in accordance with the aims of Policy TA5 of the South Somerset Local Plan.

06. No hard surfaces and hardstanding, including hardstanding to be established under vehicles used for residential accommodation, shall be created on the site except in accordance with the submitted plan ref. EB16-BLOCK Rev B unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of the area and to accord with Policy HG7 of the South Somerset Local Plan.

07. During the first planting season following the grant of this permission, the agreed scheme of landscape mitigation planting shown on the plan ref EB16-BLOCK Rev B received by email on 31 May 2016 shall be fully implemented. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out and any trees or plants which within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Thereafter, the scheme of planting shall be permanently retained and maintained.

Reason: To safeguard the character and appearance of the area, and to accord with the NPPF and Policies EQ2 and HG7 of the South Somerset Local Plan.

08. No part of the site other than the 2 storage containers hereby approved and the part of the site being used to site a single touring caravan for refurbishment shall be used for business purposes or commercial storage of any kind.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policies EQ2 and HG7 of the South Somerset Local Plan.

09. The submitted details of the design and materials of the cladding and roof to be applied to the two containers hereby approved shall be fully implemented on installation of the containers, and thereafter retained and maintained.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policies EQ2 and HG7 of the South Somerset Local Plan.

10. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. J327/01, J327/02 Rev C, J327/04, J327/05, J32706 and EB16-BLOCK Rev D.

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

11. The use hereby permitted shall be carried on only by the applicant, Ms E Brown, together with any spouse or dependants. When the premises cease to be occupied by Ms E Brown, the use hereby permitted shall cease and all materials and equipment brought onto the premises in connection with the use shall be removed.

Reason: In the interests of securing the site for the identified need of the applicant.

12. No electrical power generation equipment or machinery shall be operated or installed on the site other than in accordance with the details approved under application 14/01757/DOC (Discharge of Conditions) as set out in the letter to Ms E Brown dated 15 May 2014. or such other details as may be approved in writing by the Local Planning Authority. The approved details shall be fully implemented and thereafter retained and maintained as long as the equipment is operated on the site.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

13. No more than one touring caravan on the site at any one time shall be retained on the site for purposes of restoration and re-sale by the applicant, and no other buying, selling or dealing in caravans, or the storage of any materials or parts in connection with such activities shall take place on or from the site.

Reason: In the interests of amenity and sustainable development, and to accord with the aims of the NPPF and Policies EQ2 and HG7 of the South Somerset Local Plan.

14. No more than three of the caravans on the site shall be used for domestic occupation by the applicant together with any spouse or dependants.

Reason: In the interests of clarity in defining the scope of the permission.
