

Applicant: Mr Charlie Carmen

**Agent: Mrs Alex Patrick
Alexandra Design**

Land West Of Seadyke Caravan Park, Seadyke Bank, Murrow, Cambridgeshire

Change of use of land to a traveller's site involving the siting of 1 x mobile home and 1 x touring caravan, the erection of 1 x Day Room and the formation of an access

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1. Located in Flood Zone 3, the site is an area of grassland located to the north side of Seadyke Bank, in an area of sporadic development located approximately 700m east of the built framework of Murrow.
- 1.2. The proposed scheme comprises the change of use of former paddock land to accommodate the stationing of one mobile home, one touring caravan and a day room, along with associated parking and turning provision and boundary treatments.
- 1.3. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the PPTS and on that basis the principle of the development is considered to be acceptable. The proposal is considered to acceptable with regard to design, character and the impact on residential amenity in accordance with the necessary policies.
- 1.4. Notwithstanding, the relationship of the site to the settled community in terms of dominance is such that the surrounding sites are already a significant feature in the area, and the granting of consent for the proposed additional plot would result in dominance of the settled community, contrary to paragraph 25 of the PPTS (2015) and policy LP5 of the Fenland Local Plan (2014).
- 1.5. Furthermore, the site is in an area of high flood risk and insufficient information has been provided to demonstrate that this can be satisfactorily mitigated, contrary to: Policies LP5 - Part D (a), LP2 and LP14 of the Fenland Local Plan 2014; the Cambridgeshire Flood and Water SPD 2016, Chapter 14 of the NPPF (2021) and paragraph 13 of the Planning Policy for Traveller Sites (2015).
- 1.6. In addition, the application does not contain sufficient information to reconcile any ecological implications that may arise as a result of development, contrary to Policy LP19 of the Fenland Local Plan 2014 and paragraph 180 of the NPPF (2021).
- 1.7. On balance, therefore, it is considered that the proposal must be recommended for refusal owing to the above issues, the harm from which outweighs the fact that there is currently an unknown level of need in the District and the personal circumstances of the applicants.

2 SITE DESCRIPTION

- 2.1. Located in Flood Zone 3, the site is an area of grassland located to the north side of Seadyke Bank, in an area of sporadic development located approximately 700m east of the built framework of Murrow. The northern boundary of the site is an IDB drain, with agricultural land beyond. Immediately east of the site is Seadyke Caravan Park, a site with 12 gypsy and traveller pitches managed by Fenland District Council.

3 PROPOSAL

- 3.1. The proposed scheme comprises the change of use of land to accommodate the stationing of one mobile home, one touring caravan and a day room, along with associated parking and turning provision and boundary treatments.
- 3.2. The mobile home is proposed to be positioned along the rear northern boundary of the site and is to be of typical appearance.
- 3.3. The proposed day room is to be located to the southeast of the mobile home and will have a footprint of 6 metres deep x 7 metres wide it will contain a bathroom and open day room. Its proposed eaves height is 2.4 metres and its ridge height would be 4.7 metres. Materials have been specified within the design and access statement and application form as red multi brick and imitation cement fibre slates for its construction.
- 3.4. A proposed access will be positioned to the southwest corner of the site off Seadyke Bank. Boundary treatments include 1.8 close boarded fencing to the east and west, conifer planting to the west and north, and a hawthorn hedge to the front (southern) boundary. An existing earth bund will be retained between the site and the adjacent Seadyke Caravan Park to the east.
- 3.5. To the front of the buildings will be a turning and parking area to include space for 2 vehicles and a touring caravan, along with a lawned area to the side and rear of the proposed mobile home.
- 3.6. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR18/0568/F	Erection of 5no industrial buildings (B1) and offices and 1.8 metre high fencing	Refused 22.08.2018
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5 CONSULTATIONS

5.1. North Level Internal Drainage Board

My Board has no objection in principle to the above application.

The Board's Little Seadyke Drain forms the northern boundary to the site and therefore the Board's Byelaws apply, in particular Byelaw no.10 which states that "no person without the previous consent of The Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain".

5.2. Cambridgeshire County Council Highways Authority – original comments received 28.04.2022

The access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

The access area section details 1:20, however CCC construction specs require 1:40 cross fall. Please amend on plan.

Furthermore, please indicated the width of the access proposed.

5.3. Cambridgeshire County Council Highways Authority – revised comments received 22.06.2022

The previous comments have been addressed. Highways have no further comments to this application.

5.4. Environment Agency

We have no objection to the proposed development but wish to make the following comments.

Review of the Flood Risk Assessment We have no objection to the application but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD, Ref: ECL0680/ALEXANDRA DESIGN dated January 2022 and the mitigation measures detailed in section 5.2 of the FRA.

Further advice was offered but omitted for brevity.

5.5. Traveller And Diversity Manager (Mr David Bailey FDC)

I have no concern's that [the applicant] is an ethnic Traveller and looking into this case and seeing his work I can confirm that he meets the ppts definition of being a Traveller...

[The applicant] has a child. Therefore it is in the best interests of the children that they have a settled base from which to access education and health care.

5.6. Parson Drove Parish Council

The Council agreed to recommend refusal to F/YR22/0338/F Change of use of land to a traveller's site involving the siting of 1 x mobile home and 1 x touring caravan, the erection of 1 x Day Room and the formation of an access Land West Of Seadyke Caravan Park Seadyke Bank Murrow Cambridgeshire as there is no further need identified by a Travellers Needs Assessment, as cited in refusals F/YR21/0487/F and F/YR21/1244/F.

5.7. Local Residents/Interested Parties – no comments received

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home
- 6.3. The Council also has a duty Under the Equality Act 2010, ("2010 Act") Section 149, to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 Race is a protected characteristic identified by the 2010 Act. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the Public Sector Equality Duty, contained in the 2010 Act.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2 - NPPF is a material consideration in planning decisions.

Para 7 - Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11- Presumption in favour of sustainable development

Para 12 - Conflict with an up-to-date plan should not usually be granted

Para 80 - Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 119 - Promote effective use of land

Para 123 - Take a positive approach to alternative land uses

Para 124 - Making efficient use of land (density - need & character)

Para 159 - Development should be directed away from areas at highest risk of flooding

Para 161 - Need to apply the sequential and exceptions tests.

Para 180 - Adequate mitigation for biodiversity harm

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2019

Context

Identity

Built Form

Movement

Uses
Homes and Buildings

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP19 – The Natural Environment

7.5. **Planning Policy for Traveller Sites (PPTS) August 2015**

Policy B - Planning for traveller sites
Policy C - Sites in rural areas and the countryside
Policy H - Determine planning application for traveller sites
Policy I - Implementation

7.6. **Supplementary Planning Documents/ Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) including RECAP CCC Waste Management Design Guide SPD (2012)
- Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) Update 2013

8 **KEY ISSUES**

- **Principle of Development**
- **PPTS policies and criteria**
- **Impact on the character and appearance of the area**
- **Impact on the amenity of neighbours and dominance of the nearest settled community**
- **Sustainability – transport, highways safety, servicing**
- **Flood Risk**
- **Ecology**

9 **ASSESSMENT**

Principle of Development

- 9.1. The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new Traveller site development in open countryside that is

away from existing settlements or outside areas allocated in the development plan.

9.2. Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.

9.3. As such, the principle of Traveller sites in the countryside is supported. The means by which new Traveller development is to be controlled are set out in further policies in the PPTS and in local policies, and these are considered below.

PPTS policies and criteria

9.4. Under PPTS Policy B planning authorities should, amongst other things, set pitch targets for Gypsies and Travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans they should:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
- b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
- e) protect local amenity and environment.

9.5. Policy H, paragraph 22 of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS. It says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites;

- e) that they should determine applications for sites from any Travellers and not just those with local connections.

9.6. As such, in respect of Policy H the following is considered:

(a) The existing level of provision and need for Traveller pitches

9.7. Policy LP5 Part D states there is no need for new pitches as per the findings of the Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) update. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.

9.8. The most recent Gypsy and Traveller Needs Assessment (GTANA) update was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, at least 43 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet completed (owing to delays due to the Covid-19 pandemic) and there is no available up to date empirical evidence to enable Officers to accurately assert what the District's need is or how this will be met.

(b) The availability (or lack) of alternative accommodation for the applicants

9.9. Based on the current status of the GTANA, it is concluded that the Council is unable to adequately demonstrate that they have a 5-year supply of Traveller pitches at present. Therefore, it can be reasonably concluded that the Council would be unable to confirm the availability of alternative accommodation for the applicants as per part (b) of the PPTS. Policy H states that where an authority cannot demonstrate an up to date five year supply, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

(c) Other personal circumstances of the applicant

9.10. The applicant has provided a confidential statement clarifying the applicant's personal circumstances and providing some detail as to why the applicant should be accommodated at this location. The Council's Traveller and Diversity Manager has corroborated this and has confirmed that the applicant is of ethnic Gypsy Traveller heritage and as such meet the PPTS definition.

9.11. From the information supplied it confirms the applicant has a young child of pre-school age, who has 2 half-siblings, and that they have familial ties in the area. The applicant currently lives on a privately rented traveller pitch outside of the District that has been sold and as such the applicant seeks to relocate to Murrow to be nearer their extended family. The applicant intends to enrol one child in Murrow pre-school, with evidence suggesting that this may be possible, although enrolment is not confirmed. However, no evidence has been provided to confirm the ages of any other children (the half-siblings), whether they reside with the applicant, nor if these children will be enrolled at local schools.

- 9.12. Whilst it is accepted that there appears to be a requirement for the applicant to relocate and that the rights of a child and benefit of settled education are pertinent to consider, from the details provided, it appears that the applicant's child is not yet in full-time education with only a prospective enrolment possibility for one child at a local pre-school. As such, limited weight can be afforded to the personal circumstances of the proposed occupants and this must be considered in the planning balance against any harm resulting from the scheme.

Impact on the character and appearance of the area

- 9.13. Part D of Policy LP5 of the local plan, sets out criteria against which applications for Gypsy and Traveller (and Travelling Show people) caravan sites and associated facilities will be assessed, which with regard to character includes;
- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
 - (c) the location, size, extent and access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
 - (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated.
- 9.14. With regard to design and character, Policy LP16 requires all new development to;
- (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies; and
 - (d) make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.15. Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters;
- (a) effective use of previously developed (brownfield), untidy or derelict land
 - (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - (d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 9.16. The site is in the open countryside directly west of an adjacent FDC Gypsy and Traveller "Seadyke Caravan Park" and located approximately 115m east

of further Gypsy and Traveller sites known as “The Haven” and “Conifer Place”.

- 9.17. Travelling east along Seadyke Bank as you progress out of Murrow, the landscape character is that of sporadic residential and commercial development interspersed within swathes of agricultural land. Given the likely appearance of the proposed mobile home and day room, it is difficult to ensure that these will not have an unacceptable impact on the appearance or character of an area, especially an area that is so flat and open to long distance views. The location of the site within the landscape, the placement of the development within the site and the boundary treatment will be important to ensure that the scheme does not appear as a stark incongruous feature within the landscape setting. There is also a balance to be struck with criteria (c) of Policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site.
- 9.18. In this instance, the proposal will not amount to overdevelopment, with a generous amount of the plot left for private amenity space, parking and turning. The western boundary of the site will include conifer hedging and 1.8m close boarded fencing, and as such, views of the site will be restricted on approach from the west. Furthermore, the adjacent Traveller site at “Seadyke Caravan Park” and retained earth bund on the eastern boundary will restrict views of the site when approaching from the east.
- 9.19. Appropriate planting by way of a Hawthorne hedge is proposed to the southern boundary, fronting Seadyke Bank, which will help to soften the visual appearance of the proposal on the streetscene.
- 9.20. As such, it is considered that the proposal is acceptable in terms of its impact on character and appearance of the area, and complies with the aforementioned policies.

Impact on the amenity of neighbours and dominance of the nearest settled community

- 9.21. Impact on amenity can arise as a result of a range of factors, including noise, overlooking and overbearing/overshadowing. The development is sufficiently separated from adjacent Seadyke Caravan Site and other dwellings, so as not to impact on residential amenity in terms of loss of the factors outlined above.
- 9.22. With regard to the matter of dominance of the site on the settled community, regard is had to the PPTS and in particular the approach set out by the Planning Inspector on consideration of appeal APP/L2360/C/20/3250478 in South Norfolk. The Inspector in that case determined that the ‘nearest settled community’ was a different concept to the ‘nearest settlement’ and that is considered of a ‘scatter of houses and farms’ that lay within 1km of the site.
- 9.23. In the appeal case, the Inspector was considering a proposal for 8 plots separate from any other development and on that basis a development of that number of plots clustered into a small area represented a significant difference from the typical built pattern of its surroundings. In this case however, the proposed plots is in close proximity to a further 21 previously

approved plots, with the resulting grouping of development resulting in a density of development that therefore differs from the appeal proposal by a significant amount.

- 9.24. In this instance, it is not considered that a 1km radius represents the 'nearby settled community' as this would then include the outlying parts of the settlement of Murrow, a settlement with a very different character and development density to the development in the countryside beyond and a separate settlement in its own right. On that basis, it is considered that for this case a radius of 0.5km is more appropriate as this covers the area where development is of a similar scattered nature to the immediate surroundings of the application site.
- 9.25. There are approximately 7 residential properties within a 0.5km distance of the application site. Cumulatively, Seadyke Caravan Park, Little Acre Gypsy and Traveller site immediately west of Seadyke Caravan Park and the additional plots at The Haven and Conifer Place to the west of the application site, would total 21 traveller plots in the area. Should this application be permitted, this total would increase to 22. This level of development (22) is considered to result in dominance of that settled community as a result of the combination of permitted and proposed traveller sites. On this basis, the proposal would be contrary to paragraph 25 of the Planning Policy for Traveller Sites (2015), which requires that sites do not dominate the nearest settled community.

Sustainability – transport, highways safety, servicing

- 9.26. With regard to sustainability and servicing, Part D of Policy LP5 sets out further criteria against which applications will be assessed, which includes;
- (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
 - (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
 - (f) the site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services
- 9.27. Policy LP15 seeks to ensure development proposals include safe and convenient access with no detrimental impacts to the highway network.
- 9.28. With regard to general accessibility Seadyke Bank offers two-way vehicle movement and the scale of the development is not considered to give rise to significant highways conflicts.
- 9.29. Amended plans were received in response to initial comments received from the LHA to address their concerns. The revised plans depict that the site is proposed to be served by a 5m wide sealed and drained access to CCC Highways specification. Visibility from the access is good in both directions and there is sufficient space within the site to ensure entrance and exit from the site in a forward gear. The LHA has been consulted on the revised

proposal and has raised no objection to the scheme, subject to their construction as per the submitted revised plans. As such, the proposal is considered acceptable with regard to Policy LP15 and Policy LP5 Part D (d).

- 9.30. Although the site is in the countryside, Murrow and Wisbech St. Mary are both only a short drive away from the site and each provides access to primary schools, medical facilities and other services. The adjacent FDC Gypsy and Traveller site was found to be acceptable with regards to its position in a sustainable location and it must follow that this site is also sustainable in this regard and in compliance with Policy LP5, Part D (b). Taking into consideration that sites will be acceptable in the countryside, it would be unusual for such sites to be served by pavements or street lighting.
- 9.31. Given the position of the site, it would appear there is no available connection to the mains sewage system. The application form details foul and surface water drainage at the site to be via a cess pit and soakaway. The Environment Agency has raised no objections to the proposal but confirms that the foul drainage may also need an Environmental Permit from the EA. It is therefore considered that the detail in this regard can be adequately controlled through the permitting system as required. Potable water will be provided through the connection to mains water prior to the occupiers moving onto the land to live. Thus, the proposal is considered acceptable with regard to Policy LP5, Part D (f).

Flood Risk

- 9.32. The site is in Flood Zone 3, with a high probability of fluvial flooding. Planning Practice Guidance identifies development of land for permanent siting of caravans to be highly vulnerable development. Given these factors, the Planning Practice Guidance therefore states in Table 3 that the development should not be permitted here.
- 9.33. The site is accompanied by a Flood Risk Assessment (FRA). The EA has not objected to the application on the grounds of flood risk, providing the mitigation measures outlined within the FRA are followed.
- 9.34. Notwithstanding, the provided FRA relies on a recent appeal decision to justify why the site can exist in an area at risk of flooding (appeal reference: D0515/C/18/3196061) which refers to a site in Wisbech St Mary. The FRA goes on to set out that there are no other sites available in a lower area of flood risk as large parts of the District close to the River Nene lie in Flood Zone 3, with limited opportunities for development sites within lower flood zones. It also refers to the level of protection afforded to it by existing flood defence systems.
- 9.35. The FRA does not refer to any searches of other land that might be reasonably available in a lower area of flood risk and there is therefore no demonstration that an active search of alternative sites has been undertaken. Notwithstanding this, the appeal site to which the FRA refers was supported by detailed modelling undertaken by the North Level Internal Drainage Board and demonstrated that in the event of a breach of flood defences, that any flood waters would only reach the site at depths no higher than 100mm. No

such modelling has been carried out here, neither has any topographical survey of the site and surroundings for comparison.

- 9.36. Whilst some mitigation could be secured e.g., ensuring floor levels are raised as suggested in the FRA, this would not in itself prevent property stored at ground level from being affected. Neither would it enable safe passage for the occupiers, in the event of flooding, to safely egress the site. It is considered that the application fails to demonstrate that people and their property would not be at risk or even danger in a flood event.
- 9.37. Whilst it could be argued that the sequential test is passed on the basis that the council are unable to demonstrate that they have sites available now, to accommodate the applicant and his family, this does not overcome the risk to those occupiers from flooding (exception test) which has not been satisfactorily ruled out here.
- 9.38. The application is therefore in conflict with Policies LP5 - Part D (a), LP2 and LP14 of the Fenland Local Plan 2014; the Cambridgeshire Flood and Water SPD 2016, Chapters 12 and 14 of the NPPF (2021) in respect of amenity and flood risk respectively and paragraph 13 of the Planning Policy for Traveller Sites (2015).

Ecology

- 9.39. The submitted biodiversity survey states that the proposal will not be within 5m a watercourse (Qu.2). However the red line boundary of the application site shows the northern boundary directly abutting the drain. As such, the planning application should be accompanied by a preliminary ecology survey, or a statement from a suitably qualified ecologist to demonstrate that no priority species or habitats are likely to be impacted on by the scheme to rule out the need for further survey work.
- 9.40. The application details submitted did not include evidence to reconcile any ecological implications at the site and as such the LPA cannot be confident that the proposals will not detrimentally possible protected species. As such the application is contrary to Policy LP19 of the Fenland Local Plan and Paragraph 180 of the NPPF.

10 CONCLUSIONS

- 10.1. In conclusion, the existing policy framework surrounding the development is such that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the PPTS and on that basis the principle of the development is considered to be acceptable.
- 10.2. The relationship of the site to the settled community in terms of dominance is such that the surrounding sites are already a significant feature in the area, and the granting of consent for the proposed additional plot would result in dominance of the settled community. This is a negative feature at odds with

national and local planning policy and it is concluded that the additional impact resulting from the proposal justifies refusal on these grounds.

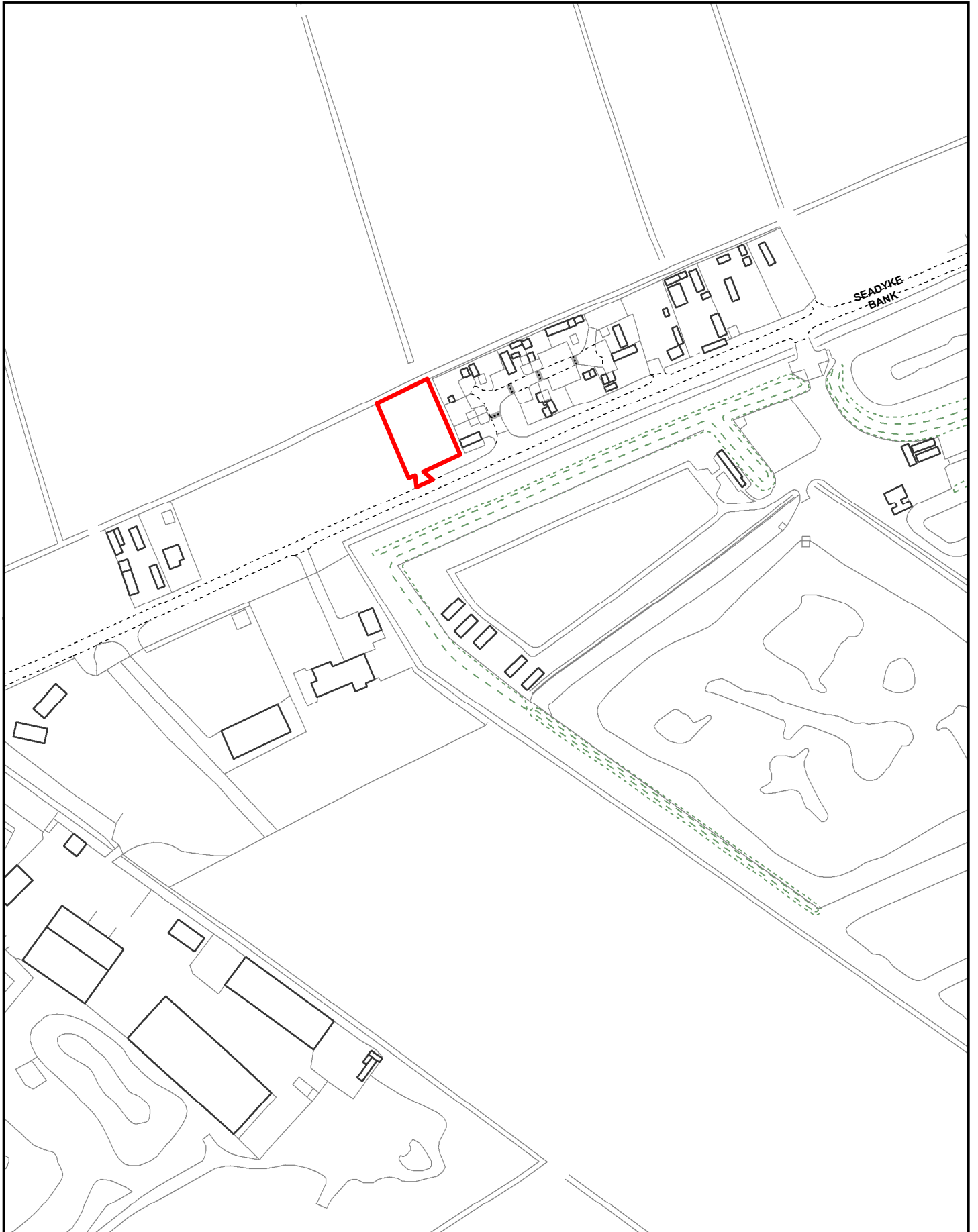
- 10.3. The site is in an area of high flood risk and insufficient information has been provided to demonstrate that this can be satisfactorily mitigated. In addition, the application does not contain sufficient information to reconcile any ecological implications that may arise as a result of development.
- 10.4. Turning to the personal circumstances of the applicant and his extended family, no other consideration is more important than the best interests of the children. However, these best interests will not always outweigh other considerations including those that impact negatively on the environment. Notwithstanding this, there are clearly negative impacts arising from the development that could adversely impact on the children, as well as the other occupiers. Whilst it is acknowledged that a settled base is important for emotional well-being and for education, these must be weighed against any harm arising through the proposal.
- 10.5. On balance, it is considered that the proposal must be recommended for refusal as the evident flood risk issue, lack of supporting ecological information, and the dominance of the settled community outweighs the fact that there is currently an unknown level of need in the District and the personal circumstances of the applicants. Due consideration has been given to the obligations arising from the Human Rights Act 1998 and the Equality Act 2010 and neither of these are considered to outweigh the harm identified above.
- 10.6. Paragraph 27 of the PPTS sets out;
- “If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission”*
- 10.7. Whilst it is acknowledged that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community, a temporary permission has been considered inappropriate in this instance, in view of the harm that in respect of exposure to flood impacts and concerns resulting in dominance of the settled community. These are current issues that cannot be satisfactorily mitigated, meaning the associated impacts are present now, rather than after a temporary permission has lapsed.

11 RECOMMENDATION

Refuse, for the following reasons;

1	The proposal is for the provision of 1 traveller plot with associated provision of a day room, boundary fencing and other development ancillary to the overall proposal. Paragraph 25 of the Planning Policy for Traveller Sites states that <i>“Local planning authorities should ensure that sites in rural areas respect the scale of, and do not</i>
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	<p><i>dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.</i>” The scheme would result in a cluster of 22 traveller plots in close proximity to each other and as a result would dominate the nearby settled community, which consists of scattered residential development in the open countryside. The scheme would therefore be contrary to paragraph 25 of the PPTS (2015) and policy LP5 of the Fenland Local Plan (2014). The harm arising is significant enough that it is not outweighed by the personal circumstances of the applicant, the consideration of the provisions of the Equality Act 2010 / Human Rights Act 1998 or the fact there is no up to date assessment of the need for pitches.</p>
2	<p>Policy LP14 of the Fenland Local Plan (2014) and the National Planning Policy Framework seeks to direct development to areas of lowest flood risk to ensure the safety of people and property. The proposal would result in Highly Vulnerable development being located within Flood Zone 3, the area of highest flood risk thereby putting people and property in danger of identified risks to the detriment of their safety. Insufficient evidence has been provided to demonstrate that the siting of a pitch in this location would not place people and property at unacceptable risk of flooding. As such it would be contrary to: Policies LP5 - Part D (a), LP2 and LP14 of the Fenland Local Plan 2014; the Cambridgeshire Flood and Water SPD 2016, Chapter 14 of the NPPF (2021) and paragraph 13 of the Planning Policy for Traveller Sites (2015).</p>
3	<p>Policy LP19 of the Fenland Local Plan (2014) and the National Planning Policy Framework seeks to ensure conservation, enhancement and promotion of biodiversity within the natural environment. The application site directly abuts a watercourse at its northern boundary. Insufficient evidence has been provided to demonstrate that development in this location would not detrimentally impact any protected species within the watercourse or site area. As such the scheme is contrary to Policy LP19 of the Fenland Local Plan 2014 and paragraph 180 of the NPPF (2021).</p>



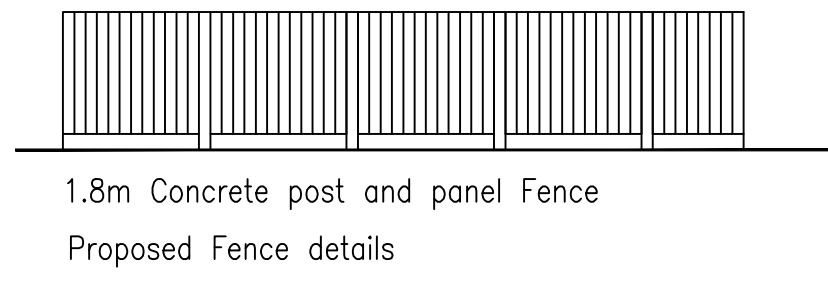
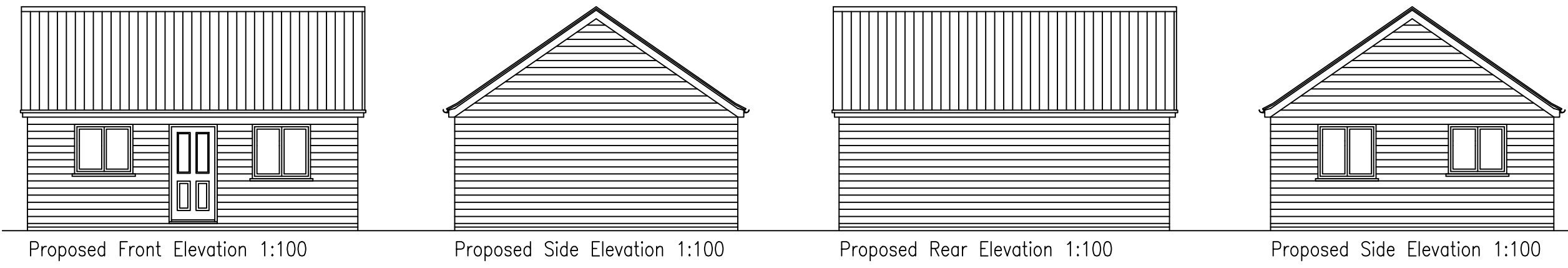
Created on: 11/04/2022

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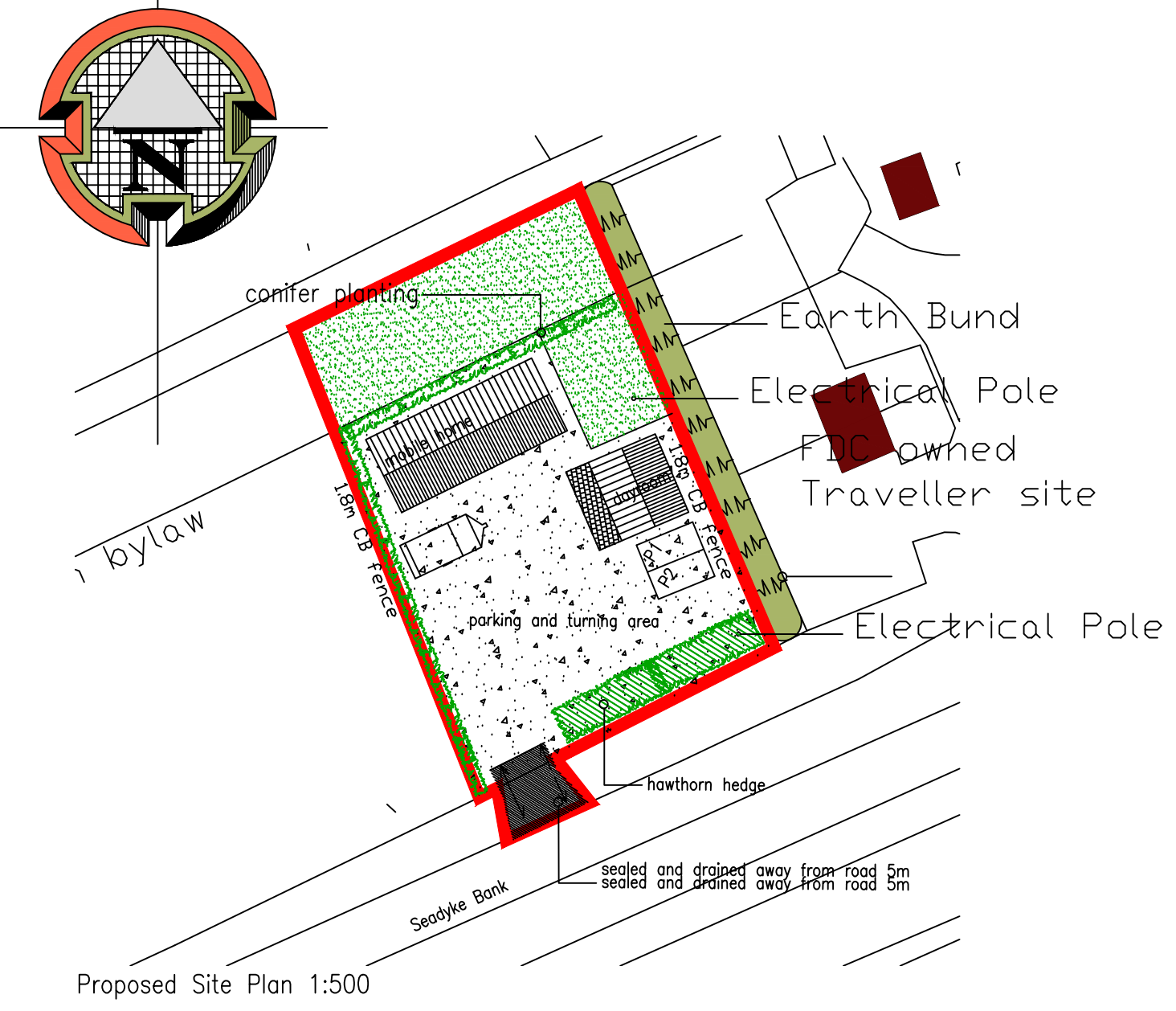
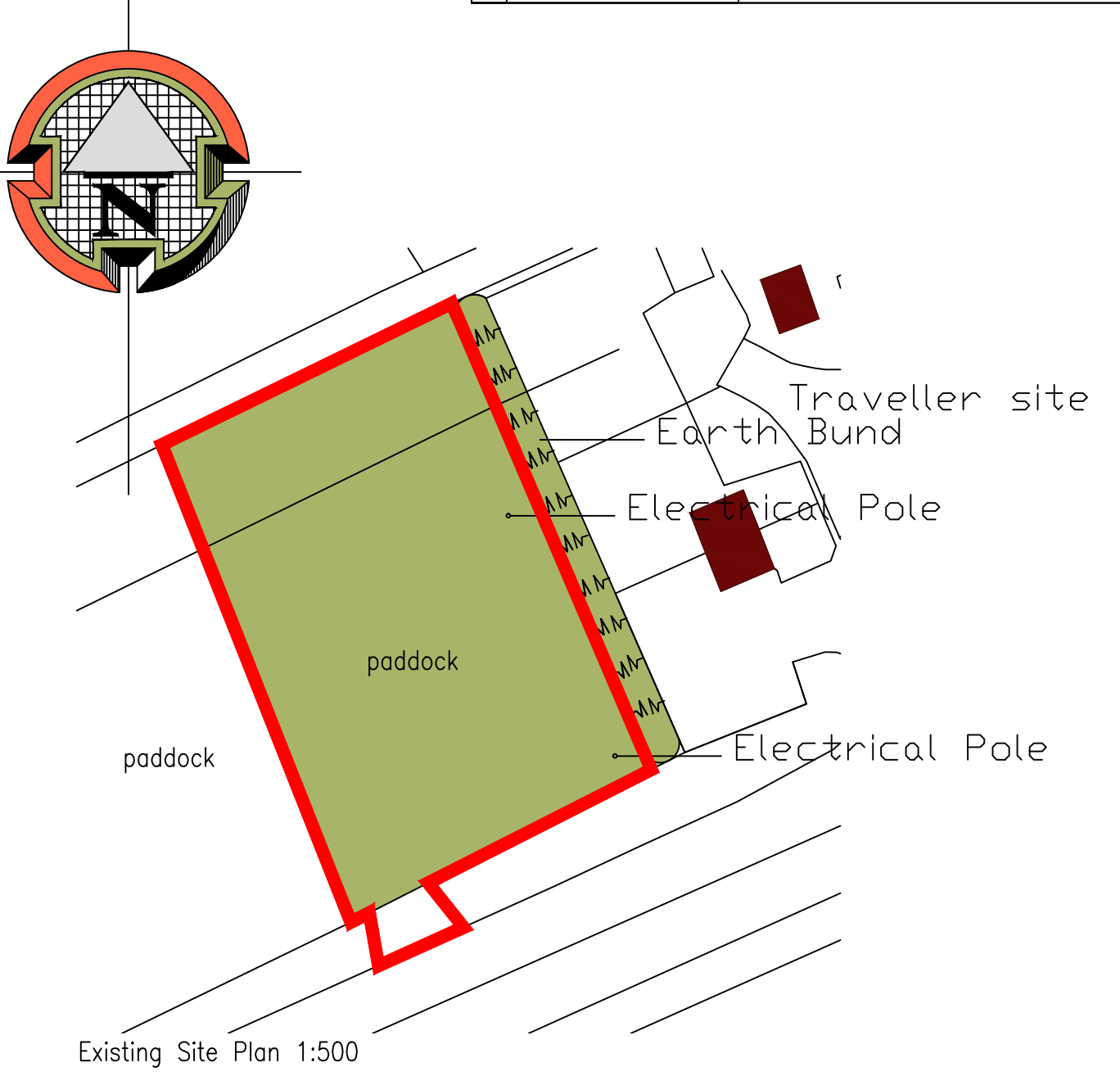
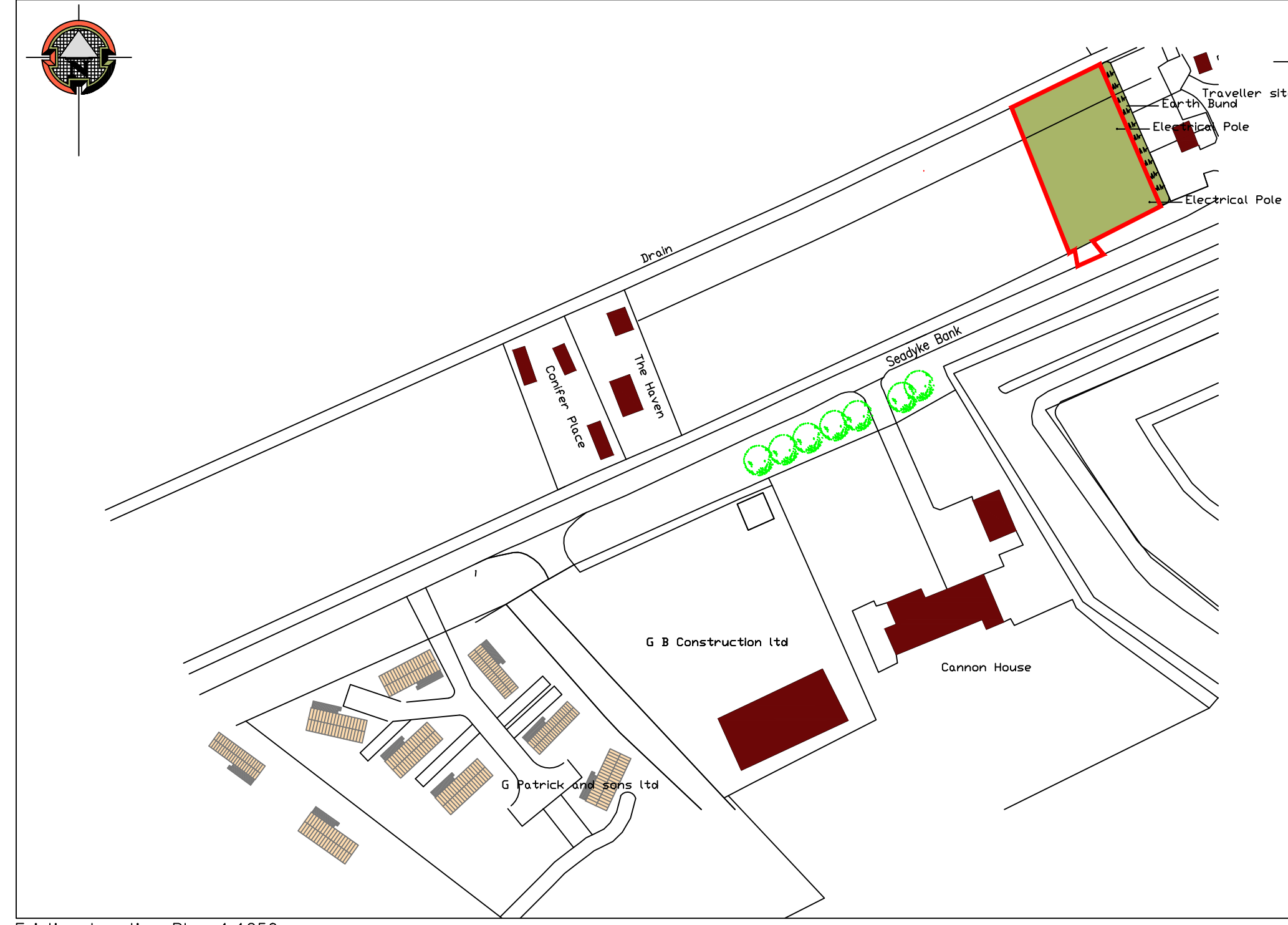
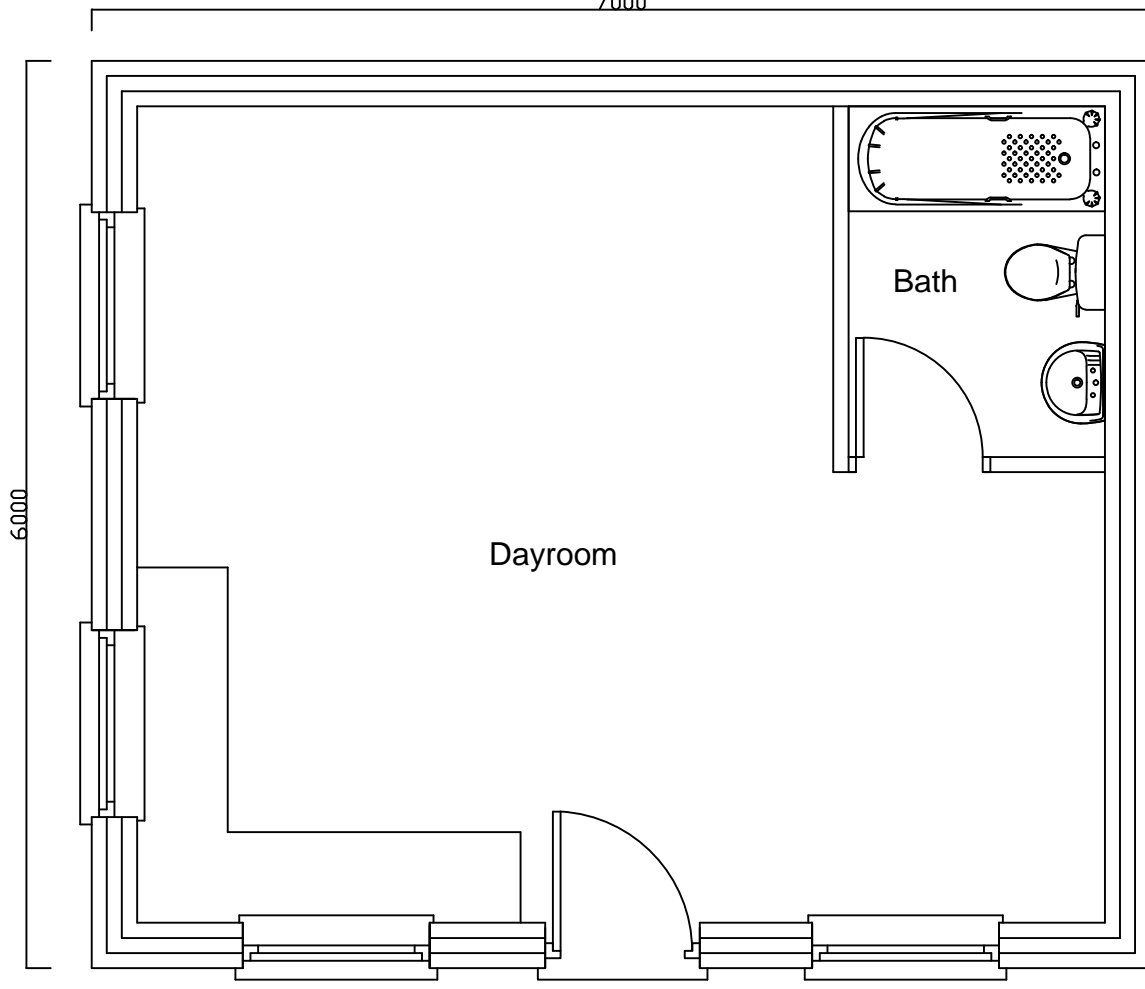
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Asphalt Access Area Section Detail 1:40

LAYER	SPECIFICATION	THICKNESS
1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6-0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
2. binder course	AC 20 dense bin to BSEN13108-1 and PD6691 with 50 pen binder.	90mm
3. sub-base	Granular sub-base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted. compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub-base.	365mm



General Notes:
 -Dimensions on all drawings are shown in "mm".
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.

- Landscaping Key (hard and soft)
- Lawn area
 - Driveway/Parking/Courtyard permeable loose gravel or similar to aid surface water drainage
 - Patio area
 - Entrance threshold sealed and drained away from highway for first 5m with gully

Native hedgerow retention
 Hedgerow planted with a balanced mix of:
 • Common Hawthorn

- Asphalt Access Area construction detail
1. Refer to BS EN 13108-1 for material spec for asphalt concrete.
 2. Refer to BS EN 13108-4 for material spec for hot rolled asphalt.
 3. Refer to BS EN 13108-5 for material spec for stone mastic asphalt.
 4. Refer to BS 594987 for transport, laying and compaction of all asphalts.
 5. Bond coats to be used in accordance (no.4) to be applied on all kerb and edging faces along with gully and cover frames. Bond coats to be applied on top of base and binder courses. Joints in binder and base course to be over banded.
 6. Construction thicknesses based on CBR value. CBR testing must be undertaken.
 7. If CBR value is less than 2.5% special engineer measurements will be required.
 8. If sub-grade is deemed to be frost susceptible sub-base thickness to be thickened to provide min. construction depth of 450mm.
 9. Footpath sub-base to be thickened to 150mm under vehicular crossings.
 10. SMA to be gritted whilst material is hot-1-2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 147/PL01	Pages: 1
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Scale:
as shown

Project:
Proposed Gypsy and Traveller site

Site Address:
Adjacent Approved Traveller site
Seadyke Bank
Murrow

Client:
Mr Carman



Southfork Farm
Seadyke Bank
Murrow
Cambridgeshire
PE13 4SD

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