

Application No: 21/04539/FUL

**Land Off Cricklade Road
South Cerney
Cirencester
Gloucestershire
GL7 5QE**

Change of use of land to 3 No. Traveller pitches and associated works including, 3 No. day rooms, 3 No. mobile homes, 3 No. touring caravans, and hard standing at Land Off Cricklade Road South Cerney Cirencester Gloucestershire GL7 5QE

Full Application 21/04539/FUL	
Applicant:	Ms J Lamb
Agent:	Ruston Planning Limited
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Mike Evemy
Committee Date:	14th June 2023
RECOMMENDATION:	PERMIT SUBJECT TO THE APPLICANT COMPLETING A S.I.I.I LEGAL AGREEMENT AND MAKING THE NECESSARY FINANCIAL CONTRIBUTION TO MITIGATE THE IMPACT OF THE DEVELOPMENT UPON THE NORTH MEADOW SPECIAL AREA OF CONSERVATION

1. Main Issues:

- (a) Proposed Development
- (b) Principle of Development
- (c) Landscape Impact
- (d) Impact upon residential amenity
- (e) Drainage and flood risk
- (f) Highway safety
- (g) North Meadow SAC
- (h) CIL

2. Reasons for Referral:

2.1 The application is referred at the request of the Ward Member, Cllr Evemy, for the following reasons:

'I would like this application referred to the review panel for consideration about whether it can be included on the agenda for the Planning and Licensing Committee.

I am doing so because I believe there are two relevant policies within our Local Plan which are potentially in conflict. Policy DS4 states that 'new-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with developments in such locations' which would appear to prohibit residential development in this location. However policy H7 for Gypsy and Traveller Sites provides an exemption from DS4 and proposes a sequential test approach to determine acceptability. I would like the Committee to determine whether the requirement for 'compelling reasons' for this development as explained in paragraph 8.7.7 of the Cotswold Local Plan have been met, given the presumption against housing developments in rural locations such as this.'

3. Site Description:

3.1 The application site comprises an open field upon to the south-western side of Cricklade Road in South Cerney parish. The site is located to the south of Butts Farm, and is in open countryside. The site is near to the A419 dual carriageway to the north-east, and is screened by an established hedgerow along the roadside boundary. To the south-east is a dwelling, known as Fosseleigh.

3.2 The site is located outside any development boundary defined in the Cotswold District Local Plan, but is not subject to any landscape designation.

4. Relevant Planning History:

4.1 20/04505/FUL: Widening existing agricultural access. Granted 17.03.2021

5. Planning Policies:

NBPLAN NEIGHBOURHOOD PLANS
TNPPF The National Planning Policy Framework
DS4 Open Market Housing o/s Principal/non-Pr
H7 Gypsy & Traveller Site
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN14 Managing Flood Risk
EN15 Pollution & Contaminated Land
INF4 Highway Safety
INF5 Parking Provision

6. Observations of Consultees:

6.1 Forward Planning: No objection

6.2 Drainage Officer: No objection, subject to condition

6.3 Landscape Officer: No objection, comments incorporated into the report

7. View of Town/Parish Council:

7.1 South Cerney Parish Council objects to this application on the following grounds:

- The Council echoes the concerns of neighbour regarding privacy
- The Council considers this proposal to be overdevelopment in a rural area
- Development of full width of site removes agricultural access to the field behind the site

- The supporting statement does not show that this proposal fits in with Policy H7 of the Local Plan and how the needs of H7 are met
- No evidence is offered of where the proposal sits in the sequential test: under 8.7.7 it states:

"The following approach will be used to determine the acceptability, in principle, of planning applications for Traveller development:

- a. First preference will be sites specifically allocated in this Plan for Travellers.
- b. Second preference will be to designate additional pitches /plots within the boundaries of existing suitable Traveller sites, including sites that have already been identified for this use.
- c. Third preference will be to extend existing suitable Traveller sites adjacent to existing boundaries.
- d. Where a sufficient supply of pitches or plots cannot be achieved at the above locations new sites will be considered."

8.7.7 further states:

"A sequential approach for meeting any further provision is set out in clause 3 of Policy H7. Should any of the allocated sites be considered unsuitable, compelling reasons must be produced as to why it is necessary to consider an alternative location."

Compelling reasons have not been provided.

8. Other Representations:

9 objections have been received, making the following comments: -

- contrary to Neighbourhood Plan
- out of keeping with the area
- impact upon property values
- not allocated in Local Plan
- flood risk
- request landscaping be provided
- increased traffic

9. Applicant's Supporting Information:

- Planning Statement
- Proposed Plans

10. Officer's Assessment:

(a) Proposed Development

10.1 The application site is located to the south-western side of Cricklade Road, South Cerney, and is currently part of an open field located between Butts Farm and Fosseleigh. The site benefits from some existing screening with hedgerow and trees to the boundaries.

10.2 There is an existing entrance off the highway near to the north-eastern corner of the site, which was granted planning permission under reference 20/04505/FUL, with these works having been implemented.

10.3 The proposal would include the provision of three pitches, with each providing a mobile home, dayroom, parking and space for a touring caravan.

(b) Principle of Development

10.4 Policy H7 of the adopted Local Plan identifies two sites for accommodating the future needs of Travellers, to include 7 pitches at Four Acres, Shorncote and 4 pitches at Meadowview, Fosseway, near Bourton-on-the-Water. To date, only 1 pitch has been provided at these two allocated sites.

10.5 Since the adoption of the Local Plan in August 2018, a Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) update was published in November 2022, which provides the current Traveller pitch need. Given a recent Court of Appeal Judgement (Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31 October 2022), local planning authorities should plan accommodation need in accordance with the ethnic definition of Gypsies and Travellers.

10.6 The GTAA finds that Cotswold District currently has an identified need for 18 additional travellers pitches for the period 2021-26 and five further pitches for the period 2026-31.

10.7 There is, therefore, currently a shortfall of six Traveller pitches to accommodate need for the period 2021-26 and a further shortfall of five pitches to accommodate need for the period 2026-31 (11 in total). The Council is therefore currently unable to demonstrate a five year supply of Traveller sites, which is required by paragraph 10 of the Planning policy for traveller sites (DCLG, 2015). The application site would make a valuable contribution towards reducing the shortfall.

10.8 Finding suitable sites for Traveller pitches in Cotswold District, and more widely across Gloucestershire, is extremely difficult. Several of the Gloucestershire local planning authorities have shortfalls in their supply of Traveller pitches, some of which are substantial.

10.9 Cotswold District Council produced a Gypsy and Traveller - Identification of Potential Sites report in December 2017. Since then, several further Call for Sites campaigns have been undertaken, although no further suitable Traveller sites have been identified.

10.10 The Council's decisions to refuse several Traveller pitch planning applications have been overturned at appeal in recent years (e.g. Hillside View, Hartley Lane, Seven Springs,

Gloucestershire, GL53 9NF - Application Ref: 18/04875/FUL, Appeal Ref: APP/F1610/W/19/3237163). The need for additional pitches was a key issue in these appeals. Similarly, other planning permissions have been granted by the Council on highly constrained sites and the unmet Traveller pitch need was again a key issue in justifying the permissions. Gloucester City Council's unmet Traveller pitch need led to a site at Land on the north east side of Walham Lane, Gloucester, being granted at appeal, despite the site having extremely high flood risk - being located in Flood Zones 2 and 3 - and the site being completely cut off when the River Severn floods (Appeal Ref: APP/F1610/W/19/3237163). These decisions collectively demonstrate the importance of accommodating unmet Traveller pitch needs, even where there are significant constraints.

10.11 The main concern with the application site, from a strategic planning perspective, is its isolated location, which does not offer walking, cycling or public transport access to services, facilities or employment. New Traveller pitches in this location would likely cause a reliance on private vehicles and may leave future occupants isolated.

10.12 Notwithstanding this, the application site is located outside the AONB. The applicant claims the site is well screened by the existing mature hedgerows, though it is proposed if necessary to undertake infill planting of the north-eastern and south-eastern boundaries with native species. Other than the North Meadow SAC Mitigation Strategy, there are not considered to be any further significant constraints on the site at this stage. The site therefore seems to be less sensitive to development than other parts of the District (e.g. sites inside the AONB).

10.13 It is important to note that the current unmet Traveller pitch need causes an issue for the District, as it may be used to justify planning permissions or unauthorised encampments on sites elsewhere where the level of harm may be greater than the application site or where the site is unsuitable for temporary or permanent Traveller pitches. Granting planning permission to the current application could reduce the scale of the unmet need and the justification for Traveller pitches elsewhere.

10.14 It is also noteworthy that the Local Plan Partial Update will need to allocate sufficient sites to deliver the unmet Traveller pitch need for the 2021-26 and 2026-31 periods. If this site is not granted planning permission, alternative sites will need to be allocated to make up the shortfall, although there is currently a lack of alternative sites to deliver the full unmet needs for the periods 2021-26 and 2026-31.

10.15 Policy SC2 in the South Cerney Neighbourhood Plan requires consideration, as the site falls within the Area of Separation designated within the village and Cirencester, Siddington and Preston. The final sentence of this policy states:

'Subject to the exceptions provided for in CDLP Policies DS4 and EC3, development proposed in the Area of Separation which would result in a significant erosion of the separation between settlements will not be supported.'

10.16 It is considered that this proposal would not result in a 'significant erosion' of this area considering that there is a dwelling to the south and Butts Farm to the north. In addition, Policy H7 of the Local Plan allows for this form of development outside designated settlement boundaries and, as such, is not contrary to Policy DS4 which controls other forms of residential development. It should be noted that the allocated sites within that policy are both

located in open countryside, and the appeal allowed for an additional plot at Hartley Lane, Seven Springs (18/04875/FUL, appeal decision dated 5th September 2022), related to a site in open countryside within the AONB.

10.17 The principle of providing 3 pitches at this site is, therefore, considered to be acceptable on balance, considering the revised need identified in the GTAA.

(c) Landscape Impact

10.18 Policy EN1 of the Local Plan states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- (a) ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- (b) contributing to the provision and enhancement of multi-functioning green infrastructure;
- (c) addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- (d) seeking to improve air, soil and water quality where feasible; and
- (e) ensuring design standards that complement the character of the area and the sustainable use of the development.

10.19 Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

10.20 Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

10.21 Policy INF7 of the Local Plan states that development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).

10.22 Paragraph 174 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

10.23 The site is located within Landscape Character Type (LCT) Cornbrash Limestone Lowlands and Landscape Character Area (LCA) 2B: Driffield Lowlands, as identified within the 'Cotswolds Water Park Integrated Landscape Character Assessment' (August 2009). This LCT extends along the northern perimeter of the Cotswolds Water Park. Key characteristics include;

- Very gently sloping landform with subtle undulations linked to small scale tributary valleys that cross the area;
- Network of tributary streams draining from the Dip-Slope Limestone Lowland towards the River Thames, their course often marked by scattered lines and groups of trees;
- Predominance of large scale arable fields bounded by a network of hedgerows of varying quality and occasional stone walls;
- Vertical elements such as hedgerow trees gain visual prominence;
- Fertile soils derived from the Cornbrash Formation bedrock;
- Dispersed settlement pattern of mainly linear or nucleated villages, hamlets and farmsteads;
- Occasional mainly geometric woodland copses, comprising broadleaf and coniferous plantations;
- Single principal road bounds or crosses the area together with a limited number of local, and generally straight rural roads; and
- Occasional wide views over productive farmland, limited only by farm copses and woodlands.

10.24 The proposal seeks permission for the change of use of land to 3 no. traveller pitches and associated works including, 3 no. day rooms, 3 no. mobile homes, 3 no. touring caravans, and hard standing. Access would be obtained from the existing access off Cirencester Road.

10.25 The site itself is situated within a small pastoral field which is enclosed by both hedgerow planting and fencing. The field is defined by the Cirencester Road to the north-eastern boundary, residential land to the south-eastern boundary and farm buildings are located along part of the north-western boundary. The remaining boundaries adjoin agricultural land, and the field is relatively flat.

10.26 The site is not situated within the Cotswolds AONB or a Special Landscape Area, but is situated within the Cotswolds Water Park, albeit some distance from the lakes and is not influenced by the character and appearance of this landscape.

10.27 However, the site does display some of the key characteristic of the Cornbrash Limestone Lowlands character type and reads as part of the wider rural landscape. This includes:

- The general settlement pattern alongside Cirencester Road is scattered and the green gaps help to reinforce the rural character.
- The site itself has an open and rural character. However, there are urbanising influences near to the site, including the busy road network and also nearby residential and farm development.

10.28 In terms of public views, there are no public footpath routes which lie in close proximity of the site and any longer range views would be largely screened by intervening vegetation. Views would be available from the Cirencester Road, via the access and also gaps in the hedgerow. Light spill from the development may also be perceived from the wider landscape context.

10.29 Considering the surrounding context of the site, it is not considered that the proposed traveller site would result in significant landscape and visual effects. The site is visually enclosed

and is influenced by nearby development and the busy road network. However, the encroachment of the pitches and associated paraphernalia and activity into an undeveloped agricultural field would result in a level of harm. However, in view of the need that is established for this type of development, it is considered likely that the benefits would outweigh the harm to the landscape.

(d) Impact upon residential amenity

10.30 The nearest neighbouring residential property to the site is Fosseleigh, which is located to the south-east of the application site approximately 25 (check) metres from the nearest mobile home. As such, bearing in mind this distance, it is not considered that the proposal would have an adverse impact upon the amenities of neighbouring properties, and would accord with Policy EN15 of the Local Plan and Paragraph 130(f) of the NPPF.

(e) Drainage and Flood Risk

10.31 The site is within Flood Zone 1 and extends to 0.9 hectares in area. Apart from the roofs of the structures, parking areas and driveway, a significant proportion of the site would be retained as grass.

10.32 Following consultation with the Drainage team, it has been advised that soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times. Furthermore, all surface water should be contained on site for all storm events up to and including 1 in 100 year + 40% cc without property flooding, whilst an exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties

10.33 Subject to a condition being attached requiring a scheme of surface water drainage to be submitted, there is no objection raised. The proposal, therefore, accords with Policy EN14 of the Local Plan and the NPPF.

(f) Highway Safety

10.34 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

10.35 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.

10.36 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

10.37 The proposal re-uses of the existing vehicular entrance onto the Cricklade Road at a point where the road subject to a speed limit of 60mph, however the road outside the site is straight and benefits from good visibility in both directions. The Highway Authority raised no

objection to the previous application (20/04505/FUL), and there is no highway objection raised to the application, which is considered to accord with Policies INF4 and INF5 of the Local Plan, in addition to Section 9 of the NPPF.

(g) North Meadow SAC

10.38 The site is located within the Zone of Influence of the North Meadow Special Area of Conservation (SAC). As such, the applicant is required to make a financial contribution, secured by a Legal Agreement, to mitigate the impact of increased visitor pressure upon this internationally designated wildlife site.

10.39 The applicant is prepared to await the outcome of this process and to make this contribution, which will have to be paid prior to any planning permission being granted. Whilst the Mitigation Strategy is not yet published, the recommendation to permit is subject to the applicant making the necessary financial contribution through the completion of a S.I.I.I Legal Agreement.

(h) CIL

10.40 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

11.1 Having regard to the increased pitch need identified in the GTAA published in November 2022, and the lack of a five year supply of such sites within the District, the proposal is considered to be acceptable with regard to the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.

11.2 The recommendation is for planning permission to be granted.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: JL21-SLP; 2100096/02; 2100096/03 and 4941/03.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex I of PPTS (August 2015) or any replacement guidance.

Reason: In order to comply with the Planning Policy for Traveller Sites and Cotswold District Local Plan Policy H7 as an exception to policies of development restraint in open countryside locations.

4. There shall be no more than 3 pitches on the site.

Reason: In order to control the development and in the interests of visual amenity within the Cotswolds Area of Outstanding Natural Beauty in accordance with Policy EN4 of the Cotswold District Local Plan and paragraph 174 of the National Planning Policy Framework.

5. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

6. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

7. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

8. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

9. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL

2. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.