

P/14/0415/FP

MRS ANITA BARNEY

SARISBURY

AGENT: GREEN PLANNING
STUDIO LTD

REDESIGN OF AN EXISTING PITCH, INCLUDING RELOCATION OF THE CARAVANS AND UTILITY/DAY ROOM GRANTED FOR RESIDENTIAL PURPOSES FOR 1 NO GYPSY PITCH WITH THE RETENTION OF THE GRANTED HARD STANDING ANCILLARY TO THAT USE

LAND TO THE SOUTH WEST SIDE OF BURRIDGE ROAD BURRIDGE ROAD
BURRIDGE SOUTHAMPTON SO31 1BY

Report By

Mark Wyatt x2412

Amendments

Amended Plan received 28 May 2014

Introduction

This application is presented to the Planning Committee in accordance with the Scheme of Delegation

Site Description

The application site is a broadly rectangular shaped plot off the south western side of Burrige Road.

Description of Proposal

This application is made to vary the layout of the previously permitted proposal (P/12/0778/CU) for the use of this site as a gypsy plot for one gypsy family.

Since the grant of planning permission, by virtue of an allowed appeal, the applicant has established that there is a main sewer easement running through the site parallel to the eastern site boundary. The route of this easement goes under the previously permitted day/utility room.

Southern Water resists new development over a mains sewer easement and require a 3m exclusion zone either side of the sewer; providing a 6m wide corridor through the site where there can be no development. To retain the permitted day/utility building in its permitted location would require a diversion of the sewer. The applicant has, instead, applied to re-configure the site layout to ensure that the new development is clear of the easement on the eastern side of the site. The changes to the layout are as follows:

- The utility day room is re-located from the south western (rear) corner of the site to approximately half way (16m set back from the road) along the north western site boundary, but within the area of hardstanding previously permitted.
- The static caravan is rotated through ninety degrees so that it sits parallel with the rear (south west) boundary.
- The rear access gate to the field beyond the site is re-located centrally within the rear boundary.

- The site for the touring caravan is moved back deeper into the site, behind the new position for the utility/day room.

Policies

The following policies apply to this application:
The National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Planning Policy for Traveller Sites (PPTS)

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS19 - Gypsies, Travellers and Travelling Show People

CS5 - Transport Strategy and Infrastructure

Development Sites and Policies

DPS1 - Sustainable Development

DSP2 - Design

DSP3 - Environmental Impact

DSP47 - Gypsies, Travellers, and Travelling Showpeople

Fareham Borough Local Plan Review

C18 - Protected Species

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/12/0778/DP/B **THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1 NO GYPSY PITCH TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE: DETAILS PURSUANT - CONDITION 9 (MATERIALS)**

APPROVE 13/02/2014

P/12/0778/DP/A **THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1 NO GYPSY PITCH TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE:DETAILS PURSUANT: CONDITIONS 8 (BUFFER ZONE PROTECTION) AND CONDITION 9 IN PART (FOUL DRAINAGE AND SURFACE WATER DRAINAGE, EXTERNAL LIGHTING AND LANDSCAPING SCHEME)**

APPROVE 31/01/2014

P/12/0778/CU **THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1 NO GYPSY PITCH TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND**

UTILITY/DAYROOM ANCILLARY TO THAT USE

REFUSE 22/02/2013

P/11/1063/CU

CHANGE OF USE OF AGRICULTURAL LAND TO PRIVATE GYPSY SITE FOR ONE FAMILY, SITING OF ONE MOBILE HOME AND A TOURING CARAVAN

REFUSE 03/05/2012

P/00/0229/OA

Erection of Two Dwellings (Outline Application)

REFUSE 07/12/2000

Representations

Two letters of objection received from Hamble Reach and Burrige Farm

- The first thing is to get this site drained!

- The visual impact will be markedly different. The proposed day room location is much closer to the road. As noted during the previous application, the day room is completely out of keeping with all the surrounding buildings.

- I see no reason why the day room cannot be located a similar distance from Burrige Road to the original application, whilst still avoiding the underground drain that I understand has created the need for this new application, simply by mirroring the previously proposed scheme and moving the day room to the other far corner of the site.

- I would also like to request as a condition of approval that, once a satisfactory layout of the day room and caravans has been agreed, a thorough survey of the utilities at the site is conducted by the applicant or a contractor on his/her behalf.

- It would appear that neither the layout of the drains (hence this re-application), nor the location of the telephone line were properly understood (hence all the residents further down the road were without telephone connections for several days, and are still without internet connections) due to the lines being cut by a digger when clearing the land.

Consultations

Director of Planning and Development (Highways): No objection

Director of Planning and Development (Ecology): No objection

Director of Community (Environmental Health - pollution): No adverse comments

Environment Agency: No comments

Southern Water: Comments

- No development or tree planting should be within 3m either side of the centre line of the sewer

- No new soakaways should be within 5m of a public sewer

- All existing infrastructure should be protected during construction

- A formal application to Southern Water is required to connect to the foul sewer

- There is no mains drainage for surface water

- The applicant will need to ensure there is appropriate long term maintenance provision for any SUDS to deal with surface water

- It is critical that the effectiveness of these systems is maintained in perpetuity

Planning Considerations - Key Issues

The key planning considerations in the determination of this application are:

- The principle of development
- Impact of the layout changes
- Drainage
- Other Matters

THE PRINCIPLE OF DEVELOPMENT:

The site is for the purposes of planning policy outside of the defined settlement boundary and is within the countryside. As such new development would normally be resisted unless it is a type appropriate for a countryside location in accordance with policy CS14 of the Core Strategy.

Core Strategy Policy CS19 clearly applies to the application site irrelevant of the site being in the countryside or a settlement. It is noted that the type of development considered by policy CS19 is not listed as an appropriate type of development under policy CS14, however policy CS19 is an adopted policy and equally applies to the application site. It follows, therefore, that the application be tested against the requirements of CS19. To rely solely on policy CS14 would ignore the other relevant parts of the development plan that could equally apply to the application site.

Policy CS19 of the Core Strategy requires applications for gypsy sites to be considered in accordance with current policy to meet the needs identified in the Gypsy and Traveller Accommodation needs Assessment. In assessing the policy implications during the recent appeal the Inspector found that the government guidance in the Planning Policy for Traveller Sites (PPTS) confirms that "...local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan" (para 13). The Inspector continued to conclude that "...The appeal site is not in a location considered to be "away" from existing settlements. Furthermore, the appeal site is a small field with residential development immediately adjacent to it on three sides...it is not "open" countryside" (para 14-15). The location of the site for a gypsy plot therefore remains acceptable in principle.

As well as the principle of development in the countryside, the matter of the need for the development was also considered by the Inspector, There is no significant change in the Council's position with regards to the outstanding need for further pitch provision. The Inspector found that "...There can be no doubt that there is a clear and immediate need for further pitch provision in both Fareham and Hampshire" and she continued "...the need for additional pitches is a consideration that can be afforded substantial weight" (para 35).

In addition to this previously identified need the existing planning permission remains extant such that the principle of the development of this site remains as it did when considered by the Inspector.

IMPACT OF THE LAYOUT CHANGES:

With regard to the permitted features on the site including the day/utility room and the caravans the Inspector found that "The introduction of residential caravans as a further variation in style would not detract from any uniform design of residential development common to the surrounding area". She continued "...the site is well screened from any distant public views by the built development either side. Generally, it would only be readily apparent to someone passing the field frontage. It is not the intention of the PPTS that site should be hidden from view in any event" (para 22).

Third party comments have expressed concern at the impact of the amended layout of the site with the day/utility building being sited closer to the road and the resultant visual impact that this has.

The first point to note as a result of the change in position of the day/utility room is that the site for the touring caravan is altered such that this is now moved further away from the frontage boundary with the lane. The siting of the touring caravan (when it is on the site) deeper into the plot could actually be to the benefit of the visual amenities of the area given that the typical white/cream colour of a touring caravan is not a feature commonly found in locations such as this.

Additionally the Inspector has found that the visual impact of the site as a whole is acceptable. The day/utility building is to be a simple, single storey building of red facing brick and a clay tile roof. Such a building would not necessarily be out of keeping or visually intrusive. The submitted design and access statement in support of the application describes the building as having features typical of an agricultural building of this scale (para 3.04).

The re-sited building remains set back by 16m from Burr ridge Lane and it is noted that the existing pattern of development along the lane brings the established pattern of built form closer to the road than the amended siting of the day/utility building.

The Inspector found that "...the field boundaries on either site already incorporate substantial lengths of close boarded fencing associated with the existing residential properties. There is a further property to the rear. A residential use would not therefore be out of context in this location"(para 22).

As a result of the landscaping and ecological buffer secured by condition on the allowed appeal being replicated through this permission and the set back from the lane of the gravel hardstanding area and living accommodation on the site, the proposal is not considered to result in a proposal that is fundamentally different from the overall principle of the layout found acceptable by the Inspector. It is not considered that the scheme results in a significant level of demonstrable harm to the visual amenities of the area that a reason for refusal on landscape impact grounds could be defended on appeal.

DRAINAGE:

Representations have also expressed concern at the site having inadequate drainage. The Inspector's report makes no reference in the commentary to the matter of drainage, however she did impose a planning condition (number 9) requiring the submission of details to demonstrate how the means of foul and surface water drainage are to be dealt with. The details approved pursuant to this part of condition 9 were addressed in the submission P/12/0778/DP/A. The details identify that for foul water the site will connect into the mains drain along Burr ridge Lane. The surface water details set out that this would be addressed by means of a soakaway. Southern Water's consultation advice in considering this submission was that the connection to the mains drain for foul water was acceptable. Southern Water identified that there was no mains provision for surface water, hence the applicant promoted a soakaway solution.

OTHER MATTERS:

The third party comments request an additional condition be added to the decision to require a survey of the utilities of the site to prevent any further damage and disruption to neighbours after a phone line was cut during the early stages of construction.

The tests for the use of conditions are set out in the Planning Practice Guidance. Such a condition as requested by the third party would fail the tests of 'necessity' and 'relevant to the development permitted'.

It is not for the third parties to recommend an alternative layout. The application must be considered on the basis of what is before the Local Planning Authority and a determination must be made as to whether the proposal accords with the provisions of the development plan or not.

CONCLUSION:

In this case the proposal is considered to be acceptable for permission without undue demonstrable harm to the visual amenities of the area.

Recommendation

PERMISSION subject to conditions:

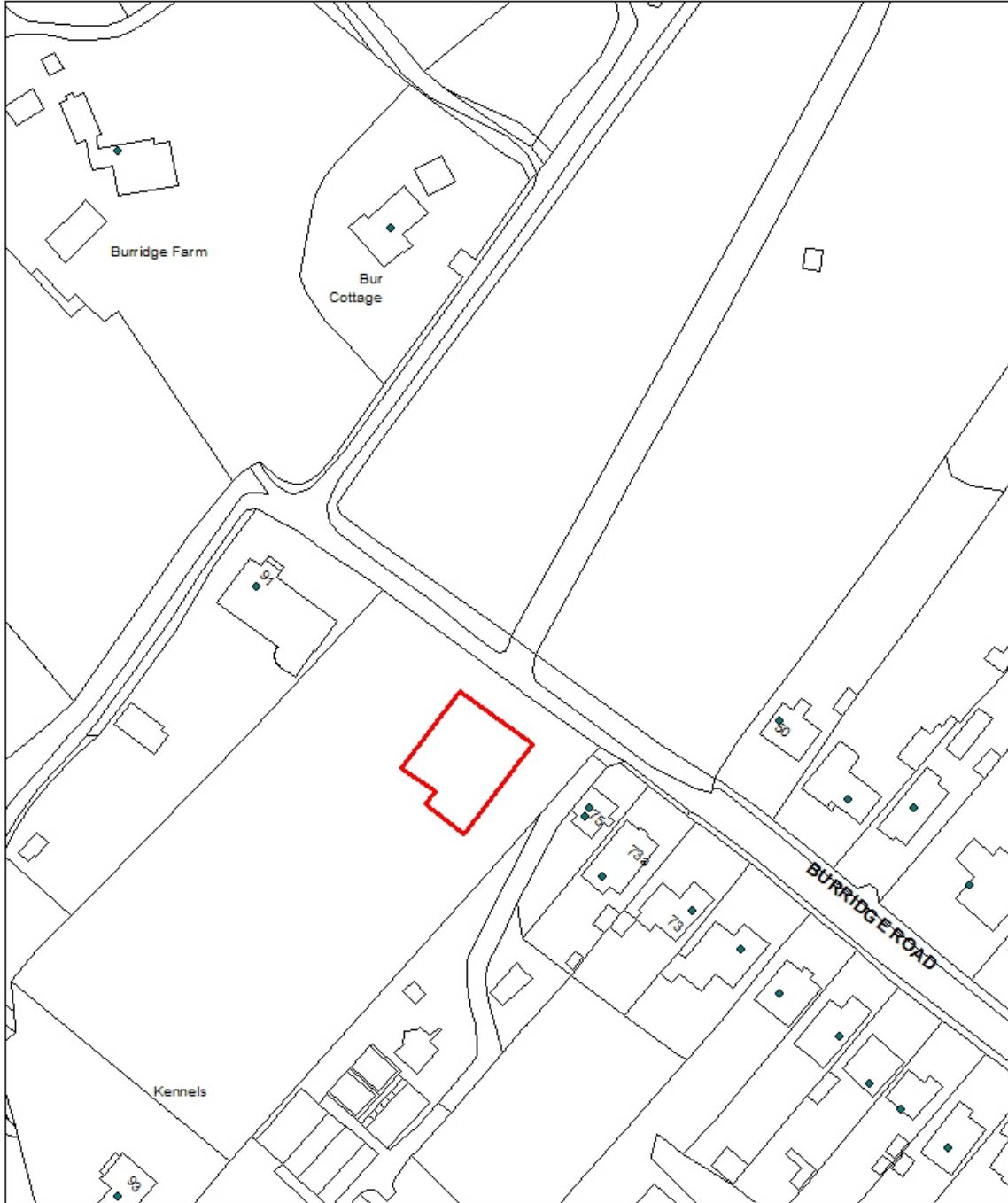
Site occupied only by gypsies and travellers, no more than one pitch on site, no more than two caravans of which no more than one shall be a static van, no commercial activities (including storage) shall take place on the land, No vehicle over 3.5 tonnes to be parked on site, 3m buffer zone to be maintained in accordance with previously approved details, day room building materials to be in accordance with details previously approved, Foul Drainage and Surface Water Drainage, lighting and landscaping to be carried out in accordance with previously approved details, Development to be carried out in accordance with approved plans.

Background Papers

P/12/0778/CU, P/11/1063/CU, P/00/0229/OA

FAREHAM

BOROUGH COUNCIL



LAND TO THE SOUTH WEST SIDE
OF BURRIDGE ROAD
SCALE: 1:1,250

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