Agenda item
PL/2023/05363 - Dreamlea, Cricklade Road, Purton Stoke, Swindon

- **Meeting of Strategic Planning Committee, Wednesday 14 August 2024 10.30 am (Item 59.)**

Change of use of land from equestrian to two Gypsy and Traveller pitches, to include the change of use of an equestrian storage building to a shared day room.
Minutes:
Public Participation
Denise Simpkins spoke in objection to the application.
John Crawford spoke in objection to the application.
Hannah Cameron spoke in support of the application.
James Rigley spoke in support of the application.
James Rigley (Senior) spoke in support of the application.
Cllr Jacqui Lay read out a statement on behalf of Purton Parish Council in objection to the application.

The Development Management Team Leader (North), Adrian Walker, introduced a report which recommended that the application for the change of use of land from equestrian to two Gypsy and Traveller pitches, be approved. Approval would be subject to conditions and a legal agreement to secure a financial contribution to the North Meadow Special Area of Conservation Mitigation. He noted that the proposals included the change of use of an equestrian storage building to a shared day room. Key details were stated to include the principle of development as well as the highway, landscape and ecological impacts.

Attention was drawn to the location of the site within the inner zone of influence for the North Meadow National Nature Reserve (NNR), a Site of Special Scientific Interest (SSSI). However, in the officer's view, the proposed development would not cause demonstrable harm to the landscape. In addition, a contribution to the North Meadow Special Area of Conservation would mitigate against any ecological harm. The proposed development was not found to have an adverse impact on highway safety and would contribute to addressing the shortfall in Gypsy and Traveller pitches across Wiltshire.

The officer explained that, subject to the suggested conditions, the proposed development would comply with the provisions of Core Policy (CP) 47 (Meeting the needs of Gypsies and Travellers), which he outlined in turn. The proposed development was therefore considered acceptable under special circumstances for CP2 (Delivery Strategy).

As well as the conditions stipulated in the report, the officer recommended specifying that the proposed development was not bought in to use until a scheme for the supply of water and electricity was in place. This extra condition was to ensure that the proposed development, if approved, would be satisfactory and habitable.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Details were sought about the requirement for the number of Gypsy and Traveller pitches as shown on page 249 of the agenda pack. The officer explained that the requirements listed on page 249 were the requirements outlined in the Wiltshire Core Strategy (WCS). A recent assessment of pitch provision across the county had found a need for additional pitches beyond the Core Strategy particularly for the period 2022-2038, so the target was likely to change. The emerging Wiltshire Local Plan identified a need for an additional 81 pitches by 2029, although this figure had reduced slightly due to recent approvals. The Director of Planning, Nic Thomas, emphasised that there was a deficit in the number of pitches being provided and that there was a need to think about long term provision beyond 2029.

In response to a question about the additional proposed condition regarding the supply of water and electricity, the officer confirmed that Condition 13 specified that petrol or diesel generators should not be used on site at any time. It may be possible to use solar panels, but this would be subject to further approval.

Members of the public then had the opportunity to present their views to the committee as detailed above.

Cllr Lay then raised concerns about the application in her capacity as the Unitary Division Member. She urged the Committee to defer consideration of the application pending further information about possible alternative sites for pitches within the local area, such as Rein and Shine.

In response to a question about whether it would be possible to add a condition specifying that the pitch should only be used by the applicant's family and their dependants, the officer explained that it was not necessary but could be included.

Cllr Stewart Palmen, seconded by Cllr Pip Ridout, proposed that the application be approved subject to the conditions and legal agreement suggested by officers, including the condition relating to the provision of water and electricity at the site.

A debate followed where issues such as the sustainability of the site and potential for flooding by contaminated water were discussed.

During the debate Cllr Ernie Clark proposed an amendment specifying that the pitch should only be used by the applicant's family and their dependants. This was accepted as a friendly amendment by the proposer and seconder and so added to the substantive motion.

The officer advised that, if this condition were to be applied, and the application was approved, he did not think that the two proposed pitches could be counted towards Wiltshire's Gypsy and Traveller pitch provision targets. He noted that similar conditions had not been applied by the Inspector in similar cases won on appeal.

Following advice from the officer, the amendment to add an extra condition, restricting the use of the proposed pitches to the applicant's family, was withdrawn from the substantive motion. At the conclusion of the discussion, it was:

Resolved
That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 2023-132-LP rev A
Proposed Site Plan 2023-132-SP Rev B
Existing Block Plan 2023-132-EBP
Proposed Plans and Elevations 2023-132-100 B
Proposed Block Plan 2023-132-BP Rev B
Existing Plans and Elevations 2023-132-101
Planning Statement
Groundwater Flood risk Technical Note B (AWP dated 26th April 2024)
Flood Risk Assessment (AWP dated 20th June 2024)

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans shall be erected or placed anywhere on the site.

REASON: To safeguard the character and appearance of the area.

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving the functionality of the local area for biodiversity and to minimise unnecessary light spillage above and outside the development site.

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:

- **Details on the material specification.**
- **Details on the level of compaction required, and**
- **Cross sections through proposed gravelled area**

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as impermeable surface.

10.No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:

- **Evidence that the EA's General Binding rules have been met in full.**
- **Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant**
- **Supporting calculations to demonstrate compliance with Building Regulations for any drainage field / mound.**

REASON: To prevent pollution of nearby water courses.

11.No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- **a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities; all hard and soft surfacing materials**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12.All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

13.No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

14.The development hereby permitted shall not be first occupied/brought into use until the site is connected to both mains water and electricity, or an alternative scheme for the supply of water and/or electricity to service the development, details of which are first submitted to, and approved in writing by the local planning authority.

REASON: To accord with the requirements of Policy CP47 of the Core Strategy, and so that services are provided to ensure a satisfactory and habitable site, conditions are necessary in relation to the provision of a water supply and electricity.

15.INFORMATIVE TO APPLICANT:
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

16.INFORMATIVE TO APPLICANT:
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

17.INFORMATIVE TO APPLICANT:
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

18.INFORMATIVE TO APPLICANT:
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

19.INFORMATIVE TO APPLICANT
The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

20.INFORMATIVE TO APPLICANT

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Supporting documents:

- **4 - SPC report - PL-2023-05363- Dreamlea, Cricklade Road, Purton Stoke, SN5 4JG, item 59. PDF 563 KB**
- **4 - PL.2023.05363 - Location Plan, item 59. PDF 502 KB**