

PLANNING COMMITTEE 5TH February, 2013

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 7: Application W/12/1438, Kites Nest Lane, Gypsy Caravan Site.

There are two typographical errors in the report:

- Page 3 – Sustainable Building Statement: Renewable energy predictions ought to read 20% rather than 205.
- Page 7 – This should read: ‘the issue of sustainability is one which **no** rather than **now** significant further evidence has been produced...’

Since the production of the final committee report a further 20 letters of representation has been received all objecting to the application. These can be summarised as follows:

Friends of the Green Belt (FROG). The introduction states that FROG is an unincorporated association representing members of the settled community around the site. The following substantive points are made:

- Common ground that this is not an ideal site for a gypsy traveller site acknowledged by the agent.
- The previous appeal decision was a conclusive dismissal and the terms of the enforcement notice gave occupants ample time to vacate the site.
- The argument that substantial weight needs to be given to unmet planning need conflicts with the Inspector’s conclusions that the harm on this site was too substantial to be acceptable even for a limited period of time.
- Granting of planning permission would in effect reward the occupants for failing to comply with the enforcement notice, which would be perverse.
- Insufficient evidence of ‘extensive unsuccessful attempts to find alternative accommodation’. Rather ‘It is understood that there are available pitches on the Rugby side of the County’.
- Weight needs to be given to the Inspector’s conclusions on alternatives site available to some of the occupants ‘*Untruths have clearly been told to WDC and the appellants concede that some of the evidence given. has been at best evasive and profoundly unreliable*’
- There have also been broken promises by the applicants, for example, to submit amended plans of the site layout and not construct a metal track road acceded to by the Council on the grounds of common humanity. Such planning history, gives FROG no confidence that the occupants would be capable of restoring existing areas of land as part of the implementation of any permission granted.
- Misleading comments on affordable housing provision.
- Restoration is not necessary on the grounds of waterlogging. It is not previously developed requiring this degree of restoration

- The cumulative scale and appearance of day rooms bears not comparison with the small scale of the previously permitted equestrian buildings on the site.
- The typical layout drawing is at odds with the description in the Design and Access Statement. The dimensions of day rooms said to be 4m x 4m is not clear.
- Proposed bund would not be characteristic of this landscape.
- Loss of openness to the green belt was accepted as being significant by previous inspector. The proposed bund would exacerbate loss of openness. Also it would signal that the site is a deliberately isolated community.
- Inadequate details of proposed bund undermines its credibility.
- Smaller numbers of pitches, notably 5, a temporary and/or personal permission were all considered by the previous inspector and rule out even with substantial landscaping and *'not go even near to swaying the balance in favour of there being very special circumstances to justify some pitches'*.
- The proposed community room is shown on the plans to be 8m x 4m = 32 square metres, whilst in the Design and Access Statement it is stated would be 128 square metres. There are also no details of height of the community room or size of caravans.
- Inconsistency between the WCC Highways Department responses on planning applications relating to the site and other sites in the locality e.g. 'Bojangles', Kites Nest Lane.
- Without the removal of hedges vehicles will continue to overrun the opposite verge.
- Compliance with WCC Highways Department suggested conditions would cause further unacceptable harm to rural character.
- Insufficient drawings to demonstrate that large refuse vehicles can turn on the site.
- The argument based on Policy H of the Planning Policy for Traveller Sites published in March 2012 that the absence of a 5 year supply of deliverable sites should be a significant material consideration is flawed because it only applies to application for temporary permission for traveller sites made 12 months after the policy comes into force. However it is recognised that any resubmission would be assessed against this policy. Nevertheless the policy does override policies to protect the Green Belt and landscape character.
- The granting of permission would not reduce tensions between traveller and settled communities in accordance with the National Planning and Policy Guidance. Also, it cannot be said to be well planned or enhance the environment.
- The development of a gypsy caravan site on a waterlogged site would be injurious to the health of the gypsy community living on the site.

Hatton Parish Council:

- Inappropriate development in the green belt not permissible in exceptional circumstances
- Highways safety and harm to rural character of increased use of access roads
- No amenities and no public transport
- The site is prone to flooding and run-off is likely to affect the road and adjoining land.
- Deliberate and cynical exploitation of loopholes in the relevant legislation.

Summary of points in other representations not already included in the Committee Report or by the FROG or Hatton Parish Council submissions:

- Insufficient evidence submitted that the applicants have gypsy status and this has not been adequately investigated. For example, assertions such as the family's origins in Beausale.
- No substantiation of assertion that that development costs of gypsy accommodation greatly exceeds those of the settled community.
- No proof that the occupants have pressing need for accommodation.
- Claims that the Gypsy Liaison Officer had said in a public meeting that at least 4 of the families occupying the site are not homeless.
- The weighting in table 2 are purely subjective and should be disregarded.
- The comparison with the amount of development for the settled community in rural areas is irrelevant because the nature, scale and location of this development are different to the application site.
- The previous use as an equine site is not detrimental to the landscape
- The assessment of need and the identification of sits should be undertaken in the context of the structure local plan process and not via ad-hoc decisions on planning application resulting from enforcement action.
- There are others in the community harmed by unacceptable noise from the site not just the occupants of the nearest residential property.
- The council ought to attempt to verify homelessness claims by investigation of other sites on which the members of the gypsy community living on the site are believed to have an association.
- All the components of the development including brick walls and domestic paraphernalia need to be taken into account in making the visual assessment.
- The lyrical meanderings about the works of Shakespeare are irrelevant to the application and the site is on the extreme edge of historic Arden.

Item 9: Application W/12/1585, 47 Eden Croft, Kenilworth

Objection received from Kenilworth Town Council. Reiterated the comments received previously, but as an Objection.

Item 10: Application W/12/1610/LB, 15 St Nicholas Church St, Warwick

A further letter of support has been received from 20 Priory Walk, Warwick.