

SOUTHERN PLANNING COMMITTEE – 3rd October 2018

UPDATE TO AGENDA

APPLICATION NO.

17/2879N

LOCATION

12 Cemetery Road, Weston, Crewe, Cheshire, CW2 5LQ

UPDATE PREPARED

1st October 2018

Policy

The 'Other Relevant Documents' section references the Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014) and Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014).

These have been replaced by the Gypsy and Traveller Accommodation Assessment ("GTAA") (2018) which is discussed within the main report.

Human Rights and Race Relations

It is right and proper that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1988 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The applicant's are Travellers, a racial group protected from discrimination by the Equality Act 2010. Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The Public Sector Equality Act duty as set out in section 149 of the Equality Act 2010, which states that where any decision is likely to impact on a person

with a protected characteristic, the decision maker must have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct prohibited under the act;
- b. advance equality of opportunity between persons who share a protected relevant characteristic and persons who do not;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not.

Race is a protected characteristic and the PSEA will apply in all gypsy and traveller cases potentially affecting ethnic Romany Gypsies or Irish Travellers.

In this particular case, the determination of this application will not have a direct impact on the occupier's rights given that the application site has not been laid out or is being occupied. Should the application be refused, the applicant has a right of appeal and any resultant enforcement proceedings would only be taken following due consideration of the aforementioned rights.

Considerations of the rights of gypsy and travelers have been taken into account within Local Plan Policy given the need to allocate sites up until 2023, this proposal will help to meet that need.

The impact of the development on the rights of the local residents has been fully assessed; both in this report and accordingly any impact are considered acceptable.

Representations

Since the last Committee meeting (4th July) several further representations have been received. These object to the proposal for the following reasons:

- No upper limit on the number of family limits that are permitted
- Who will enforce the conditions?
- The access to the site does not conform to fire safety regulations
- Rubble deposited on site
- Impact on nearby Listed Building
- Conditions are not enforceable
- No details of any lighting
- Historical value of neighbouring number 12 Cemetery Road and associated damage
- Increased use of and damage to the existing access
- Loss of amenity
- Absence of mains utilities
- Inaccurate description of the site.

Some of the points raised are new and have not been covered in the Officer report:

Conditions attached to any permission will be enforced by the LPA's Enforcement Team.

Any proposed lighting will be the subject of an appropriate condition.

There is a Listed Building approximately 55 metres to the south east of the application site. The Council's Conservation Officer will be consulted and a verbal response provided prior to the Committee meeting.

It is accepted that damage has been caused to properties along the access route into the site, however this is a private issue between the associated parties and not controllable by the LPA.

The absence of mains utilities to and from the site are not a material planning consideration and is a separate matter for the applicant.

The site is described as was during the case officer's site visit.

RECOMMENDATION

APPROVE subject to conditions

- 1. The development hereby approved shall commence within three years of the date of this permission.**
- 2. There shall be no more than 1 touring caravan and 1 mobile home stationed on the site at any given time, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended. Unless otherwise required/specified by other conditions, the development hereby approved shall be carried out in total accordance with the approved plans.**
- 3. Approved plans list.**
- 4. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority**
- 5. Prior to the first occupation of the development hereby approved a scheme of landscaping for the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall indicate inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.**
- 6. Prior to the first occupation of the development hereby approved details of the positions, design, materials and type of boundary**

treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

7. Prior to the commencement of development, full details of the proposed foul and surface water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the building is first occupied or brought into use.
8. Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details
9. The use of the stables (and associated land) will be limited to the occupiers of the gypsy/traveller site unless otherwise agreed in writing by the LPA.
10. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 paragraph 1 of the Planning Policy for Traveller Sites 2015 or any subsequent definition given in national guidance.
11. No commercial activities shall take place on the land at any time, including the storage of materials.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) E and F of Part 1 and Class A of Part 2 Schedule 2 of the Order shall be carried out.
13. No development shall commence until there has been submitted to and approved by the Local Planning Authority a Construction Management Plan (CMP) to detail how the mobile will be constructed on the site as well as how it will fit in to the site. The CMP shall include the parking of delivery vehicles during the construction process. The construction of the development shall only be carried out in accordance with the approved CMP.

Informatives:

1. NPPF
2. Hours of construction
3. Contaminated Land