

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/03370/FULL</b>
<b>LOCATION</b>	<b>Land To The Rear Of 197, Hitchin Road, Arlesey</b>
<b>PROPOSAL</b>	<b>Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>21 September 2011</b>
<b>EXPIRY DATE</b>	<b>16 November 2011</b>
<b>APPLICANT</b>	<b>Mr Rooney</b>
<b>AGENT</b>	<b>Philip Brown Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of the Ward Member, Cllr Mrs Drinkwater, due to the level of public interest</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is located approximately 250 metres beyond the southernmost settlement boundary of Arlesey and approximately 75 metres to the west of the East Coast mainline. The site is within the open countryside and sits to the rear of the applicant's property, 197 Hitchin Road and the neighbouring property, Fountain Cottage.

The application consists of two distinct parcels of land, the first being a narrow area of land to the south of the dwelling at 197 Hitchin Road and the second being a rectangular site measuring approximately 55m by 65m.

**The Application & Background:**

The application seeks consent for a caravan site of 6 pitches, to accommodate members of the applicant's family, in a total of 12 caravans. Each pitch would accommodate two caravans, one static and one touring. The consent would also allow the amenity blocks which currently have temporary consent to remain on the site. The amenity buildings measure 6m by 4m and are sectional in construction.

The application seeks to retain the existing number of caravans on the site in their current locations. The current planning permissions are temporary as set out below and this application seeks permanent consent. The application does not seek to increase the number of pitches or caravans on the site.

Access to the site would be via the existing entrance to 197 Hitchin Road.

Temporary planning permission was granted on the narrow site south of the dwelling on appeal in September 2008 for 2 pitches with a maximum of 4 caravans, with no more than 2 static caravans. The temporary consent was granted for a period of three years to allow the Council to complete the site allocations DPD process. The consent expired in September 2011. The appeal decision is attached to the report for information.

Temporary consent was granted on the larger site to the rear in November 2009 for 4 pitches with a maximum of 8 caravans with no more than 4 static caravans. The temporary consent was granted for three years to allow time for the completion of the DPD. The consent will expire in November 2012. The planning application for the rear site set out that the existing two pitches on the narrow site would be relocated to the rear site. This did not take place and the site currently therefore accommodates 6 pitches, 12 caravans.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Sustainable Economic Growth

PPS7: Sustainable Development in Rural Areas

Circular 01/2006 - Planning for Gypsy and Traveller Sites

Draft Planning Policy Statement - Planning for Traveller Sites

### **Regional Spatial Strategy East of England Plan (May 2008)**

SS1 Achieving Sustainable Development

H3 Provision for Gypsies and Travellers

ENV7 Quality in the Built Environment

### **Bedfordshire Structure Plan 2011**

No relevant policies

### **Central Bedfordshire Council (North Area) Core Strategy and Development Management Policies 2009**

CS1 Settlement Hierarchy

CS14 High Quality Development

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes.

### **Mid Beds Local Plan First Review Adopted December 2005 - Saved Policies**

HO12 Gypsies

## Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Draft Submission Gypsy and Traveller DPD - policy GT3

### Planning History

CB/09/05914/FULL	Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping. Approved 2/11/09, temporary consent for 3 years.
CB/09/00639/FULL	Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping - Refused 24/6/09.
MB07/01654/FULL	Change of use from dwelling to mixed use of dwelling and caravan site - Appeal allowed 11/9/08, temporary consent for 3 years.
MB/04/02146/FULL	Change of use of land to private gypsy transit site and construction of hard standing for a maximum of 15 pitches - Refused 17/3/05.

### Representations: (Parish & Neighbours)

Arlesey Town Council	<p>Strongly object to the proposal on the same grounds as the previous planning application, which were:</p> <ul style="list-style-type: none"><li>- serious concerns for highway safety as proposals would lead to an increase in use of an access on a stretch of classified road;</li><li>- inappropriate development outside of the settlement envelope;</li><li>- accommodation not used for the purposes set out in the application;</li><li>- the water table is high and there is a risk of flooding.</li></ul> <p>The Town Council fundamentally opposes any further expansion on the site, due to past inconsistencies and breaches of condition. The Town Council also needs more detailed information of the proposal.</p>
Neighbours	<p>A response from Arlesey Residents Association and 3 responses from nearby residents have been received setting out objections for the following reasons:</p> <ul style="list-style-type: none"><li>- it is not clear from the plans how many caravans the application is for;</li><li>- the applicant has flouted planning laws with the introduction of several caravans;</li><li>- retrospective applications have been made on the site</li><li>- the applicant owns the land up to the cemetery and it is not doubt his plan to extend the site;</li><li>- need assurances that this application does not set a precedent for future expansion authorised or</li></ul>

- otherwise;
- a caravan site (gypsy or leisure) next to the cemetery would not lend itself to the dignity of interments;
  - the Council has failed to take enforcement action over the conversion of the workshop into living accommodation;
  - the Stockmans House at Etonbury Farm had to be demolished as it did not have planning permission, all applications should be treated equally;
  - some parts of the application forms are not completed or are completed incorrectly;
  - the members of the applicants family could live in the house he owns;
  - the site occupiers show no consideration to other road users when exiting the site;
  - the proposal would increase the fear of crime;
  - businesses are run from the site;
  - the increase in the number of people on the site would place additional strain on services;
  - the applicant has workers living on the site who are not part of his family;
  - a noise assessment should be required unless the rules are different for gypsies and travellers.

## **Consultations/Publicity responses**

Highways Development Control No comments have been received from Highways Development Control on this application at the time of writing.

Highways comments on the previous application on the site were that the site is located away from the town facilities and the proposal would require reliance on the car, thus increasing the use of the junction. No objection subject to conditions relating to visibility splays and on site parking.

Any additional comments will be included in the late sheet.

Public Protection

### **Noise**

The proposed residential caravan site is located between 75m and 135m from the mainline London to Edinburgh railway to the west of the site. I note that the applicant proposes to install a 1m high earth mound around the North West and South boundary of the site. To act as an effective noise barrier the mound would need to block line of sight to the residential caravans. Therefore a suitable acoustic bund or barrier of 2 - 2.5m height would be required to provide suitable mitigation to the future residents. This could be achieved by

increasing the height of the earth mound or installing an acoustic fence of suitable height on top or next to the mound. In view of the temporary nature of the application I would request that the following informative is attached to any approval;  
Informative: The Council is concerned that Noise from the mainline railway may cause detriment to the residents of this development. Further information may be obtained from Public Protection on 0300 300 8000.

#### **Caravan Site Licence**

Informative: All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.

#### **Land Contamination**

As an informative please can you consider the following; Any material used for earth bunding should be suitable for safe and secure occupancy which is the developer's responsibility to ensure.

Private Sector Housing

The spacing between the caravans may not be sufficient for the purposes of complying with the site licensing. The officer also states that we need to be satisfied that the foul sewage disposal system is adequate including the package sewage treatment plant. The amenity buildings may be subject to Building Regulations.

Building Control

No response received.

Internal Drainage Board

No response received.

#### **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Impact on Amenities of Neighbours and Future Occupiers
4. Highways and Parking Issues
5. Other Issues

#### **Considerations**

##### **1. Principle of Development**

Circular 01/2006 is specifically designed to provide guidance on determining Gypsy applications with the intention of increasing the number of sites. One of

the main aims of this circular is for Local Authorities and Gypsies and Travellers to work together and increase the number of sites made available in the next few years. The Circular also recognises the importance of the extended family to the Gypsy and Traveller way of life.

As a result of that legislation and guidance Local Planning Authorities are required to carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites and then to locate suitable land for the occupation of the gypsies who have no lawful base to occupy.

The Council, in partnership with the Bedfordshire local authorities, undertook a sub regional study to assess the accommodation needs of Gypsies and Travellers in Bedfordshire and Luton in 2006. The Gypsy and Traveller Accommodation Assessment (GTAA) made projections of Gypsy and Traveller pitch needs for five years. The assessment found the need for 74 (15 per year) total extra pitches between 2006 and 2011, across Bedfordshire and Luton. Using this recommendation to determine needs to 2011 and then applying a 3% compound growth rate to the pitch growth for the following five years enabled CBC to determine their level of need to 2016. It has been agreed that 30 should be provided in the former Mid Bedfordshire area and 55 in the former South Bedfordshire area. 3 of the 30 pitches for Mid Bedfordshire have been provided and 32 of the 55 pitches for South Bedfordshire have been provided.

The draft submission of the Gypsy and Traveller DPD includes 23 pitches which would be provided by expanding existing sites or providing new sites. This would leave an unmet need of 4 pitches within the former Mid Beds Council area.

The Local Authorities Executive determined at a meeting on 4th October 2011 that significant work on the identification of Gypsy and Traveller sites has already been undertaken in the north of Central Bedfordshire and rather than discard these advances in the provision of sites it is proposed that this work is banked and helps to underpin the new document for the whole of Central Bedfordshire Council. To further provide assurance in the north of Central Bedfordshire it may be appropriate to endorse the work undertaken to date on the preparation of the Development Plan Document for development management purposes until such time as the new district wide document is in place. Members are therefore asked to support the preparation of a Central Bedfordshire-wide Gypsy and Traveller plan to deliver the combined pitch requirement for the northern and southern parts of Central Bedfordshire to 2031.

The draft Gypsy and Traveller DPD has therefore been endorsed for the purposes of Development Management but will not be submitted for examination and subsequent formal adoption. A DPD for Gypsy and Travellers will be prepared for the whole of the Central Bedfordshire area with the aim of submitting the document to the Secretary of State in September 2013 and adopting it in June 2014.

Local Planning Authorities must give substantial weight to unmet needs when considering whether a temporary permission is justified. In an application for temporary permission - this application does not state that a temporary period is being requested - the relevant policy guidance is found in para 45 of Circular 01/2006. This states that temporary permission should be granted where there

is an unmet need but no alternative Gypsy and Traveller provision in the area and where there is a reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet that need.

The previous planning permissions were granted on a temporary basis to allow time for the DPD to be completed. A temporary consent can only be justified however where it is expected that planning circumstances would change at the end of the temporary period. As the DPD is at an advanced stage and sites to meet most of the identified need are proposed it is unlikely to bring forward other sites. The draft DPD has been endorsed for the purposes of development management however it is unlikely that the new Authority-wide DPD will be adopted before June 2014 and consideration should therefore be given to a temporary consent if a permanent consent is not considered appropriate.

Notwithstanding the above, Circular 11/95 advises that temporary permissions should not be imposed where a proposal involves a building, which would require removal at the end of the period. There are two amenity buildings on the site which are of sectional construction allowing for their removal on the expiry of a temporary consent.

Overall it is not considered that a further temporary consent would be necessary as the draft DPD is a material consideration and there is unlikely to be any significant change in planning circumstances in the foreseeable future.

Where new sites are to be allocated, Circular 01/2006 supports a sequential test by stating that in deciding where to provide Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services, eg shops, doctors and schools. However, it is acknowledged that Gypsy and travellers have historically located themselves in countryside locations. The Circular (paragraph 54) says sites may be found in rural or semi rural areas. Rural areas which are not subject to special planning constraints can be acceptable in principle.

As with any other form of housing, well located sites, with easy access to major roads or public transport services, will have a positive effect on the ability of residents to: attend school, further education or training; have access to health services and shopping facilities; and seek or retain employment.

The application site lies outside the settlement envelope of Arlesey within the open countryside. Policy HO12 accepts that it is not essential that sites are within settlement envelopes but that they should relate well to existing built development, community facilities and public transport.

The narrow part of the site to the south of the dwelling is not included in the DPD site allocation however the site to the rear is part of the site identified in the DPD. The whole of the site is allocated in the DPD for a total of 10 pitches. The application would provide 4 pitches on the allocated site leaving the remainder of the allocated site for an additional 6 pitches. The 2 pitches on the narrow land which would be in addition to the sites allocated in the DPD and would contribute to the 4 pitches for which a need has been identified, in the former Mid Bedfordshire area, but no suitable site found.

Overall the proposal when judged against national and local planning policy is considered acceptable in principle.

## **2. Impact on the Character and Appearance of the Area**

Both parts of the application site are well screened from the road, being located beyond the rear of 197 Hitchin Road and Fountain Cottage. The sites are also well screened by trees to the south of the proposed access and to the east of the site at the rear of Fountain Cottage. Further planting is proposed on top of the existing earth bunds to help restrict views from properties in Ramerick Gardens to the south and the mainline railway to the west.

The proposed amenity blocks are of a functional but acceptable design and relatively modest size. Whilst in the context of a caravan site the amenity buildings are considered acceptable it is judged that on their own they would be out of keeping in the open fields.

In determining the appeal for the narrow part of the site the Inspector stated that the site is relatively well screened with the only views from public vantage points being through the gate from the road. These views would generally be fleeting as Hitchin Road is straight and derestricted outside the site. A condition requiring landscaping to be planting was attached to both temporary planning consents and sufficient screening is achieved by the planting.

The site do not have any significant adverse impact on the character and appearance of the area and therefore comply with saved Mid Beds Local Plan policy HO12 part (i) and draft DPD policy GT3.

## **3. Impact on Amenities of Neighbours and Future Occupiers**

The Inspector in the appeal relating to the site closer to the neighbouring property considered that with appropriate boundary fencing the level of activity on the site would not cause unacceptable harm to residential amenity. The larger site to the rear is located at the end of the rear garden of Fountain Cottage but due to the distance from the dwelling and the boundary treatment it is not considered that there is any significant adverse impact on the amenities of neighbouring residents.

It is not considered that the proposal would have any significant adverse impact on the amenities of residents of Ramerick Gardens as they would be over 600 metres away.

In respect of the amenities of the future occupants of the proposed site it has been recommended by the Environmental Health Officer that due to the proximity of the site to the railway that an acoustic bund or barrier of 2 to 2.5 metres in height would be required to mitigate noise from the railway. The officer does however recognise that the site is not permanently occupied and recommends an informative is attached to any planning permission granted highlighting the noise issue.

The Environmental Health Officer also requests an informative regarding the material used for the earth bunds.

External lighting has been installed and has been checked to ensure that it does not have any significant adverse impact on neighbours. It is considered that a condition requiring that no additional lighting is installed without the details of such lighting previously being submitted to and approved by the Local Planning Authority.

Neither part of the application site is considered to have such a significant adverse impact on residential amenity on neighbouring residents to warrant refusing planning permission. The proposal is therefore considered to comply with saved Mid Beds Local Plan policy HO12, part (iii) and draft DPD policy GT3.

#### **4. Highways and Parking Issues**

The access to the site is from Hitchin Road which is subject to the national speed limit for which a visibility splay of 2.4m x 215m is required each side of the access. Highways Development Control confirmed in relation to the previous application on the site that the visibility splays can be achieved in both directions, however towards the southern direction the visibility splay is currently restricted by the boundary hedge of the neighbouring field. Whilst the trimming of the hedge is outside of the applicant's control he can request that the Highway Authority cut it back.

As Highways Development Control had no objection to the previous application proposal subject to appropriate conditions it is considered that this application is acceptable in terms of highway safety.

#### **5. Other Issues**

The supporting statement details that the proposed caravan site would be for two of the applicant's married sons, three of his married daughters and his first cousin, together with their children. The statement also sets out that the applicant's family are Irish travellers by descent and continue to travel to make their living carrying out block-paving work. The application site would provide a settled base for their travelling lifestyle allowing the family to be registered for local healthcare and for the children to attend local schools. No confirmation of the status of the people for whom the accommodation is sought has been provided and therefore it is not possible to confirm whether or not they are gypsies in terms of the definition in paragraph 15 of Circular 1/2006, however the Inspector saw evidence to support their status as gypsies and was satisfied in this regard.

The applicant has advised that he would not object to a condition limiting the occupancy of the caravan site to gypsies as defined in Circular 1/2006 and members of his immediate family. As the site is identified in the DPD it is not considered that there is a need to make the permission personal to the applicant and his family. The site is acceptable in its own right and therefore a condition limiting the use of the site to gypsies as defined in Circular 1/2006 is considered sufficient.

Concerns have been raised regarding flooding however the site is not within any flood protection zones and the Bedfordshire and River Ivel Internal Drainage Board have not objected to the proposal in the past, although no response was received to consultation on this application.

## **Recommendation**

That Planning Permission be granted subject to the following:

- 1 This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: To limit the use of the site to gypsies and travellers.

- 2 No more than 12 caravans (of which no more than 6 shall be static caravans) shall be stationed on the site at any one time.

Reason: To control the level of development in the interests of visual and residential amenity.

- 3 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site

Reason: In order to protect the amenities of local residents

- 4 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the amenities of local residents

- 5 No additional external lighting to be installed on the site unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, the scheme shall include the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, the lighting shall then be installed and operated in accordance with the approved scheme.

Reason: To protect the visual amenities of the site and its surrounding area.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002 & PBA1.

Reason: For the avoidance of doubt.

## **Reasons for Granting**

The proposal is in conformity with Policy HO12 of the Mid Bedfordshire Local Plan First Review 2005 and policy GT3 of the draft Gypsy and Traveller DPD as there is no unacceptable impact upon the character and appearance of the surrounding countryside, the amenities of nearby residential properties are not unacceptably harmed and a safe, convenient and adequate standard of access can be provided. The proposal also meets an identified need as set out in the draft Gypsy and Traveller DPD. It is also in conformity with Planning Policy Guidance: PPS1 Delivering Sustainable Development, PPS3 Housing and Circular 1/2006.

**Notes to Applicant**

1. The Council is concerned that Noise from the mainline railway may cause detriment to the residents of this development. Further information may be obtained from Public Protection on 0300 300 8000.
2. Any material used for earth bunding should be suitable for safe and secure occupancy which is the developer's responsibility to ensure.
3. All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.
4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**DECISION**

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