

Item No. 8

APPLICATION NUMBER	CB/12/03535/FULL
LOCATION	Land rear of 197 Hitchin Road, Arlesey, SG15 6SE
PROPOSAL	Change of use of land to use as a residential caravan site for 4 additional gypsy families, with a total of 8 caravans including no more than 4 static caravans. Extension of hardstanding and erection of two amenity buildings and landscaping.
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Vicki Davies
DATE REGISTERED	17 October 2012
EXPIRY DATE	12 December 2012
APPLICANT	Mr Patrick Rooney
AGENT	Philip Brown Associates
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	At the request of Cllr Dalgarno in light of the significant public interest.
	Full Application - Granted

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 & Background:

The application seeks consent for change of use from agricultural land to use as a residential caravan site for 4 additional gypsy families, with a total of 8 caravans including no more than 4 static caravans, extension of hardstanding, erection of two amenity blocks and landscaping.

The proposal would extend the rear part of the existing site to the west by 35m and to the north by 10m. The extension to the north includes the package sewage treatment plant and provides a 7m wide access to the rear of the site. The package sewage treatment plant was installed following the approval of the 2011 application to extend the site but has never been included within any planning application. The access to the rear of the site and the sewage treatment plant would have landscaping to soften the fencing.

The application also seeks consent for two amenity buildings which would measure 6m by 4m and are sectional in construction. The proposed amenity blocks would match those already on site. The whole of the application site would be hard surfaced using block paving to match the existing site.

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

The site is allocated in the draft Gypsy and Traveller DPD, December 2010, for a total of 10 pitches. The site currently has planning permission for a total of 6 pitches on two distinct parcels of land, the first being a narrow area of land to the south of the dwelling at 197 Hitchin Road which measures 70.4 metres long and 14.3m wide which accommodates 2 pitches. The second parcel is a rectangular site measuring 53.9m by 42.6m which accommodates 4 pitches.

Planning application, CB/12/02799/FULL, was submitted earlier this year, which was refused. The application showed the extension of the site to the north of the existing site which was outside of the area shown in the DPD as allocated for development. The proposed location of the extension to the site would have been adjacent to the neighbouring dwelling and was considered to have a significant adverse impact on the amenities of the neighbouring residents.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework
Section 7 - Requiring Good Design
Section 11 - Conserving and Enhancing the Natural Environment

Planning Policy 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 - endorsed for the purposes of Development Management by Executive 4/10/11

Planning History

CB/12/02799/FULL	Change of use from agricultural land to use as a residential caravan site for 4 additional gypsy families, with a total of 8 caravans including no more than 4 static caravans, extension of hardstanding, erection of 2 amenity buildings and landscaping. Refused 26/9/12.
CB/11/03370/FULL	Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping. Approved 5/3/12.
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 for the following reasons:</p> <ul style="list-style-type: none">- the Town Council has serious concerns for highway safety as the proposal would lead to an increase in the use of an access on a stretch of classified road, where the national speed limit applies;- there is concern that the accommodation will not be used for the purpose stated in the application;- part of the site is on the northern side of the land which is on the boundary with the neighbour's property, this will have a detrimental impact.- the proposed pitches would have an adverse impact on the extension of the cemetery because of the water table which is high in the area; and- it is the town council's understanding that work has already commenced.
Neighbours	<p>At the time of writing 473 letters have been received in objection to the application. The objections raise the following issues:</p>

- the access to the site is dangerous
- vehicles are left partly in the road whilst the gates are opened
- concern over drainage of the site
- impact on drainage at the cemetery
- conditions on previous permissions have not be adhered to
- alternative locations should be found
- the site is being changed from family accommodation to business
- impact on the residents of Fountain Cottage
- the site should be located further away from Fountain Cottage
- ditch has been filled in
- noise from the existing and future occupants of the site
- the application is retrospective
- the site already has more static caravans than permitted
- there are non-gypsy occupants living on the site
- fear of crime
- there is no safe footway to allow access to local amenities and facilities
- why do they need 2 amenity blocks when they only currently have 1?
- if the 4 pitches are allowed at Twin Acres is there a need for an additional 4 on this site?
- 10 pitches would result in a site which is too big and unmanageable
- the G&T site allocations document should be produced before the application is determined
- there are not enough educational facilities in th village to cope with the extra children
- children in the local school coming and going to travel will disrupt other pupils education
- the site is close to Arlesey pits, a large water body which is inappropriate
- the site is inappropriate as it is too close to the landfill site
- medical facilities are full and additional pressure would impact on the level of care provided
- the site is inadequately served by electricity, water and sanitation
- erosion of the Green Belt
- inequitable distribution of gypsy sites

Consultations/Publicity responses

Highways Development Control The proposal would result in an intensification in use of the site access but given that the access has been approved for the use as a gypsy caravan site, the officer does not consider that an objection could be sustained to this proposal. The officer does have reservations regarding the location of

Public Protection	<p>the site in relation to Arlesey, it is a remote site where sustainable transport links are limited and in terms of foot and cycle are non-existent. The officer requests that this is flagged up against any further extensions to the site which may be of a more significant size.</p> <p>The proposed development site is located 75m away from the mainline London to Edinburgh railway which is a potentially contaminative use. It is noted that the current use of the land is a grassed agricultural field. The officer therefore requests an informative regarding contaminated land.</p>
Private Sector Housing	<p>The site is between 75m and 135m from the railway line however the officer advises that due to the occupants not being permanently resident on the site an informative should be attached to any approval.</p> <p>The officer also requests an informative be attached to any planning permission regarding the need for a site license.</p> <p>No response received.</p>
Building Control	No response received.
Internal Drainage Board	<p>No response has been received to this application, however in response to the previous application the following was received.</p> <p>The Board notes that the proposed method of storm water disposal is by way of soakaways. It is essential that ground conditions are investigated and if found satisfactory the soakaways are constructed in accordance with the latest Building Research Establishment Digest 365. In the event that ground conditions are found not to be suitable for soakaway drainage any direct discharge to the nearby watercourse will require the Board's prior consent. The Board request a condition to this effect.</p>

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

Policy Background

The site lies outside of the built up area of Arlesey within the open countryside where there is a general presumption against the granting of planning permission for new development. The new "Planning Policy for Traveller Sites" guidance sets out that Local Authorities should strictly limit new Traveller site development in open countryside that is away from existing settlements.

"Planning Policy for Traveller Sites" is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates that traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The document also defines Gypsies and Travellers, the definition remains the same as that in the replaced Circular 1/2006.

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. In addition the application site is shown in the draft Gypsy and Traveller DPD and the proposal is considered therefore to be in accordance with the policy document. The DPD shows the whole of the site being allocated to provide 10 pitches, there are currently 6 pitches consented on the site and this application would provide a further 4 pitches to total the 10 pitches allocated.

Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan is being prepared to deliver the pitch requirement for the northern and southern parts of Central Bedfordshire to 2031. A request for potential sites to be included in the plan has been made to which responses have been received. The plan making team are now reviewing the sites put forward along with other potential sites before consultation on the site options commences in February 2013. A final draft document will be produced in May-June 2013 for submission to the Secretary of State in September 2013. It is anticipated that the examination hearings will be in January 2014, with the Inspector's report being received in April 2014 and the adoption of the plan in June 2014.

In conjunction with the preparation of the new Gypsy and Traveller Plan, on 10 April 2012 the Sustainable Communities Overview and Scrutiny Committee approved the Gypsy and Traveller Plan pitch numbers and site assessment methodology. The previous pitch figure targets have therefore been superseded by the recently approved figures. The report set out that the Gypsy and Traveller Pitch Requirement to 2031 which has recently been updated to:

Pitch Need from 2006 to 2011 - 57

Growth between 2011 and 2016 (3%) - 28

Growth between 2016 and 2021 (3%) - 33

Growth between 2021 and 2026 (3%) - 38
Growth between 2026 and 2031 (3%) - 45

Total (from 2006 to 2031) 201

Existing Permanent Permissions granted between 2006 and October 2012 (to be subtracted from the total) – 68

Plus recent permissions granted in November 2012 at:

Oak Tree Nurseries = 3 additional pitches

Twin Acres, Arlesey = 4 additional pitches

Total number of permanent planning permissions between 2006 and November 2012 (to be subtracted from the total) - 75

Pitches lost at the Timberlands site (to be added to the total) +4

OVERALL NEED TO 2031 (minus recently approved pitches) 130

On the basis of these pitch numbers the Authority has already achieved the necessary provision of 57 pitches to 2011 with the current number of existing permanent pitches being 66. Between 2011 and 2016 an additional 28 pitches need to be found, this equates to 5.6 pitches per year. The number of pitches that the Authority therefore needs to provide by the end of 2012 should be $57 + 6 = 63$. As the current provision stands at 75 this shows the Authority has provision to the end of 2014.

Giving planning permission to extend this existing site in accordance with the draft DPD would result in there being less need to be met by sites coming forward through the emerging Gypsy and Traveller Plan for the whole of the authority's area.

2. Impact on the Character and Appearance of the Area

The application site is well screened from the road, being located beyond the rear of 197 Hitchin Road and Fountain Cottage. Post and rail fencing and tree and hedge planting is proposed along the northern and western boundaries and would 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. The blocks are 6m by 4m with pitched roofs measuring 3.9m to the ridgeline. The blocks are cream in colour with brown roof tiles. Each building accommodates a bathroom and laundry/utility areas with a washing machine. 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.

An objector questions why the current application proposes two amenity blocks for 4 pitches when the current site only has one amenity block. There are currently two amenity blocks on site to serve the existing 6 pitches which were granted permanent consent in 2011, it is therefore not considered that an additional two amenity blocks would be disproportionate.

Concern is also raised by objectors that the backdrop of a Gypsy and Traveller site to the cemetery is inappropriate. The distance between the site and the cemetery is over 100m. The northern edge of the existing site is demarcated by 2m high timber close boarded fencing. The northern edge of the proposed site is shown as post and rail fencing and tree and hedge planting. Planting is also shown along part of the existing timber fencing. Overall it is not considered that the existing or proposed Gypsy pitches would have any significant adverse impact on the character of the area to the detriment of the cemetery due to the distance between the sites and the proposed planting.

A conditions have been added to the previous planning permissions requiring landscaping and it is considered that a condition should also be attached to this permission. The additional hard surfacing would not be visible from outside of the site. It is not considered that the proposed extension to the site would have any adverse impact on the character or appearance of the area.

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 determining the appeal relating to the pitches along the boundary with the neighbouring property considered that with appropriate boundary fencing the level of activity on the site would not cause unacceptable harm to residential amenity. In determining the application for larger part of the existing site which is located at the end of the rear garden of Fountain Cottage it was considered that due to the distance from the dwelling and the boundary treatment that there would not be any significant adverse impact on the amenities of neighbouring residents.

The majority of the proposed extension to the site would be located to the west, rear of the existing site. The extension to the site which would accommodate caravans would be approximately 45m from the boundary with the property known as Fountain Cottage. Saved Mid Beds Local Plan policy HO12 part (iii) and draft DPD policy GT3 both require that the amenities of neighbouring residents are not unacceptably harmed. Due to the distance between the proposed extension to the residential part of the site and the neighbouring property and it light of the Inspectors comments it is not considered that the proposal would have a significant adverse impact on the amenities of neighbouring residents sufficient to justify refusing the application.

The boundary of Fountain Cottage is demarcated by fencing and planting. No clear views into the neighbouring property are possible from the proposed caravans or the hard standing area around them due to the boundary treatment. 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.

It is considered that a condition should be added to any planning permission requiring that no additional lighting is installed without the details of such lighting previously being submitted to and approved by the Local Planning Authority.

Some objectors comment that the small extension of the site to the north would have an adverse impact on the amenities of the occupiers of Fountain Cottage. The extension of the site to the north would only accommodate the existing sewage treatment plant and allow access to the rear of the site. The use of this land can be controlled by a condition requiring the site to be laid out in accordance with the submitted plan. In light of the use of the land within the extension to the north of the site it is not considered that there would be any adverse impact on the amenities of neighbouring residents.

It is considered that the proposal would not result in a significant adverse impact on residential amenity which would justify refusing planning permission. The proposal is therefore considered to be in accordance with saved Mid Beds Local Plan policy HO12, part (iii) and draft DPD policy GT3.

4. Highways and Parking Issues

The existing 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.

It is a matter of concern to objectors that vehicles particularly those with a caravan attached cannot pull clear of the highway whilst waiting for the gates on the access to the site to open. A condition was added to the previous planning permission granted which required the gates to be set back 13m from the highway to enable vehicles to pull off the road. The condition has been complied with and the gates have been moved back.

Concern has been raised that the additional 4 pitches would increase the level of traffic on the highway and using the access. The Highways Development Control Officer comments that the access is on a good standard and raises no objection to the proposal.

The Highways Development Control Officer raises the issue that the site is served by limited public transport and is poorly served in terms of pedestrian and cycle facilities. The accessibility of the site was assessed during the site allocations process for the DPD. The occupants of the site have access to

public transport and there is a very narrow footway along the western side of Hitchin Road.

5. Other Issues

Concerns have been raised regarding flooding due to the increased area of hard surfacing 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. The Town Council and other objectors have raised concern over the impact the proposal would have on the cemetery. The cemetery is approximately 135m north of the application site and it is therefore possible that the drainage of the site may impact on the drainage of the cemetery. It is therefore considered that additional information regarding the drainage of the site and any potential impact on the cemetery should be required and that this can be secured by condition.

Some objectors make comments regarding the impact an additional 4 pitches would have on the infrastructure and services of Arlesey. Whilst there would be an impact on local infrastructure it would be small. Financial contributions towards infrastructure are sought on applications for permanent bricks and mortar dwellings however the current policy does not include the provision to seek financial contributions from Gypsy and Traveller site applications. This matter is going to be considered during the preparation of the emerging Gypsy and Traveller Plan.

Although the officer's recommendation is for approval if Member's are minded to refuse this application they first need to consider whether there are any conditions which could be attached to the consent which would make it acceptable, this would also include granting a temporary permission.

Recommendation

That Planning Permission be granted subject to:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Annexe 1 of Planning Policy for Traveller Sites, CLG, 2012.

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

- 3 No more than 8 caravans (of which no more than 4 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.

- 4 Notwithstanding the details of the application all caravans together with all buildings, other structures, materials and equipment including fences, telegraph poles and lighting columns, septic tanks/cesspits and pipes, cables, meter boxes and other services brought on to the Site in connection with the development hereby approved shall be removed and all hardcore, tarmac and other hard surfacings on the above areas shall also be broken up and completely removed and the Site levelled, topsoiled and seeded with grass or turfed, within three months of the date of failure to meet any one of the requirements set out in (A) to (D) below:

- (A) no development shall commence unless and until a scheme detailing:
- i. the existing and proposed means of foul and surface water drainage of all parts of the Site;
 - ii. the existing and proposed external lighting on the boundary of and within all parts of the Site including the location of all individual luminaires, their output (in lumens) and any shields, baffles or louvres together with the details of any existing or proposed lighting columns;
 - iii. the existing walls, fencing, gates or other means of enclosure on the boundaries of and within all parts of the Site, together with any additional such walls, fencing, gates or other means of enclosure proposed;
 - iv. a landscaping scheme, clearly identifying ground preparation works, details of all tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities, together with the means of their protection.

(hereafter referred to as the site development scheme) shall have been submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for the implementation of the various components of the scheme;

- (B) within 11 months of the date of this decision the site development scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (C) if an appeal is made in pursuance of (B) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State; and

- (D) the approved scheme shall have been carried out and completed in accordance with the approved timetable, or in accordance with any amended details and/or revised timetables as might be agreed from time to time in writing by the Local Planning Authority.

Reason: In order to ensure that the development is satisfactory drained, that the lighting associated with the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with saved policy HO12 of the Mid Beds Local Plan, policy GT3 of the draft Gypsy and Traveller DPD and policies CS14 and DM3 of the Central Bedfordshire (north) Core Strategy.

- 5 At the same time as the site development scheme required by Condition 4 is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: In order to ensure that the proposal takes account for the need for hard and soft landscaping in accordance with saved policy HO12 of the Mid Beds Local Plan, policy GT3 of the draft Gypsy and Traveller DPD and policies CS14 and DM3 of the Central Bedfordshire (north) Core Strategy.

- 6 At the same time as the site development scheme required by Condition 4 is submitted to the Local Planning Authority there shall be submitted a programme of management and maintenance of the drainage system for the lifetime of the development. The drainage system shall be managed and maintained in accordance with the approved programme.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with saved policy HO12 of the Mid Beds Local Plan, policy GT3 of the draft Gypsy and Traveller DPD and policies CS14 and DM3 of the Central Bedfordshire (north) Core Strategy.

- 7 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.

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

Reason: In order to protect the amenities of local residents.

9 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 and PBA2.

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 site is also identified in the draft Gypsy and Traveller DPD as a site suitable for use as a Gypsy and Traveller site for up to 10 pitches. It is also in conformity with the National Planning Policy Framework and Planning Policy for Traveller Sites.

Notes to Applicant

DECISION

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