

Item No. 7

APPLICATION NUMBER	CB/13/01378/VOC
LOCATION	Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP
PROPOSAL	Variation of Conditions No. 2 & 6 on Planning Permission Application MB/05/01478/FULL dated 16/02/2006. Vary condition 2 to allow the stationing of 7 caravans, including up to 7 static caravans. Amend condition 6 to refer to the site layout plan submitted with this application.
PARISH	Northill
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Nikolas Smith
DATE REGISTERED	18 April 2013
EXPIRY DATE	13 June 2013
APPLICANT	Mr N Connors
AGENT	Philip Brown Associates
REASON FOR COMMITTEE TO DETERMINE	This application was called to Committee by Cllr Mrs Turner because it has the potential to affect the future allocation and distribution of additional Gypsy and Traveller sites.
RECOMMENDED DECISION	Variation of Condition - grant subject to conditions

Reason that the application is recommended for approval:

In light of the level of identified need for pitches as set out in the draft Gypsy and Traveller Local Plan it is considered that the proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider street scene to such an extent to justify refusing planning permission. There would not be any adverse impact on the amenities of neighbouring residents nor would the proposal result in any highway, parking or other issues. The proposed development is in conformity with Policy HO12 of the Mid Bedfordshire Local Plan Review, Policies GT5 and GT7 of the emerging Gypsy and Traveller Local Plan, Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (North) 2009, Policies 1, 33 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework and Planning Policy for Traveller Sites.

Site Location:

The site is located on the North side of Hill Lane, to the West of the Hill Lane/Hitchin Road roundabout. To the immediate East of the site is Turnpike Fruit Farm. To the North is Plot 2, Magpie Farm (that shares the same access from Hill Lane and has planning permission for the siting of two caravans). To the West is Oak Tree Nurseries, where there is planning permission for the stationing of three caravans.

There is planning permission for up to four caravans at this site and up to two of those are authorised to be static caravans or mobile homes. The other two caravans

were a touring caravan and a horse drawn caravan. The number of units at the site is controlled by condition 2 that was attached to the appeal decision. When permission was granted for the siting of these caravans, a condition set out that they could not be sited nearer to Hitchin Road than a line shown on a plan (around 60m). The siting of caravans behind this line at the site is controlled by condition 6 that was attached to the appeal decision.

Views of the site from Hitchin Road are restricted by an existing storage building near to the entrance to the site and by landscaping.

The site falls outside of the Settlement Envelope.

The Application:

Planning permission is sought to vary conditions 2 (number of caravans at the site) and 6 (siting of caravans at the site) attached to planning permission reference MB/05/01478/FULL that was allowed by appeal reference APP/J0215/A/06/2023506 dated 23rd April 2007.

The result would be that:

Up to 7 caravans could be positioned at the site (an increase of 3) and all of them could be static or mobile homes (an increase of five). There would be five additional pitches at the site. Touring caravans associated with those pitches would not be positioned at the site.

Caravans could be positioned around 35m nearer to Hill Lane.

RELEVANT POLICIES:

National Planning Policy

National Planning Policy Framework

Planning Policy for Traveller Sites

Mid Bedfordshire Local Plan Review December 2005

HO12 - Gypsies

Core Strategy and Development Management Policies - North 2009

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development within and beyond Settlement Envelopes

Development Strategy for Central Bedfordshire: Pre Submission Version January 2013

Policies:

1 - Presumption in Favour of Sustainable Development

33 - Gypsy and Traveller and Travelling Showpeople Provision

43 - High Quality Development

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in June 2013.

Draft Gypsy and Traveller Plan

GT5 - Assessing planning applications for Gypsy and Traveller sites

GT7 - Assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople sites

Planning History - relevant

MB/05/01478/FULL Full: Change of use of land for siting of 2 caravans

Refused: 15/02/2006

Appeal allowed: 23/04/2007

Representations: (Parish & Neighbours)

Northhill Parish Council

Objection for the following reasons:

- Variation of condition 2 would allow development disproportionate the local area that would harm amenity.
- Harm would be caused to the rural appearance of the area.
- The existing access could not safely accommodate additional use.
- There is a fear of crime.
- Local ecology has been harmed because of the loss of hedging.

Old Warden Parish Council

Objection for the following reasons:

- Any increase in the number of caravans would be disproportionate to the local areas and would have a significant impact on amenity and the rural outlook of the area.
- There are three entrances to the site.
- The access is near to the roundabout and is dangerous.
- The site is associated with commercial and anti-social activity.
- There is noise and disturbance for local residents.
- Rural areas are overburdened with G&T sites.

Neighbours

7 letters of objection have been received, commenting as follows:

- An increase in the number of units would be disproportionate to the local area.
- There would be an impact on the rural character of the area.
- More caravans would result in more use of an unsafe access.
- There would be more commercial activity at the site.
- There could be drainage and pollution problems.
- This would not be sustainable development.
- This site is not allocated.
- The development would conflict with the 2007 appeal decision.
- There could be flooding problems.
- There is inadequate screening.
- There are inadequate local services.

Consultations/Publicity responses

Highways	Access to the site would be safe and the increased number of units would have a modest impact on its use. There is no highways reason to withhold permission.
Public Protection	No comment.
Private Sector Housing	Subject to small amendments to the layout (which would be conditioned), the site could be eligible for a site license.

Determining Issues

1. Policy Background including Gypsy and Traveller Pitch Provision
2. Green Belt and Personal Circumstances
3. Harm to openness and character of the Green Belt
4. Assessment against emerging policy GT7
5. Assessment against emerging policy GT5
6. Highway Issues
7. Other Issues
8. Human Rights
9. Conclusion

Considerations

1. Policy Background including Gypsy and Traveller Pitch Provision

Policy Background

The site lies outside of any built up area 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 new policy document requires that Local Planning Authorities 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. Sites should be specific deliverable sites sufficient to provide 5 years worth of sites against the authorities locally set targets.

Paragraph 25 of the Planning Policy for Traveller Sites sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent. This paragraph is subject to paragraph 28 which sets out the implementation arrangements. Paragraph 28 states that the policy set out in paragraph 25 only applies to applications for temporary permission for Traveller sites made 12 months after the policy comes into force. The Planning Policy for Traveller Sites came into force on 23 March 2012 and paragraph 25 should be taken into account.

Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and is currently out to public consultation following approval at full Council on 18th April 2013. A final draft document will be produced after the consultation ends on 1st July 2013 for submission to the Secretary of State in October 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 preparation of the Gypsy and Traveller Local Plan the Council had a Gypsy, Traveller and Showperson Accommodation Assessment Update undertaken. This Assessment highlights that there are a small number of unauthorised pitches, temporary consents and people on waiting lists for the Council-run sites which are considered to represent the backlog of need within the area. The Council site at Timberlands is being refurbished and will provide 6 pitches once reopened, these count as supply. The need between 2013 and 2018 is calculated as 38 Gypsy and Traveller pitches for the backlog of need plus 33 pitches as a result of family formation calculated at 2.5% minus the 6 pitches at Timberlands. The total need is therefore 65 Gypsy and Traveller pitches for the period 2013-2018.

The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update as:

Number of pitches in Central Bedfordshire in 2006 - 118

Pitch need from 2013 to 2018 (to meet backlog) - 38
Minus pitches coming back into use at Timberlands - 6
Growth between 2013-2018 (2.5%) - 33
Growth between 2019-2023 (2.5%) - 31
Growth between 2024-2028 (2.5%) - 36
Growth between 2029-2031 (2.5%) - 25

Total need to 2031 - 157 pitches

The draft Plan also allocates the following sites:

- (i) Site 16 (Land West of A6, South of Faldo Road and West of Barton-le-Clay)
- (ii) Site 55 (Land South East of Park Corner Farm and South of Dunton Lane)
- (iii) Site 58 (Land East of Potton Road and South of Ram Farm)
- (iv) Site 76 (Land South of Fairfield and West of Stotfold Rd)
- (v) Site 78 (Land East of M1, Tingrith)
- (vi) Site 92 (Land East of Watling Street and South of Dunstable)
- (vii) Site 116 (1 Old Acres, Barton Road, Pulloxhill)

The draft Gypsy and Traveller Local Plan is accompanied by a trajectory which demonstrates that the Council has identified sites (including windfall) which could deliver a 5 year land supply subject to applications being made and permissions granted. However, with the Council's acceptance of the updated need figures and the known backlog it must also be accepted therefore that there is currently a general need for sites and a need to demonstrate the provision of adequate windfall sites to meet the 5 year trajectory.

Since mid-March 2013 permanent planning permission has been granted for 12 pitches, therefore the backlog of need has reduced to 26 pitches. In addition a further 6 pitches would be put back into the supply following the refurbishment of Timberlands.

The backlog of pitches is incorporated into the total number of pitches to be delivered over the next 5 year trajectory. The draft Plan allocates a number of sites however it also relies on windfall applications to deliver the required level of pitch provision. The level of windfall applications expected has been calculated based on previous levels of permissions.

The draft Plan shows that 33 pitches need to be delivered in the first 5 year period in addition to the backlog of pitches highlighted above.

The trajectory sets out that in the period 2013 to 2018 (inclusive) 55 pitches can be delivered. This figure includes granting permanent planning permission for 12 existing temporary pitches and 9 pitches within an extension to an existing site, 15 pitches delivered on new sites allocated through the Plan all of which are named in the trajectory and 19 further pitches delivered through windfall applications.

Pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches required. Applications such as this therefore potentially make a necessary and significant contribution to the delivery of the required number of Gypsy and Traveller pitches and maintaining the required 5 year land supply trajectory.

2. Impact on the visual amenities of the area.

This site is generally well screened from public view by an existing storage building and vegetation. Whilst condition 6 of the 2007 appeal decision set out that caravans could not be sited forward of a line around 60m in to the site, they have been located nearer to the site entrance than that. Even so, views of the site remain limited. Additional caravans at the site would increase the need for screening at the site and a condition would require the implementation of a revised landscape/screening schedule so as to ensure that the impact of the site on the appearance of the area was as modest as possible.

4. Impact on amenities of neighbours

The location of the site prevents it from having a significant impact on nearby neighbours. To the North and West are Gypsy and Traveller sites and to the East is a fruit farm. The nearest bricks and mortar dwellings are to the North, on Hitchin Road and are separated from this site by Plot 2, Magpie Farm. Notwithstanding that, a condition would prevent commercial activity from taking place at the site and details of lighting would be secured by condition. It is not considered that an increase in the number units at the site or their location nearer to Hill Lane would have a significantly greater impact on living conditions at neighbouring properties than is currently the case.

5. Assessment against emerging policy GT7

The emerging Gypsy and Traveller Local Plan was approved by full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State. The consultation started on Monday 20th May 2013 and will run until Monday 1st July 2013. The Plan contains policy GT7 which is a policy used for assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople Sites.

The policy states that planning permission for the expansion of existing sites will be granted providing that satisfactory evidence demonstrates the need for the scale and nature of accommodation proposed and in order to safeguard the countryside, the expansion of sites should be achieved through the subdivision or infilling of existing pitches or plots.

If the variation of condition application were granted the number of caravans on the existing site would increase from 4 to 7. The site currently provides 2 pitches and the increase in caravans would result in an additional 5 pitches being provided, totalling 7 pitches.

Normally a pitch would include a touring caravan but in this case, they would not be located at the site. Two amenity blocks would be provided to serve the 7 pitches.

Policy GT7 requires expansion of sites to be achieved through subdivision or infilling of existing pitches. This proposal complies with the policy as it would not lead to any extension of the site (although the amount of the site that caravans could be sited on would increase), only an intensification of the existing authorised site. The supporting text to policy GT7 also requires that the application be considered against policy GT5, this assessment is dealt with in section 6.

Allowing the infilling of existing Gypsy and Traveller sites helps to meet the identified need for pitches without requiring new sites to be developed.

Whilst the site does not fall within the scope of the proposed Gypsy and Traveller Plan, the proposal is for the infilling of an existing site to create additional pitches which is addressed in policy GT7 which has been assessed above.

Overall the proposal is considered to accord with policy GT7 of the emerging Gypsy and Traveller Local Plan.

6. Assessment against emerging policy GT5

The emerging Gypsy and Traveller Local Plan contains policy GT5 which is a criteria-based policy for assessing planning applications. Each part of the policy is addressed in turn below.

- Justification of local need for the scale and nature of development proposed.

The issue of need has been dealt with above however in brief the Council's GTAA highlights a backlog of 38 pitches which has subsequently reduced to 26 following recent grants of planning permission. The draft Plan relies on windfall sites to provide pitches in addition to those allocated within the Plan and therefore applications such as this are vital in meeting the level of identified need.

- The scale of the site and number of pitches would not dominate the nearest settled community and would not place undue pressure on infrastructure.

Planning Policy for Traveller Sites (PPTS) states at paragraph 12 that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. Comments have been made that the proposal would result in a disproportionate number of the travelling community to that of the settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. It is considered that the point of the policy is to ensure that in rural and semi-rural areas that the traditional bricks and mortar settlement is not dominated in terms of the scale and visual impact of Gypsy and Traveller pitches. With regard to this application the size of the site would not increase, only the number of caravans and the amount of the site upon which they could be sited. When taken together with Plot 2 Magpie Farm and Oak Tree Nurseries, there would be 12 pitches at the wider site (increased from 7) It is not considered that the resulting scale of the site would have a significant adverse impact to be considered to dominate the nearest settled community. The visual impact of the site has been considered above and would not be such to cause a dominating impact.

- The site would not be located in an area of high risk of flooding, including functional floodplain. A flood risk assessment will be required in areas of flood risk.

The site is not within an area of high risk of flooding.

- Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the application.

- Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch it is considered that the pitches proposed would be smaller than normal. It is however considered that how the families choose to live does not necessarily mean that the proposal is unacceptable. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable.

- Landscaping.

The visual impact of the proposal is considered above.

- Sensitive boundary treatment.

The site has existing landscaping to the boundaries. Additional landscaping will be required by condition.

- The amenity of nearby occupiers would not be unduly harmed by the development.

The impact on neighbouring properties is considered above.

- Pollution from light and noise sources should be minimised.

No details of external lighting on the site have been provided however it is considered that this can be adequately controlled by condition. The proposal would not lead to any specific noise sources. It is acknowledged that there may be a little more noise from a Gypsy and Traveller site compared to a bricks and mortar dwelling due to the level of outdoor living, nevertheless it is not considered that a normal level of noise would be unacceptable.

- Adequate schools, shops, healthcare and other community facilities are within a reasonable travelling distance.

When the appeal was allowed at this site in 2007, the Inspector acknowledged that the site was quite near to local shops and that there were links to services in Biggleswade, which is near by. The increase in the number of pitches at the site would not change this and the site would still be appropriate.

- Suitable arrangements can be made for drainage, sanitation and access to utilities.

Details of drainage for the additional caravans at the site would be secured by condition.

Overall it is considered that the proposal complies with the emerging Gypsy and Traveller Plan policy GT5.

7. Highways Matters

Concern has been raised over the access to the site and suitability of visibility splays. The Highways Development Control Officer has no objection to the proposal. Improvements to the access were required when the appeal was allowed in 2007, and these have been carried out.

8. Human Rights

Regard has been had to the Human Rights implications of the application. Details of the personal circumstances of the intended occupiers were outlined

above in the context of the claim for very special circumstances.

It is recognised that the refusal of consent would lead to an interference with the intended occupiers rights to a home and private family life. The refusal of consent would also lead to an interference with their property rights. Such interference must be balanced against the public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include the protection of the environment. In the present case, the analysis above suggests that the likely impact of the development upon the character and appearance of the countryside, is limited and that the refusal of permission would place a disproportionate burden upon the intended occupiers and would result in a violation of their rights under the Convention.

9. Conclusion and recommendation

This is an existing site that has consent for four caravans (two pitches). The variations of conditions 2 and 6 would allow for the siting of 7 caravans, forming 7 pitches and for these to be located around 35m nearer to Hill Lane than as approved. Central Bedfordshire is relying on windfall sites to meet its identified need for Gypsy and Traveller site provision. Here, subject to conditions, there would be no harm caused to the appearance of the site or the area, there would be no harm caused to living conditions at neighbouring properties and the access to the site would be safe. As such, the application recommended for approval subject to conditions.

Conditions:

- 1 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 2 No more than seven (7) caravans (of which no more than seven shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: In recognition of the location of the site outside of the Settlement Envelope and having regard to the provisions of the National Planning Policy Framework, Planning Policy for Traveller Sites, policy 36 DSCB and policies GT5 and GT7 of the Draft Pre-Submission Gypsy and Traveller Local Plan (April 2013).

- 3 No commercial activity shall take place on the site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site outside of the Settlement Envelope and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

4 The use hereby permitted shall cease and all caravans or mobile structures, vehicles, plant, equipment, machinery, materials, buildings, hard surfacing and any other operational development brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any of the requirements set out in (i) to (iv) below:

i. within 3 months of the date of this decision the schemes for:

(a) the landscaping of the site;(b) the disposal of surface and foul drainage from the site;

(c) external lighting; and

(d) the layout of the site;

shall have been submitted for the written approval of the Local Planning Authority and the schemes shall include a timetable for their implementation.

ii. within 11 months of the date of this decision the schemes shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve any 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.

iii. if an appeal is made in pursuance (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved schemes shall have been carried out and completed in accordance with the approved timetables.

Reason: To ensure that the development does not cause harm to the character and appearance of the area or to living conditions at neighbouring properties.

5 Any trees or plants which form part of the approved landscaping scheme for the site which within a period of 5 years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval for any variation.

Reason: To ensure that the appearance of the site would be acceptable.

6 No structures, materials or objects shall be placed on the land to the South of the line marked 'xxxxxxx..' on plan CBC/002.

Reason: To ensure that the impact of the development on the appearance of the site is an acceptable one.

Notes to Applicant

1. 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.

DECISION

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