

Item No. 8

APPLICATION NUMBER	CB/13/01223/VOC
LOCATION	The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH
PROPOSAL	Variation of Conditions: 2 & 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans'.
PARISH	Stanbridge
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Vicki Davies
DATE REGISTERED	08 April 2013
EXPIRY DATE	03 June 2013
APPLICANT	Ms Brien
AGENT	Rosser Morris Ltd
REASON FOR COMMITTEE TO DETERMINE	Call-in by Cllr Versallion on the grounds of: 1. Doubling the number of caravans to the conditions that were previously agreed. 2. Appeal on Site B (which was to set a precedent) has still not been granted. 3. CBC ignoring an agreement made with Billington PC not to allow an increase of pitches in the Parish. 4. Green Belt. 5. Conservation Area.
RECOMMENDED DECISION	Variation of Condition - Approval

Recommended Reasons for Granting

The proposal is contrary to Green Belt policy however on balance it is considered that the general ongoing need and the personal circumstances of the site occupants, cultural factors and compliance with emerging policies GT5 and GT7 weigh in favour of the application. The proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider streetscene 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. Overall it is considered that there are Very Special Circumstances which outweigh the harm to the Green Belt and that subject to conditions the proposal would be acceptable and is therefore in accordance with policies GT5 and GT7 of the emerging Gypsy and Traveller Local Plan, policy BE8 of the South Bedfordshire Local Plan Review, policies 33, 36 and 43 of the emerging Development Strategy for Central

Bedfordshire and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED 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 The Site shall only be occupied by the following persons and their resident dependant's: James Brien, Margaret Brien, Ashley Brien & Michael Nolan, Abraham Howard & Charlene Howard, John Smith & Kelly Smith, Michael Brien & Jane Brien, Jimmy Brien & Cristal Brien, Johnny Brien & Sherry Brien, Teresa Patterson, Michael Brien and Evelyn Gray

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 3 In the event that the Site shall cease to be occupied by those named in Condition 2 above the use hereby permitted shall cease and all caravans shall be removed from the Site within 28 days of that date.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB..

- 4 Within three months of the cessation of the occupation of the site by those named in Condition 2 above 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 land in connection with the development hereby approved, or in accordance with the planning consent CB/10/03217FULL, shall be removed; all hardcore, tarmac and other hard surfacings on the site shall be broken up and completely removed, the site levelled, topsoiled and seeded with grass or turfed; and the existing vehicular access onto Stanbridge Road shall be closed and the hedgerow reinstated along the highway frontage.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 5 No more than twelve caravans shall be stationed on the Site at any time, of which only ten caravans shall be residential static caravans.

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

- 6 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 BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 7 No more than five commercial vehicles shall be kept on the Site at any time for use by the persons named in Condition 2 of which not more than one shall exceed ten tonnes in weight and the remainder shall not exceed 3.5 tonnes in weight.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 8 Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a timetable for the completion of all the details identified in plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010 including, but not exclusively relating to, means of enclosure, surfacing, amenity facilities and drainage of the site. The said works shall be completed in accordance with the timetable agreed 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, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that 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 Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 9 The details required to be submitted in accordance with Condition 8 shall include proposals for the replacement of all existing boundary fencing, including the proposed timetable for such works. Amendments to the details of these particular works and their proposed timetable may be agreed in writing from time to time by the Local Planning Authority.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 and the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 10 At the same time as the timetable for the completion of the works required by Condition 8 is submitted to the Local Planning Authority there shall be submitted a programme for the 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 Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having regard to the principles contained in the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 11 Within 3 months of the date of the this consent the applicant shall submit a detailed landscaping scheme including boundary planting and landscaping and grassed areas within the site. The planting will then be carried out in accordance with the approved details no later than the end of the first planting season following the completion of the development and thereafter maintained for a period of five years during which 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, is replaced with another of the same species and size as that originally planted.

Reason: In order to ensure that the proposal takes account for the need for hard and soft landscaping in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 12 The site shall be laid out in accordance with the site plan reference RM/08/034.10A received on 10th June 2013.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 13 No external lighting shall be installed on the site other than such lanterns or similar devices as may be directly attached to individual caravans or the buildings authorised by this consent and identified on plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010.

Reason: In order to ensure that lighting associated with the development does not have a detrimental impact upon the surrounding area in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 14 Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no further accesses shall be formed from the adjoining highway and no walls, fences, gates or other means of enclosure or any amenity blocks, ancillary buildings or other structures shall be erected on the site other than in accordance with this consent or in accordance with a further specific grant of planning consent in that regard.

Reason: In order to ensure that the overall appearance of the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 15 No more than seven caravans shall be stationed on the site unless and until all the works set out in the sewage statement submitted on 13 June 2013 have been completed to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the development has satisfactory foul water drainage in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that the landscaping scheme required by condition 11 should incorporate evergreen species to ensure screening all year round, this is particularly with reference to the eastern boundary of the site.
4. The Development Management Committee wishes to highlight to the applicant that the visual appearance of the access to the site should be improved, through such actions as repainting the gates and closing any redundant access.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of the following information contained in the Late Sheet:
 - a. Private Sector Housing had provided objections to the application as it did not meet licensing standards.
 - b. The applicant's agent had provided an amended site layout which demonstrated the spacing between the caravans.
 - c. Conditions 8 and 12 have been amended as above.]