Item: **07**

Reference: **10/00994/FUL**

Applicant: **Mr C Price**

Location: **Land Adj. Hissar House Farm Leicester Road Hinckley**

Proposal: **TRAVELLERS SITE FOR 2 MOBILE HOMES AND TWO TRANSIT CARAVANS AND ERECTION OF A TOILET/LAUNDRY ROOM**

Target Date: **25 April 2011**

Introduction:-

This is a full application for the creation of pitches for two transit caravans and two permanent mobile homes with an amenity block for families that fall under the definition of a Gypsy for the purposes of Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites. The site is located on the eastern side of Leicester Road on the outskirts of Hinckley, opposite the Rugby Club.

The site is 1.25 hectares and currently comprises part of a larger 7 acre agricultural field also owned by the applicant. The site has a shared access with the adjacent smallholding to the south. The site is bounded to the road frontage by dense native hedgerow. The site is defined within the adopted local plan as Green Wedge. Further north east of the site is Hissar House Farm with agricultural land bounding the site to the remaining elevations.

The hardstanding for the mobile homes will be sited fairly centrally within the site. To the north of the mobile homes will be an area of hardstanding for parking and for the transit caravans. The amenity block will be situated within the north eastern corner of the site. Further screening is proposed to define the site.

The Design and Access Statement states that the site is well screened and that additional screening is also proposed. It goes on that the site will require little alteration due to its existing access and that it is located within close proximity to a range of local services.

A Statement of need has been submitted by the agent this confirms the intended end users of the site and that there is an urgent need for the pitches under consideration.

History:-

09/00405/UNUSE The erection of new gates, hard surface and the use of buildings in connection with an engineering business. This was an anonymous complaint and the case was closed in October 2010 as it was not considered expedient to take enforcement action.



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Consultations:-

No objections received from The Head of Community Services (Pollution Control).

No objection subject to note to applicant received from The Head of Community Services (Land Drainage).

No objection received from The Director of Property Services (Gypsy Liaison).

No objection subject to conditions has been received from The Director of Environment and Transport (Highways).

Barwell Parish Council object to the application on the following grounds:-

a) application form has not been fully completed
b) insufficient detail has been submitted with the application
c) local residents have not been consulted
d) site is contrary to the gypsy and traveller site allocation policy
e) site is within a defied Green Wedge.

MP David Tredinnick has objected to the application on the grounds that the development will be on Green Wedge land, that it will be on agricultural land and will thus have a detrimental impact on the open countryside; that the planning system should operate on a level playing field, that the site is located outside of the settlement boundary; and that the site is within close proximity of Burbage Common, which is an area of amenity and great biodiversity.

Cllr Bill has objected to the application on the grounds that the site falls within a Green Wedge and Open Space, on road safety grounds and on the fact that it will set a precedent for future applications.

Cllr Franks has objected to the application on the grounds that the development creates an unacceptable intrusion into the green wedge.

Neighbours notified and site notice posted.

Hinckley Rugby Club have objected on the grounds that the residential development intended is not compatible with the non-residential nature of the area or the long term intention to establish a sports hub, and on grounds of highway safety.

Fourteen letters of objection received on the following grounds:-

a) not identified as a gypsy allocation in the LDF
b) land is agricultural should not become residential
c) it is Green Wedge land
d) Highway safety concerns on fast road and will lead to further congestion
e) too close to Burbage Common and the Rugby Club
f) will increase the local crime rate
g) that the site will escalate into a larger Travellers site
h) future increase in buildings on the site
i) no waste effluent disposal or other refuse disposal proposed on the plan
j) no information as to the disposal of surface water submitted
k) will decrease the value of surrounding homes
l) concerns about pressures on existing services
m) unacceptable form of development for green wedge land
n) concerns over the numbers of vehicles parked on site
o) concern over increases in antisocial behaviours within the area
p) lack of need for additional sites within the borough.

A petition containing 47 Signatures objecting to the application has been received.

Policy:-

Central Government Guidance

Planning Policy Statement 3: Housing (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. Paragraphs 12-19 of

PPS3 stress the importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

Planning Policy Guidance Note 13: 'Transport' seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices.

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 01/94. Its main intentions are:-

To significantly increase the number of Gypsy and Traveller sites with planning permission in order to address under-provision:-

a) recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
b) identify and make provision for the resultant land and accommodation requirements
c) help or avoid Gypsies and Travellers becoming unintentionally homeless

d) reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
e) create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
f) promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
g) underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
h) ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively
i) reduce the number of un-authorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this circular.

On 29 August 2010 the Secretary of State for Communities and Local Government announced the Government's intention to revoke Circulars 01/2006 and 04/2007. To date this revocation has not happened however a draft replacement Planning Policy Statement has been issued for consultation and this will be reported to Planning Committee on 21 June 2011. At the present time Circular 01/2006 remains in force as the primary policy guidance.

The Housing Act requires Local Authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

Local Development Framework Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting

adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.

Policy 20: Green Infrastructure, Hinckley/ Earl Shilton/Burbage Green Wedge seeks to maintain the green wedge between Hinckley and Barwell as it plays an important environmental and landscape protection role. It also looks to develop it into a large scale recreational asset to service the Sustainable Urban Extensions and residents living in North Hinckley.

Hinckley and Bosworth Local Plan 2001

The site lies outside of any settlement boundary, within the countryside where policy NE5 of the Local Plan seeks to protect the countryside for its own sake and any development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate.

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Policy RES13 has been 'saved ' but is superseded by Policy 18 of the Core Strategy.

Supplementary Planning Guidance/Documents

Designing Gypsy and Traveller Sites: Good Practice Guide is primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites.

a) are sustainable, safe and easy to manage and maintain
b) are of a decent standard, equitable to that which would be expected for social housing in the settled community
c) support harmonious relations between Gypsies and Travellers and the settled community.

The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies the needs for gypsy and travellers within the Borough up until 2016.

The Black and Minority Ethnic Communities Housing in the East Midlands: A Strategy for the Region, recommendation 8 states that ' It is imperative that local authorities make immediate progress in site identification to meet the needs of

Gypsies and Travellers rather than relying on the development of policies through the local development framework.'

Appraisal:-

Information has been submitted suggesting that the development is for a transit and residential site for Gypsy families, in accordance with the Circular definition (however further information in respect of the intended end users of the site has been requested, and only verbal conformation has been received that this is the case from The County Council Gypsy Liaison Officer). Based on the assumption that the site is in accordance with the Circular definition, the issue for consideration are whether the needs of the gypsy families and the development satisfies the criteria of Core Strategy Policy 18 and Policy RES13 of the Adopted Hinckley and Bosworth Local Plan, the principle of development, effect on the countryside and the Green Wedge, neighbours issues and highway safety.

Principle and Policy Considerations

The site proposed is situated within the open countryside and within an identified Green Wedge. Accordingly a proposal for further development within this area would normally be contrary to policies NE5 of the adopted Local Plan and Policy 20 of the Core Strategy, unacceptable in principal and so resisted. However this said, as the application is for a travellers site, the needs of the proposed end users of the site must be weighed against the need to resist the development and protect the green wedge and the countryside.

Gypsy and Traveller Need

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies a need for 42 residential pitches for the period up until 2016 within the Borough, this figure has been adopted with the Core Strategy. Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, two pitches at The Paddock, Higham on the Hill, one pitch at Stoke Lane Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 35 permanent pitches. Furthermore, 10 temporary pitches have been allowed on appeal at the Good Friday site at Barlestone. Approval of this site for one family would go towards meeting the current shortfall in permanent sites.

Policy 18 of the Core Strategy seeks to permit sites for Gypsy and Travellers subject to compliance with a number of criteria.

Proximity to Settlement/Services

The application site is on Leicester Road which is located approximately 1.1km beyond the Hinckley settlement boundary and 2.4 km from the town centre. This is considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy. Another consideration is scale of the site, the proposal is for 2 transit caravans which equates to 1 pitch, and 2 permanent pitches, giving a total of 3 pitches. It is considered that this is not excessive in terms of scale located close to Hinckley urban area.

It is a requirement of the policy that sites are located either adjacent to existing settlements or located within a ‘reasonable’ distance.

Circular 01/2006 which places an onus on the Local Planning Authority to allocate sufficient sites for gypsy and travellers, states that 'sites should be based on a number of criteria including the sustainability of the site which includes the integration between the site and the local community, access to health and GP services, children attending school on a regular basis, the provision of a settled base that reduces the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Priority should be given to locations in or near existing settlements that have access to local services. This application, due to its close proximity to Barwell, Hinckley and Earl Shilton is considered to meet the criteria in this case with regard to the proximity of adjacent settlements.

Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.
The Director of Environment and Transport (Highways) has no objections to the site proposed as there is an existing access to the site and the existing visibility is considered acceptable, thus the proposal is considered to have no adverse impacts in terms of highway safety and is therefore considered acceptable.

Sympathetic Assimilation, Green Wedge and Character of the Countryside.

The site is situated within the Hinckley/ Barwell/Earl Shilton/ Burbage Green Wedge as outlined by Policy 20 of the Core Strategy and within the open countryside and subject to Policy NE5 of the Local Plan. Both of these policies are restrictive of new development within this area, with policy 20 seeking to maintain the green wedge as it is considered to play an important environmental and landscape protection role. Further the site is defined within the Landscape Character Assessment 2006 (LCA) which states that this area of land should be preserved, protected and enhanced. The area is also summarised as being a strategically significant landscape of high sensitivity located close to principal urban areas. This said, the need to protect the Green Wedge and Countryside must be weighed against the need to provide additional Gypsies and Travellers Accommodation. As identified by the figures included above, there is clearly a need for additional pitches within the borough. In respect of the specific 'need' for the site in question, a needs assessment has been submitted by the agent, which identifies the proposed end users of the site as two families, one having three young children, whom have been displaced by the closure of the ‘Bens Hut’ site in Ratby. This confirms that despite efforts made these families have found no permanent site on which to reside. Although the above information provides some justification in respect of the need for the site, additional, more detailed information has been requested to confirm the current residence of the family and whether there are any specific health or educational requirements. The agent has verbally confirmed that there is a need for the site and based on this, and the submission of further information to clarify the above, on balance it is considered that the need for the pitches provided by this site outweighs the need to protect the Green Wedge.

The policy requires 'sympathetic assimilation' of such sites into their surroundings. The character of the site is rolling open countryside, bounded by a mature dense native hedgerow along the front boundary. Further landscaping has been proposed to define the site, which over time will help screen it from the surrounding

countryside. Accordingly only fleeting views of the site will be available from the public highway and the surrounding open countryside.

Noise and Disturbance

There are no close residents to the site. The nearest dwelling is that at Hissar House Farm located approximately 40m from the site to the north east and is unlikely to be detrimentally affected by the development. Similarly, it is considered that users of Hinckley Rugby Club, situated opposite the site will not be significantly affected.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide. It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. Emergency vehicles could access the site.

The guide says that essential services (mains water, electricity drainage and sanitation) should be available and although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Sewerage in this case is by a private system which will be subject to Building Regulations approval.

Design and Layout

The guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with Leicester Road. The permanent pitches proposed on this site are for extended family members and the guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case an amenity block providing a toilet and laundry facilities will be provided, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The guidance for transit pitches is the same as for permanent pitches in most respects, it recommends that each transit pitch is of a size sufficient to accommodate

two touring caravans, two parking spaces and private amenities. Although the specific siting of the transit pitches has not been denoted on the plan, the standards identified can be accommodated within the site. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will deal with this issue. The licence is an appropriate mechanism to secure satisfactory internal arrangements.

Other Considerations

Sustainability

The proposed site is considered to be within a reasonable distance of the settlement providing accessibility to local services.

Conclusions

On balance based on the submitted statement of need and the submission of further details, and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy, the 'need' for the site in question is considered to outweigh the protection of the Green Wedge and the character of the Countryside and therefore in principal is considered acceptable. Further the proposal will not have a detrimental impact upon residential amenity or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough as identified within the Site Allocations Preferred Options Document and the aims of Circular 01/2006.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and Circular 01/2006. Based on the submitted statement of need and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy, the 'need' for the site in question is considered to outweigh the protection of the Green Wedge and the character of the Countryside and therefore in principal is considered acceptable. Further the proposal will not have a detrimental impact upon residential amenity or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough as identified within the Site Allocations Preferred Options Document and the aims of Circular 01/2006.

Hinckley & Bosworth Borough Council Core Strategy (2009) Policy 18, Policy 20.

Hinckley & Bosworth Borough Council Local Plan (2001):- NE5, T5, RES13, BE1.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- 'DCAMDPLN scale 1:500' 'DCAMDPLN' received by the Local Planning Authority on the 6 April 2011, 'DCPLAN' 'TOILET AND LAUNDRY ROOM' received by the Local Planning Authority on the 16 December 2010.

3 The permanent and transit site hereby approved shall not be used by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

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

5 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan and Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be placed onto the land whether for temporary or permanent purposes without the prior written approval of the Local Planning Authority.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

a) surfacing materials
b) planting plans (including existing planting (trees and hedgerow)
c) written specifications
d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
e) implementation programme.

7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

8 No burning of materials shall take place on the site at any time.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 The site lies in an area within which the Local Planning Authority would not normally grant permission for residential development. To accord with Policy 18 of the Hinckley and Bosworth Core Strategy and Circular 01/2006.

4 To ensure that the use remains compatible with the surrounding area and to ensure compliance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.

5 For the avoidance of doubt and to ensure that the use remains compatible with the surrounding area, in compliance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan and Circular 01/2006.

6&7 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

8 To safeguard the amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Shaw Ext 5680