Item: **01**

Reference: **11/00634/COU**

Applicant: **Mr J Winter**

Location: **The Paddock Watling Street Higham On The Hill**

Proposal: **CHANGE OF USE OF LAND TO THE SITING OF EIGHT MOBILE HOMES FOR GYPSIES.**

Target Date: **14 October 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by a local councillor.

Application Proposal

This application seeks full planning permission for the change of use of land for the provision of eight mobile homes for use by families whom fall under the definition of gypsies and travellers as defined in Annex 1: Glossary to the 'Planning Policy for Travellers Sites. The application represents a re-plan and six additional mobile homes of this existing gypsy site.

The proposed mobile home pitches will each measure approximately 9 metres x 7 metres and will be laid out a minimum distance of 8 metres apart. A hard surfaced parking area is to be provided adjacent to each pitch and the existing access and internal roadway is to be improved.

This is a re-submission of a similar previously withdrawn application (reference 11/00264/FUL) for four permanent mobile home pitches for gypsies. The earlier application was withdrawn because the proposed layout conflicted with a previously approved layout for the site.

In 2005 an application was refused on the site for the change of use to residential Gypsy Caravan site for four caravans (05/017073/COU). However this was subsequently allowed on appeal on the 13 April 2007. The specified layout approved was never adhered to. Due to this, and as the 2007 approval has now expired, it was considered more appropriate for the change of use and layout of the site to be considered in one comprehensive application, this time illustrating the existing two mobile homes along with the additional pitches proposed.

An amended site plan has been received which accurately reflects the site and the proposed position of the mobile homes and additional detailed highway drawings have been submitted. Further information has also been received in respect of the future occupants of the site.

The Site and Surrounding Area

The application site comprises a large rectangular field which is split into two elements. Adjacent to Watling Street (A5) is a grazing paddock which is screened from the highway by a mature native hedgerow. To the rear of this, set back from the road by approximately 80 metres is a parcel of land on which two mobile homes

(associated paraphernalia and hard standing) are situated. There is a gated access in the south western corner of the site, leading from Watling Street and internal access road which runs alongside the north eastern boundary. The total site has an area of approximately 0.49 hectares and is relatively flat.

The site is within the open countryside, approximately 2.5km west of the settlement boundary of Hinckley. The majority of the site to the north is situated within the administrative boundary of Hinckley and Bosworth Borough Council, however the southern part of the site where the access is situated, is within the administrative boundary of Nuneaton and Bedworth Borough Council.

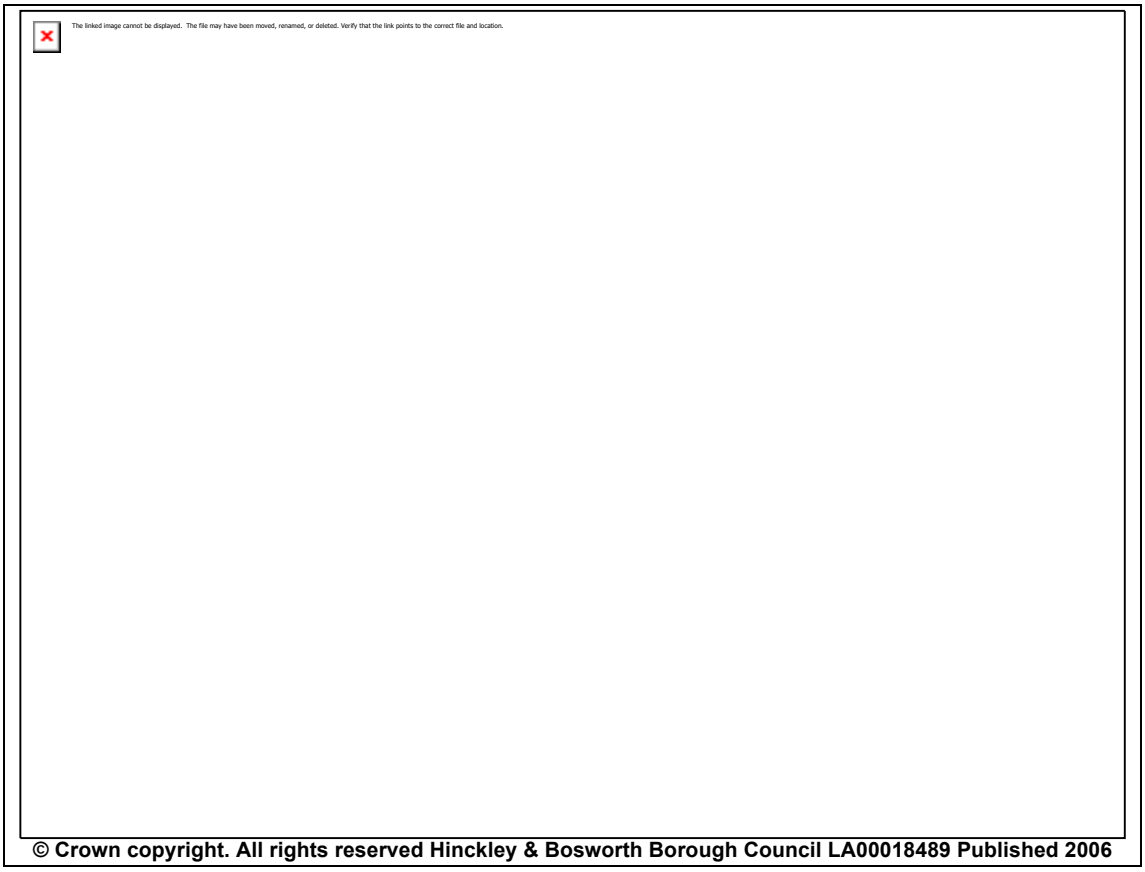
The site is generally surrounded by open countryside. Adjacent to the sites Watling Street frontage are residential properties comprising of two-storey semi-detached dwellings along with offices and works of an industrial company, a HGV repair depot, a residential mobile home park and a large area of caravan storage.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

11/00264/FUL	Change of use of the land to the Siting of four permanent mobile homes for gypsies	Withdrawn	29.06.11
05/01073/COU	Change of use to residential gypsy caravan site for four caravans	Appeal Allowed	13.04.07
04/00241/COU	Transit gypsy site for 12 caravans with toilet block and septic tank	Withdrawn	17.05.04
04/01284/COU	Change of use to residential caravan site for three Gypsy families with a total of six caravans	Refused Appeal withdrawn	06.01.05
08/00360/UNUSE	Enforcement Enquiry - non compliance With planning approval, two additional caravans stored .	Closed-caravans not for human habitation, for sale	05.02.09
06/00015/ENF	Appeal against enforcement (change of use)	Notice Quashed	13.04.07
05/00235/BOC	Unauthorised Use of land for the siting of caravans	Approved	



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Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Director of Property Services (Gypsy Liaison)
Environment Agency.

No objection subject to conditions have been received from:-

Highways Agency
Severn Trent Water Limited
Head of Business Development and Street Scene Services (Waste Minimisation).

Cllr Ward has requested that this application be determined by the Planning Committee.

Site notice and Press notice were displayed and neighbours notified.

No comments have been received from:-

Higham on the Hill Parish Council
Nuneaton and Bedworth Borough Council
Neighbours.

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
Planning Policy for Traveller Sites (March 2012)

Local Plan 2006–2026: Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards
Policy NE10: Local Landscape Improvement Sites

Other Guidance

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:-

The proposed development is for eight mobile homes for Gypsy and Traveller families.

The County Council Traveller Site and Liaison Officer has submitted a letter supporting the application and confirming the that the occupants meet the definition of Gypsy's and Travellers in accordance with the definition contained within the Planning Policy for Traveller Sites document. The Officer also verifies the applicant's details and needs of the site. Therefore, the main issues for consideration in respect of the application are the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the surrounding countryside, neighbours and highway safety.

'Planning policy for traveller's sites' published on the 25 March 2012 came into effect on the 27 March 2012, and must be read in conjunction with the National Planning Policy Framework (NPPF). Circular 01/06: Planning for Gypsy and Traveller Caravan Sites and Circular 04/07: Planning for Travelling Showpeople was cancelled upon the adoption of the NPPF, and is no longer a material planning consideration. As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should
be determined against the policies in 'Planning Policy for traveller's sites' and the NPPF. Policy H of the new traveller sites policy (Paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues will be discussed below:

a) the existing level of local provision and need for site

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. The findings of the assessment, in particular this figure, informed and therefore the requirement of 42 pitches was included within Core Strategy Policy 18.

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, ten temporary pitches have been allowed on appeal at the Good Friday site at Barlestone.

As there is a deficit of 35 permanent pitches within the borough, there is clearly an insufficient level of local provision and a need for this site. Approval of this application would go towards meeting the current shortfall in pitches. For clarification, this application would provide a contribution of six additional pitches, as opposed to eight, for two have already been included within the count above.

b) the availability (or lack) of alternative accommodation for the applicant

The nearby Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers, is currently full with

an extensive waiting list of 16 families. In addition, there are a number of families living on site that have grown up children who would like to start their own families with nowhere to move to. There is no other known pitch availability within the Borough and as no suitable alternative accommodation available to the applicant.

c) other personal circumstances of the applicant

Confirmation has been received from the County Council Traveller Site and Liaison Officer in respect of the occupiers of the site. The occupants are all related and comprise a large family unit including school age children and the elderly. Currently the occupants are residing on temporary sites or on land allocated for other uses, as such they have no permanent site. This site would provide a permanent base for the family unit, allowing access to education and health services, amongst others. The site as proposed would allow the occupiers to maintain a traditional gypsy lifestyle, in that younger generations care for the elderly and related children play with one another. The site has been occupied since roughly 2005 by some family members and the existing family unit have and the local settled population live peaceably with no reported issues. In addition, it is noted there have been no neighbour objections to this application.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

The locally specific criteria is Local Plan Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy below.

e) that they should determine applications for sites from any travellers and not just those with local connections

The origins of the proposed end users of the site are unknown; however the owners of the site have been residing there since roughly 2004.

Finally within paragraph 24 of the Planning Policy for Traveller Sites, the policy requires local planning authorities to attach weight to the following matters:

a) effective use of previously developed (brownfield), untidy or derelict land
b) sites being well planned or soft landscaped in such a way as to positively enhance the environment
c) promote opportunities for healthy lifestyles such as providing adequate play areas for children
d) not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

Whilst the application site is not wholly previously developed land, untidy or derelict it offers the opportunity for a natural extension to an existing lawful site. The proposals provide a layout that offers additional hard landscaping and additional soft landscaping measures to compliment the existing mature landscaping around the site and this will be controlled by a the use of a landscaping condition. In this case, the site is not adjacent to any other residential development.

In summary it is considered that the proposal is in general conformity with the overarching principles of ‘Planning Policy for Traveller Sites’.

Policy 18

Policy 18 of the Local Plan makes reference to the Council's commitment to provide residential and transit site gypsy pitches within the context of the policy's criterion and as such implies a presumption in favour of such development. This is generally consistent with the intentions of the Planning Policy for Traveller Sites.

Local Services

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a reasonable distance of local services and facilities.

The application site is situated around 2.1km from the village of Higham On The Hill, 4.6km from Hinckley town centre and 5.1km from Nuneaton. Higham On The Hill has limited local facilities, comprising of a post office, primary school and church.

The nearest substantial facilities would therefore be within Hinckley or Nuneaton. Due to the distance of these settlements from the site it is likely that journeys will be made by car. This said the site in question was granted approval on appeal for a gypsy site and within the appeal decision the inspector considered the sites proximity to local services as acceptable. Since that time the site has been occupied by gypsy families and no problems have been identified in respect of difficulties accessing local services. In addition, the requirement to be situated with a 'reasonable' distance of local services must be weighed against the needs of the applicants to be situated within an area which can provide the grazing facilities for their animals. As such grazing facilities are unlikely to be available within close proximity to larger, service providing settlements, on balance the separation distances identified render this site a 'reasonable' distance from local services.

Highway Safety

It is important to note that the sites access is located within Nuneaton and Bedworth Borough and as such the suitability of the access is not for consideration by Hinckley and Bosworth. Nuneaton and Bedworth Borough Council has not responded to the application consultation. For clarification since the original application was allowed on appeal, the landowner has undertaken works to the access comprising of widening the area to the rear of the footway edge. This provides an area sufficiently wide enough (6.60m) for two vehicles to pass each other and created a gate entrance set back sufficiently for vehicles to stand back from the mainline carriageway. Furthermore there is sufficient vehicle/pedestrian inter-visibility to give pedestrians warning of approaching vehicles. No road safety issues have arisen resultant of the access.

There is considered to be adequate space on site for the provision of parking and turning and for the servicing of vehicles.

As the site gains access off a trunk Road, the Highways Authority have provided comments in respect of the access. The Highways Agency's do not object to the application, however, initially a holding Direction was placed on the application, to allow for more time for the assessment of the scheme. During this time, the access, in terms of width and visibility was considered to be inadequate to cater for the scale of the proposed use. A highway consultant was employed by the applicant and further technical drawings were submitted. Consequently the holding direction was lifted and the Highways Agency has confirmed that they had no objections to the

scheme subject to the application being condition in accordance with the technical highway drawings. However, as the site access falls within the borough of Nuneaton and Bedworth, the suggested condition can not be secured against this application (for it would not be compliant with the tests outlined within Circular 11/95).Consequently, further discussion has taken place with the Highways Agency who have subsequently issued a revised T111, stating no objections.

For further clarification, as the access does not fall within the Borough of Hinckley and Bosworth, its suitability is not a matter for consideration during this application. The Highways Agency is seeking to resolve the access issues with Nuneaton and Bedworth Borough Council who are the correct determining LPA for the purposes of the access to the site.

Sympathetic Assimilation

Although the site is bounded to the north, south and west by open countryside and to the east is a ribbon of development comprising of both residential and commercial uses. This has a significant urbanising effect on the character of the sites frontage. Accordingly it is considered the development proposed will result in an extension of the already developed form of the local area, and thus is not considered out of character. There are no views of the site from the north, due to the existing built development and there will only be limited views from the A5 to the south due to the maturely landscaped southern boundary. Views of the site are available from Nuneaton Lane, to the west, however due to the distance of approximately 150 metres between the site and the highway, only the roofs of the mobile homes will be available. This said, as the mobile homes proposed will have a stark utilitarian impact on this rural landscape, additional landscaping along western boundary of the site is considered necessary. The intention of this will not be to completely screen the site, but to soften the appearance of the development within its rural landscape. This will be requested by way of condition. This is considered in accordance with point b, paragraph 24 of the 'Planning Policy for Traveller Sites', which suggests that sites should be soft landscaped in a way as to positively enhance the environment.

Scale

The scale of the application should be acceptable in relation to the level of provision of local services and infrastructure. The application proposes to accommodate a total of eight Gypsy and Traveller families. Although the site is not situated within a defined settlement, due to the sites proximity to the urban areas of Hinckley and Nuneaton, the scale of site proposed is considered appropriate.

Residential Amenity

The closest residential properties to the site are those to the south east, with the nearest property, number 359 Watling Street being approximately 60m from the site. Whilst there may be additional noise form the increased number of vehicle trips to and from the site, as this site is existing, the number of additional trips generated by the application are not considered to result in a material level of harm to the detriment of the residential amenity of surrounding properties given the vehicle movements and associated noise of traffic on Watling Street. Accordingly there are considered to be no adverse impacts on the residential amenity of surrounding properties.

Safe and Healthy Environment for 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) This 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 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 not within an area of flood risk. Separate vehicular and pedestrian access is not provided in this case and is not is it considered to be achievable in any event. Emergency vehicles could access the site.

The Good Practice Guide stipulates that essential services (mains water, electricity drainage and sanitation) should be available as this is an existing site. Although the provision of the above services has not been specifically identified within this application, there is the capacity to provide these services within the site. Information has been submitted confirming that the site has been connected to the mains sewage network.

Design and Layout

The Good Practice guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully 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 Watling Street. 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 there is an existing amenity block on site providing a toilet and laundry facilities, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

Other Issues

As the site is situated within the open countryside, policy NE5 of the Local Plan is applicable. The requirements of this policy have been assessed for their consistency in relation to the NPPF. This determines the amount weight the LPA can accord to the policy. Criteria a-c of this policy are considered to be in conflict with the NPPF, which provides a presumption in favour of sustainable development, however, notwithstanding this, the design criteria i-iv remain generally relevant to development

within the countryside and are similar to those contained within Saved policy BE1. As a result this policy affords only limited weight in consideration of the application.

Conclusion

Based on the identified shortfall in pitch provision and need for the site, which has been confirmed by the County Councils Gypsy Liaison Officer and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and national planning policy for Traveller sites, the 'need' for the site I and therefore the principle of development is considered to be acceptable.. Further, the criteria listed within the national guidance and Policy 18 is considered to have been met. The site is considered to be a reasonable distance from local services and infrastructure, will be compatible with the scale of the nearest service centres, will result in no adverse impacts in terms of highway safety or residential amenity, will sympathetically assimilate into the surroundings, and will provide a safe and healthy environment to residents. Accordingly the proposal is considered acceptable and will be recommended for approval subject to conditions.

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 according to their degree of consistency with the National Planning Policy Framework 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. Based on the confirmed, specific need for the site, and the requirement to provide Gypsy & Traveller Sites as identified within National Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, the 'need' for the site in question is considered to be justified and the requirement to provide sites, considered paramount. Therefore in principal, the development is considered acceptable. Further, the proposal will not have a detrimental impact in terms of visual or 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 other material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough and is in line with the aims of NPPF and the Planning Policy for Traveller Sites. Hinckley and Bosworth Local Plan 2001:- BE1 (criteria a and i), NE5, T5, NE10 Local Plan 2006-2026: Core Strategy 2009:- Policy 18

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: Drg Refs: - 'DCSitemap', DCPlan received by the Local Planning Authority on the 19 August 2011

3 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of development Act 1960 and the Caravan 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 purpose without the prior written approval of the Local Planning Authority.

4 There shall be no trade or business use carried out on the caravan site hereby permitted, in particular no trading in breaking of or similar operation to scrap metal, timber, motor vehicles or other waste materials.

5 No development shall take place until details of soft landscape works along the north western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) planting plans
b) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
c) implementation programme.

6 The approved soft landscaping scheme shall be carried out and completed 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.

7 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for traveller's sites'

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 For the avoidance of doubt and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

4 To protect the character and appearance of the countryside to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

5 In the interests of visual amenity and the character of the area, in accordance with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

7 It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in the Planning Policy for Traveller Sites, that planning permission has been granted for this use.

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 Overton Ext 5680