

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 July 2012

AUTHOR/S: Planning and New Communities Director

S/1733/11/FL - GAMLINGAY

New Mobile Home for Mr Danny Collins, Meadow Banks, Potton Road, Mill Hill, Gamlingay

Recommendation: Approval

Date for Determination: 03 November 2011

Notes:

This Application has been reported to the Planning Committee for determination because the officer's recommendation of approval differs from that of the Parish Council.

To be presented to the Committee by Saffron Garner

Site and Proposal

1. This full planning application seeks the consent of the Local Planning Authority to erect a permanent mobile home in the countryside for residential use. The site is located to the southwest of Gamlingay and located outside the designated Village Framework and Conservation Area. It is not located close to any Listed Buildings or heritage assets. The site comprises 838m² (0.083 hectares) and is accessed via a shared access point to the north of the site that links up with Potton Road. The site is bound by tall mature hedging along the eastern boundary and laid to lawn. To the north, west and northwest are residential units, two of which are already owned and occupied by the applicant. The other boundaries within the site comprise timber fencing. The proposal for an additional unit is to house a local family member. The proposed mobile home is a single storey 3 bedroom unit measuring approximately 14m x 6m. It is simple in form and similar to those already on the applicant's adjoining site.
2. The density is approximately 12 dwellings per hectare and the application was submitted with additional but confidential information regarding the applicant's circumstances.

Planning History

3. **S/1747/09/F** was the approval of an application for the 'Replacement of Two Mobile Homes and the Erection of a Garage following on going planning history for the replacement of mobile units as far back as 1970. This application allowed for the temporary consent of the two mobile units until 5th February 2013 and is solely for the benefit of the applicant who is defined as traveller for the purposes of planning policy.
4. **S/03830/12/VC** Removal of condition 2 to allow for permanent use - To be determined alongside this application at the July 2012 Planning Committee.

National Planning Policy

5. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for lpa's to have due regard to the protection of local amenity and the local environment. Paragraph 22 states that lpa's should strictly limit new traveller site development in open countryside away from existing settlements or areas allocated in the development plan. Sites should not place an undue pressure on local infrastructure.
6. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
7. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
8. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
9. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
10. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
11. **Gypsy and Traveller DPD (GTDPD)**
The site was not identified either as a potential or a rejected site in the "Issues and Options 2 Consultation July 2009". The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. Issues and Options consultation is planned for later this year and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until 2015.
12. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.

Consultation by South Cambridgeshire District Council as Local Planning Authority

13. **Gamlingay Parish Council** – recommend refusal. Comments read as follows:
Inadequate information in relation to the access arrangements and provision of additional residential accommodation on the form. No reference made to the travellers needs assessment/supporting documentation. Development is outside of the village framework.
14. **Environment Agency** – No objections subject to drainage conditions being included if minded to approve and standard EA informatives.
15. **Chief Environmental Health Officer** – No objections subject to the applicant having the correct licence for the siting of caravans.
16. **Local Highway Authority** – Members to be updated accordingly.

Representations by members of the public

17. None received

Material Planning Considerations

18. Having regard to information provided as part of this application the applicant meets the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites. The main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;
 - The case for a temporary permission should permanent permission not be granted; and
 - Human Rights Issues

The Development Plan

19. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires lpa's to make their own assessment of need rather than relying on a regional target.
20. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
21. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.

22. The site is not located in the Green Belt and considered to be located in a sustainable location; the distance from the main centre of Gamlingay is approximately 750m and the site easily accessible via foot or by bicycle. The proposal plot is a good size and the mobile unit will have sufficient space for amenity land and parking provision, though this is not shown on any submitted plans. More than one unit on this specific plot may cause overdevelopment based on the existing arrangement of the other two units on the larger site which is the subject of application S/0380/12/VC. The use of the adjoining land already permitted, albeit temporary, as part of the earlier consent mentioned above in the history paragraphs and a mobile home could be located on this plot without further consent until February 2013. The land is currently garden land to the existing mobile units and therefore not considered to be Brownfield.
23. The existing plot comprises lawn and mature boundary hedging. It is predominately empty, open and rural in character. From outside of the site the plot sits higher than the adjacent road and visibility into the site from the road and surrounding footpaths is very difficult. Other residential units are located to the north and south. A commercial yard is the most prominent sight visually in the area and this is located to the north of the existing access that the unit will use. A mobile unit on this plot is not considered to adversely impact on the surrounding countryside or will it affect others enjoyment or recreational use of rights of way in the vicinity.
24. The Local Highway Authority comments were not present at the time of writing the report and Members will be updated accordingly. With regard to highway safety, providing there is adequate turning and parking on site accessibility is likely to be acceptable. Visibility splays are already in place as part of the existing access. The main consideration will be whether a third unit will intensify the use unacceptably. The comments of the Parish Council refer specifically to the access point and lack of information. However clarification informs that the existing access will be used and no new access is proposed onto Potton Road as part of this proposal.
25. The closest neighbour is that of the applicant and the occupiers of No. 2 Potton Road. The proposed unit is for a family member of the applicant. The occupier to the north of the application site has not raised any objection. The proposed unit should be sited so that there is minimal impact on neighbour amenity and this can be conditioned. As a single storey unit there will be limited overlooking, if any. Noise should not exceed that that is normally associated with residential uses and therefore the proposal does not suggest a significant increase in potential noise. Any development works that take place can be appropriately restricted via condition. Boundary treatment can also be conditioned to ensure minimal impact on neighbour amenity as well as on the surrounding countryside
26. In accordance with policies DP/4 and SF/11, contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. This application specifically proposes a 3 bed mobile unit. Open space provision would equate to £3104.38, Community Facilities to £513.04 and additionally £69.50 towards waste receptacles, S106 monitoring and £400 towards legal fees. The applicant is aware of these requirements.

The general need for, and availability of, additional gypsy sites

27. In South Cambridgeshire, the number of caravans on authorised or tolerated private sites increased marginally between July 2009 and July 2011. Similarly, the number of caravans without any form of planning permission totalled just 4. For some considerable time now, the two public sites at Milton and Whaddon have remained

full and recently there are 25 active applications for pitches. The previous RSS target to provide new sites has not been met and should this application be refused there is no known vacant and deliverable site in the district that the family could occupy.

28. On 13 June 2012 the Housing Portfolio Holder approved an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA) as part of the evidence base to inform the Council's planning framework. The GTAA confirms a total current need (backlog) of 69 pitches which translates to a shortfall of 65 pitches over the period 2011 to 2016.
29. There therefore remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicant's personal needs and circumstances

30. Discussion with the applicant has aided officers with the assessment of the application and it is confirmed that the occupier meets the statutory definition for 'gypsies and travellers'. The existing site is an authorised site that has undergone assessment in earlier applications with regard to suitability. The proposal is for an additional mobile home for a member of the same family. It will house one adult and, at times, his two children. Personal information about the family member has been obtained and can be made available if required. The children attend local schools and use local facilities, services and amenities. It is likely that if this is refused the applicant will be forced to continue living in family members units which are undersized for the needs of the family and impractical.

The case for a further temporary permission

31. The case for a further temporary permission only becomes relevant if members consider a permanent permission is inappropriate. Circular 11/95 advises against a temporary condition unless the applicant proposes temporary development, or where a trial run is needed to assess the effect of the development on the area (paragraph 109). The imposition of conditions, including a temporary use, would not make the use any more acceptable. The degree of harm would be the same as if permanent permission had been granted. Nonetheless, there is no presumption that a temporary planning permission should become permanent.
32. Given there is no identified harm, it is recommended that a temporary planning permission would be inappropriate.

Human Rights Issues

33. Refusal of permanent planning permission would lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights. This must, however, be balanced against the protection of the public interest in seeking to ensure needs arising from a development can be properly met, or that they do not prejudice the needs of others. These are part of the rights and freedoms of others within Article 8 (2). If there is no lesser or alternative action that could be taken to secure the public interest and the harm is considered to be significant, refusal of permanent planning permission would be proportionate and justified within Article 8 (2).

Conclusion

34. The submitted application is assessed on its merits. It is considered that the applicant needs are fully justified and a full assessment has been carried to determine the application. The proposal is not considered to have an adverse impact on the surrounding countryside by being visually detrimental, the impact on residential amenity to be minimal and that appropriately worded conditions will make the development of this site an acceptable site for development of this kind. Having regard to applicable national and local planning policies and having taken all relevant considerations into account, it is considered planning permission should be granted in this instance.

Recommendation

35. It is recommended that the Planning Committee approves the application subject to
- (a) Plans showing the exact layout of the site with regard to location of the mobile home, amenity land and parking area.
 - (b) Section 106 Requirements
 - (c) LHA comments
 - (d) The following Conditions and Informative

Conditions

- (a) Time
- (b) Restricted to travellers as defined
- (c) Plans
- (d) Restriction to just one caravan
- (e) Restriction on vehicle size
- (f) No commercial activity
- (g) Restriction on external lighting
- (h) Personal consent to applicant.
- (i) Infrastructure Contributions

Informative

- (a) Infrastructure requirements

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- S/1747/09/F

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