

5d 3/10/1758/FP - Additional 6 no. mobile homes pitches with parking spaces, access road and children's play area at Nine Acres, High Road, High Cross, SG11 1BA for Mr Bolesworth.

Date of Receipt: 05.10.2010

Type: Full – Major

Parish: THUNDRIDGE

Ward: THUNDRIDGE AND STANDON

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Approved plans (2E102) – 'LP1; SLP2; PGY2; RLSP3; RLSP3a'.
3. The site shall not be permanently occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: To ensure that the caravans are occupied by Gypsy and Travellers in accordance with policy GBC3 of the East Herts Local Plan Second Review April 2007.

4. A detailed internal layout plan of the site, including the precise siting of caravans, details of the children's play equipment, hardstanding, access roads, parking and amenity areas; and tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities shall be submitted at a scale of 1:500 or 1:200, for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation. The approved scheme shall thereafter be carried out and completed in accordance with the approved timetable.

Reason: To ensure the provision of amenity afforded by appropriate layout and landscape design, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

5. The development hereby permitted shall not commence until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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Reason: To protect the site which is within a Source Protection Zone 3, an area vulnerable to groundwater contamination, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation (01OL1)
2. You are advised of the need to apply for a site license under the Caravans and Control of Development Act 1960. You are advised to contact the Environmental Health Department on 01279655261.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC2, HSG10, ENV1 and TR7. The balance of the considerations having regard to those policies and the amendments to the scheme following application reference 3/10/0156/FP is that permission should be granted.

_____ (175810FP.MP)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. The application follows from LPA reference 3/10/0156/FP which was refused planning permission by the Development Control Committee on the 13 May 2010 Committee Meeting. The reason for refusal was as follows:-

The proposed arrangements of plots and units on the site represents a poor standard of layout which fails to provide adequate space for parking and turning of vehicles and fails to provide sufficient amenity space for future residents. The relationship of the plots and close proximity between them will create a situation where the individual units are overbearing, lead to significant overlooking and the inability to create acceptable amenity to the future occupants. The proposed development is therefore contrary to saved policies ENV1 and TR7 of the East Herts Local Plan Second review April 2007 and the guidance set out in the Vehicle Parking Provision at New Development SPD.

- 1.2 The site is located off the old A10, now a C classified road, and is accessed off a substantial joint access (serving Oakleys Coachbuilders) and this site. Beyond that is a gated access which is within and leads to the overall site.

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There are existing caravans and associated hardstanding located in the eastern corner of the application site.

- 1.3 There are large coniferous trees surrounding the eastern edge of the immediate boundary of the caravans. Along the western edge of the application site is a mature hedge and trees which screen views of the development from the road. This landscaped boundary runs along the southern and eastern edge of the site, and varies in its density. There are more open views of the site from the northern boundary – that facing onto Oakley Coachbuilders. To the east of the site is the designated historic garden of Youngsbury and within that, the A10 bypass.
- 1.4 The proposal includes the provision for an additional 6 caravans located to the south of the existing developed part of the site. The layout of the caravans in this application is in a similar linear pattern to that previously refused permission, albeit with greater spacing between the caravans – with approximately 10 metres between structures with two parking spaces per caravan. An individual access is proposed to the west of the existing caravans. Also shown on the proposed plans are the provision of utilities and drainage supply to the caravans and a children's play area.

2.0 Site History

- 2.1 3/0368-84: An enforcement matter relating to the unauthorised provision of 2 caravans on the site. Allowed at appeal
- 2.2 3/90/0746/EN: Renewal of permission reference 3/0368-84 to allow the continued temporary provision of two mobile caravans on the site
- 2.3 3/93/1221/FP: Planning permission refused for the siting of 6 mobile homes for reasons relating to inappropriate development within rural area, impact on highway safety, impact of activities on rural area and impact on landscape conservation area.
- 2.4 3/94/0018/FP: Planning permission was originally refused for the continued provision of two mobile caravans on the site for reasons relating to inappropriate development within the rural area, impact of activities on rural character of area and landscape conservation area. The application was however allowed at appeal.
- 2.5 3/10/0156/FP: Planning permission was refused for the provision of six additional mobile home pitches for reasons relating to layout and impact on amenity as outlined earlier in this report.

3.0 Consultation Responses

- 3.1 Planning Policy comment that the site lies within the Rural Area Beyond the Green Belt where policy GBC3 applies. There is a presumption in favour of development involving Gypsy and Traveller accommodation in accordance with policy HSG10.

There is a legal duty for Local Authorities to provide accommodation under The Housing Act 2004 (section 225). In accordance with Circular 01/2006, the Council, in partnership with other Local Authorities have carried out a Gypsy and Traveller Accommodation Assessment (GTAA) in 2006 which identified a need for 45 pitches (35 permanent, 10 transit). That document was submitted to the East of England Regional Assembly to inform the preparation of a Single Issue Review (SIR) Policy intended to meet the outstanding and future needs of Gypsy and Travellers in the region.

Policy H3 of the RSS (Regional Spatial Strategy) clarifies that at least 1237 net additional pitches would need to be provided in the East of England Region by 2011. Policy H3 requires that East Herts provides at least 25 additional permanent pitches for the period 2011 – 2021 and a further 21 pitches in the period beyond that to 2021.

Since the adoption of policy H3, four pitches have been provided in East Herts at The Stables, Bayfordbury, which reduces the number of pitches to be found by 2011 from 25 to 21.

The Planning Policy Officer provides information in respect of the revocation of the East of England Plan May 2008 by the Government and its subsequent re-establishment after a successful legal challenge by Cala Homes. Irrespective of this and any future alterations to the Regional Planning approach, it should be noted that the issue of need does not arise in this case owing to the location of the site within the rural area. Policy GBC3 sets out that there is a presumption in favour of such development within the rural area subject to the criteria of HSG10 being met.

The Government have signaled their intention to revise Circular 01/2006. However, no indication of timetables for this have been provided and the circular therefore remains extant and should be taken into account in the planning considerations of the application.

- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of permission. The Highways Officer comments that, in a highway context the considerations of this application are identical to the previous scheme – LPA reference 3/10/0165/FP. However, this scheme provides appropriate space for vehicle parking and manoeuvring areas. There are

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therefore no grounds to oppose the development and, given the location of the site, remote from the public highway, no planning conditions are appropriate.

3.3 The Environmental Health Officer advises that any permission granted by the LPA should include conditions. The Environmental Health Officer comments that should planning permission be granted, the physical standards, layout and amenities of the site will be controlled via a site licence issued by the Council under the Caravan Sites & Control of Development Act 1960, in which the DCLG Good Practice Guidelines (May 2008) Designing Gypsy and Traveller site will be referred to. Having regard to those Guidelines the EH Officer makes the following comments with regards to the details of the planning application:-

- There is no minimum distance of 6 metres between the caravans;
- The layout and orientation of the caravans does not satisfy the 'Good Practice' guidance;
- The site licence will include a condition requiring the provision of defined pathways to allow residents to safely navigate there way around the site;
- Any site licence will include a condition requiring the provision of defined roadways to allow vehicles to safely navigate around the site;
- Each mobile home must have sanitary facilities capable of being connected to public sewer or piped to septic tank may be required;
- Additional foul waste connection points or disposal facilities;
- Provision for collection and dispersal of surface storm water will need to be made;
- Any site licence will require the provision of piped water supply;
- Each pitch will be required to provide suitable hardstanding.

In addition to those comments, the Environmental Health Officer recommends that a condition is attached to any grant of permission relating to hours of construction.

3.4 The Environment Agency comment that the development will only be acceptable if a condition is attached requiring the disposal of foul and surface water. The Environment Agency comments that the site is within a Source Protection Zone 3 which makes the site vulnerable to groundwater contamination.

3.5 The Hertfordshire Gardens Trust Conservation Team objects to the application. It indicates that Youngsbury is registered as grade II* on the English Heritage Register of Parks and Gardens of Special Historic Interest. It is one of the few gardens in Hertfordshire laid out by Capability Brown which remains largely intact, despite the intrusion of the new A10 road. The

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provision of a line of mobile caravans on the western edge of the park will be an intrusion of views into, out of, and across the park and will be a severe detriment to the setting of the grade II* Listed Building.

- 3.6 The Garden History Society comments that they support the comments made by the Hertfordshire Gardens Trust Conservation Team.
- 3.7 The HCC Planning Obligations Team comments that, as the development is for less than 10 dwellings, there is no requirement for financial contributions towards education, youth, childcare or library services. However, it is recommended that provision is made for fire hydrants

4.0 Parish Council Representations

- 4.1 At the time of writing this report no response has been received from the Thundridge Parish Council.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 6 letters of representation have been received which can be summarised as follows:-
- Visual impact of development;
 - Detrimental effect to the character of the village;
 - Impact on highway safety;
 - Impact on character and appearance of area;
 - Layout is not appropriate for needs of user;
 - Impact on Youngsbury Parkland by reason of damage to boundary fences, the area being used as a toilet, sheep harassment and damage to trees;
 - Proposals do not meet the 'Good Practice' guidance as required in the Caravan Sites and Control of Development Act 1960.
- 5.3 The Thundridge and High Cross Society object to the application on the following grounds:-
- The proposal represents inappropriate development in the rural area
 - The proposal is contrary to the requirements of policy HSG10 II)a), b) and d). The site is not in a sustainable location, there is insufficient access arrangement, the proposal will not visually assimilate with the

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surrounding landscape without significant adverse effect and the proposal does not respect the scale of High Cross.

- 5.4 In addition, a petition with 231 signatures has been received, objecting to the proposed development. However, no details of the grounds for objection have been included with the petition.

6.0 Policy

- 6.1 The relevant 'saved' Local Plan policies in this application include the following:-

GBC2 Appropriate Development in the Rural Area Beyond the Green Belt
HSG10 Accommodation for Gypsies
ENV1 Design and Environmental Quality
TR7 Car Parking Standards

Also relevant are: the policies of the Regional Spatial Strategy (RSS) that deal with provision for Gypsies and Travellers;
Policy and guidance set out in PPS5, Planning for the Historic Environment, Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) and in the Councils Parking Provision supplementary planning document (SPD)

7.0 Considerations

- 7.1 The planning considerations in respect of this application relate to:-

- Whether there have been any alterations to the national and regional planning policy approach in respect of Gypsy and Traveller site provision;
- Whether the amended scheme addresses the Councils previous concerns in respect of layout, parking and amenity issues.

Planning Policy Changes

- 7.2 The previous application, LPA reference 3/10/0156/FP, was determined just after the Coalition Government was elected to power in the 2010 General Election. At that stage, the East of England Plan May 2008 formed part of the Statutory Development Plan and the policies relating to Gypsy and Traveller allocation were relevant.
- 7.3 After the determination of that application, the Secretary of State (SoS) for Communities and Local Government wrote to Councils advising of the Governments intention to abolish Regional Plans, which included the East of England Plan May 2008. The SoS advised that Local Authorities could

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now disregard the regional plan in the decision making process of planning applications.

- 7.4 However, a legal challenge against the Governments decision to revoke the regional plan has been successful in the Courts, and the East of England Plan May 2008 now again forms part of the statutory Development Plan, for which appropriate weight should be attached. Whilst the policies relating to Gypsy and Traveller sites contained within the Regional Plan are therefore relevant, Members should be advised that the SoS has written to Local Authorities and advised that it is the Coalition Governments intention to introduce new legislation to remove the Regional Plans, and limited weight should therefore be apportioned to the polices contained within it. Officers would, however, also advise Members that this statement itself is currently subject to legal challenge.
- 7.5 Whilst the above matters are important factors to bear in mind in the considerations of this current application, Members should take into account that the site is located within the Rural Area beyond the Green Belt where there is a presumption against inappropriate development. However, policy GBC3 of the East Herts Local Plan Second Review April 2007 states that the provision of Gypsy and Traveller accommodation is an appropriate form of development in the Rural Area, subject to the requirements of policy HSG10 being met.
- 7.6 On the issue of 'need' for Gypsy and Traveller sites, whilst Members should acknowledge the Governments intention to remove Regional Plans, the East of England Plan May 2008 currently forms part of the Statutory Development Plan and the policies contained within it are relevant. The Regional Plan clearly identifies a need for Gypsy and Traveller accommodation. The consultation response from Planning Policy indicates that there is a need within the District for 21 pitches (total of 25, but reduced by 4 as a result of the recent appeal decision at The Stables, Bayfordbury). In this respect, any refusal of planning permission on the basis of a lack of need is most likely to be unsuccessful, and Members should also note that the previous application on this site determined earlier this year was not refused on grounds of need.
- 7.7 It is considered then that, in line with the requirements of policy GBC3 (1) the form of development proposed is acceptable in principle, subject to the more detailed requirements set out in policy HSG10. Other than matters relating to parking, access and amenity considerations, the full planning considerations of the development in respect of policy HSG10 have previously been considered to be acceptable within LPA reference 3/10/0156/FP. A copy of the Officer report relating to that application is

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attached at Appendix A. Accordingly, the only planning considerations in respect of this application relate to the reasons for refusal of the aforementioned application:-

- The acceptability of the development in terms of parking and turning space for vehicles;
- The relationship between the caravans and whether an appropriate level of amenity is provided.

Layout

- 7.8 The previous scheme showed a row of 6 caravans, closely sited together with a somewhat 'tight' and 'cramped' relationship between the proposed caravans and the highways access/parking and turning area with practically no identified space for parking and turning within the site.
- 7.9 The amended scheme seeks to address this issue by providing an access road to the west of the caravans with a dedicated turning space at the south of the site. In addition, the plans indicate space adjacent to the caravans for up to two vehicles per unit. The Highways Officer comments that the spaces proposed are appropriate for vehicle parking and manoeuvring.
- 7.10 The information submitted would appear to satisfy the comments made by the Environmental Health Officer, in relation to a requirement for appropriate provision for roadways to allow vehicles to safely access and navigate their way across and around the site.
- 7.11 Having regard to the above considerations, Officers are of the opinion that an appropriate level of space for parking and turning of vehicles on the site has been provided for. The amended scheme has addressed the Council's previous reasons for refusal and no further objections are raised with this element of the proposed development.
- 7.12 With regards to the layout of the proposed development and relationship between the caravans, Officers would comment that the current application has sought to address this issue. Officers note the comments from Environmental Health that the minimum distance of 6 metres between the caravans has not been met. However, the proposed plans indicate a minimum distance of 10 metres between the caravans, which would appear to satisfy Environmental Health requirements under the Caravan Sites and Control of Development Act 1960.

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- 7.13 In Officers opinion, the increased distance between the caravans would provide a more appropriate relationship between the caravans on the site which would address the concerns raised within the previously refused planning application. Officers acknowledge that such distances are not significant and may be considered to be less than what would be expected in a residential development comprising of dwellinghouses. However, in this case and, given the acceptability of the development under the above mentioned Caravans Sites Act, the spacing between caravans is considered to be acceptable and an appropriate level of amenity is provided for, in accordance with policy ENV1.
- 7.14 The layout of the site in this application is more extensive in terms of the area that the caravans and associated hardstanding occupy on the site. Whereas the previous development was tightly grouped together and formed a close relationship with the existing caravans on the site, the proposed development is more spread out. However, the site remains well screened from external views. There is a mature hedge and tree boundary to the north western boundary with the A10, the southwestern and southeastern boundary with agriculture fields. The proposed plans indicate the provision of additional trees and hedgerows to be planted along the southwestern boundary which could be secured through a planning condition. In those terms and, having regard to the siting, scale and form of development proposed, Officers do not consider that there will be a significantly detrimental impact on the character, appearance or open rural character of the site.
- 7.15 The proposed plans now also propose the provision of a children's play area which some letters of representation have raised concern with. The provision of a children's play space, is understood to be in accordance with DCLG Good Practice Guidelines (May 2008) Designing Gypsy and Traveller site. The area is located adjacent to the existing caravans and development on the site and is to be equipped with swings, roundabout and general play equipment. The area for this equipment is well consolidated with the existing form of development and the siting of the proposed caravans. Although little information is provided in respect of that play area in terms of the nature, number of and design of the play equipment proposed, such information could be reasonably sought and controlled through the provision of a planning condition. Subject to that consideration, Officers are of the opinion that the siting of the play area and its close relationship with the existing and proposed form of development will not result in significant harm to the open rural character of the site or locality.
- 7.16 The increased area of development on the site from that previously refused also requires further consideration of the impact on the Historic Gardens of the adjacent site. The previous Officers report attached as Appendix A

considers this issue at paragraphs 7.30 – 7.32. The comments from the Historic Gardens Trust and the Garden History Society are noted. Whilst Officers acknowledge those concerns and the increased area of development on the site, this is not considered to result in significant harm to that designated area. As set out in Appendix A, given that the historic garden is now separated by the A10 bypass, the relationship between the land to the east of the application site (which forms the edge of the designated area), is considered to be reduced. Taking that consideration into account and the existing boundary treatment Officers do not consider that the degree of impact on the adjacent Historic Garden to be significant.

- 7.17 Officers recognise the comments from the Environmental Health Officer that the site layout in terms of the linear orientation of the caravans does not conform to 'Good Practice' in the publication, 'Designing Gypsy and Traveller Sites – Good Practice (May 2008). Officers would comment that whilst the document is a material consideration it sets out 'Good Practice' only. Based on consultation exercises with Gypsy and Travellers the document suggests that in order to provide greater level of security within the site there is a preference for 'horseshoe' type arrangement. Officers acknowledge the benefits of such a layout but what must be considered is whether there is any harm associated with the development as proposed in the planning application.
- 7.18 Officers note that this application is submitted by the existing residents of the site who are Gypsy and Travellers. In submitting the application in the layout proposed it must be acknowledged that such a layout meets with the specification of the Gypsy and Traveller community likely to reside on the site. As is set out above, the layout of the site is considered to provide an appropriate level of amenity for future residents and the parking and manoeuvring space is considered to be acceptable. There are therefore no planning reasons to require the provision of a prescriptive layout suggested in the DCLG Good Practice guidance.
- 7.19 The plans submitted with the application do not provide a significant level of detail with respect to matters relating to hardstanding, boundary treatment or landscaping. In the interests of ensuring that any such materials and features are appropriate to the context of the site, Officers consider that it is appropriate to attach an appropriately worded condition.

Groundwater Protection

- 7.20 The comments from the Environment Agency are noted by Officers. The proposed plans indicate the siting of utilities serving the proposed development, including surface water drainage and the provision of a septic tank. Officers acknowledge that this information submitted is limited. The

comments from the Environment Agency set out that this is a vulnerable area for groundwater contamination, and it is important therefore that any development properly considers this issue, in accordance with policy ENV20 of the Local Plan. In this respect, the condition recommended by the Environment Agency is considered to be necessary and reasonable.

8.0 Conclusion

- 8.1 The application site lies within the Rural Area where there is a presumption in favour of the provision for Gypsy and Traveller accommodation.
- 8.2 Although it is not necessary to consider the issue of need, the current regional planning policy and work undertaken by the Council identifies that there is a need for Gypsy and Traveller accommodation in the District.
- 8.3 Members have previously considered a development proposal on the site, which is set out in Appendix A. Members have previously considered the development of the site to form 6 mobile caravans to be acceptable in sustainability terms, highway safety, impact of the site from external views and the impact on the local community. The only issue for Members to assess now is the revised layout and whether this addresses previous concerns with regard to the amenity of future residents and parking/manoeuvring space within the site.
- 8.4 As is set out above, the amended layout is now considered to be acceptable and has addressed the shortcomings of the previous development proposal. The spacing between the caravans and associated amenity space is considered to be acceptable and in accordance with policy ENV1. The level of parking, access and manoeuvring space within the site is also considered to be acceptable and in accordance with policy TR7.
- 8.5 The impact of the layout although more significant than that previously refused in terms of the area of development on the site, is not considered to be significantly harmful to the open rural character of the site or the adjacent Historic Garden or Green Belt area of land.
- 8.6 For the reasons outlined above Officers therefore recommend that planning permission is granted.