
Applications for Planning Permission

17/00355/RVC	Variation of Condition 2 of Planning Permission 12/00012/COU to Allow for an Increase to Four Mobile Homes at Little Meadow
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1. Background

- 1.1 Little Meadow is an established Traveller site located approximately 360 metres from the built up area of the village of Cottingham. The site measures 0.18 hectares and is already developed with hard surfacing, a mobile home, a caravan, childrens play area, gates and pillars.
- 1.2 To the north of the site boundary is Corby Road which operates as a key link road between the village of Cottingham and the town of Corby. On the other side of Corby Road are allotments. To the east of the site lies an area of woodland, whilst the southern and western boundaries are adjoined by agricultural land.
- 1.3 The site is enclosed to the north, south and west by mature and semi-mature boundaries consisting of hedgerows and trees, with the eastern boundary benefiting from hedge and tree planting that is currently maturing. These boundary treatments assist in the screening of the site.
- 1.4 Access is taken directly from Corby Road through a set of timber gates and stone pillars leading towards an area of hardstanding set in from the highway.
- 1.5 Within the site an existing area of hardstanding is located to the northern boundary of the site. This is the proposed location of the three additional mobile homes. The remainder of the site will continue to function as a driveway and amenity space.
- 1.6 Planning permission was granted at appeal on the 27th February 2014 (CBC Planning Ref: 12/00012/COU and Planning Appeal Ref: APP/U2805/A/12/2185827) for the 'change of use of land for the stationing of caravans for residential purposes for 1 No. gypsy pitch together with the erection of a utility/dayroom ancillary to the use'.
- 1.7 Prior to the above approval, a temporary planning permission for a 5 year period was granted on appeal on the 20th February 2007 for the installation of a mobile home on the site. (CBC Planning Ref: 05/00383/COU and Planning Appeal Ref: APP/U2805/C/06/2017666).
- 1.8 The current proposal is to vary condition 2 of 12/00012/COU to allow an increase the number of mobile homes upon the existing site due to personal need. In total four mobiles homes would be on site.

2. Description

1. Condition 2 of Planning Permission 12/00012/COU (Appeal Decision APP/U2805/A/12/2185827) states:

'There shall be no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) stationed on the site at any time.'
2. The proposal is to vary the above condition to allow for a total of four mobile homes on site.

Site History

- **05/00383/COU** – Installation of Mobile Home – Application Refused – APP/U2805/C/06/2017666 – Appeal Allowed

- **12/00012/COU** - Change of use of land for the stationing of caravans for residential purposes for 1 No. gypsy pitch together with the erection of a utility/dayroom ancillary to the use – Not Determined – APP/ U2805/A/12/2185827 – Appeal Allowed
- **15/00216/DPA** - Retrospective consent for the erection of a perimeter wall – Application Permitted
- **16/00337/RVC** – Variation of condition 2 of planning permission 12/00012/COU to allow for six mobile homes to be sited on the site at any one time - Withdrawn

3. Policies

3.1 National Policy

- National Planning Policy Framework
- Planning Policy for Traveller's Site – August 2015

3.2 North Northamptonshire Joint Core Strategy

- Policy 1 – Sustainable Development
- Policy 3 – Landscape Character
- Policy 8 – Place Shaping Principles
- Policy 31-Gypsies and Travellers

3.3 Other Relevant Guidance and Legislation

- Housing Act 2004
- North Northamptonshire Gypsy and Traveller Accommodation Assessment Update 2011
- Department of Communities and Local Government - Planning Policy for Traveller Sites–August 2015
- Equalities Act 2010

4. Consultation

1. CBC Environmental Services

State that there is no history of complaints in relation to odour coming from the site. Environmental Protection would like to make the owner aware that a licence may be required for residential purposes from the Environmental Protection Manager.

2. Northampton Highways

No Observations

3. Environment Agency

No Comments

4. CBC Local Plans

The application is for the variation of condition 2 attached to the planning consent for the use of land for one gypsy caravan pitch to allow for a total of four mobile homes to be sited on the site.

Government policy and the Joint Core Strategy emphasise the importance of providing for the housing needs of a range of specific groups, including Gypsies, Traveller, and Travelling Show People

Policy 31 of the Joint Core Strategy states that sufficient sites for gypsy and traveller, and travelling show people accommodation will be identified in line with a robust evidence base.

The North Northamptonshire Gypsy and Traveller Accommodation Assessment Update published in October 2011 quantifies the accommodation and housing related support needs of gypsies and travellers in the Borough for the period 2011-2022 which are incorporated within the Joint Core Strategy. It identified a need for one additional permanent residential pitch by 2022, to provide a total of 19 pitches in the Borough at 2022.

Since 2011 planning permission has been granted for the following pitches:

- 10 permanent residential pitches at Dunlop Close
- 8 permanent residential pitches at Brookfield
- 3 permanent residential pitches at Ashley Road, Middleton (appeal granted, March 2013)
- 1 permanent residential pitch at Little Meadow, Cottingham (appeal granted, February 2014)

The submitted application details indicate that the proposal is for use of an existing authorised pitch to be used for additional mobile homes. Policy 31 of the Joint Core Strategy states that existing lawful sites and pitches for gypsies and travellers will be protected. Taking into account the site's established use and the Council's intention to protect the site's existing use there is no objection to the principle of the proposed variation of condition 2 to allow additional mobile homes to be sited on the site.

Policy 31 of the Joint Core Strategy sets out the following criteria that will be used when considering planning applications

- a) the site is closely linked to an existing settlement with an adequate range of services and facilities
- b) the site, or the cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure
- c) the site provides a suitable level of residential amenity for the proposed residents
- d) the site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal
- e) there is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles
- f) the health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land
- g) the size of the site and number of pitches does not dominate the nearest settled community
- h) the proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact

The case officer should be satisfied that the application meets the relevant criteria of Policy 31, particularly related to residential amenity given that the North Northamptonshire Gypsy and Traveller Accommodation Assessment Update assumes that pitches will contain up to three caravans.

5. **Crime Prevention Design Advisor**

Northamptonshire police generally approve the use of land for traveller/gypsy sites provided that such sites are for small named family groups who have local connections to the area. Such small family sites integrate better with local settled communities. Not restricting the use of the land to named individuals opens up the possibility that the land will be further let or sold to a number of different families which could give rise to tensions and disorder without any formal site management. In order to ensure that the site remains for the use of named family members we would like to request that the following condition is imposed on any planning permission granted:-

Planning permission is specific to named individuals and only they shall reside on the site. Permission lapses if the named individuals and children leave the site.

The application addresses local needs for the provision of traveller pitches/accommodation for people with local connections to Corby and the county of Northamptonshire only.

In addition to reduce opportunities for crime and to ensure a site which complies with best practice guidance we would like the site to comply with the following criteria :-

No business shall be conducted on the site and no storage of trade waste or metals is permitted.

Caravans/mobile homes should be sited to adhere to the guidance contained within the 'DCLG Designing Gypsy and Traveller Sites' and the DCLG Model Standards 2008 for Caravan Sites in England good practice guides. A minimum of 6m should separate each individual unit to reduce the potential for fire spread.

The site is laid out to comply with the 'access for emergency vehicles' section of the above guidance.

6. Cottingham Parish Council

The Committee has a number of concerns and I list them as follows:-

One of the three mobile homes indicated for siting on the concrete apron is in fact installed on site and we must assume in use.

- In the Planning Statement it appears that the extended family will inhabit all four mobile homes when the initial permission was for a family unit and the view was that everyone on site would be related one way or another which is at odds with a family unit.
- The Parish Council has for many years asked where the septic tank outfall is located. There appears to be no viable receiving watercourse. The question remains where does the effluent go?
- If the outfall is known to the Rivers Authority are samples taken to ensure the limits for oxygen density and suspended solids are adhered to?
- When laid was the hard standing laid without recourse to Planning Authority to take into account rainfall and the effect of any slope. When surface water reaches the surface does it seep through surrounding land or channelled somewhere?
- Members of the public present raised such issues as the possible impact on the environment, waste disposal implications, additional pressure on the local school and the danger of this site becoming a residential unit.
- Was permission sought before the various lamp columns were erected around the perimeter of the site?

7. Advertisement/Representations

1. **Site Notice** – Posted on a lamp post outside of the site on 20th July 2017
2. **Notice:** (ET) – There is no requirement for a public notice for applications of this nature as the site is not within a Conservation Area.
3. **Neighbour Letters**
 - 5B High Street & 8 High Street
 - 19 Ashley Road
 - 3, 6 & 10A Corby Road
 - 28 Stonepit Drive
 - 25 & 32A Main Street
 - 9 Mill Close
 - 22 Church Street
 - 2 Lawson Court
 - 8 Blind Lane
 - 3 Windmill Rise
 - 18 Welland View Road
 - Harewood House Church Street
 - 11 Millfield Avenue
 - Connolly Land & Developments (South Midlands Ltd) Corby Enterprise Centre

- Blackthorn Wood Golf Complex
- John Martin Associates

4. Representations – A number of objections have been received. A summary of the comments is as follows:

- The site is rural and as such development should be kept minimum
- The site is not big enough for an extra 4
- Development is harmful to both the character and appearance of the area
- To double the number of mobile homes on site will raise the potential harm to the character and appearance of the area
- No substantive evidence has been put forward to support or justify requirements for additional mobile homes other than they would be for family members
- Application is an attempt to enlarge the scale of development on the site
- Contrary to JCS Policy 3 – increase in development would be harmful to character and appearance of landscape
- Site is located away from the settlement
- Site located on a busy road, potential for accidents
- Septic tank overflow may not be sufficient – issues with odour
- Highways concerns and increase in traffic
- Corby Borough Council has adequate provision elsewhere
- Stone wall is out of character
- Approval would lead to further development
- Compliance with planning condition – family relatives
- Site is too small - Over intensification of site
- Bins regularly left overflowing
- Unsure of the need of a permanent site as they are travellers
- Pollution related to sewerage
- Litter at the entrance
- Noise coming from site at different times of day
- No details of drainage of foul waste from the site
- If planning permission is given then it must lapse when the named individuals leave the site
- If planning permission is given then no business should be conducted on site and the storage of waste and metal should be prohibited
- Would set a precedent for future applications
- If granted the site would turn into a commercial traveller site
- Little Meadow is out of character within a rural setting

8. Report

8.1 Principle of Development

Annexe 1 of the Planning Policy for Traveller Sites 2015 states that for the purposes of the planning policy ‘gypsies and travellers’ means: ‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such’.

The occupants of the site meet with the definition of Gypsies and Travellers set out in the above paragraph. It is also considered that the Traveller status of the applicant is well established in the planning history for the site. At the 2013 Public Enquiry (APP/U2805/A/12/2185827) it was confirmed that there was no dispute that the appellant is a gypsy, as such the planning application is based on the premise that the applicant identifies as a gypsy.

Planning permission 12/00012/COU allowed for the 'change of use of land for the stationing of caravans for residential purposes for 1 No. gypsy pitch together with the erection of a utility/dayroom ancillary to the use' within the open countryside approximately 360 metres to the east of the village of Cottingham.

The application is to vary Condition 2 that states 'There shall be no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) stationed on the site at any time' to allow for the siting of four mobile homes on site.

The principle of Little Meadow as an authorised gypsy site has been identified and established by the Planning Inspector in the above approval, albeit limited by Condition 2 to one mobile home and one touring caravan. The proposal is to remove the touring caravan and in its place install an additional three mobile homes to bring the total number to four. This will equate to a physical net increase of two residential units on site.

Policy 31 of the North Northamptonshire Joint Core Strategy states that existing lawful sites and pitches for gypsies and travellers will be protected. Taking into account the site's established use and the Council's intention to protect the site's existing use, the proposal is deemed to comply with the criteria set out within Policy 31, therefore the principle to vary Condition 2 to allow additional mobile homes to be sited on the site is acceptable subject to other material considerations.

The North Northamptonshire Gypsy and Traveller Accommodation Assessment Update 2011 quantifies the accommodation and housing related support needs of gypsies and travellers in the Borough for the period 2011-2022 which are incorporated within the Joint Core Strategy. It identified a need for one additional permanent residential pitch by 2022, to provide a total of 19 pitches in the Borough at 2022.

Since 2011 planning permission has been granted for the following pitches:

- 10 permanent residential pitches at Dunlop Close
- 8 permanent residential pitches at Brookfield
- 3 permanent residential pitches at Ashley Road, Middleton (appeal granted, March 2013)
- 1 permanent residential pitch at Little Meadow, Cottingham (appeal granted, February 2014)

The above data shows that currently Corby Borough Council has provision for 22 pitches, which exceeds the needs identified within the North Northamptonshire Gypsy and Traveller Accommodation Assessment Update 2011.

8.2 Personal Circumstances

Given the fact that the site is an existing authorised pitch and the site complies with Policy 31 of the North Northamptonshire Joint Core Strategy, it is considered that there is no necessity to impose a personal condition upon the applicant.

Notwithstanding the consultation response from the Crime Prevention Design Advisor, the applicant has stated that the proposal has been submitted for family members, and is therefore content to propose a legal agreement to ensure that the development is restricted on this basis.

The development shall be controlled by a unilateral agreement that limits the occupants of the site to the applicants direct family members.

As the principle of development has been established upon an authorised site, the other considerations to take into account are whether the increase of three mobile homes upon the site will constitute an unacceptable form of development in relation to their impact upon the character and appearance of the surrounding countryside and whether or not the site is appropriately located in relation to services and facilities.

8.3 Effect of the development on the character and appearance of the surrounding countryside

The site is an authorised gypsy site within the open countryside approximately 360 metres to the east of the village of Cottingham that has permission for one mobile home and one

touring caravan. Cottingham has an adequate range of services and facilities, therefore the location of the site is considered acceptable in relation to Policy 31 of the North Northants Joint Core Strategy.

The principle of use has been established and the site has been developed with a level of hardstanding, childrens play area and increased boundary treatment in the form of fencing and the planting of additional trees and hedges.

The proposal is to retain the existing mobile home and replace the touring caravan with three 30ft x 10ft mobile homes upon the existing hard standing to the north of the site. There would be a total of four mobile homes on site which is deemed an acceptable number of units that will not result in any significant detrimental impact upon the nearest settled community of Cottingham as per the guidance set out within Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

Turning to the impact of the proposed development upon the character and appearance of the countryside, the consideration is whether the three additional mobile homes would have a detrimental impact upon the open countryside. In this instance, Little Meadow is established and the siting and scale of the three mobile homes is unlikely to result in significant harm to the character and appearance of the area. Additional landscaping in the form of boundary treatments are conditioned to ensure that there are no significant impacts upon the character and appearance of the area resulting from the proposed increase in units.

The mobile homes are to be located on the northern area of hardstanding and will be well screened by the mature trees and hedges that form the boundary of Corby Road. Accordingly the visual impact of the proposal will be sufficiently mitigated through the existing and proposed landscaping and are therefore deemed to comply with the requirement of Policies 3 and 31 of the North Northants Joint Core Strategy through being located and designed in a way that is sensitive to its landscape setting.

8.4 **Highways**

Little Meadow is operating as an established gypsy site with the current access arrangements deemed acceptable by the Highway Authority.

Northamptonshire Highways were consulted on the current application and offer no observations.

Notwithstanding the fact that representations have been received in relation to insufficient access arrangements, increase in traffic and highways safety, the previous appeal raised no objection in relation to this matter and no objections have been offered by the Highway Authority in this current application. The application is therefore acceptable as per the requirements contained in Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

8.5 **Site Drainage & Foul Sewerage**

Concerns have been raised in relation to site drainage, however the proposed development does not result in any additional hardstanding being formed over and above which was approved previously in the appeal decision. The proposal will not increase surface water runoff on site and is therefore considered acceptable in regard to the provisions of Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

A number of concerns have also been received in relation to the treatment of foul water on site. Whilst no condition was previously imposed in relation to this matter, it is considered that as the development is proposing an additional three pitches, it is deemed appropriate that a condition is attached requiring information be submitted in relation to this matter prior to the occupation of the three additional units.

8.6 **Noise and Odour**

Issues in regards to noise and odour have been raised, however Environmental Health have confirmed that not one complaint has been received in relation to any noise or smell from the site. Notwithstanding the intensification of the site, it appears unlikely that the proposal would relate in any significant increase in noise or odour generation. The condition requesting details of the disposal of foul sewerage is in place to satisfy concerns in relation to odour from the on-site septic tank.

8.7 **Other**

A number of other concerns were raised in relation to the stone wall and gate, bins being left overflowing, potential commercial activity being conducted from the site and the applicants future compliance with the personal planning condition.

In 2015 retrospective planning permission was given for a stone wall and gate, therefore the concern relating to the stone wall is unfounded as it does not form part of the planning application and permission has already been granted.

In regards to concerns relating to litter and bins around the site entrance, this is not a planning matter. The site will continue to operate under the same bin collection process, with any issues of overflowing bins or excessive litter to be reported to Corby Borough Council Environmental Health.

The Parish Council raise concerns in regard to pressure upon the local school, however the children at Little Meadow are already attending the school and the younger pre school children already live on site in the existing touring caravan. The additional residents of the site will comprise two mature adults, therefore it is unlikely that the proposal will give rise to pressure upon the local school.

Further observations were raised stating that if planning permission were to be granted, the permission should ensure that only family members of the applicant live upon the site and that no commercial activity takes place. A legal agreement will be signed to ensure that only family members occupy the site and conditions will be placed upon the permission to prevent commercial activity taking place on site.

9. **Conclusion**

The proposed variation of Condition 2 of planning permission 12/00012/COU to increase the number of pitches at Little Meadow to allow the siting of four mobile homes is acceptable and shall be accompanied by a unilateral agreement limiting the occupants of the site to family members of the applicant. It is deemed that the additional units will not have a significant detrimental impact upon the character and appearance of the surrounding area nor impact the living conditions of the site occupants or neighbouring residential amenity.

10. **Recommendation:**

Approve subject to the following conditions:

1. The development hereby permitted shall be commenced no later than three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The approved plans comprise the Site Location Plan (reference D10/001) and the Proposed Site Plan (reference D10/010A). The development shall be constructed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the permission and for the avoidance of doubt.

3. There shall be no more than four static mobile homes, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stationed on the site at any time.

Reason: To define the extent of the permission in accordance with Policies 1 and 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the additional three static mobile homes, details of the method of disposal of foul sewerage shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure adequate foul water drainage in the interests of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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

Reason: To ensure that the site is only used for residential purposes in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. No more than one commercial vehicle shall be kept on the land for use by the occupiers and it shall not exceed 3.5 tonnes gross unladen weight.

Reason: To ensure that the site is only used for residential purposes in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No additional static mobile homes shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

Reasons for Approval:

The proposed variation of Condition 2 of Planning Permission 12/00012/COU to increase the number of pitches at Little Meadow to allow the siting of four mobile homes is acceptable subject to the signing of a unilateral legal agreement limiting the occupants of the site to family members of the applicant only. The development will not result in unacceptable harm to the character and appearance of the area and will be acceptable in regards to the living conditions of the occupants. Furthermore the proposal is deemed to be acceptable in regards to residential amenities of neighbours living in the surrounding area, highways safety matters, site drainage, noise and odour. The proposal therefore accords with the National Planning Policy Framework and Policies 3, 8 and 31 of the North Northamptonshire Joint Core Strategy.

Statement of Applicant Involvement:

The applicant and agent have agreed to the signing of a unilateral agreement to limit the occupants of the site to family members of the applicant only.

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