

Reference: 14/01247/COU

Applicant: Mr A Connors

Location: Land To The East Wallace Drive Groby

Proposal: Change of use of land to 2 No. Gypsy / Traveller pitches, including day room and associated works

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated significant public interest, which the Chief Planning & Development Officer in discussion with the Chair considers necessary to be determined by the Planning Committee.

This is a resubmission of an earlier scheme which was refused planning permission on the 17 November 2014 on highway safety grounds. The current scheme amends the application site boundary to indicate revised access / egress arrangements.

Application Proposal

This is a full application for the creation of two gypsy caravan pitches, along with the erection of a day room and the laying of additional hard standing and a post and rail boundary fence.

Each pitch would comprise of one mobile home and one touring caravan and would be set at a right angle to one another. The day room would be sited to the south of the site entrance and would comprise of a pitched roofed brick and tile building with a rectangular footprint (7.5 metres x 5 metres). Its maximum height would be 4.15 metres. A range of openings are proposed to its front and rear elevations. Internally the building would be subdivided into two utility and bathrooms.

The built development would be sited on an area of hard standing, which would provide the required parking provision. There would be a grassed amenity area provided adjacent to the southern and eastern boundaries of the site.

The application site would be internally divided by a post and rail fence. The pitches, day room and associated facilities would be sited on the southern parcel of land. The northern parcel of land would provide a paddock area and accommodates an existing timber building. The front (north western) boundary of the site would comprise of a 2 metre high close boarded wooden fence, which is to be landscaped along its frontage. The remaining boundaries would be denoted by a post and rail fence. The site is to be access via an unmade access track leading from Wallace/Lena Drive.

Site and Surrounding Area

The site comprises of a parcel of land of 0.18 hectares, there is an adjacent parcel of land (to the north east), similar in size, also within the applicant's ownership. This would provide paddock land and accommodates an existing timber building. The applicant's land forms part of a larger, ridge and furrow field, which is in separate ownership. An access track runs along the front (west) boundary of the site. This runs between the A50 and Pool Tail Cottage. This track is intersected by Public Footpath J92.

The sites most recent use was for the keeping of pigeons. There are a number of timber buildings on the site reflecting this use. To the north of the site, on the opposite side of the access track is the Site of Special Scientific Importance, (SSSI) known as Lady Hay Woods.

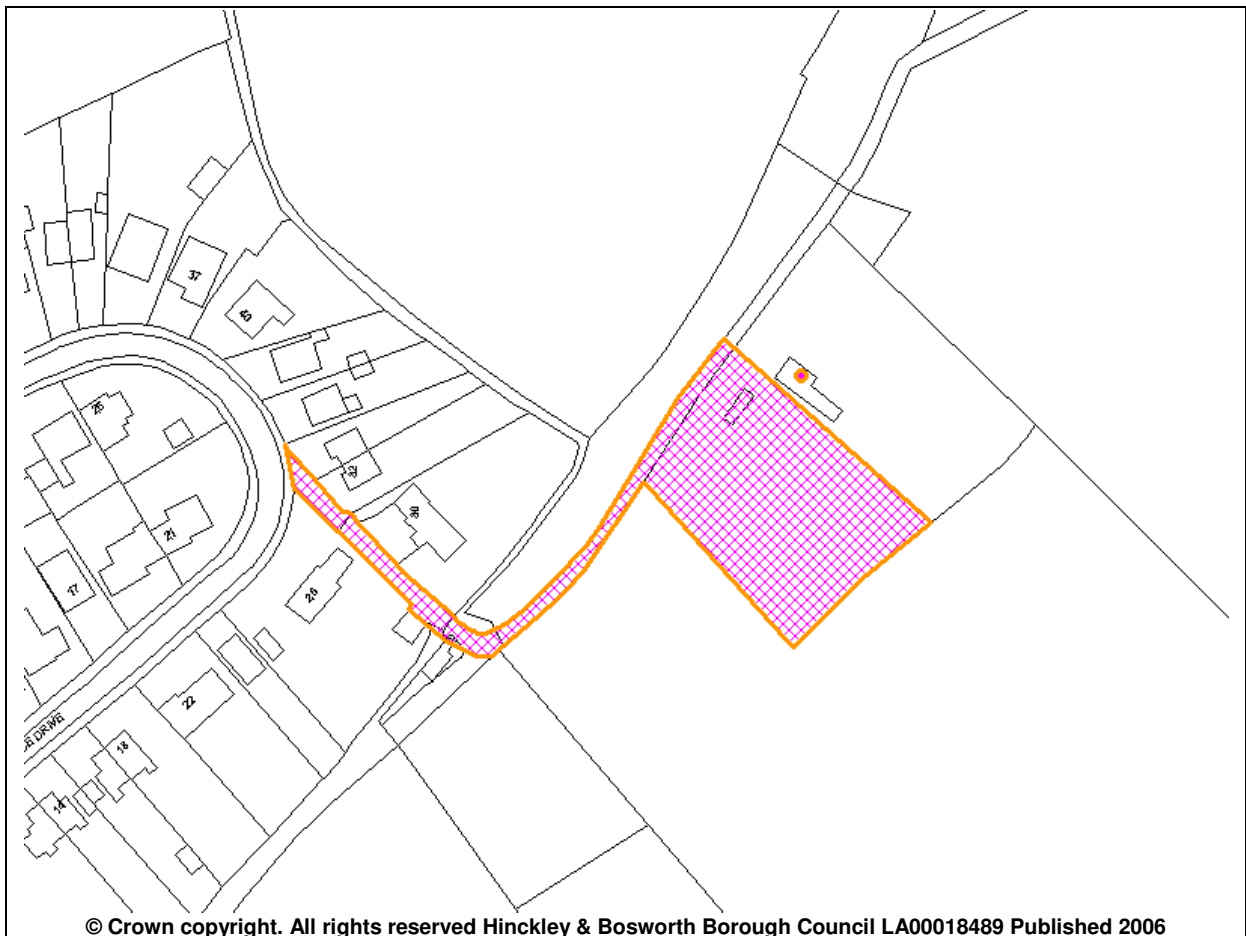
The site is within the countryside, situated adjacent to the settlement of Bradgate Hill, which is classified as a rural hamlet. Further to the west is a post war housing estate, comprising the majority of this hamlet. This consists of Wallace Drive, Lena Drive and further to the west, Elsalene Drive.

Technical Document submitted with the application

Design and Access Statement
Transport Assessment

Relevant Planning History:-

13/01029/COU	Change of use of land to use as a residential caravan site for two gypsy families (four caravans, two pitches) with associated parking, hardstanding and amenity block	Refused	17.11.14
06/01348/CLU	Certificate of lawful existing use of land for the keeping and breeding of pigeons	Approved	13.02.07



Consultations:-

No objections received from:-

Natural England
Environment Agency
Director of Chief Executive (Archaeology)
Director of Community Services (Ecology)
Director of Property Services (Gypsy Liaison)
Director of Environment and Transport (Footpaths)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions have been received from Head of Business Development and Street Scene Services (Waste Minimisation).

The Director of Environment and Transport (Highways) has recommended refusal.

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

- a) adverse impact on the area of scientific interest and the Slate Brook
- b) site not brownfield, but Greenfield as there are only pigeon lofts on it
- c) there is an abundance of wildlife in the area
- d) the adjacent property was denied planning permission and another close by had a condition imposed on it restricting its subdivision into two dwellings. The justification for this was that Wallace Drive is not suitable for any further residential use
- e) the existing sewage system is overloaded
- f) the site access/entrance is not suitable for residential use and for use by caravans.

37 letters of neighbour representation have been received raising the following issues/concerns:-

- a) development not in keeping with existing properties
- b) will result in additional highway safety hazards and concerns
- c) not a brownfield site - there is no justification for allowing a site here
- d) there have been three previous refusals of planning permission for caravans on this piece of land and an injunction has been placed on the land to ensure that no further caravans are located on site.
- e) site is within the open countryside, and thus not in keeping with the character of the area.
- f) will result in an adverse impact on residential amenity in terms of noise, disturbance from vehicles movements and light pollution
- g) the access is not suitable in terms of its width, geometry, surfacing or gradient
- h) the track from the A50 is dangerous as confirmed by Leicestershire County Council Highways
- i) drainage issues and adverse impacts on the SSSI
- j) contrary to Core Strategy policies 18, 22 and those to protect the National Forrest
- k) the site fails to meet guidance within DCLG Gypsies and Travellers
- l) proposal can not be sympathetically assimilated within its surroundings
- m) will have an adverse impact on the wildlife within the SSSI
- n) generation of construction demolition and waste
- o) will have an adverse impact on natural habitats and biodiversity
- p) there are a number of errors and inaccuracies on the application forms and within the Design and Access Statement
- q) there is not way or ensuring/enforcing that the access onto the A50 is not used

- r) the application only covers half the land owned by the applicant thus in the future the remainder of the site could be developed and site could be extended once planning permission granted.
- s) the proposal will have a negative impact on property values and will prevent nearby residents from selling their properties
- t) proposal fails to meet design guidance within Designing Gypsy and Traveller sites Good Practice Guide
- u) the proposed Cess Pit is not suitable for the disposal of foul water and would have an adverse impact on Groby Pool
- v) will have an adverse impact on the pond at Lady Hay Wood, which is home to many forms of wildlife including Great Crested Newts
- w) the use of the access track by additional vehicles would increase the risk to other users such as walkers
- x) the refuse lorry would not be able to access the site
- y) there has been fly tipping of garden waste and building materials by the footpath to the rear of Wallace Drive
- z) the area is prone to flooding and has a high water table
- aa) ridge and furrow farming land should be preserved
- bb) there are no utilities on site
- cc) the lane is heavily used by pedestrians and has no footpath there would be a conflict with the adjacent public footpath
- dd) the site is over a mile away from the shops and services in Groby
- ee) proposal is contrary to Policy 8 of the Core Strategy
- ff) emergency vehicles will not be able to access the site, have the fire and rescue service been consulted?

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
 Planning Policy for Traveller Sites 2012
 National Planning Policy Guidance (NPPG) 2014

Hinckley & Bosworth Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople
 Policy 13: Rural Hamlets
 Policy 21: National Forest
 Policy 22: Charnwood Forest

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy NE5: Development in the Countryside
 Policy NE9: Areas of Attractive Countryside
 Policy NE14: Protection of Surface Waters and Groundwater Quality
 Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

Gypsy and Traveller Accommodation Needs Study / Gypsy and Traveller Allocations DPD (January 2013)

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

Appraisal:-

The proposal is for two pitches and associated development for occupation by Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the National Planning Policy for Traveller Sites. The Officer also verifies the applicant's details and the need for the site.

The main issues for consideration in the determination of this application are:-

- Principle of development
- Impact on character of the surrounding countryside
- Impacts on the National Forest and Charnwood Forest
- Residential Amenity
- Highway Safety
- Ecology

Principle/Need

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this case the development plan constitutes the adopted Core Strategy and the Local Plan. The most applicable policy in the determination of this application is Policy 18 of the Core Strategy: Provision of Sites for Gypsies, Travellers and Travelling Showpeople. This policy outlines the numerical requirement for the delivery of pitches for use by Gypsies and Travellers. The policy identifies that the Borough is required to provide 42 residential pitches (26 up to 2012, 16 from 2012 - 2017) and five transit pitches (to accommodate 10 transit caravans) up to 2012.

The Council does not have an adopted Needs Assessment for Gypsies and Travellers for decision making purposes beyond 2017. However, evidence was presented by the appellant to the recent Good Friday public inquiry to suggest that Hinckley and Bosworth had a 5 year land supply of Gypsy and Traveller pitches. For the purposes of that appeal, the appellant's evidence was not challenged. While the evidence presented to the Good Friday public inquiry is a material consideration, there is an ongoing need to maintain the supply moving forward and as such there remains an unmet need for a small number of pitches, taking account of Core Strategy policy 18.

Furthermore, aside from the evidence and figures relied upon within the Good Friday appeal, there remains the requirement within the NPPF to determine applications in accordance with the presumption in favour of sustainable development.

In addition to the requirements of Policy 18, which considers the overall needs of the borough in terms of Gypsy and Traveller provision, the Planning Policy for Traveller's Sites (March 2012) requires consideration of b) the availability of alternative accommodation for the applicant and c) other personal circumstances of the applicant.

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

The closest County operated and owned Gypsy and Traveller site is Aston Firs Caravan Site. This is located in the Borough of Blaby and is currently at capacity. In addition, there are a number of families living on this site whom have grown up children who would like to start their own families. These families currently have no where to go. Approval of this application would go towards meeting the current shortfall in pitches and relieving the strain on the Aston Firs Caravan Site.

Other personal circumstances of the applicant

The County Council Traveller Sites and Liaison Officer has submitted a letter in support of the application. This provides information in relation to the personal details and specific needs of the end users of the site. This states that the site would be to accommodate two brothers who currently live with their parents. The intended occupants are currently single, are in employment and have no health issues. The personal needs of the applicant should be attributed weight in the determination of this application.

Based on the above, this proposal would contribute towards meeting an existing need for Gypsy and Traveller sites within the borough and would help sustain the supply moving forward. Further, there is no other alternative accommodation at which the applicant could reside. The site would accommodate two brothers who would then have the opportunity to start a family of their own.

Based upon the above information, there is an existing need for the site and as such, in principal, the site is considered acceptable.

Policy 18 continues with a number of criteria which should be met for the application to be approved. These will be appraised below.

Proximity to Settlement/Local Services (Sustainability)

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 (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified. This is similar to the requirements within Paragraph 23 of the Planning Policy for Traveller Sites (PPTS). This states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Similarly, Paragraph 55 of the NPPF states that "local planning authorities should avoid isolated new homes in the countryside".

Policy 13 of the Core Strategy identifies Bradgate Hill as a Rural Hamlet; this identifies the types of development suitable in such locations. Given that this site is not situated within the Hamlet itself, the requirements of this policy are not considered directly relevant to the determination of this application.

Although the site is within a countryside location, due to its proximity to the settlements of Bradgate Hill and Groby, it is not considered that the site could be defined as isolated. The site would be situated adjacent to the settlement boundary of Bradgate Hill, however this is a rural hamlet and as such has limited services and facilities. The nearest settlement providing a full range of services would be Groby. The site is connected to Groby by footpaths and also has a safe crossing over the A50, meaning that safe travel to facilities could be accomplished by means other than the private car. The site is a distance of 1.2 kilometres from the centre

of Groby. This distance is considered to be 'reasonable' and would provide accessibility to local services and facilities as required by the policy.

Highway Safety

Policy 18 (criteria 4) of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

The site is served by two private, unadopted points of access:

- 1) Wallace Drive Access. This point of access is identified by a red line on the submitted plans, which suggests this would be the route that users and visitors to the site would use. This shared access runs along the frontage of 30-34 Wallace Drive and along the side of 26 Wallace Drive. The access is narrow and not surfaced in a bound material.
- 2) A50 Access. The A50 access was shown on the previous planning application to be the route that people using/visiting the application site would use. The route runs along the side boundary of No.26 Wallace Drive and along the frontage of numbers 34 - 30 Wallace Drive. It then continues north, past the frontage of the application site, to Pool Tail Cottage. This access has a width of approximately 4 metres and is of compacted gravel construction.

A previous application (ref. 13/01029/COU) for an identical use of the site proposed to use the A50 access. Leicestershire County Highways raised an objection in respect of the use of this access and recommended refusal on the grounds that the use would lead to unsafe turning manoeuvres to and from the A50. The council agreed with Leicestershire County Council's recommendation and refused planning permission in November 2014.

This revised application has been submitted in an attempt to overcome the highway safety concerns. The application red line has been amended which seeks to show that the site would be accessed via the Wallace Drive route. Concerns have been raised by some members of the local community to suggest that the applicant does not have a right of access over the Wallace Drive track. The applicant disagrees and has sought to demonstrate this by submitting legal documentation.

Leicestershire County Highways initially provided comments to say that if planning permission were to be granted, a condition would be required to prevent vehicular access via the unmade track to the A50. On the basis that the applicant doesn't own the track and others appear to have rights of access over this route, a condition to provide a barrier to restrict the use would not be reasonable. Furthermore a condition preventing access without a barrier being provided would not be enforceable. A condition of this type would therefore not satisfy two key legal tests.

In view of the fact that a planning condition could not be used to control access along the A50 track, the County Council considers that the development would cause a highway safety problem. They have therefore submitted revised comments to recommend that planning permission be refused.

The existing lawful use of the site (as a paddock for the keeping of pigeons) is unlikely to generate more than four vehicle trips per day. The county council considers that the three existing houses that presently use the Wallace Drive access generate approximately eight trips per day, each. The highway authority has stated that they would expect two gypsy and traveller pitches in this location to generate approximately 20 vehicle movements per day. The proposal therefore has the potential to increase vehicle movements along the access from 28 trips to 48 trips.

The Wallace Drive access is unadopted. Its alignment with Wallace Drive is poor and its width over the first 5 metres is substandard. There no existing accident record at this location, or on Wallace Drive. It is a residential road and vehicle speeds are generally low, particularly at this location on the outside of a bend. Many existing properties benefit from direct frontage access onto this road and so turning manoeuvres are expected by drivers. If the only route to the site were from the Wallace Drive access, a refusal on highway safety grounds would therefore be difficult to sustain.

While the application has sought to demonstrate that access to the site would be via Wallace Drive, the A50 access is likely to be the preferred route for many trips. Those travelling from the site wishing to use the A50 in a south-easterly direction would prefer to use the A50 access as this links directly to the main highway network. It would avoid having to use the more awkward route via Wallace Drive. This route would be less attractive for those travelling in a north-westerly direction because the central reservation on the A50 prevents vehicles turning right when exiting the site. The opposite applies for people visiting the site where those travelling south easterly are more likely to turn directly off the A50 and avoid Wallace Drive. People driving to the site from the south east would need to turn right into Lena Drive and would therefore be more likely to use the Wallace Drive access.

The applicant maintains that they believe they do have access rights via Wallace Drive and they have stated that they have no intention of using the A50 access. Matters relating to ownership and legal rights of way are not planning considerations and therefore while the views of the different parties are noted, the council is not in a position to prove that rights do or don't exist for either the Wallace Drive or A50 route. It is clear on site that there are two potential routes to the site. As both points of access are shared with other users and the applicant is not the sole owner of both rights of access, it is not possible to prevent access or egress to the A50 by planning condition. It therefore has to be assumed that users are likely to use both routes.

As with the previous planning application, there remains a strong possibility that many vehicles will choose access and exit the site via the A50 access. For the reasons stated as part of the consideration of that application, access to and from the site via that route would harm highway safety, contrary to policy 18 of the Core Strategy.

Sympathetic Assimilation within the Countryside

Policy 18 requires that gypsy and traveller sites are capable of sympathetic assimilation to their surroundings. This policy does not state that sites should be screened from the wider area. The requirements of this policy supersede the requirements of Policy 22 (Charnwood Forest) which identifies a range of land uses which will be supported in the Charnwood Forest and Policy NE5 of the Local Plan, Development in the Countryside, in this case.

The second part of Policy 21 of the Core Strategy, 'National Forest' relates to all developments within the National Forest and states that developments shall provide on-site or nearby landscaping that meets the National Forest planting guidelines.

Paragraph 24 of the PPTS (Para.24 b) suggests that sites should be well planned or soft landscaped in such a way as to positively enhance the environment and that sites (Para.24 d) should not be enclosed with hard landscaping, which would isolate the occupants from the wider community.

The site comprises a parcel of land being part of a larger field. This has been enclosed through the erection of a 2 metre high solid fence (which has been subject of investigation by the enforcement officer and has been found to be permitted development).

The site has been historically used for the keeping of pigeons and other agricultural activities and there are a number of timber and portal framed buildings on site which were used in association with these historic uses.

Whilst the design, appearance and form of the static caravans proposed would be generic and utilitarian and would offer little in the way of architectural detail, they are functional and would be suitable for their intended purpose. The site is not immediately adjacent to any existing dwelling and is approximately 15 metres from the closest residential property on Wallace Drive. Furthermore the site would be roughly 135 metres from the A50 to the south west.

There is a public footpath which intersects the site access and runs adjacent to the north western boundary of the site, from which views of the site would be available. From surrounding residential properties and the closest highway however, the site is considered to occupy a visually isolated position within the surrounding landscape.

The application proposes to remove the solid fencing to all but the front boundaries of the site and replace it with post and rail fencing. By virtue of the removal of such, the site would be more apparent in the landscape. This said, the negative impacts associated with this urbanised, fortress style of boundary treatment would be removed. Consequently long distance views across the landscape would be available and boundary treatment, more in keeping with the sites rural setting would be erected. The stark appearance of the proposed development could be further softened through the implementation of an appropriate native landscaping scheme, which would adhere to the requirements of the National Forest Planting Strategy (Policy 21). Such details are considered necessary to ensure the site would be adequately assimilated within its rural setting and as such, a condition requesting these details will be imposed.

Scale

Policy 18 requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure, paragraph 23 of the PPTS reiterates this. In this case, the proposal is for two pitches and when considered against the settled population of Groby, which is a large settlement, and Bradgate Hill, the scale of the site is considered appropriate and proportionate. Therefore, on balance it is considered that the proposal is not excessive in terms of scale and would meet the requirements of Policy 18 in this respect.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to comply with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. Paragraph 24 of the PPTS (c) suggests that sites should promote opportunities for healthy lifestyles such as providing adequate play areas for children.

This site would meet these aspirations. The site would be adjacent to a settlement and although the scheme does not include a formally identified children's play space, the grassed land towards the perimeters of the site could be used for such.

Policy 18 continues 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 relatively flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a

separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. It is considered that as there are two accesses if necessary, Emergency vehicles could access the site.

The guide stipulates that essential services (mains water, electricity drainage and sanitation) should be available. Although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Foul water in this case is by a Cess Pit. No objections have been received in relation to such by the Environment Agency.

Design and Layout

National Guidance states 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 to its entrance. The permanent pitches proposed on this site are for related 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. 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 adequate space on site to meet this criteria and a day room is proposed providing separate bathroom and laundry facilities for each pitch, 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 Environmental Health (Pollution) which will secure satisfactory internal arrangements.

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal would result in two pitches, there would be increased activity on site and more vehicle movements generated. This said, given the relatively small increase in additional vehicle movements, they are not considered to result in a material level of harm in terms of noise and disturbance. Furthermore In terms of other impacts in terms of residential amenity, given that the nearest residential property (30 Wallace Drive) would be situated 15 metres away from the site, by virtue of this distance, along with the scale of the proposal, there are not considered to be any other materially detrimental impacts in terms of residential amenity.

Ecology

Director of Community Services (Ecology) has stated that a Great Crested Newt survey of the pond in Lady Hay Wood (approximately 15m) from the site is required. The agent has been requested to provide this survey, or if the land is within private ownership and can not be accessed, provide a mitigation plan. As the land is within private ownership, the mitigation

strategy has been provided by the agent. Director of Community Services (Ecology) has considered this and has commented that it is acceptable.

Other Considerations

Issues raised within the neighbour letters of representation not addressed elsewhere in the report, will be considered below:-

It has been stated that the proposal will have an adverse impact on the area of scientific interest (SSSI) and the Slate Brook, in terms of impact on wildlife and water pollution and contamination. No objections on these grounds have been received from the Environment Agency, Natural England, Director of Community Services (Ecology) or Head of Community Services (drainage /pollution) and as such there are considered to be no arising impacts on the above.

Queries have been raised that the adjacent property was denied planning permission and another close by had a condition imposed on it restricting its subdivision into two dwellings. The justification for this was that Wallace Drive is not suitable for any further residential use. These are historic applications which were determined on the relevant planning policies and specific situation at that time. Furthermore each application is considered on its individual merits. The current application has been considered upon its merits and the most up to date and applicable policies and the recommendation will be made according to these

Neighbours have suggested that the existing sewage system is overloaded. The applicant has provided information confirming that the proposal will not be connected to the mains sewage system, but to a cess pit. Accordingly the proposal will have no impacts on the existing sewage system.

It has been stated that planning permission has been refused on land at the end of Elsalene Drive due to highway concerns - thus similar decision making criteria should be applied here. As mentioned above, each application is considered on its individual merits and will be determined based on such.

Concerns have been raised that the site is situated in the countryside and as such is not within the list of acceptable uses as stipulated in HBBC Local Plan Policies. As mentioned within the main body of the report. Criteria a - c of Policy NE5 identifies acceptable land uses within the countryside. The criteria within this policy have been considered in light of the NPPF and its presumption in favour of sustainable development. As such Policy NE5 is considered to be highly prescriptive in nature and carries limited weight in the determination of applications of this type.

It has been suggested that the proposal for surface water drainage on a site with a high water table which also slopes down to a sensitive watercourse feeding into Groby Pool can not reasonably be considered to be satisfactory. In relation to this concern, no objections have been received from the Environment Agency in respect of this.

It has been stated that the development not in keeping with existing properties. In terms of its design and layout, the development proposed is not in keeping with that of surrounding properties, and this has been further appraised within the main body of the report.

Concerns have been raised that there have been three previous refusals of planning permission for caravans on this piece of land and an injunction has been placed on the land to ensure that no further caravans are located on site. These applications related to the unauthorised siting of a residential caravan which had no justification. This application differs

in that the caravans would be for persons defined as Gypsy and Travellers and will be determined against the specific planning policy.

Neighbours have suggested that the development is contrary to the sustainability appraisal which accompanies the Core Strategy. Every development plan document needs to be accompanied by such an assessment but the document itself is not a material planning consideration.

Concerns have been raised that the application would result in the loss of Greenfield site. This is not a Greenfield site as it has been previously developed.

There are a number of errors and inaccuracies on the application forms and within the Design and Access Statement. The inaccuracies identified within the submitted documentation are minor errors and are not materially influential in the determination of the application.

Neighbours have raised concerns that the proposal will have a negative impact on property values and will prevent nearby residents from selling their properties. These issues do not constitute material planning considerations and will have no impact on the determination of this application.

It has been suggested that the proposal fails to meet design guidance within Designing Gypsy and Traveller sites Good Practice Guide. This is guidance only and thus failure to comply with all idealistic prescriptions would not justify refusal of an application.

The use of the access could damage adjacent properties; a lorry using this track has recently done so. This is private issue and subject to the driver of the vehicle. It does not form a material planning consideration.

Concerns have been raised in relation to on street parking within the area. There is no evidence to suggest that the proposal will result in additional on street parking.

It has been stated that a previous enforcement notice served on site which required the residential mobile home to be removed. This enforcement notice related to an unjustified dwelling within the countryside which was therefore contrary to planning policy.

The refuse lorry would not be able to access the site. This is the case and thus a condition has been recommended by the Head of Business Development and Street Scene Services (Waste Minimisation) requiring that a scheme for the collection of waste and recycling be submitted to an approved by the LPA should the scheme be approved. .

All previous applications for commercial and residential use on site have been refused, so why should this be allowed? No two planning applications are the same, and each is determined on its specific merits and in accordance with the development plan.

The proposal will have an adverse impact on a rare orchard growing adjacent to the site. No objections have been raised from Natural England in respect of such an issue.

The area is prone to flooding and has a high water table. No objections have been received from the Environment Agency stating that the proposal will increase flood risk.

It has been stated that the area is designated Green Belt. There is no Green Belt land within the borough.

It has been stated that the Ridge and furrow farming land should be preserved. Director of Chief Executive (Archaeology) has commented that the application site is within a larger area of surviving Ridge and Furrow earthworks, which represent a landscape form especially emblematic of the medieval or post-medieval period. This Ridge and Furrow earthworks adds to the understanding of the historic landscape in the vicinity. Notwithstanding this, given that the site comprises a relatively small area and affects a parcel of land which has been subject to some previous development, no objections are raised to the scheme. However further comments have been received stating that the existing hard landscaping comprises an incongruous boundary treatment within this rural context and that the introduction of further, soft landscaping such as hedgerow planting (specifically of locally typical native species) to screen or replace the present boundary treatment would be welcomed.

It has been stated that the mains sewer was laid in the 50's/60's under the track leading to the A50. This comprises of clay pipes only 0.5 metres below the surface. Accordingly there is little protection to the piping and thus would be damaged by further heavy vehicles using the track. This is a private matter and do not form a material planning consideration.

The vehicles which use the A50 track currently do so at very high speeds making it extremely dangerous. This is a private track and accordingly this is private matter which does not comprise a material planning consideration.

It has been stated there are no utilities on site. This is a private matter, which is to be resolved by the applicant.

It has been suggested that the proposal is contrary to Policy B26. This policy concerns light pollution. There is no reason to conclude that this proposal will result in an adverse level of light pollution and no objections have been received from Head of Community Services (Pollution).

Will have an adverse impact on the view from surrounding properties. Loss of view is not a material planning consideration.

There is a risk of the site being illegally expanded. Any further expansion of the site (over and above that proposed) would require a new planning application.

Is a flood risk survey going to be undertaken? There is no requirement for a flood risk assessment to be undertaken.

Proposal is contrary to Policy 8 of the Core Strategy. Policy 8 refers to Key Rural Centres Relating to Leicester. Bradgate Hill does not fall within this category and thus this policy is not applicable.

Safety concerns relating to vehicles towing large caravans have been raised. The suitability of the access and the road network has been considered and a reason for refusal is proposed by Highways.

Concerns have been raised that the site will escalate into a larger Travellers site if approved along with additional associated development. If approved, any further extension of the site would require planning permission and should the site be developed unlawfully, this would be a matter for further investigation by the Planning Enforcement Team.

It has been stated that many people use the informal track running from the A50 for running and walking etc and the site will have an adverse impact on this. There is no reason why the proposal will impact on the use of this track.

Conclusion

Although the council has acted positively in approving Gypsy and Traveller sites since the beginning of the plan period, there remains a need for pitch provision and to maintain the supply moving forward. The personal circumstances of the applicants and Gypsy and Traveller need must be attributed significant weight in the determination of planning applications. These matters are finely balanced. Based upon a detailed assessment and consideration of all of the material issues, on balance, it is considered that the development would have an adverse impact in terms of highway safety, which could not be overcome in this case. The highway safety concerns are therefore considered to outweigh the positive impact the scheme would have on maintaining the supply of gypsy and traveller sites within the borough and in meeting the personal needs of the applicant. Therefore the proposal is considered to be contrary to the intentions of policy T5 of the Local Plan, Policy 18 of the Core Strategy and paragraphs 32 and 118 of the NPPF. The application is therefore recommended for refusal.

RECOMMENDATION:- Refuse planning permission.

Reasons:-

- 1 The proposal would result in an unacceptable increase in traffic using an access which has inadequate width and geometry. This could lead to a conflict between pedestrians and motorists using the track and ultimately pedestrian safety issues and could in turn lead to turning vehicles using both lanes of the A50 to access the site, and giving way within or reversing onto the highway to the detriment of road safety. This would be contrary to Policy T5 of the Adopted Hinckley and Bosworth Local Plan, Policy 18 of the Core Strategy and paragraph 32 of the NPPF.
- 2 The proposal would result in the intensification of use of a vehicular access onto a Class A road in a location where traffic speeds are generally high and the increase in turning traffic in such a location would not be in the best interests of highway safety. This would be contrary to Policy T5 of the Adopted Hinckley and Bosworth Local Plan, Policy 18 of the Core Strategy and paragraph 32 of the NPPF.

Contact Officer:- Eleanor Overton Ext 5680