

PLANNING & LICENSING COMMITTEE

29TH AUGUST 2017

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
158/2017	1	2017/0663/FUL	Mr Paul Jennings	Bisbrooke

Further information from applicant

The amenity building is to be built of ironstone with a genuine grey slate roof. To the right-hand side, and adjoining the amenity building will be an area for storing the wheelie bins. This area will have a concrete base, be open fronted (ironstone for the three sides) and have a genuine grey slate roof.

The permanent caravan will be a tourer no bigger than stated in the planning application.

Further Consultation Response

Response received from, Leics CC Travellers Sites and Liaison Officer and a Health Support letter, both attached.

Further Neighbour Response

As of today, there have been a total of 36 objections.

No new issues have been identified that are not already covered in the main report other than the immediate neighbour considers that the close proximity of the site to 2 other residential plots does constitute an overwhelming impact on the settled community, that the applicants no longer travel so fall outside the definition of Gypsies in the guidance and that the height of the fence is contrary to advice about isolating the site from the community.

One letter of support has been received from someone who appears to live in the locality.

Revised Conditions

In light of the above information on materials, Condition 5 on the recommendation will be altered. Legal advice is that there should be no written limit of the length of time a visitor can remain but that each case has to be considered on its merits should a visitor stay for what appears an inordinate length of time.

1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Annexe 1 of Planning Policy for Traveller Sites (2015) or any equivalent replacement guidance.
2. Notwithstanding Condition 1 above, the residential use, hereby permitted, shall be for the benefit of Joanna Smith, her partner and/or their dependent children and/or grandchildren only.
3. The use of the site pursuant to this permission shall be limited at any time to occupation by one family unit, in accordance with the provisions of condition 1 of this permission, and to a maximum of 1 residential caravan/mobile home and one touring caravan

together with spaces for 2 visiting touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. All such structures shall be removed from the site within 3 months of the use hereby permitted ceasing to operate.

4. The hedge on the road frontage shall be maintained at a height of not less than 2.5m above the level of the adjacent carriageway. Any hedging that should die or be removed shall be replaced with a similar species during the first available planting season (October to March) following death or removal.
5. The erection of the amenity block hereby approved shall only take place in accordance with the list of materials submitted on 17 August 2017.

The reasons for the conditions are:

1. The site is located in open countryside where residential accommodation is only being approved due to the gypsy status of the specific occupiers
2. For the avoidance of doubt and to enable the Local Planning Authority to assess the likely impact of any future potential additional occupiers of the site.
3. To minimise the visual impact of the site on the edge of the village and to allow for visitors and to ensure that the site is cleared in the event of it no longer being used.
4. To screen the fencing behind in a rural location, in the interests of visual and environmental amenity.
5. To ensure that the materials are appropriate to the area.

Note to applicant: This permission does not grant or imply approval to use any part of the site or land to the rear for any commercial purposes, other than those that are lawful on the land to the rear.

Mr N Hodgett
Principal Planning Officer
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

Date: 29 August 2017
My Ref: E/V//7069/4
Your Ref:
Contact: Mat Bagley
Phone: 0116 305 8156
Fax:
Email: Mat.bagley@leics.gov.uk

Dear Sir,

PLANNING CONSULTATION 2017/0663/FUL

Re: Application for change of use of land to a Gypsy/Traveller site, for one Family, to include a mobile home, 1 permanent caravan space, the erection of an amenity building & associated works with 2 additional caravan spaces for visitors at land at The Acorns, Baulk Road, Bisbrooke, Oakham, Rutland, LE15 9EH

PERSONAL INFORMATION

I have spoken to the Joanna Smith who has given me permission to provide the following information:

- The site will be occupied by the Joanna, her partner and her daughter who turned thirteen earlier this year. Joanna is pregnant with the baby due to be born in early September.
- The two additional caravan spaces for visitors will allow relatives of Joanna and her partner to come and visit. The mobile home only has two bedrooms and it is customary for relatives to bring a touring van when visiting family. The additional caravan spaces will not be occupied on a permanent basis.
- Site provision will significantly improve the access to services such as health and education for the family and will provide a more stable environment for the children.
- This application was submitted by Paul Jennings, a person from the settled community, who was asked to submit the application on behalf of Joanna to ensure correct submission of all the attachments. Paul, a retired Barclays Bank Senior Systems Analyst has no interest in the site and apologises, as does Joanna, for any confusion there may have been.

GENERAL INFORMATION

The families that will live on this site are Romany Gypsy Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life and satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 Planning Policy for Travellers Sites 2015.

Officers from the Multi Agency Traveller Unit of Leicestershire County Council have known Joanna and her parents for over 30 years. Her parents own, and live

on, a small permanent residential site in the County that comprises of one mobile home and two residential caravans.

As is custom with traditional Gypsies, the Joanna and her partner wish to live as a family group comprising two generations. This would be compatible with PPTS which states that:

The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

I would also point out that the Aston Firs Caravan Site, which is owned and managed by the Leicestershire County Council and provides accommodation for Gypsies and Travellers, is currently full with an extensive waiting list. In addition there are a number of families living on the site that have grown up children who would like to start their own families but have nowhere to move to.

NATIONAL POLICY AND GUIDANCE

The National Planning Policy Framework states that local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.

It also states that to boost significantly the supply of housing, local planning authorities should:

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.
- Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted in their area that is outside the strategic elements of the Local Plan;

Planning Policy for Traveller Sites - provides planning advice. Key points from the document are:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan-making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure

Paragraph 11 looks at the issues of sustainability and identifies a number of considerations, including those detailed below which are of relevance:

- to promote peaceful and integrated co-existence between the site and the local community
- to promote, in collaboration with commissioners of health services, access to appropriate health services
- to ensure that children can attend school on a regular basis
- to provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- to not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- to reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

Paragraph 22 states that:

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

EAST MIDLANDS REGIONAL PLAN

Policy 16 of the Regional Plan (March 2009) requires Local Authorities to identify land for pitches for Gypsies, Travellers and Travelling Showpeople and for the Local Development Framework to make provision for the minimum net additional pitches requirement for the district, as set out in Appendix 2 of the Regional Plan. The South Kesteven & Rutland Gypsy, Traveller and Travelling Showperson Accommodation Assessment 2016 has established that there is a need for the provision of 8 additional residential pitches for gypsies and travellers, 2016-2021.

The definition of a pitch being:

- Area of land on a Gypsy and Traveller caravan site developed for a single family.

It also defines that the average number of caravans per family is 1.9 and identified that families would like to have more space if they could, large families may have 3 or 4 caravans, many are overcrowded and families have a need to separate boys & girls sleeping arrangements.

Although the Government has revoked Regional Plans they are of the view that Local Authorities are best placed to assess the needs of Gypsies and Travellers and the GTAA will provide a good starting point in this assessment. In addition, the Housing Act 2004 also places a duty on Local Authorities to assess these needs. Notwithstanding that Regional Plans have been revoked, there remains a requirement to assess and meet the needs of Gypsies and Travellers.

Existing research commissioned by the Equality and Human Rights Commission (published Winter 2009) "Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England" suggests that the legislation implemented since the 1960s has negatively impacted on Gypsy and Traveller communities, with the Housing Act 2004 and subsequent guidance designed to address this imbalance. The Race Relation Amendment Act 2000 has afforded Gypsies and Irish Travellers legal protection against discrimination, including from housing authorities.

However, it is apparent from the research that the most pressing issue remains the inadequate permanent site provision with around one quarter of Gypsies and Travellers residing in unauthorised developments or encampments. Despite increased powers for local authorities to deal with anti-social behaviour and to evict where necessary, the Government has acknowledged that increased site provision is the most effective means of dealing with unauthorised developments and encampments.

I trust that the above will be of assistance to you in determining the application.

Yours sincerely

Mat Bagley
Multi Agency Travellers Unit Manager

To whom it may concern,

As a health care professional working with the Gypsy and Traveller Community, part of the role is to improve health outcomes. I would like to provide a perspective on the importance of Gypsies and Travellers having a permanent place to live.

We are all aware that Gypsies and Travellers have the same rights of other members of society and are entitled to have their needs for basic accommodation, security and belonging to be met

Having a home which is safe is generally considered to be a basic need. Stable surroundings help to maintain health and wellbeing.

Having a permanent place to live has implications for many areas of a person's life. The area I will concentrate on is health and wellbeing. It is known from research that individuals, who have permanent stable accommodation, are generally more likely to feel well and deal with health issues in a more positive way.

Travellers suffer stresses and uncertainties associated with travelling and living on the roadside and of being moved on by the authorities. Research shows that forced movement inevitably exacerbates existing health conditions as well as leading to new problems, (Patrice Van Cleemput 2008a.)

This leads to difficulties making and keeping medical appointments and results in lack of continuity of care.

For the Traveller community where life expectancy is shorter, compared with the settled community, I feel that permanent accommodation has an even greater positive impact on their health and wellbeing. Travellers with babies and young children, disabilities and health issues benefit from having a permanent place to stay because access to primary health care and social care services is much improved.

In my view it is imperative that Gypsies and Travellers with babies, young children or chronic health problems and disabilities have a permanent place to live appropriate to their needs, (including their cultural needs.) This will ensure that individuals can continue to live and be cared for by their families, in line with the cultural beliefs and traditions of the Gypsy and Traveller community.

This philosophy is also very much central to the Governments "Care in the Community Agenda" – maintaining/caring for people in their own homes.

Hoping this will be helpful and contribute to making decisions on appropriate accommodation for Gypsies and Travellers.

Yours sincerely

Alison Brown
Public Health Nurse and Health Visitor for Travelling Families
Leicestershire Partnership NHS Trust

PLANNING & LICENSING COMMITTEE

29TH AUGUST 2017

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
158/2017	2	2016/0537/MAJ	Your Life Management Services Ltd	Oakham

Further Consultation Responses

Historic England

No comments

Lead Local Flood Authority

No objection, subject to an updated condition regarding the sustainable drainage scheme, given that further details have been received from the applicant.

Ecology Consultant

No additional comments; the previous comments remain valid.

Highway Authority

The amended access drawings are acceptable. With reference to the additional neighbour comments, below, there is no justification for asking the developer to provide replacement parking for that lost on the on the Drill Hall access road, given that this is currently a goodwill arrangement that could be removed at any time.

Further Neighbour Response

One further letter received from a neighbouring resident, raising three issues:

- concern at the use of red brick, suggesting that this is now too prevalent in Oakham and that ironstone would be preferable
- lighting and landscaping should be carefully designed
- concern that existing parking on the access road will be displaced during construction works, and asking if some residents parking provision could be made available within the site.

Amended Condition

Recommended Condition 10 is now updated as a result of the Lead Local Flood Authority advice

10. No residential occupation shall take place until the sustainable drainage scheme for the site has been completed in accordance with the submitted details on Drawing No. 15771-SK240E Drainage Plan. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

PLANNING & LICENSING COMMITTEE

29TH AUGUST 2017

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
158/2017	4	2017/0245/FUL	Towngate Developments Ltd	Ketton

Further Neighbour Responses

A further four responses have been received to the re-consultation, The same objections as already set out for this re-consultation within the main report (height of the dwelling, number of bedrooms and associated traffic impact) are repeated. Objection is also raised about the dormer windows, the potential loss of privacy for a neighbouring dwelling and the impact on the character of the Conservation Area. One respondent then questions why the partly constructed dwelling has not been demolished in accordance with the previous committee resolution.

PLANNING & LICENSING COMMITTEE

29TH AUGUST 2017

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
158/2017	6	2017/0419/FUL	Mr Steve Jones	Morcott

Highways comments

No objection. 2 informative notes to the applicant have been requested. No conditions were recommended.

Further neighbour representations.

20 additional representations have been received in opposition to the scheme, with the following additional points raised beyond those addressed in the main report.

- The location plan shown in the committee report does not include extensions built to the rear of 17 Church Lane and Sundial House.
- Planning Officer's report does not indicate the significance of the Morcott Conservation Area Appraisal.
- The well on the site should be investigated.
- The digging in to the ground of the proposal will affect the hydrogeology of the locality, and could potentially affect underground water flow patterns causing adverse effects to older buildings in the locality. A full hydrogeological and environmental impact survey should be undertaken to establish the potential impacts of the development.

A letter of support has been received from the co-owner of an adjacent listed building, he considers that the scheme is sympathetic, materials are far more appropriate, that it is a modern design is of no consequence, the site is secluded and cannot be seen. Astonished at the level of objection and considers that villages should not be preserved in aspic.

Heritage Impact Assessment

An independent heritage impact assessment of the proposal has been received from the neighbouring landowner relating to the proposal. This states that it was commissioned to 'challenge' a planning application.

The assessment concludes first that the form of the new dwelling would be at odds with the criteria described in the Morcott Village Plan (2013) and the Morcott Conservation Area Appraisal (2014), in particular due to an erosion of their traditional setting causing substantial harm especially in the case of Sundial House. Secondly, the HIA concludes that the Morcott Conservation Area is unable to absorb such a starkly incongruous building. Furthermore, it states that it is possible that the site contains buried archaeological remains and that such remains are likely to be well-preserved, which would be destroyed by the proposed development but could be mitigated by a programme of archaeological investigation, excavation and recording.