
Variation of condition 2 of planning permission 08/00362/FUL to allow an increase in the number of caravans that can be stationed on the site at any one time to 5, of which 2 can be occupied as residential accommodation at anytime.

Report Item No
A10

46 Bardon Road Coalville Leicestershire LE67 4BH

Application Reference
12/00390/VCU

Applicant:
Mr James O' Connor

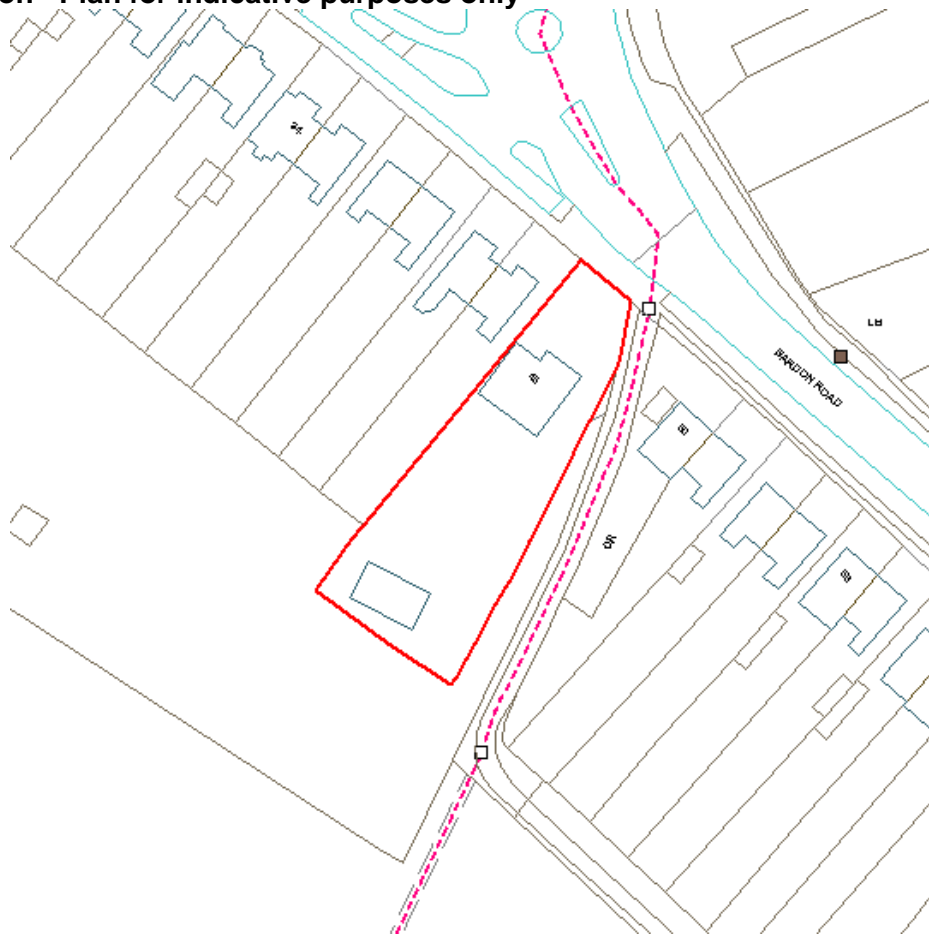
Date Registered
2 May 2012

Case Officer:
Joe Mitson

Target Decision Date
27 June 2012

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Recommendation

Proposal

The application comprises a variation of condition 2 of planning permission 08/00362/FUL to allow an increase in the number of caravans that can be stationed at the site at any one time to 5 of which 2 can be occupied as residential accommodation at any time.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals from the occupier of neighbouring properties; no other objections are raised by the statutory consultees.

Planning Policy

The site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application however is visual and residential amenity and highway safety.

Conclusion

The site has the benefit of permission for a mixed use of residential and caravan storage and the proposal seeks to increase the number of caravans stored from one to three. This is considered acceptable in terms of land use terms and would not have a significant impact on visual or residential amenity. Furthermore, no objection has been raised by the Highway Authority and conditions can be imposed relating to the access, parking and landscaping.

Recommendation:-

PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

The application comprises a variation of condition 2 of planning permission 08/00362/FUL to allow an increase in the number of caravans that can be stationed at the site at any one time to 5 of which 2 can be occupied as residential accommodation at any time.

There is a detailed history on the site. The most relevant includes 08/00362/FUL which was allowed on appeal for a mixed use of the land as a single dwelling and as a caravan site. Condition 2 stated: "No more than 3 caravans shall be stationed on the site at any time, of which no more than 2 shall be occupied as residential accommodation at any time, and all caravans positioned on the site shall be capable of being lawfully towed on the public highway, without division into separate parts".

The application is retrospective.

2. Publicity

13 Neighbours have been notified (Date of last notification 4 May 2012)

Site Notice displayed 4 April 2012

3. Consultations

County Highway Authority
Head of Environmental Protection
County Highway Authority
Head of Environmental Protection

4. Summary of Representations Received

Highway Authority: no objections, subject to a condition for a layout plan to be submitted showing adequate parking provision for the caravans.

Environmental Protection: no objections.

Two letters received objecting on the grounds that objections won't make any difference, the caravans will be visible from nearby dwellings, noise, questions how will it be monitored and work is carried out first without permission.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date 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.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The sections of the NPPF that are relevant to this application are:

- 4 - Promoting Sustainable Transport through reducing greenhouse gas emissions, achieving sustainable modes of transport, providing safe and suitable access for all and improving the transport network;
- 7 - Requiring Good Design through seeking high quality and inclusive design for all, effectively connecting people and places and refusing poor design;
- 11 - Conserving and Enhancing the Natural Environment by protecting and enhancing landscapes, minimising the impact on biodiversity and recognising the benefits of ecosystem services.

National Planning Policy for Traveller Sites March 2012

The PPTS sets out the Government's policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework. This is not detailed in this report as the proposal relates only to the storage of two additional caravans and does not relate to the creation of additional pitches.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan:

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

Policy S2 states that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Policy T8 relates to parking.

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle

The site is within the limits to development and has the benefit of permission to change the use of the site to a mixed use as a single dwelling and a caravan site. This permission was granted under 08/00362/FUL on appeal subject to a number of conditions. These included C2 stating that no more than 3 caravans shall be stationed at any time with no more than 2 occupied for residential accommodation.

The proposal seeks to vary this condition to allow the stationing of a total of five caravans of which two would be residential. A plan has been submitted illustrating the layout of the site which depicts the applicant's tourer, two residential caravans and two stored caravans.

The condition was imposed in order to limit the use of the site to ensure the use remains compatible with surrounding uses and occupiers, to minimise the use of the access on the grounds of highway safety and to ensure the use of the site did not become over-intensive.

The proposal seeks to increase the number of caravans stored, but not be occupied, from one to three. They are sited adjacent to the footpath and away from the nearest residential properties. It is not considered the proposed increase would lead to significant negative impacts. The site is capable of accommodating the extra caravans and as they would only be stored there would be no significant increase in noise or disturbance or additional people residing on the site.

It is therefore concluded that the proposal would be acceptable in principle and would uphold the general thrust of the condition imposed at the appeal.

Design and Visual Impact

The proposed additional caravans are sited towards the rear of the site, well set back from the public highway to the north. The site is well landscaped and with the perimeter fencing views into the site are not easily available from the public realm. As a result the visual impact of the two additional caravans is limited. It is not considered, on balance, and notwithstanding the footpath adjacent, that the storage of the two extra caravans, have a significant impact of the visual amenities of the site and surroundings. The proposal therefore complies with policy E4.

Residential Amenity

The site has housing to the east and west with dwellings to the north set well back from the highway boundary and separated by Bardon Road. The dwellings to the east are separated by the footpath and the site of the additional caravans is to the rear portion of the site, a significant distance from the neighbouring dwellings. To the west the two additional caravans are separated by the approved three caravans and are on the far side of the site, away from the boundary.

Notwithstanding the objections raised, as the caravans would not be occupied it is not considered the siting only of two additional caravans would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties. As such the proposal is considered to comply with policy E3.

Highway Safety

The site is accessed from Bardon Road and has an on-site turning area. The Highway Authority raise no objection subject to a condition relating to the provision of adequate parking on the site. It is considered the site could accommodate the five caravans, the turning area and adequate parking and therefore a condition is recommended to illustrate the parking to serve the two

occupied caravans and the dwelling.

On upholding the appeal the Inspector imposed a condition requiring a scheme designed to provide safe access to and egress from the site and on-site parking and turning. It appears this condition was not complied with and can be imposed on this current application.

It is therefore considered the proposal complies with policies T3 and T8.

RECOMMENDATION - PERMIT subject to the following condition(s):

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller sites (2012) Annex 1 Glossary: Definition 1 and subject to the provisions of Condition 3 below.

Reason: To ensure the site continues to contribute towards the provision of accommodation for gypsies and travellers

- 2 No more than 5 caravans shall be stationed on the site at any time, of which no more than 2 shall be occupied as residential accommodation at any time, and all caravans positioned on the site shall be capable of being lawfully towed on the public highway, without division into separate parts.

Reason: To ensure the site remains compatible with the surroundings

- 3 The occupation of the site hereby permitted shall be carried on only by Mr Connors children, their partners and resident dependants. When the land ceases to be occupied by these residents the use hereby permitted shall cease and all caravans brought onto the land in connection with the use shall be removed.

Reason: In order to ensure the use of the site remains in the same use as the associated dwelling

- 4 The use shall cease and the caravans shall be removed from the site within 4 months of the date of this decision unless full details of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the approval of the scheme unless an alternative implementation programme has first been agreed in writing with the Local Planning Authority. The details shall include means of enclosure, car parking layouts, minor structures e.g. furniture, refuse or other storage units, lighting.

Reason: To ensure a satisfactory external appearance

- 5 This permission shall relate to the following plans: 1:1250 Location Plan received by the Local Planning Authority 20th June 2012 and A4 Site Plan 1:500, received by the Local Planning Authority 20th June 2012.

Reason: To determine the scope of the permission

- 6 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: To ensure the landscaping scheme is adequately maintained

- 7 The use shall cease and the caravans shall be removed from the site within 4 months of the date of this decision unless full details of a scheme designed to provide safe access to and egress from the site, and on-site parking and turning, to serve the dwelling and caravans, has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with a programme to be agreed in writing by the Local Planning Authority and shall thereafter be retained.

Reason: In the interests of highway safety

- 8 The existing perimeter fencing around the site shall be retained in its current form unless any variation is agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenities of neighbouring properties and to ensure adequate boundary treatment

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).