

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15th January 2014

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APPLICATION REF. NO: 13/00902/FUL

STATUTORY DECISION DATE: 29/12/13

WARD/PARISH: Hurworth

LOCATION: Lygon House, Neasham Road, Darlington

DESCRIPTION: Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches, plus erection of boundary wall and fencing and remodelling of existing stable block.

APPLICANT: Mr and Mrs Thomas.

APPLICATION AND SITE DESCRIPTION

It is proposed to change the use of part of the rear garden of Lygon House into a mixed use equestrian and residential Gypsy site. Each of the three pitches will include space for a mobile home, a touring caravan and a car park. A separate shared amenity block is proposed and an existing stable block will be refurbished and extended.

Access will be via an existing driveway to Lygon house and the occupiers of the three plots will be relatives of the applicants.

The site is located adjacent to existing industrial/office buildings and near the Strait Lane Neasham Road junction. Lygon House has recently been refurbished/extended.

PLANNING HISTORY

There have been a number of planning applications relating to this site – some of which related to Lygon House but more relevant applications relate to the garden area:

09/00283/FUL – Alter and extend stable block – approved July 2009 now expired

12/00780/FUL - Change of use of land and laying of hardcore for use as residential land for five Gypsy pitches, plus erection of boundary wall and fencing and remodelling of existing stable block – withdrawn March 2013

13/00513/FUL - Change of use of land and laying of hardcore for use as residential land for five Gypsy pitches, plus erection of boundary wall and fencing and remodelling of existing stable block – refused August 2013 on visual impact grounds.

PLANNING POLICY BACKGROUND

Government Planning Policy for Traveller Sites March 2012. (PPTS).
The National Planning Policy Framework (NPPF).
Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.

RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted. Two letters of objection have been received raising the following issues:

- Other Council owned sites should be used rather than open countryside sites.
- Gypsies should not be given preferential treatment for living in open countryside locations.
- There are already too many Gypsy sites in this area.

Consultee responses –

Environment Agency – No objection subject to conditions relating to location outside flood zone.

Environmental Health – No objections – requests conditions.

Parish Council – Object on road safety grounds and impact on traffic generated by industrial uses nearby.

Northumbrian Water – No objections.

Transco – No objections.

CPRE – Object on grounds of sporadic development in open countryside away from Council owned sites. Road safety issues at busy junction nearby. Cumulative impact of continued gypsy developments in this area. High density of development.

Highways Engineer - Visibility to the south from the private access is slightly restricted by the bend in Neasham Road to approximately 130m which is equivalent to a Stopping Sight Distance for a speed limit of around 50mph. Visibility to the north is unrestricted and complies with current guidance for a 60mph carriageway. Based on the Police accident records there have been no reported accidents in the last 5 year within 100m of the private access in question.

Given that this is an existing access that serves a private dwelling and the traffic volumes from a site that contains 3no static/mobile home pitches would be relatively low, it is deemed that the access is of a suitable size and location to serve the mixed use site to the rear.

PLANNING ISSUES

The main issue to consider in relation to this application is whether the proposal is in compliance with the planning policies for Gypsies and travellers, taking into account relevant appeal decisions within the Borough and the established need for more Gypsy site accommodation in Darlington.

Darlington Local Development Framework Policy CS13 (Accommodating Travelling Groups) is relevant in the determination of this application. This policy sets out criteria against which applications for planning permission and sites for eventual allocation, as gypsy sites should be considered. The policy indicates :

Provision will be made for travelling groups at the existing sites of Honeypot Lane, Neasham Road and other small sites within the Borough. Where required, additional sites for Gypsies and Travellers and Travelling Showpeople will be allocated in accordance with the following criteria, which will also be the basis for determination of windfall sites, ensuring that sites:

- a) have appropriate access, and are in a sustainable location for schools, shops, employment opportunities and other local facilities and services; and*
- b) are located and designed so as not to have an unacceptable negative impact on existing residential amenity or existing landscape character; and*
- c) are appropriate to provide a safe and healthy environment for residents; and*
- d) are located in areas not at risk from flooding; and*
- e) are located and designed so as not to have a significant negative impact on the natural, archaeological or historic environment.*

Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.

In assessing the above, a strong material planning consideration is the recent Appeal decisions for Gypsy plots on land along Snipe Lane and at Sadberge.

Within an appeal against a refusal of permission for a single plot on Snipe Lane in 2009 the Inspector concluded that the site complied with all of the criteria of the Local Plan policy H21 in force at that time, in particular the location of the site was seen to be acceptable in terms of accessibility to services such as doctors etc, bearing in mind at the time Circular 01/06 paragraph 54 which stated that : *“local authorities should be realistic about the availability or likely availability of alternatives to the car in assessing local services “*. A similar opinion was voiced by an Inspector at a more recent Hearing at Sadberge. It is considered therefore that the current site is similarly acceptable and that criteria a) above is met.

Criteria c) and d) above are considered to be satisfied by the proposal as the Environment Agency have not raised any objections on flood risk grounds.

The only criteria where the proposal may conflict are b) and e) in relation to the impact of the proposal on landscape character/natural environment.

Visual Impact on Landscape Character –

The previous planning application to create five residential Gypsy pitches was refused on visual impact grounds. Since that application the current proposal has been put forward with the following changes to the original :

- Replacement of 1.7 metres high brick wall from prominent southern boundary with a post and rail fence.
- Reduction in numbers of pitches from 5 to 3.
- Increased landscaping around the site perimeter.

In addition to the above, consideration has to be made of the existing large and somewhat unsightly buildings on adjacent land which are visually prominent in views from Strait Lane.

There will however be some visual impact from the development within this rural location which needs to be assessed in relation to the other material planning matters referred to above. In addition Policy CS13 states that :

Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.

Clearly this proposal is located in none of the above locations and is therefore contrary to this element of the policy.

In assessing the suitability of the site for Gypsy accommodation, the planning issues above must be taken into account along with other material planning considerations, These are seen as :

- The lack of other available sites in the Borough
- The accepted need for new sites in the Borough
- The limited visual impact of the proposal on the wider environment

Whilst the site is not a brownfield, previously developed site, as *preferred* by Policy CS13, the site is owned and directly associated with Gypsy families and is located adjacent a previously developed area of land to the north.

The main public viewpoints where the site can be readily seen is from parts of Strait Lane and parts of the public footpath running to the west of the site.

In both these cases the site will be seen in the context of the presence of large scale industrial buildings nearby and from the footpath, the proposed stable building (which has the benefit of a previous permission) will have a screening effect .

The recently issued Government advice note “ Planning Policy For Traveller Sites – 2012” broadly reflects the aims of Core Strategy Policy CS13 and is therefore supportive of this proposal.

Conclusion

It is considered that the development is acceptable in this location, being reasonably well screened from prominent view and seen in the context of large scale development nearby. Furthermore the site has direct associations with the adjacent dwelling and will be occupied by relatives of the occupier of that dwelling. It is therefore considered that, with the material

planning considerations referred to above outweighing any minor conflicts with adopted local planning policies, planning permission should be granted in this instance.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

RECOMMENDATION

That subject to no objection being received from the Environment Agency, Planning Permission be GRANTED with the following conditions:

1. A3 – Implementation time
2. B5 – Accordance with plans.
- 3 The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller Sites” 2012.
Reason – In order that the development complies with Core Strategy Policy CS13
- 4 The site shall be for three individual pitches.
Reason – For the avoidance of doubt.
- 5 The occupiers of the pitches hereby approved shall be directly related to the occupiers of Lygon House adjacent.
Reason – The site layout and location is such that it is considered to be inappropriate for use by residents independent of the occupiers of Lygon House in terms of impact on residential amenity.
- 6 The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority.
Reason – In the interests of the character of the locality.
- 7 No commercial activities shall take place on the land, including the storage of materials. .
Reason – In the interests of the character of the locality.
- 8 B4 – Details of materials
- 9 E2 – Landscaping
- 10 The development hereby approved shall only be carried out in strict accordance with the Flood Risk Assessment prepared by Peter Kite Associates including the mitigation measures contained therein.

Reason – In the interests of public safety.

11 Before the development hereby approved commences the applicant must either: -

- a. Investigate the site for landfill/ground gas and carry out a gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details shall be submitted to, and approved by, the Local Planning Authority; or,
- b. Install gas protection measures as a precautionary measure without first investigating the site. The details of the gas protection measures shall be submitted to, and approved by, the Local Planning Authority.
- c. For a. and b. all required measures shall be installed before the development is first occupied.

Reason – In the interests of public safety.

The following policy documents have been taken into account

Government Planning Policy for Traveller Sites March 2012. (PPTS).

The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.