

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17th December 2014

Page

APPLICATION REF. NO:	14/00951/FUL
STATUTORY DECISION DATE:	28/12/14
WARD/PARISH:	Heighington and Coniscliffe
LOCATION:	Oxmoor Nurseries, Heighington
DESCRIPTION:	Two additional gypsy pitches
APPLICANT:	Mr M Howard

APPLICATION AND SITE DESCRIPTION

The site lies just over 2 kilometres to the west of Heighington opposite a road junction to Bolam. It is set back from the A68 just over 100metres. It is one of a number of individual properties fronting onto this busy road in this locality.

Planning permission was granted for a single Gypsy pitch in 1997 on appeal. Since then two further pitches have been created without planning permission – this application aims to regularise the current situation so that planning permission will exist for three mobile homes and three touring caravans for three Gypsy families – in this case all related to the applicant.

PLANNING HISTORY

96/00082/MISC Permission for single private Gypsy site and associated use of barn for workshop refused permission May 1996 – Appeal allowed

PLANNING POLICY BACKGROUND

- Core Strategy Policy CS13 Accommodating Traveller Groups
- Core Strategy Policy CS14 Promoting Local Character and Distinctiveness
- Government Planning Policy For Traveller Sites - 2012

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and objections were received from one resident raising the following issues :

- Access is opposite a very dangerous junction on a busy road.
- Other development nearby has been refused in the past on road safety grounds
- The site should remain as a smallholding not a Gypsy site.
- Precedent will be set for other similar proposals nearby if approved.

Another resident has written in querying the precise nature of the application.

Parish Council – Object for the following reasons :

- Area already over subscribed with Gypsy sites
- Precedent may be set for more applications here
- Too many Gypsy sites are causing rubbish problems and similar,

Environmental Health Officer – No objections; requests conditions attached to any permission.

Highways Officer – has made the following comments :

The existing access onto the A68 is approximately 6.5m wide adjacent to the edge of the A68, narrowing to around 5.5m at 10m back between the existing stone walls which is suitable to allow unhindered two way traffic which is important as the A68 is a high speed road and vehicles entering the site should be able to pull into the private access road immediately without having to wait for exiting vehicles to clear.

There has been 3no. accidents within the previous 5 years accident data which when interrogating the accident data appears to be all driver error, failing to give way/driving without due care and attention associated with the access junction of the C45 (2 incidents were pedal cycles) and given the speed of the road, any accident would be of a more serious nature than accidents within a 30mph zone.

Visibility from the private access onto the A68 to the south complies with the standards for a 60mph speed limit, however the visibility to the north is restricted due to the bend in the carriageway down to around 120m which equates to around a 40-50mph approach speed. Given the bend in the A68 carriageway on the approach and the combined slight uphill gradient towards the private access junction, it is reasonable to expect a slight reduction in the speed of approaching vehicles, therefore the reduction in visibility could be accepted.

There is an existing road side direction sign which is located to the north of the private access junction and could pose a visibility issue for larger vehicles i.e. vans, trucks etc where the driver is sitting higher in the driver's seat than a normal car, therefore I would request that the sign be relocated or raised (currently 1.8m to the bottom of the sign plate, raise to 2.4m maximum) to increase visibility from the access and this should be secured as a condition of approval.

In order to ensure that no loose material is pulled onto the highway a condition should be included with an approval requiring that the first 10m of the private drive within the property is constructed in a sealed material (i.e. not loose gravel).

The access point is not ideal, however given this is an existing access to a farm with associated traffic movements and the 3no. pitches would not significantly increase the generated traffic from the site, there would not be sufficient ground to constitute a highway refusal to this application.

I would request that the following conditions be included with an approval:

In order to ensure that no loose material is pulled onto the highway, the first 10m of the private drive within the property should be constructed in a sealed material (i.e. not loose gravel).

The existing highway direction sign should be relocated/placed on longer posts in order to improve visibility to the north of the access junction and the works should be completed before first occupation of the pitches.

I would request that the following informative is included with an approval.

The applicant is advised that amendments to the direction signage on the A68 will be required to improve visibility from the private access junction and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mrs. Brenda Bowles 01325 406708) to discuss this matter.

PLANNING ISSUES

The main planning issues relating to this application are those of planning policy and whether the proposal conflicts with policy taking into account all other material planning considerations.

Planning Policy

The relevant planning policy framework for considering this application is as follows

- Core Strategy Policy CS13 Accommodating Traveller Groups
- Core Strategy Policy CS14 Promoting Local Character and Distinctiveness
- Government Planning Policy For Traveller Sites - 2012

The North East RSS (now revoked) gave a broad indication of where additional Gypsy sites needed to be and this was reinforced by later work in The Tees Valley Gypsy and Traveller Accommodation Needs Assessment which was published in 2009 and forms part of the evidence base for the Core Strategy. This reinforces the opinion that there is an unmet need for more Gypsy pitches in the Darlington Borough area. This is accepted by this Council.

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 considering the above officers have to take into account the status of the existing site as a Gypsy site for one family and the existing barns and other buildings currently on site.

With the appeal decision establishing that the site is suitable for use as a Gypsy site of the above criteria, only b) and c) above may be considered to be relevant.

B) It is considered that the limited extension of the site will not have a detrimental impact on the character of the local landscape sufficient to warrant a refusal of planning permission. The presence of a number of barns/stables and the existing mobile home have already reduced the rural character to a certain extent; the addition of the proposed development will not be likely to increase this impact to any material degree.

C) Road safety issues have already been raised by a local resident and the Highway Engineer's report is reproduced above. It is considered that providing his recommendations are carried out then the development should not result in a material increase in road safety issues.

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

1. A3
2. B5
3. The site shall only be occupied by gypsies as defined in Government advice note "Planning Policy For Traveller Sites – 2012. REASON – In order that the development complies with the Darlington Local Development Framework Policy CS13 (Accommodating Travelling Groups)
- 4 The site shall only be occupied by a maximum of three gypsy families. REASON – In the interests of the character of the locality.
- 5 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.
- 6 No commercial activities shall take place on the land, including the storage of materials. REASON - In the interests of the character of the locality.
- 7 A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this approval. It shall be fully implemented concurrently with the development. Any trees or shrubs removed, dying or

becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of 5 years to the satisfaction of the Local planning Authority.

REASON –To ensure a satisfactory appearance of the site and in the interests of the visual amenity of the area.

8 Within 3 months of the date of this permission the first 10m of the private drive within the property shall be constructed in a sealed material (i.e. not loose gravel) and thereafter maintained in such condition. REASON In order to ensure that no loose material is pulled onto the highway in the interests of safety.

9. Within 3 months of the date of this permission amendments to the direction signage on the A68 shall be implemented in accordance with a scheme to be previously agreed with the Local Planning Authority. REASON:- to improve visibility from the private access junction in the interests of highway safety.