

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15th January 2013

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APPLICATION REF. NO:	13/00700/FUL
STATUTORY DECISION DATE:	10/11/13
WARD/PARISH:	Hurworth
LOCATION:	Snipe Lane, Darlington
DESCRIPTION:	Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches.
APPLICANT:	Mr James Mounsey

APPLICATION AND SITE DESCRIPTION

This application site forms a continuation of an adjacent site currently under construction and is to consist of a mobile home, one touring caravan and a utility building on each plot to be occupied by Gypsies.

Access to the site would be via an internal track leading from the adjacent partially constructed Gypsy pitches which in turn comes in from Snipe Lane, which is a narrow unadopted but now tarmaced road leading to the A66 approximately half a kilometre to the North.

The site is screened from Snipe Lane by hedgerows but can be seen from the East Coast Main Railway Line to the west. The site adjoins a paddock which extends to the railway line.

PLANNING HISTORY

None on this site but nine plots approved on nearby land.

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. No comments have been received.

Consultee responses –

Environment Agency – Requests drainage conditions to be submitted.

Environmental Health – No objections.

Highways Agency – Original objections to further intensification of use of the Snipe Lane/A66 junction overruled at appeal therefore no objections subject to certain conditions being imposed on any permission. New guidance issued by the Government has restricted the scope for requiring improvements to the Snipe Lane/A66 junction so there is no longer a numerical limit on the number of vehicle movements a day that can use the junction. It is hoped that the Highways Agency will be attending the Meeting to advise Members in more detail.

Parish Council – Object on road safety grounds.

Northumbrian Water – No objections.

Transco – No objections.

Northern Power Grid – No objections

CPRE – Objection on visual impact ground and piecemeal development beyond authorised sites run by the Council. Also continued road safety issues with the A66.

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 the appeal history along Snipe Lane.

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 history for Gypsy plots on land elsewhere along Snipe Lane.

Within an appeal against a refusal of permission for a single plot on nearby land 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* “. 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.

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 – Again with reference to a nearby appeal decision, the Inspector concluded that the site generally was reasonably well screened from a number of viewpoints and that the only prominent views would be from the entrance to the site and from the railway, usually at speed.

There will however be some visual impact 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 locality does have a history of associations with Gypsy accommodation, both well established as on adjacent land and more recently at the appeal sites referred to above and other nearby sites with the benefit of planning permission.

The land is not designated as being of ecological or landscape significance and its use as a Gypsy site is in compliance with the majority of the relevant Core Strategy criteria.

Of particular significance is the fact that the initial concerns of the Highways Agency with regard to access, have been tested at appeal on two other similar sites nearby – the appeal Inspector concluding that the limited increase in traffic using the Snipe Lane/A66 junction was not such as to create a road safety hazard sufficient to warrant refusing planning permission. Significantly it was agreed however that a threshold of 300 vehicle movements a day using the Snipe Lane/A66 junction would be the “cut off “ point where junction improvements would be needed before any more development could be approved along Snipe Lane. New guidance issued by the Government to the Highways Agency has restricted the scope for requiring improvements to the Snipe Lane/A66 junction so there is no longer a numerical limit on the number of vehicle movements a day that can use the junction.

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 adjacent an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

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 Gypsy or Traveller pitches.
Reason – For the avoidance of doubt.
- 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 K2 – Foul and surface water disposal

8 B4 – Details of materials

9 E2 - Landscaping

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the development is acceptable in this location, being adjacent an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

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.