

COMMITTEE REPORT

Date: 24 October 2013 **Ward:** Osbaldwick
Team: Commercial Team **Parish:** Osbaldwick Parish
Council

Reference: 13/02704/GRG3
Application at: Travellers Caravan Site Outgang Lane Osbaldwick York
For: Extension to existing travellers site to accommodate 6no. additional pitches with associated amenity buildings, amenity space with 2 metre high fence surround, grazing areas and shelters for horses. Provision of additional land to the south of existing site to allow for expansion of existing pitches and space for future portakabin site office.
By: Ms Kate Grandfield
Application Type: General Regulations (Reg3)
Target Date: 10 October 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Extension to council-owned travellers site to accommodate six additional pitches, each with its own single-storey, semi-detached amenity building. The extension will include an all-age amenity area and children's play area, totalling approximately 0.12ha. The extended site would include field shelters for the travellers' horses, which would graze on adjacent agricultural land to the north and west. A 5m-wide strip of agricultural land immediately to the south of the travellers' existing site would be included within the site to increase the size of existing pitches and provide space for a future 'portakabin'-type site office.

1.2 The extension would have a similar layout and character to the existing site. Access would be provided by extending the internal access road through the existing site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Common Land and Village Greens GMS Constraints: CL 94 - Outgang Lane Became Void 25 June 1973.

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

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2.2 Policies:

CYH16 - Residential sites for gypsies/travellers

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CGP15A - Development and Flood Risk

3.0 CONSULTATIONS

3.1 Highway Network Management - No highway implications.

3.2 Flood Risk Management - No objection in principle subject to approval of full foul and surface water drainage details prior to commencement.

EXTERNAL

3.3 Murton Parish Council - Objection. The council is judging its own application. Strategic decisions such as this should be taken when the new local plan is considered. There is no evidence that York has a shortfall of 36 sites. The council must show that it is able to manage the present site effectively before it is enlarged. This application may be the first of a planned expansion. The surrounding industrial/commercial area is incompatible with good housing. A community impact assessment is warranted.

3.4 Osbaldwick Parish Council - Objection. Given the problems this site has caused since CYC assumed responsibility in 1996 the local authority should give consideration to the site's closure rather than expansion.

3.5 Julian Sturdy MP - Objection to any expansion of the existing site until it can be shown to be well managed, which it is not currently. The current site has an adverse impact on the local community. There is no sound calculation of need applicable to the Osbaldwick site. No very special circumstances to justify approval have been demonstrated. A public inquiry should be held. A community impact assessment should be carried out.

3.6 Environment Agency - No objections.

3.7 Public Consultation - The consultation period expired on 4 October 2013. One objection has been received from a neighbouring farmer citing: inadequate site management including inadequate prevention of unlawful horse-grazing of neighbouring farmland, overcrowding of pitches, lack of enforcement action against breaches by travellers of their licence agreements.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- o Provision of sites for gypsies and travellers
- o Impact on the green belt and visual appearance
- o Landscaping
- o Drainage
- o Site Management

PLANNING POLICY CONTEXT

4.2 National Planning Policy Framework (Green Belts) - The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). The NPPF lists the types of development that are acceptable in the green belt. Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development should not be approved except in very special circumstances that outweigh any harm to the green belt. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The provision or enlargement of travellers' sites, whether temporary or permanent, in the green belt constitutes inappropriate development and should not be approved except in very special circumstances.

4.3 The NPPF is supplemented by Planning Policy for Traveller Sites (PPTS, March 2012). It states that the Government's overarching aim is to ensure fair and equal treatment for travellers. To achieve this local planning authorities should, inter alia, make their own assessment of need, develop fair and effective strategies to meet that need, plan for sites over a reasonable timescale, protect the green belt from inappropriate development, increase the number of travellers sites in appropriate locations, enable provision of suitable accommodation from which travellers can access education health, welfare and employment infrastructure and have due regard to protecting local amenity and local environment. When considering planning applications for travellers' sites local planning authorities should consider the existing level of local provision and need.

4.4 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.5 H16 - In determining applications for gypsy/traveller sites the following criteria will be taken into account: proximity to local services; the potential for safe access; the extent to which the site impacts on important open areas; visual integration with the surrounding area; and potential impact on the amenity of the environment, neighbouring properties, sensitive agricultural land or other land uses.

4.6 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.7 GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.8 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.9 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

THE APPLICATION SITE

4.10 The existing travellers' site lies at the closed northern end of a long cul-de-sac (Outgang Lane), which passes through an industrial estate. The site has 12 caravan pitches arranged around an internal access road. Each pitch has a single-storey, semi-detached amenity building comprising a dayroom/kitchen, utility room and bathroom. The extension would be located on agricultural land immediately to the west of the existing site. The application site is in the green belt and abuts the settlement limit of York to the south.

4.11 To the north of the proposed extension is agricultural land, which would provide grazing for the travellers' horses. To the east is the existing travellers' site and to the south is the enclosed yard of a builders' merchant. To the west is open industrial land occupied by a skip hire company for the storage of recycled materials

(mainly aggregate). The existing and proposed sites are largely flat except for earth bunds along part of the boundary of the existing site.

IMPACT ON THE GREEN BELT

4.12 The site is in the green belt where use of land as a travellers' site is inappropriate except in very special circumstances. A key issue for this proposal is therefore whether very special circumstances exist to justify approval.

4.13 The PPTS requires local planning authorities to have identified, by March 2013, a five-year supply of deliverable sites. A shortfall in the five-year supply would be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

4.14 The 2008 North Yorkshire Gypsy and Traveller Accommodation Assessment (NYGTAA) identified a need for 36 pitches in York up to 2015. Work to support the Local Plan Preferred Options updated this study and showed a need for 23 further pitches for the first five years of the plan period, bringing the total to 59.

4.15 The application site was submitted as a suitable travellers' site during the Autumn 2012 Call for Sites but had already been identified by Housing Services as a possible permanent site for travellers. During the sifting process the site was identified as an appropriate site and was included in the Local Plan Preferred Options for consultation purposes. This reflected work done by Housing Services prior to the Call for Sites. Whilst the Preferred Options include other potential sites there is no guarantee that any of these sites will become travellers' sites. Moreover, the shortfall in demand for such sites already exists and has been known since the GTAA was published in 2008. Bearing in mind that almost all of the CYC area outside development limits is in the green belt it is inevitable that at least some of the shortfall has to be provided on green belt land.

4.16 In officers' view the shortfall in the number of currently-available pitches, the requirement to identify suitable sites and the difficulty in finding suitable sites within the settlement limit constitute very special circumstances that outweigh harm to the green belt. The principle of extending the site as proposed is therefore acceptable.

VISUAL APPEARANCE

4.17 Whilst Outgang Lane is a public highway very little traffic has cause to travel to the far end except that which is related to the travellers' site. Furthermore the site is well screened from the south by the builders' merchant, from the west by a substantial earth bund and from the east by the existing travellers' site. To the north is open agricultural land across which the public do not have access. The application site is therefore not easily visible from any public viewpoint. Furthermore, the caravans are, by definition, single-storey in height, as would be the

amenity buildings. A bund along the open boundaries, supplemented by planting, would further screen the proposed site. In summary, the visual impact of the extension would be small and not significantly greater than the visual impact of the existing site.

DRAINAGE

4.18 The site is in flood zone 1 and is unlikely to suffer from river flooding. Nevertheless, the site is poorly drained and frequently has standing water. The applicant is in the process of submitting proposals for the proper drainage of the site and attenuation to greenfield run-off rate. Members will be updated at the meeting.

SECURITY

4.19 Crime, as a result of the existing travellers' site, appears to be a concern of local residents. Officers understand that data for 2012 shows that 26 incidents of anti-social behaviour were reported on and within a 500 metre radius of the Osbaldwick site and only one theft from a car relating to the site. The anti-social behaviour figures do not necessarily all relate to the site and crime/ASB levels within Osbaldwick are not dissimilar to other parishes.

SITE MANAGEMENT AND HORSES

4.20 The council owns and manages the site. Housing officers do not see their role as 'controlling the residents' as individuals are responsible for their own behaviour regardless of tenure or type of accommodation. Nevertheless, the council operates a license agreement outlining the roles and responsibilities of the occupiers of the site and their visitors. It also has a site management plan and an action plan outlining the steps being taken to effectively manage the site for the benefit of the occupiers and the wider community. Officers understand that enforcement action is taken where there is evidence that a resident has breached their licence conditions.

4.21 A 'Protocol for Management of Horses in York' was approved by Cabinet members during 2013 and the appointment of a Bailiff is currently out to tender. The document outlines the route for enforcing the removal of horses from council land where they are illegally grazing and sets out how the council can support private land owners where horses are illegally grazing on their land.

SUITABILITY OF THE SITE FOR HOUSING

4.22 Murton Parish Council considers that the surrounding industrial/commercial area is incompatible with good housing. Whilst the area to the north is open countryside officers agree that the area to the south has a heavily commercial character. Nevertheless the existing site has been occupied by travellers for at least 20 years and is overcrowded. This suggests that whilst the character of the area

(including the access to the site) is far from ideal it has not deterred residents from living there. There is a severe undersupply of sites in York for travellers. Officers understand that the application site is available and consider that the presence of the existing site would help to integrate the extension into the surrounding area.

FUTURE EXPANSION

4.23 Murton Parish Council is concerned that the current application may be the first of a planned expansion. In response, whilst each application is judged on its merits, officers understand that the council has no plans to expand the Osbaldwick site other than as currently proposed. In order to prevent intensification of the current proposal officers recommend that conditions be attached limiting the maximum number of pitches, restricting the area for occupation by caravans and limiting the maximum number of caravans per pitch to one static and one tourer.

CYC AS DECISION MAKER

4.24 Objectors argue that the council should not judge its own planning applications. In response, planning legislation dictates that applications of this scale and character are normally determined by the local planning authority - in this case CYC - regardless of whether the local planning authority is the applicant. A typical example would be where the application is for an extension to a school or even a new school. The fact that an application is contentious is immaterial to the process. An exception would be where the Secretary of State has directed that he/she wishes to determine the application, instead of the local planning authority. Normally only applications for large developments of regional or national significance are called in. At the time of writing the Secretary of State had not called in the application. Therefore whilst it has attracted objections and the location of existing /potential travellers sites is currently a contentious issue in York, it should be borne in mind that the proposal is small in scale and of local significance, i.e to this Council area

COMMUNITY IMPACT ASSESSMENT

4.25 A Community Impact Assessment (CIA) is a tool for identifying the potential impact of a council's policies, services and functions upon its residents and staff. By systematically analysing a proposed policy, strategy or service a local authority can identify the likely effects on different community groups. A CIA was carried out in April 2013 for the Local Plan Preferred Options. It found that the draft plan would have a positive impact on gypsies and travellers (as a group) through the allocation of sites to meet the need for pitches. A CIA is not an appropriate tool for a planning proposal of local significance, such as the current application.

5.0 CONCLUSION

5.1 In officers' view the shortfall in the number of currently-available pitches, the requirement to identify suitable sites and the difficulty in finding suitable sites within the settlement limit constitute very special circumstances that outweigh harm to the green belt. Extending the site as proposed accords with national and local planning policy and is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 3993(05)01/A, 3993(05)02B and 3993(05)03/B.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The development hereby approved shall be used only as a residential travellers site and for no other type of domestic or business use.

Reason: To safeguard the character of the area and the openness of the green belt.

4 The number of caravan pitches on the extension hereby approved shall be limited to no more than 6.

Reason: To safeguard the character of the area and the openness of the green belt.

5 No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home), shall be stationed on any pitch at any one time.

Reason: To safeguard the character of the area and the openness of the green belt.

6 The area occupied by caravans and/or the parking of vehicles shall be restricted to the area shown hatched on the drawing entitled Plan A and dated 10 October 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the openness of the green belt and the character and appearance of the area.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, position and stock size of trees, shrubs and any other plants. It shall also include details of means of protecting the trees from horses and other grazing animals. The scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and their protection, since the landscape scheme is integral to the amenity of the development.

8 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

INFORMATIVE

In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

The submitted details should include:

Details of a flow control manhole to limit the surface water to the above rate;

Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored;

A topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details to prove suitability of existing outfall and connection of surface water to the York Consortium of Internal Drainage Boards drainage and foul to Yorkshire Waters sewers.

Details of the future maintenance/management of the drainage system.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority took the following steps: sought further information from the applicant about drainage, landscaping and issues raised by objectors; and applied conditions to the approval.

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