

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/02/2018	Item No: 5.8
Report Originator	Andrew Smith Development Team Leader	Application No: KET/2018/0022
Wards Affected	Welland	
Location	The Black Paddock, Park Hill, Braybrooke	
Proposal	s.73 Application: Variation of condition 2 of KET/2015/0065, in respect of the number of pitches	
Applicant	Biddle, Foster & Smith	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015.

REASON: In recognition of this being an area where constraining new permissions for open residential uses is necessary and to define the terms of this consent.

3. There shall be no more than 5 pitches on the site and on each of the pitches hereby permitted no more than 1 static caravan or mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), shall be stationed at any time.

REASON: In the interest of visual amenity, taking account of site size, and to define the terms of this consent.

4. There shall be no external lighting on site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of safeguarding the general amenity of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only.

REASON: To ensure that highway safety is not prejudiced in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The land shall not be used in connection with any trade, industrial or business use.

REASON: In the interests of safeguarding the general amenity of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0022

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2015/0065 – Change of use to permanent traveller site for 3no. pitches – REFUSED 03/07/2015. APPEAL ALLOWED (APP/L2820/W/15/3131916) 23/08/16.

KET/2013/0517 – Use of land as a traveller site for 3no. families – APPROVED (with a temporary time limit expiring 25/09/2015) 27/09/13.

KET/2010/0566 – Variation of Condition 1 of KET/2010/0288, change of time limit from temporary to permanent – REFUSED 08/10/10.

KET/2010/0288 – Retention of use of land as traveller site for 3 no. traveller families – APPROVED (with a temporary time limit) 29/06/10.

KET/2008/0289 – Retention of use as traveller site for 3 no. traveller families – APPROVED (with a temporary time limit) 18/06/08.

KET/2006/0086 – Use of land as travellers site for 3 traveller families (renewal of previous temporary permission) – REFUSED 23/05/06. An appeal against this application was withdrawn following a resolution by the planning committee to take no further action in respect of the breach of planning control until such a time that the Gypsy and Traveller Accommodation Assessment (GTAA) is completed, and site provision has been made available in accordance with the GTAA through the Local Development Framework.

KET/2003/0172 – Provision of 2 mobile homes for residential use and 2 touring caravans for temporary accommodation – REFUSED 17/04/03. APPEAL ALLOWED for temporary permission.

Site Visit

Officer's site inspection was carried out on 18/01/2018.

Site Description

The application site is an area of land of approximately 0.5ha in area located to the east of Braybrooke village and on the eastern side of Park Hill. To the north of the application site is a garden/plant centre in addition to a residential property whilst to the east there is open countryside. Land to the south is predominantly grassland with some hardstanding and buildings situated close to the Park Hill (the buildings are used to stable horses).

The application site has historically been divided into 3no. separate Gypsy pitches, as confirmed through permanent planning consent KET/2015/0065. The northern portion of the site is divided into 2no. pitches separated by a timber fence running north-south. The southern portion of the site, which is separated from the northern portion by a hedge running east-west, has historically provided a further 1no. pitch. The eastern side of the southern portion of the site was vacant and not used at the time that KET/2015/0065 was consented in August 2016.

The pitches are all covered with hardcore. Within the northern portion of the site there is a mobile home situated adjacent to Park Lane. This is supplemented by associated sheds and touring caravans (Pitch 2 – occupied by one of the families on-site). Within the rear northern plot there is also a mobile home supplemented by touring caravans (Pitch 3 – occupied by another of the families on-site). The site situation observed during the officer site visit at both Pitches 2 and 3 remains directly comparable to that observed when KET/2015/0065 was granted, i.e. there was no evidence of any intensification of use.

The southern pitch, when KET/2015/0065 was granted, contained a mobile home, 2no. touring caravans and an associated shed for storage (Pitch 1 – occupied by another family on-site). The situation upon the southern side of the site, occupied by that family, has now evolved to a position whereby three separate pitches are now in existence. That family continues to occupy Pitch 1 as originally granted permanent consent in 2016. However, the eastern portion of land originally noted as ‘vacant’ under KET/2015/0065 is occupied by two adult members of the family (each residing in a touring caravan) – they have therefore formed a separate pitch (Pitch 5). The western portion of this vacant land, i.e. sandwiched between Pitches 1 & 5, constitutes a further separate pitch (Pitch 4) occupied by three generations of another family who have ties with the occupiers of Pitch 1. At the time of the officer’s site visit, Pitch 4 contained two touring caravans and a timber amenity shed.

Proposed Development

It is proposed that planning condition 2 of extant planning permission KET/2015/0065, which clarifies the maximum number of traveller pitches permitted upon the site, be varied to increase the maximum number of permitted pitches from three to five. Should the application be approved, this would regularise the current situation on site – i.e. where five pitches are already currently in existence.

The subdivision at the southern side of the site allows for the two additional pitches to be at least 24m x 30m, accessed by the same track as for Pitch 1.

Any Constraints Affecting the Site

Open Countryside

4.0 Consultation and Customer Impact

Braybrooke Parish Council: Objection, the condition to limit the number of pitches was imposed for the reason of protecting visual amenity and should be enforced. The proposals would add further to an already excessive concentration of traveller pitches in the parish.

Arthingworth Parish Council: No comments to make on the application other than to note that when plans are granted by the Local Planning Authority, the Parish Council would like to see them implemented without further alteration.

Desborough Town Council: No comments received.

KBC Environmental Health: No comment.

Northants Police: No formal objection or comment.

Highway Authority: Upon the original application for three pitches (KET/2015/0065) it was requested that improvements be made to the site access; in this case no data has been providing the access arrangements. Requested access standards are specified by the Highway Authority.

Environment Agency: No objection, subject to the following informative being added to any consent:

'Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.'

Neighbours: Notification letters were sent out to close proximity neighbours and a site notice was erected adjacent to the site, no responses were received.

5.0 Planning Policy

National Planning Policy Framework

Policy 7. Requiring good design

Policy 11. Conserving and enhancing the natural environment

Planning Policy for Traveller Sites

Policy H: Determining planning applications for traveller sites

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3: Landscape Character

Policy 5: Water Environment, Resources and Flood Risk Management

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 31: Gypsy and Travellers and Travelling Show People

Local Plan

Saved Policy 7: Protection of the Open Countryside
Saved Policy RA5: Housing in the Open Countryside

Emerging Policies (Local Development Framework)

Site Specific Proposals Local Development Document Gypsy and Traveller Accommodation – Options Paper Consultation (June 2013)

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle & Policy Considerations
2. Landscape & Visual Impact
3. Residential Amenity
4. Access & Highways
5. Drainage
6. Human Rights

1. Principle & Policy Considerations

National Policy

Planning Policy for Traveller Sites (PPTS) requires that applications are determined in accordance with it, the presumption in favour of sustainable development and other policies contained within the National Planning Policy Framework (NPPF). In terms of sustainable development, consideration needs to be given to the three dimensions running through the NPPF, namely; economic, social and environmental elements.

The PPTS requires consideration to be given, alongside other matters, to:

Level of local provision and need for sites.

Availability of alternative accommodation for the applicants.

Other personal circumstances of the applicant.

Locally specific criteria used to guide the allocation of sites.

That applications should be determined from any travellers not just those with local connections.

The PPTS states that local authorities should strictly limit new traveller development in the open countryside that is away from existing settlements or outside areas allocated in the Development Plan. The PPTS also states that sites in rural areas should respect the scale of and not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure. The site that is the subject of this application is in the open countryside to the east of Braybrooke.

Local Policy

Policy 31 of the Joint Core Strategy (JCS) states that sufficient sites for gypsy and traveller accommodation will be identified in line with a robust evidence base and that planning applications should satisfy a list of specified criteria. These criteria cover such matters as the amenity impact, access, waste disposal and landscape impact – matters covered in the following issue specific sections of these considerations.

The Policy 31 criteria also requires that the size of the site and the number of pitches does not dominate the nearest settled community. Braybrooke Parish Council has put forward an objection on the grounds that this proposal shall further intensify an existing excessive concentration of pitches within the vicinity of Braybrooke. With respect to KET/2015/0065, the Inspector opined in August 2016 that the pattern of traveller sites is not so close to Braybrooke or so numerous so as to dominate the settlement. In this instance the proposals represent an addition of two pitches upon and within the boundaries of an existing established traveller site. In this context it is considered that there is no justification to veer from the position put forward by the Inspector with respect to this point. The proposals would not lead to an undue concentration of pitches so as to result in non-compliance with the requirements laid out in Policy 31 of the JCS.

Furthermore, Policy 31, in the interests of sustainability, requires that the site is closely linked to an existing settlement with an adequate range of services and facilities. Within the Inspector's considerations upon KET/2015/0065 it was concluded that Desborough (i.e. the settlement that provides for the day-to-day needs of the existing occupants upon the site), although physically detached, has established economic and social links with the application site. There was no identified conflict with this requirement of Policy 31 therefore. There is no reason to suggest that this stance should be any different now, particularly given the wider family associations in place between the occupants of established and proposed pitches on-site. As described in the submitted Planning Report, there is a concept of close family ties on the site that would continue to be in place should permission hereby be granted.

Emerging Local Policy

Kettering Borough Council will shortly be commissioning a Gypsy and Traveller Accommodation Assessment (GTAA) to identify pitch need in the Borough. The Gypsy and Traveller Site Allocation Local Plan will allocate sites to meet need for Gypsy and Traveller accommodation identified through the GTAA. The draft timetable for preparing this document includes consultation on the Draft Plan during October to December 2018, Pre-submission consultation in April to May 2019, Submission to the Secretary of State in July 2019 and Adoption April 2020.

Need and supply of sites

Paragraph 4 of the PPTS (2015) requires local planning authorities to make their own assessment of need for the purposes of planning and to ensure that local authorities, working collaboratively, develop fair and effective strategies to meet

need through the identification of land for sites. Paragraph 4 (h) highlights the aim to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.

The North Northamptonshire Gypsy and Traveller Accommodation Assessment Update 2011 (GTAA) identified a need for 3 residential pitches in the period 2012 – 2017 (assuming 7 pitches are delivered at The Laurels) and 10 further residential pitches between 2017 – 2022. This is shown in Table 2 below.

The Council has updated the position in relation to need following an appeal hearing held on 8-9th February 2017 regarding various appeals at Greenfields, Braybrooke. This position is set out in Table 2 below.

The Inspectors at the appeal hearings at 24B Greenfields, Braybrooke and plots 4a, 4b, 4c, 4d, 7, 8, 8a, 9, 10 Greenfields, Braybrooke made conclusions in relation to need for pitches and 5 year land supply. The Inspector for plots 4a, 4b, 4c, 4d, 7, 8, 8a, 9 and 10 Greenfields was not satisfied that there was a five year supply of deliverable sites.

Table 1 provides the number of additional pitches which have been granted planning permission since the GTAA (2011). Table 2 uses the level of supply set out in table 1 to consider the remaining requirements against the level of need in the GTAA (2011) and the Council's updated position presented at the Greenfields appeals. In addition to the sites listed in Table 1, the Council is also seeking to deliver 10 pitches on a site which has planning permission at Stoke Albany Road, Desborough (KET/2009/0155), the current site owner having commenced development. This site is included in the final column of Table 2.

Table 1: Additional Permanent Pitches Granted since the GTAA (2011)	
Northampton Road, Broughton – KET/2011/0363	2
Springfields, Harborough Road, Desborough – KET/2013/0376 (previous temporary consent)	1
Woodcroft, Stoke Albany Road, Desborough – KET/2014/0028	1
1 no. dwelling to replace mobile home and 5 no. pitches, Woodside (North East of), Stoke Albany Road, Desborough (KET/2008/0423)	5
Old Willows, Northampton Road, Broughton – KET/2014/0695	3
Plot 1, Northampton Road, Broughton – KET/2015/0613	3
The Paddocks, Braybrooke – KET/2015/0065 (Allowed on appeal) (Previous temporary consent)	3
Total	18
<i>The 7 pitches at The Laurels, Stoke Albany Road, Desborough (KET/2013/0263) was counted as supply in the 2011 GTAA so is not included above.</i>	

Table 2: Assessments of need and conclusions in relation to remaining requirement.				
Need scenarios	Breakdown of need identified	Total need identified	Remaining need taking into account sites in Table 1 above	Remaining need taking into account 10 pitches at Stoke Albany Road, Desborough
GTAA (2011)	2011-17 – 3 2017-22 – 10 + 5 temps	18	0	-10
Update presented at Greenfields Appeal	2011-16 – 15 2016-21 - 11	26	8	-2

The Inspector at the Greenfields appeals concluded that there was a moderate unmet need within the Borough and that the Council could not demonstrate a 5 year supply of sites. The appeals granted temporary planning permission for 8 pitches, which meets the identified need at that time.

The Council is currently in the process of commissioning a GTAA which will identify need for gypsy and traveller accommodation in the Borough.

PPTS states that where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

This application is for a permanent permission, but a condition could be used to grant temporary consent. In light of the permanent status of the existing pitches and the proposed additional pitches' location within the boundaries of the existing site, it is deemed neither appropriate nor necessary to consider a temporary consent in this instance.

The PPTS requires that in determining applications consideration is given to need for sites. This site would make an important contribution to meeting identified need and thus also assist in helping to manage effectively demand for less suitable locations.

2. Landscape & Visual Impact

The application site lies in a rural location where new development is strictly controlled by Saved Policy 7 of the 1995 Local Plan for Kettering Borough and Policy 11 of the JCS. Policy 3 of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting.

In this instance permanent planning consent was granted on appeal in 2016 for three traveller pitches upon the application site and these have been established on the site for in excess of 10 years. The restriction on the number of caravans in the Inspector's decision letter was to take account of visual amenity. The two additional pitches hereby being applied for are located upon land located to the south east of the site and annotated as 'vacant' on the previously approved site plan (for KET/2015/0065).

In the context described above, the proposed additional plots do not represent an excursion in to the open countryside as they are located immediately alongside existing traveller pitches located upon a wider site that is already sandwiched between a railway line and existing development to the north. In any event, the rear (east) of the site is set well back from public vantage points and is of limited visibility within the wider landscape.

It is considered that the proposals are not sensitive to their landscape setting, taking into account visual amenity when viewed in the context of the site and its surroundings. Therefore the proposal is in compliance with the requirements of Policy 3 of the JCS.

3. Residential Amenity

There is no set size for a traveller pitch, but it must be suitable without giving rise to over-development. For reference, the size of a traveller pitch at the Council's Laurels site is 20m x up to 17.9m. Taking this into account, it can be seen that the proposed sub-division of approximately 30m x 24m for each of the two additional pitches allows for sufficient space for residential use.

It is considered that this proposal would not have a significant adverse impact upon the living conditions of existing travellers upon the site (particularly given the overall family links between all occupiers across the wider site as described in the submitted supporting Planning Report) nor the amenities of any other nearby residential occupiers (including those living in the neighbouring property to the north of the wider site) in terms of overlooking, overbearing impact or increased pollutants such as noise.

Consistent with the Inspector's conditions applied to KET/2015/0065, planning conditions should be applied to ensure that there is no external lighting on-site (other than in accordance with details to be provided to the Local Planning Authority for sign-off) and to ensure that the wider site is not used in connection with any trade use. The proposal therefore accords with Policy 8 JCS in terms of ensuring that the amenities of neighbours are appropriately safeguarded.

4. Access & Highways

Policy 8 of the JCS states that new development should not prejudice the safety of the local highway network. The Highway Authority has been consulted on the application and has stated their suggested access specifications. When permanent consent was granted via appeal for the existing three pitches the Inspector noted the existing access arrangements, which were already in place (and still are in place). The only access related condition appended to the extant consent (KET/2015/0065) requires any gates to be hung to open inwards. It is considered

that existing access arrangements provide visibility and are acceptable in this rural location; therefore it would be onerous to veer from the position taken by the Inspector. This is particularly the case given that it is considered that the two additional pitches proposed would not result in a significant increase to the level of traffic using the local highway network. The proposal would not have an adverse impact upon highway safety and therefore the proposal accords with Policy 8 of the JCS.

5. Drainage

Policy 5 of the JCS requires that development should contribute towards reducing the risk of flooding and to the protection and improvement of the quality of the water environment. As was confirmed during the determination of KET/2015/0065, a fit-for-purpose drainage system was constructed and sited away from the site access. The Environment Agency had no objection to KET/2015/0065 accordingly and has also raised no objection in this instance subject to a suitably worded informative for the applicant being applied to confirm their soakaway and permitting requirements. It is considered that this application complies with the requirements of Policy 5 of the JCS in that any risks to the water environment can be mitigated.

6. Human Rights

The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations. There are thought to be close family ties on the site that would be continued and enhanced should this application be approved.

Conclusion

The development would make an important contribution towards an identified local need for traveller pitches. It would safeguard visual and residential amenity as well as highway safety. It is therefore supported taking account of Development Plan Policy, most particularly the criteria set out in Policy 31 of the North Northamptonshire Joint Core Strategy for assessing planning applications for gypsy and traveller sites, the guidance contained within the National Planning Policy Framework and Planning Policy for Traveller Sites.

Background Papers

Title of Document:

Date:

Contact Officer:

Andrew Smith, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date: