

BOROUGH OF KETTERING

Committee	Full Planning Committee - 18/12/2018	Item No: 5.2
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2018/0531
Wards Affected	Welland	
Location	Woodside, Stoke Albany Road (land adj), Desborough	
Proposal	Full Application: Use of land for 2 no. traveller caravans for applicant and another family member. Creation of hard-standing and modernisation of amenity block	
Applicant	Mr B 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 be begun before the expiration of 1 year from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. 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.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Planning Policy for Travellers Sites, August 2015 (or its equivalent in replacement national policy).

REASON: To ensure that the use is implemented as an exception to the general presumption against development in the open countryside, and in recognition of national and local policies including the PPTS, Policies 1, 8 and 31 of the North Northamptonshire Joint Core Strategy, and Saved Kettering Local Plan Policy 7.

4. There shall be no more than 1 family pitch on the site and no more than 2 traveller caravans (static or touring), 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.

5. The site shall not be used for any trade, industrial or business activity, including vehicle hire and there shall be no storage of commercial waste or materials.

REASON: In the interest of residential amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of development plans scaled at no less than 1:500 and accompanying information shall be submitted to and approved in writing by the Local Planning Authority showing (i) extent of the recreation area, how the ground is to be prepared and finished state, (ii) vehicle parking and manoeuvring areas which allow for a minimum of 2 spaces (each space of 5m x 2.5m), (iii) pedestrian visibility splays of 2.4m x 2.4m. Thereafter development shall not proceed other than in accordance with the approved details.

REASON: In the interests of safeguarding visual and residential amenities and for highway safety in accordance with Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

7. No boundary treatments shall be erected or installed at the site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. No boundary treatment shall be erected or installed at the site other than in full accordance with any approved scheme for boundary treatment and retained as approved at all times thereafter.

REASON: In the interests of safeguarding visual and residential amenities in accordance with Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

8. No hard surfacing shall be constructed on site until full details of the materials to be used and the final extent of surfacing have been submitted to and approved in writing by the Local Planning Authority. No hard surfacing shall be carried out on site other than in full accordance with those approved details, which shall subsequently be completed and retained as approved at all times thereafter.

REASON: In the interests of visual amenity and highway safety in accordance with Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

9. 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 Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

10. Prior to first occupation full details of a refuse collection point shall have been submitted to and approved in writing by the Local Planning Authority. The approved refuse collection point shall be provided before the occupation of any of the caravans and retained as approved thereafter.

REASON: Refuse details are necessary prior to first occupation in the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. There shall be no external illumination on the 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 the amenity and Policies 8 and 31 of the North Northamptonshire Joint Core Strategy.

12. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to first occupation full details of the provision of electricity and wholesome water supply shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the occupation of any of the caravans and retained as approved thereafter.

REASON: Details are necessary prior to occupation in the interests of residential amenity of neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0531

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

3.0 Information

Relevant Planning History

None relevant

Site Visit

Officer's site inspection was carried out on 30/08/2018.

Site Description

The site measures approximately 0.032Ha in area and is located in the open countryside to the east of Desborough and is accessed from Stoke Albany Road. The site comprises a disused brick outbuilding. The site is currently unused vacant land.

The site is bound by open countryside to the north, industrial uses to the west and south and commercial/residential uses to the east and south. There is a large gypsy and traveller site to the south-east of the site, in which the current proposed occupants reside.

Proposed Development

It is proposed that the site be used to accommodate up to 2no. mobile caravans on one family pitch for the applicant and his uncle, who currently reside at The Pastures, situated south-east of the application site.

Any Constraints Affecting the Site

B Road (adjacent)

Outside settlement framework (Open Countryside)

4.0 Consultation and Customer Impact

Parish/Town Council

No comments received.

Highway Authority

Objection on access onto a classified road, inaccurate data and insufficient information. There should not be 2 accesses in close proximity. Poor pedestrian and vehicular visibility splays.

Environmental Health Officer

No objection, subject to a condition on contaminated land and an informative on site licence.

Neighbours

No comments received.

5.0 Planning Policy

National Planning Policy Framework

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Planning Policy for Traveller Sites

Development Plan Policies

Local Plan for Kettering Borough

Policy 7: Protection of the Open Countryside

Policy RA5: Housing in the Open Countryside

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: Place Shaping Principles

Policy 11: The network of urban and rural areas

Policy 31: Gypsy and Travellers and Travelling Show People

Emerging Policies (Local Development Framework)

Kettering Borough Council has commissioned 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

Winter 2018, Pre-submission consultation in April to May 2019, Submission to the

Secretary of State in July 2019 and Adoption April 2020.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Gypsy / traveller status
3. Personal circumstances and Human Rights
4. Need and supply of sites
5. Sustainability of location
6. Highway safety
7. Design: size of pitches, character, residential amenity and landscape provision
8. Flood risk, surface water drainage and other environmental considerations

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

Applications are determined in accordance with the Planning Policy for Traveller Sites (PPTS) and 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.

Account is taken in the assessment of the proposals of PPTS Policy H (Determining planning applications for traveller sites) in Paragraph 24, that: *“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) *The existing level of local provision and need for sites*
- b) *The availability (or lack) of alternative accommodation for the applicants*
- c) *Other personal circumstances of the applicant*
- d) *That the locally specified criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and*
- e) *That they should determine applications from sites from any travellers and not just those with local connections”.*

The PPTS in paragraph 25 states that *“Local planning authorities should very strictly limit new traveller development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas should respect the scale of, and not dominate, the nearest settled community, and avoid placing an undue pressure on local infrastructure.”*

The PPTS in paragraph 26 states that *“When considering applications, local planning authorities should attach weight to the following matters:*

- a) Effective use of previously developed (brownfield), untidy or derelict land*
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.”*

Kettering Borough Council has commissioned 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 Winter 2018, Pre-submission consultation in April to May 2019, Submission to the Secretary of State in July 2019 and Adoption April 2020.

North Northamptonshire Joint Core Strategy (JCS) policy 31 sets out criteria to be met by applications for gypsy and traveller accommodation. *“Applications for planning permission should satisfy all of the following criteria:*

- a) The site is closely linked to an existing settlement with an adequate range of services and facilities*
- b) The site, or cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure*
- c) The site provides a suitable level of residential amenity for the proposed residents*
- d) The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal*
- e) There is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles*
- f) The health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land*
- g) The size of the site and number of pitches does not dominate the nearest settled community*
- h) The proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.”*

Assessment of these detailed points shall be covered in the following sections of these considerations.

Policy 11 of the JCS states that development will be distributed to strengthen the network of settlements, which focuses development on the growth towns with market towns providing a service role with scale appropriate to their character and infrastructure and limited development in the rural area. Development in the rural

areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need that cannot be met more sustainably at a nearby larger settlement. In the open countryside development is restricted unless there are special circumstances as set out in policies in the plan.

The site is located outside the settlement boundaries contained in the local plan and it therefore constitutes open countryside. Saved policy 7 of the Local Plan states that planning permission for development in the open countryside will not be granted except for where otherwise provided for in that plan. Saved local plan policy RA5 states that planning permission for residential development will not normally be granted and lists exceptions to this, one of which is gypsy sites (criteria vi); however the related policy 119 has not been saved.

The site is located in the open countryside where development is strictly controlled; the nearest settlement is Desborough. The role of Desborough in the JCS is that of a market town, where development is to provide a strong service role for their local communities and the surrounding rural area. The site is located approximately 350m from the Desborough town boundary.

2. Gypsy / traveller status

The 2015 PPTS outlined a fundamental change in the definition of gypsies and travellers:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

The submitted Planning Report states that the *“applicant is the son of and who currently resides with Mr and Mrs Fred Smith of ‘The Pastures’ who have previously satisfied the definition of a gypsy or traveller by reference to Circular 1/2006 at paragraph 15”*. The applicant has confirmed that occupiers of the site meet the PPTS definition stated above.

3. Personal circumstances and 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. The submitted Planning Report notes that there are close family ties near to the site at ‘The Pastures’ that would be continued and enhanced should this application be approved.

The consideration of human rights is not in conflict with the assessment of the planning merits.

4. 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.

The Table below provides the number of additional pitches which have been granted planning permission since the GTAA (2011).

Table: Additional Permanent Pitches Granted since the GTAA (2011)	
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/2014/0532)	5
Old Willows, Northampton Road, Broughton – KET/2011//0363 (lapsed)	3
Old Willows, Northampton Road, Broughton – KET/2014/0695 (lapsed)	3
Old Willows, Northampton Road, Broughton – 2 statics extra for extended family pitches planning permission under ref: KET/2017/0980 dated 13 April 2018 and including in description of development 6 other pitches	8
Plot 1, Northampton Road, Broughton – KET/2015/0613	3
The Paddocks, Braybrooke – KET/2015/0065 (Allowed on appeal) (Previous temporary consent)	3
2 Additional pitches granted planning permission under ref: KET/2018/0022 dated 23 February 2018	2
Land off Braybrooke Road, Desborough – planning permission under ref: KET/2018/0309 dated 6 July 2018 (5 no. caravans)	1 (family pitch)
Total	24
<i>The 7 pitches at The Laurels, Stoke Albany Road, Desborough (KET/2013/0263) were counted as supply in the 2011 GTAA so are not included above.</i>	

From the last testing of need for traveller sites through the appeals at Greenfields in 2017, one of the Inspectors (Appeal decision dated 13/02/17) concluded that there was an “*unmet need and an absence of a five year supply for gypsies and travellers to which (he) attach(ed) significant weight.*” Another Inspector (regarding the 9 appeals decision dated 22/03/17) concluded “*I am not satisfied that there is an up to date five year supply of deliverable sites and attached moderate weight to this*”. The two Inspector decisions granted temporary planning permission for 8 pitches, which

met the identified need at that time.

There is a recognised need for additional gypsy/traveller sites. Until the new Gypsy and Traveller Accommodation Assessment is completed then it remains unclear exactly what level of need is required for Kettering. In the meantime, this proposed small scale site is considered on its merits.

5. Sustainability of location

Criterion (a) of JCS Policy 31 states that sites should be closely linked to an existing settlement with an adequate range of services and facilities.

The site is situated on the outskirts of the market town of Desborough with all of its associated services facilities (including primary schools, shops, library, surgery, etc.). There are already existing traveller pitches located near the site in question, which are understood to operate successfully with the assistance of the close geographical links to the town. Notwithstanding that, there are no formalised footways in place along the site. The site would be accessible by vehicles from Stoke Albany Road.

Given the siting and limited number of caravans, it is also considered that the proposals would have a minor impact upon local infrastructure in general terms and would comply with Policy 31b) of the JCS.

6. Highway Safety

Criterion (e) of JCS Policy 31 states that there should be satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles. Criterion (f) requires that the health and well-being of occupants is not put at risk through unsafe access to the site.

The Local Highway Authority has objected to access from the adjacent classified road. However, the site is adjacent to a cattery and commercial premises and it is considered that this proposed development would represent an intensification to those adjacent uses which also have access from Stoke Albany Road.

The Local Highway Authority has also objected to the proposals on the basis of insufficient information and inaccurate data with respect to access arrangements at the site. However following an officer visit to the site and submission of indicative details illustrated on plan KET/2018/0531/2F it is evident that pedestrian visibility splays can be provided. In addition, adequate space for a turning area within the site and tarmac areas of hardstanding to the site's access to the highway are achievable. These matters are to be addressed by condition. The Local Highway Authority has also commented on the concern of the size of the parking spaces within the hardstanding on plan no. KET/2018/0531/2F but notwithstanding the hardstanding on the plan this too could be conditioned.

Any gated entrance to the site shall be setback and not open outwards onto Stoke Albany Road for highway safety reasons and this is conditioned accordingly.

There has been no demonstration that bins shall not be placed for collection so as to affect visibility at the access point to the site. However, this is conditioned to ensure

there remains adequate highway safety for the site.

It is considered that appropriate arrangements for the parking, turning and servicing of vehicles and access to the highway could be provided and subject to that happening, this would comply with Policy 31e) and f) of the JCS.

7. Design: size of pitches, character, residential amenity and landscape provision

Policy 31 of the North Northamptonshire Joint Core Strategy sets out criteria to be applied to applications for Gypsy and Traveller accommodation. Criterion (c) of Policy 31 requires that 'the site provides a suitable level of residential amenity for the proposed residents' whilst Criterion (h) requires that 'development does not have a significant adverse impact on the character of the landscape'. Criterion (g) of Policy 31 of the JCS states that the size of the site and number of pitches does not dominate the nearest community.

In this instance, it is considered plan KET/2018/0531/2F demonstrates that the site is able to satisfactorily accommodate up to 2no. traveller caravans alongside a shower/w.c. block and associated areas of hardstanding for access. An officer's visit to the site also confirmed that the site is spacious and able to accommodate the quantum of development proposed. The proposals are for a single family pitch, in this context it is considered that appropriate amenity facilities / standards would be provided.

In terms of landscape impact, it is noted that the site is set back and adequately well screened from Stoke Albany Road and to the cattery/residential property to the east of the site. The site is visible to the west and south of the site but given the surrounding industrial nature then the proposed mobile homes would not be detrimental to the character of these areas. A condition on details for boundary treatment to the site is required to ensure the quality of the area is improved for the future residents.

Criterion (g) of Policy 31 of the JCS states that the size of the site and number of pitches does not dominate the nearest community. In this case merely a single family pitch is proposed. Whilst there are other traveller pitches located in the vicinity, it is not considered that these proposals would lead to a domination of the local community.

8. Flood risk, surface water drainage and other environmental considerations

Criterion (d) of JCS Policy 31 requires a site to be served (or capable of being served) by an adequate water supply and appropriate means of sewage disposal. The agent has confirmed that the site has sufficient water supply with an existing private sewerage and water supply into a soakaway. There is capacity for a mains connection to be put in place with respect to electricity for the site and this element is conditioned to ensure the additional noise would not have a detrimentally adverse impact to the enjoyment of the amenity for the neighbouring properties.

Criterion (f) of Policy 31 states that the health and well-being of occupants shall not be put at risk by poor air quality, unacceptable noise or unacceptable flood risk and contaminated land. In terms of flood risk, the site is not located within a Flood Zone, so there is no reason to suspect that the proposals would exacerbate any potential

flood risks, including those posed by surface water flooding. The extent of any additional hard surfacing is envisaged to be limited and would be controlled by condition in any event. The mobile homes would utilise a mains water supply from existing supply to the site. Rain water from the roofs would be collected and stored to be used for plant watering, car washing etc.

It is noted that there is no objection with respect to air quality received from the Council's Environmental Health officer. The Environmental Health officer has noted potential contamination at the site so therefore recommends a condition on contaminated land and an informative on site licence.

To safeguard the visual amenities of the area, a further condition is recommended to ensure no external illumination other than in accordance with a scheme to be agreed with the Council.

Conclusion

Having weighed all material considerations including the information available from the applicant, it has been concluded that the proposal is acceptable subject to conditions and would not be contrary to national policies of the PPTS, or policies of the development plan.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Natalie Westgate, Senior Development Officer on 01536 534316