

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/10/2011	Item No: 5.1
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2010/0805
Wards Affected	Welland	
Location	Braybrooke Road (land off), Braybrooke	
Proposal	Full Application: Change of use from farm land to provide a residential Gypsy site with 2 no. pitches comprising 1 no. mobile home and 2 no. caravans, including associated hardstanding, access road, and septic tank	
Applicant	Mrs S Holland	

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 REFUSED for the following reason(s):-

1. Policy 17 of the North Northamptonshire Core Spatial Strategy states that planning permission may be granted for the provision of a Gypsy accommodation site where, inter alia, a need for Gypsy and Traveller accommodation has been identified. However, the applicant has failed to submit sufficient evidence to demonstrate there is such a need and as such the proposed development is contrary to Policy 17.

2. The proposed site is in an isolated location away from existing settlements, local services and facilities, and would result in a significant reliance on private vehicles. As such, the proposed development is in an unsustainable location which conflicts with the aims and objectives of policy 9, policy 17(c) and policy 13 (c, e and k) of the North Northamptonshire Core Spatial Strategy.

3. The proposed development, by virtue of its scale, design and location would result in an unjustified and incongruous land use within the landscape, thereby harming the character and appearance of the countryside in conflict with the aims and objectives of policy 13 (o) and 17(a) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

Not applicable

Officers Report

3.0 Information

Relevant Planning History

KET/2010/0698 - Retrospective Application: Use of the site for siting of a modular dwelling and the keeping of horses, creation of hard standings, erection of stables and fencing, installation of septic tank. Refused. July 2011 on the grounds of 1) No need for a temporary dwelling, 2) Unsustainable location and (3) harmful impact on the character and appearance of the open countryside. This site is located to the south west of the application site and served off the same vehicular access.

KET/2010/0805 – Change of use from agricultural land to a residential Gypsy site with 3. no pitches and facilitating development. Refused September 2011 on the grounds of failure to demonstrate a need for the site, isolated location away from existing local services and facilities, resulting in significant reliance on the private car and incongruous impact on the landscape.

Enforcement Notice History

EN/01/0318 Enforcement Notice issued on 16.07.2001 in respect of the change of use of the land to a mixed use for the keeping of horses and the siting of caravans for residential occupation together with associated vehicles and equipment, and the erection of buildings and the carrying out of works as part of the unauthorised change of use. This notice continues to have effect in relation to the development specified in the notice

Further enforcement action at the wider site has been taken in March 2011, in respect of the making up of part of the access track.

ENFO/2009/00078 Authorisation was granted in May 2011 for Enforcement Action to be taken on land to the north of the application site against the erection of buildings and structures, the storage of motor vehicles on the land, the provision of residential accommodation and use of land as a leisure plot.

Site Description

Officer's site inspection was carried out on 5th August 2011.

The site forms part of Greenfields which in the past has been divided up into separate plots and sold off. An unauthorised access road has been constructed from Braybrooke Road which provides vehicular access to the plots. The overall application site has an area of approximately 0.40 hectares and is situated in an isolated location within the open countryside approximately 1.5 miles from Braybrooke. The application site is located on the western side of the unauthorised access road, approximately 148 metres from Braybrooke Road. Overhead pylons are located to the south west of the site, but don't overhang the application site. A public footpath runs to the north of the site which connects Braybrooke to Desborough Road. There is an authorised Gypsy site (1 pitch) on land on the opposite side of Braybrooke Road. This is a permanent pitch known as 'Golden Stables' and is located

within the district of Daventry.

The site is currently occupied in much the same form that has been applied for, the only difference was the siting of one additional touring van adjacent to the south west boundary of the site. The applicant has advised that no one lives in this caravan on site and it is their intention to sell it. Existing boundary treatment comprises a one metre high timber fence on the eastern front boundary with low level post and wire fence on all other boundaries.

There are other similar unauthorised developments within Greenfields, with a plot of land to the south west being occupied by modular buildings and caravans and a plot of land to the east which is occupied by touring caravans and sheds. Full details of these sites have been included in the Planning History Section of this report.

Proposed Development

The proposal is for the change of use of the land from agricultural to a residential Gypsy caravan site to accommodate two families. The eastern part of the site (approximate dimensions 34m x 31m) will accommodate one mobile home, two touring caravans, a shed and a portable cabin which is used as toilets/ washrooms. The remaining area of land to the west (approximate dimensions 34m x 76m) will accommodate the septic tank and associated outfall and will also be used as a play area and vegetable plot.

The site is occupied by two families; Sheralyn and Tracy Holland and their two daughters Carly and Lauren Holland and their son Iain Holland and his wife Suzanne Holland and their 18 month old son Jesse.

Vehicular access to the site is from the unauthorised track off Braybrooke Road and turning space is provided within the site to enable vehicles to exit the site in forward gear.

Any Constraints Affecting The Site

In the open countryside.

4.0 Consultation and Customer Impact

Desborough Town Council Object. Application is an incursion into the green belt, represents over development and creates a precedence. The north of the borough is overloaded with traveller sites.

Arthingworth Parish Council Object the land is an agricultural area in the open countryside. The total site has a footprint of 47 acres which is a similar size to Arthingworth and Braybrooke, there are at least 12 sites within 4 miles, other sites have spaces including Justin Park, the application is retrospective and is a breach of planning policy as located in the open countryside, a precedent will be set and temporary consent should not be granted.

Harrington Parish Council Object. The land should revert to agricultural use immediately. The application is contrary to planning policy not to allow building

in the open countryside and there are no valid grounds to disregard this policy. There are previous enforcement notices on this site. Object to the access as roads are narrow and increased traffic is to be discouraged. There has already been one serious accident. There is no need for any further sites and the Gypsy community has been adequately provided for. The site sits on the crest of the hill and is visible for a considerable distance. Caravans do not blend into the pastoral backgrounds and are an unsightly blot to the detriment of the landscape.

Braybrooke Parish Council Strongly object on the following grounds; site is green field land outside the village envelope; it is an environmentally sensitive site and will erode the green gap between Braybrooke, Arthingworth and Desborough; not closely linked with a settlement with an adequate range of facilities; site has no public transport links; will impact on the small resources of Braybrooke village and in particular the highway network; unsatisfactory access arrangement; access is inappropriate for refuse collection; site is remote and does not maximise the chances for social inclusion and a sustainable pattern of living; not a healthy site particularly with the electricity pylons crossing the site; the site has been occupied without planning permission; concern that the site could be bigger than Braybrooke village; it is not necessary to live on the site; the modular building is not in keeping with agricultural land and the hardcore is a destruction of the meadow; applicants do not own the existing access; the wider site has been divided into 50 sub units; there is a right of way running through the site and no provision as been made for waste disposal, storage or collection.

Highway Authority Aware of the other two application that also utilise the same access. No highway objections subject to conditions. A swept path tracking drawing of articulated vehicles will be required by condition which will then determine minimum access width, the extent of hard paving to the access road and the extent of road widening required, all of which will be controlled by condition, Conditions are also required regarding visibility splays and provision of adequate parking and turning space.

Environment Agency No objections subject to conditions requiring submission of a percolation test to ensure the soak away serving the foul drainage system will work. If tests show soak ways do not work, an alternative method of foul sewerage disposal needs to be submitted. Details of the septic tank will also need to be secured by condition.

Police The application does not demonstrate any crime prevention measures. Concerns raised regarding; access for emergency service vehicles due to width, surface and construction; the on going maintenance and management of the access to the site; soil making its way onto the adjacent highway and lack of defined boundary to the site. Application needs to be viewed within context of adjacent applications which would produce a larger site with no management structure to prevent conflicts and maintain order. The need for separate vehicular/ pedestrian access should be considered. The nearest fire hydrant will need to be sited at the entrance to the site. Advice is given regarding dwelling security.

Campaign to Protect Rural England Object. Contrary to policy 17, policy 9 and a3 ((h), (K), (l), and (o) of the North Northamptonshire Core Spatial Strategy.

Neighbours 79 third party representations received. Objections are on the grounds of:

- no need
- in 2008 there was an oversupply of 6 travellers sites
- there are 13 sites within 2 miles of Braybrooke Village and all entrances to the village have a Gypsy site on
- Gypsies equate to 12% of the population of Braybrooke
- site is adjacent to other application sites
- the applicants have adequate accommodation at Justin Park
- no evidence that the occupiers of the site are travellers given families ownership of sites, they have lived in a house and chose to move onto the plot
- other sites in Braybrooke remain largely unoccupied
- the site is opposite a Gypsy site within Daventry District Council
- applicants medical condition is not a reasonable basis to move onto land
- localism bill means community feeling should be given more weight
- does not meet policies 13 and 17 of the North Northamptonshire Core Spatial Strategy and the guidelines in the Sustainable Development SPD
- the government is moving away from target based policy towards needs based policy
- the scheme is contrary to Circular 01/2006 and the new draft consultation paper
- a decision would be premature until KBC work completed
- application will set a precedent and the site needs to be looked at as a whole
- temporary planning permission should not be granted
- site is green field and located in the open countryside
- agricultural land should be protected
- development is not of great architectural merit
- adverse impact on landscape being clearly visible from surrounding roads and footpaths being located on the top of a hill
- the development erodes the green gap between Braybrooke, Arthingworth and Desborough
- wider site could be developed for 50 plus plots
- the site is not close to any amenities (shops, healthcare, sports facilities)
- local infrastructure is not capable of supporting the development
- the site is not served by water, electricity or sewerage
- site is not served by footpaths/ pavements or public transport resulting in a reliance on the private car
- site is remote and does not maximise the possibilities for social inclusion
- Gypsy children need to be integrated in the education system
- sanitation concerns with at least 12 caravans on site and no mains

drainage

- septic tank proposed is not large enough
- rubbish on roadside
- concerned that percolation tests were carried out by a suitably qualified person, if cumulative effect of other tanks has been taken into account and its location too close to the caravans
- drainage irrigation trench would need to be 113m in length and the septic tank outfall will be within 50m of a natural spring
- site access is inappropriate for refuse collection
- increased traffic, highway safety implications given small country lanes
- the access road has an enforcement order on it
- four vehicles is excessive
- existing access is inadequate and will cause problems for emergency vehicles
- implications for use of nearby footpaths
- impact on local property market and families with school age children may not move into the village
- site ownership is unclear
- impact on local wildlife
- Human Rights – the wider impact of the appearance of the land overrules the owners right to the peaceful enjoyment of their property
- A business is being run from the site
- No guarantee that conditions would be complied with
- Site is being occupied by more caravans than permission is sought.

5.0 Planning Policy

National Policies

PPS1. Delivering Sustainable Development

PPS3. Housing

PPS7. Development in Rural Areas

PPG13. Transport

PPG23. Planning and Pollution Control

PPG24. Planning and Noise

PPG25. Planning and Flood Risk

ODPM Circular 01/2006: Planning Gypsy and Traveller Caravan Sites
Communities and Local Government Consultation: Planning for Traveller Sites

Development Plan Policies

East Midlands Regional Plan

P2. Promoting Better Design

P3. Distribution of New Development

P11. Development in the Southern Sub Area

P16. Regional Priorities for Provision for Gypsies, Travellers and Travelling Show people

P26. Protecting and Enhancing the Regions National and Cultural heritage

P35. A regional Approach to Managing Flood Risk

P48. Regional Car Parking Standards

North Northamptonshire Core Spatial Strategy

- P1. Strengthening the Network of Settlements
- P9. Distribution and Location of Development
- P13. General Sustainable Development Principles
- P14. Energy Efficiency and Sustainable Construction
- P17. Gypsies and Travellers

Local Plan

- P7. Protection of the Open Countryside

SPGs

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Need for additional Gypsy Sites
2. Sustainability of the Site
3. Landscape Implications
4. Impact on Residential Amenity
5. Highway Safety Implications
6. Drainage
7. Sustainable Development
8. Ecology
9. Human Rights

1. Need for Additional Gypsy Sites

The applicant has stated within the application that both families are claiming Gypsy status. The applicant has advised that Tracy Holland has lived in a caravan all his life and his children have all been brought up as travellers and have attended Braybrooke School. The applicant has also advised that with the exception of a 16 month period where they lived in a house (June 2009 – October 2010), the two families have always lived on the roadside around Kettering, Corby and Market Harborough. The applicant has advised that they moved from Addison Road because they could not settle to that way of life and the house was too small, resulting in depression and unhappiness. The Local Planning Authority has no evidence to question that the two families are Gypsies and as such their Gypsy status is not disputed. The evidence submitted with the application however fails to demonstrate the two families need to occupy the site. The applicant has advised in letters received on 11 August and 24 August that prior to occupying the site in October 2010 they lived in a house in Addison Road for which they moved into in June 2009.

Prior to that they lived on the roadside around Kettering, Corby and Market Harborough. A further letter has been received from the applicant on 26 September stating that over the last 5 plus years they have stayed mainly in Kings Lynn and that Mr Holland's family were one of the first to move onto The Pastures site in the 1980's. Officers have undertaken their own research which indicates evidence to the contrary. Kettering Borough Council Tax department have advised that the applicant resided longer at Addison Road than the period specified by the applicant; June 2008 to December 2008 and that between March and October 1998 they also resided in a house in Eastbrook Hill, Desborough. The Northamptonshire County Traveller Unit have been consulted on this scheme and have advised that they have not had any direct contact with either of the two families on any unauthorised in the Kettering and Corby area over the last five years, although close relatives have occupied roadside locations during that time. Leicestershire County Traveller Unit have also been consulted and advised that the two families have not appeared on any unauthorised encampments in Leicestershire. Based upon the information submitted by the applicant, and the research undertaken by officers which indicates to the contrary, the applicant has failed to provide evidence of roadside living, and have such failed to establish a need for this site.

In Northamptonshire, the Countywide Traveller Unit has coordinated a Gypsy and Traveller Accommodation Assessment (GTAA) the results of which were published in March 2008. For Kettering Borough the GTAA concluded that a further 18 residential pitches should be provided by 2017. Since March 2008 no permanent sites have been set up within the Borough. The GTAA is currently under review, however its findings have not yet been published and until this time, the authority is working with the 2008 figures to establish need. It is unclear if the occupants residing at the application site were included within this 2008 count. Northamptonshire County Travellers Unit have advised that all unauthorised encampments during 2007 were visited and the occupants were offered the chance to fill in the questionnaire and where they were aware of Gypsies or Travellers living in houses, they were also offered the chance to fill in a questionnaire.

Section 225 of the Housing Act 2004, in conjunction with ODPM Circular 01/2006, created a statutory duty for local authorities to assess the demand for gypsy traveller accommodation in their area and to make provision to meet that demand through the planning process.

The Government has announced its intention to withdraw Circular 1/2006 in favour of a new light-touch guidance on provision for Gypsies and Travellers. In April 2011

the Government published the 'Planning for Travellers Sites Consultation', the consultation on which expired on 4th August 2011. The changes within this consultation document are designed to give Local Planning Authorities powers to meet site provision on the area, in consultation with the local community, to ensure greater fairness in the planning system and align policy more closely to other housing policy and be more streamlined and effective. Whilst this consultation document and Government intentions are a material consideration, Circular 01/2006 does still remain national policy and as such a

greater weight has been given to this in the determination of this application.

GTAA findings across the region have been collated for the East Midlands Regional Plan adopted in March 2009. At Appendix 2 the Regional Plan identified a need for a further 2 pitches in the borough up to 2012. This figure takes into account planning permissions granted since the publication of the GTAA which included 7 pitches at The Pastures (KET/2008/0397), 1 pitch at Stoke Albany Road (KET/2008/0423) and 1 pitch granted at Braybrooke (Springfield's ref KET/2007/0478).

Since the publication of the East Midlands Regional Plan, the one pitch granted at Springfields (KET/2007/0478) has been implemented, however the remainder have not been delivered. The permission for 1 pitch at Stoke Albany Road (KET/2008/0423) has not yet been occupied and the permission for 7 pitches at The Pastures (KET/2008/0397) has also expired. Whilst an application for a new planning permission to replace KET/2008/0397 has been submitted, this is still pending a decision and the likelihood of it being implemented if planning permission were granted is unknown. It is also worth pointing out that planning permission was granted under KET/2009/0155 for 10 pitches at a further site at The Pastures. This permission has not been implemented and evidence to date indicates this is unlikely to come forward as the owner has alternative plans for the site. These pitches should only be counted towards meeting this outstanding need if there is a reasonable chance they will be implemented. Accordingly there is an identified need up until 2012 for 10 pitches and a further 7 pitches up until 2017.

It is evident from the GTAA that there is a need for additional pitches for Gypsies and Travellers in order to meet current and future need. Kettering Borough Council is currently working on identifying suitable sites for Gypsies/ Travellers based upon the local need through a Site Specific Development Plan Document.

Concern has been expressed in some third party representations that there is no need for extra pitches as there are a number of vacant pitches within authorised sites within the Borough, specifically sites at Braybrooke Crossroads and Broughton. In investigating the availability of additional sites within the Borough, the Authority has identified that for all authorised sites, with the exception of Broughton, there are no vacant pitches. At the Braybrooke crossroads some sites were not occupied, however, this was because the occupiers were away travelling, however, would be returning to the site. With respect to Broughton, of the 11 pitches, 4 were clearly vacant. Vacancy rates may in fact be higher as Council Tax records indicate that up to 7 pitches may be vacant, however this information may not be up to date. To better inform members of the extent of vacant site, letters have been sent out to all possible vacant plots in Broughton asking owners to confirm if the site is vacant and if so, is it available for other Gypsies to occupy. All of the letters sent were delivered, however, no responses were received.

Whilst it is evident from the GTAA that there is a need for additional pitches for Gypsies and Travellers in order to meet current and future need, this identified

need must be balanced with other material considerations, including advice in Circular 01/2006 and policies in the North Northamptonshire Core Spatial Strategy and these issues are discussed below.

2. Sustainability of the site

Policy 17 'Gypsies and Travellers' of the North Northamptonshire Core Spatial Strategy sets out criteria that needs to be met where a need is identified for additional accommodation for Gypsies. These criteria are set out below along with a consideration as to whether they can be met.

(a) be in accordance with the locational requirements set out in Policy 9 of the Core Spatial Strategy and should also meet the criteria set out in policy 13 of the Strategy;

Policy 9 of the Core Spatial Strategy as referred to in policy 17, requires that development be distributed to strengthen the network of settlements, being principally directed to the urban core, and new building development in the open countryside shall be strictly controlled. In addition policy 9 identifies that priority will be given to the reuse of suitable previously developed land and buildings within the urban area, followed by other available land in urban areas.

Policy 13 (c and k) of the North Northamptonshire Core Spatial Strategy require that developments maintain and improve the provision of accessible local services and community services and allow for travel to home, shops, work and school on foot and by cycle and public transport. Policy 13 (e) of the Core Spatial Strategy requires that developments incorporate measures to contribute to a target of 5% modal shift in developments over the plan period.

Circular 01/2006 adopts a more flexible approach to the location of Gypsy sites than policies set out in the Core Spatial Strategy. Circular 01/2006 states 'Rural settings, where not subject to specific planning constraints are acceptable in principle. In assessing the suitability of such sites, Local Planning Authorities should be realistic about the availability, or likely availability of alternatives to the car in assessing local services'. However, the Circular does clearly state that in deciding where to provide for Gypsy and Traveller sites, Local Planning Authorities should first consider locations in or near existing settlements with access to local services including shops, doctors and schools.

A Transport Statement has been submitted in support of the application which states that the site is located within one mile from Braybrooke where local transport is available.

The application site is located within the open countryside. Whilst policy 9 and 17 of the Core Spatial Strategy require that development be located within urban areas and development in the open countryside be strictly controlled, Circular 01/2006 is less strict stating that rural settings are acceptable in principle. However an important consideration is how each site compares in terms of sustainability and this is explored below.

(b) not be within an area designated as environmentally sensitive

The site is not located in an area designated as environmentally sensitive. The impact of the development on the landscape is considered under 'Landscape Implications'.

(c) should be closely linked to an existing settlement with an adequate range of services and facilities in order to maximise the possibilities for social inclusion.

The closest settlement to the site is Braybrooke village, which is approximately 1.5 miles from the site and provides very limited local services in the form of a primary school, a public house and a church. Braybrooke is accessed from the application site via Braybrooke Road and Griffin Road, both of which are single track road, with no pavements. Whilst this distance is walkable, given the nature of the road, it is considered unlikely that it would be an attractive option for occupants of the site to walk or cycle into Braybrooke on a regular basis. Desborough is the closest town to the application site which provides for a better range of facilities, including shops, doctors, community facilities and leisure centre. The application site is located approximately 2.3 miles from the centre of Desborough and roads are also narrow, fast moving with no pavements. Given the distances involved and the nature of the roads, many being single track country roads, walking or cycling is again unlikely to be an option. There is no public transport service that links the application site with either Braybrooke or Desborough, further increasing the reliance of occupants of the site on the private car.

In considering sustainability, Circular 01/2006 makes it clear that distance from services is not the only consideration. Consideration also need to be given to the promotion of peaceful and integrated existence between the site and the local community; the wider benefits of access to a GP and School, the benefits a settled base has in reducing the need for long distance travelling and not being located in an area at a high risk of flooding. Taking the borough as a whole, a number of third parties have raised concerns that there is an over concentration of sites to the north of the borough and particularly in the Braybrooke area and that this is an issue in the community. No supporting statement has been submitted with the application which refers to any health or educational benefits of living on the site.

In conclusion the site is located in an unsustainable location within the open countryside and occupiers of the site will be reliant on the private car to access local services and facilities in Braybrooke and Desborough. Whilst Circular 01/2006 states that Local Planning Authorities should be realistic about the likely alternatives to the private car, this site provides no other options at all. It is likely that other more sustainable sites will come forward as part of the Site Specific work. The proposal is thereby contrary to the requirements of policy 13 c, e, k and policy 17 of the North Northamptonshire Core Spatial Strategy.

3. Landscape Implications

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance the landscape character, historic landscape, designated built environment assets and their settings and

biodiversity of the environment making reference to the Environment Character Assessment and Green Infrastructure Strategy. PPS1 and PPS7 state that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced. PPS1 also states that where design is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Policy 17 (b) of the Core Spatial Strategy also requires that Gypsy/ Traveller sites are not located within an area designated as environmentally sensitive. The application site is not located within an area designated as environmentally sensitive.

The wider landscape character of the area has been identified by the Northamptonshire Environmental Character Strategy as falling within the West Northamptonshire Uplands. This landscape has a gently hilly character with long local views that are criss-crossed by a regular pattern of hedgerows. The scarcity of settlements combined with the infrequency of isolated farms and cottages gives the landscape a remote and sometimes isolated character, with expansive views and a sense of openness prevailing on elevated land. Land cover is primarily improved agriculture, with arable and pastoral farming creating an attractive patchwork rural landscape. The key issues for this landscape are the conservation and enhancement of viewing opportunities across the landscape and the retention of the patchwork of arable and pastoral uses.

The scheme will provide for a mobile home, two touring caravans, a shed, a portable cabin and an extensive area of hard standing all of which has resulted in the loss of pasture land which has compromised the characteristics of the landscape as identified above. The site is located within a prominent location within the landscape being located on higher ground and has a zone of visual influence from the site boundary of up to 2.5km. Views of the site are fully visible from the surrounding area and particularly from the footpath that runs to the north of the application site and Braybrooke Road as well as the A6, the views of which into the open countryside are an important part of the landscape character of the area. Little can be done in terms of landscaping mitigation measures as screen planting will not disguise this development.

In conclusion, the scheme will introduce alien features into a prominent landscape to the detriment of the character of the area which has an otherwise relatively consistent composition of fields dissected by watercourses, hedgerows and hedgerow trees. The scheme will undermine the wider objectives set out in the Northamptonshire Environmental Character Strategy and is contrary to the requirements set out in policy 13(o) of the North Northamptonshire Core Spatial Strategy and advice contained in PPS1, PPS3 and PPS7.

4. Impact on Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that developments do not result in an unacceptable impact on the amenities of

neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The site is located in an isolated position and whilst the site can be seen from nearby dwellings, there is sufficient separation distance not to result in any adverse noise or disturbance, overshadowing or loss of privacy. The closest property to the site is Wooden House Kennels on Griffin Road which is located in excess of 300 metres from the site.

Concern has been expressed by third parties about light pollution. A lighting Assessment has been submitted with the application which states that the only external lighting proposed is 50 watt down lights above each residential caravan door. If the scheme were to be considered acceptable, this matter could be addressed by a condition requiring full details to be submitted so as to ensure that no adverse light pollution results.

Significant concern has been raised by objectors about the removal of waste from the site. If planning permission were granted refuse could be collected at the roadside/ site entrance in bins in the normal manner.

In conclusion, subject to condition, it is not considered that the scheme will adversely impact on the residential amenity of occupants of the nearest dwellings and as such the scheme is in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

5. Highway Safety Implications

Policy 13(d) of the North Northamptonshire Core Spatial Strategy requires that developments have a satisfactory means of access and provide for servicing and manoeuvring in accordance with adopted standards

Vehicular access to the site from Braybrooke Road is proposed via an unauthorised access track for which the Local Planning Authority is currently perusing enforcement action.

Northamptonshire County Highways Authority have been consulted on the scheme and raised no objections subject to conditions including minimum access widths, hard paved finish for part of the access, highway widening either side of the access and vehicular visibility and provision of parking and turning within the site. The extent of the works that will be required in respect of these measures will be determined by the submission of swept path tracking drawings of articulated vehicles, which can be required by condition. The Highways Authority are satisfied that the required highway works that are required can be achieved on site and subject to conditions, the scheme is in accordance with the requirements of policy 13(d) of the North Northamptonshire Core Spatial Strategy. The Highways Department have advised that careful design of the access will ensure that there will be no requirement for any significant loss of landscape features to the site.

A public footpath is located to the north of the site, however, the footpath does not cross the application site. Concern has been expressed by third parties that the occupation of the site would undermine the use and attractiveness of

this footpath. The application site is visible from the public footpath, however given the separation of the site from the right of way, the proposal does not obstruct or prevent use of the footpath.

6. Drainage

Policy 13(q) of the North Northamptonshire Core Spatial Strategy requires that developments do not cause a risk to the quality of the underlying ground water or surface water.

The application states that foul drainage will be to a Klargestor Alpha septic tank and in the longer term a rainwater recovery system will be installed to deal with surface water. The Environment Agency have been consulted on the application and subject to conditions requiring a percolation test to ensure that soak aways will work in adverse conditions and details of the septic tank to be submitted, they do not object. Concerns raised by third parties regarding the septic tank could be addressed by these conditions if planning permission were granted.

7. Sustainable Development

Policy 14 of the North Northamptonshire Core Spatial Strategy requires that proposals demonstrate that the development incorporates techniques of sustainable construction and energy efficiency; there is provision for waste reduction/ recycling and there is provision for water efficiency and water recycling.

A Sustainability Statement has been submitted as part of the application. The statement states that caravan dwelling is sustainable and there is less permanent infrastructure. In addition, caravans consume considerably less energy and non renewable resources compared to a traditional dwelling house. With respect to work occupants will be based at home and will travel directly to their clients premises. Notwithstanding this lack of detail with respect to energy efficiency, waste reduction/ recycling and water efficiency, these matters could be satisfactorily secured by condition.

8. Ecology

PPS9 'Biodiversity and Geological Conservation' sets out planning policies on the protection of biodiversity and geological conservation through the planning system. In relation to planning applications, PPS9 states that planning applications should not refuse permission if development can be subject to conditions that will prevent unacceptable impact on wildlife habitats or important physical features.

Concern has been expressed by third parties that the proposal may have an adverse impact on local wildlife. No survey details has been submitted as part of the application, however there are no trees on the site and the site is not located within or close to any designated area. The Wildlife Trust have been consulted on the scheme and advised that they are not aware of any historical records of any protected or notable species sightings from the site itself or surrounding area and the footprint for the scheme does not lie either within, or significantly close to any established Green Infrastructure Corridor routes.

North Northants Badger Group have also been consulted and advised they are not aware of any adverse impact the development has had on known badger setts and also advised it is unlikely that even if there were setts closer to the site which the Group are not aware of, that the impact on badgers would be so adverse to refuse the application on these grounds.

9. Human Rights

In considering the application, the implications of the Human Rights Legislation on scheme have been recognised. It is recognised that the council has a duty to allocate sustainable sites to meet Gypsy accommodation needs.

Notwithstanding that the need of the two families has not been clearly demonstrated, when balancing the applicants human rights against the wider public interest, these needs do not outweigh the wider public interest.

Conclusion

In conclusion, it is recognised that there is a need in the Borough for additional Gypsy sites up to 2017, however, in this application the specific need for the two families has not been demonstrated or evidenced and the need is unclear. The site is located is a greenfield site located in the open countryside in an unsustainable location away from local services, local communities and facilities, resulting in an over reliance of use on the private car and will have an adverse impact on the character and appearance of the open countryside. In balancing all the relevant policies, it is not considered these outweigh concerns outlined above.

Background Papers

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Braybrook Road (land off), Braybrooke
Application No.: KET/2010/0805



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



LA078344

Date: 08/12/2010 Do not scale from this map. For illustrative purposes only.