

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/12/2012</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2010/0133</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>Millwinds, Harrington</b>	
<b>Proposal</b>	<b>Full Application: Change of use of land to siting of 2 no. mobile homes and 2 no. traveller vans</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs J Stretton</b>	

### **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. The site is in open countryside and not closely linked to an existing settlement which provides an adequate range of services and facilities. The use of the land as a residential caravan site would therefore result in an undue reliance on the private motor vehicle to access services and facilities. As such the development is in an unsustainable location and contrary to the National Planning Policy Framework, the Planning Policy for Traveller Sites and policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

### **Justification for Granting Planning Permission**

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KE/85/0403 – Use of building for the sale and repair of tractors and farm diggers, incorporating some light fabrication work. Approved 31.07.1985. Two year temporary personal consent.

KE/85/0790 – Workshop, welding, fabrication and repairs. Refused 11.12.1985

KE/88/0415 – Agricultural buildings and agricultural machinery repair depot and dwelling house. Outline application part approved (dwelling house excluded from permission) 23.06.1998

KE/88/1438 – Permanent agricultural dwelling. Refused 16.02.1989. Appeal Dismissed.

KE/90/0649 – Renewal of temporary permission KE/88/0415 dwelling. Approved 14.08.1990. Temporary 1 year consent and personal consent.

KE/1991/0399 – Renewal of temporary permission: 1 no. temporary dwelling. Approved 23.07.1991. Temporary 1 year consent and personal permission.

KE /91/0400 – Outline for agricultural buildings and agricultural machinery repair depot. Approved 23.07.1991

KE/92/0427 – Renewal of KE/91/0399. Refused 08.09.1992

EN178 – Enforcement and stop notices served (siting and occupation of caravan) 25.11.1992. Withdrawn.

KE/92/0683 – Change of use to traveller/ caravan site (10 pitches). Refused 01.12.1992. Appeal dismissed 19.07.1993

KE/95/0561 – Change of use to timber seasoning, preparation and storage. Refused 21.11.1995

KE/96/0363 – Proposed dwellings and stables. Refused 16.07.1996

KE/96/0550 & EN/96.167 – Change of use to private caravan site for 5 Gypsy families. Refused and appeal dismissed 18.07.1997. The inspector concluded that the development had an urban character and caused very significant harm to the rural character of the area. In addition, the site was considered remote in location from local services and facilities resulting in reliance on the private car which is contrary to the aim of reducing the need for travel. The period for compliance with the enforcement notice was extended to 9 months.

KE/98/0090 – Change of use to private Gypsy caravan site for 4 caravans plus screen building. Refusal 31.03.1998 on the grounds of its remote location from

services and consequent reliance on the private car and harmful impact on the character and appearance of the open countryside. Appeal 09.10.1998 allowed – visual impact could be overcome by location of caravans and landscaping. The issue of proximity of services was considered, it was recognised the site was poorly located, however the distances are not great and acceptable in the absence of other harm.

04/04/2000 – Planning Inspectorate's decision re-determined. Appeal dismissed. The caravans are visually intrusive, particularly from Kelmarsh Road and residential use is harmfully out of character with the open countryside. A distance of 5km from local services was considered to be well beyond what is considered to be a reasonable distance.

KE/00/0620 – Change of use: Proposed use of existing building for light industrial and craft workshops. Withdrawn 27.11.2000

KE/01/0499 – Change of use of existing buildings to light industrial and craft workshops. Refused 13.11.2001. Appeal Dismissed.

KET/2003/0546 – Use of existing building for light industrial and craft workshops. Refused 18.11.2003.

### **Site Description**

Officer's site inspection was carried out on 31 March 2010, 11 May 2010, August 2011, 19 January 2012 and 24 April 2012.

The site is a brown field site located within the open countryside in an area which is agricultural in character. The site was a former camp site for a second world war airfield and is currently vacant. There are two dwellings located near to the site, Wheatfield Lodge Farm located to the north east of the site, on the northern side of Kelmarsh Road and Warth Lodge located to the south west of the site, accessed off the byway to the west of the site.

There are various areas of hard standing/ hardcore on the site, including access tracks into and within the site. The site currently has two vehicular accesses, one directly into Kelmarsh Road located centrally within the site and a second from the byway that is located immediately to the west of the site, both of which are secured by a locked gate. Views of the site can be clearly gained from the west of the site from the byway. Views from the north and east of the site are limited with existing landscaping in place and the earth bund that has been constructed on land on the east boundary of the applicants ownership, but not within the application site. The earth bund does not form part of this planning application.

A klargester biotec treatment plant has been installed on the land, adjacent to the southern boundary of the site.

### **Proposed Development**

The scheme is for the use of the land for the siting of 2 mobile homes for Gypsy families, each of which will have 2 bedrooms, and the stationing of 2

touring caravans which will be used by the occupants when they are away from the site. One of the mobile homes will be occupied by Joseph and Cath Stretton and the second occupied by Rose and John Boswell and their young son, all of whom are Gypsies. In May 2010 Joseph and Cath Stretton lived at Justin Park Travellers site at Harborough Road, Great Oxenden, however their agent confirms they have now sold this part of the site due to social problems. The agent has advised that since this time, Mr and Mrs Stretton have been living in unauthorised sites within Northamptonshire. In March 2010, the Boswells were living in unauthorised sites across Northamptonshire and Leicestershire and were seeking to move to a more settled lifestyle.

Revised plans have been received which slightly increase the size of the site to the south to include the area where the largest biotec treatment plant has been installed.

Whilst a larger piece of land surrounds the application site on all sides it is within the same ownership as the application site, the application site area has been restricted to a small parcel of land that only provides sufficient space for the accommodation of the two families.

#### **Any Constraints Affecting The Site** C Road

### **4.0 Consultation and Customer Impact**

#### **Highway Authority**

Resist the development. The use of the site is entirely unsustainable due to its remoteness from existing settlements. Access to the site cannot be promoted via sustainable transport modes and will be dominated by the motor vehicle. If planning permission is granted, the entrance giving direct access to the site off the C15 Kelmash Road should be closed off permanently in the interests of highway safety. The sole access is via the Byway Open to all Traffic GP16 Harrington, the first 26 metres of which to be resurfaced with a hard-bound material such as macadam to prevent loose stones on C15 Kelmash Road. Visibility is acceptable in both directions.

#### **Northamptonshire Police**

No formal objections. Recommend that conditions and informative be added to reduce the likelihood of crime, disorder and anti-social behaviour occurring, in the interests of the security and quality of life of future occupants. The planning permission should be specific to named individuals. Small family sites integrate better with local settled communities. The permission should be restricted to two static mobile homes and two touring caravans to be stationed. The development should be built to Secured by Design standards.

#### **Environmental Health**

No objections. Informative required regarding the need for a site licence.

#### **Environment Agency**

No objections subject to informatives. The package treatment plant proposed

will require an Environmental Permit under the Environmental Permitting Regulations 2010.

### **Harrington Parish Council**

Object to the scheme. Reasons for objection are identical to those raised by third parties and these are summarised below.

### **Braybrooke Parish Council**

Object to the scheme. Reasons for objection are identical to those raised by third parties and these are summarised below.

### **Neighbours**

48 third party representations received. Objections from third parties and Harrington Parish Council and Braybrooke Parish Council are on the grounds of:-

- Greenfield location
- Open countryside location
- Paragraph 23 of 'Planning Policy for Travellers Sites' means that granting permission in the open countryside must be strictly controlled
- Adverse impact on landscaping which will undermine objectives set put in the Northamptonshire Environmental Character Strategy
- Loss of trees would make the site very visible
- Light pollution
- Site is remote and not within a reasonable distance of schools, shops, and medical facilities
- Harrington only has a church and public house
- The site is in the wrong location even for a temporary permission
- Site will not score well compared to other sites in respect of sustainability
- No need
- Walking and cycling unlikely as no pavement and busy roads
- Previous applications on the site have been refused
- Drainage problems for dispersal of foul water
- Existing drainage problems on site for dispersal of surface water which causes flooding
- No details of how surface and foul water will be dealt with
- Application form is filled in incorrectly
- Over concentration of Gypsies sites in the area
- Contrary to Harrington Village Design Guide
- If permission granted it should be a personal permission
- It has not been established that there is an unmet need which cannot be accommodated in vacant pitches at Broughton
- No needs as 7 plots have planning permission at the Pastures
- The applicant is not homeless
- Scheme is contrary to policies 9, and 17 of the North Northamptonshire Core Spatial Strategy and policies 7 and RA5 of the Local Plan
- The applicant owns a site at Justin Park
- Application site is not owned by the applicant

- Scheme is contrary to former national policy PPG3, PPS7 and PPG13 and National Planning Policy Framework
- Development does not incorporate techniques of sustainable construction and energy efficiency
- Vehicular access to the site is unsuitable
- Vehicular access from Kelmarsh Road needs to be blocked up
- Concern over lack of control of future occupation
- Site could expand to up to 20 pitches
- Conditions can't be enforced
- Granting planning permission would set a precedent
- Impact on wildlife
- The applicant intends to run a business
- The site is not a brown field site
- Pitch provision up to 2018 has already been exceeded
- Scheme impinges on human rights of occupiers of nearby dwellings
- Change in circumstances since application was originally approved
- National planning Policy Framework sets out a presumption in favour of sustainable development. Application is not sustainable development
- Guidance regarding temporary permission has changed. Ne guidance comes into effect from March 2013 and there is no specific policy requirement to grant temporary permission even when there is a generalised need. After March 13 a temporary permission will only justified when the Local Planning Authority cannot show an up to date 5 year supply of deliverable sites. A site is deliverable when it has planning permission. Taking into account the planning permission for 7 pitches at the Pastures there is a requirement to supply only 3 pitches up to 2017
- The applicant has failed to disclose any interest in alternative sites
- The proper way forward is through the DPD process for further sites to be identified

### **Cllr Hakewill**

Questions raised about the enforceability of conditions; land ownership; the judicial review; foul drainage; unauthorised encampments; temporary permissions becoming permanent consents; mechanisms to be used to return site to former condition if temporary consent granted; the applicants need for the site; guidance to be used and the work to be undertaken on the site specific.

## **5.0 Planning Policy**

### **National Policies**

#### **National Planning Policy Framework**

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. It is a material consideration. At the heart of the framework is a presumption in favour of sustainable development.

### **Planning Policy for Travellers Sites (CLG 2012)**

This policy is also a material consideration on the determination of this application. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life while respecting the interests of the settled community.

It also sets out a need for Local Planning Authorities to increase the number of traveller sites in appropriate locations, in order to address under provision and reduce the number of unauthorised development. This should involve the setting by the LPA of pitch targets to meet a five year supply to be reviewed on an annual basis. The policy confirms that LPA's should strictly limit new travellers site development in the open countryside that is away from existing settlements.

### **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

#### **Emerging Policies (Local Development Framework)**

Work is currently in progress on the Site Specific Proposals Development Plan Document (SSPDPD) and allocation of Gypsy and Traveller sites. The SSPDPD Options Paper Consultation (March 2012) set out four options for the location of sites. The responses indicated that option 1, the enlargement or intensification of existing sites, was the least favoured; while options 2 (identifying new sites away from existing ones) and 3 (devising suitability and sustainability criteria for the location and assessment of sites) were the most favoured. As this policy is still in the stages of being progressed it cannot be given full weight; but it can be given some weight in the consideration of this application.

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Background / Planning History
2. Principle of Development
3. Need for Additional Gypsy Sites
4. Sustainability of the Site
5. Landscape Implications
6. Impact on Residential Amenity
7. Highway Safety Implications
8. Drainage
9. Ecology
10. Other Matters

### 1. Background / Planning History

This planning application was submitted to the Local Planning Authority on 26 March 2010. The application went to Planning Committee on 25<sup>th</sup> May 2010 (a copy of the report that went to committee is attached to this report in italics) and Members resolved to approve the application subject to an additional condition requiring details of the sewage treatment works to be submitted.

On 17<sup>th</sup> August 2010 an application for permission to apply for Judicial Review was submitted by a third party and permission was granted on 26<sup>th</sup> October 2010. On legal advice a decision was made by the Local Planning Authority to agree that the original decision be quashed and to re-determine the application. The Final Court Order was issued on 28 March 2011 confirming that the temporary permission be quashed. The Local Planning Authority and the applicant for Judicial Review agreed the extent of the Order. The decision was quashed on the following grounds:-

1. "The reasons indicate that the Defendant concluded that the proposed development would be in accordance with policy 17 (c) of the North Northamptonshire Core Spatial Strategy. This requires that sites for Gypsy caravans must be closely linked to an existing settlement with an adequate range of services and facilities. These requirements are not in fact satisfied in the present case".

### Note:

It is important to emphasise that the detailed assessment/ reasoning in the body of the original committee report your officers consider was sound; it was the fact that the reason/ justification (Appendix 1) used was a standard template phrase which had been inserted which was at odds with the report.



2. "The Defendant has not investigated the availability of pitches on other private sites in the Borough when it made its decision and so was not in a position to address this material consideration when reaching its decision".

Note:

This investigation has now been completed.

The application now needs to be re-determined by the Local Planning Authority. Revised plans have since been submitted by the applicant for redetermination in respect of a revised location and site plan and details of the sewage treatment plant installed.

There has been a lengthy planning application history of the site in respect to proposed Gypsy accommodation, all of which have been resisted by the authority. Since that time there has been a significant change in policy with the publication of the National Planning Policy Framework and the 'Planning Policy for Travellers Sites' and the undertaking of a Gypsy and Traveller Accommodation Assessment for Northamptonshire which was updated in 2011.

2. Principle of Development

The site is located in the open countryside, a good distance from any settlement. Saved policy 7 of the Local Plan seeks to prevent unjustified development in the open countryside, unless it is otherwise provided for on the development plan. Other national and development plan policies recognise the almost inevitability of having development in the open countryside to meet the needs of the provision for Travellers sites.

Policy 9 of the North Northamptonshire Core Spatial Strategy sets out the Council's preferred sequential approach for the distribution and location of new built development. Although the proposed development does not include any new building, the spirit of the policy is to limit new development in the open countryside.

Policy 17 of the NNCSS states that where a need is identified for additional accommodation, planning permission may be granted, or site allocations proposed, when specific criteria are met. These are:

- a) The site should be in accordance with the locational guidance set out in Policy 9 and it should also meet the criteria set out in policy 13 where relevant;
- b) The site should not be within an area designated as environmentally sensitive;
- c) The site 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 and sustainable patterns of living.

Policy H 'Determining planning applications for traveller sites' of CLG 'Planning Policy for Traveller Sites' sets out issues which need to be

considered when considering planning applications for traveller sites. These are:

- 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 specific criteria used to guide the location of sites in plans or which form the policy where there is no identified need for pitches should be used to applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Policy H also states that LPA's should attached weight to the following matters:-

- a) effective use of previously developed, 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 standing, 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

All of these matters are considered in detail below in this report.

### 3. Need for Additional Gypsy Sites

Section 225 of the Housing Act 2004, created a statutory duty for local authorities to assess the demand for Gypsy Traveller accommodation in their area and to take the assessment into account in exercising all its functions, including planning functions.

The GTAA update of October 2011 identified a minimum need of 10 pitches by 2017 and a further 10 pitches between 2017 and 2022. There are currently extant permissions for 10 pitches at Stoke Road and a further 7 pitches adjoining the Pastures. With respect to the 7 pitches, the agreement to deliver these is well advanced with the works likely to commence in early 2013. The permission for 10 has begun, but it is not known when (or whether) this development will progress to delivery. A further permission has been granted and implemented in respect of 3 pitches at plot 10, Old Broughton Road, Broughton. As this related to the regularisation of one tolerated site, this has delivered 2 additional permanent pitches which count towards meeting the identified need.

Concern has been expressed in some third party representations that there is no need for extra pitches as there are a number of existing vacant pitches within authorised sites within the Borough, specifically sites at Braybrooke Crossroads and Broughton. In investigating the availability of additional pitches 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 pitches were not occupied, however, this was because the occupiers were away travelling. With respect to Broughton, in both August 2011 and March 2012 four plots were shown at those times to be vacant. Whilst possibly vacant, these are private sites and are not available or deliverable unless the landowners make them available. Letters were sent to owners of vacant plots asking if the sites were vacant and available for other Gypsies to occupy and no responses were received.

In the recent appeal decisions for the Greenfields site at Braybrooke, the inspector considered that (to 2022) a shortfall of 3 deliverable pitches remains (now adjusted to one, in view of the two additional pitches at Broughton), but there remains a greater shortfall of available pitches. In the case of Greenfields, the applicants were already on site and their personal circumstances were a factor that was taken into account by the Inspector.

To establish the need and personal circumstances of the two families for the Millwinds site information has been sought as to where the two families have been living over recent years. In response to this, the agent has advised that they have left Justin Park and rather than move onto the site, have chosen to move into unauthorised sites and on occasion on the roadside. No specific addresses/ locations have been provided and the agent has advised that the applicants have not kept records on where they have stayed, and for how long, other than they have been in Northamptonshire during this period. Northamptonshire County Traveller Unit has been consulted on the application and advised that they have not encountered the applicants on any unauthorised encampments in the county over the last 5 years, and they also have not made themselves known to the CTU for information or help during this period. In this case no supporting evidence has been received in connection with the applicant's need and personal circumstances and so none can be taken into account. In the absence of any compelling reason to do otherwise, the application must be determined in accordance with the development plan.

#### 4. Sustainability of the Site

Policy 17 (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 Harrington village, which is approximately 1.3km from the site and provides very limited local services in the form of a public house and a church. Harrington is accessed from the application site via Kelmarsh Road, a narrow road with no pavements. Whilst this distance is walkable, given the physical character of the road, it is considered unlikely that it would be an attractive option for occupants of the site to walk into Harrington on a regular basis. Desborough and Rothwell are the closest towns to the application site which provide for a better range of facilities, including shops, doctors, community and leisure facilities. The application site is located approximately 5.4km from the edge of Desborough and approximately 4.8km from Rothwell and the roads are narrow, with no pavements to the edge of these towns. Given the distances involved and the physical character of the

roads, walking or cycling is again unlikely to be an option. There is no public transport service that links the application site with either Harrington, Rothwell or Desborough, further increasing the reliance on the private car, contrary to the requirements of policy 13 (c) of the North Northamptonshire Core Spatial Strategy which require developments to be accessible to local services by foot, cycle and public transport and policy 13(K) which requires development to incorporate measures to contribute to a 5% modal shift over the plan period.

Whilst no formal set of criteria for the assessment of Gypsy sites has been adopted, in a recent appeal decision at Greenfields in Braybrooke, the Inspector concluded that the site was not closely linked to an existing settlement with a range of services and facilities and that reliance on the private car to access facilities was the most likely scenario. In terms of location and links with the closest town the current application fares worse than the Greenfields site. Greenfields is located approximately 3.7km from Desborough (the closest town) compared to Millwinds which is 4.8km from Rothwell. With respect to distance from local settlements, the application site fares slightly better. Greenfields is located approximately 2.4km from Braybrooke, whilst Millwinds is located approximately 1.3km from Harrington, however given the nature of the roads, journeys from the application site to Harrington will inevitably be by private car. It is therefore considered that the location of the site does not meet with the requirements of policy 17 (c) of the NNCSS and conflicts with policies 9, 13 and 17 of the NNCSS. Whilst the application site is brown field, this does not outweigh this conflict with policy.

#### 5. Landscape Implications

Policy 13(o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance the landscape character of the environment making reference to the Environmental Character Assessment and Green Infrastructure Strategy. Paragraph 109 of the National Planning Policy Framework requires that developments should contribute and enhance the natural local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

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 Clay Plateau Character Area. This is an area of simple landscape, particularly across the more elevated plateau areas, with a land use dominated by agricultural production within medium and large scale fields. Long distance and panoramic views across open areas of plateau reinforced the sense of elevation and separation from urban areas. There is limited woodland and tree cover comprising broadleaved woodlands and mature trees. The Landscape Strategy for the Clay Plateau is to conserve the simple, unified and orderly character, conserve local variation and conserve and enhance expansive, panoramic views across elevated, open areas of plateau landscaping.

Views of the site from Kelmarsh Road will be very limited with the existing hedgerow which runs along the northern boundary of the site and the eastern boundary of land not within the application site but within the same ownership as the site. The mobile homes and touring caravans will be visible in parts from the byway that runs immediately to the west of the site, however views of the site currently include a number of agricultural buildings. The access proposed within the site is already established with hard core.

In conclusion, whilst it is acknowledged that the development will have some impact on the open countryside, given the site's limited visibility it is not considered that the scheme will detract from its simple countryside character or be at odds with the landscape strategy for the Clay Plateau character area.

Concern has been raised that the scheme will result in an over concentration of Gypsy sites in the area which will have a harmful effect on the appearance and character of the areas. There are no other Gypsy/ Traveller sites visible from the site and other sites are considered to be located sufficiently far away not to result in any over concentration.

#### 6. 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 closest residential properties to the site are Wheatfield Lodge Farm to the north east which is approximately 30 metres away and Warth Lodge to the south west which is approximately 110 metres away. Whilst the application site is visible from these two properties, there is considered to be a sufficient separation distance not to result in any adverse noise or disturbance, overshadowing or loss of privacy and the site therefore meets the requirements of policy 13(l) of the NNCSS.

#### 7. 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.

The proposed vehicular access to the site is from the existing access to the western boundary which is served via the byway. The Transport Assessment has identified that there will be approximately 20 car movements per day to and from the site. Highways have raised no objections to the scheme with respect to highway safety issues, subject to conditions.

The Highways Authority has objected to the scheme only on the basis of its unsustainable location. The isolated location and these matters have been considered in key issue 4 of the planning considerations of this report.

## 8. 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.

It was originally proposed that a Klargest package sewage treatment plant be located centrally within the site, however following percolation tests and advice from the Environment Agency and Building Control, it was found that such a system would not work due to the clay soil in the area proposed for the soak away. Following this, the applicant has installed a Klargest biotec package treatment plant adjacent to the southern boundary of the site as shown on the submitted plans, with an area of land to the south east of the unit being proposed for the soak away. The Environment Agency have some concerns regarding suitability of this method and suggests that a sealed tank system may be more appropriate.

In conclusion, the disposal of foul sewage is capable of being dealt with on site and a condition could be imposed to require a scheme to deal with foul drainage be submitted for approval.

Concern has been expressed by third parties that operations that have been undertaken on site have resulted in flooding to Kelmarsh Road and Wheatfield bungalow. It is evident from site inspections that there is evidence of some run off from the site, however this is not a reason for refusal as a scheme detailing measures for surface water drainage could be secured via condition.

## 9. Ecology

Paragraph 118 of the National Planning Policy Framework requires that Local Planning Authorities should aim to conserve and enhance biodiversity.

On the original consultation exercise in 2010, concern had been expressed verbally by a neighbour that there were badgers on the site which could be affected by the development. Following discussions with The Wildlife Trust and North Northants Badger Group, they have no record of badgers being on the site or being close enough to suggest any connection with the site. On this basis it was considered unreasonable to request that the applicant undertakes a badger survey. Concern has also been expressed by a third party that there was potential for bats to be present within the buildings proposed to be demolished. A survey of the buildings (which have now been demolished) was undertaken by an ecologist licensed by Natural England, this concluded that these were unsuitable for bat occupation.

## 10. Other Matters

Concern has been expressed by a third party that the applicant, Catherine Stretton still owns a plot at Justin Park. The agent has confirmed that Mrs Stretton did own the land, however has now given the land to their daughter. The agent has confirmed that the Land Registry Transfer of Land Ownership documents have been signed by all relevant parties.

## Conclusion

The applicant has failed to submit any evidence to support their claim for a need for accommodation. In the absence of any compelling reason to do otherwise, it is considered that the application must be determined in accordance with the development plan. Whilst the application site is previously developed land it is located in an open countryside location which is not closely linked to an existing settlement which provides an adequate range of services and facilities. The use of the land as a residential caravan site would therefore result in an undue reliance on the private motor vehicle to access services. Therefore the development would be unsustainable contrary to the National Planning Policy Framework, the Planning Policy for Traveller Sites and policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

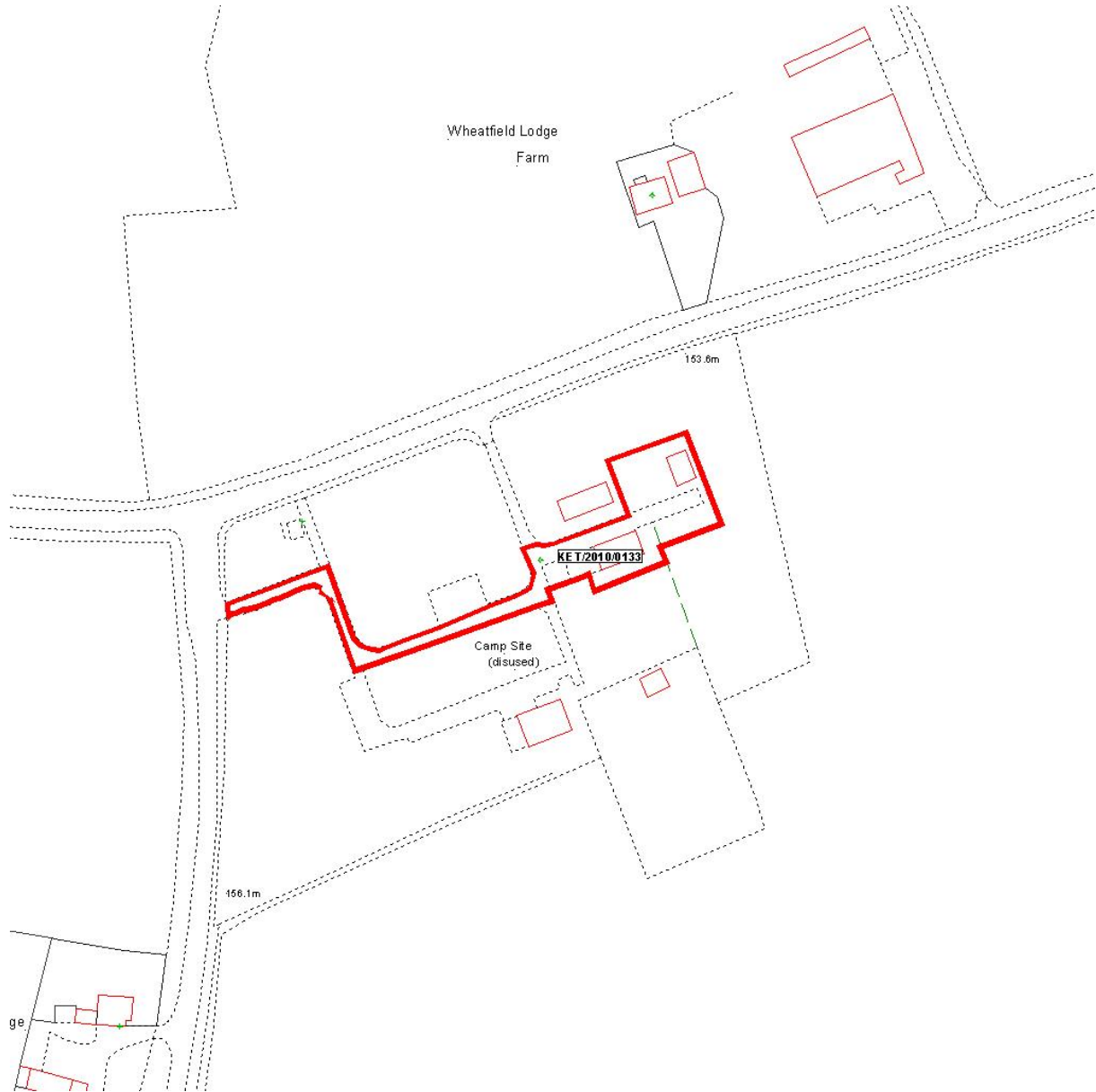
**Previous Reports/Minutes**

Ref:

Date:

# SITE LOCATION PLAN

Millwinds, Harrington  
Application No.: KET/2010/0133



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