

BOROUGH OF KETTERING

Committee	Full Planning Committee - 15/01/2013	Item No: 5.1
Report Originator	Alan Davies Development Officer	Application No: KET/2012/0064
Wards Affected	Rothwell	
Location	Harrington Road (land off), Rothwell	
Proposal	Full Application: Change of use to provide a residential caravan site for 2 no. pitches with associated hardstanding, fencing and gates	
Applicant	Mr P 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 APPROVED subject to the following Condition(s):-

1. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites (CLG March 2012).

REASON: To ensure that the use is implemented as an exception to the general presumption against development in the open countryside, in accordance with policies 1, 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan.

2. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be permanently stationed at any time on the site hereby approved, of which only two of these caravans shall be residential mobile homes.

REASON: In the interests of visual and residential amenity in accordance with policies 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

3. The site shall not be used for any trade, industrial or business activity.

REASON: In order to protect the amenities of occupiers of nearby properties and the appearance of the surrounding area in accordance with Policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

4. Within 6 months of the permission hereby granted a scheme for boundary treatment and entrance gates to the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for boundary treatment and gates shall be fully implemented in accordance with the approved details within 6 months of the date of this permission.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with Policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (v) below:

(i) within 3 months of the date of this decision a scheme for:

the means of foul and surface water drainage of the site;

proposed and existing external lighting on the boundary of and within the site;

the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking, turning and amenity areas;

the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the Local Planning Authority) at the end of the period for which planning permission is granted for the use, (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation.

ii) within 11 months of the date of decision the site development scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON: In order to protect the amenities of occupiers of nearby properties and the appearance of the surrounding area in accordance with Policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

You are advised that under the Caravan Sites and Control of Development Act 1960 a site licence will be required from Kettering Borough Council prior to the occupation of any caravan on this site. Further information regarding this matter is available from Kettering Borough Council Environmental Health Services, tel: 01536 410333.

Consent of Discharge:

The law regarding discharges of sewage effluent from septic tanks and treatment plants changed under the Environmental Permitting Regulations on 6th April 2010. Now, anyone intending to discharge 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register before they commence making the discharge. The Environment Agency would advise the application to view the following information on how to register:

http://www.environment-agency.gov.uk/static/documents/Business/Guidance_for_house_holderseptic_tank_or_sewage_treatment_plant_-_FINAL.pdf

There are further guidance notes and application forms for effluent sewage discharges also available to download from:

<http://www.environment-agency.gov.uk/business/topics/water/117485.aspx>

The Environment Agency has also issued Environmental Permitting Regulations including revised Pollution Prevention Guidelines (PPGs) which are accessible via:

www.environment-agency.gov.uk

Soakaways:

Soakaways should be constructed to BS6297:2007. There should be no connection to watercourses or land drainage systems and no part of the soakaway system can be within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring.

Justification for Granting Planning Permission

The proposal is in accordance with national and local planning policies as set out in Paragraphs 32, 56 and 58 of the National Planning Policy Framework, Planning Policy for Traveller Sites, Policies 1, 9, 13 and 17, of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan for Kettering Borough. The issues relating to the requirement for Gypsy or Traveller pitches and the development being located outside of the town boundary are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

Officers Report

3.0 Information

Relevant Planning History

KET/2009/0516 - Use of land as temporary contractors and storage of materials for 12 months to support the laying of a new street sewer at Rothwell. Approved 20/11/2009.

KET/2007/0136 - Residential development. Refused after appeal 28/01/2009.

Site Description

Officer's site inspection was carried out on 12/11/2012.

The application site is the former Orton Road which used to connect Rothwell with the village of Orton to the north. It is close to junction 3 of the A14 which connects the A14 to the A6 and smaller category roads which access Rothwell and smaller surrounding villages. The tarmac surface of the former Orton Road is still in place and this can be accessed from Harrington Road, at the north of the site. The site itself is the former Orton Road, which is surrounded by fields to the east and west, the A14 to the south and Harrington Road to the north. The site is screened by mature vegetation, particularly when viewed from the north.

Proposed Development

It is proposed to change the use of the site from former highway land to allow the siting of two static caravans and entrance gates to the site.

Any Constraints Affecting the Site

B Road (Harrington Road)
Archaeological Site

4.0 Consultation and Customer Impact

Rothwell Town Council

Objection for the following reasons:

1. An in-principle objection to this site and its potential future expansion.
2. This is against local planning policy and it is an unsuitable site for such development, which would have a prominent gateway position at the western entrance to Rothwell.
3. The area, under a previous planning application, has permission for residential development, which is far more suitable in this location.
4. The landowners were not formally notified prior to this application being submitted. Also, the proposed development would block access to all the surrounding plots of land.
5. The owners of the small plot of land to the south have not been able to access their land since the large entrance gates at the front of the site were erected.
6. The application form is incorrect as it states the applicants have been on the land for 9 years. In fact the applicants did not move onto the site until around October 2005, therefore approximately 7 years.
7. The site is visible from Harrington Road and is out of character for this location.

Harrington Parish Council

Objection: The site is contrary to the National Planning Policy Framework and the National Planning Policy for Traveller sites. The site prevents access to the fields to the south. The caravans should be sited on a licensed site instead.

Highway Authority

No objection as this site can be accessed sustainably.

Environmental Health

No objection. Environmental Health confirms that Mr. Holland has resided continuously in this location since the 23rd October 2006. During this time, Kettering Borough Council has not received any substantiated complaints regarding the occupation of this site, or the condition in which the site has been maintained by Mr. Holland and his direct family.

Environment Agency

No objection. A condition for foul water and drainage is recommended.

Northamptonshire Police

No objection. The following is recommended:

1. The site area is defined by an earth bund to prevent unauthorised expansion of the site in future.
2. The Council adopt the land and charge a peppercorn rent so that the site cannot be sold in the future.
3. The site is defined as a Gypsy and Traveller site and the number of pitches is restricted.
4. The use of the site is restricted to Mr. Percy Holland and his immediate family only.

Neighbours

7 objections have been received, which are summarised below:

1. The application is invalid as the required ownership notice has not been served correctly. The submitted Design and Access Statement is also considered to be insufficient.
2. The site lies in open countryside and is thus contrary to paragraphs 58 and 111 of the NPPF, Policies RA5 and 7 of the 1995 Local Plan for Kettering Borough and Policies 9, 10, 13 and 16 of the CSS.
3. The site is unsustainable as it is not close to public transport infrastructure.
4. The proposal would have an unacceptable impact upon highway safety and the applicant has not demonstrated how this impact will be minimised.
5. There will be a detrimental impact upon amenity as a result of increased light pollution from floodlights, noise from generators and insufficient drainage.
6. The application is unclear as to whether this is a proposal for one pitch with a day room or for two pitches.
7. The proposal will be located on a former highway that provides access to the fields to the south of the site. If this permission were granted access would no longer be possible to these fields.
8. There are over 32 rental properties and 100 properties for sale within a 1 mile radius of this site. Considering the poor health of the applicant would they not be better suited to bricks and mortar accommodation?
9. The applicant does not own the land for which he intends to develop. Land ownership of the site is unclear, with various expressions of interest which would be affected if permission were granted.
10. There are inaccuracies within the application. For example, the applicant has not lived on the site for 9 years, as he claims.
11. The proposal will have a negative visual impact upon this gateway site and surrounding area. It would also be contrary to the character of the area, which is derived predominantly from brick-built dwellings. The gates at the front of the site would have a very industrial appearance.
12. A small salvage business operates from the site. If permission is granted this will surely expand?

5 letters of support for the proposal have also been received.

5.0 Planning Policy

Planning Policy for Travellers Sites (CLG 2012)

This national planning policy is a material consideration when determining this planning 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 historic under provision of suitable sites and reduce the number of unauthorised traveller

developments. This should involve the Local Planning Authority setting a target for the number of required pitches to meet a five year supply. The policy confirms that Local Planning Authorities should strictly limit new traveller's site development in the open countryside away from existing settlements, but should positively consider sites close to existing settlements that make use of previously developed, untidy or derelict land (paragraphs 23 and 24).

National Planning Policy Framework

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 9. Distribution & Location of Development

Policy 13. General Sustainable Development Principles

Policy 14. Energy Efficiency and Sustainable Construction

Policy 17. Gypsies and Travellers

Local Plan

7. Environment: Protection of the Open Countryside

RA5. Rural Area: Housing in the Open Countryside

SPG's

North Northamptonshire Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

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

1. Principle of Development

The application site is located to the west of Rothwell town just outside of the town boundary. However, it is within walking distance of the town centre and all of the amenities of Rothwell town, including local bus services. The site is also considered to be a previously-developed site (i.e. a metalled surfaced former through road) without a suitable use at present. Whilst it is in the open

countryside it is in a very sustainable location and would make use of an untidy site, as required by Paragraph 24 of the national Planning Policy for Traveller Sites.

The 1995 Local Plan for Kettering Borough, and in particular Policy 7, seeks to prevent unjustified development in the open countryside, unless it is otherwise provided for in the Development Plan. This site, whilst outside of the settlement boundary and therefore technically within the open countryside, has to be considered as brownfield or, in other words, previously developed land in line with the abovementioned Paragraph 24 of the Planning Policy for Traveller Sites. Therefore this site, on brownfield land and so close to an existing settlement, is considered to be in a very sustainable location.

Policy 9 of the North Northamptonshire Core Spatial Strategy sets out the Council's preferred sequential approach for the distribution and location of new-build development. The policy directs development to the growth towns and existing settlements, although it does state that development will be focused on previously developed sites and that preference will be given to sites that are highly accessible by various means of travel, which this site is, due to its proximity not only to the A14 and A6, but the proximity to the bus network in Rothwell. The policy provides for exceptional development in open countryside where it is to be strictly controlled.

According to Policy 17 of the North Northamptonshire Core Spatial Strategy where a need for additional gypsy or traveller accommodation is identified planning permission may be granted, or site allocations proposed, when specific criteria are met. The criteria are as follows:

- a) The site should be in accordance with the spatial 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.

Again, whilst the proposed site is outside of the settlement boundary this location is the sequentially next-best location available. It is not within an environmentally sensitive area and it will maximise possibilities for social inclusion and sustainable travel.

In conclusion, the proposal satisfies the aims and objectives of Policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the 1995 Local Plan for Kettering Borough and is therefore acceptable in principle. Further consideration of relevant issues and material considerations follows in the remainder of this report.

Policy H of Planning Policy for Traveller Sites sets out issues which need to be

considered when determining planning applications for traveller sites. These include:

- 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 determine applications that may come forward on unallocated sites and;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Policy H continues that Local Planning Authorities should attach 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.

2. Need for Additional Gypsy Sites

Section 225 of the Housing Act 2004 places a statutory duty upon Local Planning Authorities to assess the demand for Gypsy and Traveller accommodation in their area. The assessment should be taken into account when exercising all its functions. The Gypsy and Traveller Accommodation Assessment was last updated in October 2011 and identified a minimum requirement of the provision of 10 new pitches within the Borough 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 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. Therefore the additional requirement until 2022 is a minimum of 1 further pitch. This proposal is for 2 pitches, which would satisfy the identified requirement until 2022.

Objections to the proposal have been received that indicate 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 Local Planning Authority has identified that for all authorised sites, with the exception of Broughton, there are no vacant pitches. At the time of visiting Braybrooke crossroads some pitches were not occupied. However, this was because the occupiers were away travelling. In respect to the available pitches at 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 recent appeal decisions for the Greenfields site at Braybrooke the Planning Inspector considered that up to 2022 a shortfall of 3 deliverable pitches remains (now adjusted to one, in view of the two additional pitches at Broughton). However, there remains a greater shortfall of available pitches due to the reasons stated above. 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 Planning Inspector.

To establish the need and personal circumstances of the applicant for this site information has been sought as to where the applicant and his family have been living in recent years. The applicant states that he has been at this location for 9 years. Several objections to this application question this period of time. Both Environmental Health and Northamptonshire Police have been consulted and both confirm that the applicant has been at this location for at least 6 years. The applicant and his family wish to remain at this site to stay close to the local community, particularly as they have family members who live close by in Rothwell. Given that the applicant and his family have settled here for at least 6 years it is considered that the applicant's need, and personal circumstances, and local connections are material considerations which add weight to planning policy in support of the proposal.

There is an identified need for Gypsy and Traveller pitches a condition should be imposed, should permission be granted, restricting the occupation of the site for Gypsies and Travellers only (see condition 1).

3. Sustainability of the Site

Policy 17(c) of the North Northamptonshire Core Spatial Strategy states that any proposals 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 site is approximately 100m outside of the town boundary of Rothwell, which is classed as a smaller town by the North Northamptonshire Core Spatial Strategy, provides a range of local services, such as primary and secondary schools, shops, doctors, pharmacists, a library and bus services to the larger towns in Northamptonshire. To the north of the site is a footpath (on Harrington Road), which allows pedestrian access to the town centre and it would take approximately 10-15 minutes to walk to the historic heart of Rothwell.

The site is also very close to the A14 and the A6, along with several minor roads that access the nearby villages of Orton and Harrington. The site is therefore highly accessible by private car and whilst this might not be the most sustainable means of accessing a new development the site is also highly accessible by sustainable means, in accordance with 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.

At both national and local planning policy level there is no formally adopted set of criteria for the assessment of Gypsy sites, there is guidance given by Policy H of the Planning Policy for Travellers Sites. However, in a recent appeal decision at Greenfields in Braybrooke the Planning Inspector concluded that the site was not closely linked to an existing settlement with a range of services and facilities. Therefore there would be a reliance on the private car to access local facilities. This proposal, on the other hand, differs markedly because of how close it is to existing services and facilities and the infrastructure already in place to access those services. It is therefore considered that the location of the site satisfies the requirements of Policy 17(c) of the North Northamptonshire Core Spatial Strategy.

4. Landscape Implications

Policy 13(o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance the landscape character of the environment, referencing the Northamptonshire 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. This site is within open countryside, but on brownfield land.

The surrounding landscape character is partly defined by the agricultural fields that encircle Rothwell, but also by the junction of the A14 and A6 Roads and by Harrington Road itself, a residential approach road to the centre of Rothwell. As Policy 17(b) of the Core Spatial Strategy requires that Gypsy and Traveller sites are not located within an area designated as environmentally sensitive this proposal is considered to comply with the policy. Views of the site from Harrington Road will be very limited due to the existing hedgerows which run along the northern boundary of the site. Further control of the appearance of the site and boundaries is proposed via condition 4, should planning permission be granted. It is therefore not considered that the scheme will have

a detrimental impact upon the character of the open countryside or result in the loss of an existing agricultural land use and as such accords with Policies 13 and 17 of the Core Spatial Strategy.

5. 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 property to this site is 73 Harrington Road to the northeast, which is approximately 150m away. Therefore there is considered to be sufficient separation distance between the existing dwellings and the proposed development to not result in any adverse noise or disturbance, overshadowing or loss of privacy and therefore would satisfy the requirements of Policy 13(l) of the North Northamptonshire Core Spatial Strategy. It is also acknowledged that there is an extant permission for 104 dwellings 10 metres to the east of this site. No part of this proposal falls within the red line of the site to the east.

6. 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 would utilise the former Orton Road which accesses Harrington Road. The submitted Transport Assessment confirms that there is sufficient parking clear of the highway for visitors, cars can exit site in a forward gear and there are no structures or otherwise that would make access and egress from site hazardous in any way. The proposed gates are approximately 20m back from Harrington Road and there will be two vehicular movements to and from site per day. Given this relatively minor use Northamptonshire County Council Highways Department have no objection to the proposal. In addition, the pedestrian and vehicular visibility splays at the point of access are sufficient and thus the development will not result in a detrimental impact upon the safety of the local highway network.

7. 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 disposal of foul and surface water drainage is capable of being dealt with on site. Condition 5(i) is recommended to ensure that details are submitted to the Local Planning Authority before the scheme is approved and implemented in full.

8. Ecology

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

The proposal site is an existing area of hard standing, a relic of the former Orton Road. The site has not been re-colonised by weeds, grasses or other low level forms of vegetation and therefore should consent be granted there will be no impact upon the existing ecology of the area.

9. Other Matters

This site is not owned by the applicant. Every effort has been taken by the applicant and the Local Planning Authority to determine ownership of the land, but this is a complex legal matter due to the fact that the site is on a former highway with 4 separate neighbouring landowners. The applicant has completed the correct section of the planning application, Certificate D, and has advertised his interest in the land in the local press, something that is required by the Town and County Planning (Development Management Procedure) (England) Order 2010. The applicant has therefore satisfied the requirements of the planning system in regards to making a valid application for this site. The notice the applicant served does not confer ownership and objections have been received based on the land ownership issue. Land ownership is not a material planning consideration and therefore all parties with an interest in the land are instructed to seek legal advice in this regard.

There have been several objections related to the time the applicant has resided on this site. The applicant claims in the Design and Access Statement that he has been resident here for 9 years, whereas others dispute this. The formal response from Environmental Health, which has an official link with the Countywide Traveller Unit, confirms that there is evidence that the applicant has been at the site since 23/10/2006. It is therefore concluded that the applicant has been at this site for 6 years only. The inaccuracy in the Design and Access Statement is not considered to be a material consideration in determining this application.

Conclusion

The proposed site is in accordance with the locational and sustainability criteria of the Development Plan policies as described in section 7.1 above. This is supported by the Planning Policy for Traveller Sites. The Local Planning Authority must, under Section 38(6) of the Planning and Compulsory Purchase Act 2004, determine applications in accordance with the Development Plan unless material considerations indicate otherwise. It is considered that the proposal is in accordance with the Development Plan and that the weight of material considerations gives further support to the proposal. The application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Harrington Road (land off), Rothwell
Application No.: KET/2012/0064



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