

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 17/12/2013</b>	<b>Item No: 5.9</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2013/0679</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>Stoke Albany Road (land off), Desborough</b>	
<b>Proposal</b>	<b>Full Application: Siting of mobile home, erection of day room and replacement vehicular access.</b>	
<b>Applicant</b>	<b>Mr C Smith</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 APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

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

2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the National Planning Policy for Traveller Sites.

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 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policies 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

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

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

5. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Site Act 1968, of which no more than one shall be a static caravan, shall be stationed on the site at any time.

REASON: To reflect the terms of the application, in the interests of residential amenity, general amenity and the highway safety in accordance with policy 13 (d), (h) and (l) of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2013/0679**

There are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2010/0605 Mobile home and replacement vehicular access. Conditional consent 14.10.2010. This was a temporary permission which expired on 14.10.2013 and which restricted the occupancy of the site to Gypsy and Travellers.

KET/2010/0198 Mobile home and replacement vehicle access. Withdrawn 19.03.2010

KET/2005/0875 Certificate of Lawfulness for an existing use for the siting of a mobile home. Refusal 15.11.2005. The Local Planning Authority was not satisfied on the balance of probability, the use of the land for the siting of a caravan for residential uses had subsisted for more than 10 years.

KET/2005/0513 Outline for one new dwelling. Refusal: Site is located in the open countryside and no exceptional circumstances have been demonstrated to override the countryside restraint policies. 28.07.2005.

#### **Site Description**

Officer's site inspection was carried out on 28 November 2013.

The site is located on the eastern side of Stoke Albany Road and is located within the open countryside. The site is currently occupied by a Gypsy/ Traveller family in association with the previous temporary planning permission on the site (KET/2010/0605). Given the sites current use for Gypsy accommodation, various areas of hard standing are laid down and there is an existing vehicular access into the site from Stoke Albany Road. The site is served by drainage, electricity and water.

The property immediately to the north east is a dwelling and immediately to the south west of the site is a dwelling with an associated cattery business. Units to the south of the site are in commercial use.

#### **Proposed Development**

This planning application seeks consent for the permanent use of the land as one pitch for Gypsy/ Traveller accommodation. The scheme provides space for a mobile home, a touring caravan and an amenity building. The amenity building is a single storey pitched roof building which will provide for utility room and a bathroom. The existing vehicular access from Stoke Albany Road will be utilised with some improvement works.

**Any Constraints Affecting The Site**  
B Road

**4.0 Consultation and Customer Impact**

**Wilbarston Parish Council**  
Support the application.

**Stoke Albany Parish Council**  
This should be viewed as a temporary site until such time as the KBC review of the Gypsy and Traveller Accommodation is completed.

**Desborough Town Council**  
What will be gained by extending this permission further? This should be viewed as a temporary site until such time as the KBC review of the Gypsy and Traveller Sites is completed. There are enough Gypsy and Traveller Sites in this area. Gated communities is not in line with the latest national guidelines.

**Environmental Health**  
No objections.

**Highway Authority**  
Recommend that the access is amended to come straight out of the site rather than the 90 degree arrangement previously agreed.

**Northamptonshire Police Community Safety**  
No objections.

**Neighbours**  
No third party representations received.

**5.0 Planning Policy**

**National Policy**  
National Planning Policy for Traveller Sites (DCLG 2012)

**National Planning Policy Framework**  
Paragraph 17 Core Planning Principles  
Policy 6. Delivering a wide choice of high quality homes  
Policy 7. Requiring good design

**Development Plan Policies**

**North Northamptonshire Core Spatial Strategy**  
Policy 1. Strengthening the Network of Settlements  
Policy 9. Distribution and Location of Development  
Policy 13. General Sustainable Development Principles

Policy 17. Gypsies and Travellers

### **Local Plan**

Policy 7. Protection of the Open Countryside

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

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

This particular site has been assessed as a potential site (DES031), but the document has not yet progressed to final adoption and therefore only limited weight can be given to this document.

Emerging Joint Core Strategy

Policy 31. Gypsies and Travellers

## **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. Proximity to Services
4. Landscape and Appearance
5. Highway Safety
6. Residential Amenity

### 1. Principle of Development

The site is located in the open countryside, being located approximately 550 metres from the town boundary of Desborough. Saved policy 7 of the Local Plan seeks to prevent unjustified development in the open countryside, unless it is otherwise provided for in the development plan. Other national and local policies recognise the almost inevitability of having development in the open countryside to meet the accommodation needs of Gypsy and Travellers.

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.

Policy 17 of the North Northamptonshire Core Spatial Strategy sets out the Council's preferred sequential approach for additional Gypsy and Traveller 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 of 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 determining 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 applicant
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the location of site in plans or which from 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 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, in conjunction with the National Planning Policy for Traveller Sites (March 2012), places a statutory duty for local authorities to assess the demand for Gypsy and Traveller accommodation in the area and to make provision to meet that demand by allocation suitable sites through the planning process.

In Northamptonshire the Countywide Traveller Unit updated the Gypsy and Traveller Accommodation Assessment (GTAA), the results of which were published in October 2011. For Kettering Borough the GTAA concluded that a further 20 pitches should be provided by 2022. Since the 2011 GTAA, seven pitches have been approved and are in the process of being constructed at 'The Laurels' (KET/2013/0263), works

to one further pitch on Stoke Albany Road has commenced (KET/2008/0423), and 2 pitches have been provided at Northampton Road, Broughton (KET/2011/0363), thus reducing the requirement to 2022 to 10.

At the time of the assessment there were 5 pitches with temporary permissions (including the pitch the subject of this application), which were included within the GTAA supply figures. Consequently, if further approvals are not granted for these temporary sites, there will be a need for additional replacement pitches to be provided. If this application is refused, there will be a requirement for further one pitch, increasing the requirement by 2022 to 11 pitches. The GTAA is a material consideration and the requirement for 10 additional pitches to be provided by 2022 is given significant weight in determining the suitability of the site.

The Council is currently preparing the Site Specific Proposals Local Development Document (LDD) which will identify the location of appropriate Gypsy and Traveller sites in accordance with the need identified in the GTAA. Once the LDD has been adopted the Local Planning Authority will be able to release sites for the development based on those identified within the LDD.

At this stage the site selection process has identified the application site as a potential site. Sustainability Appraisals were undertaken for all the identified sites and this site scored well in comparison to other sites, with 14 of the 24 sustainability criteria scoring very favourably and these include settlement hierarchy; health; skills; liveability; impact on biodiversity; landscape; water conservation and management; soils and land; minerals; infrastructure and availability.

The emerging policy document has undergone consultation and the Council is in the process of reviewing the responses and taking the favoured options to the next stage. The results of the consultation for this site are very positive with 10 supporting comments received and only 3 objections.

In summary, the GTAA for Kettering Borough has identified a need for additional Gypsy and Traveller sites within the Borough which, to date, has not been fulfilled. The site has scored highly as part of the Site Specific Proposals LDD and received positive comments via the consultation and whilst it is only emerging policy, the SSPLDD, once formally adopted, will form part of the Development Plan.

### 3. Proximity to Services

Policy 17 (c) of the North Northamptonshire Core Spatial Strategy requires that developments be closely linked to an existing settlement with an adequate range of services and facilities in order to maximise the possibilities of social inclusion.

The site is located within an enclave of development in the open countryside and is some distance away from the nearest local shops and services. Desborough is the closest settlement which would provide all local services and facilities. The site is located 555 metres to the town boundary of Desborough and 2140 metres to the town centre boundary. Whilst occupants of the site could walk to the nearest services, given the existing lack of footpaths from the site to Desborough itself, it is highly likely that there would be a dependence upon vehicles to access local facilities.

It is important to note that the planned development of Desborough North (approximately 550 metres away from the application site), will include local facilities, thereby bringing the site significantly closer to local shops and services.

Whilst currently the site does not score favourably in respect of access to services and public transport, this will improve when Desborough North is developed and this is a material consideration in the determination of this application. This proximity to the town boundary of Desborough also means that the site does score favourably compared to a number of other sites identified within the open countryside. Whilst the site does not fully accord with the requirements of Policy 17 c of the North Northamptonshire Core Spatial Strategy, for the reasons identified, it is one of the better sites that have been identified in the open countryside through the Options Paper Consultation.

#### 4. Landscape and Appearance

Policy 13 (h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping, and respect and enhance the character of its surroundings.

The application site lies in a rural location, however it is directly between two domestic dwellings, while the land immediately to the south of the site is used for a range of business purposes. The northern boundary of the site abuts Stoke Albany Road and there is an existing high hedge, approximately 6 metres in height on this boundary which could be retained as part of this development. Given this existing boundary treatment, the built up nature of the adjoining land and the single storey nature of the resultant development, surrounding views of the site will be minimal and the existing character of the area will remain.

The proposed amenity building is located to the rear of the site, against a backdrop of a large commercial building. With existing boundary treatment, it will not be visible from the public domain. Notwithstanding this the size and design of the amenity building is considered to be appropriate for its use and location. Eaves and ridge height are limited to 2.6m and 4.9m respectively and the building will be brick and tile built, details of which will be secured by condition.

## 5. Highway Safety

Policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy which respectively require that developments have a satisfactory means of access and provide for adequate parking/ servicing/ manoeuvring and should not have an adverse impact on the highway network and prejudice highway safety.

The schemes provides for the widening of a section of access road which runs parallel with Stoke Albany Road. It was a requirement under the previous temporary consent that these improvement/ widening works be completed prior to first occupation of the site. The agent has advised that these works were not undertaken by the applicant as it was only recently that they occupied the site.

Northamptonshire County Council Highways have been consulted on the scheme and recommended that the access to the site be amended to come straight out of the site rather than the 90 degree arrangement previously agreed. The applicant has agreed to submit plans showing this recommended amendment. Full details of the revised plans and associated recommended conditions in respect of this access will be included in the update report.

## 6. 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. Residential dwellings are located immediately to the north east and south west of the site. In terms of the use of the site as Gypsy and Traveller Accommodation, it is not considered that any adverse loss of privacy or noise disturbance will result to occupiers of the adjacent dwellings. There is existing mature planting and 2 metre high timber fences on the shared boundaries to the east and west of the site which provide for privacy to occupiers of these existing dwellings. It is also considered that no adverse levels of noise or disturbance will result to the occupiers of these two adjacent dwellings as the level of activity of the development will be no greater than any other residential dwelling and thus in accordance with the requirements of policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

The proposed amenity building is located adjacent to the south eastern boundary of the site. Land to the south east of the site is in commercial use. With existing boundary treatment comprising a blank flank wall of the commercial building, it is considered that this amenity building will not result in any overbearing impact, overshadowing or loss of privacy to the occupiers of this commercial unit. Given existing boundary treatment, the single storey nature of the building and the separation distance from the boundaries with the two adjacent residential properties, it is not considered that no overlooking, overbearing impact or overshadowing will result.

## **Conclusion**

Whilst the site does not score as favourably in respect of access to services as sites within or immediately adjoining the built up area, it does compare more favourably to other sites in the open countryside identified through the process. It is also of relevance that the accessibility of the site to local services will significantly improve with the development of Desborough North.

The site is however directly adjacent to residential properties and does score favourably in all the other assessment criteria set out within the Sustainability Appraisal of the Options Paper. Given the site scores favourably to other sites identified through the site assessment process and the need for the authority to provide for addition Gypsy and Traveller sites, it is recommended that a permanent planning permission be granted. Whilst the scheme is not fully in accordance with the requirements of policy 17 of the North Northamptonshire Core Spatial Strategy, the site assessment process indicates that allocation of sites within the town and village boundaries alone will be insufficient to meet the needs identified in the GTAA.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date: