

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 11/03/2014</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2014/0028</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>Stoke Albany Road (Land off), Desborough</b>	
<b>Proposal</b>	<b>s.73 Application: Removal of condition no. 1 of KET/2013/0679, in respect of time period</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 site shall not be occupied by any person other than the 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.

2. 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 accordance with policies 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

3. 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.

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

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

5. Within 4 months of the date of this decision the revised vehicular access shall be fully constructed in accordance with the details shown on the revised site layout proposals plan drg no 1317-1B received 10.12.2013. The access shall have a width of 4.5 metres, shall be paved with a hard bound surface for the first 5 metres from the highway boundary and no surface water from the access shall discharge into the highway.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2014/0028**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2013/0679 Siting of mobile home, erection of day room and replacement vehicular access. Approved 19 December 2013. Condition 1 restricted this permission to a two year temporary consent after which the use would cease. Condition 2 of this consent restricted the occupancy of the site to Gypsy and Travellers. A copy of this committee report forms Appendix (A) of this report.

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 mobile home. Refused 15.11.2005. The Local Planning Authority was not satisfied on the balance of probability that 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. Refused 28.07.2005. Site is located in the open countryside and no exceptional circumstances have been demonstrated to override the countryside restraint policies.

#### **Site Description**

Officer's site inspection was carried out on 28/01/2014

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 existing temporary planning permission on the site (KET/2013/0679). There is an existing vehicular access into the site from Stoke Albany Road. The site is served by drainage, electricity and water. The amenity building and access improvement works approved under KET/20013/0679 have not yet been constructed.

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

### **Proposed Development**

Condition 1 of planning permission KET/2013/0679 (siting of mobile home, erection of day room and replacement vehicular access) restricted the development to a two year temporary permission.

Condition 1 states:-

C1 'The permission hereby granted shall be for a period limited expiring on 30<sup>th</sup> December 2015, on or before the date the use of the land for the siting of caravans shall be discontinued permanently and the site shall be restored to its former condition through the removal of the mobile home, touring caravans, vehicles, materials and equipment brought on to the land in connections with the use, and all hard surfacing, gravel and shingle laid on the site'.

Reason: To allow a sufficient period of time for the sustainability of the site to be assessed strategically with other potential sites and delivered through a Site Specific Development Plan Document for Gypsy and Traveller Sites, in accordance with policy 13 and 17 of the North Northamptonshire Core Spatial Strategy.'

This current application is for the removal of condition 1 which would in effect provide for a permanent planning permission.

The applicant has advised in their submission that condition 1 fails to meet the tests set out on Circular 11/95, stating the application is not a trial run application nor for a short term building or use where such a condition may be appropriate.

### **Any Constraints Affecting The Site**

B Road

## **4.0 Consultation and Customer Impact**

**Desborough Town Council** The condition was levied while the planning authority was in the middle of consultation re: authorised Gypsy and Traveller sites. If this is now agreed and this condition can be removed then there is no objection. The decision on the planning application should be delayed until after the Planning Policy Committee meeting on 19.02.2014.

**Wilbarston Parish Council** Support the application.

**Stoke Albany Parish Council** A permanent decision would not be appropriate until such time as the review of the Gypsy and Traveller Accommodation is completed.

**Environmental Health** No objections to make,

**Highway Authority** Comments provided under KET/2013/0679: Recommend that the access is amended to come straight out of the site

rather than the 90 degree arrangement previously agreed.

**Northamptonshire Police** No formal objections to the removal of the condition.

**Neighbours** No third party representations received.

## **5.0 Planning 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 Consultations: June 2013.

A paper was taken to Planning Policy Committee on 19<sup>th</sup> February which informed Members of the results of this consultation and agreed a way forward to meet the housing needs of Gypsy and Travellers in the Borough to 2031.

#### **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 Removing the Condition
2. Other Matters

This report considers only the acceptability of removing the condition. The original planning committee report for KET/2013/0679 can be found at Appendix A and this includes consideration of the wider issues associated with this application.

### 1. Principle of Removing the Condition

The reason for a two year temporary condition being applied to planning permission KET/2013/0679 was to allow a sufficient period of time for the sustainability of the site to be assessed strategically with other potential sites and delivered through a Site Specific Development Plan Document for Gypsy and Travellers Sites.

Planning permission KET/2013/0679 was considered by the Planning Committee on 17<sup>th</sup> December. At that time, the application site had been identified as a potential Gypsy and Traveller pitch in the Options Paper Consultation, however the results of this consultation and further assessment work had not been published.

Since the determination of planning permission KET/2013/0679, The Site Specific Proposals Local Development Document – Gypsy and Traveller Accommodation Options Paper went to Planning Policy Committee on 19 February. In this meeting Members were informed of the responses to the consultations on this document and agreed a way forward for meeting needs in Kettering Borough to 2031.

The Site Specific Proposals LDD Gypsy and Travellers Accommodation – Options Paper Consultation identified the site as a potential site. Sustainability Appraisals were undertaken for all the identified sites and the 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.

As part of the consultation on the Options Paper for this site, the site received three objections and 10 supporting comments. The reasons for the objections were that the site is only for 1 pitch and this has the potential to be abused and there are already a large number of pitches in the area. The Paper to committee recommended that the site be progressed. In response to the two objections raised the paper states:-

‘The Woodcroft site will be a private site run separately from the other nearby local authority managed sites. The site is located sufficiently far away from the other sites within the area and does not adjoin them and is not visible from them. Woodcroft is well screened and It is not considered that the continued residence of this one pitch would add to such a level of over concentration that it should not be progressed. The

site is surrounded by either dwellings or commercial units, thus reducing an impression of over concentration of Gypsy / Traveller sites within this locality.'

Members of the Planning Policy Committee resolved that the application site should be identified within the emerging policy as a site allocation for a permanent pitch. The reason for this decision was the site benefited from temporary planning permission and compared favourably to other sites.

It is considered that the Papers taken to Planning Policy Committee on 19<sup>th</sup> February demonstrate that the site compares favourably to the other sites identified. Further to this, the resolution by Members to identify the site within the emerging policy as a site allocation for a permanent pitch gives further weight and certainty to this site being progressed under the Site Specific Proposals LDD Gypsy and Travellers Accommodation. For these reasons, it is considered appropriate that this site is granted a permanent permission and condition 1 be removed.

## 2. Other Matters

There has been no material change in circumstances on site since the previous application (KET2013/0679) was determined in December 2013. Issues in respect of landscape and appearance, highway safety and residential amenity remain unchanged from the previous report to committee, a copy of which forms Appendix A to this committee report. The improvement works to the existing access road as required by condition 6 of KET/2013/0679 have not yet been undertaken (the condition required the works to be completed within 6 months) and it is therefore appropriate for this condition to be re-applied along with the other four conditions should also be re-applied (restricting the occupancy to Gypsies and Travellers and number of caravans on site, as well as a restriction on business use being operated and details of any external illumination to be submitted.

## Conclusion

It is recommended that condition 1 of planning permission KET/2013/0679 be removed and permanent consent be granted for the site. The site compares favourably to other available sites identified in the Site Specific Proposals LDD Gypsy and Travellers Accommodation Options Paper and Members resolved at the Planning Policy Committee Meeting that the site be identified within the emerging policy as a site allocation. Given the needs identified in the Gypsy and Traveller Accommodation Assessment for gypsy and traveller pitches, and the work undertaken to date on the Site Specific Proposals LDD, this site will make a positive contribution to the provision of needed pitches.

**Background  
Papers**

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536  
534316

**Previous Reports/Minutes**

Ref:

Date: