

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 04/09/2014 | Item No: 5.2 |
| Report Originator | Alan Davies Development Officer | Application No: KET/2014/0354 |
| Wards Affected | Welland | |
| Location | Denman Close (land adjacent to), Stoke Albany | |
| Proposal | Outline Application: 1 no. dwelling with access off Harborough Road and all other matters reserved | |
| Applicant | Mr R Freer | |

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 location of the proposed dwelling is outside of the adopted settlement boundary of Stoke Albany and thus is considered to be development within open countryside. This site is not considered to be an exception site according to national planning guidance and nor is it designated within the development plan for residential development. Policy 7 of the 1995 Local Planning Policy for Kettering Borough is explicit in stating that development within the open countryside is not supported unless provided for elsewhere in the plan. In this case there are no exception policies, national or local, which support the development of this site and thus it is considered contrary the core principles and Sections 3, 4, 6 and 7 of the National Planning Policy Framework, Policies 1, 7, 9 and 10 of the North Northamptonshire Core Spatial Strategy and saved Policies 7 and RA5 of the 1995 Local Plan for Kettering Borough.

2. The proposal, by virtue of its unsustainable location, would be accessed from a Class B road that would create conflict with existing traffic using the road as a result. Even with sufficient visibility splays the speed of traffic exiting the slip road from the A427, combined with the crest of the hill, would result in the vehicular entrance and exit from site being in an unsafe location. The proposal would therefore result in an unacceptable impact upon local Highway Safety and it therefore conflicts with Section 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0354

This application is reported for Committee decision because the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

KET/2014/0036 - Outline application: 1 no. dwelling. Withdrawn 31/03/2014.

KET/1997/0031 - change of use to operating centre for a single HGV.
Approved 20/03/1997.

KET/1999/0170 - Renewal of KET/1997/0031: change of use to operating centre for a single HGV. Approved 11/05/1999.

Site Description

Officer's site inspection was carried out on 19/06/2014.

The application site is a triangular parcel of land outside of the village of Stoke Albany (to the southwest of the village). The site is accessed from Harborough Road to the north by an existing hard surfaced access. The site is sandwiched in between Harborough Road to the north, the A427 to the south and Denman Close to the east. It appears to comprise an overgrown field surrounded by mature hedges, although the site is in fact used as a HGV operating centre. The existing vehicular access to the site is a dropped kerb and 5-bar gate set back from the highway. The current planning use of the site is as a HGV operating centre for a single vehicle and there is a hard-surfaced area on site for the parking of one vehicle clear of the highway. There are no other permanent structures on site.

Proposed Development

It is proposed to seek outline planning permission on the site for the erection of a 2 bedroom dwelling. The existing HGV operating centre would continue to operate from the east part of the site.

The applicant wishes to build the property as his brother has been made homeless due to a recent bereavement in the family. He operates the HGV operating centre and so it would be convenient for him to live next to the location from which he works.

Any Constraints Affecting the Site

A Road (to south)
B Road (to north)
Public Right of Way (to the north)
Outside settlement boundary

4.0 Consultation and Customer Impact

Parish Council

Support

Highway Authority

Due to a significant amount of vegetation growing in the verge, there are no acceptable visibility splays available in either direction. This vegetation appears to have been planted in the verge, outside of the property, and although it appears to be maintained by the owner to some degree, it should be removed, even for the existing access to be made safer.

Even allowing for its removal, where 2 x 43m visibility splays could probably be formed, this dimension looking left towards the A427 will definitely not be enough because while I was on site, several vehicles came up the slip road well in excess of 30mph and I would therefore have serious concerns that the entrance would not be in a safe location. There is also the crest of the ramp to take into account whereby approaching vehicles cannot be seen until they are close to the 30 mph signs.

Therefore, from a highway safety perspective I do not believe that a suitable access can be formed and that you should refuse the application on these grounds.

Environmental Health

There are several concerns regarding the siting of this dwelling: access through a HGV yard, noise from the operation of the HGV yard and potential for dust and odour from the HGV yard. Therefore refusal on the grounds of unacceptable negative impact upon residential amenity is recommended. However, if the Council recommends approval the standard land contamination condition should be applied. If outline permission is granted a condition requiring an acoustic assessment is also required to be submitted as part of the reserved matters application.

Neighbours

No responses received.

5.0 Planning Policy

National Planning Policy Framework

Policy 3. Supporting a prosperous rural economy

Policy 4. Promoting sustainable transport

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 7. Delivering Housing
Policy 9. Distribution & Location of Development
Policy 10. Distribution of Housing
Policy 13. General Sustainable Development Principles

Local Plan

7. Environment: Protection of the Open Countryside
RA5. Rural Area: Housing in the Open Countryside

Emerging Policies (Local Development Framework)

Kettering Borough Site Specifics LDD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of development
2. Highway safety

1. Principle of development

An outline planning application has been submitted for this site adjacent to Denman Close and part of the site will be retained as a HGV operating yard. The application is outline with all matters reserved and therefore the only issue for consideration is whether the principle of the proposal is acceptable. The Development Plan, consisting of the North Northamptonshire Core Spatial Strategy and saved policies from the 1995 Local Plan for Kettering Borough, directs development to the growth towns of the area and the smaller A6 towns. The Development Plan resists development outside of the settlement boundary and Policy 7 of the 1995 Local Plan for Kettering Borough is explicit in stating that new development in the open countryside, which this proposal will be, will not be supported unless provided elsewhere in the Development Plan. In this case there is no provision for development of this site.

The proposed development will be accessed from a busy class-B road, it is an unsustainable location outside of a small village within the Borough, it will have no pedestrian links to any local services, of which there are few with the exception of a nearby public house, and there are no emerging policies that would support this proposal either (the site will continue to remain outside of the settlement boundary in the emerging Site Specifics LDD). The proposal is therefore considered to be contrary to the Core Principles and Sections 3, 4, 6 and 7 of the National Planning Policy Framework as it is not in a sustainable location, cannot be accessed sustainably, does not help the rural economy and will not provide a dwelling that would be well designed to fit within the street scene due to the difficult shape of the site in relation to existing neighbouring development.

The proposal also fails to accord with Policies 1, 7, 9, 10 and 13 of the North Northamptonshire Core Spatial Strategy as it would result in residential development in an unsustainable rural location. The site is outside of the settlement boundary and there is no intention to expand the settlement boundary in this area in the emerging Site Specifics Local Development Document. Whilst permission was granted for 6 dwellings to the east (Denman Close) in 1994 under permission KET/1993/0750 the development was granted permission as it was an exception site under Policy 42 of the 1995 Local Plan for Kettering Borough. This policy has not been saved and even if some weight could be given to the policy this proposal does not accord with the requirements of Policy 42. As such this proposal cannot be treated as an exception site under any Development Plan policies.

The two relevant saved policies from the 1995 Local Plan for Kettering Borough are Policy 7 and RA5, which both seek to protect the open countryside. In this case whilst the site has permission for use as a HGV operating centre the whole site has not been previously developed. Therefore it is considered that the site as a whole is not brownfield and as it is within the countryside and no existing structures are to be reused in the construction of the proposed dwelling it does not constitute an exception site. It is considered to conflict entirely with both Policy 7 and RA5 of the 1995 Local Plan for Kettering Borough as the site is outside the settlement boundary and thus constitutes development within open countryside.

The applicant has indicated in correspondence that he wishes to develop the site for his brother, who has been made homeless due to a recent bereavement in the family. Whilst this is an understandable motive for wishing to construct a dwelling on the site it cannot be given any weight in determining this application as it is not a material planning consideration. As such the application must be determined against national and local planning policy; personal circumstances are immaterial.

2. Highway safety

The proposal requires the intensification of an existing access created when planning permission was granted for the HGV operating centre access. As it is proposed to continue to use the access for the HGV operating centre as well as the dwelling the use of the access will be intensified. The location is high unsustainable and this is exacerbated by roads on either side of the site – the A427 and its corresponding slip road to Stoke Albany. The speed limit of the road immediately outside of the existing access is 30 miles per hour. However, due to the speed at which traffic leaves the A427 via the slip road in combination with the crest of the hill will result in the entrance being in an unsafe location. As a result the Local Highway Authority does not support this proposal and recommend that the application is refused on highway safety grounds. Due to the potentially dangerous intensification of the existing vehicular access the proposal is considered to conflict with Section 4 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Amenity

The submitted plans demonstrate that the proposed dwelling will be located in close proximity to the existing HGV operating centre. Whilst the application is in outline form only the shape of the site will result in both uses being located within close proximity, regardless of where the dwelling is located. As such Environmental Health object to the proposal on the basis that the HGV operating centre will result in an unacceptable level of noise for the occupants of the dwelling, the access through the yard may become compromised and there will be potential for dust and odour from the yard. The proposal will therefore have a detrimental impact upon the amenity of future occupants of the proposed dwelling and therefore the proposal fails to comply with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Conclusion

The proposal development is located within an unsustainable rural area considered to be open countryside. There are no national or local planning policies that support the development of this site as an exception site for residential use. The intensification of the existing access will have a detrimental impact upon highway safety and the amenity future residents of the proposed dwelling may be negatively affected due to the proximity of the existing HGV operating centre that is to remain on site. The proposal therefore wholly conflicts with national and local planning policy and permission should therefore be refused.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: