

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 06/12/2011</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Alex Jelley Development Officer</b>	<b>Application No: KET/2011/0685</b>
<b>Wards Affected</b>	<b>Desborough Loatland</b>	
<b>Location</b>	<b>Plot 6 Spinney Close, Desborough,</b>	
<b>Proposal</b>	<b>Full Application: Formation of vehicular access and driveway</b>	
<b>Applicant</b>	<b>Mr S Holland</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 gradient of the drive shall not exceed 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- No works may commence within the existing highway without the express written permission of the Local Highway Authority. This Planning permission does not give or infer such consent. However such consent may be forthcoming subject to the completion of a suitable licence or Agreement under the Highways Act 1980. Any works within the highway shall comply with NCC Specifications.

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

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance 13, Policy 13 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2011/0247 – Dropped kerb and driveway – Refused 23.06.2011

- *“The applicant has failed to demonstrate that a satisfactory vehicular access can be provided to the site, specifically in respect of vehicle visibility, to the detriment of highway safety. The scheme is thereby contrary to the requirements of Policy 13 of the North Northamptonshire Core Spatial Strategy and PPG13”*

KET/2005/0018 – Replace temporary dwelling with new dwelling – Approved 18.03.2005

#### **Site Description**

Officer's site inspection was carried out on 18.11.2011

The application site consists of Spinney Close, Braybrooke Road, Desborough. The site is used as a permanent gypsy and traveller site, and currently has 6 mobile home plots. There is an existing access point to the southeast corner of the site, off Braybrooke Road which lies to the south of the site. It is approximately 350m from the boundary of Desborough to the east.

There is a grass verge immediately adjoining the highway, which slopes down to a narrow drainage ditch and some shrubs that run along the boundary fence of the site. The location of the proposed access point follows this approach, with a close boarded fence currently in position.

#### **Proposed Development**

This application seeks permission for a dropped kerb and access point at Plot 6 Spinney Close, Braybrooke Road, Desborough.

#### **Any Constraints Affecting the Site**

C Road

### 4.0 Consultation and Customer Impact

#### **Desborough Town Council**

Objection.

- *“DTC believes that this is an overdevelopment at this location and should not be permitted. The removed hedgerow and drainage ditch should be reinstated. This site has one entrance off a busy road.”*

#### **Highway Authority**

No objection.

## 5.0 Planning Policy

### **National Policies**

PPG13. Transport

### **North Northamptonshire Core Spatial Strategy**

Policy 13. General Sustainable Development Principles

## 6.0 Financial/Resource Implications

None

## 7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Character
3. Highways

### 1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

In 2005 an application was approved (KET/2005/0018) for a replacement dwelling on the site. In the Officer's Report for that application the site is described as follows:

*"The existing bungalow stands in the southern part of the site whilst the remainder of the land is used for the siting of residential caravans and also storage of caravans – unauthorised uses. Enforcement and Stop Notices relating to these uses were never served because the site has been recognised to meet the criteria of Policy 119 of the Local Plan".*

Policy 119 of the Local Plan has since been superseded by Policy 17 of the North Northamptonshire Core Spatial Strategy (CSS), however, the relevance of the above passage remains. The site is close to the boundary of Desborough; which has a range of services available, it is not within an area designated as being environmentally sensitive, and is in accordance with Policy 9 and 13 of the CSS. Furthermore, aerial photographs of the site appear to show a constant and regular use in its current state since 2000. As such, the question of the lawfulness of the use of the site is not currently under question.

Policy 13 of the CSS provides for new accesses onto the highway, in accordance with the Development Plan and national guidance documents, subject to specific criteria being satisfied. In particular; accesses should be suitable in terms of their design and the character of the site and surrounding area; and they should form a suitable relationship with the highway network. PPG13 supports this approach, highlighting the important role matters relating

to the highway network have in ensuring road safety and sustainable development.

It is considered that the proposal is acceptable in principle, subject to the detailed matters discussed below.

## 2. Design and Character

The proposed access would be located in the northwest corner of the site, roughly 80m to the northwest of the existing access point. According to the application submitted the access driveway would be constructed of tarmac, while the edges would be grassed. It is considered that the proposals represent a form of access that is similar in character to those already in place among this part of Braybrooke Road. As such, the application conforms to the general character of the area, and is deemed to be acceptable from a design and character perspective. Therefore the Policy 13(h)(i) of the CSS are adhered to.

Desborough Town Council has referred to the loss of a mature hedgerow along the site boundary. From my site visit it appears that the precise location of the proposed access point is on a part of the site boundary that does not benefit from having a hedgerow along it. Instead there is a fairly standard close boarded fence. Whether a hedgerow was or was not removed from this section of the boundary prior to my site visit, I can not say. However, it is my opinion that this concern is not one that would constitute a reason for refusal.

## 3. Highways

The previous application, KET/2011/0247, was refused solely on the basis of an objection from the Highway Authority which stated the following concerns:

- *Incorrectly drawn and substandard visibility splays showing 2m x 150m instead of 2m x 215m. Visibility requirements could be reduced subject to a validated speed survey indicating that speeds are slower than 60mph*
- *Gradient of access being steeper than 1:15 for the first 5m from the highway*
- *Access should be 6m in width to enable a turning vehicle with a trailer to avoid causing damage to the adjacent and opposite verges.*

The Highways Authority response indicated that it was not likely that the above issues could be remedied on the site.

These concerns and the Highways Authority objection have been rescinded following discussions between the applicant and officers from NCC. The Highways Authority has made the following comment:

*"I have spoken with the applicant following the consideration of the previous proposal. On a site visit, I agreed that the visibility on offer in both directions is satisfactory for the location of the new access across the verge, despite the fact that the road at this point is derestricted (i.e. is subject to the national speed limit).*

*I noted that the advanced direction sign on the approach to the roundabout of*

*the A6 is in line with the visibility from the proposed access; however I also noted that vehicle speeds were lower from this direction due to the proximity of the roundabout and the rising gradient towards the site.*

*The design and dimensions of the proposal have been submitted based on a similar access on the other side of the road. As such I am comfortable that the arrangement would be acceptable from a highway safety perspective.*

*Confirmation should be sought that the gradient of the access is no steeper than 1:15 for the first 5m from the kerb. I believe this is easily achievable.”*

As such, it is considered that with an appropriate condition relating to gradient, the resultant development would form a suitable relationship with the highway network. The application therefore complies with Policy 13 (d)(n) of the CSS and PPG13.

### **Conclusion**

The application is in accordance with the Development Plan and there are no material planning considerations that would indicate against approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alex Jelley, Development Officer on 01536 534316

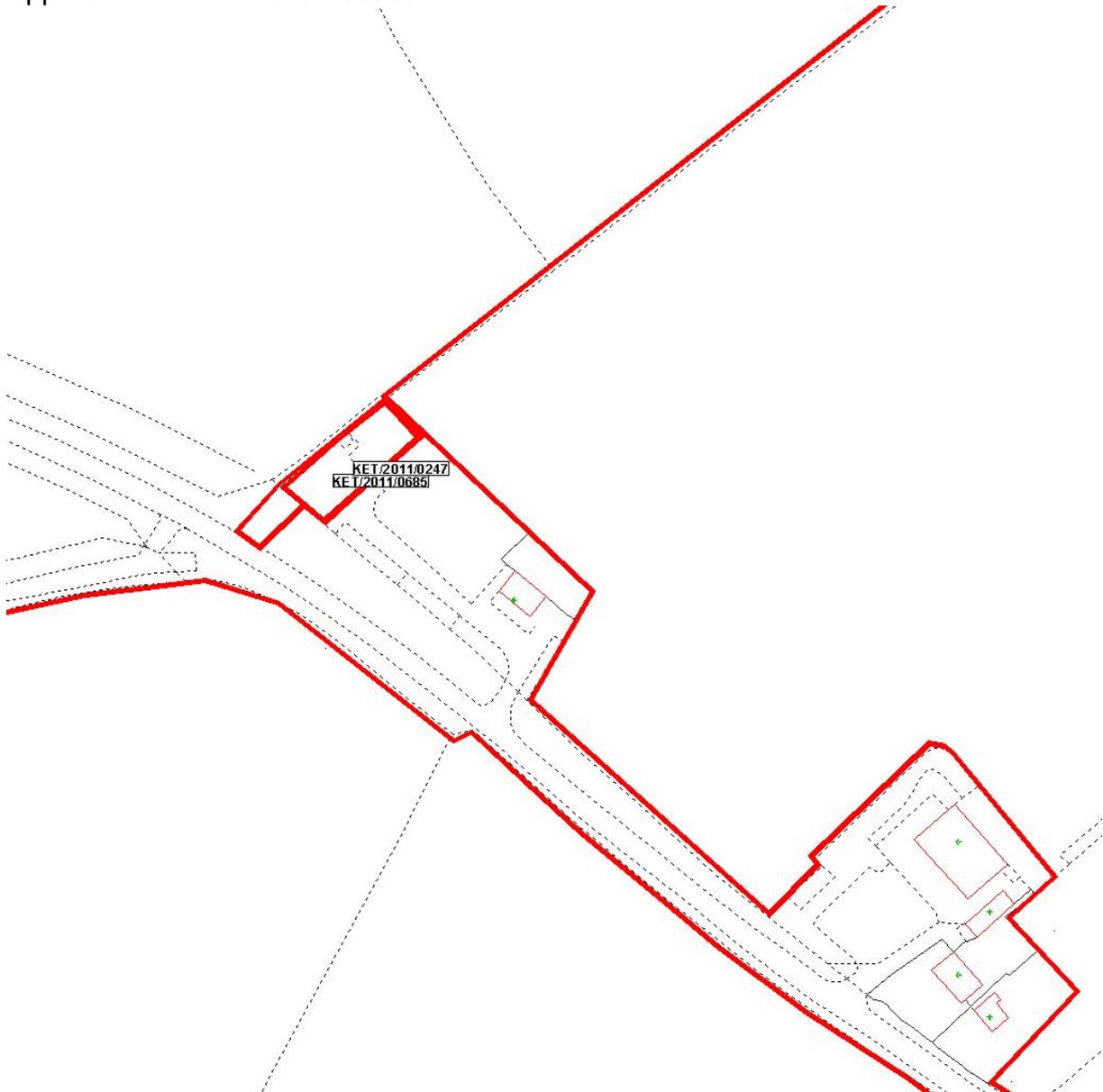
#### **Previous Reports/Minutes**

Ref:

Date:

# SITE LOCATION PLAN

Plot 6 Spinney Close, Desborough,  
Application No.: KET/2011/0685



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