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## Application for Planning Permission

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20/00458/COU

**Proposed residential caravan site for 6 gypsy/traveller families on land south of Oakley Park AT Ashley Road, Middleton.**

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**1. Site Description**

- 1.1 The site is located off Ashley Road on the western side of the road, approximately 250 metres to the north of Middleton Village. The land lies within open countryside and is adjacent to an existing site to the north which benefits from planning permission for use of the land to provide 3 No. gypsy pitches under two appeal decisions (References: APP/U2805/A/09/2099292 and APP/U2805/A/11/2162384). That site is currently subject to a planning appeal for an additional pitch that would take the capacity of that site up to 4 pitches, however, this is a separate site and cannot be cojoined with the site the subject of this application.
- 1.2 The site the subject of this application is bound to the east by Ashley Road and by fields to the southern and western boundaries. Access to the site is gained at the south-eastern corner of the site from Ashley Road.
- 1.3 The Middleton Waste Water Treatment Works is opposite the site, to the northeast, on Ashley Road and there is a bungalow approximately 90 metres to the northwest of the site.
- 1.4 The site is currently vacant although it was observed from a site visit that some works have been undertaken including the removal of hedgerows.

**2. Description of Proposal**

- 2.1 The proposal that is the subject of this planning application is for a proposed residential caravan site for 6 gypsy/traveller families at land south of Oakley Park. The application also seeks planning permission for the improvement of the existing field access, the laying of additional permeable hardstanding and the installation of a package sewage treatment plant for foul drainage.

**3. Planning History**

- 3.1 There is no relevant planning history for this site.

**4. Consultations/Representations****External**

- 4.1 Public consultation was carried out by way of site notice (three notices posted up, two at the entrance to the site and one on the parish notice board at the top of Ashley Road) on 02.12.2020 (Appendix 1) as well as notification to 44 interested parties on 27.11.2020 and 02.12.2020 to ensure that all interested parties were notified. The Council have since been made aware, more than a month after the posting up of the site notices, that these notices were allegedly removed a few days after being posted up. Photographs were taken of the site notices in situ and the Council's Planning Enforcement Officer confirmed that all notices were still in place a week after they were first placed up when they visited the site. Notwithstanding this, the Council cannot accept any responsibility for what happens to site notices once they have been posted up, especially when being made aware of any potential issue after the consultation period has expired. Notwithstanding the above, 132 public objections have been received to the application along with a petition signed by 55 residents of Middleton, many of whom sent in their own separate objections. The local MP for Corby and East Northamptonshire has also formally objected. A summary of the material planning reasons for objections include:

- Highway safety concerns including increased traffic, dangerous accesses in close proximity to the blind bend in the road.
- Number of traveller sites in and around Middleton and Cottingham.

- Drainage concerns due to increased hardstanding.
- Disposal of sewage/foul water.
- Design of boundary fence and removal of existing hedgerows.
- Harm to visual amenity and rural character of the area.
- Against planning policy.
- Environmental damage including impact on the nearby River Welland.
- Pollution concerns.
- Waste management.

A number of non-material objections have been received and these are covered under sections 6.47 and 6.48 of this report.

- 4.2 References have been made to the retrospective development that has taken place on the adjacent site which is subject to appeal with questions raised as to why this planning application has been accepted and processed by the Local Planning Authority. It must be made clear that the site the subject of this application is a separate site and the appeal that is set to take place on the adjacent land (pending a start date from the Planning Inspectorate at the time of writing of this report) is a separate matter and cannot be included in the consideration of this application. Furthermore, there is nothing in law to stop anyone from making a planning application for any area of land or building. Every application must be considered on its own merits. In this case, the land the subject of this application is owned by the applicant as confirmed by the completion of Certificate A of the application form and there is no relevant planning history for this site as set out in paragraph 3.1 of this report.
- 4.3 The following statutory consultee responses have been received.
- 4.4 Northamptonshire Local Highway Authority (LHA) responded on 03.12.2020 and made the following observations.

*The application states it is for 6 families, the data states that there would be 2 caravans per pitch, no more than one would be a static chalet.*

*This equates to a total of 12 dwellings on the site. It should be noted that LHA policy states that no more than 5 dwellings shall be served from a single private drive.*

*The document states that the site is located close to the village where amenities can be accessed such as a shop and a primary school and that this is easily reached by walking, however, the nearest footway is approximately 250m from the site's southern boundary and the road is sub 5m wide and has a de-restricted speed limit.*

*The document states that the access is further away from the authorised access to Oakley Park and the bend on Ashley Road. Therefore, the applicant's agent states that the visibility splays must be acceptable.*

*As every application is assessed on its own principles the assumption cannot be carried forward. The actual road speed (85th percentile) at the 'discovery' point for this access are likely to be higher than that of the access nearer the road bend.*

*As the road is de-restricted, without a speed survey to evidence the actual road speeds, vehicular visibility splays of 215m are required.*

*The site layout details a 6m wide access but with a tight switch-back double bend, the LHA requires accesses to remain straight and square to the highway for 10m beyond the rear of the highway boundary.*

*The site layout plan is not numbered and so cannot be accurately referenced when a revised plan is submitted. A simple title and revision letter should be detailed on all and any technical plans.*

*No tracking for the delivery and emplacement of the static chalets is supplied.*

*The application site is not affected by a Public Right of Way.*

*Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.*

Highways matters will be considered and discussed further under sections 6.25 to 6.36 of this report.

- 4.5 The Environment Agency initially responded on 01.12.2020 and stated that they had no comments to make as the application did not appear to fit any of the criteria on their consultation checklist. However, given the history of the site and concerns raised over drainage and sewage, a request was made for the Environment Agency to review the application. A further response was received on 22.12.2020 whereby the Environment Agency stated:

*We **object** to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system.*

***Reason** Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.*

*This objection is supported by planning practice guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer). Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.*

*In this instance the justification provided by the applicant for non-connection to the mains sewerage system is deficient in the following respects:*

*As the site is within 23m of a gravity sewer, the Environment Agency would require a costed analysis of the options available as justification why it would be unreasonable to connect to mains.*

***Overcoming our objection** To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the public foul sewer, and either revise their application to propose a mains connection or submit evidence that demonstrates that this is not feasible. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a development to install a private sewerage system. In such cases the developer should explore how a lack of capacity may be overcome so that their development can be connected to a public foul sewer. In these cases, if an applicant decides to apply for a water discharge permit for private treatment facilities, we are likely to refuse to grant the permit. If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend the imposition of conditions to be included on any subsequent approval.*

This response will be considered further under sections 6.39 to 6.44 of this report.

- 4.6 Anglian Water on 29.11.2020 in their response commented that:

*The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.*

*The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:*

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

4.7 The Lead Local Flood Authority on 31.12.2020 stated the following:

*Thank you for consulting us on the above application to which we make no comment. Please note that in its role as a statutory consultee to the planning application process, Northamptonshire County Council (as the Lead Local Flood Authority) only has a legal responsibility to provide advice on surface water drainage matters for major development as defined by Section 62A(2) of the 1990 Town and County Planning Act. This application is not deemed to be a major application i.e. 10 dwellings or more, additional internal floor space of 1000sqm or more or a site of 1ha.*

*Therefore, please refer to our Standing Advice which can be found within our Local Planning Authority Consultation Guidance, hosted on the Planners section of our online Flood Toolkit [https://www.floodtoolkit.com/wp-content/uploads/2016/03/LPA-Consultation-Guidance\\_v2\\_March2016.pdf](https://www.floodtoolkit.com/wp-content/uploads/2016/03/LPA-Consultation-Guidance_v2_March2016.pdf) for further advice and guidance.*

4.8 The Northamptonshire Branch of the Campaign to Protect Rural England (CPRE) responded on 11<sup>th</sup> December 2020 as follows:

*CPRE comments regarding application No. 20/00458/COU – Proposed Change of Use to Gypsy/Traveller Site, Ashley Rd, Middleton*

*CPRE Northamptonshire would like to comment on this application which has been brought to our attention.*

- 1. The proposed change of use to land to a Gypsy / Traveller Site for 6 additional pitches, adjacent to two existing sites ( one of which is under Appeal with CBC) is an over expansion of the area for Sites around the villages of Middleton & Cottingham (PPTS Policy C Par 14).*
- 2. Whilst recognising the need for an increase in plots for Gypsy residence within the Borough ,but due to the non – inclusion of provision of land for Sites in the Corby Local Plan 2 , the resultant policy for expanding sites will only compound the effect on the rural landscape and the urbanisation of the Welland Valley ,with areas around the villages being the most effected . They will lose their distinctive rural character.*
- 3. The NNJCS (2016) favours the preference for smaller sites (Policy 31,par.9.56) which are regarded as more easily managed, which is contrary to the current CBC Policy of expanding sites.*
- 4. Observations made across the Welland Valley from the higher ground on either the south side (EastCarlton Park) and the north side (Neville Holt), even without the proposed expansion,the sites are clearly visible and considerably detract from the character of the Valley.*
- 5. The plans indicate an entrance/exit onto the Middleton /Ashley Road within a very short distance of an existing entrance to the original site, on a dangerous bend in the road, in a de-restricted zone. This section of a rural road is used frequently by walkers/cyclists/horse riders dog/walkers and motorised traffic and is dangerous for traffic on this section as it is, without a further additional hazard.*
- 6. The proposed erection of a 2mt high wooden boarded fence around the boundary of the site is totally out of keeping with the rural area. Only hedging should be considered.*

*For the above reasons CPRE Northamptonshire considers this development will have an unacceptable impact on the rural character of Middleton village.*

4.9 Northamptonshire Police Crime Prevention Design Officer on 10.12.2020 commented that:

*I have been in contact with a member of the Corby Neighbourhood Policing Team who is one of the officers who in part has responsibility for the Middleton/Cottingham area. He has received information that some anti-social behaviour incidents have taken place*

*in the area but on researching our systems there has been only one incident reported in the last 90 days.*

*Northamptonshire Police have no concerns or objections relative to this application in relation to crime and disorder issues.*

*Northamptonshire Police generally approve the use of land for traveller/gypsy sites provided that such sites are for small named family groups who have local connections to the area. This land should not however be permitted to be used as a transient traveller/gypsy site at any time.*

*In order to ensure that the site remains for the use of named family members we would like to request that the following condition is imposed on any planning permission granted:-*

*Planning permission is specific to named individuals and only they shall reside on the site.*

*Permission lapses if the named individuals and children leave the site.*

*The application should address local needs for the provision of traveller pitches/accommodation for people with local connections in the Corby district and the county of Northamptonshire only. In addition, to reduce opportunities for crime and to ensure a site which complies with best practice guidance we would like the site to comply with the following criteria –*

*No business shall be conducted on the site and no storage of trade waste or metals is permitted.*

*The site must also be laid out to comply with the ‘access for emergency vehicles’ section and follow the guidance of Designing Gypsy and Traveller sites good practice guide.*

#### 4.10 Middleton Parish Council commented on 16.12.2020:

*“Ref: Planning Application 20/00458/COU. Proposed Gypsy/Traveller caravan site Ashley Road, Middleton*

*I write on behalf of Middleton Parish Council with regard to the above planning application for a further gypsy/traveller caravan site on the Ashley Road, Middleton.*

*In light of the considerable strength of feeling regarding this application within this and surrounding parishes the Council has commissioned an independent planning consultancy to consider the application. A report on behalf of Middleton Parish Council will be submitted separately to the Planning Department by Groves Town Planning Ltd.*

*The Parish Council wishes however to make the following summary points regarding the application*

- The application has a number of crucial inaccuracies/errors/omissions. The location of the site is in fact very close to a stream which feeds the Welland, the site is surrounded by hedges and trees and there is a lack of detail on the boundary treatment at the gateway. There is no attempt to establish the qualification of the occupiers to meet the statutory definition for gypsies and travellers. We believe that these flaws in the application are significant and the access issue is not appropriate to be dealt with through planning conditions.*
- The site is on the edge of the Welland Valley flood plain and is also in an area of flood concern identified in the village’s Pathfinder Resilience Project. Two streams run either side of the site and run into the Welland. As such it is not appropriate for any development involving significant areas of hard standing and private sewerage arrangements. The existing adjacent site has already exacerbated flooding in the area due to surface water run-off and discharge of waste water onto an adjacent field and endangering a neighbouring dwelling.*
- The development is not in keeping with the rural environment. The boundary treatment of two-metre-high fence boards is totally inappropriate. A stretch of mature hedging between this site and the existing Oakley Park site has already been removed and the application makes no attempt to maintain or enhance the existing character or biodiversity of this rural landscape.*

- *The location of the site next to a sewerage works is not an appropriate or healthy location for a new development of any kind for twelve dwellings.*
- *The location is not appropriate in terms of highways considerations. The entrance is close to a sharp bend which is effectively a cross roads given the entrance to Occupation Lane and the Sewerage Works. The driveway would serve potentially 12 dwellings which we understand is not acceptable to the Highways Authority. As the arrangements for the gateway and visibility splays have not been included in the application they cannot be evaluated and we do not consider this a matter appropriate to be dealt with through approval conditions. The two neighbouring gateways are not appropriate for use by vehicles towing touring caravans and do not meet highways requirements in terms of access splays. Compounding this by allowing a third, would be unforgivable. Pedestrian access to the village from the site is down an unlit narrow road with no verge, no footpath and no speed restrictions – a further development here would be dangerous.*
- *If this site were approved it would double the number of sites outside our small village (treble the number if the ongoing appeal is upheld) and there is another site at the other end of Cottingham. This number of gypsy/traveller sites surrounding our village would be disproportionate and inappropriate in terms of the size of our village and the impact on it.*

*The comments above should be considered in conjunction with the report from Groves Town Planning submitted separately on behalf of the Parish Council.*

*The Parish Council requests time to address the Committee when this application is considered.”*

As outlined above, a report on behalf of Middleton Parish Council was submitted separately by Groves Town Planning Ltd. This 27 page Statement of Objection, Version 2, dated 16<sup>th</sup> December 2020 (GTP reference 20-10-001) can be viewed on public access in its entirety.

However, to summarise, the main material objections raised include:

- *“Failure of submissions to adequately justify and describe the proposed development – including the qualification of occupiers to meet the statutory definition for gypsies and travellers.*
- *Unsatisfactory living conditions*
- *Adverse impact on highway safety*
- *Cumulative impact*
- *Urbanisation of the rural area*
- *Adverse impact on the physical condition of adjoining sites.”*

4.11 On 08.12.2020, Ashley Parish Council commented that:

*“Planning Application ref 20/00458/COU Proposed Caravan Site, Oakley Park, Ashley Road*

*Ashley Parish Council has considered the above planning application and has the following comments which the Planning Authority is asked to consider.*

*1. Number of sites in area*

*There is already New Meadow Travellers’ site located in the Village of Cottingham which is contiguous with Middleton so we consider that another site is disproportionate to this small joint community. As far as we can tell there has not been an assessment of the impact of an additional traveller site on the community. Depending on the outcome of the appeal in relation to Oakley Park, this site will be the fourth in the area and therefore would contravene Paragraph 14 of the Planning Policy for Traveller Sites which provides that the scale of sites in rural settings must not dominate the nearby settled community.*

*2. Number of proposed pitches*

*If approved, it would double the number of sites adjacent to Middleton and if the ongoing planning appeal in relation to Oakley Park is successful, it would treble the*

number of sites adjacent to the local communities. The current Oakley Park site comprises 12 large static vans and on occasions may also have visiting traveller vans.

3. *Application of the Joint Core Strategy*

We consider that the application doesn't comply with the criteria detailed in Policy 31 of the North Northamptonshire Joint Core Strategy 2001-2031 (adopted July 2016) setting out the criteria against which applications for new sites should be considered. The application relies heavily on appeal decisions pre-dating the adoption of the JCS in 2016 and the Planning Policy for Travellers' Sites issued in August 2015.

4. *Proximity to sewage works.*

Corby's Part II local plan (not in place when the earlier Appeals were upheld) says sewage works are bad neighbours. The appeal Inspector in 2012 stated that residents on this site would be adversely affected on occasions by unpleasant odour emissions from the Middleton sewage works and the sewage works is carrying more load since then. The application does not include an odour assessment and the statement from the applicant fails to address the health and well-being of residents in this regard.

5. *Sewerage provision*

Six new amenity blocks supporting six families and any visitors will produce a large amount of foul water and should link to the main sewage system to be sustainable. The proposed arrangement is contrary to the advice from the Environment Agency. Their advice is that private sewage treatment facilities should only be used when it is not reasonable for a development to be connected to a public sewer because of the greater risk of failure of private sewage systems. The application would therefore be contrary to criterion (d) of Policy 31. The foul water discharge arrangements are inappropriate, particularly so when the site is across the road from a sewage works. Also, just across the road is a stream that feeds into the River Welland. This stream, and ultimately the River would quickly become contaminated if there are any failures in the proposed sewerage system. The planning application as submitted denies that the site is near a water course.

6. *The impact of the site*

The site would have an impact on the rural character of the area in contravention of criterion (h) of policy 31. Mature hedging between the site and Oakley Park has already been removed and plans to erect 2 metre high wooden boundary fencing with concrete gravel boards will be totally out of keeping with the character of the rural environment.

We also understand that high boarded fencing is in contravention of the Planning Policy for Travellers sites, since it may give impression that the residents are 'deliberately cut off'.

7. *Hard standing at the site*

The planned development includes areas of hard standing which will reduce natural drainage and aggravate the water run off problem onto the road which is currently one of the hotspots identified in the Middleton Pathfinder Resilience Project coordinated by Northants County Council.

8. *Impact on traffic and site access*

An additional site will increase risks arising from the hazard formed by the sharp bend and the junction of Occupation Road, the entrance to sewage works and proximity to the entrances to the current sites on a road which has a 60 mph speed limit. The additional vehicles accessing or leaving the proposed site will only increase the hazard.

The plans we have seen do not make the access to the proposed site clear, or whether there are adequate sight lines for vehicles entering or leaving the site or if drivers and cyclists using Ashley Road will have adequate visibility of vehicles entering or leaving the site. The high board fence will exacerbate this risk.

9. *Storage and collection of waste*

*The applicant states in Section 7 of the application that there are no plans for waste storage or collection. This obviously begs the question as to what will happen with waste generated by occupants of the site.*

10. *Public services*

*Many public provided services are under pressure from increases in population. The Parish Council questions whether there are sufficient resources in the area to provide for the consequent increase in population from the proposed development.*

11. *Adjacent trees and hedges*

*The application states that there are no trees or hedges on adjacent sites. This is not correct. The adjacent fields and properties have long established trees and hedges.”*

4.12 Cottingham cum Middleton Copyholders on 16.12.2020 stated:

*“We wish to **object** to this new planning application as the previous one for adjoining site has still to be decided and may go for appeal. This application could mean that 3 sites are in close proximity on a narrow road close to sharp bend on a 60 mph limit area.*

*This new application has not addressed foul water drainage fully when they could use the sewage plant close by. Installation of any non-mains sewage treatment system such as a package sewage treatment plant ("PSTP") requires a "discharge permit" from the EA. The application makes no reference to this or of any intent to obtain such a permit.*

*Surface water with so many dwellings will become a major problem; this has not been considered when there two streams close by. Flooding in adjacent field has been caused by covering the surface an existing site with quarry waste and has rendered the field unfit for animals. It used to be a grazing site.”*

4.13 Cottingham Parish Council commented on 10.12.2020:

*“At a meeting held on 7th December 2020, Cottingham Parish Council would like to formally acknowledge their support for Middleton Parish Council's opinions about, and responses to, this application. Cottingham Parish Council would also like to have on record that they cannot support the application for the following reason:*

1. *Errors and assumptions in the application*

- a. *The construction drawings are unacceptable and fail to show anything but the outline of a proposed building.*
- b. *We cannot accept the comment made by the applicant that there are no trees or hedges near the site.*
- c. *The applicants comment that the site is not within 20m of a water course. However, there is a water course across the road from the site that feeds the River Welland.*
- d. *Also, to the west of the plot by the hedge line, there's another stream that goes under Ashley Road towards the river.*
- e. *There is no evidence of how services will be provided to and from the new site.*
- f. *The poor standard of the application text (e.g., the author seems to be ignorant of the meaning of 'infer') has allowed for some dubious assertions and unverified assumptions to be 'slipped in':*
  - a. *It asserts that the qualifying condition for compliance with criterion a) of Policy 31 ("the site must be linked to an existing settlement with an adequate range of services") is the site's proximity to Middleton, and then rather conveniently refers to "the settlement of Middleton/Cottingham". These villages are discrete parishes, not one settlement. Middleton has no facilities and, arguably, proximity of nearly a quarter of a mile does not meet the condition of being 'closely linked'.*
  - b. *The statement that "foul drainage was the subject of a condition imposed upon the 2009 Oakley Park appeal decision" is followed by the following text: "The*

*fact that such a condition was not reimposed on the 2013 appeal decision suggests that a satisfactory means of foul drainage had already been provided and that mains drainage was not a viable or necessary alternative". Firstly, this is an unverified assumption. There is no evidence that an absence of the condition in an appeal decision pertaining to a completely different application has any relevance or bearing on this one. Secondly, we who are trying to respond logically and fairly to this application are exhorted to judge it solely on its own merits, without reference to any previous or on-going other applications or appeals. This application's references to previous applications and appeals must surely, therefore, be deemed irrelevant to the matter before Council.*

- c. Similarly, the application states: "The inspector, in the 2013 Oakley Park appeal, was clearly satisfied with the use of non-mains drainage, despite the close proximity of the sewage treatment works". Firstly, unless evidence has been provided as part of this application that 'the Inspector was clearly satisfied', this statement only has the status of an unsubstantiated assumption and cannot be factored into a decision about this particular application. Secondly, satisfaction or otherwise about sewage arrangements for a different site has no bearing on whether the sewage arrangements for the site that is the subject of this application are acceptable and compliant.*

## **2. Environmental concerns**

- a. The Environment Agency make it clear that on site foul water drainage should only be used if access to mains sewerage is likely to cause failure of the system. The applicant has stated that no provision has been made for foul water drainage, this in itself is sufficient to refuse the application.*
- b. With inadequately planned services environmental damage to the river is likely to occur. Adding to water circulating issues is the desire to add more hard surfacing to the site thus decreasing the chances of proper drainage, the field adjacent to the existing site has already had problems with standing surface water which can be traced to the development of the site.*
- c. Allowing an extra residential area to an already crowded site will risk increasing the environmental damage already done by previous construction work, for example the removal of an ancient hedge and inadequate sewage disposal.*
- d. There is no mention of how 'hard waste' materials will be disposed of (dustbins?).*
- e. Installation of any non-mains sewage treatment system such as a package sewage treatment plant ("PSTP") requires a "discharge permit" from the EA. The application makes no reference to this or of any intent to obtain such a permit.*
- f. The application and site layout plan show that residential arrangements on each pitch will comprise two units - a 'mobile home' and a 'tourer' caravan. Toilet facilities in tourer caravans are cassette chemical toilets which must not be emptied into package sewage treatment plants because "the chemicals used in chemical toilet fluid kill friendly bacteria and must not be allowed to contaminate the ground" (Camping & Caravan Club). All PSTP manufacturers, as well as Caravan organisations, stress this point.*

## **3. Impact**

- a. There is no evidence that any impact assessment has been carried out.*
- b. There already exists a Travellers site at Little Meadow on the Corby Road. Ashley Road has already exceeded its planning (and appeal) numbers. Paragraph 14 of the Government's Planning Policy for Traveller Sites (2015) states that sites should not dominate the nearest settled community. The site is too near the village of Middleton to meet that criteria.*
- c. The erection of a 2m fence is contrary to the criteria set out in Planning Policies for Travellers Sites, Policy H. This fencing will be completely out of character with the surrounding countryside. There are no plans to landscape the area to help to keep it in tune with the surrounding countryside.*

- d. *The impact on the small villages which surround this site in terms of traffic and increase in population density is too large.*
- e. *There is a lack of amenities within the village of Middleton to believe that this expansion is sustainable.*

#### 4. Road Safety

- a. *As we have already stated in previous responses to applications concerning this site, the road, which is relatively narrow is not sufficient to allow for safe access and egress to this site. The plans are suggestive that the number of vehicles using this site will increase.*
- b. *Safety issues are not restricted to car usage. The delivery of mobile homes and usage of tourer caravans will ensure that large vehicles will be constantly using a narrow road, near to a bend and within a 60mph limit.*
- c. *A typically sized tow car and tourer caravan have a combined length of at least 12.5 metres. Ingress to, and egress from, the site as drawn on the site layout plan would necessitate such a rig occupying, and therefore obstructing, both carriageways of Ashley Road for a significant period of time to complete manoeuvres.*

*This planning application has been put forward against a backdrop of an appeal against an earlier planning application and a complete disregard of the decisions made by the planning authority.*

*Can I request Cottingham Parish Council are allocated a slot to enable them to speak when this application is put to the planning committee?"*

- 4.14 A consultation response was received from East Carlton Parish Council on 05.01.2021 and commented:

*"The East Carlton Parish Council discussed the application in detail at its meeting held on 7th December 2020 and registered its total opposition to the proposal.*

*It was felt that the application fails to comply with the criteria laid down in Policy 31 of the North Northamptonshire Joint Core Strategy 2001 -2031. The application focuses on the appeal decisions prior to the Strategy in 2016 and the Planning Policy for Travellers Sites of August 2015. The Parish Council is aware that the Inspectors did not have access to the two documents thereby reducing the impact of the decisions.*

*There is no attempt by the applicant to deal with any possible odour emissions through an Assessment. The foul water discharge arrangements are inappropriate and it should be noted that the Environment Agency recommend that private sewage systems should only be used when it is not acceptable to link to a public sewer. The proposal contains six new amenity blocks leading to the production of a substantial volume of foul water sustainable only by linking to the main system.*

*It is apparent that the site would have a detrimental effect on the rural character of the surrounding area (Policy 31 (h)). Some concern was expressed that mature hedging along the site had been removed with plans to erect, totally out of keeping with rural scene, a 2 meter high boundary fence.*

*There is a strong possibility that the hard standing will reduce natural drainage and consequently exacerbate the current run off problem (see Middleton Pathfinder Resilience Project /NCC).*

*A major concern is the traffic issue created by possibility of more than 12 vehicles using the site close to a sharp bend in the road and to a cross road. This location is also close to the entrance to the Water Treatment Works, used by farmers gaining access to the Welland and by walkers parking before enjoying the Jurassic Way. There appears to be no reference to a gated access to the site.*

*If approved and taking into account of the "Little Meadow" site in Cottingham the number of the Traveller Community would be disproportionate to the number of residents in the villages of Cottingham and Middleton. The Council commented on the impact on local schools of a high proportion of travellers as illustrated at Braybrooke recently.*

*The site is designated a special landscape area with the Jurassic Way, used by many walkers, passing close by. There appears to have been no Landscape Character Assessment or Environmental Character Assessment carried out and was felt that any development of this nature would be detrimental to the local landscape.*

*Whilst looking closely at the application it was realised that it contained the following errors*

- Section 7. The form suggests that there are no plans for waste storage/ collection. The question was asked whether the Borough Council is aware of this?*
- Section 11. The applicant states that there are no trees or hedges adjacent to the site and this is incorrect as they actually surround the site.*
- Section 12. The applicant claims that the site is not within 20 metres of a water course. However it is across the road from a stream feeding the River Welland.*

*The East Carlton Parish Council asks that this application be refused for the reasons referred to above together with the fact that it lies outside the village envelope therefore contrary to planning policy.”*

- 4.15 No responses were received from Northamptonshire County Council Archaeology, Northamptonshire Fire and Rescue, Harborough District Council and Kettering Borough Council, as such it is assumed that they have no comments or objections to make.

#### **Internal**

- 4.16 Corby Borough Council (CBC) Environmental Health (Environmental Protection) responded on 01.12.2020 and stated the following:

*“Thank you for consulting me on this application, on behalf of Environmental Services I have no objection to make but would recommend the following be attached as a condition and an informative, should permission be given;*

#### *Reporting of Unexpected Contamination*

*In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.*

*Informative: This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification)'.*

*Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

#### *Mobile Home Site Licensing - informative*

*The applicant will be required to apply for and be granted a licence under the Mobile Homes Act 2013. For more information see: [https://www.east-northamptonshire.gov.uk/info/200063/licences\\_and\\_street\\_trading/1748/environmental\\_health\\_licences/2](https://www.east-northamptonshire.gov.uk/info/200063/licences_and_street_trading/1748/environmental_health_licences/2) or speak to the Environmental Health Team at Corby Borough Council on 01536 464175 or [env.health@corby.gov.uk](mailto:env.health@corby.gov.uk)”*

- 4.17 CBC Local Plans responded on 16.12.2020 and concluded that:

*“The development proposal will make a positive contribution towards the delivery of gypsy and traveller pitches in the context of the current five-year housing land supply shortfall and can be supported, where it satisfies the criteria in Policy 31 of the NNJCS.”*

## 5. Planning Policy

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the Local Planning Authority must have regard to:
- a) the provisions of the development plan, so far as material to the application;
  - b) any local finance considerations, so far as material to the application, and;
  - c) any other material considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 5.3 The development plan for the Borough of Corby comprises the *North Northamptonshire Joint Core Strategy* 2016. The revised National Planning Policy Framework (NPPF) 2019 does not change the legal status of the development plan.

### National Policy

- 5.4 The NPPF, originally published in 2012 but revised in February 2019, is the national planning policy position and is a material consideration in the determination of planning and related applications. Planning Policy for Traveller Sites (PPTS) (August 2015) is also a material consideration in the determination of this application.
- 5.5 The NPPF contains on Paragraph 11 a “presumption in favour of sustainable development”. Annex 1 of the NPPF provides guidance on its implementation. In summary this states in Paragraph 213 that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and that, in regard to existing local policies, that “...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.
- 5.6 Paragraph 48 of the NPPF stipulates that Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
  - the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 5.7 The following policies are relevant to the consideration of this application:
- Policy 5 – “Bad Neighbour” Uses
- 5.8 Footnote 25 to NPPF paragraph 61 references the Government’s Planning Policy for Traveller Sites, which sets out how travellers’ housing needs should be assessed for those covered by the definition in Annex 1 in that document. Policy A of the PPTS outlines that in assembling an evidence base necessary to support their approach, local planning authorities should cooperate with relevant representative bodies and interest groups to prepare and maintain an up to date understanding of the likely accommodation needs of their areas (working collaboratively with neighbouring authorities) and use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- 5.9 Amongst other things and of relevance to this application, Policy B of the PPTS explains that local planning authorities should set pitch targets for gypsies and travellers who meet the definition in Annex 1 of that document and identify and update annually a supply of specific deliverable sites sufficient to supply five years’ worth of sites against locally set targets and

also identify a supply of specific, developable sites or broad locations for growth for years 6-10 and where possible years 11-15.

- 5.10 Elsewhere, the Planning Policy for Traveller Sites requires local planning authorities to strictly limit new traveller site development in open countryside that is away from existing settlements and to ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community by placing an undue pressure on local infrastructure (paragraph 23). It states local planning authorities should consider the existing level of local provision and need for sites amongst other relevant matters when considering planning applications for traveller sites (paragraph 24)

### **North Northamptonshire Joint Core Strategy (NNJCS) 2016**

- 5.11 With regard to this application, the following policies are considered relevant:

- Policy 1 – Sustainable Development
- Policy 3 – Landscape Character
- Policy 8 – Place Shaping Principles
- Policy 31 – Gypsies and Travellers

### **Part 2 Local Plan for Corby (Submission version) (December 2019)**

- 5.12 The Publication Draft (Submission) Part 2 Local Plan for Corby was submitted to the Secretary of State on 19 December 2019 and is currently undergoing independent examination. The planning policies within the Part 2 Local Plan can be afforded weight at this stage in accordance with paragraph 48 of the NPPF, according to their degree of consistency with the NPPF (the closer the policies to the NPPF, the greater the weight that may be given), and extent of unresolved objections received to relevant policies.
- 5.13 Policy 2 of the Part 2 Local Plan sets out that development proposals should promote, support and enhance health and wellbeing, ensuring that development will not have adverse environmental health impacts. The health and well-being of occupants should be assessed against Policy 31 under criteria f) and Policy 8 of the adopted Joint Core Strategy.
- 5.14 Policy 5 of the Part 2 Local Plan defines Water Recycling Centres as ‘bad neighbours’ that have potential to emit odour; proposals within 400 meters of their boundaries should be accompanied by an odour assessment report. The assessment must consider existing odour emissions from the treatment of wastewater during different times of the year and in a range of weather conditions that are representative of when the risk is most commonly realised. The site is located within 400 meters of Middleton Sewage Treatment Works and therefore requires the submission of an odour assessment report. This has not currently been provided by the applicant and is necessary to accord with Policy 5 of the Part 2 Local Plan.
- 5.15 Following the Part 2 Local Plan examination hearings that took place between 29 September to 2 October 2020, there are several proposed modifications to specific policies that will undergo a public consultation in due course. It must be noted that both Policy 2 and Policy 5 are subject to change and therefore officers consider that only limited weight should be afforded to these policies at this point in time.
- 5.16 It must be noted that until the Part 2 Local Plan is formally adopted, it is given moderate weight by officers.

## **6. Planning Considerations**

- 6.1 Officers consider that the key determining issues with regards to the proposal are as follows:
- a) Principle of Development;
  - b) Design and Visual Impact;
  - c) Residential Amenity;
  - d) Highways;
  - e) Refuse and Recycling;
  - f) Flood Risk and Drainage;

- g) Landscaping.

### **Principle of Development**

- 6.2 The application relates to the change of use of land for a new gypsy and traveller site comprising of 6 pitches, including the laying of hardstanding, erection of 6 ancillary amenity buildings and access improvement. The site is located outside the main built-up area of Middleton village, within open countryside and is identified as agricultural land. It is situated within an identified sub-regional green infrastructure corridor. Directly to the north of the site is Oakley Park, an existing Gypsy and Traveller site comprising of 3 pitches. The Oakley Park site is currently subject to a planning appeal for an additional pitch that would take the capacity of that site up to 4 pitches. Objections received have referred to the Oakley Park site having 12 caravans on-site, however, this is not authorised and is under investigation by the Planning Enforcement team. Consideration of this application is undertaken with regard to the adjacent site having approval for three pitches (with a fourth pitch pending appeal) and in any case this application must also be considered on its own merits. Officers consider that, if this proposal were to be approved, the number of approved traveller pitches on this site and the adjacent site would not be excessive and would not dominate the local community.
- 6.3 Information submitted with the application is limited. No details are provided of the gypsy and traveller status of the proposed users which is a key issue to be considered, however, should planning permission be granted then this can be controlled by condition. Annex 1 of the Planning Policy for Travellers provides a definition of gypsies and travellers. It is important to note that the applicant for this development proposal is the same as the applicant of the recently determined application for the adjacent Oakley Park site (20/00097/COU); this site was determined on the basis that the family meet that definition. On this basis, there is no reason to doubt the applicant's traveller status nor had evidence been presented to the contrary.
- 6.4 Policy 31 of the NNJCS seeks to protect existing lawful sites. It states that new site allocations and applications for planning permission should satisfy all of the criteria of the policy. This includes: c) the site provides a suitable level of residential amenity for the proposed residents and f) the health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land.
- 6.5 The NNJCS sets out the preferred approach for the allocation of sites across North Northamptonshire, which provides scope for expanding existing sites to meet some of the need. Importantly, Policy 31 outlines the specific criteria that new site allocations and planning applications for gypsies and travellers should satisfy:
- a) the site is closely linked to an existing settlement with an adequate range of services and facilities;
  - b) the site, or the cumulative impact of the site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure;
  - c) the site provides a suitable level of residential amenity for the proposed residents;
  - d) the site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal;
  - e) there is satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles;
  - f) the health and well-being of occupants is not put at risk including through unsafe access to the site, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land;
  - g) the size of the site and number of pitches does not dominate the nearest settled community;
  - h) the proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.

Therefore, in terms of the development plan, the principle of allowing new sites for gypsies and travellers is permissible subject to each development meeting the criteria set out in Policy 31 of the NNJCS. This policy should be given significant weight in the decision-making process.

- 6.6 The site is located outside the defined settlement boundary for Middleton, around 230 meters from the edge of the main built-up area of the village. Although the proposal would result in development within the open countryside, it would not result in an isolated or standalone development as it would adjoin the established Oakley Park Gypsy and Traveller site. It is considered that the proposed site is within proximity of Middleton village that offers a range of services and facilities (Policy 31, criteria a). In particular, the site is within walking distance<sup>1</sup> to Cottingham Primary School at approximately 490 meters and the nearest bus stop is approximately 330 meters that provides a sustainable mode of transport to other services and facilities.
- 6.7 To the north east of the site is the Middleton Sewage Treatment Works. The application provides insufficient assessment information regarding the potential impacts of odour from the sewage works and the effect that may have on the residential amenity for the proposed residents and this will be considered further on in this report.
- 6.8 Policy 31 criteria d) requires the site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal. It is noted that the proposal seeks to install a package sewage treatment plant for foul drainage and water waste is to be disposed by sustainable drainage systems. The Design and Access statement refers to a 2013 appeal decision that suggests mains drainage was not necessary, however consultation has been undertaken with relevant stakeholders and will be considered further in this report.
- 6.9 The Design and Access statement suggests that the proposed site access will be improved to be located further away from the bend in Ashley Road. To satisfy Policy 31 criteria e), consultation with the Highways Authority will be important to ensure the proposal provides a safe and adequate site access and this will be covered under sections 6.25 to 6.36 of this report.
- 6.10 The proposed site is not within a Flood Risk Zone 2 & 3 (criteria f). In assessing other potential health and wellbeing issues, consultation with relevant stakeholders, including Environmental Health colleagues will be important to satisfy criteria f). Environmental Health officers have confirmed that they have no objection to the proposal but recommend the inclusion of a condition for unexpected contamination should planning permission be granted.

### **Landscape and Green Infrastructure**

- 6.11 Policy 3 of the NNJCS seeks for developments to be located and designed in a way that is sensitive to its landscape setting, retaining and where possible, enhancing the distinctive qualities of the landscape character area. In addition, Policy 31 criteria h) requires that proposed development does not have an adverse impact of the landscape and takes account of the Landscape Character Assessment of the area, and that appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.
- 6.12 Policy 19 of the NNJCS and Policy 6 of the Part 2 Local Plan seek to protect and enhance the identified green infrastructure corridors by ensuring new development does not compromise their integrity, and where possible new development should aim to provide connections to existing corridors.
- 6.13 The proposed development site is within an identified sub-regional green infrastructure corridor, therefore, where possible, the proposal should seek to protect and enhance this identified corridor. It is noted in the Design and Access statement that the proposal seeks to retain a grass paddock illustrated on the site layout plan, whilst the layout plan also indicates tree and shrub planting at the entrance of the site that may help retain local landscape character. There is limited information available to suggest the extent of this, however, officers

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<sup>1</sup> The National Design Guide (2019) definition to 'walkable' states that local facilities are within walking distance, generally considered to be no more than a 10-minute walk (800 meters radius)

are satisfied that these details could be secured by appropriately worded conditions should planning permission be granted.

### Five-year land supply of deliverable sites

- 6.14 The Planning Policy for Travellers requires local authorities to identify and annually update a five-year land supply of deliverable sites. In addition, it stipulates that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. The North Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA), published in March 2019, was prepared to provide an up-to-date position with regards to the needs of travellers for the 15-year period from 2018 to 2033. In Corby, it reports a need for an additional 10 pitches for households that meet the planning definition. The number of pitches required is set out by year periods below:

Years	0-5	6-10	11-13	14-15	Total
	2018-23	2023-28	2028-31	2031-33	
	7	2	1	0	10

- 6.15 Corby Borough Council's five-year land supply position at 1 March 2020 is as follows:

Completions 2018-2020	0
Pitches in Development Plan Site Allocations	0
Pitch Supply from extant permissions	0
Total Pitch Supply	0
Requirement 2018-2023	7
Requirement 2023-2028	2
5 Year Land Requirement 2020-2025	7.4
<b>Years of Land Supply</b>	<b>0</b>

- 6.16 The second table clearly demonstrates that there are insufficient sites to meet the Council's current five-year land supply requirement which is an important material consideration and should be given significant weight. The undersupply of gypsy and traveller provision has only recently become apparent following the updated GTAA. The Council is responding positively to address the updated evidence by commissioning consultants to look at the capacity of existing sites to meet a proportion of the need. Members agreed the production of a Development Plan Document in August 2020 that will set out the deliverable sites to meet this need. However, it is anticipated that this will take at least three years to become adopted policy.
- 6.17 Furthermore, in considering the current undersupply of deliverable sites, paragraph 24 (Policy H) of the Planning Policy for Traveller Sites stipulates that consideration should be given to the availability (or lack) of alternative accommodation for the applicants.
- 6.18 It is concluded that the development proposal would make a positive contribution towards the delivery of gypsy and traveller pitches in the context of the current five-year housing land supply shortfall and can be supported. Therefore, the principle of development is considered to be acceptable provided that the criteria in Policy 31 of the NNJCS can be satisfied.

### Design and Visual Impact

- 6.19 Policy 8 of the NNJCS states that development should respect and enhance local character by ensuring that it responds to its topography, wider context and the landscape setting. Consistent with Policy 8 of the NNJCS and the design-led approach advocated by the NPPF, the suitability of a development must be measured in part on its overall quality and function to ensure development is appropriately located and has regard to the surrounding area.
- 6.20 The proposal involves the erection of six single storey ancillary amenity buildings to serve each of the proposed plots. These structures would measure 4 metres by 3 metres with a maximum height of 3.5 metres and an eaves height of 2.4 metres. The proposed amenity buildings, comprising a toilet, shower and utility room, would be set back from the highway edge and would be constructed of red facing brick for the walls, dark grey tiles or slates for the roof and white uPVC windows with timber boarded doors. A 2.0 metre high close boarded fence would screen the site from Ashley Road with 1.2m post and rail marking the separate

plots within the site. The submitted plan shows a landscaping scheme including the planting of trees and hedgerow to be retained along the perimeter of the site adjacent to Ashley Road. Due to the basic level of information provided, officers recommend the inclusion of appropriately worded planning conditions to secure full details of boundary treatments, including the access and gates, and a comprehensive landscaping scheme to ensure that the proposed development would harmonise with its immediate surroundings.

- 6.21 The site would be modest in size and it is not considered that the use would significantly or adversely impact on the character of the countryside. The site where the proposal would be located is already a Traveller and Gypsy site in existence. It would also not dominate the nearest settled community which is considered to be the settlement of Middleton approximately 250 metres to the south. A condition on any planning consent would limit the number of caravans to six as proposed in the application. Another condition would also restrict external lighting without a written permission from the Local Planning Authority.
- 6.22 The submitted planning statement states that the site is well screened by existing hedgerow and trees. However, recent works have been undertaken which have seen the loss of some of this established hedgerow. Notwithstanding this, officers are satisfied that the imposition of appropriately worded planning conditions securing the full details of boundary treatments and landscaping would ensure that the development would not have a significantly adverse visual impact. Subject to these details, officers are satisfied that the development would be in keeping with that of the surrounding area, including the adjacent plot, and that the development would not have a detrimental impact upon the visual amenity of the locality or the character of the area. There would be no conflict with the design and character objectives of Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

### **Residential Amenity**

- 6.23 The development is considered to create no undue impact on the amenities of the nearest residents arising from the proposal with the nearest residential dwelling being approximately 95 metres to the northwest of the site. Nearby residents are sufficiently far away to preclude the likelihood of any unacceptable disturbance from residents on the site and these matters also do not weigh against the proposal. No concerns were raised by the Council's Environmental Health team in respect of neighbouring amenity.
- 6.24 For the applicants and the proposed occupiers of the site, officers must consider and give weight to the conclusions drawn by the Planning Inspector in the 2013 appeal for the adjacent site (Corby Borough Council Reference 10/00367/RVC and Planning Appeal Reference APP/U2805/A/11/2162384). The Inspector concluded that living conditions are likely to be adversely affected on occasions by unpleasant and undesirable odour emissions from the Middleton Sewage Treatment Works. This would bring the proposal into conflict with Policies 8 and 31 of the Joint Core Strategy and Policy 5 of the Part 2 Local Plan for Corby. However, the Inspector concluded that for "much of the time odour levels will be at an acceptable level" and there have been no further submissions offered as part of this application which would change this view. The plots proposed under this application would be located further from the Treatment Works than those approved on the adjacent site, thereby reducing any potential adverse impact. Furthermore, officers note that the prevailing wind direction across the United Kingdom is south-westerly and with the proposed development site located to the southwest of the Treatment Works then officers are satisfied that for odour levels will be at an acceptable level for the occupants.

### **Highways**

- 6.25 The Local Highways Authority (LHA) have not formally objected to the proposal, but have raised a number of concerns and requested further information. The agent was contacted on 01<sup>st</sup> December 2020 inviting the submission of this additional information and provided a response on 18<sup>th</sup> January 2021 which will be covered under section 6.30 to 6.33 of this report.
- 6.26 The LHA note that the application states that the proposal is for 6 families and the accompanying Design and Access Statement states that there would be 2 caravans per pitch, of which no more than one would be a static chalet. The LHA state that this equates to a total of 12 dwellings on the site. It should be noted that LHA policy states that no more than 5

dwellings shall be served from a single private drive. With regard to this point, officers note that there are multiple sites within the County that have more than 6 pitches (Justin Park-22 pitches and Irthlingborough-14 pitches to name 2) and only have a single access/driveway, as such it is considered that it would be unreasonable to refuse the application on the basis of a private drive serving 6 pitches which is just one more than what LHA policy allows. The LHA have also equated the site to accommodating 12 families divided amongst the six pitches and this is incorrect as the LPA would restrict the site to 6 families as per the application description. The accommodation comprising of one static and one tourer per pitch is standard for these types of development and the LPA do not count a tourer as a dwelling, instead using the number of pitches as the benchmark.

- 6.27 The Design and Access Statement states that the site is located close to the village where amenities can be accessed such as a shop and a primary school and that this is easily reached by walking, however, the nearest footway is approximately 250m from the site's southern boundary and the road is sub 5m wide and has a de-restricted speed limit.

The Design and Access Statement also states that the access is further away from the authorised access to Oakley Park and the bend on Ashley Road. Therefore, the applicant's agent contends that the visibility splays must be acceptable. The LHA states that every application is assessed on its own principles, therefore the assumption cannot be carried forward. It is contended by the LHA that the actual road speed (85th percentile) at the 'discovery' point for this access are likely to be higher than that of the access nearer the road bend. As the road is de-restricted, without a speed survey to evidence the actual road speeds, vehicular visibility splays of 215m are required. This could be secured by condition.

- 6.28 The site layout details a 6m wide access but with a tight switch-back double bend, the LHA requires accesses to remain straight and square to the highway for 10m beyond the rear of the highway boundary. No tracking for the delivery and emplacement of the static chalets is supplied.

- 6.29 Notwithstanding the logistics involved, officers consider that the inclusion of an appropriately worded condition limiting the number of pitches to 6, each to contain no more than 2 caravans of which no more than one shall be a static caravan/mobile home should planning permission be granted would ensure that the numbers are restricted and would provide clarity to all parties.

- 6.30 In response, the applicant on 18<sup>th</sup> January 2021 confirmed that they have been in consultation with Highway Consultants and they have confirmed that the proposed access is shown on the submitted Site Layout Plan as being 6.0 metres wide, with 6 metre corner radii. The proposed access allows for two vehicles to pass each other within the entrance and, avoid vehicles having to wait on the public highway before entering the site. The applicant has also stated that any gates would be set back by more than 10 metres from the edge of the road carriageway and, the access surfaced with porous tarmac to ensure that loose material from the site does not get carried out onto the public highway.

- 6.31 The applicant also notes that Ashley Road "is subject to the national speed limit of 60 mph for which the default visibility splay length based on the Design Manual for Roads and

Bridges (DMRB) trunk road standards would be 215 metres. This is predicated on a design speed of 100 kph (62.1 mph) and, maintaining a continuous traffic speed on the priority route: it is not the distance required for a vehicle to come to a controlled stop. The priority route is not a trunk road and, therefore, as confirmed by paragraph 1.3.2 of Manual for Streets 2 (MfS2), "*it is clear from Table 1.1 that most MfS advice can be applied to a highway regardless of speed limit. It is therefore recommended that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS.*" For speeds above 60 kph, Table 10.1 of MfS2 provides two sets of parameters for calculating stopping distance. The first is the same 2 second perception reaction time used for calculating the DMRB distances based on continuous speed. The second is a deceleration rate of 0.375g for large vehicles (for which the national speed limit is 50 mph/80 kph) or, 0.45g for light vehicles. The 0.375g and 0.45g deceleration rates are based on a vehicle slowing down to a controlled stop. If taking the 2 seconds/0.375 parameter, the distance required for a large vehicle to come to a controlled

stop from 50 mph is 112.6 mph. For a light vehicle, travelling at 60 mph, a distance of only 87.64 metres will be required.”

- 6.32 The applicant goes on to comment that “the Local Highway Authority in relation to the existing access into Oakley Park, recommended a setback distance (“x” distance – measured from the edge of carriageway, back along the centre-line of the access) of 2.0 metres (reflecting the lightly-used nature of the access and, of Ashley Road).” The applicant states that they have “measured the visibility splay available for the access into the proposed new caravan site, southwards along Ashley Road, to be in excess of 2.0 metres x 120 metres when measured to a point 1 metre away from the nearside kerb. Clear visibility is available up to the sharp bend in Ashley Road, about 110 metres northwards, when measured to the centre of the road (obviously, no vehicle is going to be overtaking along this stretch of Ashley Road). Thus, adequate visibility can be provided in both directions from the proposed access. This is consistent with the appeal decision granting permanent approval for Oakley Park (APP/U2805/A/11/2162384) in which highway safety was not even raised as an issue.”
- 6.33 Finally, in their response, the applicant notes that “the provision and maintenance of the above-mentioned visibility splays will depend on keeping hedgerows trimmed back where they overhang the highway verge but, this is a matter under the control of the Local Highway Authority. Landowners have a responsibility to ensure that their boundary does not adversely affect the public highway. In the event that a landowner fails to maintain their boundary, Section 154 of the Highways Act 1980 allows Highway Authorities to serve notice on landowners requiring the removal of any obstruction to visibility splays (for example, caused by vegetation overhanging the highway verge) within 14 days of the notice. In default, the Highway Authority can take direct action to remove the obstruction and seek to recover its reasonable costs for carrying out the work.”
- 6.34 Objections have been received expressing concern over the proximity of the proposed access to the bend on Ashley Road to the north of the site. The LHA have not raised this as a concern. The proposed access would be located further from the bend than the approved access serving the adjacent site, as such officers have no concerns regarding the location of the access. Access to this site must also be considered with the 2013 appeal decision for the adjacent site in mind. That access was approved and as part of that decision no issue was raised with its width, the set back of the gates, surfacing of the entrance or, with the visibility splays that could be achieved. Indeed, the appeal decision did not impose any conditions on the provision or retention of visibility splays therefore it has to be concluded that the Inspector considered that the splays available were acceptable.
- 6.35 On balance, and giving consideration to the fact that the Northamptonshire Parking Standards (2016) is unadopted guidance by Corby Borough Council, officers are satisfied that subject to the inclusion of suitably worded conditions to secure details of the access, the proposal would not give rise to any significant adverse highway safety issues. The proposal is located further from the bend on Ashley Road than the adjacent site and is also closer to the village of Middleton. Although this part of the road may be derestricted, the bend in the road forces motorists to slow down on the approaches to the bend and subsequently reduces the speeds that can be achieved by vehicles after they have exited the bend. After visiting the site, officers are satisfied that the visibility splays achievable are equal to if not better than those for the adjacent site which the Inspector deemed to be adequate. From the existing access, clear visibility to the bend to the left was observed whilst a wide verge provides suitable visibility to the right. Notwithstanding this, officers are satisfied that the details of the new access can be formally secured by condition should planning permission be granted, whereby full details of the access width, surfacing, set back of any gates and, drainage should be submitted for approval. Officers also recommend the inclusion of a condition to ensure visibility splays of 2.0 metres x 43 metres are provided for the access.
- 6.36 With respect to the provision of on-site parking, officers are satisfied that the site has satisfactory levels of space for parking and manoeuvring. Therefore, subject to conditions as set out above, the proposal is considered to comply with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy (2016) and paragraph 109 of the National Planning Policy Framework (2019).

## **Refuse and Recycling**

- 6.37 It is important that developments have acceptable provision to allow for the storage and collection of refuse and recyclables. As well as the need for all properties to have adequate space to store the various refuse and recyclable bins, the Council's requirement is for all bins to be placed within 15 metres of the adoptable highway on collection day.
- 6.38 Although generally there is plenty of space within the layout to accommodate these requirements along with the storage of bins, no details have been provided by the applicant, as such officers would recommend the inclusion of a condition with any grant of planning permission to ensure that waste and recycling matters are satisfactorily addressed.

## **Flood Risk and Drainage**

- 6.39 Although the applicant states at question 12 on the application form that the development is not within 20 metres of a watercourse, a site visit reveals this not to be the case with a feeder stream to the River Welland observed to be running on the opposite side of Ashley Road to the application site. Notwithstanding this, no reference has been made or concern raised by the Environment Agency to any potential adverse impact on the stream or the River Welland. The Lead Local Flood Authority and Anglian Water had no comments to make on the application therefore the Local Planning Authority can only consider the application as presented.
- 6.40 In their initial response, the Environment Agency declined to comment as the application was outside of their consultation criteria. However, given the history of the site and public concerns raised over drainage and sewage, including the potential impact on the stream and the River Welland, it was requested that the Environment Agency reviewed the application. A further response was received on 22.12.2020 whereby the Environment Agency objected to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system.
- 6.41 The applicant provided a response to the Environment Agency's objection on 19<sup>th</sup> January 2021 and commented that the gravity sewer referred to by the Environment Agency runs above-ground until it almost reaches Middleton. As such, it is not possible to make a gravity connection to the public sewer from the application site. Notwithstanding the difficulties for connecting to a sewer elevated above ground level, any sewer pipe from the application site would need to pass beneath Ashley Road (and any services running along Ashley Road), requiring closure of the road, which would be prohibitively expensive for a small traveller site development. Therefore, it is contended that the use of a package sewage treatment plant is the next best option and, the most practical solution for this site. This arrangement was also accepted by the Appeal Inspector for the the two appeals in 2009 and 2013 involving the adjoining caravan site.
- 6.42 When considering this issue, officers must give weight to the appeal decision on the adjacent site whereby the Inspector was satisfied with the use of non-mains drainage despite the close proximity of the sewage treatment works. The application form at question 10 proposes the use of a package treatment plant which would not connect to an existing drainage system. Although no details have been provided for the package treatment plant, officers are satisfied with the argument put forward by the applicant that the use of a package treatment plant is the only reasonable and cost-effective option and that this can be addressed by way of condition should planning permission be granted. Members are advised that it would not be reasonable to refuse planning permission on this issue.
- 6.43 Many objections received to the application expressed concern over flooding and waterlogging. It must be noted that this application is being considered during the winter period where rainfall is naturally high and drainage is limited. Parts of Northamptonshire were hit by severe flooding just before Christmas 2020 and data from the UK Met Office shows that rainfall amounts in December 2020 were almost double what would normally be expected (Appendix 2). With this in mind, officers visited the site on 27<sup>th</sup> December 2020, immediately following Storm Bella, and observed no evidence of significant flooding in and around the application site including along Ashley Road (Photographs in Appendix 3). Therefore, officers

are satisfied that the waterlogging observed in the fields was not untypical of that usually seen during the winter months following recent heavy rainfall and that the development on the adjacent site has not created any undue flooding issues. There is no evidence to suggest that if this development were it to go ahead it would cause issues with flooding or drainage provided that it was managed properly, however, officers would expect to see the use of permeable hardstanding on the site. This can be controlled by appropriately worded conditions should Members agree to grant consent.

- 6.44 Therefore, subject to conditions relating to foul water strategy and sustainable drainage systems, the proposal is on balance considered satisfactory and in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.

### **Landscaping**

- 6.45 The application site has long benefitted from extensive landscaping by way of mature trees and hedgerows. However, recent works have removed areas of hedgerow and concern has been expressed over the loss of this habitat and the potential impact on wildlife and biodiversity. In light of this, officers recommend that this application provides an opportunity to address this loss and its potential impacts. This can be secured by appropriately worded conditions relating to the submission of a comprehensive landscaping scheme along with details of maintenance and management programmes should Members be minded to grant planning permission.

### **Other Matters**

- 6.46 This report seeks to address the objections received from third parties where material planning considerations have been raised with the primary issues of drainage concerns, disposal of sewerage, design of boundary fence and removal of existing hedgerows, harm to visual amenity, planning policy, environmental damage, pollution concerns, noise, overdevelopment of the site, and waste management. Officers are satisfied that these issues can be addressed by the imposition of carefully worded planning conditions should planning permission be granted.
- 6.47 Matters relating to land ownership and trespassing are not material planning considerations and cannot be taken into account. Likewise, allegations relating to the use of quad bikes and “near accidents” on the road cannot be taken into consideration. Allegations regarding preferential treatment are unfounded. The Local Planning Authority has a validation checklist (on the website) and the application provided sufficient information to be validated and considered. In instances where detailed information has not been provided, officers can use planning conditions to secure these details if appropriate. Numerous allegations have also been made which have no evidence to back them up, as such, these allegations are disregarded by officers. Additionally, a number of objections received were in relation to the adjacent site as such cannot be taken into consideration in the determination of this application which is for a different site.
- 6.48 A number of objectors queried the length of time between Corby Borough Council receiving the application and validating it. Unfortunately, delays have been experienced due to pressures created by the ongoing Covid-19 pandemic. Notwithstanding this, the consultation period for third party comments was extended and the applicant has agreed to an extension of time for determination of the application and for it to go before the Development Control Committee.

## **7. Conclusion**

- 7.1 The proposed development of a residential caravan site for 6 gypsy/traveller families on this site is considered, on balance, to be acceptable.
- 7.2 Whilst acknowledging the level of objections raised, these have been carefully considered and assessed as set out in the report above. Officers have identified important material planning considerations that favour the application as submitted for which considerable weight should be attached. The development proposal would make a positive contribution towards the delivery of gypsy and traveller pitches in the context of the current five-year housing land supply shortfall and can be supported. Members’ attention is drawn to The North

Northamptonshire Gypsy and Traveller Accommodation Assessment that was published in March 2019 and reports a need for 10 additional pitches for households that meet the planning definition. The Council has an unmet need for pitches and cannot currently demonstrate a five-year supply of deliverable sites, this development of 6 pitches would help to address that shortfall on a site that is adjacent to an established and permanent Gypsy and Traveller site. There are no material planning reasons that would justify refusal of the proposal.

- 7.3 Officers are of the opinion that these material considerations outweigh any harm identified and that granting permission for the application would enable the Local Planning Authority to retain control of the site by the use of appropriately worded conditions. Members are advised that concerns relating to highways, drainage and landscaping can all be conditioned to ensure that the proposal complies with Policies 1, 3, 5, 8, 15 and 31 of the North Northamptonshire Joint Core Strategy 2016, the National Planning Policy Framework 2019 and no other material considerations indicate that the policies of the development plan should not prevail.

**Reasons for Approval:**

Officers have identified a number of important material planning considerations that favour the application as submitted for which considerable weight should be attached. The development proposal would make a positive contribution towards the delivery of gypsy and traveller pitches in the context of the current five-year housing land supply shortfall and can be supported. The North Northamptonshire Gypsy and Traveller Accommodation Assessment was published in March 2019 and reports a need for 10 additional pitches for households that met the planning definition. The Council has an unmet need for pitches and cannot currently demonstrate a five-year supply of deliverable sites. This development of 6 pitches would help to address that shortfall on a site that is adjacent to an established and permanent Gypsy and Traveller site. Furthermore, there are no material planning reasons that would justify refusal of the proposal.

**Recommendation: Approve subject to the follow conditions:**

**Time**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Plans**

2. The development hereby approved shall be built in accordance with the approved plans as listed below in the 'Schedule of Plans'. The development shall be completed in accordance with the approved plans unless alternative details have been submitted and approved in writing by the Local Planning Authority prior to commencement.

**Reason:** To specify the permission and for the avoidance of doubt.

**Residential Occupation**

3. The caravans and day room shall only be used or occupied by those persons defined in paragraph 1 of Annex 1 of "Planning policy for traveller sites" (August 2015) as gypsies or travellers.

**Reason:** Planning permission is granted on the basis of the recognised need for this site (Planning policy for traveller sites - August 2015 and Policy 31 of the North Northamptonshire Joint Core Strategy 2016)

**Number of pitches**

4. There shall be no more than six pitches on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968 (of which no more than one shall be a static caravan or mobile home), shall be stationed on any of the pitches at any time.

**Reason:** To specify the permission and for the avoidance of doubt.

### **Commercial Activities**

5. Save for activities in connection with the keeping of horses, no commercial activities shall take place on the land, including the storage of materials or waste. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

**Reason:** To specify the permission, for the avoidance of doubt and in the interest of public amenity.

### **Boundary Treatments**

6. Prior to occupation of any of the pitches hereby permitted, the precise details of the proposed boundary treatment for all sides of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained and maintained.

**Reason:** In the interests of the visual amenity of the area and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

### **Landscaping Scheme**

7. No pitch / plot hereby permitted shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. All soft and hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

**Reason:** To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy 2016.

### **Landscape Management Plan**

8. A landscape management plan including long term design objectives, management responsibilities, management and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the pitch/plot hereby approved. The landscape management plan shall be carried out as approved.

**Reason:** To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy 2016.

### **Materials**

9. Construction of the ancillary amenity buildings hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained and maintained.

**Reason:** To ensure a satisfactory appearance in the interests of visual amenity and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

### **Waste Management**

10. Prior to occupation of any of the pitches hereby permitted, full details of the bin/waste stores shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained and maintained.

**Reason:** In the interests of residential amenity.

## Visibility Splays

11. Prior to occupation of any of the pitches hereby permitted, vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m\* measured from the centre of the vehicular access along the carriageway edge shall be provided on both sides of the new northern access. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9 metres in height above carriageway level. \*This dimension may be reduced subject to the receipt of a vehicle speed survey proving the 85%ile speeds are less than 30mph.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy 2016.

## Gates/Barriers

12. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards away from the highway.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy 2016.

## Vehicle Access Gradient

13. The vehicular access gradient from the Highway Boundary for the new access shall not exceed 1 in 15 for the first 5m from the highway boundary.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy 2016.

## Vehicle Access Details

14. Prior to occupation of any of the pitches hereby permitted, full details of the means of the new vehicular access shall be submitted to and approved in writing by the Local Planning Authority. This includes details of the access width, surfacing and drainage. The approved details shall thereafter be retained and maintained.

**Reason:** In the interests of safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

## Unexpected Contamination

15. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

**Informative:** This must be conducted in accordance with DEFRA and the Environment Agency's '*Land Contamination: Risk Management*' (or any guidance revoking and replacing this guidance with or without modification).

Further guidance on Contaminated Land investigations can be found in the [Northants Contaminated Land Group Developers Guide](#).

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **Foul Water Strategy**

16. Prior to occupation of any of the pitches hereby permitted, a scheme for the provision of waste water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

**Reason:** Details for the provision of waste water drainage are necessary prior to commencement of development to prevent pollution of the water environment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy (2016)

## **SuDS Details**

17. Prior to occupation of any of the pitches hereby permitted, a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the site commencing and maintained thereafter for the lifetime of the development.

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal in accordance with Policy 5 (c) of the North Northamptonshire Joint Core Strategy (2016).

## **Completion of SuDS scheme**

18. No building or use hereby permitted shall be occupied or the use commenced until the SuDS scheme for this site has been completed in accordance with the approved Sustainable Drainage Strategy. The SuDS scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy (2016).

## **Lighting**

19. No means of external illumination shall be constructed without the written permission of the local planning authority.

**Reason:** To safeguard the character and appearance of the area.

## **Informative/s**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework 2019 to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' Local Plan Policies 1997, Joint Core Strategy Adopted July 2016, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

## **Officer to Contact:**

Edward Oteng/Dean Biddle