

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/11/2016	Item No: 5.8
Report Originator	Peter Chaplin Development Manager	Application No: KET/2016/0620
Wards Affected	Slade	
Location	Dairy Farm, Butchers Lane, Pytchley	
Proposal	Full Application: 3 no. dwellings and garages	
Applicant	Mr D Brown John Martin Associates	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

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

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

2. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, [together with samples,] have been submitted to and approved in writing by the Local Planning Authority. These shall be traditional and natural materials for all the roofs and elevations. There shall also be submitted details of the external appearance of the proposed bin store. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

3. All window and door structures shall be in timber. No development shall take place on site until there has been submitted to and approved by the Local Authority: sections of proposed joinery at a scale of no less than 1:5 with any glazing bar details at 1:2; details of other timber finishes; verge and eaves detailing; rainwater goods which shall be matt black painted metal or aluminium. The development shall not be carried out other than in accordance with the approved details.

REASON: Details are required prior to commencement of development in the interests of protecting the character and appearance of the Conservation Area in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of the development hereby approved details of measures to protect the trees and hedgerow to be retained, reflecting the guidance in BS5837: Trees in relation to design, demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be complied with in full during the whole of the construction period.

REASON: Details of such measures are required prior to the commencement of development to safeguard the trees and hedgerow to be retained in the interests of the character and appearance of the area consistent with policy 8 of the North Northamptonshire Joint Core Strategy

5. The trees and hedge detailed on approved drawing number SK01 Rev N, as well as those alongside the western and northern boundary shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority. Within a period of 6 years from the first occupation of the dwellings hereby approved any trees or hedging that dies or become seriously diseased or damaged shall be replaced in the next planting season with others of similar species.

REASON: Landscaping details are required prior to the commencement of development to improve the appearance of the site in the interests of visual amenity in recognition of Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling, unless these works are carried out earlier. Any trees or plants which, within a period of 6 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: Landscaping details are required prior to the commencement of development to improve the appearance of the site in the interests of visual amenity in recognition of Policy 8 of the North Northamptonshire Core Spatial Strategy.

7. Prior to the commencement of development a Construction Ecological Management Plan, addressing the issues raised in the Phase 1 Habitat and Protected Species Survey shall be submitted to and approved in writing by the Local Planning Authority. The plan should include inspections to be undertaken for bats and other species affected; retention and future management of habitats, and results of a survey of the fruit trees to be lost, to identify the varieties and proposals for their replacement. Thereafter the Plan shall be fully implemented as approved.

REASON: A Construction Ecological Management Plan is required prior to the commencement of development in the interests of safeguarding and enhancing the existing and future biodiversity value of the site in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

8. No dwelling shall be occupied until a scheme for all boundary treatments including any proposed gates and fencing, have been submitted to and approved in

writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to the commencement of development a programme of archaeological work shall be carried out in accordance with a written scheme of investigation that has first been submitted to and approved in writing by the Local Planning Authority.

REASON: A scheme of archaeological investigation is required prior to the commencement of development in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

10. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

REASON: Contaminated land investigation is required prior to the commencement of development 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 in accordance with Policy 11 of the NPPF and in recognition of the North Northamptonshire Joint Core Strategy.

11. The development hereby approved shall be undertaken wholly in accordance with the measures set out in the approved document 'Sustainability Appraisal & Energy Statement' that remain consistent with the other conditions stated above

REASON: To deliver a sustainable development in recognition of the North Northamptonshire Joint Core Strategy.

12. No development shall commence on site until details of the materials and finish to be used for the access way and hard standing surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

13. No development shall take place until on site the proposed ground and finished floor levels have been staked out along with an indication of the proposed height to eaves. The levels shall be subject to approval in accordance with the Note on drawings SK01N and SK 07 I. Thereafter development shall not proceed other than in accordance with the final ground and finished floor levels that have been first approved in writing by the Local Planning Authority.

REASON: Finished Floor Levels are necessary prior to commencement to take account of the visual impact in accordance with Policy 2 of the North Northamptonshire Joint Core Strategy.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B,C,D,E, F of Part 1, and Classes A and B of Part 2 of Schedule 2 of the Order shall take place on the application site.

REASON: In recognition of the character and appearance of the Conservation Area, and Policy 2 of the NNJCS

Officers Report for KET/2016/0620

3.0 Information

Relevant Planning History

Pre application advice was sought in 2015 for a potential development of 4 dwellings but apart from an illustrative site plan, no details were provided of the proposed dwellings. In accordance with saved local plan policy RA3 restricted in fill development on part of the site was judged acceptable in principle provided a suitable proposal was compatible with other policies particularly in relation to conservation, design, density, layout, access, the need to conserve energy through good building design and the use of appropriate materials. This was likely to mean less than 4 dwellings.

KET/2015/1000 Proposed 3 No. Dwellings: This was refused planning permission at the Planning Committee on 28 June 2016 for reasons which can be summed up as follows:

The overall size and bulk of the proposed dwellings would be significantly larger than the modest scale presented by existing adjacent or nearby development. With the elevated position of this site, it is considered that the proposed built form would be incongruous and would overly dominate its surroundings, result in harm to the character and appearance of the conservation Area and the area that is part of the Conservation Area's setting.

Officer site inspections have been undertaken on several occasions between February and June 2016 at the time of the earlier application. A recent visit was undertaken on 09 September 2016.

Site Description

The site is situated on the southern edge of the village of Pytchley, to the south of Butchers Lane and west of Orlingbury Road.

Conservation Area:

The site lies within the Pytchley conservation area. At the north side of the site in a west- east orientation is the existing Dairy Farm dwelling, a stone faced property in a rectangular form up to 6 metres width, along with subordinate single storey elements. Separated but in a similar west –east alignment is a traditional brick barn with a clay pantile roof. Elsewhere to the west of these buildings are some other traditional buildings spread out along Butchers Lane which runs along the north side of the Dairy Farm. These other buildings include 'The Cottage' which is Grade II listed, as well as farm buildings contribute to the character of the area which has a strong linear 'grain of development' both parallel to Butchers Lane and with built form at a right angle to the Lane.

The delicate balance of built form and space is an important part of what is distinctive about this part of the conservation area.

Other setting

At the front of the site is a substantial field boundary hedge which is a distinctive part of the street scene.

Beyond the east side of Orlingbury Road are earlier 20th century terraced and semidetached dwellings which are distinctive for their modest footprint, low eaves which avoids a street scene that is overly dominant.

To the east of the site is the lay-by, still adopted by the Highway Authority, that previously formed the alignment of Orlingbury Road that now sits further to the east and beyond which is existing frontage residential development that extends significantly south along Orlingbury Road beyond the application site. Immediately to the south there is a public footpath and farm track that provides access to the paddock that adjoins the site to the west and the cricket ground to the south west. The village cemetery is situated to the south of this track.

Site features

There is a gradual slope across the site from north to south. Neither is the site completely flat. There is a notable change in levels from Orlingbury Road to the east of the application site with the latter sitting in a much more elevated location compared with the public road to the east side of the site. This higher ground level is an important consideration when assessing the dominance or otherwise of proposed development.

The site is broadly rectangular in shape and is in part a former orchard of mature fruit trees with a number of other mature trees in an area otherwise laid to grass extending to approximately 0.28ha.

The boundaries of the site to the east, south and west are formed by a mix of trees and hedges.

The northern boundary is shared with Dairy Farm house, a two and a half storey stone built dwelling and some of its associated out buildings, identified above.

Proposed Development

The proposal as amended is to erect 3 detached 4 bedroom dwellings each with a detached double garage.

Since the initial submissions and especially after the refused proposal, the scheme has been further revised at the request of officers: to make all three dwellings the same size; to omit one pair of proposed dormers on each building and agreement to determine final finished floor level after staking out on site and discharge of that element by a condition on any approval.

Focusing on the very latest plans and comparing these with the refused application, the key changes substantially reduce the form and bulk an overriding concern of the earlier proposals.

Aspect	KET/2015/1000 (Refused)	Current proposals: KET 2016/0620
Footprints of proposed dwellings	3 No two storey dwellings L shape footprint, the largest plot with longest side 12.2m	3 no proposed 2 storey dwellings of all the same footprint rectangular footprint of 6mx 10.2m each with a single storey element of 3.8m long x 3.9m wide
Proposed eaves and ridge heights	5 metres to eaves; 8 metres to top of ridge	4.5m to eaves; 7.2m to top of ridge
Proposed ground and Finished floor levels	Sections indicate approx. 2.0m higher at FFL than ground levels of properties on Orlingbury Road; overall height add above measures	Sections indicate approx. 1.8m higher at FFL than ground levels of properties on Orlingbury Road; reduced overall heights (see above) Applicants have agreed that ground and FFL to be subject to condition following survey and marking out on site.
Garages	Width between garage doors 2.05m	Width between garage door now 2.5m

Other changes include the introduction of two small dormers at the front and rear of each proposed dwelling. A pedestrian access is also proposed on the southern boundary, please see comments of the Highway Authority.

As before, the layout shows the dwellings in a linear relationship with a single point of access in size and form as indicated below; there is

- A single point of access adjacent to the north-east corner (instead of three individual access points which would have result in greater loss of the frontage hedge.
- A shared private drive behind the access point running parallel to boundary hedge on the east side.
- A proposed bin store collection point near the proposed access point.

Any Constraints Affecting the Site

Conservation Area

4.0 Consultation and Customer Impact

Pytchley Parish Council: Object

To the initial set of proposals submitted with the current application, the Parish Council object adding:

“We believe there is sufficient change from the previously rejected application to make this application acceptable. The proposed development is on elevated ground making it obtrusive within the conservation area in which it sits. The only solution we see is for the land to be locally excavated to reduce the effective roof line. The proposal is felt to be contrary to the NPPF and Policy 13 of the Core Spatial Strategy and the emerging JCS Policy 11.”

Natural England

“The advice provided in our previous response applies equally to this resubmission although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.”

Earlier they had stated

- no objection in relation to statutory conservation sites
- Priority habitat – Submission indicates the development includes an area of priority habitat. They quote the guidance in the NPPF relating to conserving and enhancing biodiversity.
- Protected Species – Have not assessed the application for impacts on associated species, should apply their standing advice.
- Landscape Enhancements – This application may provide opportunities to enhance the character and local distinctiveness of the surrounding and built environment; use natural resources more sustainably and bring benefits to the local community.

County Archaeology

The site lies within an area of probable medieval settlement and medieval and post-medieval finds are recorded nearby. Recommend a condition for an archaeological programme of works.

County Highways

Cannot support the application stating that their standards have recently altered and they sought minor alterations to the site plan to accommodate these ie 2mx 2m pedestrian visibility splays, drainage to be shown on private land, and a means for a fire tender crew to gain easy access to the furthest dwelling (over 45m from the highway access) by a pedestrian gate closer to that dwelling.

Should the LPA approve the application they asked for a number of conditions relating to their standards.

Environmental Health

No objection to the application subject to a condition addressing contamination and an informative regarding the presence of radon.

Wildlife Trust

In broad terms, they find the content and the scope of the “Phase 1 Habitat and Protected Species Survey”, dated October 2015, to be both acceptable and satisfactory in the circumstances here. However, in order to both mitigate for / preserve the identified presence on-site of wildlife they advise there should be conditions based on the recommendations of the report including:

- A Construction Ecological Management Plan (CEcMP) to be produced and implemented including restricting removal of hedges to be outside nesting season, inspections to be made for bat roosts and other species affected and the replacement of trees that are lost;
- Retention and future management of certain existing habitat areas on-site.
- Survey work of the 9 fruit trees, 7 of them are apple trees intended to be felled (with appropriate action to follow in regard what is said to have been part of a traditional orchard area (traditional orchards are listed as UK and Northamptonshire Priority Habitat)

Neighbours:

In response to first set of plans submitted with the current application, a neighbour has written in as follows:

11 Orlingbury Road

- “I agree that the changes have made it slightly better with regards to the roof line but there is no change to the window height to alleviate the overlooking aspect of my property with regards to privacy. (the middle of our bedroom window, barely reaching the top of the ground floor windows. The upper floor window will considerably overlook my property) I feel due to the height of the proposed building plot that the size of these buildings still make my property considerably overlooked and not in keeping with the village aspect. They will be extremely dominating and greatly reduce the privacy of the residents living.”

5.0 Planning Policy

The National Planning Policy Framework (NPPF) requires any harm to the significance of designated heritage assets (in this case the Pytchley Conservation Area) to be weighed against any benefits accrued.

In determining applications, LPAs should:

Para 128: require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance

Para 131: take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of

new development making a positive contribution to local character and distinctiveness

Para 138: the relative significance of the element affected and its contribution to the significance of the Conservation Area;

Core Planning Principles

Part 6 Deliver a wide choice of high quality homes

Part 7 Requiring good design

Part 11 Conserving and enhancing the natural environment

Part 12 Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Adopted 14 July 2016)

Policy 2: Historic Environment. Proposals should conserve and where possible enhance the significance of heritage assets commensurate to significance; complement their surrounding historic environment through form, scale, design and materials.

Policy 4: Biodiversity

Policy 8: Place shaping principles;

Policy 9: Sustainable Buildings

Policy 11 Network of Urban and Rural Areas

Policy 29: Distribution of New Homes.

NB: North Northamptonshire Core Spatial Strategy 2008 (CSS) is now superseded

Saved Local Plan (LP)

Policy RA3 Rural Area: Restricted Infill Villages

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are

1. Principle of Development
2. Impact on the Conservation Area including the Design, Character and Appearance
3. Other Heritage Assets
4. Impact on Residential Amenity
5. Highways
6. Bio-diversity
7. Sustainability
8. Archaeology

1. Principle of Development

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

Pytchley sits within the open countryside where normally development, including residential, is resisted unless policy provision makes allowance for such development.

In the JCS Policy 29, the target for rural housing in the Plan period is 480, less than in the superseded CSS. Pytchley as a rural settlement is expected to provide the smallest amount of growth within the settlement hierarchy where the level of development should be determined by local housing need.

Therefore residential development of this scale would contribute, although not significantly.

Policy RA3 of the LP defines the village boundary for Pytchley within which the application site is located. This policy states that in restricted infill villages, housing development should meet 5 criteria.

Firstly the application site is within the defined village limit, which it is in this case.

Secondly the proposal is appropriate in terms of size, form, character and setting of the village and in terms of the local community and environment. This is discussed below.

Thirdly, the proposal does not involve the development of open land shown on the Proposals map, the land is not designated as such.

Fourthly a proposal is to be compatible with other policies and proposals in the Plan, particularly in relation to conservation, design, density, the site layout, access, drainage, landscaping and open space provision. Again this is discussed below although Policy 13 of the CSS has superseded the majority of these considerations.

Finally a proposal should take account of the need to conserve energy through good building design and the use of appropriate materials. This is discussed below

The emerging Part 2 Local Plan:

The process of allocating new housing sites in the emerging Site Specific Local Development Document remains at an early stage. An officer review from September 2015 that indicated the application site be removed from the settlement boundary is also part of the emerging proposals yet to be subject of consultation on the Part 2 Plan. Therefore, the Part 2 Plan has been afforded minimal weight in regard to the current proposals.

Having regard to all of the above, subject to detailed considerations discussed below, the principle for a suitable limited infill on this site is considered acceptable.

2. The Impact on the Conservation Area and Design, Character and Appearance

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on all local planning authorities to have to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

The National Planning Policy Framework (NPPF) requires any harm to the significance of designated heritage assets (in this case the Pytchley Conservation Area) to be weighed against any benefits accrued.

Part 7 of the NPPF requires good design. The principles of Policy 2 of the JCS provide basis against which to judge the proposed form and appearance.

As stated above the site also lies within the Pytchley Conservation Area designated in 1984. The 1984 document sets out that the village is characterised by its complex street pattern and that there a number of distinct parts to the village one of which is centred on Butchers Lane.

The context of the proposal is described in the site description and other text above. It will sit front Orlingbury Road and extend built development to the south on the western side on currently undeveloped land. Orlingbury Road has been extended on the east side by a later 20th century development compared to the much older historic core of the village.

A potentially sensitive part of the proposal is the loss of the open space which currently takes the form of a former orchard associated with the Dairy Farm house. In conservation area terms though the loss of this open space is not identified as a protected space. It is therefore, not an overriding constraint subject to an acceptable built form.

As stated above the site sits within the village limit boundary and as before, the issue remains whether a proposal would have a harmful effect on the character and appearance of the conservation area or the street scene and whether there are any material considerations to outweigh any harmful affect.

The nearest dwelling to the application site is the existing Dairy Farm house. This is a two storey stone built property with a tiled pitched roof over with windows on the rear elevation of a 'modern' design. Alongside this is an existing brick outbuilding. The easterly single storey element to the Dairy Farm dwelling is clearly subordinate to the principal part of the dwelling.

Consideration has been given by officers as to whether 3 dwellings on the site would be too much and still retain important characteristics including a number of trees (and hedges., the changes that have now been put forward have reduced the proposed built form to a scale that can be judged as commensurate with what exists elsewhere in the immediate locality. In addition to limiting the principal two storey elements so that each dwelling would have a rectangular footprint no greater than the 'parent building' at Dairy Farm, the rear elements are single storey and relatively modest in scale and form.

The other changes now submitted have also helped to address the earlier planning objections: ie lower eaves and ridge heights. Whilst the cross sections indicate how the finished ground and floor levels would appear in regard to some existing buildings, as indicated earlier, there is agreement to determine the final levels via the discharge of a planning condition were the proposals to be approved. In these ways, attention has been given to the issue of avoiding undue height dominance.

Some other important design detailing has also been made. Such things as eaves detail, cills and a requirement for traditional or natural external materials and features would be conditioned to ensure they can be said to be in sympathy with aspects of the character of the conservation area.

The single point of access now proposed at the north east end of the frontage hedge would minimise the impact of the loss of parts of the hedge. Through the protection of existing trees and hedges during construction; control over hard surface materials, and the submission of a management plan for landscaping attention is to be given to these elements which are a contribution towards character and appearance.

The proposed garages have been arranged in a way that helps to indicate a linear form and subject to materials the design now allows for wider garage door opening widths to encourage the use of these buildings for the purpose of parking a vehicle.

The proposed dormers (as revised, two to each first floor elevation) are a consequence of lowering eaves level further. It is acknowledged that two existing properties in the Conservation Area nearby have two small traditional dormers. Although the current proposals are different, the latest revised plans show a modest arrangement. Subject to detailing and provided the materials are traditional these are features are considered acceptable.

In conclusion, the subject to the above proposed built form would be visible to the public realm and bulk and form of the proposed dwellings is judged to adversely affect the character and appearance of the conservation area.

3. Other Heritage assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on all Local Planning Authorities to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in considering whether or not to grant planning permission.

The nearest listed building to the site is The Cottage in Butchers Lane which is Grade II listed. However this is some distance to the rear of the site; the setting of the listed building is not directly adjoining the proposed development.

The specific impact of the proposed development is as part of the character or appearance of the conservation area as assessed earlier.

4. Impact on Residential Amenity

Policy 8 (e) of the JCS requires that development protect amenity by not resulting in an unacceptable impact on future occupiers and neighbours, including from overlooking.

The nearest dwelling to the proposed development is Dairy Farm house that sits to the north of the application site with its rear (south facing) elevation facing towards proposed plot 3. Its rear garden depth up to the boundary with plot 3 overall is in the range of 10m to 14m. The distance between Dairy Farm house and the rear of the nearest part of the proposed dwelling house at Plot 3 is around 20 metres. Closer to the boundary is a proposed double garage with the side elevation around 12 metres from the existing dwelling. The side elevation of the main proposed built form of Plot 3 is approximately 20m away.

The changes in ground levels are also a consideration. The existing Dairy Farm house is on rising ground which means the relationship with the proposed dwellings is unlikely to lead to unacceptable overlooking for this property.

The next nearest properties on the opposite side of Orlingbury Road are 9, 11, 13 and 15 Orlingbury Road, two pairs of semi-detached dwellings. Nos. 9 and 11 sit at an oblique angle to the application site looking most directly towards the access to Dairy Farm house itself off setting the views between the elevations of existing and proposed dwellings. No. 13 faces towards what is proposed plot 1 with no.15 facing more towards the southern boundary of the site that is the southern boundary of plot 3.

The application site is notably higher than land to the east as indicated previously. However, the proposed dwellings would be separated from the properties opposite by distances respectively of around 45m from 11 Orlingbury Road and 37m from the front elevations of nos. 13 and 15 Orlingbury Road.

The concern raised by the occupier of No. 11 about overlooking from the first floor of the proposed due the higher land has been further considered. As indicated earlier, final ground and finished floor levels would be conditioned in any recommendation to approve which could result in a further drop of level.

It is also noted that the space between the existing properties on Orlingbury Road and the proposed has both vehicle and pedestrian movements.

For the existing dwellings identified or likely to be affected, it is considered that the physical distances between the existing and proposed would mean that the development would not be detrimental to residential amenity including from adverse overlooking.

In this regard therefore, the proposed development is therefore considered compliant with Policy 8 of the JCS.

5. Highways

Policy 8 (b) of the JCS requires proposed development to have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards.

The Highway Authority's comments have been considered. The proposed means of access can be made compliant with their standards for pedestrian visibility. In response to their suggestion that there is a pedestrian access for fire crew parking be made, the applicant has shown a pedestrian gate through another part of the hedgerow near to proposed plot 1.

The existing bus shelter is not affected.

6. Bio-diversity

Policy 4 of the JCS seeks a net gain in biodiversity of the environment including by requiring development to take account of relevant biodiversity documents and advice. This also is consistent with the guidance in paragraph 118 of the NPPF.

The submitted Phase 1 Habitat and Protected Species Survey concludes that:

- i. The application site interior contains a low diversity of habitats, dominated by species poor amenity grassland and scattered trees (fruit orchard). The site is bounded by hedging, trees and tall rural vegetation. The plant communities within these habitats are ecologically unremarkable. They are widespread and abundant, containing a relatively low diversity of common species typical of nutrient enriched amenity and improved grassland with widespread perennial and ephemeral weed species;
- ii. The marginal habitats are of greater ecological value and in particular the boundary hedgerows and trees which have a value to nesting birds, bats and refuge and food source for small mammals and insects. The majority of the construction area is mown amenity grassland with fruit trees. The fruit trees and other scattered trees across the site interior have some wildlife interest but are of limited value in purely arboriculture terms. Subject to the more valuable boundary trees and hedges being retained, enhanced and suitably protected the proposal is unlikely to have a detrimental impact on the ecological interests and wider landscape subject to mitigation.
- iii. The results of the survey indicated that certain protected species are considered as likely to occur on the wider site. The trees and hedges along the site margins and across the south end of the site are likely used by nesting birds and foraging and commuting bats and the mature ash tree along the western boundary contains some features such as cracks, rot holes and flaking bark which could be used as bat roosts, especially during the summer.
- iv. A Construction Ecological Management Plan has been recommended to adopt best working practices to minimise disturbance to the above species and to maintain and enhance the valuable ecological receptors where possible.
- v. Specific recommendations are made in relation to birds and the nesting season, bats and their potential roosting areas and herpetofauna (reptiles) and the need to survey the site before any works commence.

Some of the existing trees will be retained, especially the important group close to the southern boundary to the site where, along with the existing hedgerow, which can be retained intact, is considered particularly important as this part of the site is visible first when approaching the village and the conservation area from the south.

In recognition that the site includes a former orchard the applicant's representative has confirmed that the area of land south of the house is classed as a Traditional Orchard (UK BAP Priority Habitat). The agent adds:

"This is a spatial dataset that describes the geographic extent and location of Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance.

Regarding the trees identified for removal (T17, T18, T19, T20, T21, T22, T23, T24, T25, T26, T28 and T3) species of the fruit trees are to be ascertained for preserving varieties if necessary in responding to the implications of having had a traditional orchard on site.

It is evident from the Survey's results that the existing biodiversity of the site is largely concentrated in the boundary hedges. Most of these hedges are to be retained, albeit an expectation that they will be cut back at the front. There is scope for an appropriate response to the presence of birds, and possibly bats and reptiles.

It is recommended that taking forward the biodiversity issues raised, specific condition(s) are imposed on any approval to take forward the advice of the consultees and the Ecological Survey's recommendations.

As part of the construction management response, protection fencing to trees and hedges that are to remain should be in place throughout construction. This is also recommended as a condition on any approval.

In these circumstances the issue regarding biodiversity at the site meet the guidance in the NPPF highlighted by Natural England, and accord with the intentions behind Policy 4 of the JCS.

7. Sustainability

Policy 9 of the JCS relates to 'sustainable buildings regarding energy efficiency and carbon emissions. A development of this scale it should incorporate suitable techniques of sustainable construction and energy efficiency, the provision of waste reduction and recycling and provision for water efficiency and water recycling, subject to also a balance with other requirements for suitable appearance and materials suited to a sensitive site in the Conservation Area.

A sustainability appraisal and energy statement has been submitted with the application. In recognition of Policy 9 of the JCS, subject to a condition as drafted in the recommendation being attached to any planning permission, it is considered the development would be acceptable in this regard.

8. Archaeology

Policy 2 (d) of the JCS addresses the issue of recording for archaeology and this is also covered as part of the NPPF (in paragraphs 128 and 129) regarding safeguarding heritage assets.

A desk based assessment of the site has been submitted. County Archaeology have been consulted on this and in response have noted the site lies within an area of probable medieval settlement though there are no areas of identified earth works relating to the medieval village in the immediate vicinity, however medieval and post medieval finds are recorded nearby. There is the potential of archaeological interest to survive on the site albeit truncated by more recent activity. In response to this they therefore recommend a condition be attached to any permission requiring an archaeological programme of works.

It is considered that in this regard the proposal is in accordance with Policy 2(d) of the JCS subject to the attachment of an appropriate condition.

Conclusion

The principle of suitable infill development is acceptable.

The latest proposed revisions have addressed the planning objections raised in the last application. Though the development will have an impact, subject to the conditions recommended, including the removal of PD rights which will give control over future proposals to extend, it is concluded that the scheme would enhance the character and appearance of the Conservation Area.

The application is therefore recommended for conditional approval

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref: KET/2015/1000

Date: June 2016

Peter Chaplin, Development Manager on 01536 534316