

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 14/11/2017</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2017/0751</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>Dairy Farm, Butchers Lane, Pytchley</b>	
<b>Proposal</b>	<b>Full Application: 3 no. dwellings and garaging with associated access</b>	
<b>Applicant</b>	<b>Mr J Draper, Haynes &amp; Sons (Daventry) Ltd</b>	

### 1. PURPOSE OF REPORT

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

### 2. RECOMMENDATION

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

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

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

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and documents detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The development shall be carried out in accordance with the submitted Construction Ecological Management Plan compiled by Lockhart Garratt referenced 17-0917 Version 2 dated 07/08/2017 and the Arboricultural Implications Assessment and Method Statement compiled by Andrew Belson referenced 3179.Pytchley.SP.AIA dated 27th July 2017 and its associated Tree Protection Plan drawing: 3179.Pytchley.SP.TPP dated 09/08/17.

REASON: In the interests of the character and appearance of the conservation area and the sites biodiversity value consistent with policy 2, 4 and 8 of the North Northamptonshire Joint Core Strategy

4. The development shall be carried out in accordance with the details of the types and colours of all external facing and roofing materials approved in writing by the Local Planning Authority by the discharge of condition application AOC/0620/1601 in relation to approval KET/2016/0620 unless otherwise agreed in writing by a subsequent discharge of condition application. These shall be traditional and natural materials for all the roofs and elevations.

REASON: In the interests of the visual amenities of the conservation area in accordance with policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

5. All window and door structures shall be in timber. No development shall commence on site until full details of all windows including drawings at a scale of no less than 1:5 with any glazing bar details at 1:2, doors and their surrounds, timber finishes (including the porches), chimneys, verge/eaves detailing and rainwater goods which shall be matt black painted metal or aluminium have been 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 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.

6. The trees and hedges detailed on the approved plans for retention 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 and the hedgerow to the western boundary maintained at a height no lower than 1.5m and the hedge along the site's eastern boundary maintained at a height no lower than 2.4m. 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

7. 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.

8. Prior to the commencement of development a scheme for all boundary treatments including any proposed gates and fencing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented and shall be implemented prior to occupation of the dwellings it relates to.

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. The development shall be carried out in accordance with the approved archaeological Written Scheme of Investigation compiled by MOLA dated 13 July 2017 and submitted in relation to discharge of conditions application AOC/0620/1602 in relation to approval KET/2016/0620, including the provision of a final report and archive within six months of completion of the fieldwork.

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. Unless otherwise agreed by the Local Planning Authority, 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 Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

11. The development hereby approved shall be carried out in accordance with the measures set out in the approved document 'Sustainability Appraisal & Energy

Statement' aside from the maximum water use stated where in which case all dwellings shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: To deliver a sustainable development in recognition of Policy 9 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 2 and 8 of the North Northamptonshire Joint Core Strategy.

13. No development shall commence until the proposed ground and finished floor levels have been shown on a finished floor level plan and also on a streetscene plan that puts the heights of the eaves and ridge levels in the context of the adjacent Dairy Farmhouse and through the provision of physical indicators on site. In addition, the proposed height of the buildings shall be shown relative to the height of the vegetative screen around the site (for example; through the use of photomontage or/and a physical height marker displayed on site) The proposal shall not proceed other than in accordance with the approved 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 the 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 North Northamptonshire Joint Core Strategy.

15. The development shall not be occupied until the 2 x 2m visibility splay has been provided in accordance with the approved details at the highway access. The sight lines shall thereafter be permanently retained and kept free of obstacles above 0.9m in height.

REASON: To provide satisfactory access in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2017/0751**

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

### **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 infill 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** – 3 Dwellings – This was refused planning permission at Full Planning Committee on 28 June 2016 for the following summarised reason:

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.

**KET/2016/0620** – 3 Dwellings – Approved 11/11/2016 (Full Planning Committee Decision) with the refusal reason attached to the above 2015 having been overcome by reducing the scale of the dwellings – Extant until 11/11/2019

This permission was subject to the imposition of various safeguarding conditions including retention of the sites notable trees, prior approval of a landscape, hedgerow protection and ecology plan and finished floor levels together with a condition revoking the dwellings permitted development rights.

This application is running concurrently with discharge of conditions applications associated with the 2016 permission. Its condition 2 pursuant to external materials has been discharged in favour of the below details:

- Garages constructed in Oast Russet brick with the double garage associated with plot 3 having a natural grey slate roof covering and the quad garage serving plots 1 and 2 having a Marley Anglia Old English Dark Red (smooth) pantile roof covering
- Oast Russet brick detailing
- The external walls to the dwellings will consist of natural limestone from the local Churchfield (Blisworth Stone) quarry, cropped on all sides and laid in a traditional rubble coursed manner with a light lime mortar

#### **Site Visit**

Officer's site inspection was carried out on 29/09/2017.

### **Site Description**

The site is situated on the southern edge of the Village, to the south of Butchers Lane and west of Orlingbury Road and comprises a 0.28ha rectangular piece of land which until recently was associated with Dairy Farm and consists of grassland with orchard characteristics with some mature fruit trees evident.

To the east of the site is an adopted lay-by off Orlingbury Road. Immediately to the south there is a Public Right of Way (GW8) 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.

The boundaries of the site to the east, south and west comprise a mix of trees and hedges which over the last two years have become overgrown and Dairy Farm house to the north. There is a gradual undulating slope across the site from north to south and sits higher than Orlingbury Road. To the east side of Orlingbury Road are mid-20<sup>th</sup> century terraced and semi-detached dwellings and the detached Vicarage which predominately consist of red-brick houses under brown-tiled roofs and chimneys - notably 9 and 11 Orlingbury Road have low eaves with dormers.

The site also lies within 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 together with associated out-buildings. Elsewhere to the west are some other traditional buildings spread out along the edge of Butchers Lane. These other buildings include 'The Cottage' which is Grade II Listed, as well as farm buildings which contribute to the character of the area with a strong linear 'grain of development' parallel to Butchers Lane and at a right angle to the Lane.

### **Proposed Development**

The proposal seeks full planning permission for three L-shaped four bedroom houses proposed to be constructed in random coursed local stone under a slate roof and chimney with timber windows and consisting of low eaves with dormers. Associated detached brick built double garage are also proposed for each dwelling.

Essentially the proposal is a re-submission of approval KET/2016/0620 with some amendments that go beyond non-material and thereby require full planning permission in the absence of an approved details condition on the permission that could be subject to a variation (Section 73) application.

The key differences between this proposal and the 2016 permission consist of the following:

- The rear permitted single storey element has been widened from 4m to 4.5m and is revised to two storey to enable the amount of bedrooms to be increased from 3 to 4
- Plots 2 and 3 have been set-back a further 1m away from the sites

eastern edge to allow for improved access arrangements

- Rather than trim the height of the sites surrounding hedges the hedge on the western boundary is to be cut-back to 1.5 x 0.5m from root line and the hedge on the eastern boundary (along the Orlingbury Road lay-by) is to be trimmed back to 2.4 x 0.75m to root line. This would bring the hedges back under control to a manageable height that is consistent with its height of 2 years ago when it was maintained and consistent with rural hedgerow management practices.
- Minor design changes including re-positioning the chimneys directly off the gable, omission of exposed rafter feet to the eaves, reducing the sizes of the windows, gabling the dormers, external hinges to the garages with side hung double doors and introducing verge brick detailing and stone corbelling. There is also some variance in the design detailing between the three proposed dwellings.
- A bank of 4 garages has been replaced by a pair of detached double garages with opening widths of 2.5m

The footprint of proposed dwellings, their height to eaves (4.5m) and their overall heights (7.2) are broadly the same as those approved under KET/2016/0620. In addition, consistent with the 2016 permission, the layout shows the dwellings in a linear relationship with a single point of access with the following replicating features:

- A single point of access adjacent to the north-east corner
- A shared private drive behind the access point running parallel to boundary hedge
- A proposed bin store collection point near the proposed access point
- Creation of a pedestrian access along the southern edge of the site to connect up with the Public Right of Way

The above features include amendments secured during the course of the application including omitting the relocation of the pedestrian egress through the eastern boundary of the site and revert back to its southern edge, increasing the finished height of the eastern hedge from 2m to 2.4m and the width of garage openings from 2.2m to 2.5m and the design alterations and variance that constitute design uplift.

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

Within Village Conservation Area

## **4.0 Consultation and Customer Impact**

**Pytchley Parish Council: Object** on the basis of the loss of some of the site's boundary hedgerow to its eastern edge through creation of the new vehicular and pedestrian access and its overall reduction

**KBC Environmental Protection: *No objection*** stated subject to the



imposition of a contaminated land related condition

**Northamptonshire County Council (NCC) – Archaeology Advisor: No objection** subject to the imposition of a condition requiring the *provision of a final report and archive within 6 months of the completion of the fieldworks*. An acceptable written scheme of investigation has already been provided in the discharge of conditions application associated with the 2016 permission.

**NCC – Ecological Advisor: No objection** saying that the Construction Environment Management Plan submitted with the application is acceptable

**Natural England: No objection** stated saying that the impact on Priority Habitat, protected species, local sites, SSSI Impact Risk Zones and consider the opportunities for biodiversity and landscape enhancement

**North Northamptonshire Badger Group: No objection;** saying that they have *no observations other than to welcome the implementation of the Construction Environment Management Plan*

**Neighbours:** Four third party letters of **Objection** received from four nearby residents; on the following summarised grounds:

- The application is retrospective with working having commenced
- Overlooking with more habitable room windows proposed in the front elevation when compared with the 2016 approval
- Loss to the height of the hedgerow to the eastern boundary and the creation of a pedestrian access through the hedge would harm the character and appearance of the area, increase overlooking and harm wildlife
- Design not in-keeping with existing properties
- No need for this type of housing within the village
- Exacerbate highway safety issues

*Officer comments: as discussed above and with regard to the above received representations; the site has planning permission under KET/2016/0620 and thereby subject to discharging pre-commencement conditions implementation of that permission could commence shortly. In any event some site clearance would not constitute commencement; as such this application is not retrospective.*

*The pedestrian access along the sites eastern edge has been re-located to its southern edge and the finished height of the eastern hedge increased from 2m to 2.4m in amendments secured during the application and the proposed access, highlighted by the Parish as a concern, is unchanged from 2016 permission.*

## **5.0 Planning Policy**

**National Planning Policy Framework (NPPF):** Core Planning Principles and Chapter 6 (Deliver a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment)

### **Development Plan Policies**

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

- 2. Historic Environment
- 4. Biodiversity
- 6. Development on land affected by contamination
- 8. Place shaping principles
- 9. Sustainable Buildings
- 11. Network of Urban and Rural Areas
- 29. Distribution of New Homes
- 30. Housing mix and tenure

**Saved Policies in the Local Plan (LP) for Kettering Borough**  
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. The principle of the development
- 2. Impact on the character and appearance of the area
- 3. Impact on residential amenity
- 4. Impact on highway safety and convenience
- 5. Impact on archaeology
- 6. Impact on biodiversity
- 7. Impact of possible ground contamination
- 8. Sustainable building implications
- 9. Response to objections

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

#### **1. The principle of the development**

The principle of three houses on this site has been established through the approval of planning permission KET/2016/0620 for three dwellings. This planning permission is extant for another two years until 11<sup>th</sup> November 2019.

The policy circumstances of the site are unchanged from the time of the granting of that 2016 permission. In particular the site is located within the settlement boundary defined by Policy RA3 of the Local Plan and thereby the proposal is in accordance with the strategic housing aims of JCS Policies 11 and 29 that permit housing sites within Villages. As such there is no reason to take a different view than that reached in the previous application on this site and thereby the proposal is considered to be acceptable in principle. This does not, however mean that development should be permitted at any costs with the proposal having to satisfy other Development Plan policies; most notably those that relate to residential and visual amenity, protection of heritage assets and highway safety. These and any other relevant matters will be considered below and in the context and acknowledgement that the site currently has extant permission for a proposal that is comparable to this scheme.

## 2. Impact on the character and appearance of the area

Due to the site's Conservation Area location the proposal falls to be considered under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on all local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

The proposal is also within the notional setting of the Grade II Listed 'Cottage' Building in Butcher's Lane to the north-west. As such the proposal should also be considered against 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.

Policy 2 of the JCS, consistent with Chapter 12 of the NPPF also seeks to conserve and enhance the historic environment. In addition Policy 8(d) of the JCS, consistent with Chapter 7 of the NPPF encourages development to respond to local character and its wider context.

In terms of developing the site for three dwellings arranged in a linear pattern with low eaves and a dormer design this has been found acceptable through the granting of planning permission KET/2016/0620. The external appearance of this proposal as perceived from Orlingbury Road streetscape would not be significantly different from the 2016 permitted proposal. The opportunity has been taken however, to make some subtle design changes such as omitting rafter feet, under-sizing the windows, introducing window and eaves detailing and repositioning chimneys. These changes are considered to result in a scheme that more faithfully adheres to rural domestic vernacular architecture and thereby has uplifted the design quality of the proposal when compared to the 2016 proposal.

Whilst the increased scale to the rear projecting elements would be a noticeable change from the 2016 approval these parts of the proposed dwellings should be compared with the 2015 refused scheme which was

refused for being too bulky (see earlier summary). The projecting rear two storey components of plots 1, 2 and 3, are reduced in length respectively by 2m, 2.6m and 2m. The effect is to reduce the built form so that the essentially linear form of the development remains the dominant impact. This is important when considering the scale of existing development and the character of the wider area. Thus, it is judged that the proposal would not be especially prominent in the streetscape and thereby would not significantly alter the interaction the proposal has with the Conservation Area. The test being that proposals should enhance and conserve the character and appearance of the historic environment.

In terms of reducing the height of the hedge to the front boundary; whilst the amount of overall foliage would be reduced by trimming its height to 2.4m and thinning its width its current appearance has come about over the last two years; where during which time it has been unmanaged and has become overgrown and untidy.

Trimming the hedge would firstly, from a practical perspective, mean that the hedgerow can be more easily managed. Secondly the hedge as a result of its reduction would be more akin to its managed state of two years ago and before consistent with the management practices and appearance of rural hedgerow. As such the hedge's verdant quality is retained and thereby its value to the site's and the area's rural character to the Village approach is respected. Whilst a reduction in the hedgerow would mean that the houses would be more conspicuous in the street given the design qualities of those houses, their sympathetic scale and at least 3m set-back off the boundary the resulting streetscape would not be untypical of views that may be experienced to the edge of a rural village with a range of three modestly-sized stone properties seen beyond an appropriately sized rural highway hedge.

The finished floor levels of the proposed buildings, consistent with the previous application shall be controlled via condition to ensure that the dwellings do not appear overly prominent on the site. Such a condition would require a streetscene plan that put the proposal in the context of the neighbouring Dairy Farm buildings and also possibly a physical marker on site to show the finished eaves and ridge height of the finished dwelling. The high quality materials approved as part of the 2016 approval will be copied across to this proposal and the permitted development rights for the dwellings revoked to enable planning control of any alterations that may affect the visual amenity value of the proposal.

In addition and consistent with the 2016 permission; the single point of access to the northern end of the frontage hedge would minimise the impact of the loss of parts of the hedge. By approving the 'Construction Ecological Management Plan' and the 'Arboricultural Implications Assessment and Method Statement' which accompanied the application the proposal would protect the sites retained trees and its boundary planting that which contribute to the areas character and appearance.

The nearest listed building to the site is the 'Cottage' in Butchers Lane which is

Grade II listed. Due to the proximity of this Listed Building to the site (45m) together with intervening landscape features there is no notable inter-visibility between the two. As such the proposal would not have an impact to the setting of the Listed 'Cottage' nearby.

Therefore, consistent with the findings of the 2016 permission, with no reason to take a different approach here together with the design uplift secured, the proposal is considered to preserve the character and appearance of the Conservation Area and is sympathetic in its wider context. Thereby the proposal is consistent with the above mentioned JCS policies that consider impacts to visual amenity and also complies with consistent parts of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to be acceptable in this regard.

### 3. Impact on residential amenity

Policy 8 (e) of the JCS, consistent with the Core Principles of the NPPF (point 4) requires that development protect amenity by not resulting in an unacceptable impact on future occupiers and neighbours, including from overlooking.

The relationship of the proposed houses to surrounding dwellings are much the same as those considered in the 2016 permission and thereby it follows that much the same conclusions are drawn in this regard.

The nearest dwelling to the proposed development is Dairy Farmhouse to the north 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 the rear elevation of Dairy Farmhouse and the side elevation of the proposed dwelling house at Plot 3 is approximately 20 metres; with an intervening proposed garage at around 12 metres from the Farmhouse.

The differences in ground levels are also a consideration. The existing Dairy Farm house is on rising ground which means the relationship with the proposed dwellings would not lead to unacceptable overlooking for this property particularly given the separation distances stated and that no upper floor windows are proposed in the facing elevation of the plot 3 dwelling.

The next nearest properties are on the opposite side of Orlingbury Road at 9, 11, 13 and 15 Orlingbury Road, consisting of two pairs of semi-detached houses. 9 and 11 sit at an oblique angle to the application site looking most directly toward the access to Dairy Farmhouse which would off-set the views between the facing front elevations of the existing and proposed dwellings. 13 and 15 Orlingbury Road face towards what is proposed plot 1. The application site is notably higher than land to the east and thereby the dwellings opposite in Orlingbury Road. The proposed dwellings at the nearest point however, would be separated from the properties opposite by distances of around 40m with respect to 11 Orlingbury Road and 36m from the front elevations of 13 and 15 Orlingbury Road.

The occupiers of 11, 13 and 15 Orlingbury Road have objected partly on the basis of the proposed windows in the front elevations of the proposed dwellings overlooking their properties. Whilst the proposed dwellings would sit on an elevated position compared with the existing Orlingbury Road dwellings because of the relationships discussed above the proposal would not have a harmful impact to the privacy of those occupiers; not least because the facing separation distance is a minimum of 36m. The recognised standard for back-to-back separation arrangements is between 18-22m.

As such the separation distances between the front elevation of the proposed dwellings and the existing Orlingbury Road dwellings which are also obliquely angled, would be nearly double the usual standard. Whilst the finished floor level will be considered by condition, the difference in levels would not change this conclusion given the amount of separation distance involved. This approach is consistent with the conclusions reached in the 2016 application with no notable changes to the scale, siting or orientation of the proposed dwellings as seen from the front other than an upper floor window now being proposed to serve a bedroom rather than an en-suite in each of the proposed dwellings, which would not sustain reaching a different view.

In short, it is considered that in light of the physical distances between the existing and the proposed dwellings this would mean that the development would not be detrimental to neighbours residential amenity including from adverse overlooking.

The proposal provides sufficient inside and outside space and would resist any harmful impacts between the proposed dwellings and thereby the proposal would respect the quality of life of future occupiers.

As such, the proposed development is compliant with Policy 8 (e) of the JCS by providing a good standard of amenity for existing and future users of land and buildings.

#### 4. Impact on highway safety and convenience

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 access, parking and manoeuvring arrangements proposed together with the amount of parking provision proposed (at least 12 off-street parking spaces- including garages) are broadly the same as those approved by the 2016 permission. As such the same conclusions on this matter apply.

The proposed means of access can be made compliant with Highway safety standards for pedestrian visibility by condition and a pedestrian access for fire crew parking in the lay-by is possible through the pedestrian access made through the hedgerow to the southern edge of the site. In addition the garage openings at 2.5m are larger than NCC Highways Parking Standards. The existing bus shelter and the Public Right of Way to the south are not affected.

Thereby the proposal is considered to maintain highway safety and convenience in accordance with Policy 8 (b) of the JCS and as such is considered to be acceptable in this regard.

#### 5. Impact on archaeology

Policy 2 (d) of the JCS addresses the issue of recording for archaeology consistent with Chapter 12 of the NPPF.

This matter has been partially dealt with through the approval of a Written Scheme of Investigation (WSI) that accompanied the discharge of condition application associated with planning approval KET/2016/0620. As such subject to the proposal being conditioned to be carried out in accordance with the acceptable WSI and the findings of the investigations being provided in a report within 6 months of completion of the fieldwork the proposal is considered to be acceptable in this regard.

Therefore and consistent with the advice of the County Archaeologist the proposal has measures in place to protect any archaeology that may be unearthed and thereby the proposal is consistent with Policy 2(d) of the JCS.

#### 6. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

In addition 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.

In order to demonstrate compliance with the Circular and the Development Plan policy in this respect the application was accompanied by a 'Construction Ecological Management Plan' which included the findings of a Phase I habitat survey. The Plan identifies ecological receptors that could be affected and together with the submitted 'Arboricultural Implications Assessment and Method Statement' give a series of recommendations that would minimise any harm including the retention and protection of much of the sites trees and boundary hedging.

As such subject to the proposal being conditioned to be carried out in accordance with these submitted biodiversity related documents the proposal protects and enhances biodiversity. As such and consistent with the findings of

the Natural England, the County Ecologist and the Local Badger group the proposal is consistent with NPPF guidance and accords with the intentions behind Policy 4 of the JCS and thereby is considered to be acceptable in this respect.

#### 7. Impact of possible ground contamination

Policy 6 of the JCS seeks development to be safe in this respect. Any impacts arising as a result of possible ground contamination will be prevented through the provision of a safeguarding contaminated land related condition as recommended by the Council's Environmental Protection Officer.

#### 8. Sustainable building implications

Policy 9 of the JCS relates to sustainable buildings and has regard to energy efficiency and carbon emissions. A development of this scale 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. As such subject to the proposal being conditioned to be carried out in accordance with this statement and to achieve a maximum water use of no more than 110 litres per person per day it is considered that the development would be acceptable in this regard.

#### 9. Response to objectors

The issues raised by third parties and the Parish Council with respect to the impact of the proposal to highway safety, residential and visual amenity are discussed above. The need for the proposal is not brought into question, in light of the extant permission and because there is a presumption in favour of housing development within village confines imbedded within Development Plan policy.

As such the proposal is considered to be acceptable in these regards with no persuasive evidence provided that would justify a different approach on these matters.

#### **Conclusion**

In light of the above the application is considered to comply with the Development Plan with no other material considerations that would justify coming to an alternative view and thereby the application is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316



