

BOROUGH OF KETTERING

Committee	Full Planning Committee - 05/06/2018	Item No: 5.4
Report Originator	Andrew Smith Development Team Leader	Application No: KET/2018/0097
Wards Affected	Slade	
Location	Millwinds, Harrington Road, Harrington	
Proposal	Full Application: Use of buildings for agricultural machinery and plant repairs	
Applicant	Mr Stretton	

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 1 year 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 details listed 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. This permission shall be limited to a period expiring on 8th June 2020. At or before the expiration of this period the use of the buildings and incidental parking on land hereby permitted shall be permanently discontinued and all vehicles, materials and plant / equipment removed from the site.

REASON: Justification for the proposed use at this location is on the basis of providing a relevant service to local agricultural businesses. The period of the temporary permission will enable this to be evaluated.

4. The buildings shall be used only for agricultural machinery and plant repairs and for no other purpose whatsoever (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To safeguard the amenity of the area in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Within all areas of the site external to the buildings (depicted as Buildings A and B on the approved Site Plan KET/2018/0097/1) there shall at all times be no article or piece of machinery nor plant of any description repaired or stored and there shall be no storage of waste or other materials of any sort.

REASON: In the interest of the amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. All existing hedges, hedgerows and mature vegetation located to the boundaries of the wider site that incorporates the application site (outlined in blue upon the approved Site Plan referenced KET/2018/0097/1) shall be retained at all times.

REASON: To ensure the continuity of amenity afforded by existing hedges and vegetation in accordance with Policies 3 & 8 of the North Northamptonshire Joint Core Strategy.

7. The use hereby permitted shall not be carried out before 0900 hours or remain open after 1700 hours on Mondays to Fridays, nor at any time on Saturdays, Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used in the repair or maintenance of the buildings located on the site 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 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.

9. The use hereby permitted shall not commence until the existing access from the site to Harrington Road at the northern boundary of the application site (as depicted upon the approved Site Plan referenced KET/2018/0097/1) has been permanently closed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to the commencement of the use hereby approved, a detailed scheme of surface and foul water management at the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be operated in full accordance with the approved scheme at all times thereafter.

REASON: To ensure the appropriate management of surface and foul water at the site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

11. Prior to the commencement of the approved use details of a scheme for the storage of commercial waste shall be submitted to and approved in writing by the Local Planning Authority, thereafter the approved scheme shall be fully implemented in accordance with the approved details and retained as approved at all times.

REASON: In the interests of protecting the environment and general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 8

of the North Northamptonshire Joint Core Strategy and the policy guidance contained in the National Planning Policy Framework.

12. Vehicle parking for customers and employees incidental to the use of the buildings shall not occur other than within the "Area for car parking" depicted upon page 2 of the submitted and approved Supporting Statement referenced KET/2018/0097/3.

REASON: In the interests of safeguarding visual amenity in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0097

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

The Millwinds site has significant planning history. During World War 2 the site was used as part of a military base connected with the nearby Harrington Airfield. Subsequently the land has been part of an agricultural use and with the benefit of a series of temporary permissions for agriculture related uses such as use of buildings for the sale and repair of tractors and farm diggers, incorporating some light fabrication work (KE/85/0403) and agricultural buildings and agricultural machinery repair depot (KE/1991/0400).

Approval was granted for a temporary agricultural dwelling house under reference KET/1988/0415, which was renewed under KET/1991/0399. However, applications without any agricultural attachment or seeking permanent permission for residential use have consistently been refused.

EN178 – Enforcement and stop notices were served following the failure to discontinue the temporary caravan use permitted under KE/1991/0399. This EN was withdrawn following the issue of EN96/167.

KE/92/0683 – Change of use to traveller/ caravan site (10 pitches). Refused 01.12.1992. Appeal dismissed 19.07.1993

KE/96/0550 & EN96/167 – Change of use to private caravan site for 5 Gypsy families. Refused and appeal dismissed 18.07.1997. The inspector concluded that the development had an urban character and caused very significant harm to the rural character of the area. In addition, the site was considered remote in location from local services and facilities resulting in reliance on the private car which is contrary to the aim of reducing the need for travel. The period for compliance with the enforcement notice was extended to 9 months.

KE/98/0090 – Change of use to private Gypsy caravan site for 4 caravans plus screen building. Refusal 31.03.1998

04/04/2000 – Planning Inspectorate's decision re-determined. Appeal dismissed. The caravans are visually intrusive, particularly from Kelmarsh Road and residential use is harmfully out of character with the open countryside. A distance of 5km from local services was considered to be well beyond what is considered to be a reasonable distance.

There were planning refusals in 2001 and 2003 (under references KET/2001/0499 and KET/2003/0546) to use existing buildings at the site for light industry and craft workshops on the grounds of extensive alterations being required to redundant buildings in the open countryside.

KET/2010/0133: Change of use of land to siting of 2no. mobile homes and 2no. traveller vans. Temporary consent was initially granted on 28th May 2010, this was subsequently quashed via a Court Order following a Judicial Review of the decision. This was on the grounds of the approval reason referencing a local planning policy that had not in fact been satisfied and of the Council having not satisfactorily investigated the availability of traveller pitches on other private sites in the Borough. KET/2010/0133 was subsequently re-determined by the Council and refused on the grounds of its unsustainable location in the open countryside for use as a residential caravan site.

KET/2015/0253: Farrier residential training facility and equine hospital. Refusal 03.08.2017 on the basis of a harmful impact in the rural area and not strengthening the network of settlements within the Borough

KET/2017/0506: Prior approval for conversion of agricultural building to 1no. dwelling. Withdrawn 22/08/2017. Before determination, when the evidence had been examined, the applicant was advised by the Council that the legal tests had not been satisfied.

Site Visit

Officer's site inspection was carried out on 06/03/2018.

Site Description

The overall Millwinds site is roughly rectangular in shape and measures 1.8Ha in area. It is bound by Kelmarsh Road to its northern boundary and by a private track to its western boundary that runs from Kelmarsh and provides access to both the application site and to premises (Warth Lodge) that are sited to the south west. It is proposed that this private track provide access as part of this application. Agricultural land surrounds the site, including the buildings and farmhouse of Wheatfield Lodge Farm sited on the opposing side of Kelmarsh Road at the eastern edge of the site.

The red line application site in this instance measures approximately 0.68Ha in area and incorporates, in rough terms, the northern and central areas of the wider site. The application site itself exhibits significant areas of hardstanding, which is thought to date back to the site's wartime airfield use and has not recently been maintained and is in a poor state of repair. There are also existing buildings on site that have predominantly been used for agricultural purposes in recent times. The largest of which is sited to the southern side of the site (Building A) and is constructed from various blockwork and metal cladding. The other significant structure is sited close to Kelmarsh Road (Building B) and is of blockwork construction with an unfinished roof.

Proposed Development

The application is to "re-establish the last permitted use of the presently vacant site which was for agricultural machinery and plant repair. No physical development is proposed on-site, with the exception of works of repair to the two buildings. The applicant has stated that these repair works would consist of some metal cladding refurbishment and new doors to Building A and the provision of a new roof to

Building B.

Any Constraints Affecting the Site

Classified C Road
Open Countryside

4.0 Consultation and Customer Impact

Harrington Parish Council: *Initial comments dated 21/03/2018 summarised as follows:* Strong objection to the proposals, no grounds or objection for inappropriate development in the open countryside within an attractive wider landscape area. Full planning permission has never been granted for agricultural machinery repairs and in any event only related to the original part of Building A. Building B was built without planning permission in 2010/11 and a blockwork extension to Building A in the mid-1990s. The site maybe contaminated, no details of how hazardous substances would be disposed of have been provided. The word plant should be omitted from the application description to prevent the site being used for non-agricultural purposes. No business case has been made for the enterprise, most modern agricultural machinery is technically complicated and repaired and serviced by the company that sold it. The existing buildings are not large enough to accommodate bulky machinery. The surrounding road network is not suitable for large machinery. The site is made up of impermeable boulder clay, making drainage a major problem. There may be noise impacts upon nearby residents. Various conditions to control any future operation of the site are suggested should permission be granted.

Further comments dated 14/05/2018 summarised as follows: Remains strongly opposed to the application. There are concerns that the application could lead to an expansion of an established car, van, lorry business. The proposals are neither suitable nor sustainable. A 7 ½ tonne weight limit is in place to preserve the amenity of the countryside and there is no satisfactory way to drain the land. There is no business plan, merely an assertion that the business involved is profitable. There is no evidence of a commercial repair business at the trading address and the shortest route between there and the application site is via single track lanes. There is not considered to be demand for the type of work that the applicant proposes in Northamptonshire. Any employment created would be unlikely to be filled by local people. If planning conditions are not realistically enforceable they should not be applied and planning consent should not be given. There are surely more suitable and sustainable sites available for the business.

Highway Authority: Cannot support the application as require further information (i.e. a scaled, technical site plan) to fully assess the proposals. The site plan is not sufficient to ascertain safe access to and from the highway, safe access to emergency services, refuse presentation for collection or interior site layout for parking and turning.

KBC Environmental Health: Response of no comments.

Neighbours: Notification letters were sent out and a site notice was erected at the site. Responses from 2no. local addresses were received and can be summarised as follows:

- A previous application (KET/2010/0133) was approved at the site without a full understanding of drainage issues, there have been various past failures to install suitable foul and storm drainage systems at the site. Kelmarsh Road is continually flooded due to a lack of percolation at the site.
- The likelihood of road traffic accidents would be greatly increased, horse riders regularly use the road and large bits of plant being transported may well cause safety concerns. There is a 7 ½ tonne weight limit in place.
- “Plant repairs” is too wide ranging as a classification and could lead to unacceptable vehicles accessing the site.
- The proposals would be inappropriate for their agricultural surrounds; the size and scale of the proposed development would far exceed any temporary permission previously granted.
- Noise and disturbance from the proposed use would be expected.
- The site could become akin to a breakers yard and therefore boundary screening would be important.
- It is not clear that there is a local need for the proposed facility.
- Contamination of the site would be a real possibility given the proposed use.
- Access to the site should be permanently restricted to via the byway at the western end of the site.
- Building B is unauthorised and planning permission should not be granted for this building.
- It is unrealistic that only 6no. vehicles would be stored at the site and that operational hours would be restricted to Monday – Friday, 9am – 5pm.

5.0 Planning Policy

National Planning Policy Framework

Policy 3. Supporting a prosperous rural economy

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 11. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3: Landscape Character

Policy 5: Water Environment, Resources and Flood Risk Management

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 13: Rural Exceptions

Policy 15: Well-connected Towns, Villages and Neighbourhoods

Policy 22: Delivering Economic Prosperity

Policy 25: Rural Economic Development and Diversification

Saved Policies in the Local Plan for Kettering Borough

Policy 7. Environment: Protection of the Open Countryside

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design & Visual Appearance
3. Residential Amenity
4. Flood Risk & Drainage
5. Access & Highways
6. Other Related Matters

1. Principle of Development

The site is in an isolated location within the open countryside. There is evidence of hard surfaced areas on the land which appear to originate from wartime use. There has been some development of buildings on the land, seemingly erected for agricultural purposes. Non-agricultural uses have been by way of limited period planning permissions. The use of the land remains as agricultural.

Policy 11 of the North Northamptonshire Joint Core Strategy (JCS) requires that development will be distributed to strengthen the network of settlements within the Borough and that development in rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement. It also states that rural diversification and the appropriate re-use of rural buildings will be supported. It should be noted that Policy 11 compliments saved Policy 7 of the Local Plan for Kettering which restricts development in the open countryside.

Policy 25 of the JCS states that sustainable opportunities to develop and diversify the rural economy that are of an appropriate scale for their location and respect the environmental quality and character of the rural area will be supported

In addition to Policies 11 and 25, Policy 13 sets out a number of exceptions to the spatial strategy (set out in Policy 11) where new development may be permitted in the rural area. For development adjoining established settlements (which it is acknowledged this development site does not) the form and scale of development should be justified by evidence that it meets a local need.

Notwithstanding the strict controls that are applied to open countryside development, the National Planning Policy Framework promotes a strong rural economy and supports the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion of existing buildings.

The proposed use of agricultural machinery and plant repairs, although not agricultural, could be agriculture-related. The applicant has stated that it is the intention that an already established local business (based in the automotive trade and currently covering cars, light motor vehicles and a range of large vehicles) base its agricultural element at the site. It is proposed that agricultural vehicles and associated plant be repaired within the existing buildings. With respect to the word 'plant', the applicant has clarified that this is intended to refer to items of machinery such as generators and equipment attached to farm vehicles such as seed drilling rigs, harrows, spreaders, etc.

There is the potential to serve a local need given the agricultural location and surroundings of the site. There have been concerns stated through the consultation process that the proposed use of the site could evolve into something that is not associated with agriculture, particularly given the wider ranging set of services offered by the intended business to occupy the site and reference to "plant". It has been stated by consultees that plant repairs could include a multitude of uses not associated with agriculture. However, there remain many different types of plant that could legitimately be associated with agricultural machinery.

Any consent would need to be inherently associated with the repair of agricultural machinery. If following the implementation of any consent granted it were to become apparent that a business is operating that does not correlate with the description of development consented it would potentially be a breach of planning control which would be subject to enforcement investigation.

The lack of a detailed business case has also been referenced by the local Parish Council as a concern. Consideration is given to this. Given the planning history and the need for development to be sustainable, a business that can show a need to be on this site to serve a local community is a reasonable expectation. However, with the exception of repair and refurbishment work, no physical development is proposed. The application is purely concerned with the use of a very specific part of the site. The submission of a detailed business case would be expected to justify new build development at this rural site. In this instance it is acknowledged that limited details of the existing commercial operation that would part-relocate to this site have been provided.

In summary, the proposal is to "re-establish the last permitted use from the 1980s which was based on temporary consents; it is recognised some harm results in the siting of this business in a remote location. If viable business links with the agricultural community are demonstrated, the harm would be outweighed. Therefore, based on the present proposal, a temporary permission of two years is judged to be a reasonable outcome in assessing the planning balance.

2. Design & Visual Appearance

Policy 8 of the JCS requires that development creates a distinctive local character by responding to the site's immediate and wider context and local character. Policy 3 of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting. The conversion works that are proposed would provide for a visual uplift of the site given the current dilapidated state of the existing built form on site. Buildings A & B would maintain a simplistic agricultural

appearance given that only minor repair works are proposed (including the provision of new roof materials to Building B). The footprint and roof form of the existing buildings would be retained as existing. In the interests of prudence, any consent should be subject to a planning condition securing the submission for approval of full details of all external-facing materials.

Notwithstanding that the applicant has stated that it would be anticipated that a maximum of six vehicles would be on site at any one time, concerns have come to light through the consultation process that additional vehicles and machinery may be stored externally at site so as to have an adverse visual impact on the site's surroundings. In this context it is noted that the site is well screen to its boundaries and the applicant has confirmed that the site can be appropriately landscaped to ensure that any approved use is not visually detrimental in the landscape. Planning conditions should therefore be attached to any consent to ensure that all existing mature vegetation to the boundaries of the wider application site is protected and retained and to ensure that no vehicles and/or machinery are worked upon or stored externally. A further condition should be applied to ensure that employees and customers park their vehicles within a centrally located area of the site (measuring approximately 20m x 10m). Such an area is defined for such purposes upon page 2 of the applicant's Supporting Statement submitted with the application.

3. Residential Amenity

Policy 8 of the JCS requires that development protects amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area. Whilst the site occupies an isolated rural location, it is acknowledged that there are residential properties located in the vicinity of the site, namely Warth Lodge approximately 100m to the south east and Wheatfield Lodge Farm approximately 50m to the northeast.

The Environmental Health Officer at KBC has not raised any concerns with respect to the proposed use. Notwithstanding this, it is acknowledged by officers that the proposed use holds the potential to create noise due to the carrying out of mechanical repair work and the associated operation of potentially large pieces of machinery and plant. It is therefore considered prudent to apply a planning condition to control the hours of operation of the facility to normal working hours, i.e. 9am – 5pm. These are hours that have been suggested by the Parish Council and agreed by the applicant should planning permission be granted in the interests of safeguarding residential amenity.

The condition to ensure that vehicles and machinery are not worked on externally (see section above) would also assist in mitigating any potential noise impact from the proposals. It is noted that it has been questioned through the consultation process whether all modern machinery (sometimes bulky) would fit inside either of the sheds on site. It is acknowledged that the odd particularly bulky piece of machinery or plant may not be able to be accommodated at the site. It would be the responsibility of the applicant to manage their operation in accordance with any constraints offered by the buildings on-site.

The Environmental Health Officer has also not flagged any concerns with respect to potential existing contamination at the site or with respect to the potential for future contamination in light of the proposed use. Notwithstanding this, it is considered that it would be prudent to apply a condition to secure full details of proposed waste storage arrangements at the site in the interests of protecting the environment and the amenity of the area.

4. Flood Risk & Drainage

The development site is located within Flood Zone 1 (low probability of fluvial flooding). Notwithstanding this, it has been reported via the consultation process that the site is vulnerable to surface water flooding because of the clay ground conditions that do not percolate water efficiently. Surface water flooding occurs when the infiltration capacity of land or the drainage capacity of a local sewer network is exceeded and thus results in excess rainwater flowing overland.

It is not considered that the proposed development, which is focused upon the use of existing built form on site and does not involve the creation of additional hardstanding on the site, holds the potential to increase flood risk or unduly exacerbate existing drainage issues at the site. However, in light of these prevailing site conditions, it is considered that it would be prudent to apply a planning condition to any consent to ensure that a scheme of surface water and foul water management is submitted and agreed. This would ensure that surface water is properly managed and that appropriate wastewater infrastructure is installed in accordance with the requirements of Policy 5 of the JCS.

5. Access & Highways

Policy 8 of the JCS requires that development does not prejudice highway safety and that a satisfactory means of access and provision for parking, servicing and manoeuvring is provided. The Local Highway Authority has stated that they are unable to support the application because the site plan is not sufficient to ascertain safe access, parking and turning facilities, etc. However, in this instance it is considered that it would be unnecessary to insist upon the submission of a more detailed site plan. The proposals would be accessed via the by-way at the western end of the site. This western access measures approximately 10m in width where it meets Harrington Road, affords good levels of visibility and already serves HGV movements associated with Warth Lodge. The submitted plans also indicate that the northern access shall be made redundant, which can be secured via condition. There are expansive areas of hard standing located across the site (although in need of some maintenance before being fit for purpose) – there is clearly space available on-site to allow for the parking and manoeuvring of large vehicles.

It has been raised through the consultation process that there are concerns with respect to the suitability of the local road network to serve the proposed development. It has been stated that there is a 7 ½ tonne weight limit in place, that the road is used regularly by horse riders and that the proposed use would inevitably lead to large pieces of plant and machinery being transported along single-track country roads. It should however be noted that the Local Highway Authority (the authority that imposes, controls and monitors set weight limits) has not objected to the principle of the proposed use in this location. It is also considered that the proposed use, by virtue of its intended scale, would hold limited potential to create a

high number of highway movements so as to be prejudicial to highway safety.

6. Other Related Matters

The applicant has stated that the proposed operation would be limited with a maximum of four members of staff and six vehicles being on site at any one time. The scheme, it should be noted, is focused upon the reuse of two existing buildings totalling 288 sq. m. in terms of gross internal floorspace with incidental parking. It is noted that the site also provides spacious external areas, which could provide opportunities for external repair works or storage to take place if not appropriately restricted. As already covered in the 'Design & Visual Appearance' section above, a planning condition would be applied to ensure that plant and machinery is not stored and repair work not undertaken externally. This restriction would also have the secondary benefit of controlling the amount of vehicles and machines that would access the site on a day-to-day basis. It is considered that the site's circumstances when twinned with the requirements of such a condition provides adequate assurances that the site would not generate undue traffic flows to the detriment of highway safety in the area and in compliance with Policy 8 of the JCS.

Conclusion

The proposed development would provide for a re-use and repair to existing disused and dilapidated buildings in the open countryside. Subject to a condition limiting this to a temporary consent and other relevant conditions, the planning balance supports the re-use. There would also be safeguards for residential amenity and the proposals would not prejudice highway safety in compliance with Policies 3, 8, 11, 13 & 22 of the North Northamptonshire Joint Core Strategy and the guidance contained within the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

Andrew Smith, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date: