

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 30/10/2018 | Item No: 5.4 |
| Report Originator | Alan Chapman Development Officer | Application No: KET/2018/0569 |
| Wards Affected | Welland | |
| Location | Grange Farm, 1 Hermitage Road, Brampton Ash | |
| Proposal | Full Application: Erection of stables, all weather equestrian arena and access track | |
| Applicant | Mr & Mrs J Harrison | |

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 stables all-weather equestrian arena hereby permitted shall be occupied solely by horses owned by the occupiers of Grange Farm 1 Hermitage Road Brampton Ash Leicestershire and shall not be used for any commercial livery, breeding or training purposes.

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

3. No floodlighting or security lighting of the external areas in the vicinity of the equine stables and all weather equestrian arena shall be installed without the prior written permission of the local planning authority.

REASON: In the interests of the visual amenity of the open countryside in accordance with Policy 3 of the North Northamptonshire Joint Core Strategy.

4. The surface of the all-weather equestrian arena hereby permitted shall be dressed with natural sand fibre. The development shall not be constructed other than in accordance with the approved details.

REASON: In the interests of amenity in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy

5. The vehicular access track shall be constructed along its full length to achieve a minimum width of 3.7 metres.

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

6. Vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m* (or to the give way line with the A427) measured from the centre of the vehicular access along the carriageway edge shall be provided on each side of the vehicular access. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level. *This dimension may be reduced subject to the submission to and approval in writing by the local planning authority of a vehicle speed survey proving the 85%ile speeds are less than 30mph.

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

7. Pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.

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

8. The gradient of a vehicular access should not exceed 1 in 15 for a minimum of the first 5.0m from the highway boundary.

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

9. The private vehicular access should have a hard bound surface for a minimum of the initial 10.0m from the highway boundary.

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

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

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

11. All hedgerow planting comprised in the approved details of landscaping, as shown on Plan No. KET/2018/0569/9, shall be carried out in the first planting season following the first use of the stables and all weather equestrian arena; and any trees or plants which, within a period of 5 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: In the interests of the amenities and character of the area in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0569

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

3.0 Information

Relevant Planning History

AOC/0428/0901, APPROVED, 12-10-09, Condition 1 (Door cross section) of KET/2009/0428

AOC/0429/0901, APPROVED, 12-10-09, Condition 3 (Door detailing) of KET/2009/0429

AOC/0818/0401, APPROVED, 31-07-08, Condition nos. 3 (joinery) and 5 (timber finishes, rainwater goods and drainage) of KET/2004/0818

KET/1977/0995, APPROVED, 08-11-77, Erection of covered yard

KET/1984/0686, APPROVED, 10-10-84, Use of two bedrooms and ancillary accommodation for bed and breakfast accommodation

KET/1986/0308, APPROVED, 04-06-86, Change of use of part of premises to use as a farm shop

KET/1986/0309, APPROVED, 04-06-86, Erection of an advertisement

KET/1989/0040, APPROVED, 15-02-89, BARN TACK ROOM AND TRADITIONAL BUILDINGS AT GRANGE FARM BRAMPTON ASH
CHANGE OF USE FROM AGRICULTURAL AND GROOMS ACCOMODATION TO TWO RESIDENTIAL UNITS

KET/1989/1094, APPROVED, 21-02-90, CHANGE OF USE: CONVERSION OF BARN TO DWELLING

KET/1993/0543, APPROVED, 19-10-93, ERECTION OF GARAGE

KET/1993/0544, APPROVED, 19-10-93, ERECTION OF NEW BRICK GARAGE

KET/1996/0268, APPROVED, 21-06-96, Single storey extension to form staff accommodation and conservatory.

KET/1996/0269, APPROVED, 21-06-96, Demolition of external stores, single storey extension and conservatory. Slates, brick and painted joinery to match existing. Provide accommodation for staff.

KET/2004/0817, APPROVED, 30-09-04, Conservatory to rear

KET/2004/0818, APPROVED, 30-09-04, Conservatory to rear

KET/2008/0733, APPROVED, 29-10-08, Removal of condition 4 of KET/2004/0818/LB for the retention of external courtyard

KET/2008/0938, REFUSED, 23-01-09, Conservatory to rear

KET/2008/0948, REFUSED, 23-01-09, Conservatory to rear

KET/2009/0428, APPROVED, 11-09-09, Conservatory to rear

KET/2009/0429, APPROVED, 11-09-09, Conservatory to rear

KET/2016/0071, NO-OBJECTION, 09-03-16, Amended Description - T1 Horse Chestnut - (removed from notification), T2 - Sycamore - Reduce crown to leave a tree height of 12m and crown spread of 4m, T3 - Sycamore - Reduce crown to leave a tree height of 12m and crown spread of 6m, T4 - Norway Maple : Fell

KET/2016/0245, NO-OBJECTION, 19-05-16, T1 Horse Chestnut - fell; T2 and T3 Sycamore - Reduce back to original growth points and remove dead branches

Site Visit

Officer's site inspection was carried out on 11/09/2018

Site Description

The application site is located due east of and adjoins the Brampton Ash Conservation Area and the Grade II listed building and curtilage of Grange Farmhouse. The site is regarded as being in the open countryside and fringes the un-defined settlement boundary of the scattered village of Brampton Ash. It is located to the east of Hermitage Road and due south of the A427 (Corby to Market Harborough road). The application site is boarded by a mature belt of trees along its northern and eastern boundaries and where ground levels roll away down towards in an easterly direction towards the valley floor.

Background

In response to concerns relating to highway safety, landscaping, amenity, use and character raised by the Parish Council, the Highway Authority and local residents the applicant submitted further information in an attempt to mitigate and address these concerns. A further round of consultation/notification was then conducted following receipt of this additional information. The summarised responses reflect the further comments received.

Proposed Development

Planning permission is being sought to improve the access track off Hermitage Road and along the northern side of the curtilage listed stone wall of Grange Farmhouse, the erection of an L-shaped stable block (including equipment store, tack room, wash-down area, feed room, hay store and 3 stables) and the creation of an unlit, all-weather exercise/practice out-door arena measuring 20 metres by 50 metres with post and rail fencing. To partially screen the arena from the residential property known as 'Two Shires' located approximately 75 metres away to the west, a double row of native quick/blackthorn hedge is proposed to be planted between the arena and Two Shires.

Any Constraints Affecting the Site

Adjacent to Brampton Ash Conservation Area

Adjacent to Grade II Listed Building and curtilage of Grange Farmhouse

Within open countryside

4.0 Consultation and Customer Impact

Brampton Ash Parish Council

Do not oppose the application but request following matters to be considered:

- Hermitage Road is very busy during rush-hour periods and visibility spays of access of concern
- Access gates must be set further back from highway to accommodate horse-box trailers etc.
- Removal of laurel trees as toxic risk to horses
- Replace laurel trees with new planting – to provide screening for residents
- Storage / disposal of horse-muck – potential odour / pest nuisance
- Vermin control
- Facility should only be private use and not commercial use
- Plans not to scale

Highway Authority

Could not support the application because:

- The applicant has supplied a site access plan, unfortunately it is not sufficient to evidence the standard requirements
- No details of access track surfacing, visibility or gate
- Stables will require access by construction / site clearance vehicles
- Stable will require access by feed / bedding deliveries / muck removal / farriers / horse-boxes
- Traffic associated with vets / shows / clubs / holidays / events etc.
- NCC Fire department require minimum access track width of 3.7 metres
- HA require hard bound surface for 10 metres from back edge of highway verge
- Pedestrian visibility splays of 2 x 2m and vehicular splays of 2 x 43m
- The gradient of a vehicular access should not exceed 1 in 15 for a minimum of the first 5.0m from the highway boundary
- Surface water from a private drive or private land must not discharge onto the highway, indeed it is unlawful to do so
- No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary
- Turning is to be supplied and maintained in perpetuity within the curtilage of the site for the largest vehicle type likely to use it
- Personal permission should be sought if current (horse) stock is to be taken into account
- Applicant's suggestion that he has had confirmation from NCC Fire Service regarding a width of 3.0 metres for the access track is sufficient must be evidenced

KBC Environmental Health – stated:

No comments on this application.

KBC Environmental Care

No responses received.

Neighbours

Objection received from: 3 Hermitage Road

Cited reasons:

- Harm to character of the area
- Harm to occupiers outlook
- Private covenant restricts any new buildings
- Vermin / odour nuisance from 'muck' heaps
- Access and highway safety

Representations received from: Two Shires, 4 Hermitage Road

Cited concerns / comments :

- Potential change of use to a commercial venture could cause access issues and would be intrusive
- Private covenant restricts any new buildings
- Lighting of arena
- Parking provision
- Non-residential increase in floor space
- No employment
- For personal use only
- Visual impact
- Noise
- Planting to screen proposed arena

5.0 Planning Policy

Legislation

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF) (2018):

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 8: Promoting healthy and safe communities

Policy 12: Achieving well-designed places

Policy 14: Meeting the challenge of climate change, flooding and coastal change

Policy 15: Conserving and enhancing the natural environment

Policy 16: Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Historic Environment

Policy 3: Landscape Character

Policy 4: Biodiversity and Geodiversity

Policy 5: Water Environment, Resources & Flood Risk

Policy 8: North Northamptonshire Place Shaping Principles

Saved Policies in the Local Plan (LP) for Kettering Borough:

7 Protection of the Open Countryside

Emerging Policies (Local Development Framework)

Site Specific Part 2 Local Plan

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 Listed Building and Conservation Area
3. Character and Appearance
4. Highway Safety and Parking
5. Impact on Residential Amenity
6. Other

1. Principle of Development

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

Policy 1 (Paragraph 2) of the National Planning Policy Framework (NPPF) reiterates this.

Saved Local Plan Policy 7 states that development is not normally acceptable in the open countryside, although there are some exceptions. Although stables and uses related to horsiculture are not specifically included as exceptions, such a use would not reasonably be expected to be found within an urban area or within the settlement boundary of villages. The proposal should therefore be considered as an acceptable exception to the Development Plan subject to consideration of the design of the building and its impact on the area.

2. Impact on Listed Building and Conservation Area

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on LPAs to have special regard to the desirability of preserving listed buildings and their settings and any features of special architectural or historic interest they may possess.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 that when determining an application, regard must be made to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Policy 2 of the Joint Core Strategy (JCS) reflects these duties and requires that development must protect and, where appropriate enhance, the heritage asset and its setting. JCS Policy 8 is also pertinent, as development should respond to the site's context and the local character.

Policy 16 of the NPPF requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

Character-wise, the field in which the development is proposed, whilst not actively cultivated at present, retains its agricultural appearance and association with the wider open countryside and provides a rural setting to the conservation area and the Grade II listed building. The proposed stables are to be single storey and constructed from shiplap timber. The resultant structure would not be too dissimilar from former timber constructed agricultural buildings that once may have existed in the wider locale. They are to be located approximately 38 metres east of the Grade II listed building and would be on ground that is lower than the ground level of the listed building. Collectively, due to its external appearance, size, location and setting it is considered that it would not be harmful to the setting of the heritage assets.

The proposed outdoor arena is set further away from the heritage assets than the stables and is set even lower in the ground on a patch of land formed as a natural depression. The arena is proposed to be bounded by an agricultural style timber post and rail fence and its surfacing is to be dressed with a fibre sand material rather than shredded vehicle tyres. No external flood lighting is proposed. A new quick / blackthorn hedge is proposed to be planted between the arena and the proposed stables to eventually form a natural screen between the arena and the residential properties within the conservation area to the west.

It should be noted that from approximately 1978 and up until circa 2005 a large modern steel portal framed agricultural building once stood on the site approximately on the area of land due south of the proposed stables and due west of the proposed arena.

It is opined that whilst the agricultural building has since been removed, thereby enhancing the setting of the heritage assets, the introduction of an all-weather arena would not detract from the assets' settings as it is reflective of an agricultural field in use for the herding and containment of livestock where they would be confined by

post and rail fencing and the ground being churned with the density of the livestock moving around within it.

Subject to conditions regarding the provision of landscaping, prohibiting flood lighting, private use only and making the planning permission personal to the applicant, then the proposed development would not have a negative impact upon the heritage assets.

3. Character and Appearance

Policy 3 of the JCS requires development to be sensitive to its landscape setting.

Policy 8 of the JCS requires development to respond to the site's wider context, the local character and landscape setting of the settlement.

The character and appearance of the proposed development has been broadly discussed in the preceding sections of this report. The existing laurel tree belts are to be retained around the development thus maintaining the perspective of the site in the wider countryside. The small scale of the development, the open nature of the arena and the private and personal use of the site for the keeping and exercising of horses would not be un-natural as a an activity in the open countryside and is considered to be part and parcel of the character of the countryside.

The proposed access track is to be sited some 4 metres away from the curtilage listed wall of Grange Farmhouse, partly to ensure the wall is not structurally harmed and partly to protect its setting, and once laid would absorb itself into the wider landscape as its hard-core method of construction would permit native vegetation to grow into it to soften its presence and to acquire the appearance of a grassed over farm track commonplace and essential within a working countryside.

Subject to a conditions requiring landscaping then the proposed development accords with Policies 3 and 8 of the JCS.

4. Highway Safety and Parking

Policy 8 (b) of the JCS requires development to not to prejudice highway safety and ensure for satisfactory means of access, provision for parking and manoeuvring.

The equine arena and stables are proposed for private recreational use only, so that there is unlikely to be any significant increase in traffic as a result of this proposal. However, in the event that the property is sold, then the new owners may wish to utilise the facility in a different way that could give rise to perceivable increases in traffic. Accordingly, the Highway Authority's insistence to make any permission personal is considered to be a reasonable and justified conditional requirement.

The main highway concerns raised relate to the layout of the access point, the surfacing and width of the access track, the parking of horse transportation, traffic generation and emergency access.

The comments of the Highways Officer would suggest that the proposed development would generate a lot of vehicle movements from visiting vets, visiting farriers, deliveries of bedding / feed, deliveries of new horses, horse-manure

removal, attending shows / clubs / holidays and events.

In response the applicant has stated that firstly the proposed access to the development is currently a field access where it is in daily use by a local farmer to check upon his livestock.

Regarding the traffic movements then it is opined that all 'horse' related in and out of the site would not be excessive and would, as the applicant states, be occasional. Given that there are only 3 animals, one of which is retired, then their daily/weekly needs for vets and farriers would be infrequent. As to the delivery of new horses to replace ones that may have died, then given that they are effectively pets for personal use, and not a commercial riding school or stud farm, then it is not reasonably expected for there to be frequent movements of this kind. Also the applicant has not given any impression that they would be regularly attending events/shows or running clubs to a level imagined by the Highways Officer. It is accepted that there would be occasions when the animals may be taken off site, but it is reasonably considered that these occasions would be infrequent. The delivery of feed and bedding is accepted and expected. Again, it is considered reasonable to conclude that such deliveries would be of a once-a-week nature rather than multiple daily deliveries.

With regards to the access point, the applicant submitted an access layout plan to demonstrate how he could achieve the required visibility spays, taking into account the site constraints of the telephone kiosk, telegraph pole and those trees which are thought to be on highway land. The plan also shows the existing gates are set back from the carriageway edge by 6.6 metres and is 5.0 metres wide. From the back edge of the carriageway the surface will be hardbound for a distance of 11 metres. A second gate, with the land between the two gates being enclosed with post and rail fencing, is proposed behind the existing gate at a distance of 4.4 metres. The purpose of this proposed arrangement is to allow horse related transport (e.g. horse-box) to pull off the highway or to pull on to the highway such that the transport can wait fully on the access without over hanging onto to it. When in use the first gate would be left open and the second gate closed, thereby allowing 11 metres for the vehicles to wait. The second gate and new fencing can then assure that livestock cannot escape the field when the first gate is open.

Turning to the proposed access track, the Highways Officer observed that NCC Fire department would require its width to be a minimum of 3.7 metres in width to carry a 15T axle weight fire tender. The applicant submitted a plan and constructional details in an attempt to appease these observations. The proposal consists of a hard compacted surface with a width of 3 metres. The track would be to a depth of 150 mm using clean recycled material and topped with Type 1 stone laid on a membrane. With reference to the published NCC Fire & Rescue Service document 'Fire and Rescue Pre-Application Information, Advice, and Guidance for Developers Designing New Residential and Commercial Development Schemes in Northamptonshire' it is opined that the Highways Officer requirement for 3.7 metres width was based upon the width stated in this document. It is worth noting that the above document relates to residential and commercial development, whereas this proposal is neither.

As the proposed development is not an employment site, a commercial site or a residential site and is located approximately 40 metres away from the nearest residential property, then the potential risk to human injury from a fire at this proposed development is considered to be relatively low.

Whilst not confirmed by NCC Fire and Rescue, it is opined that the width of most fire tenders that would most probably attend the site have an axle width of approximately 2.55 meters, as purported by the applicant.

It is not expected that the proposed development would demand additional or extensive parking as the applicant has stated that they only have one horse trailer and it would be parked behind the proposed stables. It is assumed that the applicant would use their own private vehicle(s) to tow the trailer when required.

The Highways Officer latterly responded with a series of requirements for the access arrangement, of which those relating to visibility splays, gradient, surfacing and gates which are opined to be reasonable requirements and be conditioned as such.

Taking a balanced view, and on consideration of the applicant's stated willingness to increase the proposed access track width to 3.7 metres, then it is considered that the access arrangements would be in accord with JCS Policy 8 subject to the conditions assessed above.

5. Impact on Residential Amenity

Policy 8 (e) of the NNJCS states that new development should not have an unacceptable impact upon the amenities neighbouring occupiers in terms of smell and other pollution *et al.*

With regards to vermin control, odour, noise and other pollution this Council's Environmental Protection Officer had no comments or concerns to make.

In response to the objections / concerns raised the applicant provided further statements and information to explain the proposal in more detail and provide assurances in response to the expressed concerns.

On a personal level the applicant has no intentions to operate the facility for any commercial use and has expressed that it would not be rented out and would be solely for personal use such that the household members can enjoy the ownership and keeping of their 3 equine 'pets', namely a retired pony and two horses.

With regards to horse manure (referred to as 'muck' by others) the applicant provided the following statement:

"...the horses and pony will be grazing in the field during the day and stabled overnight in the three stables. Manure from the stables will be stored in the main field (away from the stables and properties) and then spread on the large field. Our horses are bedded on wood shavings, rather than straw, which is much less attractive to vermin."

On the matter of feed storage, partly related to vermin control, the applicant has also stated:

“The stable design includes a feed room. Horse feed will be kept in vermin proof galvanised metal feed bins within the feed room.”

The private keeping of 3 equine animals for personal enjoyment are considered to be of a use that would not give rise to noise levels that could be construed to pose any reasonable impact on the ambient noise levels currently experienced by local residents.

In conjunction with the applicant's stated measures relating manure and storage, subject to conditions restricting the use to private use and no external lighting of the arena, the proposed development is considered to accord with JCS Policy 8. It is further considered that the use of conditions to control the management of manure and feed storage would not be enforceable and would not be reasonable.

6. Other

The comments relating to the accuracy and scale of the submitted plans are noted. However it is considered that as the Block Plans (1 & 2), floor plans and elevation plans clearly provide accurate dimensions, then there is clarity as to the scale of the buildings and that submitted Location Plan is for information purposes serving to give context as to the general layout. To ensure clarity in the dimensions and locations of the structures then a condition shall be imposed referencing which plans the decision notice relates to.

Covenants restricting the erection of new agricultural buildings are private matters outside the control of the planning system.

Conclusion

For the reasons given above it is considered that the proposal is an acceptable form of development within the open countryside that would not cause significant harm to the area's character and appearance, nor harm the setting of heritage assets and nor would it give rise to any significant levels of traffic that could prejudice highway safety. In this regard, the proposal is considered to be consistent with policies in the development plan and the National Planning Policy Framework. The application is therefore recommended for approval subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: