

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/07/2019	Item No: 5.1
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2018/0767
Wards Affected	Welland	
Location	Home Farm, 3 Valley Road, Weston By Welland	
Proposal	Full Application: Redevelopment of site to create 10 no. dwellings with associated infrastructure. Creation of garden/paddock land and hardstanding for existing farmhouse	
Applicant	Mr C L Parker Langton Homes Ltd	

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 a S.106 OBLIGATION being entered into, and to the following conditions:-

1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works. The submitted Construction and Demolition Plan shall include measures to ensure that the integrity of the boundary with 4 The Lane is maintained and retained throughout the demolition and construction period and cross sectional drawing(s) shall be included to demonstrate this will be the case. The submitted plan shall also include the following;
 - a. Detailed work programme/timetable
 - b. Site HGV delivery/removal hours to be limited to between 09.00 - 16.00
 - c. Detailed routeing for demolition, excavation, construction and abnormal loads
 - d. Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors
 - e. Detailed plan showing the location of on-site stores and facilities including the site compound, contractor and visitor parking and turning as well as un/loading point, turning and queueing for HGVs
 - f. Breakdown of number, type, size and weight of vehicles over demolition and construction period.
 - g. Details of debris management including location of wheel wash, programme to control debris spill/tracking onto the highway and also include sheeting/sealing of vehicles and dust management
 - h. Details of site working days and hours.

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

2. 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 part C below has been complied with.

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.

REASON: Contaminated land remediation 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 in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

4. 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.

5. The development hereby permitted shall not be carried out except in complete accordance with the approved plans as listed on the decision notice.

REASON: To clarify what is hereby approved.

6. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning

Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy.

REASON: To prevent environmental and amenity issues arising from flooding in accordance with policy 5 of the North Northamptonshire Joint Core Strategy.

7. Prior to first occupation of any dwelling a scheme of hard and soft landscaping which shall specify boundary treatment (fencing and hedging), species, planting sizes, spacing and numbers of trees and shrubs to be planted and existing trees and hedgerows (which shall include the hedgerow along the site frontage to Valley Road) to be retained 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 occupation of the building, unless these works are carried out earlier. Any newly approved 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. For the boundary bordering No 4 The Lane, the landscape scheme shall be accompanied by cross section drawing(s) to demonstrate how any differences in ground levels shall be dealt with and this element of the landscape scheme/boundary treatment shall be fully completed prior to the first occupation of either dwelling at plot 4 and plot 5. The scheme to be submitted shall also include any boundary screening or landscaping to be erected/planted within the extended curtilage to Home Farmhouse. All approved boundary screening shall be retained as such thereafter.

REASON: To improve the appearance of the site in the interests of visual amenity and natural capital in accordance with Policies of the North Northamptonshire Joint Core Strategy and paragraph 170 of the NPPF and to protect the amenity of the occupiers of 4 The Lane in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development or site clearance shall take place until details of root protection measures for the trees identified in the submitted arboricultural assessment as T2 and T3 have been submitted to and approved in writing by the local planning authority. The root protection measures shall adhere to British Standard BS5837. The approved root protection measures shall be retained and adhered to throughout the construction period.

REASON: In order to protect retained trees from damage and in the interests of landscape amenity and biodiversity value of the area in accordance with policies 3, 4 and 8 of the North Northamptonshire Joint Core Strategy.

9. The development shall not be carried out except in complete accordance with the Recommendations set out on pages 23 and 24 of the submitted Ecological Appraisal by Curious Ecologists dated 15 June 2017.

REASON: In order to ensure that protected species are not harmed as a result of this development in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

10. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: These details are required prior to the commencement of development, to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy 16 Paragraph 199 of the NPPF.

11. Prior to the commencement of any development above slab level, details of all external materials to be used in the construction of all buildings shall have been submitted to and approved in writing by the local planning authority. These details shall include the make, type and colour of all materials and brochure details/photographs and/or samples of bricks, wood cladding, roof tiles, windows, front doors and garage doors. The development shall thereafter only be carried out in accordance with the approved details.

REASON: To ensure a satisfactory external appearance in keeping with the character of the area in accordance with policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

12. Prior to the commencement of the development details of the access, parking and turning construction and all hard surfacing materials (including within plots) shall be submitted to and approved by the local planning authority. The details to be submitted shall include a cross section of the access construction at a scale of no smaller than 1:50 and details to show the recessing of the visitor parking spaces further back to improve pedestrian visibility.

REASON: In the interests of highway safety and the visual appearance of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

13. No development shall take place until detailed drawings have been submitted to and approved by the local planning authority which show the provision and construction of a two metre wide footpath and any associated works, from the site entrance along the site frontage to where it opposes the existing footpath on the other side of Valley Road. The details shall also include tactile paving to be provided on both sides of Valley Road at this pedestrian crossing point. The development shall not be occupied until the approved footpath and associated works have been completed in full in accordance with the approved plans and details.

REASON: In the interests of highway safety and sustainable pedestrian travel provision in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

14. Each dwelling hereby approved shall be built incorporating measures to limit use of potable water to no more than 105 litres per person per day and external potable water use of no more than 5 litres per person per day.

REASON: In the interests of sustainable development in accordance with policy 9 of the North Northamptonshire Joint Core Strategy.

15. 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 or E of Part 1 of Schedule 2 of the Order shall be made or constructed to any of the dwellings hereby approved, unless

express planning permission has first been obtained from the local planning authority.

REASON: To protect the design integrity of the development and the visual appearance of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. With regard to that part of the site labelled Garden/paddock land for existing house and access to existing Home Farm House and outbuildings on the approved Site Plan drawing P001 Rev M, notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted) no structures or buildings shall be erected in this area unless express planning permission has first been obtained from the local planning authority.

REASON: To protect the setting of the Home Farm listed farmhouse and the character and appearance of the conservation area in accordance with Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, policy 2 of the North Northamptonshire Joint Core Strategy and section 16 of the NPPF.

17. In the event of any of the streets associated with this residential development are not being proposed for adoption as public highway, the following condition applies;

a. Details of a site management company and associated management and maintenance methodology of the street within the development, to operate in perpetuity shall be submitted to and agreed in writing prior to the commencement of the development. These details shall include a copy of a legal undertaking by the developer that the street will not be put forward for adoption and will remain private in perpetuity; that the street will be identified as private through the appropriate use of private street name plates at the entrance to the site and that any vehicular access to the site from the public highway shall be implemented as standard vehicle crossovers.

REASON: To ensure that safe and available access is provided in perpetuity to serve the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0767

This report is being put before the Committee due to unresolved material planning objections.

3.0 Information

Relevant Planning History

KET/1984/0819

Covered farm building to house and fatten beef cattle. (Approved 14/11/84)

KET/1999/0293

Outline application for residential (Refused 28/06/99)

Site Visit

Officer's site inspection was carried out on 18/10/2018 and 27/03/2019

Site Description

The site comprises 0.7 hectares of land which currently forms part of the agricultural land and buildings associated with Home Farm. The site is an irregular shape but is not an awkward shape in terms of its development potential. It is located just outside the village envelope of Weston By Welland and opposite the Wheel and Compass Inn public house. Although hardsurfaced and occupied by farm buildings, the land cannot be classed as brownfield as it does not meet the definition set out in the NPPF.

There is an existing farm access off Valley Road at the front of the site and a secondary gated access to the rear of the site located off The Lane. The site is bordered by the Home Farm house and associated outbuildings to the southeast which is a grade II listed farmhouse and curtilage. To the southwest of the site and situated off The Lane are residential properties comprising in the main two storey detached dwellings. Some at the end of The Lane (but a distance from the site) are listed. The Wheel and Compass is a detached two storey building built of limestone with a rendered band all the way around the building at the upper part of the first floor. The remainder of the site is bordered by open countryside and it also partially borders the Weston By Welland Conservation Area.

The site slopes generally from the rear where it meets The Lane down to the front where it adjoins Valley Road. The land continues to slope down and away from the site towards the public house.

The proposed access to the proposed new 10 residential units is at the point of the main farm access located off Valley Road. At this point Valley Road continues out of the village to the northwest and becomes Welham Road and a branch splits off to the north (adjacent to the pub access) and forms Green Lane, a narrow road which continues to the north and out of the district.

The site presently accommodates a group of relatively modern farm buildings which could reasonably be described as large sheds constructed

mainly of brick, timber and corrugated tin. The buildings have dual pitched roofs and there is one curved shed – a Nissun type building.

Weston By Welland is a small irregularly shaped village. Contained within it is a Conservation Area covering the majority of the settlement and includes land adjacent on the south east sides of the site and opposite the site to the north east. The village, has an irregular shaped boundary with areas of open land reaching into the village and unsurprisingly contains farm buildings including this site. Otherwise the village contains mainly two storey detached residences of varying styles and age. There are also a few listed buildings including the listed church within the village. Its character is also enhanced by the presence of several mature trees and a verdant feel to the village. It is quite typical of a Welland valley village around the Northamptonshire/Leicestershire/Rutland boundary and set in the rolling landscape of this area.

The site lies in Flood Zone 1 i.e. least likely to flood. The site is presently largely concreted over to provide an agricultural yard and turning space to serve the barns/sheds.

Proposed Development

This is an application for full planning permission. The proposed development comprises the demolition of the existing range of modern farm buildings and to replace them with 10 dwellings set in a courtyard arrangement; all of the dwellings face into the site. Six of those dwellings will be market housing (five x 4 beds and one x 5 bed) and all of these are detached houses. The remaining four will be affordable dwellings comprising a slightly staggered row of four two bedroom terraced houses with a central “ginnel”. The access to serve these dwellings would be via an upgraded vehicular access off Valley Road in the same position as the current farm access. All of the proposed houses would have a generous private area. All of the market dwellings will have on plot parking in the form of garaging and driveway parking. The affordable dwellings have two allocated parking spaces plus two visitor spaces in a shared courtyard type arrangement to the front of these dwellings. (NB. Adjustments are to be made which set the visitor spaces back from the alignment with the allocated spaces to address Highway Authority comments about pedestrian visibility.

Also included within the site boundary is an area of land between the proposed new houses and the Home Farm house and associated outbuildings that will form a garden/paddock area for Home Farm together with a vehicular access to this dwelling off The Lane, to the rear of the site.

Any Constraints Affecting the Site

Adjacent to Weston By Welland Conservation Area
Adjacent to Grade II listed building

4.0 Consultation and Customer Impact

Parish Council

Supports the proposal

The applicant has engaged in discussions with the Parish Council, who suggested various amendments to the original scheme. The developers have incorporated some of the Parish Council's suggestions into the scheme.

NCC Highway Authority

Objects to the proposal as the proposed access is not to an adoptable standard. (Officer comment - This now appears to be related to the position of the proposed two visitor parking spaces, following several revisions of the site plan).

NCC Ecology

No objections provided the recommendations in the submitted Ecological Report are followed and vegetation removal is carried out outside the bird nesting season.

NCC Lead Local Flood Authority

Object as insufficient information is available to comment on the acceptability of the proposal. The LLFA have advised that the developer undertakes a Pre Planning Assessment with Anglian Water to inform them of the permitted discharge rate and confirm a connection to the drainage system can be made.

NCC Development Management

Contributions are not required for education or libraries for a development of this scale. Recommend that a condition is imposed regarding provision of a fire hydrant.

NCC Archaeology

There is potential for archaeological deposits to survive on the site despite recent activity therefore recommend a pre-commencement condition requiring a written scheme of investigation be submitted for approval.

Anglian Water

There is sufficient capacity in the foul sewerage network to accommodate the development. The proposed surface water drainage proposal is unacceptable. AW suggest a condition be imposed on planning permission if granted to require a surface water drainage strategy be submitted and approved prior to any drainage works commencing.

Crime Prevention Design Advisor

Do not object but suggest various measures to improve the security of the site once developed, including fencing and planting specification, dusk 'til

dawn lighting and window specifications (to meet part Q of building regulations)

KBC Housing Strategy

Support the proposals to provide 4 units of affordable accommodation and this should be affordable home ownership or discounted market sale as there is not a demonstrable need for rented tenure in this location.

KBC Environmental Health

No objections subject to conditions requiring a construction and demolition statement and standard contaminated land conditions.

Neighbours

Comments have been received from the owner of the Wheel and Compass Public House (opposite the site) as follows;

- On busy days parking at the pub overflows onto both sides of Valley Road which will restrict the visibility of persons leaving the site entrance
- There is not adequate parking within the site and there is a concern that residents/visitors may park in the public house car park
- The 30mph restriction along Welham Road needs to be exaggerated e.g. an entrance feature as present in other villages
- Pest control needs to be in place before the work takes place (vermin at the barns to be demolished)
- The pub car park has suffered from flooding and is at a lower level than the site so I would like to be kept up to date on all drainage at the site
- I would like to be kept informed as to the proposed working hours for the development
- Would it be possible to screen the site from Valley Road during construction?

Comments have also been received from the occupier of 4 The Lane, a detached property which borders part of the rear boundary to the site. The comments are that;

The plans clearly show my house and outbuilding but not my swimming pool and pool house. Bearing in mind the close proximity of the pool to the site boundary, we asked the developer for some kind of restraint to be built when the cowshed is taken down so that there is no damage to our land, pool or buildings. We were assured by the developer that this would be the case but the plans show only a fence. The issue is that my land drops about 6-7 feet from the site.

I do not wish to object but require something legally binding so that no damage occurs to my property and a professional retainer is erected along our boundary as per our discussions with the developer in January 2019.

5.0 Planning Policy

Town and Country Planning (Listed Buildings and Conservation Areas) Act (as amended) 1990

Section 66

A local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72

Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework

- 11. Presumption in favour of sustainable development
- 4. Decision taking (especially paragraphs 47-50)
- 5. Delivering a sufficient supply of homes (especially paragraphs 77 and 78)
- 9. Promoting sustainable transport
- 12. Achieving well designed places
- 14. Meeting the Challenge of climate change and flooding
- 15. Conserving and enhancing the Natural Environment
- 16. Conserving and enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1. Presumption on Favour of Sustainable Development

Policy 2. Historic Environment

Policy 4. Biodiversity and Geodiversity

Policy 5. Water Environment, Resources and Flood Risk Management

Policy 6. Land affected by Contamination

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 13. Rural Exceptions

Policy 15. Well connected towns, villages and neighbourhoods

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and tenure

Saved Policies in the Local Plan for Kettering Borough

RA3. Rural Area: Restricted Infill Villages

RA5. Open Countryside

Policy 7. Protection of open countryside

Emerging Policies (Local Development Framework)

The Part 2 Local Plan is not at a stage where it can be given any substantial weight. However, in pre-submission stage of the Part 2 Local Plan process the site is to be proposed as an allocation for residential development – see the “In Principle” section of the report below.

6.0 Financial/Resource Implications

Section 106 agreement required to secure the affordable housing element of the proposal. There are no financial contributions required to make the development acceptable.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of the Development
2. Design and impact on the surrounding area including heritage assets
3. Impact on residential amenity
4. Transport and highway safety etc.
5. Flood Risk
6. Ecology and trees
7. Contaminated Land

1. The Principle of the Development

The National Planning Policy Framework (February 2019) restates the presumption in favour of sustainable development, the strategic policies to set out the overall strategy for the pattern, scale and quality of development and make sufficient provision for housing including affordable housing. In the rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs (paragraph 77 of the Framework)

The policies of the Development Plan (North Northants Joint Core Strategy (JCS) identified above also reinforce the presumption of the Framework and provide context for the material considerations of landscape character of the setting (JCS Policy 3); Flood Risk (JCS Policy 5); Place shaping principles including design and highways issues (JCS Policy 8); sustainability of buildings (JCS Policy 9). These are discussed further later in this report.

However, in regard to the network of settlements affecting the rural area Policies 11 and 13 of the JCS provide greater clarity: Development will be limited to that required to support a prosperous rural economy or to meet a locally arising need. Small scale infill development will be permitted on suitable sites within villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. Part 2 Local Plans may identify sites within or adjoining villages to help meet locally identified needs and such local plans including Neighbourhood Plans will identify sites within or adjoining villages to meet the rural housing requirement. A rural exceptions policy of

the JCS (policy 13) sets out specific criteria for development proposed beyond the existing built up area or a defined boundary. These include evidence that the form and scale of development meets an identified need arising within a village, a site well related to a settlement that offers services and employment to meet day to day needs, and enable access to local services and facilities by foot, cycle or public transport.

Of consideration too are the saved policies of the Kettering Borough Local Plan; i.e. Policy RA3 which identifies Weston by Welland as a restricted infill Village where development is only permitted where it is located within the settlement boundary and meets a number of other criteria. Policy RA5 similarly states that planning permission will not normally be granted for residential development in the open countryside with limited exceptions.

Saved Policy 7 states that planning permission for development will not be granted except where otherwise provided for in the plan. In an appeal decision of 2017 (ref: APP/12820/W/16/3149835) relating to another site outside of a settlement boundary within the Borough the purpose of Policy 7 was examined. The Inspector concluded "that the purpose of this policy is to protect the countryside, it does not impose a blanket ban on all development in such areas" The consideration therefore, is whether the protection of the open countryside is required by resisting development on the Weston by Welland site. This leads to further consideration of the site such as in the emerging Part 2 Local Plan.

Prior to more recent plan making activity, in 2012 a possible housing allocation on this site had also been mooted.

In a report to Planning Policy Committee on 19 April 2017, it was stated that the site would provide an attractive entrance to the village, replacing the existing derelict farm buildings and that despite being in a relatively small rural settlement, the scale of allocation, 10, was appropriate for this location (given site size and form of housing that could be provided in context of its surroundings and the character of the existing built form adjacent.

The Draft plan was subject to a public consultation in the summer of 2018. There are no outstanding objections to the allocation of this site as a result of this consultation. Further to this at the Planning Policy Committee on 22 January 2019, members agreed for the site at Home Farm to form an allocation in the Part 2 Pre submission consultation plan.

Therefore, this Weston by Welland site has been identified as a proposed housing allocation.

(Plan making principle 2d has been applied, i.e. the proposed settlement boundary has been / will be amended to include a new allocation if it is currently outside of the settlement boundary).

Pre Submission consultation is anticipated for September 2019.

At the same time as the plan making process is emerging, the Council has demonstrated a 5 year supply of deliverable housing land (5YHLS). At the Planning Policy Committee on 26 February 2019 Members were notified that the Council can demonstrate with the appropriate buffer, a deliverable land supply of 6.98 years. The evidence of the sites that constitutes a 5YHLS has been taken into account. Therefore, the site if adopted in the Part 2 Plan or approved in response to a planning application would add to the stock of already deliverable sites and contribute towards the JCS rural housing requirement.

Of relevance too are the other issues below relating to the proposed development of the site. This includes the provision of 4 units of affordable housing. Though not being promoted as an exception site in terms of the extant rural policies, this adds to the planning balance. However paragraph 77 of the NPPF states that “local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and to consider whether allowing some market housing on these sites would help to facilitate this.”

The application is contrary to policies 11 and 29 of the JCS as the site lies outside of a settlement boundary and the proposed site does not form part of the adopted development plan. Paragraphs 48 and 49 discuss how much weight can be given to an emerging plan and this depends on three factors; the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the relevant policies and the degree of consistency of the relevant policies to the policies in the Framework.

The Part 2 Local Plan is not at an advanced stage. However, the provision of a site in a rural area which provides some affordable housing with market housing is in accordance with paragraph 77 of the framework (see above). Also counting in favour of the proposal is the amount of public consultation undertaken by the developer with the local community through the Parish Council and the support for the proposal of the Parish Council. It is not considered that the site could be considered premature to the Local Plan as set out in paragraph 49 of the NPPF. Whilst the plan is not advanced enough to have more than limited weight, the provision of 10 dwellings is to be proposed at pre-submission stage. In this rural setting the proposal is not so substantial or its cumulative effect so significant that it would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are so central to an emerging plan (i.e. the consideration of 10 dwellings in a village is different to considering proposals for larger urban extensions on unallocated sites where the planning and phasing of infrastructure to support such development is crucial).

Therefore, subject to consideration of the other issues below, the material considerations set out above weighed against policies 11 and 29 of the JCS and saved policies RA3, RA5 and 7 of the Local Plan for Kettering Borough, tip the planning balance in favour of allowing the development in principle.

2. Design and impact on the surrounding area including heritage assets

The proposed development has gone through several iterations of design through the pre-application process and through the Council's design review panel which is attended by the North Northamptonshire Joint Planning Unit and their design consultants, the LHA, NCC ecologist and the Designing out Crime officer.

As described above, the site is presently occupied by a large area of hardstanding and several large agricultural sheds, most of which are the equivalent of two storey in height with dual pitched roofs except for one shed which is of a curved corrugated style. These sheds are of no special architectural or visual merit and are very utilitarian in appearance but are what would be anticipated on a working farm. The agent has pointed out in the submitted Design and Access statement that other agricultural permissions are in place elsewhere to enable the current use of the farmyard to transfer to a suitable alternative site.

The design concept for the proposal is based upon a barnyard setting. Whilst not creating a pastiche of traditional barns, the detached houses are designed in a simple form with gable ends and dual pitched roofs. The internal corner plots (3 and 5) are of an L shaped layout to wrap around the corners of the site. The palette of materials is brick with some elevations or partial elevations in vertical wooden panelling. There are full double storey height glazed panels/windows to the front elevations which take a cue from barn door openings. These market houses do not contain chimneys (as barns would not have chimneys).

The four terraced affordable houses are of brick built construction in a cottage style. They have a simple window style and front door to the front elevations. These properties have chimneys at each gable end (each house will have a chimney).

It is considered that the scale, design and number of properties proposed is befitting of the sites edge of village location and represents a modern development of houses which will be built to current energy efficient standards whilst providing a rural style and design that is clearly different than the usual estate type housing (which would not be appropriate in this location). Similarly the courtyard type layout suits the shape of the site as well as the barn complex theme. There will be an expanse of hard surfacing to accommodate the access and parking and turning areas and it will be important that this is carefully surfaced so as to avoid an urban looking highway layout whilst at the same time providing adequate access and parking etc. The site plan shows that this area will be largely block paved. The proposed fencing and planting incorporating a mix of close boarded and open railed fencing aims to reflect the rural location whilst providing security and privacy.

The site partially abuts the Conservation Area and adjoins the curtilage of 2 The Lane which is the farmhouse in the ownership of the applicant which sits within the V shape junction of Valley Road and The Lane.

Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act (set out above) place a legal duty upon local planning authorities to consider the desirability of preserving the special historic or architectural features of a listed building and preserving or enhancing the character and appearance of the Conservation Area. The duty to consider the impact upon any listed building would also apply to its setting.

Section 192 of the NPPF requires local planning authorities to consider the desirability that new development might bring to the conservation of heritage assets. Also, any damage or loss to a heritage asset must be assessed in terms of whether it is substantial or not according to the significance of the asset. Conservation Areas and listed buildings are heritage assets, as are areas of archaeological interest.

Policy 2 of the JCS sets out what is acceptable where development would impact a heritage asset.

The existing character and appearance of the site within its setting is the baseline from which to assess the impact of the development upon heritage assets as well as the character of the area as a whole. Whilst the existing barns are what might be expected in a rural location/farm setting, their scale and appearance is not in keeping with the nearby residential properties. As stated earlier, the existing are bulky sheds of utilitarian appearance and are situated at one of the "gateways" to the village. It is considered that the removal of these sheds and replacement with two storey dwellings of the design proposed will enhance the character and appearance of the adjacent Conservation Area and the setting of the listed building. The rather run down large buildings of wood, brick and corrugated tin construction will be replaced with two storey modern buildings of a sympathetic design which will be in scale with the surroundings. Also the opportunity provided by the proposal to secure high quality paved areas, boundary treatment and landscaping will enhance the appearance of the area and the setting of the listed building. It is therefore considered that subject to appropriate conditions to secure materials, landscaping and screening, the proposal will enhance the character and appearance of the Conservation Area and setting of the listed building and is of a good design for this edge of village location. In this regard it complies with sections 12 and 15 of the NPPF and policies 2 and 8 of the JCS. The local planning authority will also satisfy its duty under Sections 66 and 72 of the Town and Country (Listed Buildings and Conservation Areas) Act.

The proposal will provide an extension of garden curtilage land to Home Farmhouse a grade II listed building. In order that detached buildings cannot be constructed on this land, a condition will be imposed which removes Class E permitted development rights to ensure that any such proposals can be controlled through the planning system.

To maintain the integrity of the design, the removal of permitted development rights for extensions and other alterations is also recommended.

A condition will be imposed to ensure that the new dwellings comply with policy 9 of the JCS which requires energy efficiency and water use limiting measures to be incorporated into the buildings.

The County Council's archaeologist considers that there is potential for surviving archaeological remains within the site, therefore a pre-commencement condition will be imposed if permission is granted requiring a written scheme of investigation.

3. Impact on Residential Amenity

The only residential properties adjoining the site are 2 The Lane (Home Farmhouse Grade II listed in the ownership of the applicant) and 4 The Lane, a detached modern property whose boundary abuts the rear part of the site where there is a shed to be demolished situated on the boundary. No 2 The Lane has a detached garage located between the house and the site and also an outdoor swimming pool located very close to the boundary upon which the barn is located.

The proposed development will have no adverse impact in terms of residential amenity upon the occupiers of Home Farmhouse. Indeed the amenity will be enhanced by provision of additional garden curtilage/paddock land and a new vehicular access off The Lane to serve this existing property only (see highways section below).

With regard to the impacts upon 4 The Lane, the new dwellings are of a distance from the property so as not to cause overlooking, overbearing or overshadowing to any rooms within the dwelling. There is between 12.6 and 13.6 metres of garden length to plots 3 and 4 to the boundary with 4 The Lane. The visual impact to the occupiers of No. 4 will be assisted by the lower land levels on the site. However, the neighbours have raised a concern about how the drop in level at the boundary will be dealt with especially when the barn located on the boundary will be removed. The developers will have a responsibility to not cause damage or subsidence to the adjoining property or land. However, as a retaining wall may be needed in this location a condition will be imposed requiring details of this to be submitted for approval. Similarly a demolition method statement will be required to ensure that the barns are removed safely whilst causing minimal nuisance. This will ensure that the amenity of the neighbours will be maintained in terms of the new development. Given that this site is in a tranquil rural location and close to residential properties, it is proposed to impose a condition control construction hours upon any permission granted.

The relationships between the dwellings to be constructed is acceptable and there are no amenity issues, indeed the relationships of the dwellings to one another is good and the plot sizes are generous.

As such and subject to the conditions referred to above, the proposal meets the requirements of policy 8 of the JCS and Section 12 of the NPPF.

4. Transport and Highway Safety

The proposal utilises the existing farm yard access off Valley Road to provide a single point of entry to the new development to serve the 10 residential units. The access will be a shared surface with a total width of 7.4 metres. All parking will be on plot except there will be courtyard parking for each of the affordable units comprising two spaces per house plus two visitor spaces. Each of the market units has a double garage which will count as one parking space plus either 3 or 4 on plot parking spaces. This provision complies with the LHA standards in terms of amount of parking provided.

The site plan has been amended several times to attempt to satisfy the comments of the LHA who continue to say that the road layout is not adoptable. However, the egress onto Valley Road has the correct visibility splays and there is enough access width and turning within the site to provide an adoptable highway. For reasons of pedestrian visibility, the LHA considers that the location of the visitor parking spaces is unsafe and suggests putting them to the front of plot 10. However, this is considered that this location is no more safe than that proposed because in reality the new owners of plot 10 would wish to separate off other peoples' parked cars from their own front garden. Therefore, in terms of visual appearance and practical issues it is considered that the visitor spaces are retained where they are but are set back as described earlier to address the LHA concerns in this respect. Should the LHA decline to adopt the highway because of these concerns, it can either be maintained privately (and suitably conditioned) or the visitor parking spaces could be removed if the adjustments are not acceptable to the LHA. In any event in this setting there is sufficient opportunity for incidental visitor parking.

In planning terms the layout of the access and parking areas are considered to be acceptable and comply with policy 8 of the JCS.

A separate access is proposed off The Lane to serve the existing farmhouse. There is evidence that this has been a vehicular access in the past and it is considered that an access to serve one dwelling in this location is acceptable. If there are requirements under the Highways Act that the developer/applicant needs to satisfy in association with this access then this will need to be resolved directly with the LHA.

There is a bus stop approximately 450 metres from the site near to Mickleborough Close. According to current on line timetables there is one bus per day Monday to Friday which travels to Market Harborough and back allowing approximately 2 hours in Market Harborough. This service takes 13 minutes. The LHA has requested that a footpath be provided from the site entrance along the site frontage to a point opposite the commencement of the existing footpath on the other side of Valley Road. It is considered that this is reasonable and necessary to provide a pedestrian connection into the

village centre and if necessary the bus stop and can be achieved through imposition of a Grampian type condition as the works necessary would be within highway land.

It is considered that the proposed layout as whole is acceptable. Whether the LHA chooses to adopt the highway is for them to determine but there is scope within the site layout shown on the site layout plan to construct an entrance to adoptable standards. There is always a balance to be struck in rural and conservation area locations with regards to the appearance of the development in such a setting and providing a safe access which does not look too urban in its appearance. Subject to conditions, the proposal is considered acceptable in terms of access and highways. It is accepted that the site is not in the most sustainable of locations but Market Harborough is less than 5km away from the site whereby good access to public transport (including the train) and shops can be found. It can be argued that small scale development in sensitive locations in some villages helps the village to continue to thrive. As such the application is predominantly in accordance with policy 8 of the JCS and section 9 of the NPPF.

5. Flood Risk

The site lies within Flood Zone 1. The applicant has submitted a drainage report that concludes that the proposed surface water drainage run off as a result of the new development will be a betterment to what the run off rate is at present.

The LLFA has stated they have insufficient information to assess the proposal, stating that a pre-planning assessment application should be applied for from Anglian Water to gauge what discharge rates will be acceptable. Anglian Water has also raised this matter but has requested that a condition be applied to any permission granted requiring a surface water management strategy be submitted before any hardstanding is constructed. Anglian Water confirms that there is enough capacity in the foul sewerage network to accommodate the foul drainage from the development.

Therefore, there is a slight conflict between the LLFA request and Anglian Water request. It is considered that given the amount of hardstanding and building area currently on the site that the desired surface water run off rate will be achievable and the development is likely to be able to comply with policy 5 of the JCS and section 14 of the NPPF. It is therefore suggested that a condition be imposed in line with the request from Anglian Water for a surface water drainage strategy to be submitted for approval.

6. Ecology and Trees

An ecological report was submitted with the application which shows that at the time of the surveys carried out there were no protected species present on the site. The report recommends that the native species hedgerow present on site is retained and the site plan shows this to be the case. Best practice is set out with regard to checking for species during demolition and construction. The County Council's ecologist does not object to the

proposals subject to the recommendations in the report being carried out and this can be conditioned. The impacts on biodiversity will be negligible.

It is considered that the new development provides opportunities to enhance the biodiversity value of the site with additional native hedge planting and landscaping etc. As such, subject to conditions concerning the ecological recommendations and landscaping, the proposal is acceptable and complies with policy 4 of the JCS and section 15 of the NPPF.

An arboriculture survey has been undertaken which shows that there is only one tree, an Ash, located inside the site boundary close to the access off Valley Road. This tree is assessed as having a poor structure and is to be removed. There are two sycamore trees located to the frontage but just outside the site which have an amenity value and should be retained if possible. The survey recommends re-assessment when the dense ivy is removed. However, steps should be taken during construction to retain these trees and root protection measures will be needed. This will be covered by a condition.

7. Contaminated Land/Demolition and Construction

The application was accompanied by a Ground Investigation Report which concluded (in summary) that all soil in made ground areas of garden and soft landscape areas of the site be removed. Should any deep made ground deposits remain in situ, further screening for asbestos will be required together with a capping layer (as asbestos fibres were present in one out of eight samples screened).

The Council's Environmental Health Officer has raised no objections subject to contaminated land conditions being imposed. They also recommend a condition requiring a construction/demolition method statement and hours of working shall be included in this. It is considered that subject to these conditions the proposal is in accordance with policy 6 of the JCS.

Conclusion

The site lies outside the village envelope and so is contrary to policies 11 and 29 which seek to direct development to the settlement hierarchy of growth towns, then the market towns then limited development within designated villages. This site has been put forward as a proposed residential allocation in the Part 2 Local Plan but adoption of this plan is still some time away and so can be afforded only limited weight. Paragraph 77 says that local authorities should consider bringing forward rural exception sites that will provide affordable housing and to consider allowing some market housing on these sites to support this. This is not an exceptions site but there are benefits of bringing the site forward; it will provide four affordable units and it will enhance the character and appearance of this entrance to the village which is adjacent to the Conservation Area and a listed building. The design and quality of the proposal is considered to be higher than what may normally be expected and the developer has worked with the Parish Council and the local planning authority to achieve this. The

main issue to consider is whether bringing this site forward now would undermine the plan led system and the proposed Part 2 Local Plan for Kettering. As this development is small and in a village location it is considered that it will not undermine the proper planning of the area as its impact on the need for associated infrastructure delivery is negligible. The objections raised by the local highway authority and the Lead Local Flood Authority can be overcome. It is therefore considered that the positive benefits of allowing the development to come forward now rather than later are material considerations which outweigh the fact that the site lies outside the village envelope.

The application is therefore recommended for approval subject to conditions and the entering into of a Section 106 agreement to ensure delivery of the four affordable houses.

Background Papers

Title of Document:

Date:

Contact Officer: Theresa Nicholl, Team Leader (North) 01536 534316

Previous Reports/Minutes

Ref:

Date:

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