

BOROUGH OF KETTERING

Committee	Full Planning Committee - 05/01/2010	Item No: 5.2
Report Originator	Louise Haggan-Craig Development Officer	Application No: KET/2009/0646
Wards Affected	Slade	
Location	Home Farm, Butchers Lane, Pytchley	
Proposal	Full Application: Demolition of 3 no. agricultural sheds and 1 no. single storey farm shop and associated storage. Construction of 8 no. dwellings and conversion of existing barn to 1 no. dwelling	
Applicant	Pytchley House Estate 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 the following Condition(s):-

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

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

2. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. 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 shall not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the

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

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

(ii) an assessment of the potential risks to:

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

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

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. 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: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details and shall be retained thereafter.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be made on the application site.

REASON: To prevent overdevelopment of the site in the interests of the character and appearance of the local area in accordance policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and provision for water efficiency and recycling shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has 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: To protect the privacy of the occupiers of the adjacent property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. The windows to all en-suites and bathrooms on ground and first floors to the side elevations of Plot 8 and 9, the rear and gable elevation of Plot 7, the rear and side elevations of Plot 4 and the side elevations of Plot 3 shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of surrounding properties and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be 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 scheme.

REASON: To prevent pollution of the water environment in accordance with the principles of PPS25.

11. Before the development hereby permitted is first occupied the access arrangements shall be provided within the site in accordance with the approved plan reference number 480/07 B received on 27th October 2009 and shall thereafter be retained and kept available for such purposes.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No other development shall commence until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1 and 3, Planning Policy Guidance Note 15, Policy 2 of The East Midlands Regional Plan, Policies 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy RA3 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2008/0772 - Demolition of farm buildings and construction of 8 no. dwellings and one conversion - REFUSED

KET/2008/0773 - Demolition of farm buildings and construction of 8 new dwellings and one conversion – CONSERVATION AREA CONSENT GRANTED

KET/2007/0735 – Demolition of farm buildings and construction of eight new dwellings and a conversion - WITHDRAWN

KE/2001/0351 – Change of Use of dairy to retail farm shop – APPROVED

KE/2003/0486 – Variation of Conditions 1, 3 and 4 of KE/2001/0351 to continue using the building as a retail farm shop permanently - APPROVED

Site Description

This application site forms part of Home Farm which is situated at the southern end of Butchers Lane on the south eastern edge of Pytchley Village. The existing farm extends beyond the Village boundary into open countryside and the red line which represents the application site follows this boundary and is contained within the Pytchley Conservation Area. The site is bounded to the north by the High Street, with Butchers Lane situated to the eastern side of the site and open countryside along the western and southern boundaries.

Home Farm is a working farm with its associated agricultural buildings and character. The view from Butchers Lane is enclosed by boundary walls and this extends into the site with the historic barn and attached outbuildings to the farmhouse. The site topography is gently sloping with the land reducing in height from the north and south to the centre of the site.

Proposed Development

This application is a resubmission of KET/2008/0772 for the construction of eight dwellings and a barn conversion with associated access and parking provision.

Any Constraints Affecting The Site

Pytchley Conservation Area

Public Right of Way

Partially outside the settlement framework

4.0 Consultation and Customer Impact

Pytchley Parish Council

Response received 3rd December 2009. Object for the following reasons:

- We would like to see the retention of the farm shop as this used to be the milking parlour and is a historic and original part of the Village.
- If the development goes ahead there will be no shop in the Village
- The road planned as part of the development falls outside the Village boundary. Policy states that no development should take place outside

the settlement framework.

- The proposed weather boarding is not in keeping with any rural design within the Village.
- The application states that there are good walking and cycling routes to Kettering – this is not accurate.
- Some of the dwellings have car ports and we believe that all the dwellings should have lockable garages.
- We have concerns over the provision for the delivery of building materials to the site.
- Lighting is also a concern in the immediate area as this part of the Village is very dark at night. Additional lighting columns would be of benefit to residents.

Highway Authority

Response received 15th December 2009. No objections.

Kettering Borough Council Environmental Health

Response received 8th December 2009. No objections subject to the imposition of conditions.

Neighbours

Response received 7th December 2009.

Concerns over flood risk.

Response received 14th December 2009. The proposal will entirely change the character of the lane, creating a crossroads at the apex with an entrance to the houses which will urbanise a Village lane. The changes to this part of Butchers Lane are not appropriate for a conservation area and will negatively impact upon the character of the Village. We have further concerns in respect of the proposed access point opposite the school entrance.

5.0 Planning Policy

National Policies

PPS1. Delivering Sustainable Development

PPS3: Housing

PPG15. Planning and the Historic Environment

PPS23. Planning and Pollution Control

PPS25. Planning and Flood Risk

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting Better Design

North Northamptonshire Core Spatial Strategy

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

RA3. Rural Area: Restricted Infill Villages

7. 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. Planning History
2. Principle
3. Design
4. Character and appearance of the Conservation Area
5. Highway Issues
6. Amenity
7. Flooding
8. Sustainable construction and energy efficiency
9. Environmental Matters
10. Ecology
11. Other matters

Planning History

A previous application for planning permission for eight dwellings and a barn conversion was refused on this site in 2008 (reference number KET/2008/0772) and was accompanied by Conservation Area Consent for the demolition of a building which was contained within the Conservation Area. The consent to demolish was granted subject to conditions but the planning application was refused on a number of grounds including highway concerns and the undeliverable layout of the scheme. Since that time, considerable discussions and pre application advice has taken place with officers of the Council, the highway authority and the architect to negotiate a deliverable and acceptable form of the development for the site. The application as presented has resulted in a number of changes since the original application submission including:

- Reduction in the number of dwellings accessed onto Butchers Lane opposite the school (from 3 to 1) for highway safety reasons.
- Revision to house type on plot 2 – simplified in form and fenestration along the western boundary.
- Retention of existing barn on site toward the southern extent of the site and a new access arrangement as agreed in discussion with planning officers.
- Revised house type, design, scale and detailing on the dwellings fronting onto the High Street – omission of garage fronting development in order to improve the appearance of the street scene.

Principle

The vast majority of the application site lies within the defined limits of the Village boundary of Pytchley. Part of the access to the proposed development is situated within open countryside outside the boundary. However, this access already exists as part of Home Farm and as such the proposed development is utilising an existing access which serves the agricultural buildings and the farm shop on site currently. As much of the application site is either garden land or currently has buildings upon it, the site is Brownfield land and is suitable for appropriate redevelopment in the Conservation Area subject to PPG15 considerations in accordance with national policy advice in PPS1 and PPS3 and development plan policies specifically policy 9 of the Core Spatial Strategy and saved policy RA3 of the Local Plan for Kettering Borough.

Design

The overriding form and character of Pytchley Village is quite varied and more recent development has focused upon small clusters or groups of houses and small scale infill. This proposal reflects this character. Plots 1-6 are located on the edge of the Village and as such comprise a 'farmyard' style which reflects the rural nature of the existing site. Many of the buildings are linked, simple in design and comprise an uncluttered appearance which helps to respect the working nature of the site and signifies an organic type growth. This helps to make the development appear as a group of converted barns and/or working rural buildings as opposed to a suburban form of development. The development is therefore very much in keeping with the local context and is an acceptable form of development in design terms which accords with PPS1 and Policy 13 of the Core Spatial Strategy.

Character and Appearance of the Conservation Area

The application must ensure that the design and layout of the proposal does not adversely impact upon the character and setting of the local area. Part of the application site is contained within the Conservation Area of Pytchley and as such consideration must be given to the impact the proposed development would have upon the character and appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The character of the Conservation Area in this particular location is an enclosed lane with buildings and boundary walls which sit hard up against the highway. It very much retains the agricultural character which provides a tangible link between the Village and the working countryside. The removal of farms such as this from rural villages can sever the agricultural link and heritage of the village if the design of a development is not sympathetic or in keeping with the rural character of the area. However, the design of the proposal as submitted is of a very high standard. In general terms the design of the dwellings are well considered in terms of scale, style and materials to allow them to compliment the rural environment whilst introducing good contemporary design within the village setting.

Part of the redevelopment involves the conversion of an existing building on site. This proposed conversion does not require extensive rebuilding or alteration and the creation of a domestic curtilage in this location would not detrimentally impact upon the visual character or amenity aspects of the local area. The proposed layout of this development also allows for the retention of

a barn which is considered to contribute positively to the appearance of this part of the Conservation Area and retain the existing character. Taking all the above into account, it is considered that the application preserves and enhances the character and appearance of the Conservation Area in accordance with PPG15 and the provisions of Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Issues

Previously, the Highway Authority objected to the details contained within the original scheme KET/2008/0772 and this formed a reason for refusal. Since that time the developers have been in negotiations with the Highway Authority to discuss access arrangements for the site. The highway engineer no longer objects to the revised layout and access details for the site.

In access terms the development provides three entrance points to different properties. The main group comprising five dwellings and a barn conversion are accessed at the corner of Butchers Lane off the existing access that serves the shop and agricultural buildings on site. One dwelling is proposed to be served off an existing access opposite the school entrance along Butchers Lane which will be upgraded to meet highway safety requirements. In addition, a new access will also be provided for two dwellings from the High Street which are proposed to front onto this road. The proposal therefore utilises two existing accesses and as such the layout of this scheme helps to retain as much of the existing character as possible as opposed to being a highway led form of redevelopment. The scheme is therefore acceptable in highway safety terms and complies with policy 13 of the North Northamptonshire Core Spatial Strategy.

Amenity

There are not considered to be any issues with respect to amenity for the proposed development. The dwellings are well spaced out within the site and the series of linked buildings and their layouts have been carefully designed to avoid direct overlooking and ensure adequate privacy levels for each dwelling. Each plot comprises an acceptable amount of private amenity space and the open nature of the site helps to provide adequate distances between each set of buildings.

Flooding

The issue of flooding has been raised as a concern from third party representations. The application site is situated in Flood Zone 1 – the zone at lowest risk of flooding and the area to which new development should be steered in accordance with the details contained within PPS25. The site area falls below one hectare and therefore a flood risk assessment is not required for this size of development. The main flood risk issue to consider is the management of surface water run off. This is not considered to be an overriding concern given the open nature of the proposed development, its provision of amenity space and the use of a condition to ensure the provision of a suitable drainage system.

Sustainable construction and Energy Efficiency

Policy 14 of the Core Spatial Strategy states that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency. Due to the limited details provided in respect of this, it is appropriate to attach a condition requiring details of this for implementation.

Environmental Matters

PPS23 suggests that development for a sensitive use such as residential development should adopt a precautionary principle in respect of contamination issues. The Environmental Health department has noted the underlying geology of the area exhibits unacceptable levels of naturally occurring arsenic. A condition is therefore attached which requires investigation and remediation measures.

Ecology

To be added

Other Matters

The closure of the existing farm shop is not dependant upon this planning application and has very little weight as a material consideration in the determination of this planning application. An A1 use is an important facility for the local community of Pytchley but the farm shop is proposed to be relocated within the village if the application for the redevelopment on the site is approved.

Conclusion

The proposal complies with national planning objectives and development plan policy. The design of the redevelopment scheme is of a particularly high standard which is in keeping with the rural character of the immediate area and its sympathetic, simple and rural styling will seek to preserve the character and appearance of Pytchley Conservation Area. There are no issues in respect of the impact the development would have upon residential amenity. The site is located within Flood Zone 1 which has the lowest risk of flooding. Subject to the imposition of conditions the application is recommended to Members for approval in light of the duty to determine applications in accordance with s.38(6) of the Planning and Compulsory Purchase Act.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Louise Haggan-Craig, Development Officer on 01536 534316

SITE LOCATION PLAN

Home Farm, Butchers Lane, Pytchley
Application No.: KET/2009/0646



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

LA078344

Date: 29/10/2009 Do not scale from this map. For illustrative purposes only.

