

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 27/08/2013</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Fjola Stevens Development Officer</b>	<b>Application No: KET/2009/0596</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>Eckland Lodge Business Park, Desborough Road, Braybrooke</b>	
<b>Proposal</b>	<b>Full Application: Demolition of existing agricultural buildings and erection of office buildings within B1(a). Formation of new vehicular and pedestrian access, parking areas, and associated landscaping</b>	
<b>Applicant</b>	<b>Eckland Lodge Business Park</b>	

### **1. PURPOSE OF REPORT**

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

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be REFUSED for the following reason(s):-

1. The application fails to demonstrate that there are no sequentially preferable suitable sites available within the borough for the proposed scheme, or that the proposal would not impact upon existing or planned investment in town centres within the catchment of the development or cause harm to the vitality and viability of those town centres. The proposal therefore constitutes unjustified and unsustainable development in the open countryside contrary to the spatial vision for employment development in the borough. The proposal is therefore not in accordance with the Core Principles and Policy 2 of the NPPF and policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy.

2. The proposed development would have a significant adverse impact upon the visual amenity and rural character of the surrounding area by virtue of the scale, height, massing, siting, orientation and overly urban appearance of the proposed buildings. The proposal lacks dual frontage resulting in a poorly detailed rear elevation facing Desborough Road. The uncharacteristic, industrial scaled and monolithic office buildings would be sited in a prominent and elevated position, highly visible within the landscape. The proposed bunds to screen the buildings would not satisfactorily mitigate the impact of the proposal, and these would introduce further alien features to the site. Furthermore the proposed access road would result in the agricultural land being eroded by an extensive network of tracks serving the business units and the existing dwelling resulting in a superfluous and unjustified disruption to the open countryside causing significant harm to the rural character of the locality. The overall development would therefore be incongruous and obtrusive within

the landscape and would represent an alien form of built development in this rural area that would have a significant detrimental impact upon the appearance and character of the surrounding area contrary to the core principles and Policy 7 of the NPPF, policy 13(h) and (o) of the Northamptonshire Core Spatial Strategy and policy 7 of the Local Plan for Kettering Borough.

3. The application site lies in a rural location where there will be heavy dependence on the use of private vehicles due to lack of public transport and easy walking routes from housing in local settlements to the site. As such, the scale of commercial development proposed is considered unsustainable. The applicants have indicated that they are not willing to reduce the scale of the proposal nor revise the appearance and form of the proposed buildings. Therefore, the NPPF's support for small scale rural development that would help the rural economy cannot be used as policy weight to favour further development here. The proposal would be contrary to Policy 4 of the NPPF and policies 11 and 13 of the North Northamptonshire Core Spatial Strategy and there are no material considerations that outweigh this.

## **Update Report:**

### **3.0 Information**

This application was recommended by officers for refusal at the Planning Committee on 5<sup>th</sup> January 2010. The Planning committee deferred the application until a sequential test as required by PPS4 and a Flood Risk Assessment (FRA) in accordance with PPS25 had been received by the local planning authority.

The FRA was submitted on 19<sup>th</sup> February 2011 and the Sequential Appraisal was submitted in October 2012. In addition the applicant has amended the design of the buildings. The proposed development now comprises of:

- New access
- Creation of 2 office buildings maximum dimensions of approx. 41.2m (w) x 32.4m(d) x 10m (h) and a gross floor area (GFA) measured internally of 1,307 square metres
- Total GFA of 2,614 square metres and total net floor area of 1,869 square metres
- Landscaping areas including raised bunds

### **4.0 Consultation**

Amended plans/Additional information

#### **Braybrooke Parish Council**

(24/04/13)

Objection to the application on the following grounds –

- In answer to point 25 the application states that the site is hidden from neighbouring highways. This is untrue as the site is on high ground and is fully visible
- Previous applications regarding this site have endeavoured to cover the question of high visibility and stipulations have been made concerning proper landscaping and planting. It would seem that this has not been forthcoming and, before considering the present proposals, the planning department is urged to assure themselves that all earlier requirements have been met
- The site is in open countryside and is inappropriate for further development. It is understood that there is no provision for this type of use within the current development plan
- There is no public transport serving the site and all journeys to and front it would require the use of private vehicles
- It is difficult to accept that there are no more appropriate sites available to Desborough within the borough.

#### **Desborough Town Council**

(23/04/13)

Excellent proposed for a well-planned rural development. The tree lined

access road is linked along with the building proposals which fit well with the North Northants Core Spatial Strategy. Please also refer to previous comments made by the Town Council in respect of this planning application.

Desborough Town Council is supportive of this development which aligns with clause 3 of the now in force NPPF – Supporting a prosperous rural economy. The forwarded re-application documentation does not give information on, for example, energy self-efficiency etc which is needed to comply with clause 10 of the NPPF. Please can these be provided for the Town Council comments.

### **Environment Agency**

The amended FRA is acceptable and therefore the EA is prepared to withdraw its previous objection. Condition recommended requiring the submission of a detailed surface water drainage scheme in accordance with the FRA prior to the commencement of development.

### **Highways Authority**

No objection

### **Natural England**

(25/04/13)

No objection – standing advice provided.

### **Environmental Health**

No objection – recommend contaminated land and external illumination.

### **Anglian Water**

No objection

## **5.0 Development Plan Policies**

### **National Planning Policy Framework (NPPF)**

Core Principles

Policy 1. Building a strong, competitive economy

Policy 2. Ensuring the vitality of town centres

Policy 4. Promoting sustainable transport

Policy 7. Requiring good design

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy (CSS)**

Policy 1. Strengthening the Network of Settlements

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 8: Delivering Economic Prosperity

Policy 9. Distribution & Location of Development

Policy 11. Distribution of Jobs

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

## **Local Plan (LP)**

### **7. Environment: Protection of the Open Countryside**

#### **6.0 Planning considerations**

The main considerations are

1. Flood risk
2. Sequential appraisal
3. Design and visual impact

##### 1. Flood Risk

Policy 13(q) of the CSS states that new development should not increase the risk of flooding on the site or elsewhere, and where possible incorporate Sustainable Drainage Systems (SuDS) and lead to a reduction in flood risk. A FRA has been submitted in support of the application and the Environment Agency has confirmed that the FRA is acceptable and therefore they have withdrawn their objection.

The additional information submitted demonstrates that the proposal would satisfy condition 13(q) proposal.

##### 2. Sequential appraisal

There has been a change in national policy guidance since the Planning Committee considered the proposal, however the NPPF which has replaced PPS4 sets out in paragraph 24 the requirement for “local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan”. The definition of ‘Local Plan’ in the NPPF includes current core strategies or other planning policies which would be considered to be development plan documents. The proposed development does not accord with the up to date development plan for Kettering Borough (as set out below) and therefore, despite the change in policy, a sequential appraisal is still required to fully consider the application.

In addition to the sequential appraisal required, paragraph 26 of the NPPF requires an impact assessment if the development is over 2,500 square metres. The assessment should include the impact of the proposal upon existing, committed and planned investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre viability and vitality. Paragraph 27 of the NPPF states that “where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”.

Policies 1 and 9 of the CSS identifies Kettering as the main growth town where the greatest share of new employment should be located, with Desborough being identified as a smaller town that should complement

the growth town and provide an expansion of employment opportunities. Therefore employment development of the scale proposed should initially be directed to the Borough's main growth town.

In addition to the CSS, the adopted Kettering Town Centre Area Action Plan 2011-2021 (TCAAP), which forms part of the development plan, identifies sites within the Station Quarter (STQ) for new office development. There are sites within the STQ that would provide space for office developments approx. 1,890-3,000 m<sup>2</sup> (GFA) and therefore the proposed development should be accommodated within the STQ. Furthermore, the emerging policy document Rothwell and Desborough Draft AAP provides for office development to be contained within the employment land as part of the Rothwell North Sustainable Urban Extension (SUE) and therefore this would be sequentially preferable to the application site, and the Site Specifics Local Development Document - Options Paper March 2012 (SSPLLD) has discounted Eckland Lodge as an employment site due to its unsustainable location.

Policy 3 of the NPPF encourages small scale development in the rural area that supports a prosperous rural economy. However, the proposed development is not small scale. Policy 2 of the NPPF clearly sets out the sequential approach that should be followed for main town centre uses; they should be provided in town centres to ensure their vitality and viability unless there are no sequentially preferable sites available, and the proposal would not have an adverse impact upon the town centre.

The sequential appraisal submitted with the application only assessed sites located within Desborough. Recent planning appeal decisions state that the Practice Guidance on need, impact and the sequential approach that accompanied PPS4 is still relevant when considering applications for main town centre uses not in a centre. It is made clear in the guidance that the sequential appraisal should assess sites within the catchment of the proposed development, and the sequential appraisal submitted fails to do this. Taking into consideration the scale of the development proposed it is considered that the catchment for the proposed development would be a wider area and should include the nearby main towns of Kettering, and Market Harborough

The application does not include a full sequential appraisal and therefore the local planning authority cannot be satisfied that there are no sequentially preferable sites available for the proposed development. The application also does not include an impact assessment as required by the NPPF and therefore the local planning authority cannot be satisfied that the development would not impact upon existing, committed and planned investment in centres or their vitality and viability.

The application does not meet national planning policy guidance and it would undermine the spatial strategy contained within the development plan and emerging policy documents. The application is contrary to

national and local planning policies and in accordance with paragraph 27 of the NPPF the application should be refused.

### 3. Design and visual impact

Policy 7 of the NPPF states that good design is a key aspect of sustainable development and it should contribute positively to making places better for people. All areas of a development should be of a high quality including the buildings and public. Policy 7 also sets out the objectives for good quality design as being; good functionality for the lifetime of the development; creation of a strong sense of place; optimisation of the use of the site; development that responds to local character; creation of a safe and accessible environment and visually attractive places with appropriate landscaping. Policy 13(h) of the CSS also requires new development to incorporate high quality design, landscaping and architecture and development that respects and enhances the character of the surrounding area.

The revised design does not take into account the agricultural setting of the application site, the buildings are excessive in terms of their scale in relation to the other existing buildings on the site as demonstrated on the cross sections plan of the development. The sections submitted show that the existing office conversions have a ridge height of approx. 6.15m and the proposed building that will be adjacent would have a ridge height of approx. 9.8m resulting in a difference of 3.75m. The difference in height would also be exacerbated by the ground levels that mean the proposed buildings would be located on ground higher than the land on which the existing office conversions are situated. The site is very prominent and can be seen from Desborough road, Braybrooke Road and the A6, and it sits in an elevated position above the A6, and as such the site is highly visible and it is considered that these buildings with a max. height of 10m (although approx. 9.3m where the land level is higher) will appear intrusive within the landscape.

Although a bund would give the impression of lower buildings from some vantage points along Desborough Road, it would not remedy the harm caused by the overall impact of the proposal upon the open rural character of the surrounding area which is visible from a far wider area. Furthermore the introduction of this alien feature which would be harmful to the open rural character of the land surrounding the site demonstrates that the buildings require screening because they are of an inappropriate scale.

The design of the proposed building, which would be repeated to provide 2 identical office buildings, is not informed by the rural context of the site. The buildings have the appearance and scale of an office development more appropriate within an urban business park and as a result in their proposed setting they would appear monolithic and obtrusive with standardised features. The buildings would as a result detract from the agricultural character of the existing office conversions

on the site and also the open rural character of the locality.

The buildings have been orientated so that they face into the site resulting in the rear elevation facing the adjacent Desborough Road. Although the site is set back from the road and it would be partially screened by the proposed bunds this elevation which lacks interesting features and is quite clearly a rear elevation, and the flank walls which would have the same effect, would be the most visible from Desborough Road. The orientation therefore does nothing to improve the design of the buildings or ameliorate the visual impact of the development within its setting.

The proposal would also result in the loss of a significant area of a field to provide a convoluted access road to the new development. This is an unnecessary and unacceptable intrusion into the open countryside around the existing site which would further degenerate the rural character of the locality, resulting in a significant adverse impact upon the visual amenity of the rural area.

Although the site is not attractive at present as a result of the existing uses on parts of the site such as storage containers, external storage of pallets and heaps of waste the proposed development would be just as harmful to the visual amenity of the surrounding rural area due to the massing, scale and appearance of the buildings. The proposal therefore would not take the opportunities available to improve the quality of the overall area and the development would be contrary to the Core Principles and Policy 7 of the NPPF and policy 13(h) and (o) of the CSS.

## 6.0 **Conclusion**

S. 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.

The development plan directs new development of this scale to existing settlements, specifically designating Kettering as the main growth town for the borough. As set out above there is insufficient information submitted with the application to demonstrate that; there are no sequentially preferable sites available; the development would not impact upon existing, committed or planned investment and cause harm to the vitality and viability of the town centre. The proposed office use is therefore unjustified in this rural location.

The proposal constitutes unjustified development in a highly unsustainable location where it is not possible to walk to the site safely and there is no public transport close by.

The proposed development would also have a significant adverse impact upon the visual amenity and rural character of the surrounding



area by virtue of the scale, massing and overly urban appearance of the proposed buildings which would be incongruous and represent an alien form of built development in this rural area.

The proposal is contrary to policies 1, 9, 13 of the CSS and the core principles and paragraphs 24, 26 and 27 of the NPPF. The development therefore is not in accordance with the development plan and there are no material considerations that outweigh the provisions of the development plan, and as such the application should be refused for the 3 reasons set out at the start of this report.

The local planning authority recognises that the NPPF is supportive of small scale rural development that would help the rural economy, however in this instance the proposal does not fall within the scope of small scale rural development.

Despite the significant concerns about the unsustainable location of the site the local planning authority did invite the applicant to reduce the scale of the proposed development so that the in principle policy objection and the design concerns could be overcome. Although this would not have resulted in the full scale of development that the applicant aspires to, it could still have brought forward a lot whilst being at an appropriate scale, form and appearance for a commercial use on this rural site that would meet the national and local planning policy requirements for the area. The applicant has however requested that the current proposal be presented to the Planning Committee without such changes.

### ***Original Officers Report:***

#### ***3.0 Information***

##### ***Relevant Planning History***

###### ***Eckland Lodge Business Park***

###### ***KET/2008/0697***

- Demolition of agricultural buildings and erection of B1 office buildings, new vehicular and pedestrian access, parking and associated landscaping. **Refused** 07/11/2008.*
- **Appeal lodged** 12/01/2009, **withdrawn** 31/03/2009.*

###### ***KET/2006/0764***

- Renovation of redundant farm building to provide B1 office accommodation (redesign of KE/04/0158). **Approved** 16/11/2006. (Unit 18).*

###### ***KE/04/0158***

- Phase 3 conversion of redundant farm barn to B1 business use (757sqm). **Approved** 08/04/2004. (Units 4-22 inclusive).

KE/02/0909/TC

- 15m monostyle mast supporting 3 antennas, 2 transmission dishes and 10 associated ground base equipment cabins. **Approved** 23/01/2003.

KE/00/0415

- New milling up barn and cattlefeed store to replace existing old units. To comply with FABBL regulations. **Approved** 26/09/2000.

KE/00/0181

- Change of use of buildings with consent (KE/97/0732) for B1(c) to general B1 permission. **Approved** 02/05/2000. (Units 4, 5, 6, 7, 8, 9, 10 and 11).

KE/98/0353

- Additional farm units to include calf rearing unit, silage/sheep enclosure and implement shed. **Approved** 24/08/1998.

KE/98/237C

- Reception, storage and dispatch of used cooking oils (Unit 2). **Approved** 06/08/1998.
- NCC application. Retrospective permission to take effect from 24/09/1995, restricted to unit 2 and hours of use 06:00 to 20:00.

KE/97/0732

- Change of use from redundant agricultural units to B1 light industrial, workshops and toilet block. **Approved** 03/02/1998. (Units 4, 5, 6, 7, 8, 9, 10 and 11).
- Permission granted for B1(c) light industry only .

KE/97/0453

- Change of use from agricultural unit to B1 light industrial/offices, craft workshop, toilet block and A3 tearoom. **Withdrawn** 29/09/1997. (Units 4, 5, 6, 7, 8, 9, 10 and 11).

KE/91/0377

- Renewal of temporary permission (KE/89/0176): parking of two motor vehicles. **Approved** 09/08/1991.
- Time limit removed and permission granted for the benefit of the applicant only and for the specific use.

KE/89/0383

- Storage of caravans. **Refused** 02/05/1989.
- **Appeal dismissed** 08/08/1990.

- Storage of up to 200 caravans would have an unacceptably harmful impact on the character and appearance of the locality and lead to an unacceptable risk of collision on the A6 trunk road passing the site.

KE/89/0176

- Change of use to parking of two vehicles. **Approved** 14/04/1989.
- Permission granted for a two year period expiring on 14/04/1991, for the benefit of the applicant only and for the specific use.

KE/87/0217

- Change of use from agricultural buildings to small industrial units. **Approved** 15/04/1987. (Units 4, 5, 6, 7, 8 and 18)

KE/87/0021

- Change of use from agricultural to sorting, storage and car repairs. **Approved** 19/02/1987. (Units 2 and 3)
- Permission granted for the specific use only.

KE/80/1541

- Continuation of use of farm building for the storage and sorting of second-hand goods (household salvage). **Approved** 09/12/1980. (Unit 1).

KE/76/0942

- Use of farm building for storage of second-hand goods. **Refused** 14/10/1976. (Unit 1).
- **Allowed at appeal** 08/11/1977.
- Permission granted for the specific use only for a three year period from 08/11/1977.

KR/70/0091

- Covered cattle yard/barn. **Approved** 22/07/1970.

KR/65/0180

- Dutch Barn. **Approved** 10/11/1965.

KR/63/0096

- Dutch Barn. **Approved** 13/08/1963.

Eckland Lodge Farm

KET/2009/0177

- First floor side extension, two storey and single storey rear extensions. **Approved** 26/05/2009.

KET/2006/1143

- Two-storey rear extension and 2<sup>nd</sup> floor side extension. Single storey rear extension: Conservatory. Porch to front and side.

**Approved 07/08/2007.**

KR/66/0200

- *Erection of farmhouse. **Approved 23/03/1967.***

### **Site Description**

*Officer's site inspection was carried out on 11/12/2009.*

*The application site is to the south of Eckland Lodge farmhouse in open countryside between Braybrooke and Desborough. The site occupies a hilltop position and is visible from the new Desborough bypass (A6), linking Kettering to Market Harborough, and the old A6 (B576) linking Desborough to Market Harborough. Access to the site is via the old A6 (B576), Harborough Road.*

*The land between the site and Harborough Road to the north, and to the east and west is open flat land with slight variation in levels. To the south of the existing business park there is a decrease in land levels from the site towards the A6 Desborough bypass.*

*The application site is the north part of the larger farmstead/business park site and comprises a group of three agricultural barn buildings currently used in part for the storage of agricultural plant and machinery and an area of land to their east currently used for various industrial activities.*

*At the site, the buildings to the south of the application site are a former barn complex converted into 18 B1 business units resulting in Eckland Lodge Business Park. All buildings are in the same ownership.*

### **Proposed Development**

*The proposal is for the following:*

- *Demolition of three existing agricultural buildings and the erection of three office buildings within class B1 (a) (offices) comprising 2806m<sup>2</sup> of floor space.*
- *Formation of a new vehicular and pedestrian access, parking areas and associated landscaping.*

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

*B Road*

## **4.0 Consultation and Customer Impact**

### **Desborough Town Council**

- *Support.*
- *The proposal significantly contributes to the aims of the North Northamptonshire Core Spatial Strategy (CSS)*
- *Policy 8 of the CSS states that diversification of the rural*

*economy, in particular through conversion of buildings within settlements to economic re-use.*

- *Visually the buildings' appearance will contribute to the approaches to Desborough, adding to an improving character. Small business start ups will provide much needed facilities and contribute to bringing valuable jobs to the locality.*

*Supplementary information provided by Cllr. D Coe as follows:*

- *The site is currently an eyesore.*
- *Governments have encouraged farmers to diversify and this falls into this category.*
- *Redundant farm buildings would be replaced by modern designed office blocks.*

*Supplementary information dated 17/04/2009, provided by Cllr. M Tebbutt as follows:*

- *Re KET/2008/0697, previous application at the site which was refused and was appealed.*
- *The Town Council request KBC to review its decision not to approve the planning application prior to an appeal hearing taking place.*
- *The current office provision at the site is of an extremely high quality and should be commended. The proposed new development would significantly improve the site visually. In addition, the development would create up to 100 new employment opportunities which is a key factor for Desborough as highlighted in the Rothwell and Desborough Urban Extension Area Action Plan – Position Statement Consultation Preferred Policy Directions.*
- *Objective 4, point 6.5.5 refers to integrating the development into the countryside setting through appropriate siting and landscaping. In addition, reference is made to paragraph 3.1.1 of the Site Specific Proposals Local Development Document – Issues Paper Consultation March 2009 which discusses the conversion, re-use and replacement of buildings in the countryside.*

***The application was called in by Desborough Town Council for determination by the Full Planning Committee.***

***Anglian Water***

- *No objection.*

***Environment Agency***

- *Objection.*
- *FRA submitted does not comply with the requirements of Annex*

*E, paragraph E3 of PPS25 and is therefore insufficient.*

- *Site lies in Flood Zone 1 but the proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed.*

#### **Environmental Health Department**

- *No objection.*
- *Recommend a condition for a Contaminated Land investigation to be carried out.*
- *Recommend a condition for a lighting scheme to be submitted based on the lighting assessment provided.*

#### **Highway Authority**

- *No objection.*
- *The proposed provision for a dedicated privately funded bus service to be secured by S106 agreement.*
- *Recommend a condition for a more robust Travel Plan to be provided demonstrating a 20% modal shift.*

#### **Natural England**

- *No objection.*
- *Recommend a condition for bird nesting box*

### **5.0 Planning Policy**

#### **National Policies**

*PPG13. Transport*

*PPG24. Planning and Noise*

*PPG4. Industrial and Commercial Development and Small Firms*

*PPS1. Delivering Sustainable Development*

*PPS6. Planning For Town Centres*

*PPS7. Sustainable Development in Rural Areas*

*PPS23. Planning and Pollution Control*

*PPS25. Development and Flood Risk*

*Draft PPS4. Planning for Prosperous Economies*

#### **Development Plan Policies**

##### **East Midlands Regional Plan**

*Policy 2. Promoting Better Design*

*Policy 20. Regional Priorities for Employment Land*

*Policy 24. Regional Priorities for Rural Diversification*

*Policy 32. A Regional Approach to Water Resources and Water Quality*

*Policy 35. A Regional Approach to Managing Flood Risk*

*Policy 39. Regional Priorities for Energy Reduction and Efficiency*

*Policy 45. Regional Approach to Traffic Growth Reduction*

*Policy 46. A Regional Approach to Behavioural Change*

*Policy 48. Regional Car Parking Standards*

### **North Northamptonshire Core Spatial Strategy**

*Policy 1. Strengthening the Network of Settlements*

*Policy 6. Infrastructure Delivery and Developer Contributions*

*Policy 8: Delivering Economic Prosperity*

*Policy 9. Distribution & Location of Development*

*Policy 11. Distribution of Jobs*

*Policy 13. General Sustainable Development Principles*

*Policy 14: Energy Efficiency and Sustainable Construction*

### **Local Plan**

*RA14. Rural Area: Reuse and Conversion of Rural Buildings*

*7. Environment: Protection of the Open Countryside*

## **6.0 Financial/Resource Implications**

Section 106 for the following:

- *A detailed Travel Plan to be submitted which includes contributions for a dedicated privately funded bus service to and from the site.*
- *Payment of a monitoring contribution on commencement of development.*

## **7.0 Planning Considerations**

*The key issues for consideration in this application are:-*

- 1. The principle of development.*
- 2. Contaminated land.*
- 3. Design, character and appearance.*
- 4. Flood risk and drainage.*
- 5. Highway issues.*
- 6. Landscape and ecology*
- 7. Planning obligations.*
- 8. Residential Amenity.*
- 9. Sustainability*
- 10. Waste disposal and bin storage.*

### **1. The Principle of Development**

*Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.*

*The application site is located in open countryside, outside of the Desborough Town Boundary (as defined by saved Policies 7 and 35 of the Local Plan). The site is not allocated in the Local Plan or the Core Spatial Strategy. Local Plan Policy 7 states 'planning permission for development within the open countryside will not be granted except where otherwise provided for in this plan'. There are no policies in the Local Plan (or Core Spatial Strategy) which allow for the development of*

*new build B1 offices in the open countryside.*

*The North Northamptonshire Core Spatial Strategy provides the overall strategy for the area. Policy 1 sets out the role of Desborough as a small town, where the emphasis will be on town centre regeneration through environmental improvements and new mixed use developments. This proposal is outside of the town and does not fit with the strategy for town centre regeneration. Policy 8 seeks a balance between homes and jobs. Policy 9 states 'new building in the open countryside outside the Sustainable Urban Extensions will be strictly controlled'. The policy clarifies that the strategy is for the re-use of previously developed land and buildings within urban areas, followed by suitable land in urban areas. Policy 11 sets a target for job growth in the B1 sector of 3,260 jobs by 2021. The policy makes it clear that where new office sites are required, town centres and other areas with good public transport connections are the preferred locations. Again, this site does not comply with this strategy.*

*The East Midlands Regional Plan supports employment in sustainable locations (Policy 20) and also supports rural diversification, but where this is 'consistent with a sustainable pattern of development' (Policy 24).*

*National policy is a material consideration in the determination of a planning application. National policy in PPS7 states several key principles for sustainable development in rural areas. Principle 4 states 'new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans should be strictly controlled. This part of PPS7 is proposed to be replaced by Draft PPS4 'Planning for Prosperous Economies' (May 09). The draft states that 'economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled' (para EC9.1). The emerging policy is clearly the same as existing national policy; to protect the countryside from development that could be located in more sustainable locations.*

*The application proposes 2806sqm of B1(a) office floorspace. This would be a significant addition to the existing 757sqm B1 on the wider Eckland Lodge site. PPS7 refers to farm diversification and states that local planning authorities should be supportive of diversification for business purposes that contribute to sustainable development objectives, help sustain the agricultural enterprise and are consistent in their scale with the rural location (para 30). The proposal is to replace existing agricultural buildings which are currently used for the storage of agricultural machinery. The applicant has stated in the submitted Planning Policy Report that the proposal is ancillary to other economic development. The applicant has advised verbally and via email (email 18 December 2009) that if the proposed new buildings are constructed, there will be nowhere left within his landholding to store this machinery and so new agricultural land and buildings will be required. As such,*



*this development will not be sustaining the agricultural enterprise as advocated in PPS7, but it seems instead to be replacing it on whole of the Eckland Lodge site. Therefore, the proposed development cannot be considered as farm diversification.*

*The application seeks to replace the existing main access road from Harborough Road and create two further roads; one to Eckland Lodge farmhouse and one to units 1-3 (both of which are outside the red line of the application site). The new main access will be within an agricultural field and also create an orchard/paddock adjacent to Eckland Lodge and enclosed by a stone wall. This area of land taken up by the new access and the other new two roads will equate to the loss of approximately 12,000 square metres of agricultural land. This equates to encroachment of this site into the countryside and is therefore contrary to Local Plan Policy 7, PPS7 and Draft PPS4.*

*PPS7 also refers to the replacement of buildings in the countryside (para 19). This should be favoured where it would result in a more acceptable and sustainable development and would bring about environmental improvements in terms of the impact on the surroundings and landscape. As the site is partly a farm enterprise, and the buildings in question are agricultural in character, it is not considered that their replacement with brick buildings would represent an environmental improvement. The PPS is supportive of replacement only where the existing buildings are 'suitably located'. As the site is not within the town, or allocated for development, it is not considered a suitable location for this size and scale of B1 office development.*

*PPS6 and Draft PPS4 (para 4) clearly state that offices are main town centre uses. As such, as this application is not in an existing centre, or allocated for office use, it should be accompanied by a sequential assessment and an impact assessment (Draft PPS4 para EC18.1). The applicant's Planning Policy Report (received 3 Nov 09) does not refer to this requirement from Draft PPS4 or provide any evidence that a sequential assessment or an impact assessment has been undertaken. A brief mention is made of the Lawrence's site in Desborough town centre, but no other alternative central or edge of centre sites are considered. Therefore, following the guidance in Draft PPS4 (para EC21.1) permission should be refused as the applicant has not demonstrated the sequential approach has been followed.*

*The Council are currently producing two policy documents of relevance to this proposal. The Kettering Town Centre AAP (Preferred Options, August 2008) and the Rothwell and Desborough AAP (Proposed Submission, December 2009). The Kettering AAP seeks to provide for office development in the town centre, as sought by Policy 11 of the CSS. This is in accordance with the settlement hierarchy set out in CSS Policy 1; Kettering as the growth town and Desborough and Rothwell as the small towns. The Rothwell and Desborough AAP proposes an allocation of 4 hectares of employment land at Rothwell but none at Desborough. This is due to an extant planning permission for 1.15ha of*

B1 and 0.96ha of B2 (gross site area) at the Grange, which will fulfil Desborough's requirement for further employment provision. This is also in accordance with CSS Policy 11, which seeks employment provision in locations which have a low jobs/workers balance. The Rothwell allocation is part of the proposed Sustainable Urban Extension which is located adjacent to the existing settlement boundary. This is considered to be the most sustainable location for the employment provision in this area.

CSS Policy 1 states that in the rural area, development should clearly demonstrate that it is required to meet local needs. The applicant has included nine letters of testimonial with the application, dated from April 2008 to August 2009. One letter is from a local estate agent who states that there is a demand for small and medium size commercial units in the area. One letter is from a local company seeking new accommodation and seven letters are from existing Eckland Lodge companies looking for larger accommodation. However, as mentioned above, there is an existing employment site with permission within Desborough, and an employment site proposed at Rothwell. From the information submitted, the need for development at this site, contrary to policy, has not been justified.

The applicant has also sought to justify the proposals against Local Plan policies RA10, RA11 and Draft PPS4 of December 2007. Those Local Plan policies are not saved and thus are no longer relevant and the Draft PPS4 has been superseded by the new Draft PPS4 of 2009.

**The principle of this development in this location is therefore considered to be contrary to both Development Plan policy and emerging AAP policy and contrary to both national and emerging national policy.**

It is noted that the red line of the application site does not include the proposed orchard/paddock or the remainder of the Eckland Lodge site. This application is seeking to replace the buildings that the applicant states are in agricultural use. From the site visit, it appears that this will leave the site with a mixture of uses including B8 storage, B2 general industrial and B1 office. The piecemeal development of this site has been ongoing for decades, as is shown from the planning history. Some of this has been formally applied for and granted; other uses have been incrementally added, without formal application. As such, if the agricultural use of the site is proposed to cease, an application for the whole site would be the best way to formalise all the uses on the site. This would ensure no further gradual encroachment into the countryside as conditions for formal boundary treatment and landscaping arrangements could be imposed.

## 2. Contaminated Land

Owing to the various former agricultural and industrial uses at the site, a full contaminated land investigation will be required to comply with the

aims and objectives of PPS23: Planning and Pollution Control. This could be achieved by condition.

### 3. Design, Character and Appearance

*The scheme proposed for the new buildings is identical to that submitted for the previously refused application under reference KET/2008/0697. Refusal reason 3 of that application stated that 'the design of the proposed buildings are obviously commercial in their character and appearance and are alien to the existing context of agricultural farm buildings in an open countryside location'. As, the plans have not changed since the refusal, the grounds for this refusal reason have not been addressed nor has any justification for leaving the plans unchanged been received.*

*The plan formation for the new buildings copies a traditional courtyard U-plan farm layout using the existing barn layout for the siting of the proposed buildings. However, the creation of two predominantly two-storey replica barn buildings and a two-storey Georgian style replica farmhouse will introduce an alien form in a countryside location which is generally characterised by low status, generally subsidiary, predominantly single storey agricultural buildings with low visual impact on their rural surroundings. The scheme submitted replaces three buildings with maximum heights of 6.87 metres, 7.38 metres and 7.52 metres with buildings all having a ridge height of 8.91 metres. Although the proposed ridge heights are in line with the ridge height of the existing E-plan barn formation, the scheme submitted will lead to an overall increase in the massing at the site eroding the hierarchy and context of agricultural buildings and shifting the appearance of the site away from an agricultural farmstead (albeit with some commercial mixed use) to an entirely industrial/commercial appearance, which is out of character with its rural location.*

*As such, the proposed buildings by virtue of their bulk and massing would increase the visual impact of the site undermining its rural location and the adverse impact is enhanced by the hilltop location of the site and long views from the open countryside on all sides of the site. In addition, the regular domestic style fenestration would further detract from the character and appearance of a series of agricultural buildings. This is contrary to the aims and objectives of policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy both of which require new development to take account of the local, natural and historic character of their surroundings.*

*Additional proposals include the construction of a 1.2 metre high stone wall and post and rail fence bounding the west side of the proposed new access track, and the inclusion within it of agricultural land. This again introduces an incongruous feature into the open countryside by creating a formal boundary round the existing farmhouse and increasing the residential curtilage into the open countryside. This part of the proposal*

detracts from the rural character of the area by introducing features alien to a rural location and is contrary to policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy requiring new development to respect and enhance the character of its surroundings.

#### 4. Flood Risk and Drainage

The Flood Risk Assessment submitted with the application is deemed to be unacceptable as it does not comply with the requirements set out in Annex E, paragraph E3 of PPS25. It is therefore not possible to assess the proposed drainage strategies for the disposal of surface and waste water from the site.

As such, in addition to being contrary to PPS25, the proposal does not comply with the aims and objectives of policy 13(q) of the North Northamptonshire Core Spatial Strategy and policies 32 and 35 of the East Midlands Regional Plan which require the careful consideration of water resource issues.

#### 5. Highway Issues

County Highways have no objection to the scheme proposed but have some concerns which can be addressed by S106 contributions and the provision of a robust Travel Plan. The applicants have proposed a private bus service to be secured by a S106 agreement to move towards the 20% modal shift away from private car usage. Highways have stated that highway improvement works may be necessary if the Travel Plan does not provide the modal shift required.

The application does not justify why the junction needs to be widened to 8.7 metres to accommodate the swept paths of two-way HGV's. As the site is to be B1 (a) office use, the need to use HGV's for the activity proposed is questionable.

The application proposes 98 parking spaces (one short of the recommended guidance in PPG13), 9 of which are for disabled users.

#### 6. Landscape and Ecology

The landscape characteristics of the site and its surroundings are for arable farmland in a relatively consistent composition of fields, hedgerows and occasional hedgerow trees. The landscaping details proposed for the site will do little to negate the impact of development in an area of open countryside with the tree screening and formal planting proposed introducing a significantly different element to its rural location. The Landscape Character and Visual Impact Assessment recommends planting to be laid out in 'a locally typical style' but does not describe what this is. To ensure the rural character of the site is retained, a landscaping scheme can be requested by condition.

*The ecological survey provided by the applicants is acceptable subject to a condition for a bird nesting box.*

#### 7. Planning Obligations

*Were the application to be approved a S106 agreement would be required to provide a detailed Travel Plan which included contributions for a privately funded bus service to and from the site.*

#### 8. Residential Amenity

*There are no issues of loss of amenity to residents surrounding the site as the nearest residential property is at Eckland Lodge Farmhouse, approximately 110 metres north of the proposed development. Other residential sites are the Hermitage, 400 metres northwest and Glebe Cottage, 700 metres northeast, too far from the site to be adversely affected by it.*

#### 9. Sustainability

*The initial BREEAM checklist submitted provided an assessment of the site as 'very good'. However, the sections on energy and transport had been omitted so a full evaluation of the information was not possible. A revised checklist has been submitted. Comments on this will be added as an update.*

#### 10. Waste disposal and Bin Storage

*The proposed bin storage and waste disposal facilities are located to the north of the site adjacent to a landscaped area. No proposals have been received as to the design of the storage facility but this can be requested by condition.*

### **Conclusion**

*Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan restricts development in the open countryside. The principle of development in this location is considered to be contrary to Development Plan Policy, emerging Area Action Plan policy, and current and emerging national policy. The proposal would not result in environmental improvements to the site, but would result in a detrimental impact on the character and appearance of the open countryside. There are no material considerations to indicate that this proposal for office development in the open countryside should be permitted. The proposal is therefore recommended for refusal.*

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

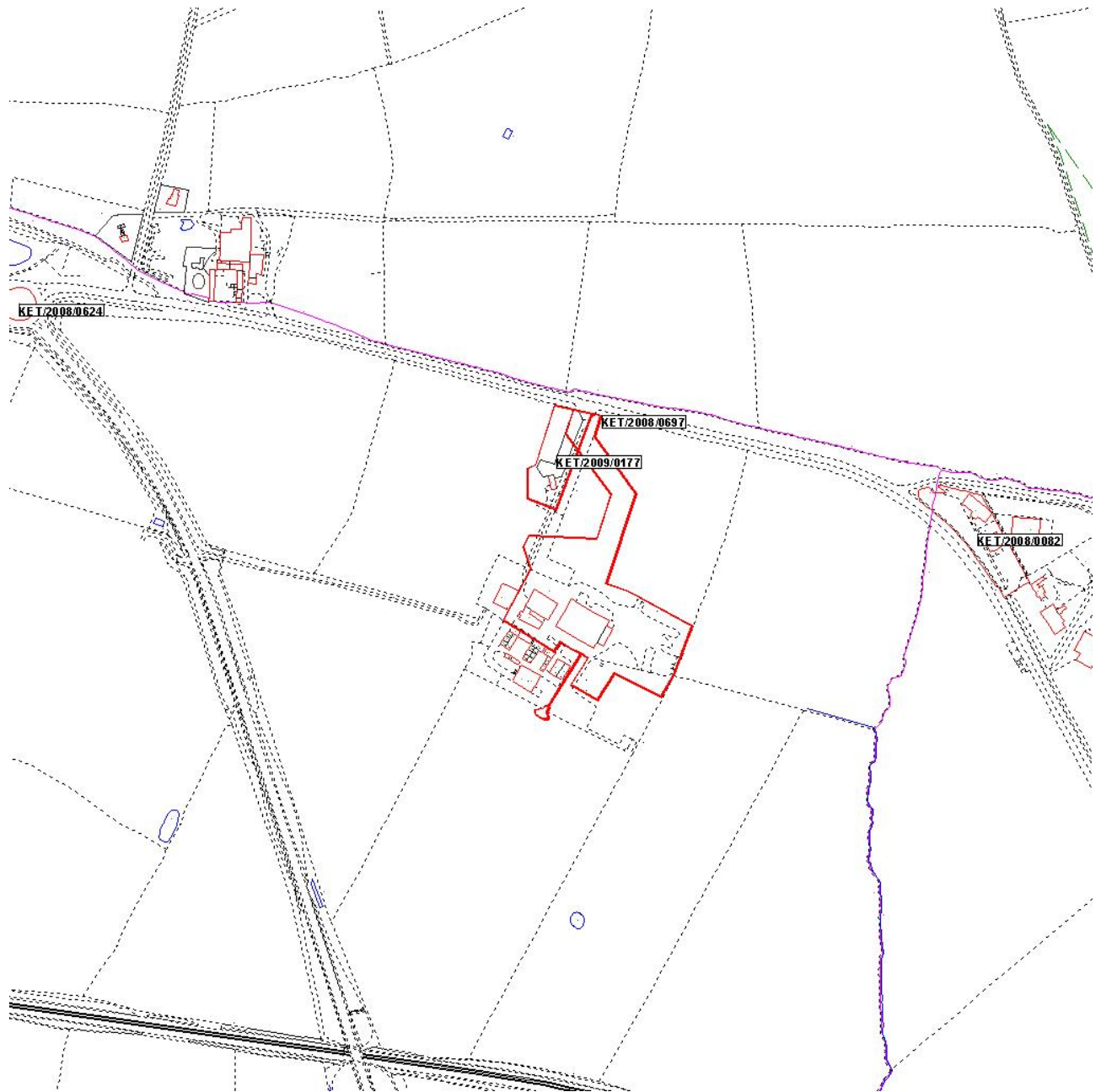
Ref:

Date:

*Alison Riches, Development Officer on 01536 534316*

## SITE LOCATION PLAN

Eckland Lodge Business Park, Desborough Road, Braybrooke  
Application No.: KET/2009/0596



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