

**North Northamptonshire Area Planning (Kettering)
Committee
17/01/2023**

Application Reference	NK/2022/0477
Case Officer	Kirsty Harte
Location	7 Main Street, Ashley
Development	Full Planning Permission: Demolition of bungalow and erection of 1 no. dwelling
Applicant	Mr J Ward Walter Ward Country Homes Ltd
Agent	Mr T Bale J.E.D Design
Ward	Desborough Ward
Overall Expiry Date	29/09/2022
Agreed Extension of Time	

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because the relevant town /parish council has a material written objection.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Planning permission is sought for the demolition of bungalow and erection of 1 no. dwelling.

3. Site Description

- 3.1 The site, which is slightly elevated from the road, is located to the north of Main Street. The site immediately abuts St Marys Church a Grade I listed building. To the west along Main Street on the southern side are mostly bungalows, on the northern side are a mix of 2 storey houses and bungalows.
- 3.2 Opposite the site and to east is the historic core of the village with a number of listed houses, including the 3 neo-Gothic Victorian cottages (designed by EF Law). The Conservation Area lies immediately to the east and south of the application site.

4. Relevant Planning History

- 4.1 KET/2018/0139 – Demolition of existing property and construction of 1 no. dwelling with detached garage
Withdrawn 09/11/2018
- 4.2 NK/2021/0581 - Replacement dwelling and garage/outbuilding
Approved 03/11/2021

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:

<https://www.kettering.gov.uk/planningApplication/search>

5.1 Ashley Parish Council

Object on the following grounds;

- It is the opinion of the APC that the proposed development, on account of its overall size and scale coupled with its proximity to the church, is detrimental to the setting of the Grade 1 listed church while offering no material benefit to the village.
- Overdevelopment of a sensitive site
- The scale of the building and the proposed proximity to the church and church yard will mean the church will lose afternoon light and be in shadow.
- We question the proposed orientation of the house. All properties along Main Street front onto the street, whereas the front of the proposed property faces to the fields. While we acknowledge that this is not necessarily a material consideration, we are however concerned that the contrary orientation may be a veiled attempt by the developer to squeeze in a second property on the plot.
- We believe that the proposed development contravenes Policy RS4
- APC believes that this development, due to its size, scale and proximity to the church contradicts policies laid out in the Site

Specific Part 2 Local Plan. We believe that a development on this scale, in this location, would contravene the policies set out in ASH01.

- We are concerned that the curtilage of proposed development extends beyond the village boundary and strays into land with an agricultural use designation. On the plans provided it appears that rear boundary line (blue line) extends well beyond the village boundary. The garden area of any permitted development should remain within the village boundary.
- Several aspects of the proposed design also raise concern. The large amount of fenestration on the elevation facing the church we believe is likely to be detrimental to the setting of the church (especially when lit at night) and an unwelcome intrusion for visitors to the church and the graveyard.
- We would also like to draw attention to a number of issues relating to the quality of the submitted application which have made it more difficult to assess the true impact of the proposed dwelling on the setting of the church. The lack of a scale on the plans and proper visualisations represent a serious omission on the part of the applicants.
- The trees on the boundary with the church should be protected and preserved since they provide screening and privacy to the graveyard. The proposed development borders the newest and therefore busiest part of the graveyard.

5.2 Neighbours / Responses to Publicity

15 letters of objection from 8 different households, raising the following points;

- Out of character design
- Scale and massing (too large).
- Positioning
- Out of character materials
- Obscure views
- Rear boundary in relation to the rear field

5.3 NCC Archaeological Advisor

A programme of archaeological works to be secured by condition is recommended. A programme of Observation, Investigation, Recording, Analysis and Publication (OIRAP) to be undertaken during the groundworks phase of the proposed development is also applicable to the present application.

5.4 Historic England

No objections on heritage grounds.

6. Relevant Planning Policies and Considerations

- 6.1 Statutory Duty
Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 National Policy
National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)
- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1. Presumption in Favour of Sustainable Development
Policy 2. Historic Environment
Policy 3. Landscape Character
Policy 6. Development on Brownfield Land and 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 28. Housing Requirements
Policy 29. Distribution of New Homes
Policy 30. Housing Mix and Tenure
- 6.4 Site Specific Part 2 Local Plan
Policy LOC1. Settlement boundaries
Policy RS1. Category A villages
Policy RS4. Development in the Open Countryside
Policy RS5. General Development Principles in the Rural Area
Policy ASH1. Ashley Development Principles

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Heritage

7.1 Principle of Development

- 7.1.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 replaces section 54(A) of the Town & Country Planning Act 1990 and states that if regard is to be had to the development plan for the purpose of any determination under the Planning Act, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Site Specific Part 2 Local Plan.

- 7.1.2 The Council's adopted development strategy is to direct development in a hierarchical order. Development in the villages and open countryside will only be permitted under certain circumstances.
- 7.2.3 The application site lies within the designated village boundary of Ashley where development is considered appropriate, in accordance with saved policy 35 of the Local Plan for Kettering Borough and policies 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS). Policy 11 of the JCS directs development towards the market town of Desborough. Policy 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.
- 7.2.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity and the highway network. These matters are considered further below.
- 7.2.5 The proposed development is located within the settlement boundary of Ashley and involves the replacement of a dwelling and is considered acceptable in principle, subject to the satisfaction of the development plan criteria as detailed below.

7.2 **Visual Impact**

- 7.2.1 Policy 12 of the NPPF requires good design while Policy 8 of the JCS requires new development to be of a high standard of design, architecture and landscaping and to create distinctive local character which respects and enhances the character of its immediate and wider surroundings.
- 7.2.2 The site is located adjacent to the church at the entrance to the most historic part of the village. There is no objection to the demolition of the bungalow as its design is not of particular architectural merit and it does not contribute to the character and appearance of the Ashley Conservation Area.
- 7.2.3 Consideration has been given to the siting of the dwelling to ensure that it does not compete with and detract from the appearance of the church. As a result, the proposed dwelling will be located further back than the existing building line and be set back from the highway by approx. 20m. While this sits at odds to criterion a) of policy ASH1 which envisages that new development should not be set back from the highway, for this specific site the benefit is that this will ensure that when approaching from the west the first view will be of the church in its entirety. The new house will also be sited to the west of the plot in a similar location as the existing property to ensure that the eastern part of the site remain opens retaining the open setting of the church and grounds as required by criteria d) which seeks retention of views of the church throughout the village.

- 7.2.4 The design of the dwelling incorporates elements of Gothic style found nearby the site, such as forward projecting gables with a steep pitch, as well as elements reminiscent of properties to the west, which also feature gables with a redbrick and ironstone finish. Local natural materials are proposed for the scheme to ensure all elements are reflective of its setting and surrounding built forms as required by policy ASH1. Taking the lead from Historic England on previous application, matching orange facing brick with ironstone plinth and panels with slate roof finish are proposed.
- 7.2.5 In addition, a single storey timber cart shed with extended roof sloped hipped end will sit unimposing or interruptive of any vistas. Furthermore, to the North Eastern corner a stone build garden stores is proposed to pre-empt the need for erection of a timber shed in the future.
- 7.2.6 The proposal seeks to reflect the width of the existing property in terms of build frontage, with modest two storey elevation. The two single wings located to the rear of the plot are of simple modest form with hipped roof slopes.
- 7.2.7 For the reasons detailed above the proposal is considered to be acceptable in relation to its impact upon the site's immediate and wider context and local character. The proposal is therefore, in accordance with Policy 12 of the NPPF, Policy 8 of the JCS and the principles of policy ASH1.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 12 of the NPPF requires Local Planning Authorities to seek a high standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.
- 7.3.2 The replacement dwelling is larger than the existing property and includes a two storey element. There are two first floor window facing towards the adjacent house (no.5) but the two properties will be located far enough apart with a significant tree belt along the flank boundary to ensure no loss of privacy from overlooking or overbearing impacts.
- 7.3.3 To the opposite side of the dwelling there is no residential properties. The neighbouring site is occupied by the church.
- 7.3.4 There are no neighbours to the rear.
- 7.3.5 The proposal is therefore considered to be acceptable with regard to its impact upon residential amenity and in accordance with Policy 12 of the NPPF and Policy 8 of the JCS.

7.4 Heritage

- 7.4.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.4.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.
- 7.4.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1991 seeks to ensure special regard is to be given to preserving the significance of the architectural and historic interest of heritage assets. Chapter 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to conserving and enhancing the historic environment. Paragraph 192 states that when considering applications the local planning authority shall take into account the desirability of sustaining and enhancing the significance of heritage assets and the new development making a positive contribution to the local character and distinctiveness.
- 7.4.4 Policy 2 of the JCS requires that proposed development conserve and, where possible, enhance heritage significance. Policy 8(d) of the JCS requires development respond to the site's immediate and wider context, to be of a high standard of design and landscaping and to respect and enhance the character of its surroundings.
- 7.4.5 It is considered that the proposal responds to its surroundings in terms of the building's scale, mass, detailing and materials. The proposed dwelling will therefore have only a negligible effect on the character, appearance and heritage value of the conservation area (equivalent to less than substantial harm and at the lowest end of that scale of effects as identified in the NPPF) and would not result in any harm to the heritage values of the adjacent listed buildings (the church and 3 cottages opposite). The proposal will not compete with the visual prominence or dominance of the Church and its relationship with the nearby listed buildings. There is the potential for the survival of archaeology dating from the medieval and post medieval periods within the site. An archaeological record of any disturbed archaeology will mitigate any potential impact and is proposed to be the subject of a condition.
- 7.4.6 The proposed dwelling is in line with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 2 of the JCS and is considered acceptable subject to details of materials and an archaeological record.

7.5 Highway Matters

- 7.5.1 Policy 9 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and

not to have an adverse impact on the highway network nor prejudice highway safety.

- 7.5.2 The proposal involves the replacement of a dwelling using the existing access and the plans show adequate width, surfacing, gradient and drainage. There is sufficient space within the site to provide an additional two spaces to meet the Councils parking standards.
- 7.5.3 The proposal is therefore considered to be acceptable with regard to its impact the highway and in accordance with Policy 9 of the NPPF and Policy 8 of the JCS.

8. Other Matters

- 8.1 Concern was raised about the inclusion of a small parcel of land within the application site boundary which falls outside of the settlement boundary and is therefore in the open countryside. However, the red line includes the existing domestic curtilage only and nothing more.

9. Conclusion / Planning Balance

- 9.1 The proposed dwelling is sensitively sited and designed. The proposal will contribute positively to the setting of the Conservation Area, and setting of the nearby listed buildings. There will be no impact on residential amenity or highway safety Therefore, the proposals comply with the requirements of the North Northamptonshire Core Strategy Plan Policies and the underpinning principles of the National Planning Policy Framework 2021 and is recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development above building slab level 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: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. No development above slab level shall take place on site until full details of all windows, doors, any verge detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details are required prior to commencement of development in the interests of protecting the character and appearance of the Conservation Area and the setting of Listed Buildings in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of

which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion

of fieldwork, unless otherwise agreed in advance with the Planning Authority);

(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

6. Prior to the commencement of development a 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 construction.

REASON: The details are required prior to commencement of development because the CMP needs to be in place and in force throughout the construction period and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy.

7. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or

Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

8. 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.

9. No earthworks or groundworks shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels 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: Finished Floor Levels are necessary to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. The apartments hereby approved shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations Document G - Sanitation, hot water safety and water efficiency (2015 edition).

REASON: In the interests of sustainability and energy efficiency in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy

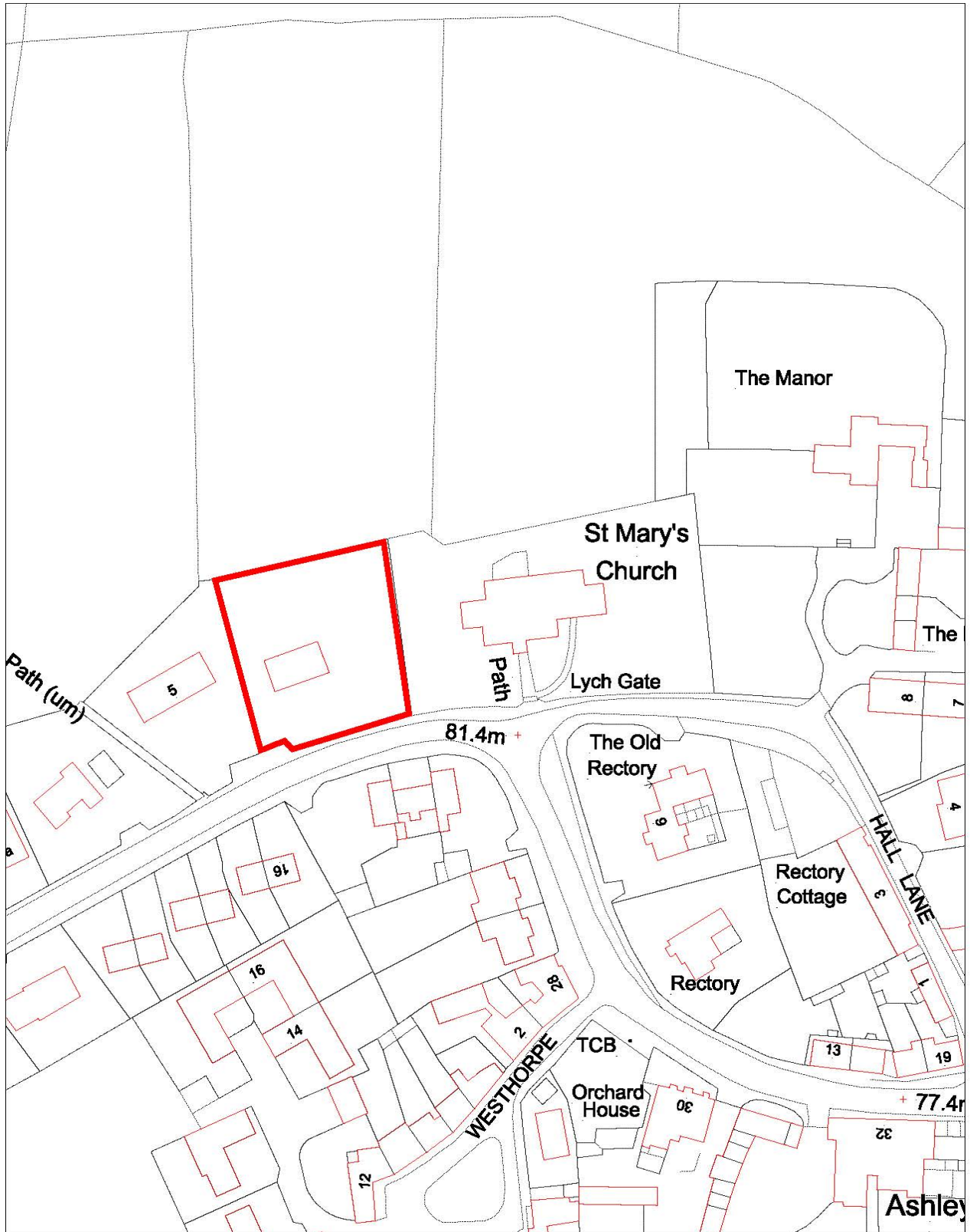
12. Informatives

List of plans

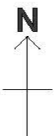
The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Location and block plans		3148-11	25/07/2022
Location plan, block plan, existing elevations and floor plan		3148-1	02/08/2022

Proposed elevations, ground and first floor plans		3148-10	25/07/2022
Proposed elevations, ground floor plans for outbuildings		3148-12A	04/08/2022
Proposed street scene		3148-14	02/08/2022
Design and Access statement		3148TMB/JED	02/08/2022
Heritage statement		3148TMB/JED	02/08/2022



Title: 7 Main Street, Ashley



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