

**North Northamptonshire Area Planning (Kettering)
Committee
18/11/2021**

Application Reference	NK/2021/0043
Case Officer	Louisa Johnson
Location	Agricultural Yard, Kettering Road (land off), Thorpe Malsor
Development	Full Planning Permission: Demolition of existing agricultural building and erection of new grain store building
Applicant	Thorpe Malsor Farms
Agent	Miss L May Berrys
Ward	Slade
Overall Expiry Date	21/04/2021
Agreed Extension of Time	22/11/2021

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 it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission: Demolition of existing agricultural building and erection of new grain store building.

3. Site Description

- 3.1 The site is an agricultural yard owned by Thorpe Malsor Farm, there are currently a number of old agricultural buildings within the yard which are used for the storage of agricultural machinery and grain.
- 3.2 The site is north of Thorpe Malsor village and outside the village boundary, the site is also outside the conservation area and has no listed buildings within it.

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

None

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>

A short reconsultation has been carried out on the Operational Dust Assessment submitted on 25/10/21. Any further responses received will be reported in the Committee Update.

5.1 Thorpe Malsor Parish Council

The council has concerns regarding the potential impact on the amenity of nearby residents with regard to noise levels and possibly dust. The movement of trailers during the late evening during harvest might also be an issue for nearby residents.

From the application submitted it is not clear if any grain drying is currently carried out in the building proposed for demolition, and we note that the Borough Council's Environmental Protection Team Leader has also raised concerns regarding the noise levels associated with grain driers. From the further information supplied it is unclear how many fans would be installed in the fan house and the plans do not include information to indicate if soundproofing would be implemented, as is recommended in the manufacturer's fan house design advice.

We acknowledge that we do not have the knowledge to judge the potential impact of noise and/or dust and will therefore rely on the expert opinion of the Environmental Health team with regard to these concerns. If the application is granted we ask that suitable soundproofing is included as a condition.

From the block plan it appears the footprint of the proposed grain store will be more than double that of the existing building. The height of the current building is also not included on the drawings, so it is difficult to gauge the visual impact of the proposal.

In general we consider that replacement of the old, dilapidated building would be an improvement, however the proposed new store would be a considerably larger, modern building and we ask that consideration be given to the inclusion of some landscaping measures to the east, to soften the visual impact, improving the outlook of homes in The Square and the approach from Kettering. This might also help to mitigate potential noise and dust impacts.

Thorpe Malsor is a rural village with a working farm at its heart and for many residents the activities associated with livestock and agriculture are an ever present, valued feature of the daily life of the village. However some residents in The Square have expressed fears to councillors about the potential environmental issues associated with this application and the parish council shares these concerns.

5.2 Neighbours / Responses to Publicity

Three objections have been received. The issues raised are summarised below:

The impact of noise and light pollution from the construction and future operations of the grain store will have an impact on the whole village, as it is a small and compact location.

The site access is on a main route to local schools and places of work, with many vehicles travelling at up to then 60mph speed limit. This would no doubt cause potential for accidents, as the access point is on a bend and within close proximity to a junction. the road being narrow, and with slow moving or stationery agricultural or construction make it unsuitable.

The increased dust caused by the drying process will settle on local residences and vehicles causing damage and antisocial impact, but also has serious health implications for those with respiratory conditions, and the vulnerable residents in the nearby bungalows, who have conditions that will make them anxious and unduly unsettled.

The ecological and environmental impact will undoubtedly significant, which will affect the road surfaces, drainage, flora and fauna. There are many species of wildlife within close proximity to the proposed site, and creatures such as bats must be considered by the increase in light and noise.

The only playground where families and children can play and meet in safety, is within 300m of the site, and the increase in noise, dust and traffic can only have a negative impact.

The noise of the drying process, round the clock traffic, dust and any increase of lighting will also have a negative impact on the lifestyle of many residents. The effect on outdoor activity will be detrimental, and will cause damage to property, including vehicles, furniture, planting and laundry.

Many people choose to invest in property here as it is a charming and historic place to live, however, the quiet and rural charm will be decimated by the construction, and ongoing operations of this grain store. We believe that the above points must be considered before this application proceeds, and that a development of this type is completely inappropriate within such close proximity to dwellings, and that a more suitable site should be selected.

The potential for odour impact beyond the site boundary.
The potential of drainage / flooding issues which are already experienced in properties in the village when rainwater flows down from the application site to Church Lane. To add a further operation of this nature which will increase water flow at the proposed site thus increasing the flooding issues.

The Council should require landscaping measures to the sides of the proposed new building visible to the adjoining residential properties which will help to ameliorate the auditory and visual impact and possibly also the dust nuisance.

Visual Impact - The proposed development is both twice the size (floor space) and twice the height. There is no reference to the height of the current building, but it is estimated it is no more than 5 m high, the planned building is nearly 10.5 metres high. This will have a huge impact upon the current outlook of the neighbouring residential properties.

5.3 Local Highway Authority (LHA)

The LHA have no objections subject to the following conditions requested in the interest of highway safety.

Conditions

- i. A Demolition and Construction Management should be provided.
- ii. The access surface should be made good i.e. into a hard bound surface for a minimum of the first 10m from the highway boundary. This prevents loose material such as mud being transferred to the public highway where it is a danger, particularly to cyclists and motorcyclists.
- iii. A means of drainage across the back of the highway boundary (linear drain), across the proposed site access draining to soakaways contained within the applicant's own land is required. It is unlawful for surface water to drain from private property onto the public highway.

5.4 Environmental Protection

The noise assessment report indicates that noise from this development should not pose problems, provided that the development is constructed as described, and the additional noise mitigating measures identified in the report are implemented.

The Dust Assessment submitted on the 29/09/21 indicates that dust from construction should not pose problems, subject to the mitigation measures in the report being implemented.

The Operational Dust Assessment submitted on 25/10/21 provides a more detailed assessment than the previous report regarding the risk of adverse impacts due to dust emissions from the grain drying and conditioning process. However, there are still some key pieces of information missing that make it difficult to determine if the assessment has drawn reasonable conclusions and that the proposed development adequately protects the quality of life, safety and health of the community.

We do not have any objections to the principle of the grain store, however, we would recommend attaching a condition to any consent that is given to enable further information about the dust emissions and any necessary mitigation to be submitted and approved prior to construction commencing. It is envisaged that any physical mitigation that is required could be incorporated within the proposed structure or would be achieved through management of the operation.

5.5 NNC Ecology

The bat survey has been reviewed and it is considered that neither a bat licence nor mitigation will be required in this case.

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)

Policy 2: Achieving a sustainable development

Policy 11: Making effective use of land

Policy 12: Achieving well-designed places

Policy 15: Conserving and enhancing the natural environment

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development

Policy 3 – Landscape character

Policy 2 – Historic Environment

Policy 4 – Biodiversity

Policy 8 – North Northamptonshire place shaping principles

Policy 9 - Sustainable Buildings

Policy 11 – Network of urban and rural areas

Policy 25 - Rural Economic Development and Diversification

6.4 Emerging Site Specific Part 2 Local Plan

LOC1 – Settlement Boundaries

RS1 – Category A Villages

RS4 – Development in the Open Countryside

RS5 – General Development Principles in the Rural Area

THM1 – Thorpe Malsor Development Principles

6.5 Saved Policies in the Local Plan for Kettering Borough (LPKB)
Saved Policy 7 - Protection of the Open Countryside
Policy RA3 - Rural Area: Restricted Infill Villages

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Flood Risk and Drainage
- Ecology

7.1 Principle of Development

- 7.1.1 The proposal involves the demolition of an existing agricultural building and the erection of new grain store building.
- 7.1.2 The application site is located outside the village boundary of Thorpe Malsor and therefore constitutes open countryside. Thorpe Malsor is a Category A village as defined by emerging policy R1 of the Emerging Site Specific Part 2 Local Plan or a restricted infill village as defined by Saved Local Plan Policy RA3.
- 7.1.3 Saved Policy 7 of the Kettering Local Plan seeks to deter development within the open countryside. Emerging Policy RS4 of the Emerging Site Specific Part 2 Local Plan states that ‘Development in the open countryside will be resisted, unless; a) It meets the requirement of Policy 13, 25 or 26 of the North Northamptonshire Joint Core Strategy.
- 7.1.4 Policy 25 of the NNJCS states that “Sustainable opportunities to develop and diversify the rural economy that are an appropriate scale for their location and respect the environmental quality and character of the rural area will be supported. Encouragement will be given towards: a) The development and diversification of agricultural and other land based businesses including locally sourced produce and increasing use of sustainable food production methods.”
- 7.1.5 The site is currently an agricultural yard in use for farm purposes, the proposal is to provide a new grain store and drying barn which provide improved facilities for the farm.
- 7.1.6 Subject to detailed consideration of the impact of the change of use and works, having an acceptable impact on the character and appearance of the area and residential amenity the development is considered acceptable in principle.

7.2 Visual Impact

- 7.2.1 Policy 8 d) of the NNJCS requires development to respond to the site’s immediate and wider contexts such as the overall form, character and landscape setting, a view reinforced by policy 12 of the NPPF.
- 7.2.2 The proposed barn would be located further forward in the site than the existing building and would be closer to the Kettering Road than to the

village. The barn would move so that it would be 20m away from the southern boundary with the village which is formed by agricultural buildings at Lancefield House and Home Farm, the existing building is currently approximately 9.2m away. The building is further away from the nearest residential properties, the existing building being approximately 54m away from residential properties on The Square.

- 7.2.3 The proposed barn would measure approximately 30.4m wide, 24.4m deep and 10.4m in height with an asymmetric roof; and a fan house projection measuring approximately 6.1m wide by 6.1m deep and 5.2m high. The building is larger than the existing building which has a footprint of approximately 19.5m by 18m with a 3.5m x 3m fan room.
- 7.2.4 The Parish Council has raised concerns regarding the visual impact of the proposed building and neighbours have objected due to the increased size of the building and its visual impact.
- 7.2.5 The building is largely screened from the village by agricultural buildings at Lancefield House and Home Farm. The building would be visible from properties at The Square, however the nearest residential property would be 4a The Square which would be 62m away.
- 7.2.6 It is acknowledged that the proposed building is larger than the existing building, however there is an existing working farmyard on the site with an existing building which forms an existing relationship with residential dwellings. The existing building is approximately 54.8m away from residential properties and the proposed building would be 62m away from residential properties. As such it is considered that the proposal is in keeping with the character of the site as a working farm within the countryside. Furthermore, given the separation distances and as this is a working farm in the open countryside, it is considered that it would be unreasonable and unfeasible to require landscaping around the proposed building.
- 7.2.7 The works would therefore respect the character and appearance of their surroundings in accordance with policy 8 of the NNJCS and policies 2, 11 and 15 of the NPPF.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 8 of the JCS requires development not to result in an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.
- 7.3.2 The nearest residential properties would be 4a The Square which would be approximately 62m away and 7 The Square which would be 72m away. The rest of the village is largely screened from the building by agricultural buildings at Lancefield House and Home Farm.
- 7.3.3 The Parish Council has raised concerns and objections have been received from neighbours on the grounds that the proposal would result in noise and

dust from the construction and future operations of the grain store, cause odour problems and light pollution.

- 7.3.4 The applicant has submitted a Noise Impact Assessment Report, a Dust Assessment and an Operational Dust Assessment report, all three reports have been considered by the Council's Environmental Protection Officer.
- 7.3.5 The Environmental Protection Officer considers that subject to the proposed mitigation measures being implemented the proposed development would be acceptable in terms of noise and would not have a detrimental impact on neighbouring residents. A condition is recommended requiring the development to be carried out in accordance with the submitted noise report.
- 7.3.6 It is noted that the occupant of 4a The Square raised concerns regarding the noise assessment, stating that they had no knowledge of noise measurements being taken at the wall of their property. However, having reviewed the Noise Impact Assessment Report (part 3 Acoustic Survey) it states that measurements were taken in one location ML1, which corresponds to the rear of the existing barn on the site and not 4a The Square.
- 7.3.7 The Environmental Protection Officer has advised that they would not expect a development of this type to cause odour issues.
- 7.3.8 In regard to dust the Environmental Protection Officer considers that dust from construction has been adequately addressed subject to mitigation measures. In regard to dust from the operation of the development, the Environmental Protection Officer does not have any objections to the principle of the grain store, however, they consider that there are still some key pieces of information missing from the report. They have recommended imposing a condition to enable further information about the dust emissions and any necessary mitigation to be submitted and approved prior to construction commencing. It is considered that any physical mitigation that is required could be incorporated within the proposed structure or would be achieved through management of the operation.
- 7.3.9 Officers recommend that the following condition should be attached to any consent that is given:

Prior to the commencement of construction an assessment of the impact of dust from the operation of the development on the quality of life, safety and health of the community shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify the impact of the proposed development with respect to operational dust emissions and any proposed mitigation measures. Once approved the mitigation measures shall be implemented in full prior to the first occupation of the development and retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity and to protect public

health in accordance with Policy 8.e), i). & ii). of the North Northamptonshire Joint Core Strategy.

- 7.3.10 The application does not include details of any external lighting, however a condition requiring the submission of details of any external lighting for the proposed building can be attached to protect the amenity of neighbouring residents.
- 7.3.11 Objections were also raised on the grounds that the proposed building would harm the outlook of neighbouring residents, however the nearest neighbouring property would be 62m away and this property would still have other views. As such it is considered that the proposal would not harm the outlook of neighbouring residents and private views are not protected.
- 7.3.12 Subject to the recommended conditions it is considered that there will be no unacceptable impact on the amenity of neighbouring residents through this proposal in accordance with policy 8 of the NNJCS.

7.4 Highways Matters

- 7.4.1 Policy 8 b) ii) of the NNJCS 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.
- 7.4.2 The site has an existing vehicle access from Kettering Road and the site will continue to use the existing access.
- 7.4.3 Highways have no objections subject to conditions requested in the interest of highway safety - securing a Demolition and Construction Management Plan, Access Surfacing and Means of drainage.
- 7.4.4 Objections from third parties have been raised on the grounds that: “the site access is on a main route to local schools and places of work, with many vehicles travelling at up to the 60mph speed limit. This would no doubt cause potential for accidents, as the access point is on a bend and within close proximity to a junction. the road being narrow, and with slow moving or stationery agricultural or construction make it unsuitable and the only playground where families and children can play and meet in safety, is within 300m of the site, and the increase in noise, dust and traffic can only have a negative impact.”
- 7.4.5 However as discussed above the access is an existing access to a working farmyard, and Highway’s consider that subject to the above conditions the access is safe.
- 7.4.6 Therefore, subject to conditions securing the provision of a Demolition and Construction Plan, surfacing of the access and means of drainage, it is

considered that the application is acceptable in terms of highway safety and access in accordance with policy 8 of the NNJCS.

7.5 Flooding

- 7.5.1 The site is in Flood Zone 1, the lowest risk zone and is not at risk of ground water flooding. The site and most of the village of Thorpe Malsor is at low risk of surface water flooding according to the Lead Local Flood Authority mapping.
- 7.5.2 Objections have been received on the grounds that the proposal would worsen existing drainage / flooding issues which are already experienced in properties in the village when rainwater flows down from the application site to Church Lane.
- 7.5.3 Whilst the site is not at risk of surface water flooding it is considered that a condition requiring details of how surface water run off from the building would be dealt with can be attached. This should ensure that water running off from the site does not run towards residential properties and worsen any existing surface water drainage / flooding issues.
- 7.5.4 It is considered that subject to a condition regarding surface water drainage, the proposal would be acceptable in terms of flooding in accordance with policy 8 of the NNJCS.

7.6 Ecology

- 7.6.1 Policy 15 of the NPPF requires Local Planning Authorities to aim to conserve and enhance biodiversity by permitting development only where significant harm can be avoided. This is enforced through Policy 4 of the North Northamptonshire Joint Core Strategy that states development should be refused if significant harm cannot be avoided, mitigated or compensated.
- 7.6.2 An objection has been received on the grounds that: “the proposal would have a significant impact on ecology and the environment. The development would affect the road surfaces, drainage, flora and fauna. There are many species of wildlife within close proximity to the proposed site, and creatures such as bats must be considered by the increase in light and noise.”
- 7.6.3 The applicant has submitted a bat survey as the proposal would involve the demolition of an existing barn. The Council’s Ecology Officer has reviewed the bat survey and considers that neither a bat licence nor mitigation will be required in this case.
- 7.6.4 The proposed building would be built on an existing working farmyard and would not result in the loss of undeveloped land and as such it is considered the impact on biodiversity would be limited.
- 7.6.5 It is considered that the proposal is acceptable in terms of biodiversity in accordance with policy 8 of the NNJCS.

8. Other Matters

8.1 None

9. Conclusion / Planning Balance

9.1 In light of the above the application is considered to comply with the Development Plan with no other material considerations that would justify coming to an alternative view.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as submitted.

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

4. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.
REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

5. Prior to the commencement of construction an assessment of the impact of dust from the operation of the development on the quality of life, safety and health of the community shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify the impact of the proposed development with respect to operational dust emissions and any proposed mitigation measures. Once approved the

mitigation measures shall be implemented in full prior to the first occupation of the development and retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity and to protect public health in accordance with Policy 8.e), i). & ii). of the North Northamptonshire Joint Core Strategy.

6. No development above slab level shall take place on site until details of the access surfacing (for a minimum of the first 10m from the highway boundary) and means of drainage across the back of highway boundary (linear drain) have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby permitted is commenced, or the building is occupied, whichever is the sooner.

REASON: To ensure a satisfactory means of access to the highway in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the Noise Impact Assessment Report P4774-R1-V1 dated 23/06/2021.

REASON: To ensure that the buildings, structures and plant are adequately sound proofed in the interests of the amenities of the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The development shall be carried out in accordance with the Dust Assessment P4773-R1-V2 dated 21/09/2021.

REASON: In the interests of the amenities of the occupants of nearby premises in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenity of occupants of neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to the commencement of development a scheme for the provision of the surface 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 policy 8 of the North Northamptonshire Joint Core Strategy.

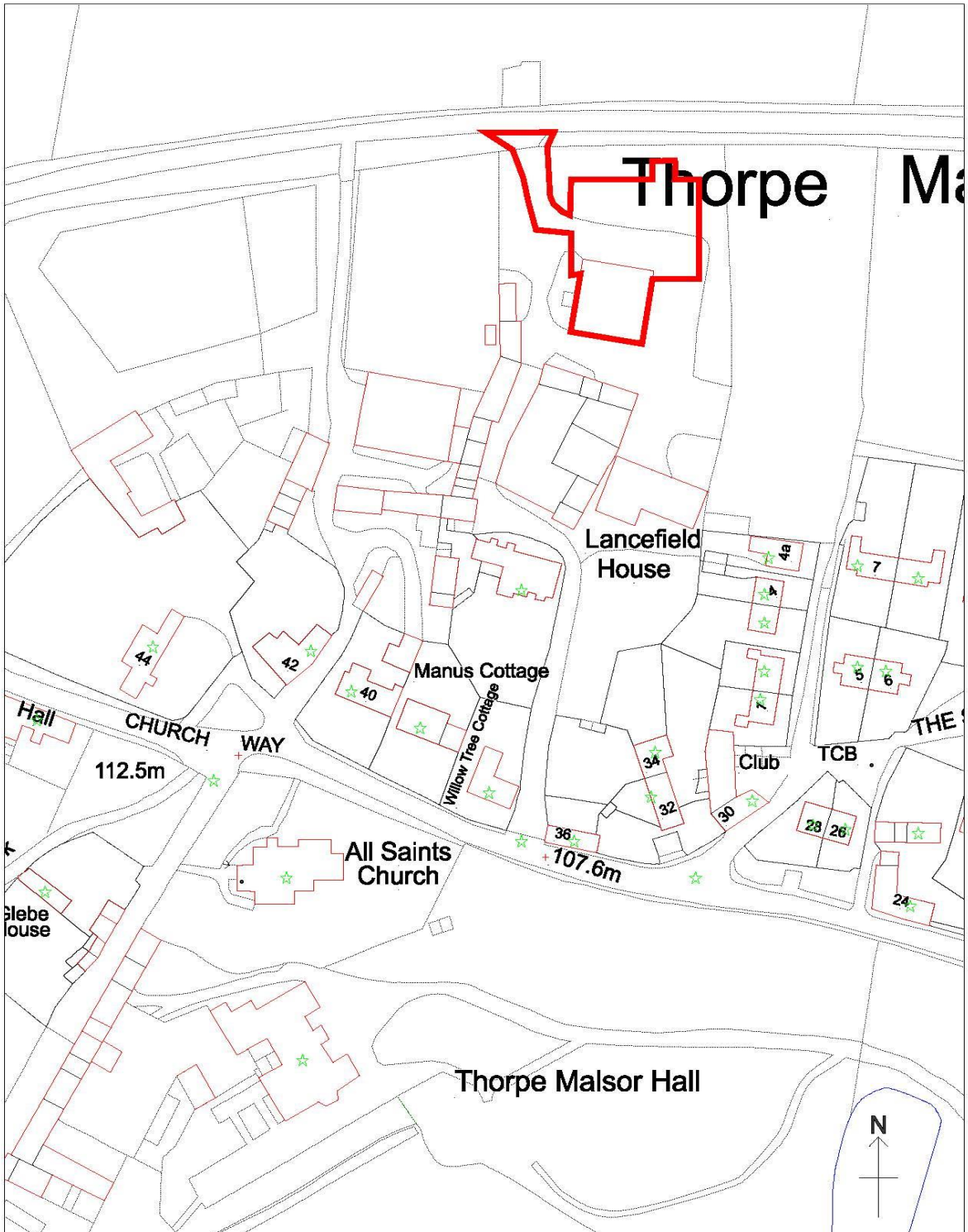
12. Informatives

Positive/Proactive - amendments
Building Regulations consent required

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	KET Ref.	Agent's Ref	Received Date
Location plan		KA39414-01A	17/02/21
Block plan		KA39414-02A	17/02/21
Proposed elevations		KA39414-04A	17/02/21
Proposed floor plan		KA39414-03A	17/02/21
Land ownership plan		MAUNS005.002	24/02/21
Planning statement		KA39414	18/01/21
Photos existing elevations	NK/2021/0043/1		17/02/21
DTC5 Sound Levels	NK/2021/0043/2		19/03/21
Covering Email	NK/2021/0043/3		19/03/21
Protected Species Survey April 2021	NK/2021/0043/4		30/04/21
Acoustic Report		P4774-R1-V1	30/06/21
Dust Report		P4773-R1-V2	29/09/21
Operational Dust Assessment		P4773-R1-AD1	25/10/21



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