

BOROUGH OF KETTERING

Committee	Full Planning Committee - 29/04/2014	Item No: 5.2
Report Originator	Trevor Feary Development Officer	Application No: KET/2013/0766
Wards Affected	Slade	
Location	The Old Filter House, Cransley Eco Park, Eagle Lane, Cransley	
Proposal	Full Application: Conversion of Water Company filter house to 1 no. dwelling	
Applicant	Mr P Stein Cransley Eco Park,	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

REASON: In the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the

site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

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

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Section 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place on site until full details including sections at a scale of no less than 1:5 of all proposed windows and doors shall 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. Roof lights shall be fitted so their external face is flush with the external roof surface.

REASON: In the interests of the appearance of the building and the character of the surrounding area in accordance with Section 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2 Part 1 Classes A or C shall be made in any elevation or roof plane of the building.

REASON: In the interests of the character and appearance of the building in accordance with Section 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In the interests of the appearance of the building and the character of the locality in accordance with Sections 7 and 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In the interests of the appearance of the site to protect the character of the locality in accordance with Section 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The extent of residential curtilage (domestic garden) hereby approved shall not extend beyond the "house site boundary" identified on amended plan 5023.09.02B. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be first occupied unless in accordance with the approved scheme.

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

9. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: In the interests of visual amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0766

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

On Application Site

KE/01/0868

Application to extend the starting date on KE/96/0610 for 14 holiday lodges - Refused 19/11/2001

- Proposal is not justified in this countryside location as it is not well related to the road/rail network and is not accessible by public transport = representing unsustainable development contrary to PPG13 and Policy TR1 of the Northamptonshire County Structure Plan
- Harmful to rural character of Area contrary to Policy 7 of the Local Plan
- Intensification of vehicle movements to the detriment of the surrounding highway network contrary to Policy 10 of the Local Plan.

The Inspector into the subsequent Appeal noted that since the earlier Approval the Northamptonshire County Structure Plan had been adopted (in 2001) and that Policy RT1 therein made it clear that major developments in the countryside should be easily accessible (in line with Planning Policy Guidance 13). Since there was no intrinsic or functional link between the proposals and the site then as the site was in conflict with these Policies designed to limit car usage the balance had shifted away from favourable consideration. The Appeal was dismissed on this basis.

However, costs were awarded against the Council for Reasons for Refusal numbers 2 and 3 on the Decision Notice since the site had not changed in appearance or use since the 2 previous grants of Planning Permission.

KE/96/0610 Application to re-instate the time expired KE/90/0344 below Approved 10/02/1998 with Conditions together with Section 106 Agreement.

KE/90/0344 Outline planning application for 14 holiday lodges/leisure facilities/conversion of filter house to leisure facilities/redevelopment of clubhouse/private sewage plant/access and parking Approved 22/10/1991 with Conditions together with a Section 106 Agreement

Adjacent

KE/00/0614 Outline planning application proposed dwelling adjoining existing clubhouse required for security purposes. Refused 16/08/2000 as per KE/88/0052.

KE/88/0052 Dwelling for reservoir manager Refused 27/04/1988 - Insufficient

justification + significant detrimental impact on trees.

KET/1984/0088 Conversion of pump house and grounds to dwelling and gardens granted 15/03/1984
(this is the currently existing house on the road frontage)

As noted in the site history above there are previous Decisions affecting the Application Site which are Material Considerations for this proposal – the Refusals regarding the construction of a new dwelling and the Approval/Refusal for a number of leisure activities (and including the use of this filter building for a leisure purpose).

As previously confirmed in these earlier Decisions it is unlikely that a Planning Application proposing a wholly new dwelling constructed from scratch in this location will have sufficient justification supporting it and accordingly would remain contrary to both National and Local Policy. Had this Application been for such a new build dwelling then there are limited favourable Material Considerations but strong Policy Objections such that a Refusal of Planning Permission would almost certainly have been the conclusion/outcome

Site Description

Officer's site inspection was carried out on 17/01/2013

The existing building was the reservoir filter house from which water for Kettering was distributed. It comprises of 220mm thick brick walls (red facings) built off a concrete base and with a slate covered roof. Windows are presently metal framed.

Inside the 5 filter tanks still remain together with their sand contents.

The building itself stands at the foot of the dam forming the Eastern edge of the reservoir and within an extensive landscaped area, largely natural, and including the sailing club and reservoir. A number of former filter beds, 5 in number, lie to the fore of the building and which now contain a number of self set trees. The overflow weir and spillway to the reservoir are located to the North of the site.

The vehicular access joins that of the sailing club and together they pass between two existing dwellings (one converted from the former building containing the water pumps and the other the manager's house for the old water company) onto Eagle Lane.

Proposed Development

The submission is to convert the existing (disused) filter building into a 3/4 bedroom dwelling by also creating a room within the roof space. The majority of the conversion works are internal. The only additions being the creation of a covered porch over the utility entrance, and electro-voltaic panels and solar heated panels to the South facing roof (to provide electricity and hot water).

It should be noted that at the request of your Officers the originally proposed glazed addition for the front of the building has now been wholly omitted from

the submission. Also, whilst they were never part of the original submission revised plans have been provided which omit any references to future glasshouses or educational buildings. Details of these had been originally included in the submitted documentation as indications of the owner's thoughts towards developing the Eco-park. These elements will require considering upon their own merits should they form part of any future Planning Application. However, some of the above representations refer to these now omitted elements.

The Applicant has pointed out that "Cransley Eco-park" is run to support Nature Conservation. Natural Eco-sustainability is a key part of the Parks operation. It is managed by the owner who proposes to convert the disused building to his own residence.

Any Constraints Affecting the Site

Tree Preservation Order
Local Wildlife Trust Prime Site (next to)
Potential LWT (next to)
Flood Plain (zones 2 & 3)
European protected species

Consultation and Customer Impact

Parish/Town Council

Cransley Parish Council:

No objections but draws attention to the following concerns:

"All Councillors were pleased that efforts are being made to find a use for the filter building. However, the whole project appears to be that the conversion would not solely be a private house but an extension to the business run by Mr. Stein. The fact that he states that (although not part of the application) he wishes to build a greenhouse demonstration area and an educational centre and convert the old pump house (Cransley Road, Loddington) into a demonstration home which families can use for periods of time, confirms this.

It is obviously the intention to have people come to see the property and how it works, but how many cars etc using the single track roads from either Gt. Cransley or Thorpe Malsor?

The building has its own character which would be altered by the large glass car port, completely out of character. (NB. since removed from Application).

The proposed new entrance through the wood would mean cutting down mature trees etc.

The public footpath across the reservoir is only metres away from the proposed conversion with extra windows and a roof covered with solar panels, is this what people out for a country walk expect to see?

This is a business project – not just a private house."

Thorpe Malsor Parish Council

Objection is made that this application would destroy peaceful and unspoilt countryside which is fast disappearing from the area.

KBC Environmental Health

Having viewed the Application and reviewed the additional information I have no objections to the Application subject to the standard contamination Condition relating to previous potentially contaminative uses.

Environment Agency

The Environment Agency considers that too date an acceptable Flood Risk Assessment has not been provided and so raises an OBJECTION to the submission. Concerns have been raised as to the impact upon the proposed occupants by the adjacent dam either overtopping or failing partially or completely. The FRA should also confirm that the proposal will not increase the risk of flooding elsewhere (i.e. to the Western side of Kettering).

Natural England

No objections – the proposal is unlikely to affect any statutory protected sites or landscapes.

Refer to our “standing advice” on protected species.

As this is an area of Priority Habitat then should aim to conserve and enhance biodiversity

The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

Neighbours

11 individual households have submitted letters/e-mails of representation (all in objection)

- believe this is a commercial Planning Application under the guise of a domestic property. (references in the Application to “dwelling will be a valuable education resource for eco-living, sustainable demonstration home, build greenhouse demonstration area, create an education centre,)
- there has been a previous Refusal for a Manager’s house and a Dismissal at Appeal.
- The Planning Office has already advised Planning would not be granted prior to Application submission.
- No justification for a dwelling, already lives in Mawsley
- Inadequate roads leading to the site (which also form a circular walk)
- Does not provide security to boats or sailing club since these cannot be seen from the building
- Building is visible from many angles in this well used beauty spot
- If the reasons why the Applicant want the building disappear then will be left with a dwelling spoiling the area which cannot be undone.

- Current amenity of area would be lost by the dwelling and its domestic activity and paraphernalia
- View from dam would be a clutter of domesticity
- Location is not sustainable as can only be reached by car.
- Particularly undesirable is the proposed large glass canopy, this will make building look much larger and dominating
- Proposed solar panels will also be visually intrusive.
- Many trees have been felled around the building and to create access to it, no further felling should take place.
- Opposed to other buildings shown on the submitted drawings
- Water management has already affected birds on the reservoir
- Creeping intensification
- Is it sensible or responsible for a family home to be created at the foot of a dam.

5.0 Planning Policy

National Planning Policy Framework

Para 17	Core Planning Principles
Section 3	Supporting a prosperous rural economy
Section 6	Delivering a wide choice of high quality Homes (especially paragraphs 51 and 55).
Section 7	Requiring good design
Section 10	Meeting the challenge of climate change, flooding and coastal change.
Section 11	Conserving and enhancing the natural environment

Technical Guidance to the National Planning Policy Framework (Flood Risk and Minerals)

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13	General Sustainable Development Principles
Policy 14	Energy efficiency and sustainable construction

Local Plan (saved Policies)

Policy 7	Environment: Protection of the open countryside
Policy 10	Environment: Cransley and Thorpe Malsor reservoirs
Policy RA5	Rural Area: Housing in the open countryside
Policy RA14	Rural Area: Reuse and conversion of rural buildings

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Is this an acceptable “reuse/conversion” in principle in terms of National Policy and the Core Strategy and Local Plan Saved Policies 10 , RA5 and RA14
2. Flood Risk
3. Is the building physically suitable for conversion (without rebuilding, additions)
4. Do the alterations proposed harmonise with and preserve the original design
5. Will the changes have a detrimental affect on the character and/or ecology of the area. Is the building in a prominent location.
6. Will forming a residential curtilage be harmful to the surrounding character
7. Will a residential use conflict with or harm uses of the surrounding land
8. Will the converted building compromise, reduce or involve the loss of the existing recreational facilities
9. Are any protected species present
10. Will it harm the amenity of neighbouring dwellings
11. Will it cause an intensification of vehicle movement to or from the site.

1. Principle of Development

One of the Core Planning Principles set out in the National Planning Policy Framework, and also included within Section 6 of the NPPF, is to encourage the reuse of existing resources, which includes the conversion of existing buildings and the reuse of previously developed land. Re-use of the Filter Building only for a tourism/leisure purpose, for commercial purposes or for residential occupation all remain acceptable in principle in accordance with these elements of the National Planning Policy Framework. In view of the site’s relative isolation and the character of its surroundings a separate commercial use of the Filter Building is not a use likely to be pursued. A major tourism activity has been counted out by the Appeal Decision on KE/01/0868 above, although a small scale leisure/tourist use of this building only may prove to be acceptable.

Equally, there is presently a strong push by Central Government to create additional housing and this has included creating a simplified means of requiring “Prior Approval” (not formal Planning Permission) for various categories of buildings in the countryside, including commercial buildings and agricultural buildings, to be converted to dwellings. Whilst the previous use of this building does not quite fit into the stipulated categories it is very similar and this policy position should be noted.

Saved Local Plan Policy 10 whilst resisting the construction of new buildings does permit the conversion or redevelopment of existing buildings. Likewise, Saved Local Plan Policy RA5 permits residential use in principle in the countryside by “reuse/conversion, retention, and/or reinstatement of a suitable rural building” (such proposals to meet the criteria of Policy RA14). Reusing an existing building is one of the exceptions permitted under Saved Local Plan Policy 7 allowing development within the countryside.

Conclusion

The principle of the conversion would, therefore, meet both National and Local Policy.

2. Flood Risk

In discussions with the Applicant's Agent it has been confirmed that the Applicant is confident the requirements of the Environment Agency can be provided and satisfactorily met and that the presently perceived flooding issues will not be an obstacle to the development. Discussions are ongoing and it is expected these will be concluded by the time of the Planning Committee.

3. Physical suitability for conversion

The building remains in good structural condition, there seems to be only slight settlement within the North- Eastern corner, despite having not been in use for a number of years. Its existing floor area measures 18.7 metres x 9.9 metres and is of such a size that the proposed 3 bedroom dwelling can be created within the existing shell – with the use of a mezzanine area. No rebuilding or additions are proposed. This meets with Saved Local Plan Policy RA14.

4. Are the alterations in harmony

The existing structure is something of a rather plain, functional building in appearance but at the same time is quite pleasant to look at – its architectural quality lies in its simplicity. In the main little work is intended to the Northern and Southern elevations of the existing building apart from the upgrading of the existing windows/doors and there is a small alteration proposed to the Northern Elevation to create a porch amounting to a lean-to roof on brackets. None of these changes amount to a fundamental alteration to the overall appearance of the building and are considered acceptable.

Within the East elevation of the existing building there is a brick and window “in-fill” panel (presumably filled in once the large filter tanks had been moved inside) which will require removing to enable the filter tanks to be moved out again. The intention then being to put glazed folding doors within the opening so created. These folding doors are required in order to provide natural light to the interior of the building (and views out to the surrounding attractive area) and whilst being quite a significant feature within this elevation is considered acceptable.

There is also proposed the insertion of a number of new windows within the presently almost blank Western elevation (facing towards the reservoir), together with the insertion within the roof plain of 4 new roof lights and a number of electro-voltaic panels and solar heat panels. These elements will all be readily seen from the footpath available to the public across the top of the dam – looking down on the building. Now that rooms for residential occupation are being created across the rear of the building (in place of the filter tanks) it is accepted that window openings have to be created. The style and number of these new windows are in harmony with the existing building and are satisfactory. The roof lights are for the mezzanine floor being created and are unlikely to be too conspicuous. The various roof “panels” are intended to meet with the intended ethos for the buildings within the Park of creating a self-

sustaining situation. They are identical to Panels being fitted upon buildings all over the country and whilst this site is unique in its appearance I do not consider these Panels to be unacceptably detrimental to the building or its surroundings. Again in the light of the observations within the above 3 paragraphs I consider the proposals meet the requirements of adopted Local Plan Policy RA14.

5. Will there be a detrimental effect on the character and/or ecology of the area

Account has been taken of the distance from any public highway, the buildings single storey scale, the nature and scale of the surrounding landscaping, and including the scale of the reservoir lake. The existing building is not in a prominent location (a constraint of Saved Local Plan Policy 10). Due to the nature of the surrounding landscape, and particularly the dam which it is up against, the existing building does sit quite unobtrusively into the locality. Overall the alterations will only have a very minimum impact on the character of the locality. The immediate site of the building is presently of little ecology benefit because it needs to be trimmed grass to permit easy maintenance of the dam structure. The ecology of the surrounding area is not impacted upon at all by the submission. It is the Applicant's stated overall intention to maintain and where possible to enhance the ecology of the area. (Saved Local Plan Policy RA14)

The Applicant has indicated there has been some recent removal of self set trees but this has been to clear those grown in the dam's embankment, to maintain its integrity, and those that had grown in the access track to the Filter Building. As the building to be converted now lies within the grassed buffer strip relative to the dam maintenance there are no further trees or shrubs requiring removal in order to carry out the conversion works. Indeed, there is no intention indicated within the submitted Application to remove further trees (Local Plan Policy 10)

6. Formation of a residential curtilage

At the present time there will not be a formal residential domestic curtilage created as such – the area shown on the submitted drawings being for Planning Application purposes only. However, this may not always be the case with this occupier or with future occupiers. Future boundary treatment and other buildings at the site can be controlled by Condition on any Planning Permission submitted for a larger curtilage. In the meantime for the avoidance of doubt, the area shown as "house site boundary" whilst small in size is the limit of the domestic curtilage (garden area) to be approved in this application. Accordingly there can only be limited domestic type paraphernalia to impact upon the visual character of the area. (Saved Local Plan Policy 14)

7. Potential conflict with surrounding uses

Taking into account the significant area of the "Eco Park" itself and the existing expanse of water together with the various activities which are being carried out therein (eg sailing, fishing, bird watching, walking) then a residential use of this scale here will not conflict with or harm any of these activities. With someone living on site who has the Park's sustainable interests at heart they

are likely to protect and maintain, and even expand, its character and ecology.
(Local Plan Policy10)

8. Impact on existing recreational uses

Use of the building for residential purposes will not compromise or involve the loss of any recreational activities, conversely as above an on site presence in this location has the potential to promote new or more easily available activities.(Local Plan Policy 10)

9. Protected species.

The submitted protected species survey indicates the building is of low value/use for these species. Whilst it is known there is a badger sett within the overall Park area neither this nor the badgers themselves will be affected by this proposal.(Local Plan Policy RA14)

10. Amenity of occupiers of nearby dwellings

In view of the distance (the nearest is approximately 75 metres away) to the nearest two dwellings from the proposed dwelling there will be no detrimental impact on those 2 dwellings by way of overlooking, domination, or loss of privacy. It is only the possible greater use of the access track passing between the 2 dwellings on the road frontage by the proposed dwelling's occupiers that is likely to have any impact upon their occupiers' amenities, always bearing in mind the future occupiers of the proposed dwelling presently have to drive to the site, and which will be barely noticeable. (Local Plan Policy 10)

11. Will there be an intensification of vehicle movements to the site

Again it should be noted the occupiers of the proposed dwelling currently have to drive to the site. With all the other users of the park (eg sailing club members, fishing club members) utilising this same access point the actual increase in the use of the access point will be minimal. The same may be said of the highways approaching the site and in both cases highway safety will not be compromised to the extent that a refusal of planning permission is warranted on this ground.(Local Plan Policy 10)

Conclusion

Subject to the flooding issues being satisfactorily agreed, between the applicant and the Environment Agency.

Background Papers

Title of Document:

Date:

Contact Officer:

Trevor Feary, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: