Open Decision Item

Development Control Committee

26 January 2016

14/00094/OUT	Outline application for up to 31 dwellings with new access, landscape and layout detailed for approval at Land off Bury
	Close, Cottingham for Kiff & Troke Partnership

Background

This application- for 31 houses - is a revised submission. The Committee last considered this site in January 2015 and resolved to refuse permission for a larger development of 57 houses. The refusal reasons are quoted below in 'History'.

The refusal is the subject of an appeal, and a Hearing with a Planning Inspector opened on 13 October 2015. The appellants submitted an amended plan to the Inspector who decided that the present much reduced scheme merited public consultation.

The appellants submitted the present reduced scheme for 31 houses on 28 October 2015 and the Council carried out consultation for the Inspectorate, the results of which are contained in this report.

The reduced development of 31 houses has attracted a lot of local interest, is still a major development with significant changes to the villages of Cottingham and Middleton, it has potentially wider impacts due to the proximity to the Jurassic Way; and has implications for the future unplanned growth of the village.

The Committee's view will be form part the Council's evidence to the Hearing when it reconvenes on 4 and 5th May 2016. A final decision will be taken by the Planning Inspectorate.

THE SITE.

The housing element of the site is 1.172ha in size, approximately 40% of a larger site of some 3ha of open land

The application site is located to the rear of the existing housing in Bury Close and the Grade II* Cottingham Hall and is a field bounded by the Jurassic Way public footpath to the south of the site, the rear gardens of properties on the High Street, and Camsdale Walk properties to the west. Church Street properties and a pocket park to the east also frame the site.

The application site is a sloping, north-facing grassed escarpment that drops down from the Jurassic Way footpath (part of the national public footpath network) towards Cottingham Hall. Within the western part of the site the level change is approximately 24m and within the eastern part of the site it is approximately 20m. In addition, the gradient of the slope is approximately 1:4 within the western part of the site, where the proposed residential development is to be located

It contains a large number of protected trees in patches across the site along with the more formal avenue of trees that leads towards Cottingham Hall.

The site is located outside of the Cottingham and Middleton Conservation Areas but forms the open area between the two conservation areas. Site context. The site comprises parcels of land to the rear of Bury House, a Listed Building, and the land historically associated with Bury House (now known as Cottingham Hall). This is a Grade II* listed building a particularly important building of more than special interest in national terms. The appeal site and its immediate environment performs a transitional function between the village and the adjacent countryside, moving southwards up the slope from low density at Bury Close through to a resolutely rural landscape with little built form, towards open fields interspersed with copses of trees and native hedgerows.

DESCRIPTION

This application seeks outline planning permission for the construction of 31 dwellings with access, layout and landscape for determination (but scale and appearance is reserved for later approval). The applicant's layout plan is attached.

The application shows how housing may be accommodated in the western portion of the site (approximately 40%) with the eastern section being preserved as an open field with new public access.

A draft legal agreement is presented that offers:

- Affordable housing (30%)
- £2970.70 towards the village hall
- Open space management
- Education contributions
- Off-site highways works

The appellant's view (summarised) is:

- The development enhances the amenity of the space for public enjoyment, while also maintaining views to and from Cottingham Hall.
- A large area of land will be kept permanently open in the eastern part of the site, and this area of land will be made available for public access (the entire application site is currently inaccessible to the public). Some of this land would have accommodated houses under the earlier 57-dwelling version of the scheme.
- The amenity provided by the Jurassic Trail would not be compromised as the new
 development is largely well hidden and unobtrusive, where new buildings might be
 visible, their design and integration with new planting and stone walling, will ensure
 they provide an attractive edge to the village and conservation area.
- The roof ridge of the southern-most properties will be set at the same level of the Jurassic Way footpath 30m to the south. Accordingly, any glimpsed long-distance views, across the site though the existing hedge and new planting into the Welland Valley beyond, will be maintained because people will be looking over the ridge. Looking back towards those properties from the Welland Valley, there are only likely to be views of the dormer windows and the roofs of the properties in front.
- The scheme will retain many existing trees and natural boundaries (including trees covered by TPOs), which will be incorporated into the wider landscape strategy. This includes creating a 'green boulevard' on the eastern part of the site utilising the 'Millennium Way' a boulevard of lime trees which are in a poor state of health and presently inaccessible to the public.
- It is proposed to translocate tree references G11, G12, T14 and H1, meaning that, in essence, there is no tree loss for development and no TPO tree loss at all on this site as those trees to be removed for development shall all be translocated within the site.
- There will be a landscaped buffer adjacent to the Jurassic Way, thereby softening the edges of the development.

SITE HISTORY

06/00094/OUT - residential development refused 17 May 2006

14/00094/out – 75 houses (previous version of current application). Refused for following reasons:

The proposed development by virtue of the cumulative impact with existing housing development causes unacceptable and unjustified harm to the significance and setting of the grade II* Listed Building Cottingham Hall and the Cottingham and Middleton Conservation Areas.

The scheme by virtue of its location within the scarp slope and scale causes harm to the important landscape character of the area.

The development is not considered to be sustainable as (it) causes landscape harm, heritage harm and has not demonstrated longer term contributions towards the local economy and due to the location has an over reliance on private (car) travel.

The proposal therefore is considered to be contrary to the principles and policies within the National Planning Policy Framework and the North Northamptonshire Core Spatial Strategy (in particular Policies 1, 5, 9, 10 and 13) which seek to deliver sustainable development and ensure protection of heritage assets and green infrastructure.

It is acknowledged that the scheme contributes towards housing delivery and affordable housing in the borough however these benefits do not outweigh the conflicts with the development plan and the harm from the scheme.

Policies

National Planning Policy Framework (NPPF)

The NPPF expresses a presumption in favour of sustainable development. This is measured against environmental, economic and social dimensions. Paragraph 14 of the NPPF urges the approval of sustainable development proposals where the development plan policies are out of date, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 64 requires permission to be refused for development of poor design that fails to improve local character.

Paragraphs 131-134 presents policy on assessing harm to heritage assets.

North Northamptonshire Core Spatial Strategy (CSS): Policies 1, 5, 7, 9, 10, 13, 14, 15 Policies 1, 7, 9 and 10, set out a strategy for the distribution of housing that seek to concentrate development in the more sustainable main towns and limit development in the countryside and villages. This strategy echoes the sentiments of the National Planning Policy Framework and satisfies the core planning principles in paragraph 17.

Policy 5 seeks protection of green infrastructure

Polices 13, 14 7 15 express design requirements and affordable housing expectations.

NNJCSS Submission Plan (JCS) is at an advanced stage of preparation, and is awaiting the Inspector's report. The new spatial strategy is also largely the same as the adopted strategy in that it prioritises development in the urban areas, thereby adopting a sustainable distribution of development. Policy 11 expects development in the rural areas to be limited to meeting a locally arising need, which cannot be met more sustainably at a nearby larger settlement. Policy 13 sets out criteria for when development may be permitted outside the defined boundaries of villages. Policies 11 and 13 are consistent with the policies in the National Planning Policy Framework.

Policy 2 seeks to protect, preserve and where appropriate enhance the historic environment including the setting of assets. There are limited objections to this policy and it

is consistent with the National Planning Policy Framework, therefore it should be afforded weight in decision making.

The main emphasis in strategy for growth in Corby in adopted and emerging plans is thereby on 'sustainable urban extensions' (SUE's) at West Corby, Priors Hall and Weldon Park. Development in villages is to be limited to meeting locally arising needs unless there is harm to the form, character or setting of the village.

Other material planning policy considerations

Matters relating to the required five-year housing land supply are in a process of change, but those parts of the CSS relating to housing supply are out-of-date. However new information is available that is awaiting the views of the JCS Inspector. This is that there is no longer a shortage. This conclusion has yet to be tested and is given no weight in the present recommendation.

Other relevant policies in the Core Spatial Strategy, as supported by the NPPF, are not considered to be out-of-date where they do not relate to the provision of housing land, though it is acknowledged that there are some elements where the development plan is silent. The application falls to be determined against the relevant up-to-date elements of the CSS and the NPPF.

Section 66(1) of the Planning (listed buildings and conservations areas) Act 1990 states that a local planning authority: "shall have special regard to the desirability of preserving the building or its setting or any features of special or historic interest which it possesses"

CONSULTATION

Cottingham Parish Council.: Objects (summarised)

Numerous amendments have resulted in local confusion and worry.

- 1. Contrary to policy. Not enough village services to support new housing. Public transport is poor. No housing need identified.
- 2. Adverse impact on Listed building. Concerns about drainage.
- 3. Environmental assessment is poor. Insufficient biodiversity information. Harm to hedgerow.
- 4. Water and sewage problems. Present infrastructure is poor, and it will compound present problems.
- 5. Roads cannot cope with the new development.
- 6. Highly prominent location in a Special Landscape Area.
- 7. Enjoyment of Jurassc way harmed; views including of Cottingham Hall will be restricted.
- 8. Other recent appraisal work supports rejection Landscape Study and Conservation Area review.
- 9. No local support.
- 10. New open space management unclear
- 11. 31 houses is a disproportionate addition to the vilage.

Middleton Parish Council: Objects (summarised)

The proposal does not accord with the aims and objectives of the National Planning Policy Framework as the adverse impacts significantly outweigh the benefits. It fails onthe following counts:

1. Environmental. Heritage and landscape harm. Jurassic Way harmed, particularly views in winter months. Referred to recent landscape capacity strategy. Concerned about unstable water table given a number of natural springs. Will attract more vehicles. Congestion will result in Main Street which is easily blocked. Will harm wildlife.

- 2. Economic –There are no obvious local business beneficiaries of the claimed potential spend from the new residents. The site abuts the Jurassic Way which attracts many walkers to the locality who use the village shop and public houses. Because of its overwhelming scale and intrusiveness in the landscape the development will have a detrimental impact on the quality and enjoyment of the Jurassic Way experience. There is a real risk of reduction in numbers of visiting walkers and consequent loss of their contribution to the local economy.
- 3. Social –The applicant has produced no evidence of housing need either Market or Affordable from within the local community. The most current data available is from the 2011 Housing Needs Survey for Middleton which indicate little or no requirement for additional housing for local community needs.
- 4. Heritage Harm to the Hall compounds the present harm caused by Bury Close. Any new trees could also screen the Hall. Harm is not outweighed by the public benefits new public access does not offset the arm.
- 5. Core Spatial Strategy polices apply to the scheme observing that the village is taking too great a share to the total rural housing allocation.
- 6 Conservation Area it will overshadow Main Street.

Wilbarston Parish Council (Leicestershire): Objects.

Reduction in scale noted but still an adverse impact on the landscape of the Welland Valley. Will result in a significant increase in traffic on village roads. Access near to a bend and school presents a risk.

Natural England: Observations made.

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutory protected sites or landscapes. Apply the Standing Advice on protected species to this application as Natural England have not assessed this development for impacts on protected species

Northants Bat Group: Objects

A very large number of detailed reservations are raised by the Bat Group about the robustness of the ecology report. Replanting of hedges will not work. New houses will disturb bat flight paths. The area has a special importance for bats

Wildlife Trust: comments to follow

Corby Borough Council: Landscape consultant (Landscape Partnership): Objects

Conclusion of full assessment. The proposed development would cause unacceptable harm to the scarp slope south of Middleton which is a key characteristic of the local landscape and Welland Valley, and a distinctive and instantly recognisable feature of the landscape. The development is proposed in a part of the local landscape that has very limited capacity to accommodate future residential development. The proposals would occur on the prominent part of the steep middle and upper scarp face, where very little historical development has taken place. The proposed layout and density on this part of the scarp slope would be inconsistent with the existing settlement pattern of Cottingham and Middleton. A significant volume of material would need to be removed to construct the proposed residential development, requiring major earthworks and a substantial change to the landform of the scarp. There would be notable adverse effects on views from publicly accessible areas of the existing and proposed extended Conservation Area. There would also be adverse effects on residential amenity particularly to the north of the site. There would be clear, evident and unacceptable harm on views from the Jurassic Way, a national route that is well used and of particularly local importance. This includes effects, both from the top of the scarp overlooking the site to the south and also from the Welland Valley to the north looking back towards the site, where the scarp provides an important back drop to views.

Corby Borough Council Tree Officer: Objects

The tree officer observes mature specimens tend not to relocate well which means that protected trees might be lost. But it is still planned to have some of the trees relocated, and alternatives should be presented. The extent of the earthworks required for the development to be carried out as proposed will also make the retention of the existing TPO trees and hedge particularly difficult, either this being caused by the earthworks themselves or due to changes in hydrologic patterns. There is scope for harm to trees and hedgerows.

Historic England: Observations made (summary)

The proposal affects the setting of listed building including Cottingham Hall Grade II* and a conservation area, the statutory requirement to have special regard to the desirability of preserving the building and its setting (s16 Planning (Listed Buildings and Conservation Areas) Act 1990) and to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area (s72 Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision.

Then reduced scheme will plainly have a reduced impact but inadequate work has been done to show this. Impact on Cottingham Hall will be less than substantial.

The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Ramblers: Objects

The development is being built in a very sensitive area which is a great asset to not only residents of Cottingham and Middleton but all locals and visitors alike who know what a beautiful place this is.

There are other areas of the village that are less sensitive.

If approved, then include an all-weather footpath needed to connect with the Jurassic Way.

Northamptonshire County Council Education: Observations made.

Provided formula for education contributions.

Environment Agency: comments awaited Highways Authority: comments awaited

Anglian Water: comments awaited

County Archaeologist: comments awaited

ADVERTISEMENT/REPRESENTATIONS

Neighbour Letters were sent on 5 November 2015 to;

1-8, 10, 11, 11a, 12, 14, 15, 16 Bury Close, Cottingham

1-9 Manor Court, Middleton

6,6a, 8, 8a, 10, 10a, 12, 14, 16, 18,20, 22 Church Street

Flat, Flats 2-6 The Hunting Lodge, High Street, Cottingham, 5 Glover Court

Site Notice was posted on 26 October 2016

Notice was printed in the Evening Telegraph on 02 November 2016

- **79 objections** were received raising concerns about the following (frequency of comment indicated below):
- HIGHWAYS or traffic problems, unsafe as Bury Close access too near school, near bend in road, width of access x45

- TRANSPORT ISSUES: increased car journeys x5
- FLOODING: surface water problems already exist/ noted natural spring line x35
- SEWAGE problems will result (compounding present problems) x3
- VISUAL harm x6
- CHARACTER harm x21
- NOISE impact x4
- AIR QUALITY will suffer x2
- TREES HARMED and hedges x2
- JURASSIC way harm, loss of amenity for walkers, people live here or visit given the walking x 38
- CONSERVATION AREA AND LISTED BLDG harm (Cottingham Hall) x34
- LACK OF FACILITIES in the village to support new housing inc public transport, social sustainability x 12
- ABSENCE OF HOUSING NEED/lack of social sustainability x22
- WELLAND VALLEY adverse impact/ broader landscape character x26
- PROMINENCE of development and harm to landscape x3
- SCALE of development too large x4
- PRIVACY loss/ increased by site levels x4
- BIODIVERSITY AFFECTED/ impact on wildlife generally, & on bats x13
- GREEN INFRASTRUCTURE harm x3
- ECONOMIC BENEFITS will not follow/ Jobs offer of little value/ Reduction in use of Jurassic will have negative economic impacts, x5
- NO NEED FOR NEW HOUSING given Corby's expansion, planning policy references x7

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- Alternative more appropriate land being available x2
- Loss of a guiet area close to the village x5
- New Homes Bonus irrelevant x1
- Open land offer is only mitigation, not a benefit x1
- Proposed open space will be mismanaged x2
- Should have been a new application, not an appeal X2
- School not big enoughX2

REPORT

This application is the subject of an appeal with the final decision resting with the Planning Inspectorate. It seeks consent for the detailed layout and landscaping for 31 dwellings with access through from Bury Close. It does not seek approval for appearance and scale.

The application was originally made for up to 75 dwellings, subsequently reduced to 57, and then 33 houses, before the appellant settled on the final scheme for 31 houses. It is the decision of the Planning Inspectorate to accept the present revised scheme as an amendment rather than a new application.

The application started its life as purely in outline with only the position of the vehicular access from Bury Close being in detail. Due to the nature of the site and its potential impact on the surrounding landscape including views from the Jurassic Way and the nearby Listed Buildings of Church of St Mary Magdalene Grade I and Cottingham Hall Grade II* and the Cottingham and Middleton Conservation Areas, a CBC formal notice required the application could not be considered separately from landscaping and layout as is now presented.

The structure of the following appraisal is:

- A. Planning Policy principles to be followed
- B. Assessment of Sustainability.
- C. The Planning Balance

A. PLANNING POLICY PRINCIPLES

The main planning issues relevant to this appeal are:

- (i) Whether the appeal scheme can be said to amount to sustainable development in terms of adhering to the three dimensions of: environmental social and economic factors? Sustainability is a prerequisite and that, prior to applying the balancing provisions of NPPF paragraph 14, a development must be considered to be sustainable. Members are advised in the assessment that follows the proposed development is not sustainable development due to its environmental and other impacts. Therefore the paragraph 14 'tilted balance' test does <u>not</u> come into effect as the development has not been demonstrated as being sustainable. It is clear that the NPPF presumption in favour of development does not apply to both sustainable and non-sustainable development.
- (ii) Will it have a significant adverse impact on heritage issues, the landscape character of the site and the visual effects of the proposal? The Council's view is that again before the above tilted balance test applies these other relevant policies need to be considered. In the present case relevant design polices at NPPF paragraph 64, and historic environment policies in the NPPF are to be found at paragraphs 131-134.
- (iii) Whether there are any restrictive policies of the Framework that would otherwise indicate that development should be refused? Having regard to any adverse impacts of the appeal scheme, whether these would significantly and demonstrably outweigh the benefits of the appeal scheme in the event that the tilted balance test in the 2nd bullet point of paragraph 14 did fall to be considered, the assessment would be whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole including those at paras 64, and 131-134.

In the above assessment, members are advised to give weight to a shortfall in the fiveyear housing land supply and consider whether it affects the balance of reasoning about the sustainability of the proposal. This is because paragraph 49 of NPPF states that relevant policies for the supply of housing should not be considered up to date, and it is necessary to consider applications for housing in the context of a presumption in favour of sustainable development. In this case, the relevant policies are 1, 7, 9 and 10 of the CSS

– which establish the amount and strategic distribution of required housing. These are updated in the emerging replacement JCS in similar terms. The assessment as follows give very low weight in the context of the clear landscape and heritage harm represented by this scheme.

The primary approach of the North Northamptonshire Core Spatial Strategy (CSS) is to seek to promote sustainable development with development being focused on the within North Northamptonshire main urban areas (Corby, Kettering Wellingborough). Development within villages should be of a limited scale and there is a restriction on development within the open countryside. The CSS is primarily in accordance with the National Planning Policy Framework in respect of this approach as that seeks to ensure development is delivered in a planned and sustainable way. It would counter a very sound and sustainable strategy to allow major development particularly one as large as 31 units - in this village.

Finally, the adopted CSS, and its successor document (JCS) that has completed its examination, is consistent with the philosophy of NPPF. The policies of the CSS are formulated around a strategy of distributing growth between a range of settlements structured around a hierarchy. Whilst part of the rationale for this may have been to specifically restrict housing growth in some rural settlements, it is also a strategy for concentrating growth where it has the greatest opportunity for supporting or creating selfsufficient societies and economies. The NPPF looks to promote a low-carbon economy and to direct growth to where the need for travel is minimised and where the use of sustainable modes of travel is maximised. Inevitably, such conditions are found in the larger settlements, in this case with the urban extensions to Corby. Permitting growth as large as 31 units in such small villages as Cottingham/Middleton (at some distance from employment, larger shops and services and leisure facilities) is not a strategy for sustainable development. It is entirely appropriate to direct the bulk of new development to take place in locations where there is (or is planned to be) a 'critical mass' of population which could sustainably support employment, transport, services and cultural and social activities.

The next section therefore assesses the primary question as to whether or not the development is sustainable.

B. ASSESSMENT OF SUSTAINABILITY

The NPPF does not give a concise or single definition of sustainability, but notes that paragraphs 18-219 taken as a whole are to be regarded as the government's view of what constitutes sustainable development. There are, therefore, many aspects of a proposed development to be considered in determining whether it is 'sustainable'. Paragraph 7 of NPPF sets out three dimensions of sustainable development all of which are seen to be mutually dependent

- 1. an environmental role,
- 2. a social role and
- 3. an economic role.

These dimensions are now assessed.

1. Environment.

This dimension is addressed with reference to reviews of:

- a. Ecology
- b. Trees
- c. Landscape impact review
- d. Impact on heritage assets

a. Ecology

The proposed development is on a green field site located in close proximity to residential development. The site contains a variety of habitats that are suitable for

wildlife including trees which are potentially appropriate for bat roosting and/or foraging perches and areas suitable for grass snakes.

Detailed habitat and species surveys were required to support the application. The recommendations in the report require the retention of a variety of the habitats within the site including the protection of various trees which are suitable for bats and the protection and enhancement of the grass snake habitat in the northeastern corner of the site.

The survey and inspection works have been produced by professional ecologists and additional survey works were required from the original submission due to the potential of protected species being on the site.

The ecologist recommendations include the retention and enhancement of the grass snake habitat area and works to the proposed pond to enhance ecological value along with the retention of a variety of the trees within the site which provide suitable nesting/roosting potential.

The majority of findings and recommendations within the ecology report are considered to be professional and are agreed with by the Council's advisors from the Wildlife Trust. However there is a point of concerns raised by the Northants Bat Group about the species specific implications on the species of bats that are potentially on or near the site. Particularly in respect of the potential/possible calls of barbastelle, serotine and Leisler bats which may have been recorded and since these species are more susceptible to the impact from residential and increased human activity and lighting and are rarer bat species.

Further advice was sought in respect of the bat species question via the Wildlife Trust, however it is a highly specialised ecological field and a bat specialist ecologist would have been required to be employed, however this may not have resulted in a conclusion.

The scheme is considered capable of being acceptable in ecological terms though further ecology work to mitigate harm can be required by condition. Any views from the Wildlife trust will be reported as a late item to the Committee.

b. Trees & hedges

Deep reservations remain about the scope for harm to trees and hedgerows. The application site contained a number of trees which are subject to tree preservation orders. The previous 57 house scheme was accompanied by an arboricultural survey and this resulted in a wider extent of the trees within and adjacent to the site being made subject to new and/or amended Protection Orders.

The trees within the site are an important part of the character and appearance of the area. The trees include a lime tree avenue which is intrinsically linked to Cottingham Hall and the historic character of the area along with a number of individual trees and small groups which are important features in the landscape and the scarp slope. The tree officer observes mature specimens tend not to relocate well which means that certain protected trees would probably be lost. But it is still planned to have some of the trees relocated, and alternatives should be presented. The extent of the earthworks required for the development to be carried out as proposed will also make the retention of the existing TPO trees and hedge particularly difficult, either this being caused by the earthworks themselves or due to changes in hydrologic patterns.

The development is thereby contrary to those parts of CSS5 that safeguards identified green infrastructure in the sub regional corridor of the Jurassic Way

c. Landscape Review

The following is based on a more detailed assessment by the Council's landscape adviser. The full document is available from the Planning Department.

It is concluded the proposed development would cause unacceptable harm to the scarp slope south of Middleton which is a key characteristic of the local landscape and Welland Valley, and a distinctive and instantly recognizable feature of the landscape. The local landscape has very limited capacity to accommodate future residential development without harm. The proposed layout and density on this part of the scarp slope would be inconsistent with the existing settlement pattern of Cottingham and Middleton. A significant volume of material would need to be removed to construct the proposed residential development, requiring major earthworks and a substantial change to the landform of the scarp. There would be notable adverse effects on views from publicly accessible areas of the existing and proposed extended Conservation Area. There would also be adverse effects on residential amenity particularly to the north of the site, including on views from the Jurassic Way, a national route that is well used and of particularly local importance. This includes effects, both from the top of the scarp overlooking the site to the south and also from the Welland Valley to the north looking back towards the site, where the scarp provides an important back drop to views.

The following explains this further.

i. **Limited extent of landscape detail.** The proposed layout and landscape proposals are presented in an indicative style. The implication is that the proposals only provide design intent, and are only illustrative- but they have to be treated as detailed proposals.

By way of example:

- Further detail on terminology needs to be supplied.
- The submitted landscape drawings are unclear, or otherwise insufficient
- It is proposed to translocate the existing hedge and tree. Given their size and age this would be difficult to achieve successfully. No detail is provided as to how this would be undertaken. Given that this vegetation includes tree(s) forming part of the Tree Preservation Order, it is important that an appropriate level of detail is provided to determine whether this can be achieved successfully.

The result is insufficient information is presented to fully assess the layout and landscaping.

ii. **Landscape & Visual Analysis.** The applicant presents claims that 'demonstrate the proposed development will not result in any significant adverse impacts, but there will be enhancements'. However, no assessment of the effects of the development on the landscape and views has been undertaken to a recognized professional level.

The applicant has only provided an assessment of effects on views from the southern boundary. No assessment is provided of other available views nor consideration of effects on landscape features and landscape character. The approach taken by the applicant does not follow best practice in the assessment of effects on landscape and views.

Consequently, the applicant has not adequately demonstrated what the effects of the proposed development would be on the landscape and views, and therefore there is very little evidence to support the statement that 'the proposed development will not result in any significant adverse impacts, but there will be enhancements'.

iii. **Landscape Character.** The site is located on a prominent scarp that defines the character of the local and wider landscape of the Welland Valley. The importance of this scarp is highlighted in a number of published Landscape Character Assessments from a national to local scale.

The proposed residential development would extend from the lower to upper parts of the scarp slope, to the west of the site, on an open part of the scarp face that is covered by grass fields. This would extend built development on to the steepest and exposed part of the scarp, which forms an important and distinctive landmark. The extent and density of the proposed housing would have a significant and harmful effect on the scarp and landscape character, but would also be experienced as an intrusive new feature from locations within the adjoining 'riverine' landscape to the north, creating a notable adverse

effect. This would be clearly visible as an uncharacteristic change both on the scarp, and as experienced within the Welland floodplain and valley.

The proposals would provide an inappropriate development in terms of scale and massing relative to its location; and adversely affect the views across the Welland Valley. The proposed development also falls within the proposed revised boundary for the Cottingham and Middleton Conservation Area. This has been included due to its historical significance in relation to the tofts (extended linear plots) to the rear of properties along Main Road and also forming part of the existing grounds and setting for Cottingham Hall. The site provides an important part of the landscape and historical context for the two villages, one that the proposed development would adversely effect.

iv. Landscape Capacity. The Cottingham & Middleton Landscape Sensitivity and Capacity Study (available from the Planning Department) provides an assessment of the landscape around the two settlements and its capacity to accommodate future residential development. Based on defined areas of consistent landscape character, various parcels were distinguished and assessed against different levels of capacity to absorb change from High to Low. The eastern part of the site (Parcel 9) was identified as having a 'Low' capacity and the western field (Parcel 10) had a 'Medium-Low' capacity for residential development. The Study describes Parcel 9 as 'covering a prominent location with an important landscape and visual association within the Welland Valley' and 'development would create a prominent impact both within the Parcel and within the wider landscape of the Welland Valley, with limited scope for providing adequate mitigation'. The description for Parcel 10 refers to 'due to the steep scarp location and narrow linear pattern of the fields and gardens, the Parcel is essentially inappropriate for development. Some very limited residential development may be appropriate, if restricted in number, of very low density and located on the lowest part of the scarp within the Parcel'.

The lack of capacity of the site to accommodate residential development and its sensitivity to change is also supported by the related work which reviewed potential areas for change. The proposed development conflicts with the outcomes of these studies, due to the high sensitivity of the landscape to change and the lack of capacity to accommodate the scale of the proposed development without causing unacceptable harm.

v. **Landform.** The applicant states the land rises north to south by approximately 12m but this is incorrect. Within the western part of the site the level change is approximately 24m and within the eastern part of the site it is approximately 20m. In addition, the gradient of the slope is approximately 1:4 within the western part of the site, where the proposed residential development would be located. This is an important consideration, as it highlights the nature of the scarp slope and the extent of the scarp that would be occupied by the proposed residential development. The applicant's cross sections show the large volumes of material that would need to be cut from the slope to provide the required road gradients and foundations for houses and garages. The proposals would result in a significant change to the landform, which forms a key characteristic of the scarp and provides an important local landscape feature.

The extent and gradient of the scarp slope is also an important consideration in terms of the extent of visibility and its role as a backdrop in views from the north. The site and the proposed development would have a largely open aspect to the north. The proposed changes would form a clearly evident change when experienced within the settlement, landscape and views to the north.

Consequently, it is misleading for the applicant to state that 'given the site topography and existing vegetation cover, views into the site from the villages are limited '.

vi. **Settlement Pattern, Character & Housing Densities.** The applicant states that 'the villages on this part of the Welland Valley southern scarp slope are generally located at the elevation of the site or above on the higher slope of the scarp and within combes'. However, this is partially incorrect and misleading statement that does not take account of the varying nature and gradients of the scarp slope. In the main, existing development on the steep slopes of the scarp has been historically avoided. The settlements of Middleton and Cottingham generally occur within the floodplain and at the base of the scarp slope or

on the plateau above the scarp, with the remainder essentially within the more moderately sloping scarp coombes.

The applicant's claims on housing density appear incorrect possibly as they have included the open space beyond the area of the site to be developed for housing. This is misleading from a visual perspective, as it is the perceived visual density that is key consideration. The housing density is 26.4 dwellings per hectare (dph) based on a site measurement of 1.172 ha for the built element. As a guide this is approximately double the prevailing density for the two villages as a whole which is 13.1 dph.

Consequently, the proposals are not typical of settlement development within the two villages.

The proposals do not provide 'generous landscaping around the properties'. The Illustrative Masterplan indicates a close arrangement of properties, with the spaces between houses largely composed of hard surfacing, with small front gardens and limited space for planting. The predominant character of the residential part of the development would be mainly of a hard urban appearance defined by built form, composed of 2 and 2.5 storey houses, and with extensive areas of retaining walls, stone walls and hard surfacing. The changes in level across the site, combined with the proposed housing density, would accentuate this affect and would significantly change the character of the existing grass field and rural edge.

The proposed design intent to reflect the local vernacular character, style and detailing of buildings and the proposed use of materials for buildings and landscape treatment are considered appropriate and welcomed as a design approach. Nevertheless, this does not overcome or outweigh the greater issues of harm relating to the location, scale and massing of the proposed development as presented.

vii. **Views.** Only views within and on the southern boundary of the site have been considered by the applicant, with little or no consideration for more distant views.

There are a number of views of the site from the Jurassic Way that crosses the Welland Valley to the north of the site. The Jurassic Way provides an important national long distance route that is well used by visitors and provides an important local resource. The proposed residential development would be clearly visible on the upper and middle scarp slopes of the site.

There also views that would be affected from publicly accessible locations within the Conservation Area of Cottingham and Middleton, both within the existing and proposed extended area. There would also be visual effects on properties along Main Street, Berry Field Road; School Lane (most notably Langland), Corby Road, Blind Lane and 12 Rockingham Road.

Residential amenity would also be adversely affected close to the site boundary. The most affected views would be from 3 & 4 Manor Court; 10, 12 and 16 Bury Close; and Cottingham Hall. These have largely visually open boundaries with the site, with limited vegetation or fencing to provide screening. Houses are proposed immediately adjacent to these property boundaries. Whilst close board fencing or hedges are proposed, along these boundaries, the closest proposed houses are two storey and would be set at a higher elevation to the existing houses further accentuating the dominance of the proposed changes, and potentially creating overlooking and privacy issues.

There would be significant adverse changes to views from the garden of Cottingham Hall, and whilst there are trees along the western boundary of the garden, these are largely deciduous and only provide screening for part of the garden. The proposed houses would also be visible from Cottingham Hall.

viii. Additional Views from the Jurassic Way. Views over the site provide dramatic views over the Welland, and this part of the Jurassic Way provides one of the important locations where such views are available. These views have been considered by the applicant with claims that 'the proposed housing will be very well screened from the Jurassic Way' and 'when the development is viewed from the more open views along the

Jurassic Way ... it will also be well screened. These are misleading statements.

The effectiveness of the existing vegetation to provide screening within the larger east field is affected by the sustained over grazing, neglect and decline. Similarly, the existing hedgerow along the southern boundary of the west field has a relatively open structure allowing glimpsed or partial views from the Jurassic Way of the proposed houses. To the east of the site, the proposals retain these important open views but would introduce new houses into a part of the view where there is limited visual evidence of existing houses. Consequently, the proposals would have a detrimental impact on views from the Jurassic Way. Given the very high sensitivity of these views to change, the effects would result in an unacceptable level of harm.

Consequently by virtue of its location on the scarp slope and its scale and density, the proposal results in the loss of open land with significant change to the landform, causing harm to a sensitive and important area of landscape character. There is harm to local and longer distance views, in particular from the Jurassic Way. Insufficient information is given on layout matters concerning landscape details, and open space management arrangements. There is also unacceptable harm or loss of trees protected by Tree Preservation Order.

d. Impact on heritage assets

A review of the application has been carried out for the Council by a specialist Heritage adviser. The conclusions are supported. They are :

i. Impact on the significance of Cottingham Hall.

The harm here is to the significance of the setting. Cottingham Hall's setting is harmed in a way that affected the significance of the building. The revised scheme of 31 houses is some 80m at its closest point away from Cottingham Hall and this avoids the House being completely enclosed on its southern side by development. However the application scheme still brings substantial development into the setting of the building (and also affects the setting of the present conservation area). The existing adjacent developments of Bury Close and Manor Court already have a detrimental impact on the setting of the House and their development in the 1970's harmed the character and appearance of the two villages. The limited remaining open land surrounding the House, whether historically pastoral or gardens, is historically and visually significant to the setting of the Hall and the wider built environment of the villages. This is important in terms of retaining the setting of the listed building and recognising its historic importance and contribution to the character of the villages.

The surrounding open land contributes to the significance of the listed building in terms of its relationship with the surrounding countryside and its importance within the villages. The provision of additional development on the current open land results in a further loss of the open aspect to the south of the Hall (a key elevation) and an increase to a sense of enclosure of the building. The result is significant harm to the significance of the listed building. This harm is also cumulative given existing harm arising from the Bury Close area.

A wide area of land been excluded from development including areas of protected trees and new landscape work is proposed. However, there is an overall loss of land being pastoral in nature that contributes to the site of the House's historic farm manor usage.

Long views towards the Hall are seen in the context of the historic valley bottom settlement pattern, the surrounding villages and wider landscape. The rear of the Hall is a key elevation and can be seen across the site from the Jurassic Way with increased visibility from points within the appeal site. The relationship of the Hall with the surrounding countryside including the appeal site is clear from local views.

The Hall's relation with the villages and the important separation between them also contributes to the significance of the listed building. The proposed encroachment of new dwellings up the slope brings dwellings closer to the Jurassic Way and degrades from the open aspect and relationship with the House. The present view would be degraded by the provision of housing.

The appeal site is sufficiently physically divorced from the other nearby listed buildings (including the Grade I Church) such that it is unlikely to adversely impact on their setting. This is given that the proposed properties are restricted in height. However, this is only a tentative conclusion given that there is insufficient levels information with the submission.

As explained above, the open setting and surrounding land is an inherent part of the significance of the listed building. The appeal site is mostly open in character and demonstrates semi-naturalised characteristics. The partially open aspect of the views across the site gives views of the House in the context of the historic village development and the wider landscape character.

The proposal's harm in historic impact terms relates primarily to the setting of the House and the built form of the villages. Indeed the applicant concedes the scheme causes some harm to the setting of the House.

The impact on the landscape is inherently related to harm to the setting of the Hall and the surrounding conservation area. The harm to landscape and setting are reflective of each other given the position of the Hall in relation to the two villages and their conglomeration, also the wider setting of the villages in the valley bottom.

Views both towards the Hall from the Jurassic Way, and views of the Jurassic Way and the application site from the Hall will be impacted negatively by this development. The proposed screening and the development itself would affect currently open views from the Hall with adverse impact on this heritage asset. The result would be a general suburbanising effect on its setting contrary to its rural characteristics and significance as a Georgian manor house. It was originally built in an isolated position; the creep of modern development (such as Bury Close) over the years has eroded this. The remaining open space around the hall must be viewed as of greater value.

ii. Conservation Area impact and its re-appraisal.

An element of the harm caused by the scheme to the existing Conservation Area is the increased amalgamation of the two settlements. These are villages which are historically connected in physical terms with common footpaths and roads as well as building forms, but are still very distinct physical elements. Harm to the Conservation area is reflected in the refusal reasons at the end of this report.

A conservation area appraisal (CAA) was completed, with public consultation carried out in October 2015. A large number of comments were received. It is still a draft document, but may be given some weight now that it is at an advanced stage of preparation and its consistency with the relevant policies of the NPPF. The Draft Appraisal recommended that the two parts of the Cottingham and Middleton Conservation Area were combined to form a single larger conservation area which will include the appeal site.

The draft CAA is now being refined in the light of consultation responses. The appeal site is still included in the prospective Conservation Area boundary, and this is unlikely to change given the broad support given for inclusion. Consequently the weight afforded to harm to the Conservation Area will increase as a result of the expansion of the conservation area to include the application site.

The intensity of the proposed development would tend to obliterate any sense of openness or recognition of a transitional approach from the hard urban edge of the village to a softer landscape setting. The northern edge of the proposed development lies adjacent to Bury Close. This is characterised by low-density predominantly low-lying houses providing a spacious sense of place as a defining characteristic of its built form. Whilst not prescribing Bury Close as a template for a residential scheme, its generous plot size and open character should none the less inform any proposed development adjacent to it as a significant consideration.

Most villages, such as Cottingham, are densest at their centre with built coverage dropping off as one heads towards the open countryside, as is the case in Middleton going south out of the village up The Hill. The overall density of the appeal site scheme does not respect local character. It is a comparatively high density for a village edge scheme - instead of achieving a steady transition from the low density development on Bury Close to the countryside beyond the appeal site, it instead presents an incongruous and jarring development in relation to its immediate setting. The proposal has a detrimental impact on the character and appearance of the application site and the surrounding area.

iii. The range of harm.

The scheme is judged to result in 'less than substantial harm' in the words of the National Planning Policy Framework (para. 134). Such harm ranges in importance from trivial up to something approaching destruction. In this case the prospective harm is towards the top of the range – it is likely to be permanent, causing further damage to an already eroded setting to the listed building.

The NPPF has specific policies which protect historic assets and these are critical as to whether the application should be permitted or not. NPPF 134 states: "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

This assessment is carried below in Section c. The Planning Balance

2. Social dimensions

In social terms the development would provide much needed housing, some of which would be affordable, which would help meet the local needs. There is little reason to doubt that it could be deliver speedily, and it would contribute toward the required 5-year supply of housing land.

The development contains new (but presently unspecified) rights of public access to present green space and it is easily accessible onto the Jurassic Way and public footpath network. The village environment is potentially suitable for raising a family in terms of access to the countryside however, common with other small settlements, the village lacks many of the services and facilities that are requisite for a self-contained neighborhood.

The villages have a small village shop, a couple of pubs and a primary school with a shared village hall attached to the school. The village lacks employment, medical facilities and a secondary school in order to be able to make a sustainable location for increasing numbers of residents. In order to access the majority of these regular requirements there is a need to use a car as the public transport connectivity to the village has a limited and time restricted service.

It is acknowledged that the development would financially contribute towards education provision at the primary school within Cottingham and the provision of money (albeit very limited) towards a village hall facility which might mitigate part of this impact.

The other main issue in terms of the social sustainability excluding the lack of services is the scale of the development compared to the existing village and the lack of community buy-in to the proposed development. The proposed development is of fairly significant scale compared to the existing village and has been subject to significant levels of local objection.

According to the 2011 Census Cottingham had a population of 906 and Middleton 414. Assuming an average household size of 2.4, which is the average for the Rural West output area which covers the site, the proposal would generate an additional 74 residents which is more than a 8% increase on the total population of the two villages.

The site also represents one of the only remaining gaps between the two villages and the separate social community identities of the two villages is further eroded by the development and is considered to result in the final conglomeration of the two formerly distinct villages.

3. Economic dimensions

The proposed development provides temporary employment during the construction of the properties.

New residents are likely to support existing local services and businesses. The appellant cites as an additional bonus the funding that would be attracted from the Government's New Homes Bonus. This does not seem to be a benefit that is unique to this case or a material consideration meriting approval of the proposal.

The majority of employment for the future residents is likely to be located within Corby itself or further afield and will generally be car orientated travel and therefore the economic contribution of residents is unlikely to be directly experienced within the village.

Other benefits claimed for the scheme are further support for the local shops, pub and the primary school. However, whilst additional trade or business is likely to be beneficial, no evidence is brought to demonstrate that any of these local services are in decline or at risk of closure such that additional business is required to ensure they are retained. That is, this cannot be seen to be an overriding concern.

C. THE PLANNING BALANCE

The appeal scheme fails to amount to sustainable development owing to the identified harmful impacts. By reason of this, paragraph 7 (sustainable development requirements) of the NPPF has been failed. On this basis, both paragraphs 14 and 49 of the Framework are *not* engaged in the consideration of this scheme as there cannot be a presumption in favour of sustainable development. The application should not therefore be granted permission irrespective of a deficit in housing land supply.

Alternatively if the scheme is found to amount to sustainable development, then it is necessary to consider the planning balance required by paragraph 14 of the Framework. This is whether or not there are any adverse impacts of granting permission that would

significantly and demonstrable outweigh the benefits, when assessed against the policies of the Framework as a whole.

This report clearly identifies significant and demonstrable harm that would be caused by the impact on the Council's polices for a sustainable pattern of development across the district, protecting the landscape character of the area around the site, preventing adverse visual impact, and harm to heritage assets. It is common ground that the development of housing will contribute toward the Council's shortfall in housing numbers and, more specifically towards its shortfall of affordable housing. This said, the 31 house scheme is disproportionately large for the village and does not address the deficiency in services in any appreciable way. It will have an adverse impact on the village when viewed against the Council's preferred approach - supported by the NPPF - of addressing that shortfall primarily through the encouragement of sustainable urban extensions at Priors Hall and West Corby both of which are more than 4000 dwellings each. The provision of an extra 31 houses in this location cannot outweigh the deficiencies of the proposal. acknowledged that the development can mitigate its own impacts in terms of community contributions (with a small village hall payment, and education contributions) highways impacts, subject to appropriate contributions being made or off-site works carried out. Off-site ecology works are also possible. However it should be borne in mind these are as a result of mitigation and are not, therefore properly 'benefits' of the scheme.

Paragraph 14 of the Framework requires that permission should not be granted if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the appeal scheme. Members are advised that significant harm would be caused as a result of the appeal scheme. For the purposes of paragraph 14 of the Framework the appeal scheme results in such significant harmful impacts and these clearly outweigh the identified benefits of the appeal scheme, to the extent that permission should not be granted.

Indeed, it is also the case that under paragraph 64 of the Framework the failure to take the opportunity to improve the character of the area and the way in which it functions, and thereby amount to a good design, also require that development should not be allowed. Adverse impact results from a poor design, and so it is also non-compliant with paragraph 64 of the Framework. The scheme is judged to result in 'less than substantial' harm in the meaning of NPPF Paragraph 134.

However the planning balance is assessed, it clearly falls short whether considered as a straight balance under paragraph 64 (poor design and adverse impact on character) paragraph 134 (for heritage assets), or under the balancing required by paragraph 14 the NPPF test (whether a shortfall in the five-year housing land supply is of such weight as to affect the balance of reasoning about the sustainability of the proposal).

Consequently, the engagement of this restrictive policy places the appeal in the realms of the second criterion of bullet point 2 of paragraph 14, and on this basis permission should be refused on this ground.

d. OTHER MATERIAL CONSIDERATIONS

Drainage

On the previous 57 house scheme, no objection was received from the Environment Agency and Anglian Water. Updated comments are awaited.

The determined 57 dwelling scheme included a detailed proposal on drainage including the provision of an attenuation pond. The 31 dwelling scheme does not specifically include the attenuation pond or provide calculations as to its need or otherwise. It is noted that the area where the attenuation pond was proposed for the larger scheme is not included. Were it to be included as an option at a later stage this may require a separate planning approval given its size adjacent to the listed building. No details of how the drainage to the attenuation pond within the site has been provided.

Anglian Water and Northamptonshire County Council as the leading Local Flood Authority need to address this matter in detail. However, in the context of a their previous support for a larger scheme, the matter however can be addressed by conditions preventing the commencement of development until such time as a satisfactory scheme is devised.

Residents have expressed concerns about drainage infrastructure in the village generally. This is a separate matter to consideration of the application but the present scheme will need to demonstrate nil detriment to the present arrangements.

Highways Impact

On the previous 57 house scheme, no objection was received. Updated comments are awaited.

The development was previously required to provide an improvement to Bury Close to access into the site including some widening works within the carriageway of Bury Close at the pinch point where Bury Close splits and provision of improved pedestrian footways. The necessary work is achievable and the development could be safely served by the improved access.

The access from Bury Close onto Berry Road/Main Street has sufficient visibility in either direction provided that vehicles are parked legally on the larger road and that vehicles are not exceeding safe road speed of less than 30mph at this point. Many public comments were made about present highways problems, and it is not denied that some highways issue exist near the school and this junction. But problems as may exist will not be made worse by the present scheme.

There is some harm from the scheme due to the proposed access road along the rear of the Manor Court properties and No.10 Bury Close. The level of this impact is considered to be undesirable but insufficient to warrant objection. There is a change in the character of the road due to the increased traffic but this is not considered to be unacceptably harmful to the amenity of the occupiers.

Neighbour/residential amenity

There is still reasonable concern about loss of privacy but this would need to be further assessed at the reserved matters stage as it is dependent on heights and window positions.

The Masterplan indicates a close arrangement of properties, with the spaces between houses largely composed of hard surfacing, with small front gardens and limited space for planting. The predominant character of the residential part of the development would be mainly of a hard urban appearance defined by built form, composed of 2 and 2.5 storey houses, and with extensive areas of retaining walls, stone walls and hard surfacing. The changes in level across the site, combined with the proposed housing density, would accentuate this affect and would significantly change the character of the existing grass field and rural edge.

RECOMMENDATION:

In the event that the application was not the subject of an appeal, permission would have been refused for the following reasons:

The proposed development is not sustainable development given the following deficiencies:

- 1. Given the cumulative impact with existing housing development causes unacceptable and unjustified harm to the significance and setting of the Grade II* Listed Building Cottingham Hall and the Cottingham and Middleton Conservation Area. Any public benefit of the proposal would not outweigh the less than substantial harm to the significance of Cottingham Hall and harm to the Conservation Area.
- 2. By virtue of its location on the scarp slope and its scale and density, the proposal results in the loss of open land and significant change to

the landform, causing harm to a sensitive and important area of landscape character.

- 3. The harm that would arise to local and longer distance views, in particular from the Jurassic Way.
- 4. Insufficient information is given on layout matters concerning landscape details, and open space management arrangements.
- 5. Unacceptable harm or loss of trees and hedges protected by Tree Preservation Order.

The proposal therefore is thereby considered to be contrary to the principles and policies within the National Planning Policy Framework and the North Northamptonshire Core Spatial Strategy (Policies 1, 5, 7, 9 and 10 and 13) which seeks to deliver sustainable development that protects heritage assets and green infrastructure.

The strategy specifically restricts housing growth in rural settlements, and also concentrates growth where it has the greatest opportunity for supporting or creating self-sufficient societies and economies. The NPPF looks to promote a low-carbon economy and directs growth to where the need for travel is minimised and the use of sustainable modes of travel is maximised. The development is of a scale and in a location that undermines this strategy.

It is acknowledged that the scheme contributes towards housing delivery and affordable housing in the borough however these benefits do not outweigh the harm arising from conflicts with the development plan and the harm from the scheme.

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