

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 30 November 2011

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Committee Report

Committee Date : 30 November 2011

Printed: 18 November 2011

Case Officer **Samantha Hammonds**

EN/11/00700/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
9 May 2011	15 June 2011	14 September 2011		Raunds
	Windmill	Raunds		

Applicant **Roxhil Warth Ltd And Robert How - Mr M Eckershall**

Agent **Mr David Shaw**

Location **Phase 2 Warth Park Way Raunds Northamptonshire**

Proposal **Outline: Demolition of existing buildings, development of employment park including A3/4/5, B1b and c, B8, C1, Di and D2 uses together with access, parking areas and open space (all matters reserved except for access)**

1. Summary of recommendation

1.1 That Members resolve to GRANT planning permission subject to the completion of a S106 agreement in respect of developer contributions, conditions and the referral of the application to the Secretary of State as the application is for more than 5,000 sq m of floorspace, includes town centre uses and is not in accordance with all provisions of the development plan.

2. Background

2.1 Members will recall that Development Control Committee resolved on 9th November 2011 to grant outline planning permission for Warth Park Phase 2 (subject to referral to the Secretary of State and the completion of a section 106 agreement). This decision took account of the items reported in the update sheet, in respect of representations made by Barwood Land, Raunds Town Council, Robert Wiseman Dairies and NCC Highways. The original committee report, incorporating the amended conditions that were agreed by members at the meeting, is appended to this report.

2.2 Following the resolution to grant outline planning permission, it came to light that there had been an administrative oversight in respect of the consultation timescales, whereby the late posting of a site notice meant that the public consultation period did not officially close until 18th November 2011 (at the time of the meeting it was understood that the consultation period had already expired).

2.3 Since the meeting another representation has been received. The council has a duty to ensure that all representations have been taken into account before reaching it's decision, so this and any further additional representations that may be received will be reported to committee at this meeting.

3. Additional representations

3.1 The Woodpecker, 31 Marshalls Road, Raunds

No objection to the hotel, distribution units and small outlets, but object to the proposed licensed family premises.

- Small private licensed businesses within Raunds are already struggling with the economic climate and are in need of local public support.
- The Masterplan encourages the growth of small businesses using existing vacant buildings within the town, and effective support for existing local businesses.
- The new licensed premises will take attention away from the town centre and have a devastating affect on small community businesses.
- People would only visit the outskirts of Raunds where there are no local businesses.
- Licensed premises were not directly consulted and only learned of the proposals through word of mouth.
- Licensed premises were not originally part of the proposals.

4. Officer comment

4.1 The objector above expressed a belief that licensed premises were not originally part of the proposals, but this is incorrect. Although additional technical information was submitted and some minor changes were made to the layout during the course of the application (all of which were subject to full re-consultation), the proposed mix of uses has always included a public house. To clarify, the mix of uses proposed is as follows:

- Health and Fitness Unit (use class D2); 1,500 sq m
- Creche Unit (use class D1); 272 sq m
- Family Restaurant Unit 1 (use class A3); 735 sq m
- Family Restaurant Unit 2 (use class A3); 735 sq m
- Family Pub Unit (use class A4); 558 sq m
- Hotel Unit (use class C1); 80 beds (approx 2,235 sq m)
- B1 business units; 3,348 sq m
- B8 warehouses; 95,690 sq m

4.2 The objector is correct in stating that licensed premises were not specifically targeted as part of the consultation, but this is not something that the council would normally do and there is no requirement to do so. The application was publicised in accordance with the legislative requirements, and this included a press notice which was placed in Nene Valley News. Letters were also sent to all properties (not just residential) within a 1km radius of the site, which is far in excess of what is required by the legislation.

4.3 The issue of town centre impact was covered in the report that was considered by members on 9 November 2011. In the light of this, officers do not feel that the additional representations should lead members to a different conclusion than that reached on 9 November 2011.

5. Recommendation

5.1 That Members resolve to GRANT planning permission subject to the completion of a S106 agreement in respect of developer contributions, conditions and the referral of the application to the Secretary of State as the application is for more than 5,000 sq m of floorspace, includes town centre uses and is not in accordance with all provisions of the development plan.

APPENDIX - REPORT TO COMMITTEE - 9 NOVEMBER 2011

1. Summary of recommendation

1.1 That Members resolve to GRANT planning permission subject to the completion of a S106 Agreement in respect of developer contributions, conditions and the referral of the application to the Secretary of State as the application is for more than 5,000 sq metres of floorspace, includes town centre uses and is not in accordance with all provisions of the development plan.

2. The proposal

2.1 This is an outline application for development of an employment park including A3/4/5, B1b and c, B8, C1 D1 and D2 uses together with access, parking areas and open space to make way for the proposed development the existing Scalley Farm would be demolished. Only access is up for consideration at this stage, all other matters are reserved for later consideration.

2.2 Indicative plans have been submitted that show how the site could be developed. These plans show a cluster of leisure uses, including a hotel, health and fitness unit, two family pubs, a family restaurant and a creche, forming a gateway to the development and to Raunds itself by reason of their position on the northern corner of the site adjacent to the A45 roundabout and opposite the football club. West of this leisure gateway would be a cluster of small B1b and c business units, which could be for research and development laboratories or light industry, and these would be situated immediately north of the existing Wiseman Dairies building. A new estate road would run between the business and leisure clusters leading in an arc to three large B8 warehouse units and their associated parking. Beyond these in the western corner and north western edge of the site would be an area of landscaped public open space and sustainable urban drainage systems. A public footpath and cycleway would meander through the public open space joining up with the end of the Meadow Lane bridleway.

2.3 The indicative breakdown of uses that has been put forward in the application (Transport Assessment and Sequential Impact Assessment) is as follows:

Health and Fitness Unit (use class D2); 1,500 sq m
Creche Unit (use class D1); 272 sq m
Family Restaurant Unit 1 (use class A3); 735 sq m
Family Restaurant Unit 2 (use class A3); 735 sq m
Family Pub Unit (use class A4); 558 sq m
Hotel Unit (use class C1); 80 beds (approx 2,235 sq m)
B1 business units; 3,348 sq m
B8 warehouses; 95,690 sq m
TOTAL: 105,073 sq m.

2.4 The following reports and information accompanied the application:

- Environmental Statement
- Design & Access Statement
- Sustainability Statement
- Transport Assessment
- Framework Travel Plan
- PPS4 Sequential and Impact Statement
- Outline Waste Management Plan
- Ground Investigation Reports
- Statement of Community Involvement
- Flood Risk Assessment

2.5 During the course of the applications revisions were made to the masterplan, road layout, Flood Risk Assessment, the Travel Plan, the Archaeological Investigation, Ecological Surveys, Sequential and Impact Assessment, and additional photomontages were produced.

A full re-consultation on these amendments was initiated on 29 September 2011.

2.6 As the proposal is for a major out of centre development and includes leisure uses, the application will need to be referred to the Secretary of State before permission can be granted.

3. Site and Surroundings

3.1 The site is situated to the north west of the settlement of Raunds and is currently agricultural land occupied by a farmstead known as Scalley Farm. The site forms a large triangle of land to the north and west of the existing Warth Park development, bound to the south by Meadow Lane, to the north west by the A45 and to the east by London Road. Open countryside surrounds the site in all directions except to the east where the site abuts the built edge of Raunds, and it's associated mix of employment, leisure and residential uses.

3.2 The site is effectively a valley slope, with its south eastern end situated on a ridge before sloping down towards the north west and the A45. Beyond the site boundary and the A45 the valley continues to slope downwards towards Stanwick Lakes and the River Nene.

3.3 The Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) and the Special Protection Area (SPA) is situated some 200m to the north east of the site on the opposite side of the A45. This area also accommodates two former medieval settlements which are historic monuments of special archaeological interest.

3.4 Whilst part of the application site is situated in the parish of Ringstead, the village of Ringstead is some distance away from the proposal.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Sustainable Development
PPS4 – Planning for Sustainable Economic Growth (and Practice Guide)
PPS7 – Sustainable development in rural areas
PPS9 - Biodiversity and Geological Conservation
PPG13 – Transport
PPS22 – Renewable Energy
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

4.2 Regional Spatial Strategy for the East Midlands (RSS8)

Policy 1 - Regional Core Objectives
Policy 2 - Promoting Better Design
Policy 11 - Development in the Southern Sub-Area
Policy 18 - Regional Priorities for the Economy
Policy 20 - Regional Priorities for Employment Land
Policy 21 – Strategic Distribution
Policy 22 - Regional Priorities for Town Centres and Retail Development

4.3 East Northamptonshire Local Plan 1996 Saved Policy GEN3 – Planning Obligations

4.4 North Northamptonshire Core Spatial Strategy

Policy 1- Strengthening the Network of Settlements
Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution & Location of Development
Policy 11 – Distribution of Jobs
Policy 13 – General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction

4.5 Supplementary Planning Guidance
Planning out crime; Parking; Sustainable Design; Biodiversity

4.6 Other documents:
HM Treasury Plan for Growth (March 2011)
Draft National Planning Policy Framework (July 2011)
East Northamptonshire Employment Land Review (ELR), December 2006
Northamptonshire Strategic Employment Land Assessment (SELA), November 2009
Raunds Masterplan
Raunds Area Preferred Options

5 Relevant Planning History

- 5.1 02/00025/FUL - Use for B1 business, B2 industrial and B8 warehouse/distribution. Permitted March 2003.
- 5.2 03/00564/OUT - Class B1 business, B2 general industrial and B8 storage and distribution development and associated infrastructure. Permitted.
- 5.3 06/00904/RWL - Renewal of 03/00564/OUT Class B1 business, B2 general industrial and B8 storage and distribution development and associated infrastructure. Permitted July 2006.
- 5.4 07/01304/REM - Approval of reserved matters for a single industrial / warehouse building. Permitted September 2007.
- 5.5 The above consents, in as far as they relate to the application site, have expired and can no longer be implemented.

6 Consultations and Representations

6.1 Responses from residents and neighbours

6.1.1 10 objections were received from local residents of Raunds and Stanwick:

LANDSCAPE AND VISUAL

- Worried about loss of countryside
- Tranquil setting of Meadow Lane bridleway/footpath will be spoiled
- Impact on visual amenity of the district. It will be seen for miles around including views to and from Stanwick Lakes. This sort of development should be out of view, not on the skyline.
- More landscaping is needed to hide the big sheds along the Meadow Lane boundary
- More attention is needed to bunding, screening and landscaping using mature trees.
- Can we insist on darker cladding, like the GEM building at the entrance to Warth Park, as this greatly reduces the visual impact a short distance away.
- Photomontages are misleading as they are taken from a long distance.
- To extend the existing Warth Park development as proposed would be a mistake as it would be a blot on the landscape
- Views from Stanwick, Ringstead and Addingtons would be destroyed.
- More consideration is needed of the view from Stanwick Lakes which is an area of natural beauty and a top tourist attraction.
- Industrial units ruin the first impression of Raunds' gateway. Raunds is a picturesque rural town, not an industrial estate.
- No architectural merit of appeal.
- How will the gateway look as you approach the site from within Raunds? This is more important to local people than the long-distance views.
- Height of the proposed units is out of scale to the existing development.

- Layout increases the visual impact and simply serves to cram as much in as possible around the site constraints.

TRAFFIC

- Increase in lorry traffic on the single carriageway A45 between Stanwick and Thrapston
- Too many lorries going in and out causing congestion
- Lorries use London Road as a short cut even though they are not supposed to. London Road is too small to cope with existing lorries. The additional traffic will worsen the situation, particularly if 24 hours.
- Existing hazard created by heavy lorries accessing the sewage works via a narrow bridleway. More sewage will mean more traffic hazard.
- More traffic on the A45 will mean increased delays where the A45 changes from dual to single carriageway, making it more likely that vehicles will seek shortcuts through Stanwick, particularly during the construction phase.
- Developments of this magnitude should be on duelled roads (ie Thrapston, Wellingborough).
- Existing London Road roundabout is not suitable or of adequate size to handle HGVs.
- Existing operators on Warth Park phase 1 wish to be assured that there will be no restrictions on their vehicle movements during construction, and that there will be no access to the B1C units from the Robert Wiseman access.

NOISE

- 69 London Rd, 17 Gardner Close, 33 Crispin Way, 38 Keston Way
- Have to close our windows at night due to the noise of lorries engines, shunting, loading, reversing sirens, air conditioning fans, shouting etc.
- Noise during the day disturbs shift workers' sleep
- More thought needs to be put into the effect of noise pollution in the local area
- Too close to a residential area to have 24 hour operation.
- Additional 24 hour warehouse units will increase both the volume and frequency of the existing disturbance.
- Existing noise bunds along London Road are inadequate. The height and planting of these should be looked at.
- Noise should be monitored.
- Could we prevent the use of reversing sirens and fans/air conditioning at night?
- Noise evaluation taken on a quiet day at a quiet time of year
- Tranquil setting of Meadow Lane bridleway/footpath will be spoiled
- Anticipate huge increase in traffic noise.

RESIDENTIAL AMENITY

- Light pollution during the winter months - existing security lighting is intrusive to our homes. Further development will only increase this.
- Existing lights dazzle as far away as Stanwick.
- Lighting needs to be upward, and not positioned so it reflects off buildings.
- CCTV cameras that are operator controlled could zoom in on bedrooms at the rear of our properties.

PRINCIPLE / NEED

- Is it really necessary? The last development took ages to become occupied and these have not provided the level of employment that was anticipated.
- Concerns about Northamptonshire becoming a low skilled work area full of warehouses.
- Too much emphasis on low skilled / part-time / temporary work.
- Workforce will come from surrounding conurbations, not Raunds.
- Environmental impact of hauling goods around on the roads to store in sheds
- Adverse impact on tourism if visitors to the area only see big sheds
- Serves the needs of the developers more than the local community.
- Excessive scale of development

- This area should not proceed as this area was not even discussed for significant extension at the latest consultation.
- Will take trade away from the existing town shops rather than bring in new business.
- Not all the plots on the first development were taken until the rent was dramatically reduced, putting more pressure for them to be dropped even lower now there's more

BOUNDARY

- Outside the boundary of Raunds, it overlaps with adjacent villages

SUSTAINABILITY

- Suggest solar power for the roofs?
- Renewable elements should be included
- A post construction BREEAM assessment should be carried out.

FLOODING

- Building up contours to create balancing ponds will increase winter flooding of the A45 underpass.
- Meadow Lane is already badly affected by winter runoff. Further development will exacerbate the problem.

WILDLIFE

- No mention of red kites which are moving to the Stanwick area and use the site as their hunting ground.
- No consideration of the impact on fish in local streams
- No consideration of wildlife impact of turning rough ground into a manicured park.

LOCAL INFRASTRUCTURE

- If the development goes ahead need to consider what provision is being made for the community. Will they provide space and land for social / community buildings?

CRITICISMS OF SUBMISSION / PROCESS

- questionnaires worded with bias so that all answers have been misconstrued to favour the application and not represent personal views.
- The exhibition seemed to show a different proposal.
- submission contains misleading and inaccurate information (for example by saying the site is not visible from a public road or bridleway, no rights of way are affected, no SSSIs and SPAs are affected etc)
- Visual effects table is unsubstantiated. Challenge conclusions.
- Too much detail to be studied by the public. Something of this nature needs a far wider briefing for the public and an opportunity for them to talk with people who can explain the intricacies of the proposal. A public meeting should be held in the evening so that everyone can attend. The public need fuller facts before this can be decided.

6.1.2 Two letters of support, were received and some other positive comments were made by the above objectors as outlined below:

- Bringing 1500 jobs to the area
- Local employment opportunities
- I am all for this development, it looks similar to Grange Park with its mix of distribution centres and commercial units.
- Welcome a more inviting gateway to Raunds as it is too industrial at present
- Welcome the SUDS plan for surface water from the site within the parkland and landscaping
- The open space will provide a good link to Stanwick Lakes.
- Small enterprises would lead to greater opportunity for long term high skill employment, training and apprenticeships.
- Highway works to each side of the road outside the football club will improve the entrance to Raunds.

6.2 Town / Parish Councils

6.2.1 Raunds Town Council - no objections but comment as follows:

- retail element should not be lost by a future change of plan
- full archaeological survey should be carried out
- external colour scheme for buildings should blend in with natural surroundings
- screening scheme of tree barriers to reduce noise and visual impact should be maintained and enhanced if possible
- seek clarification of the arrangements for dealing with surface water run-off and water supply provision

6.2.2 Ringstead Parish Council - comments:

- Broadly supports the principle of development that provides local employment, and notes that the bulk of the employment will be in the parish of Ringstead.
- Access enhancements are only proposed for Raunds, so young people from Ringstead would not have adequate access to the new employment opportunities.
- The A45 has recently been surveyed as being at 100% capacity rising to 141% at peak times so it would struggle to cope with the additional traffic from this development.
- Question the need for the amenity area, given that there are already two hotels, two themed public houses and at least five food outlets on the stretch of A45 between Thrapston and Wilby.

6.2.3 Stanwick Parish Council – initial comment confirmed no objection but requested:

- larger trees around the building
- the building to be a different colour, colour scheme to be approved
- a full archaeological survey
- details of water supply and surface water drainage
- concerned about the amount of accidents on the A45
- avoid disturbance to nearby badger sett

Subsequent comments following the submission of additional photomontages indicate Stanwick Parish Council feel that the development would have an impact on Stanwick, particularly visually and in respect of lighting. Request:

- lighting scheme to be set up correctly from the outset
- bunding and planting for screening should be sufficient to provide immediate mitigation rather than taking a number of years to develop.

6.2.4 Great Addington Parish Council - no objection, but feel the development will have an adverse impact on the surrounding area because of increased traffic congestion and light pollution. A condition should be used to ensure that all lighting at the site is compliant with section 102 of the Clean Neighbourhoods and Environment Act 2005.

6.3 Other consultation responses

6.3.1 Northants Bat Group – no objections

6.3.2 North Northants Badger Group – no objections

6.3.3 NCC contributions – request 26 fire hydrants and a financial contribution of £191,400 towards fire and rescue (or a sprinkler system throughout the development).

6.3.4 The Ramblers Association – object. Details regarding footpath UG39 are inadequate. The parameters plan shows a diversion of UG39 to the north into the public open space to eventually join Meadow Lane at the south west corner of the site. The Ramblers Association

feel that any diversion of UG39 should turn south behind the existing Warth Park development (between the existing and proposed warehouse units) to join Meadow Lane to improve access to the site from Meadow Lane. Whilst we have no objections to an additional path to the north of the site and then along the landscaped corridor to join Meadow Lane at the south west corner of the site, we want UG39 to be diverted south along the east boundary of the site where it would link with Marsh Lane. On such a large site it should be possible to locate the units so that UG39 is not affected.

6.3.5 Northamptonshire Police – no objection. More discussion is needed in respect of lighting, CCTV, physical security of buildings, pedestrian and cycle links, boundary treatments and layout of public use buildings and areas. (Note: these are all issues that would be considered in detail at reserved matters stage)

6.3.6 Campaign For Dark Skies – Given that the existing Warth Park development causes a significant amount of energy waste light pollution due to poorly designed or angled lighting apparatus, strict planning conditions should be used in relation to every new light used especially in the flood lighting of the warehouses. Campaign for Dark Skies would wish to be involved in considering such details. (Note: this is an issue that would be considered in detail at reserved matters stage).

6.3.7 NCC Archaeology – Request a condition to secure an archaeological programme of works (June 2011)

6.3.8 English Heritage - do not wish to comment in detail, but urge ENC to give detailed consideration of possible remains given the proximity of deserted Saxon settlements, as advised by the County Archaeological Advisor.

6.3.9 NCC Highways - Although a revised written response in relation to the latest TA revision is yet to be received, discussions suggest that the main issues are now overcome. Revised formal comments will be reported in the update.

Travel Plan - a condition requiring a detailed Travel Plan which shall include the management arrangements for future occupiers of the units and the delivery mechanisms.

Contributions

- bus services: the county council's initial request for £15,000pa for five years has been reduced to a request for £15,000pa for only three years, together with a £5,000 contribution towards the provision of a bus shelter within the Warth Park site. This reduction is based on the circumstances of this site / proposal, in particular that

- a training contribution, and other calls on land value not being required of other schemes,
- the fact that other developments may well be contributing
- and that demands and revenue from this site and other schemes can be expected to cover an increasing portion of costs,
- Meadow Lane improvements: a financial contribution of £60,000 towards improvement works throughout Meadow Lane (with any money not being spent on these works within five years of the first operational use of the development site being returned to the developer).

6.3.10

Highways Agency - Initial issues with the Transport Assessment have been resolved following the submission of additional information, and the initial holding objection has now been lifted. The HA are content that the issues raised by the Road Safety Audit can be resolved during the detailed design. Direct that conditions be attached to any planning permission (1) to secure the necessary off site highway improvement works and (2) to require a Non Motorised Users Audit to be carried out and it's recommendations implemented. In relation to the Travel Plan, the initial shortcomings with the Framework Travel Plan have now been addressed.

6.3.11

Natural England -

Designated sites - satisfied with the conclusions of the ES and consider that the proposals are unlikely to have a significant effect on the SPA/SSSI.

Landscape - no implications for any statutorily designated landscapes.

Biodiversity - Broadly agree with the assessment, but feel that a minor negative impact may remain at local level for the breeding skylark, grey partridge and linnet. The numbers affected are small, but there is still a need to ensure that habitat enhancement opportunities within the retained open spaces are maximised.

Soils - it is not clear if the agricultural land (referred to as grade 3) is of the best and most versatile quality. If approved, the soil resources should be used sustainably, particularly the topsoil. An appropriately experienced soil specialist should be instructed to oversee this.

Enhancements - Strongly recommend that the plans for green infrastructure and landscaping be secured by a condition / planning obligation requiring a Landscape Management Plan and the delivery of such a plan, not forgetting proposals for on-going management of public open space in the long term.

6.3.12

Wildlife Trust - The ecology work contained within the ES is acceptable in terms of its scope, content and findings. We would recommend that the ecologist's own recommendations within section 11.6 of chapter 11 regarding the retention, protection, enhancement and future mitigation measures be required by condition. Further bat and bird survey work required (July 2011) has now been carried out and is acceptable.

6.3.13

Environment Agency - withdraws its initial objections in relation to flood risk and environmental infrastructure.

Flood Risk - the additional information supplied demonstrates that surface water from the site can be managed and accommodated onsite if restricted to the Qbar rate. The EA therefore withdraws its objection in relation to flood risk, subject to a condition.

ENC need to be satisfied that the proposed development is in accordance with PPS25 - have not taken account to risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary watercourses.

Environmental Infrastructure - the additional information supplied confirms that there is sufficient environmental infrastructure capacity to serve the proposed development. The EA therefore withdraws its objection in relation to this matter.

Groundwater and contaminated land - based on the submitted information we consider the site to pose a negligible risk to controlled waters. however we request a condition relating to the remediation of unidentified contamination.

Section 106 matters - the ongoing maintenance of the surface water drainage system together with operation and contingency arrangements can be secured through the section 106.

6.3.14

Kettering Borough Council - no objection as unlikely to have a significant impact on the Borough of Kettering.

6.3.15

ENC Planning Policy - Overall the scheme represents a major opportunity to deliver significant new employment development at Raunds, for which the CSS evidence base identifies a need. Despite some concerns about the quality of the submitted PPS4 sequential and impact statement, no planning policy objections are raised in principle to the proposed Phase 2 Warth Park development.

6.3.16

ENC Environmental Services (contamination) - No objection. The work undertaken in respect of ground investigation is of a very high standard. Levels of contamination found on the undeveloped part of the site do not pose a significant risk to end users of the site. The Scalley Farm buildings had however not been surveyed. Subject to conditions being imposed that cover the area of the Scalley Farm buildings, requiring investigation and remediation is carried out as necessary, there is no objection to the development.

6.3.17

ENC Environmental Services (noise) - No objection. The noise survey was carried out in accordance with a brief supplied by ENC Environmental Services. Conditions should be used (1) to ensure the recommendations within section 8.78 (p73) of the summary section of the noise assessment are implemented and (2) that works which cause noise audible at the site boundary are not carried out outside the hours of 08.00-18.00 Monday to Friday, 08.30-13.30 on Saturdays and at no time on Sundays or Bank Holidays. Environmental Services ask that they be consulted in relation to details of piling activity on the site and in determining the detailed layout of the site at reserved matters stage.

Given that the plans would see the removal of the bunding adjacent to London Road (alongside the "gateway" part of the development), the applicant has clarified that this section of bunding was included in the noise model for the existing scenario but removed from the model for the noise predictions with the development in the year of opening. The bund is only 1m high and would not have had a significant effect on noise levels at the nearest residential properties. The Environmental Services officer is therefore satisfied that the noise assessment is robust in respect of that bund, and that its removal will not adversely impact on nearby residential properties.

There is no requirement for any bunding or other mitigation at the southern boundary of the site as there are currently no receptors at this location that will be affected. Therefore it would not be reasonable of this authority to request bunding or any other form of mitigation on the southern boundary at this time.

In respect to objections about current activities at Warth Park, the Environmental Services officer has made the following comments: The noise assessment provided is firm in its conclusions that the addition of this development will not adversely impact on the residents. The current guidelines relating to noise from this type of development have been met adequately. The applicant has considered noise mitigation proposals to minimise the noise from the development, and with the addition of these mitigation measures, the noise experienced will be below the current background levels. Therefore I have no reason to object to this development on the grounds of noise. Obviously these mitigation measures have been specified as a condition to ensure that they are included in the development and prior to first use.

6.3.18

ENC Environmental Services (lighting and air quality) -

Lighting - suitable conditions are required to ensure that the appropriate information on lighting for the site is provided at reserved matters, noting that any lighting scheme should be designed to use the minimum necessary lighting.

Air Quality - no objections. A method statement for the construction phase should be required as a pre-commencement condition of the development.

6.3.19

ENC Environmental Services (commercial health) - need to ensure safe access and egress of vehicles and pedestrians using units at the site.

6.3.20

ENC Conservation Officer - concerned that landscaping has not been sufficiently considered.

- no justification of how the proposed landscape structure was conceived so it is difficult to assess whether the proposed landscape types are appropriate for this site.
- no details of phasing for the highlighted features such as woodland planting and

formal planting so it is difficult to assess the suitability of this alongside the proposed structural planting.

- need the landscaping to reflect a broader design for the whole site so that the bulk of the planting for each plot is put in place as part of the structure planting (open spaces, street planting). Otherwise the creation of individual planting around the smaller plots may lead to fragmentation of the design.

- development will be visible in the landscape, even with the addition of new planting to partially obscure future views. Whilst the existing development is already visually prominent, the proposed units appear even more prominent, interrupting the horizon line and not sitting well with their surroundings. The drop in land to the south and west contributes to this prominence. Could ground levels be manipulated to allow the buildings to sit lower in the landscape?

6.3.21

ENC Design Officer -

(1) The mixed use area at the gateway needs to look towards and integrate with Raunds by having doorways and accesses from London Road. This would give a positive visual impression at the gateway into Raunds and would afford residents access to the new facilities by means other than the car. An active frontage may also affect driver behaviour and reduce traffic speeds in this area, enhancing the overall pedestrian environment.

(2) There is an opportunity to improve the pedestrian environment and cycle access in the vicinity of this site, as highlighted in the Raunds Masterplan, including the Meadow Lane right of way to Stanwick Lakes and routes to the town centre.

6.3.22

North Northamptonshire Joint Planning Unit -

Jobs Growth - the proposal satisfies the requirement of Policy 11 by providing employment at an existing employment site in an area with a low jobs/workers balance. A Training and Employment agreement should be sought to facilitate increased opportunities for the local workforce and ensure they benefit from the proposal (ref policy 8). Planning conditions should be used to ensure that the delivery of the non B8 elements of the scheme contribute towards unlocking other employment uses and diversifying the economy into higher value activities. Regarding the proposed town centre uses, ENC should be satisfied that the requirements of PPS4 have been satisfied.

6.3.23

JPU Design Action Manager - ref para 3.98 of CSS and policy 13. Concerned about the visual impact of the proposal and its impact on the wider landscape character. In photomontage L from the Nene Valley Way the development would result in a bulky form on the skyline and would block the view of Raund's church spire. Viewpoint N is likely to demonstrate a similar negative effect. Photomontage M demonstrates that the build form spills down the valley side and runs against the contours so that the visual impact is one of long expanses of built form. this appears at odds with the gently undulating farmed slopes that are characteristic of the area. Photomontage F demonstrates a negative view of the proposal on the brow of the hill. Photomontage C shows the building jutting out into the view, obscuring the natural fall of the land and the horizon. Overall the proposal is contrary to policy 13h in that

- is visually prominent in a sensitive location where wide expansive views are key to the landscape character.
- does not conserve or enhance the landscape character
- blocks views to the spire, and prevents views across undulating countryside to the horizon
- does not display design of exceptional quality to counteract the landscape concerns.

Layout - More information about the accesses and orientation of the mixed use gateway should be secured through a design brief on the first reserved matters application.

6.3.24

JPU Sustainability Officer - Welcome the plans to achieve BREEAM very good for the B8 element. Concerned that the proposed 10% of energy demand to be met from renewables is below the policy 14 target of 30% and that the proposed 15% reduction in CO2 emissions is also too low. There is no reference to the 20,000sq.m of mixed use development which could provide opportunities for the consideration of an energy centre for the site. Rainwater harvesting should be utilised across the whole scheme. The sustainable drainage system and surrounding open space has potential to create opportunities for recreation and biodiversity benefit. Green roofs and ponds do not appear to have been considered.

7 Evaluation

7.1 The following issues are relevant to the determination of this application for planning permission:

7.2 Local Planning Policy and Principle of Development

7.2.1 The first consideration should be whether the development conforms with the development plan for the area, which for this site is primarily the adopted Core Spatial Strategy, and to a lesser extent the adopted East Midlands Regional Plan (taking account of the uncertain future status of the regional plan).

North Northamptonshire Core Spatial Strategy

7.2.2 Both the Regional Plan and the NNCSS set out the overall locational strategy for new employment development, with priority being given to development in urban areas. Whilst the site is located outside the settlement boundary that was proposed (although not formalised) within the 2007 Raunds Preferred Options document, it should be noted that the site is on the edge of Raunds and relates well to the settlement.

7.2.3 The NNCSS aims to achieve greater self-sufficiency for North Northamptonshire as a whole, stating, in Policy 1 that development in the rural north east will be mainly directed to a rural service spine comprising Oundle, Thrapston and Raunds, to be supported by regeneration of these towns and improvements to public transport links.

7.2.4 The CSS defines Raunds as a localised convenience and service centre, and the strategy for the town should consist of town centre regeneration and diversification of employment and service base (policy 1 and policy 9). It is essential therefore that the impact of the proposal on the town centre has been adequately assessed.

7.2.5 This proposal for a predominantly B8 distribution development is situated close to the strategic transport network, in accordance with policy 11.

7.2.6 The non B8 aspects of the proposal contain a broad mix of employment related uses, therefore representing an opportunity for expansion and diversification of the employment and service base, as set out in table 1 of the CSS, and enhancing the town's overall retail, employment and leisure base. Paragraph 3.92 in the CSS whilst recognising that town centres are the preferred location for the focus of new office development does note that town centres cannot entirely accommodate the amount of land envisaged as being required for office-based uses. It further notes that certain types of business use (such as research and development) may find more commercially attractive locations within the sustainable urban extensions or other prominent sites at the edge of towns. These will however need to be in locations that are, or can be, made highly accessible by a range of transport modes.

7.2.7 Overall, whilst the proposal's edge of town location could be seen to conflict with the CSS's town centre regeneration focus, the proposal would still accord with much of the broader policy content of the CSS.

East Midlands Regional Plan

7.2.8 The proposal would accord with the thrust of the relevant policies of the East Midlands Regional Plan in that it would enhance the provision of local facilities at Raunds by focusing on the service sector as an economic priority. Whilst policy 22 seeks to prevent the development or expansion of additional 'regional scale' out-of-town retail and leisure floorspace, this development would not be contrary to this policy given that it consists of predominantly B8 (non-town centre) uses.

Other Local Policy Documents

7.2.9 In the absence of an up to date site specific DPD for Raunds, the non-statutory Raunds Masterplan functions as a relevant material consideration where it compliments the CSS. The Masterplan recognises the application site as a potential new employment site, and explicitly promotes "the expansion of Warth Park...based on market opportunity, strategic location of Raunds and potential employment opportunities". The Masterplan does seek to restrict edge or out of town retail. However, whilst the current proposal does incorporate some town centre uses, none of the proposed uses are strictly retail, so there is no conflict with this element of the Masterplan.

7.2.10

The Northamptonshire Strategic Employment Land Assessment (SELA) highlights the need for significant growth in respect of job creation / employment at Raunds, particularly as "Employment development within Raunds would help to reduce the very large imbalance of out-commuting from the town".

7.2.11

East Northamptonshire Council's own (non-statutory) corporate policies include a focus on regeneration and economic development and a "business friendly planning service.....designed to make it as easy as possible for companies to set up or expand".

7.3 National Planning Policy and Principle of Development

National Ministerial Statement – Planning for Growth

7.3.1 The recent Ministerial Statement – Planning for Growth indicates that the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. It states that the Government's clear expectation is that the answer to development and growth should wherever possible be "yes" except where this would compromise the key sustainable development principles in national policy.

Draft National Planning Policy Framework

7.3.2 The recent Draft National Planning Policy Framework contains a presumption in favour of sustainable development and goes as far as to state that "the default answer to development is 'yes', except where this could compromise the key sustainable development principles". It goes on to state that "local planning authorities should....grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date". This could be said to be the case in respect of Raunds, given the East Northamptonshire District Local Plan (now 15 years old) remains the "site specific" DPD for the town.

Planning Policy Statement 1- Delivering Sustainable Development

7.3.3 PPS1 refers to the need for sustainable economic development. It sets out a positive approach to delivering sustainable economic development, including recognising its environmental and social benefits and ensuring that suitable locations are available (paragraphs 23(i) and 23(iii)).

Planning Policy Statement 4 - General

7.3.4 PPS4 provides further guidance and advises in policy EC10.1 that planning applications that secure sustainable economic growth should be treated favourably. Policy EC10.2 includes criteria against which applications for economic development should be assessed. These include:

- a) whether carbon dioxide emissions are limited and the proposal is resilient to climate change
- b) accessibility of the site by a choice of means of transport
- c) whether the design is of high quality and is inclusive
- d) impact on economic and physical regeneration including impact on deprived areas and social inclusion objectives
- e) impact on local employment

These are considered in later sections of this report.

Planning Policy Statement 4- Town Centre Uses, background

7.3.5 Part of the scheme includes "town centre uses" and there are specific policies in PPS4 relating to these. Policy EC17.1 indicates that applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:

- a. the applicant has not demonstrated compliance with the sequential approach
- b. there is clear evidence that the proposal would be likely to lead to significant adverse impacts

However Policy EC17.2 then goes on to indicate that where no significant adverse impacts have been identified planning applications should be determined taking account of:

- a. the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations and
- b. the likely cumulative effect of recent permissions, development under construction and completed development

Planning Policy 4 – Sequential Assessment

7.3.6 Policy EC15 in PPS4 provides detailed advice on how to consider sequential assessments, advising that Local Planning Authorities should take account of the availability, suitability, viability and accessibility of more central sites, and should ensure developers have demonstrated flexibility in terms of their business model.

7.3.7 PPS4 is accompanied by a Practice Guide, which makes it clear in paragraph 5.6 that the onus is upon the applicant to demonstrate that the sequential test is passed, and if more central opportunities are rejected it is for sound reasons that are clearly explained and justified. In paragraph 5.7 it is explained that if a local planning authority proposes to refuse an application involving town centre uses on the basis of the sequential approach, it should be on the basis that it considers that there is, or may be, a reasonable prospect of a sequentially preferable opportunity coming forward which is capable of meeting the same requirements.

7.3.8 The developer explains that in undertaking their sequential assessment they have disaggregated each unit and assumed that each is a separate business. This approach is in accordance with the advice in PPS4. The developer has not however reduced the size of individual units explaining that the formats proposed are those required by the market.

7.3.9 The catchment area that the developer has considered is the parishes of Raunds, Ringstead, Stanwick and Hargrave, as it is explained that the facilities proposed are not designed to serve wider population. Only alternative sites within Raunds are therefore considered and the sites have been taken from the Draft Raunds Masterplan. Ideally a separate market search should also have been carried out.

7.3.10

The alternative sites identified in the sequential test, and the developer's conclusions are set out below:

A.RPC Containers site – reference is made to the viability report submitted in relation to the current application for this site, which shows that the site is only viable for a mainly residential scheme.

B.Corner of Titty Ho and Grove Street – this site is considered not to be available as it would require relocation of the garage.

C.Vacant site between Grove Street and McKenzie Road – site is too small and development would impact on residential amenity

D.Block between Ashfield Rise, Ashfield Grove and Spinney Street - residential amenity would be harmed by restaurant and health and fitness use and the site is unsuitable due to lack of visibility.

E.Vacant site on corner of Park Road and Hill Street – the site is too small and recommended for residential use.

F.Gell's Garage, High Street – the site is too small and more suited to residential use

G.Land to east of North Street- the site is too small and more suited to residential use

7.3.11 Insufficient information however has been submitted to support the conclusions. The sites are not identified on a clear map and their sizes have not been provided therefore it is difficult to determine that they are actually too small; although your officers do agree that sites surrounded by residential development are likely to be more suitable for residential rather than the uses proposed and also accept that it is not viable to develop the RPC site for the proposed uses.

7.3.12

The developers make a general point in relation to viability. They advise that in the current economic climate all development projects are difficult to make viable and that commercial development of light industrial units, hotels, food and drink establishments and leisure facilities are not viable on sites with additional costs for items such as demolition and decontamination.

Planning Policy Statement 4 – Impact Assessment

7.3.13 Policy EC16.1 sets out that an impact assessment needs to consider the impact of a proposal on town centre vitality and viability, consumer choice, in-centre trade and turnover and possibly the rural economy. It should also consider whether the scale of the proposal is appropriate to fit within the hierarchy of centres. The accompanying Practice Guide provides guidance on how to consider these impacts.

7.3.14 Unfortunately the developer has made no attempt to carry out a detailed impact assessment, advising that there are no models that can provide a realistic assessment of impact for the relevant uses at the scale proposed. They make the following detailed points:

- More employment and economic activity will have a beneficial impact upon the town
- The creation of additional employment at Raunds is likely to increase the viability of Raunds town centre. An increase in businesses and employees will increase demand for facilities, particularly retail in the town centre
- The prediction is that employees would earn over £300 million from the proposal over 5 years. Although only a small proportion would be spent in the town, even 1% spend totals over £3 million over the 5 year period which will sustain a number of small businesses

7.3.15

Unlike retail proposals there is no accepted methodology for assessing the impact of town centre proposals, however Members will no doubt recall that a more detailed impact assessment was submitted for the proposed leisure centre at Manor Park. It is disappointing therefore that the developer has not explicitly considered the issue of the impact that locating town centre uses would have on Raunds town centre. Ideally further work should have been carried out.

PPS4 - conclusion

7.3.16

The applicant's submission in respect of the PPS4 Sequential and Impact Assessment is not of the quality that would be expected, despite this being their second attempt following an initial request for a more detailed assessment. However, on the basis of local knowledge of the area, the markets and the way trade operates, the conclusions that it draws are not challenged. It is reasonable to conclude that there are no more centrally located sites that could suitably accommodate the proposed development or parts thereof, and furthermore that any impact on the existing centres would be minimal.

Overall Policy Conclusions

7.3.17

Bringing together the relevant policies, there is significant support for the proposal. The main issues are around the acceptability of the sequential and impact assessments; particularly having regard to the overall spatial strategy set out in Policy 1 of the Core Spatial Strategy and the focus upon regeneration of the town centre.

7.3.18 The sequential test is not as clear as it could have been and would have benefited from plans identifying the alternative sites that were considered, noting their size and showing their relationship with surrounding development and explaining in more detail why most of them are too small. Whilst it would have been helpful for the developer to have carried out their own market research your officers are not aware of other sites that might be available.

7.3.19 The impact assessment is poor, but on the other hand no clear evidence has been submitted to demonstrate that the proposal would lead to significant adverse impacts. Having regard to this, the proposal therefore needs to be assessed against: Policy EC17.2 in PPS4; the positive and negative impacts of the proposal in terms of EC10.2 and 16.1; and other material considerations need to be considered, ie there is no presumption that the application should be refused in accordance with Policy EC17.1.

7.3.20

Considering that no retail uses are proposed for the site, and that the sequential assessment has proved that there are no more central sites that could accommodate the uses proposed, it is very unlikely that the development itself would have an adverse impact on the vitality and viability of the town centre.

7.3.21

Indeed, it could be argued that the development would raise the profile of Raunds by attracting more businesses and visitors to the town. The development would be closely related to existing retailing and leisure uses, namely M&S, BP, McDonalds and Raunds Town Football Club. Combined with the application proposals these could form a leisure hub to the west of Raunds, again attracting more business to the town which could in turn help support the town centre. Consideration is given in a later section to the potential for seeking developer contributions towards civic improvements within the town. In this respect the development could also be seen to have a positive impact on the town and contribute to this important element of the CSS.

7.3.22

The Town Council have on a number of occasions, expressed concern about the amount of food establishments within the town centre and stressed that what they want to attract into the town centre is retail development.

7.3.23

Other sections of this report consider the proposal against Policy EC10.2 in PPS4 and the positive and negative impacts of the proposals and other material considerations and these are all brought together and weighed in the balance in the conclusion to this report.

7.4 Mix of uses

7.4.1 The applicant has suggested that it is the significant B8 element of the scheme that makes the proposal stack up, but officers would have significant concerns if there was a prospect that the accompanying business and leisure uses were not going to also come forward. Clearly the proposed mix of uses for the site is what makes the current application so attractive, so it is important that the council does all it can to ensure that the mix is not diluted to a less attractive package.

7.4.2 In reality it is likely that reserved matters applications will come forward individually as the site gains interest from end-users. There is the associated risk that the precise combination of uses could end up being slightly different to that indicated in the application. Each reserved matters application would have to be considered on its own merits.

7.4.3 The indicative breakdown of uses that has been put forward in the application (Transport Assessment) is as follows:

- Health and Fitness Unit (use class D2); 1,500 sq m
- Creche Unit (use class D1); 272 sq m
- Family Restaurant Unit 1 (use class A3); 735 sq m
- Family Restaurant Unit 2 (use class A3); 735 sq m
- Family Pub Unit (use class A4); 558 sq m
- Hotel Unit (use class C1); 80 beds (approx 2235 sq m)
- B1 business units; 3348 sq m
- B8 warehouses; 95690 sq m
- TOTAL: 105,073 sq m.

7.4.4 As it is not yet known what end-user interest will come forward, it would be unduly restrictive to dictate that reserved matters must come forward strictly in line with this indicative mix as a lack of flexibility in this sense could deter take-up on the site. However it is recommended that a condition be imposed that stipulates the upper limit of the various types of use class in order to ensure that no one type of use can dominate the development. It is also recommended that a condition be imposed that would require the applicant to submit an annual report demonstrating how the site has been actively marketed for the full mix of uses. This would maximise the opportunities of getting the most desirable mix of uses for the site but would also mean that the evidence base that is built up in this way could then be used to support decision making on any reserved matters proposal that may come forward that does not strictly line up with the indicative mix.

7.4.5 Concern was raised that the site of the 'gateway' part of the development may already have planning permission for a B8 warehouse. However, this permission has expired so there is no prospect of a B8 warehouse coming forward on this part of the site without a further application. Any such application would prejudice the aims of the current proposal so is unlikely to be supported, unless there is a very strong evidence base that the desired mix of uses are not deliverable.

7.5 Training and employment

7.5.1 The applicant has suggested that 1500 jobs would be created as a result of the development. Several representations have challenged this assumption and raised fears that these may not be skilled jobs or that the local population may not benefit.

7.5.2 Clearly the figure is an estimate and is a rounded figure but is considered to be a reasonable estimate based on the job densities used in the North Northamptonshire SELA report. It is acknowledged that a large distribution unit could employ anything from 100 to over 1000 staff depending on the nature of the end user's operations, and that the seasonal variations of the leisure uses would also give rise to uncertainty. What is certain is that the development would provide significant additional employment at an existing employment site in an area with a low jobs/workers balance. This can only be a good thing for the socio-economics of this part of the district.

7.5.3 The JPU suggest that a Training and Employment agreement could be sought to facilitate increased opportunities for the local workforce and ensure they benefit from the proposal. However in this instance the council is proposing to trial an innovative scheme called Construction Futures, which aims to develop high quality skills for local people, invests money from developers and government in to the local economy and hence helps to create inclusive communities. To summarise, the developer would pay a financial contribution to Construction Futures, who would in turn use this money to administer and deliver a programme of site-based work experience, training and apprenticeships for students of local colleges such as Moulton and Tresham. The number of 'training hours' would be determined by the size and nature of the proposed development and could be used in a combination of different ways:

- construction students could gain practical work experience, which may include apprenticeships, during the construction phase
- logistics, hospitality, leisure or childcare students could benefit from placements at the various businesses that ultimately occupy the new premises
- construction firms or end users of the site could go into schools and/or colleges to deliver presentations as part of a curriculum
- local businesses would benefit from being offered subsidised business development and up-skilling training to meet industry requirements

7.5.4 Construction Futures, based in Northampton, has been securing similar such benefits for schemes dealt with by WNDC for the last few years so has a proven track record of positive outcomes and compliance with the relevant planning legislation. The scheme has been increasing in profile in recent months and has generated significant national press interest. The applicant has indicated a commitment to the Construction Futures scheme and has agreed to this being worked into the section 106 agreement for the site. Further details of the scheme can be found at www.constructionfutures.org.uk

7.6 Highways

7.6.1 It is proposed that the London Road between the A45 and Warth Park Way / Brick Kiln Road be widened to a dual carriageway, which would in turn facilitate the need for the connection to the A45 roundabout to be revised. The existing roundabout at Brick Kiln Road that forms the site access would be improved and the existing Warth Park Way running into the site would also be widened to a dual carriageway, with a new roundabout introduced some 150m into the site close to the first existing junction.

7.6.2 A detailed Transport Assessment was submitted alongside the application, and this takes into account the impact of potential forthcoming development at Northdale End and Darsdale Farm. The TA predicts a total traffic generation of some 500 trips, both arrivals and departures, in the morning peak and some 700 in the afternoon peak. The impact on traffic flows at several junctions has been assessed, including the A45 roundabout, the Brick Kiln

Road / Warth Park Way roundabout, the Meadow Lane / Marshall Road junction and the Stanwick Road / Wellington Road roundabout.

Impact on the strategic highway network

7.6.3 The Highways Agency's initial issues with the Transport Assessment have been resolved following the submission of additional information, and the HA's initial holding objection has now been lifted. The HA are now content with the proposed development and its impact on the A45. The HA are also satisfied with the Framework Travel Plan. They confirm that any issues arising from the Road Safety Audit can be resolved during the detailed design stage, and direct that conditions be used to secure the necessary improvement works to the A45 roundabout and to require a Non Motorised Users Audit to be carried out and its recommendations implemented.

Local transport network

7.6.4 The highways officer at NCC has confirmed that he is happy that the proposed highway improvements, comprising the improvements to the A45 roundabout, dualling of the London Road down to the Warth Park roundabout, and the provision of a cycleway on London Road between the Warth Park roundabout and the new toucan crossing, should satisfactorily facilitate the development.

7.6.5 The broad principles of the internal road layout and parking provision are acceptable to the highway authority, but the precise design details of these would be agreed for each part of the site as the respective reserved matters applications come forward. A condition is suggested that would require a masterplan for the non-B8 element of the scheme to be submitted in conjunction with the first of the reserved matters applications for the gateway development. Further detail of the internal road, parking and access layout would therefore be considered at this stage and we would be able to ensure that pedestrian access from London Road can be facilitated in accordance with the comments of our design advisors.

7.6.6 The Raunds Masterplan highlights a need for improvements to pedestrian and cycle provision throughout the town. Accessibility of the site by bicycle from the local area would be enhanced by the provision of a new cycleway on the west side of London Road linking the new toucan crossing up to the Warth Park Way roundabout where it would link in with the cycle provision within the Warth Park site. Conditions can be used to secure the provision of the cycle path on London Road and the design details of the segregated cycleway through the site that would serve to keep cycles separate from the HGV route.

7.6.7 A particular priority of the Raunds Masterplan is to improve access to leisure opportunities for residents of the town, and it would be desirable to ensure that future users of the Warth Park development also have access to local leisure opportunities. Meadow Lane, a bridleway which runs along the southern boundary of the site and leads to Stanwick Lakes, is in a poor condition at present. The developer has agreed to make a financial contribution to enable the entire length of Meadow Lane to be improved, hence enabling a circular leisure route for workers or visitors to the Warth Park site and improving access to the countryside and Stanwick Lakes for the whole town (see section 7.15.5).

Sustainable Transport and Travel Plan

7.6.8 A Framework Travel Plan has been submitted which identifies proposed measures to be implemented on a development wide basis and provides a framework for the preparation of specific travel plans for each individual site forming part of the development as it comes forward. The Framework Travel Plan also identifies overall traffic generation limits and a preliminary modal shift target. A condition is recommended that would require a more detailed Travel Plan, that broadly accords with the Framework Travel Plan, to accompany each reserved matters application.

7.6.9 The number 16 bus is a long standing service that runs past the entrance to the site and the X46 and X47 have also been improved this year. The county council feel that it would be feasible to provide a diversion so that a new stop within Warth Park would be served. In this regard NCC has requested a financial contribution of £50,000 towards bus services, £5,000 of which would be for a new bus shelter on Warth Park Way with the remainder being used to enable an extension to the recently introduced County Connect demand responsive transport (most likely by extending the 7am-7pm operating day by 3 hours to enable shift changeover). This would complement the measures in the Framework Travel Plan and help to facilitate modal choice for potential users of the development from the wide surrounding area.

Rights of Way Implications

7.6.10

There is an existing right of way (footpath UG39) that crosses the site in a east-west direction terminating at the A45 which severs the path (the underpass is slightly further south at the end of Meadow Lane). This right of way has already been diverted between the existing commercial buildings on Warth Park and a further diversion would be required to facilitate the proposed development. The applicant proposes to divert the footpath in a northerly direction so that it joins in with the proposed footpath and cycleway that would be created through the development site. This would take the form of a segregated track to the north of the HGV access road, separating to meander through the landscaped public open space before joining in with the Meadow Lane at the south western corner of the site and enabling convenient crossing of the A45 via the existing underpass.

7.6.11

Whilst not the shortest or most direct route, this proposal would seem to be the logical and most pleasant route for the footpath diversion. Unfortunately the Ramblers Association do not share this view. Firstly they feel it should be possible to design the scheme around the footpath, but this would not be possible due to the scale of the proposed buildings and the topography of the site. Secondly, they feel that if the footpath has to be diverted, the diversion should be routed in a southerly direction in between the proposed warehouse units to join Meadow Lane. However, officers view is that this would not be a desirable route for the footpath and could well be harmful from a planning out crime point of view.

7.6.12

Clearly any diversion of the footpath would need to undergo the formal process of a section 257 Diversion Order. This process is separate to planning permission but must be carried out prior to development commencing (an informative to this effect could be placed on any planning permission). What is important at this stage is that there are at least three possible and feasible routes that the diversion could take and any disagreement about the relative desirability of these routes would be resolved through the formal Diversion Order process. Therefore, although no final decision has been reached about the ultimate route of the diverted footpath there is no reason why planning permission cannot be granted.

7.7 Design - Illustrative Site Layout

7.7.1 The mix of uses proposed for the north eastern corner of the site has potential to provide a positive gateway to Raunds. The desire for dual-aspect units which positively address London Road with active frontage and pedestrian access points could easily be facilitated in the detailed design stage. As mentioned above, a condition is suggested that would require a masterplan for the non-B8 element of the scheme to be submitted in conjunction with the first of the reserved matters applications for the gateway development and it would be expected that these principles would be incorporated into such a masterplan.

7.7.2 The significant footprint of the three large B8 units and the existing site constraints (a gas main and the natural contours of the site) has dictated to some extent the positioning of these units within the indicative layout. The buildings would form a logical extension to the existing phase one warehouse units, particularly the large "Indesit" unit which would be adjacent to the extension and is of comparable scale to the units proposed.

7.7.3 The proposed road alignment appears logical and workable, with separate distinct elements of the scheme each served off their own points of vehicle access. The highway and safety implications of the road and parking layout are discussed in the highways section.

7.7.4 A significant area of public open space is proposed at the western corner of the site. This would help to soften the edge of the development and provide a transition into the countryside beyond. Attenuation basins would be incorporated into the landscaping which would add visual and ecological interest as well as serving to ensure sustainable drainage of the site.

7.8 Landscape implications and long views of the site

7.8.1 The Design Action Manager at the JPU has commented negatively in respect of the landscape and visual impact of the proposed development. The JPU comments highlight that the site is part of the Limestone Valley Slopes character area (as defined in the Environmental Character Assessment), hence exhibiting expansive long distance views, gently undulating farm slopes with urbanising elements "despoiling the edges" where town meets country. She also refers to the Nene valley being known for its unspoilt beauty and its many views of church spires and historic houses, particularly from Twelve Spires Hill, where 12 church spires including that of Raunds can be seen together. The JPU is concerned that these photomontages show that the bulky form of development on the horizon and spilling down the valley would result in a negative landscape impact by and more specifically would block the view of Raunds church spire from the Nene Valley Way. The JPU consider that the development is not of exceptional design and its bulk and position would appear at odds with the gently undulating farmed slopes and hence do not conserve or enhance the landscape character, contrary to policies 13 h and o.

7.8.2 The ridge top location of the proposed development means that it would be visible from a wide area, as demonstrated in the series of photomontages that have been submitted with the application. The significance of the landscape impact is however a subjective matter, and must be weighed against the other material considerations.

7.8.3 The existing Warth Park buildings are already visible in the wide landscape and the proposed new development would be viewed against this context against the backdrop of the existing units and the whole town. The Environmental Character Assessment acknowledges that the edges of this natural valley are already blurred by urbanising elements - in the reasonably near vicinity there are several examples of this at Wellingborough, Irthlingborough, Rushden, Higham Ferrers, and Raunds. There is also the A45 trunk road running along the eastern slope of the valley, creating a physical barrier between the unspoilt valley bottom and the urban settlements to the east. In the vicinity of the Warth Park proposals the A45 and the dense wooded areas on its western side create a physical and visual barrier between the valley and the development site. It could therefore be argued that this would limit the impression of encroachment into the valley. The view of the church spire as shown in photomontage L, is an extremely long-distance view (approximately 3.3km) that is already partly obscured by the existing Warth Park development. The presence of other settlement edge uses at Raunds, Stanwick and towards Irthlingborough is a consideration, as is the natural screening that is anticipated to mature in front of the development over time. Whether the additional impact of the new units further severing this view of the spire is significant enough to conclude that this is harmful to the landscape is a matter of subjective judgement which must be weighed against other material planning considerations.

7.9 Landscaping

7.9.1 The council's conservation officer has expressed concern about the level of detail that has been submitted in relation to structural landscaping of the site. Although the written principles that are described seem broadly acceptable, the scheme has not been illustrated on a plan and there is insufficient detail in terms of phasing and implementation. This is of particular concern due to the large scale of the proposed development and the need to avoid piecemeal approach to the landscaping given the likelihood that reserved matters will come forward bit by bit.

7.9.2 Whilst recognising that this is an outline application that does not include landscaping, the importance of getting a coherent scheme of structural landscaping throughout a site of this size and avoiding a piecemeal approach to landscaping should not be underestimated. In the circumstances it would seem reasonable and sensible to request details of the structural landscaping for the whole site prior to the submission of any reserved matters applications, and furthermore to request that the approved structural landscaping is put in place alongside the overall site infrastructure and the construction of the first building.

7.9.3 Once a coherent structural landscaping scheme has been secured, the finer details of landscaping that would come in with each of the subsequent reserved matters applications would be less critical and subject to more flexibility.

7.9.4 It is recommended that the section 106 agreement incorporates the requirement for a landscape management plan and provisions for ongoing maintenance of the public open space.

7.10 Noise

7.10.1

Four residents of London Road, Gardner Close, Crispin Way and Keston Way have highlighted that they already suffer noise disturbance from the existing Warth Park in the form of vehicle noise, reversing beepers, air conditioning/fans, loading works and raised voices, and that this disturbance is particularly concerning at night. These residents are concerned that the disturbance would be worse if the proposed development goes ahead, particularly given that the application seeks 24 hour operations. Local concern is heightened by the fact that the existing bund on the western side of London Road, opposite the football club, would be removed as part of the proposals.

7.10.2

The application was supported by a Noise Assessment and this has been considered in detail by the council's Environmental Services officers who conclude that they have no concerns or objections to the proposed development. They are content that the removal of the existing bund would not adversely impact on nearby residential properties. The noise assessment demonstrates that current guidelines relating to noise from this type of development would be met adequately. The applicant has considered noise mitigation proposals to minimise the noise from the development, and with the addition of these mitigation measures, the noise experienced will be below the current background levels.

7.10.3

In the light of this technical advice from the council's noise experts, it would be extremely difficult to substantiate a reason for refusal on the grounds of noise disturbance. However conditions are recommended to ensure that the proposed mitigation is put in place and that construction works are restricted to certain hours.

7.11 Ecology

7.11.1

The application was accompanied by ecological submissions both as part of the ES and following in later specific studies. The proximity of the Upper Nene Gravel Pits SPA and SSSI, and the likely impact of the development on this designated site, is an important consideration that has been taken into account. The impact on wider biodiversity of the site, in particular bats and birds, and the effect on soils and green infrastructure have also been considered.

7.11.2

Both the Northamptonshire Wildlife Trust and Natural England have considered in detail the ecological submissions and they confirm that these are acceptable in scope, content and robustness. These consultees therefore have no objections to the proposals subject to conditions ensuring:

- the development is carried out in accordance with the recommendations within section 11.6 of chapter 11 of the ES regarding ecological retention, protection, enhancement and future mitigation measures, particularly to ensure that habitat enhancement opportunities within the retained open spaces are maximised
- the soil resources, particularly the topsoil, should be used sustainably, and the works should be overseen by an appropriately experienced soil specialist

7.11.3 Concern has been raised by an objector about the impact on red kites. However, further discussion on this matter with both the Wildlife Trust and a local bird specialist recommended by the Wildlife Trust, would suggest that the proposed development would not give rise to significant concern.

7.12 Flooding

7.12.1

A sustainable urban drainage system, in the form of attenuation basins and swales, is proposed for the site to manage the impact of the development on drainage. A Flood Risk Assessment has also been carried out for the site. The initial objection of the Environment Agency has been overcome by the submission of a revised Flood Risk Assessment. The EA has therefore withdrawn its objection in relation to flood risk, subject to a condition specifying the technical approach to run-off, and stipulating that any alternative approach would necessitate further discussion.

7.12.2

It is clear from the response that the EA has taken account of the nearby Hogs Dyke in its consideration of the FRA. Given the location and topography of the site, the council is not aware of potential flood risk from any other source. Subject to compliance with the suggested condition, the development would be in accordance with PPS25.

7.13 Archaeology

7.13.1

Several archaeological programmes have been carried out which demonstrate the presence of Iron Age, Roman and Saxon activity over a wide area of the site. The medieval activity on site is likely to be peripheral to the village of Mallows Cotton, which is now a Scheduled Monument and is separated from the site by the modern A45. Despite the investigative works that have already been undertaken by the applicant on site, a condition requiring a further programme of works is recommended to record and advance an understanding of any assets, in accordance with PPS5 and the advice of the County Archaeologist.

7.14 Sustainability

7.14.1

The proposal would achieve BREEAM very good in accordance with policy 14 of the CSS. However, policy 14 also contains a target for 30% of energy demand be met by renewables, but the current proposal only provides for 10%.

7.14.2

The sustainability officer at JPU has indicated that the measures proposed, such as solar water heating, air source heat pumps, sustainable drainage systems, are a good start but she feels that further measures should be considered for a development of this scale, or at the very least there should be an economic or technical submission justifying why the 30% target cannot be more closely met. She has suggested a condition, similar to that used on other schemes, which requires a strategy to be submitted with each reserved matters application:

- to demonstrate how a target of at least 30% (minimum 10%) of the demand for energy will be met on site and renewably and/or from decentralised renewable or low carbon energy supply, or
- if the 30% target cannot be met, the energy strategy should be accompanied by a technical and economic viability assessment to justify the shortfall.

7.15 Section 106 contributions

7.15.1

The development is of a size which generates a need for social and community infrastructure. Detailed discussions have taken place with the applicant and it is recommended that the contributions / provisions set out in the following paragraphs be sought.

7.15.2

In considering whether contributions are justified and can be sought Members must have regard to the legal framework for seeking contributions. The Community Infrastructure Regulations 2010 have now made the tests for the use of S106 obligations statutory. These tests are that obligations should be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

7.15.3

Members also need to be mindful that the current basis for seeking contributions is the Council's SPD in relation to developer contributions.

7.15.4

The following is a summary of the main headlines under which section 106 contributions have been negotiated:

Meadow Lane

7.15.5

Upgrading of Meadow Lane to facilitate access to Stanwick Lakes is a priority to both ENC and NCC and the developer has agreed to contribute £60,000 towards this, which NCC has advised should be sufficient to re-surface the entire length of Meadow Lane with a permeable hardcore or similar. A specification for the upgrading works has been provided by NCC and this would suitably accommodate cyclists, pedestrians, horses and farm vehicles.

Cycleway for London Road

7.15.6

In terms of achieving connectivity of the site to Raunds town centre, the developer has agreed to provide a cycleway on the western side of London Road, travelling north from the new toucan crossing outside the cemetery up to the Warth park roundabout and into the site. This is in accordance with the request of NCC.

Buses

7.15.7

NCC initially asked for £80,000 (£15,000 a year for five years plus a further £5,000 for a bus shelter just inside the application site) with reference to possibly diverting the recently improved/extended services 16, X46 and X47 to a new stop inside the Warth Park development and enhancing the new County Connect demand responsive service in order to enable a large catchment to reach the site.

7.15.8

In a later representation NCC revised this request downwards to £50,000 (£15,000 a year for three years plus a further £5,000 for a bus shelter), the justification for this being:

- a training contribution (Construction Futures), and other calls on land value have not been required of other schemes,
- other developments may well also be contributing to bus services,
- demands and revenue from this site and other schemes can be expected to cover an increasing portion of costs.

Training and development

7.15.9

Construction Futures is a new approach to gaining contributions towards securing training opportunities for local young people. The section 106 agreement would require the developer to sign up to providing a certain number of "training hours" for young people from local colleges. Exactly how the training hours are used would be negotiated after the agreement is signed (see earlier section for more detail of how this could work). On top of the requirement to provide training hours, there would also be a financial contribution of approximately £100,000 associated with this that would go towards the administration and co-ordination of the scheme.

Raunds town centre

7.15.10

In line with the approach taken on the Northdale End site, the developer has agreed to pay a £20,000 financial contribution towards improvements for Raunds town centre. Rather than specify this be used for shop fronts, it is envisaged that this could better be used as more of a civic / community improvement fund.

"Open Space"

7.15.11

The developer is proposing to provide and maintain the on-site open space at no cost to Raunds Town Council. A maintenance programme would therefore need to be secured as part of the section 106 agreement.

Other matters not pursued in the S106

7.15.12 Improvements to pedestrian access between Raunds and Ringstead were considered but under the tests of CIL these were not felt to be sufficiently justified.

8 Conclusions

8.1 The planning policy evaluation highlights the deficiencies with the PPS4 sequential and impact assessment that has been undertaken by the developer. Nonetheless, PPS4 also provides that, in the absence of any evidence of harm, the development should be assessed on the basis of its positive and negative impacts in the light of current policy and other material planning considerations.

8.2 The remainder of the planning policy evaluation shows a great deal of support for the proposed development, in terms of its fit with PPS1, the Ministerial Statement – Planning for Growth, the Draft National Planning Policy Framework, the East Midlands Regional Plan, the North Northamptonshire Core Spatial Strategy, the Raunds Masterplan, and the council's own (non-statutory) corporate policies.

8.3 Apart from a subjective disagreement about the extent to which visual harm will result to the wider landscape, and the limitations of the sequential impact assessment, there is no evidence that harm will result from the proposal. In fact the benefits of the scheme are considered to far outweigh the disbenefits, particularly in relation to local employment creation, economic regeneration, social inclusion, sustainable transport and accessibility, and inclusive design which would create an enhanced entrance to Raunds.

8.4 Therefore on balance it is recommended that planning permission should be granted.

8.5 It should be noted that the application falls within the scope of the Consultation Direction (circular 02/2009) which requires local planning authorities to consult the Secretary of State before granting planning permission for certain types of development. The current proposal falls within this scope as it is within the definition of section 5(1) of the annex therein, which includes "development outside town centres", further defined as "development which consists of or includes retail, leisure or office use and which (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is 5,000 square metres or more".

9. Recommendation

9.1 That Members resolve to GRANT planning permission subject to the completion of a S106 Agreement in respect of developer contributions, conditions and the referral of the application to the Secretary of State as the application is for more than 5,000 sq metres of floorspace, includes town centre uses and is not in accordance with all provisions of the development plan.

10 Conditions/Reasons -

1. Development shall not commence until details of:

- a) the layout of the new development;
- b) the scale of the new development;
- c) the appearance of the new development and;
- d) the landscaping of the site.

(hereinafter called the reserved matters) shall be obtained from the local planning

authority.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the local planning authority.

2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall thereafter be constructed in accordance with the slab levels that have been approved in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

5. Prior to the commencement of each part of the development full details of all external materials, including finish and colour scheme, shall be submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity.

6. Prior to the commencement of each part of the development hereby permitted, details of the location, height, design and materials of any boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the buildings. Such approved details shall be erected and retained in perpetuity thereafter.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area.

7. Prior to the occupation of the development the works hereby permitted shall be constructed in accordance with BWB drawing NTT/672/SK01/P5 dated 09.2011 (in respect of works to the trunk road network). Any revisions that may be required resulting from the implementation of the recommendations of the Road Safety Audit shall be approved in writing by the local planning authority in consultation with the Highways Agency.

Reason: In the interest of highway safety.

8. No part of the development hereby approved shall be occupied until a Non Motorised Users Audit has been undertaken and the recommendations therein have been implemented.

Reason: In the interest of highway safety and sustainable transport.

9. No development shall commence until a scheme for off-site highway improvement works (comprising improvements to the A45 roundabout (Highways Agency control) and duelling of the northern portion of London Road, associated works to the Warth Park roundabout and provision of cycleway on the western side of London Road (NCC control)) has been submitted to and approved in writing by the local planning authority. None of the premises hereby permitted shall be occupied until all of the off-site highway works have been carried out and written confirmation has been provided by the local planning authority that these works are acceptable.

Reason: In the interest of highway safety.

10. Prior to the first occupation of any of the buildings on site, a cycleway shall be provided adjacent to the west side of London Road in accordance with full details which shall have been submitted to and approved in writing by the local planning authority.
Reason: In the interest of promoting sustainable transport.
11. Prior to the commencement of development, design details of the segregated cycleway through the northern end of the site and through the open space shall have been submitted to and approved in writing by the local planning authority. Development shall then proceed in accordance with the approved details.
Reason: To ensure a safe and attractive route for cyclists through the site.
12. All reserved matters submissions shall accord with the principles contained within the Framework Travel Plan and a further detailed Travel Plan shall be submitted in conjunction with each reserved matters submission for each part of the development hereby permitted. The detailed submissions shall cover pedestrian, cycle and public transport linkages within and outside of the site as well as prospective management arrangements for future occupiers of the development and shall identify the mechanisms by which the Travel Plan proposals are to be delivered, the targets and the timing of delivery.
Reason: In the interests of promoting sustainable transport.
13. No more than 105,073 sq m of floorspace is permitted under this outline permission, within which no more than 6050 sq m shall be for A3-5, C1 or D1-2 uses and within which no more than 1500 sq m shall be for D2 use (health and fitness), no more than 2500 sq m shall be for C1 use (hotel), no more than 300 sq m shall be for D1 use (nursery) and no more than 2500 sq m shall be for A3-A5 uses. (food and drink). No more than 3348 sq m of the total floorspace shall be for B1 uses and no more than 100,000 sq m of the total floorspace shall be for B8 uses.
Reason: To ensure an appropriate mix of uses on the site.
14. On the first anniversary, and each subsequent anniversary, or any other such period as agreed in writing by the LPA, of the granting of outline planning permission a report shall be submitted to the LPA demonstrating how the site has been marketed for the full mix of uses applied for in the outline application. This report shall include though not exclusively, the marketing material and marketing media used during the previous year, numbers and types (including general company size and sector) of inquiries received during the previous year, locational origin of these inquiries, inquiry requirement (by size and building type), together with explanation of why the inquiry has or has not progressed.
Reason; to ensure that the full mix of uses permitted by the planning permission is delivered on the site and is, among other material considerations, in accordance with market demand.
15. The first reserved matters application made for the areas to the north of the existing Warth Park (all buildings except the three large warehouses) shall include a masterplan for these areas including access (pedestrian, cycle, vehicle), location of buildings, frontages and entrances (including relationship with London Road), parking and service areas, and principle landscaping. No building within this masterplan area shall be commenced until the masterplan is agreed in writing by the LPA. Subsequent reserved matters submissions for these areas shall accord with the design principles within the approved masterplan unless otherwise agreed in writing when further reserved matters applications are made.
Reason: To ensure that the reserved matters applications for this area are coordinated, and that the area is properly connected to the surrounding area

16. In conjunction with the reserved matters submission for each part of the site, an Energy Strategy for the energy supply incorporating renewables and/or from decentralised renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how a target of at least 30%, with a minimum of 10%, of the demand for energy will be met on site and renewably and/or from decentralised renewable or low carbon energy supply in accordance with the approved Energy Strategy Framework. If the 30% target cannot be met a technical and economic viability assessment shall be submitted, together with the energy strategy, for the approval of the Local Planning Authority. The strategy shall include details and a timetable of the physical works on site. The strategy shall be implemented as approved and retained operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and energy efficiency in accordance with PPS 1 and the supplement to PPS 1, PPS 22, Policy 2 of the East Midlands Regional Plan and Policy 14 (a) (iii) of the CSS for North Northamptonshire.

17. Prior to commencement of any development a comprehensive landscape masterplan including full details of the structural landscaping of the site shall be submitted to and agreed in writing by the local planning authority. The approved structural landscaping shall be implemented during the first planting season following the completion of the first building on site, unless otherwise agreed in writing by the local planning authority. Any planting forming part of the approved landscaping scheme which dies or becomes diseased within 5 years of planting shall be replaced in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure that structural landscaping is delivered in a comprehensive manner and to assist with mitigating the visual impact of the scheme on the surrounding area.

18. The structural landscaping will be maintained by the applicant, or an organisation appointed by the applicant and notified to the LPA, as publicly accessible open space in accordance with details to be submitted to and approved in writing by the local planning authority, subject to any limitations to ensure its proper functioning for surface water drainage. Access to this area shall commence upon completion of the structural landscaping, or as otherwise agreed in writing by the local planning authority.

Reason: To ensure that there is public access to the area of open space.

19. Development shall proceed in accordance with the recommendations in section 11.6 of chapter 11 of the ES (received by the local planning authority 2 June 2011), regarding ecological retention, protection, enhancement and future mitigation measures, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ecological protection and ensure that enhancement opportunities are maximised.

20. Each stage of the development shall proceed in accordance with a strategy for the sustainable use of soil and topsoil resources which shall be submitted to and approved in writing in conjunction with each reserved matters application. This strategy shall include details of the arrangements by which an appropriately experienced soil specialist will oversee the development.

Reason: To ensure the sustainable use of soil.

21. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing: A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site

investigation and findings shall be forwarded to the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with.

22. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

23. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

24. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

25. Development shall not begin until a detailed scheme for the provision, implementation, ownership and maintenance of the surface water drainage for the site, in accordance with the additional response to the Environment Agency objection: Environmental Infrastructure & Flood Risk, undertaken by RPS (ref ABA5007, revision A, dated 26 September 2011), has been submitted to and approved by the local planning authority. The detailed scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to ensure future maintenance of the surface water drainage system.

26. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with PPS5 Policy HE12.

27. No construction works that cause noise to be audible outside the site boundary shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.30-13.30 on Saturdays and at no time on Sundays or Bank Holidays. This includes deliveries to the site and any work by contractors or sub contractors.

Reason: In the interests of residential amenity.

28. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- i. Overall strategy for managing environmental impacts which arise during construction;
- ii. Measures to control the emission of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development and hours that construction traffic shall access and egress the site;
- v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
- vi. Designation, layout and design of construction access and egress points;
- vii. Internal site circulation routes;
- viii. Directional signage (on and off site);
- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
- xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xii. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- xiii. and other similar debris on the adjacent public highways;
- xiv. Routing agreement for construction traffic.
- xv. Storage of plant and materials used in constructing the development;
- xvi. Enclosure of phase or development parcel development sites or development parcels and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xvii. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of safety and local amenity.

29. Prior to the commencement of each part of the development a lighting scheme for the relevant part of the development shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.

Reason: In the interest of amenity and crime prevention.

30. Prior to the commencement of development a scheme and timetable for the provision of fire hydrants shall be submitted to and agreed in writing by the local planning authority and provision of fire hydrants shall be made in accordance with the scheme and timetable.

Reason: To ensure a satisfactory form of development.

31. Each reserved matters submission shall include full details of hard and soft landscape works for that part of the scheme. These details shall include the proposed finish levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, bin storage and hard and soft surfacing materials. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the relevant part of the development or in accordance with a programme agreed in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of visual amenity.

Informatives

1. In approving this application, the content of the submitted Environmental Statement has been taken into account. The relevant planning guidance and policies were identified as PPS1, PPS4, PPS7, PPS9, PPG13, PPS22, PPG24, PPS25, East Midlands Regional Plan Policies 1, 2, 11, 18, 20, 21, 22, North Northamptonshire Core Spatial Strategy 2008 policies 1, 8, 9, 11, 13 and 14. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, mix of uses, employment creation, impact on highways, sustainable transport, rights of way, design, landscape impact, landscaping, noise, ecology, flooding, archaeology and sustainability. The application has been approved as:
 - The principle of the development is acceptable when weighing all planning policies and material considerations.
 - the impact of the proposal on the vitality and viability of existing centres would be minimal
 - The proposal would give significant benefits to the district particularly in respect of local employment creation and economic regeneration.
 - The proposal would not have an unacceptable impact on the local or strategic highway network.
 - The development would not cause significant harm to the visual amenity or character of the area.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers
 - The proposal would be accessible by means of transport other than the car.
2. Guidance on the sustainable use of soil resources can be found in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (see <http://www.defra.gov.uk/publications/files/pb13298-code-of-practice-090910.pdf>)
3. The proposed surface water scheme should be in accordance with the additional response to Environment Agency objection: Environmental Infrastructure & Flood risk (ref: ABA5007, revision A, dated 26 September 2011) which restricts run-off to Qbar. If the developers wish to pursue the alternative strategy of restricting the sit to Q30, further discussion will be required given the historic nature and lengthy background to Warth Park and works to Hogs Dyke.
4. The highway proposals associated with this consent involve works within the public highway, which is land over which the developer has no control. The Highways Agency therefore requires the developer to enter into a suitable agreement to cover the design and construction of the works. Please contact Mr Alan Darby of the Agency's Area 7 network Delivery and Development Directorate 0121 687 4165 at an early stage to discuss the details of the highway agreement.
5. A Site Waste Management Plan will be required for the development hereby approved.
6. Notwithstanding the terms of this planning permission a separate application under section 257 of the Town And Country Planning Act for a Diversion Order in relation to the public right of way known as UG39 must be made and approval granted before any development can proceed.
7. The plans to which this decision relates are:

Committee Report

Committee Date : 30 November 2011

Printed: 18 November 2011

Case Officer **Sue Wheatley**

EN/11/01350/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
22 August 2011	2 September 2011	2 December 2011	Irthlingborough Waterloo	Irthlingborough

Applicant **Bloor Homes (South Midlands) - Mr P Clark**

Location **Former Factory Site Finedon Road Irthlingborough Northamptonshire**

Proposal **Partial replan of approved application EN/08/02282/FUL (for 141 units) to erect 30 residential units (138 total) with associated car parking and landscaping**

1. Summary of Recommendation

1.1 That subject to a Deed of Variation to the S106 Agreement in relation to the site and conditions that planning permission be granted.

2. The Proposal

2.1 The applicant has advised that difficulties have been experienced in relation to the viability of the site. A revised confidential open book viability assessment has been submitted together with the following three planning applications:

11/01351/VAR – variation to amend approved details in respect of condition 2 (levels) and 18 (acoustic barrier) attached to 08/02282/FUL.

11/01350/FUL – partial replan of approved application 08/02282/FUL.

11/01482/FUL – conversion of 18 affordable (social rent) units of application 08/02282/FUL to 19 private residential units.

2.2 This report considers the application for the replan of the northern part of the site (all to the north of the re-aligned stream) which is for 30 units and would reduce the total number of dwellings proposed on the whole site under 10/02282/FUL from 141 to 138 dwellings. Some short terraces are proposed to be replaced by detached houses and semi-detached properties. Some of the houses were 3 storey and these have been reduced to 2 storey.

3. The Site and Surroundings

3.1 The site is located on the north western edge of Irthlingborough. It was previously used for employment purposes by Sunseeker and Homeseeker Homes, who have now moved to purpose built premises in Rushden. Residential properties adjoin the site to the west and east. Whilst the site in part has a frontage to Finedon Road it is also set behind a number of properties which front Finedon Road. On the opposite side of the site there are residential properties and behind these is Huxlow School. The A6 lies to the north of the site.

3.2 Levels varied considerably within the site as the previous employment use was situated on an artificially created plateau.

- 3.3 There are a number of important trees along the frontage to Finedon Road, the western boundary of the site and along the A6 which are protected by a group tree preservation order. Within the site there are some areas of scrub.
- 3.4 The applicant has started work on the site and has done some site clearance, some earth moving work and has built a number of houses in close proximity to the site entrance. The applicant has called the development The Lanterns.

4. Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable development (incorporating new statement on Climate Change)
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG16 – Archaeology and Planning
PPG17 – Planning for Open Space, Sport and recreation
PPS23 – Planning and Pollution
PPG24 – Planning and Noise
PPS25 – Development and Flood risk

4.2 East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 13b – Housing Provision (Northamptonshire)
Policy 14 – Regional Priorities for Affordable Housing
Policy 17 – Regional Priorities for Managing the Release of Land for Housing
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 28 – Regional Priorities for Environmental and Green Infrastructure
Policy 29 – Priorities for Enhancing the Region's Biodiversity
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 36 – Regional Priorities for Air Quality
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 40 – Regional Priorities for Low Carbon Energy Generation
Policy 41 – Regional Priorities for Culture, Sport and Recreation
Policy 43 – Regional Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 46 – A Regional Approach to Behavioural Change
Policy 48 – Regional Car Parking Standards
Policy 49 – A Regional Approach to Improving Public Transport Accessibility
Policy 53- Regional Trunk Road Priorities
Policy 54 – Regional Major Highway Priorities
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

4.3 MKSM Sub-Regional Strategy Strategic Policy 3- Sustainable Communities

4.4 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the network of settlements
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 7 – Infrastructure Delivery and Developer Contributions
Policy 8 – Delivering Housing

- Policy 9 – Distribution and Location of Development
- Policy 10 – Distribution of Housing
- Policy 13- General Sustainable Development Principles
- Policy 14 – Energy Efficiency and Sustainable Construction
- Policy 15 – Sustainable Housing Provision
- 4.5 Northamptonshire County Structure Plan
 - None relevant
- 4.6 East Northamptonshire District Local Plan
 - GEN3 - Infrastructure, services and amenities
 - H4 - Housing types and sizes
 - RL3 – Open space for new development
 - RL4 – Play areas for new development
 - IR1B –Allocates site for housing (indicates that site could accommodate around 100 dwellings)
- 4.7 Other Relevant Policies
 - Three Towns Plan – Preferred Options
 - ENC SPD – Developer Contributions
 - NCC SPG – Crime and Disorder
 - NCC SPG - Parking.
 - SPD Biodiversity

5. Planning History

- 5.1 Various applications to discharge conditions attached to 08/02282/FUL. The two that are of particular relevance are included below.
- 5.2 10/01613/CND- Condition 2 Levels. This was considered by the Development Control Committee at its meeting on 22 December 2010 and a copy of the report is attached to application ref 11/01351/VAR for Members information.
- 5.3 10/01944/CND – Condition 18 Noise Barrier. This was considered under delegated powers on 8 February 2011.

6 Consultations and Representations

- 6.1 Irthlingborough Town Council – No Objection.
- 6.2 Local Highway Authority – No objection
- 6.3 Environment Agency – No objection
- 6.4 Crime Prevention Design Advisor – No objection
- 6.5 Environmental Health (contamination) – No objection as contamination was addressed under 08/02282/FUL
- 6.6 Environmental Health(noise) – No objection
- 6.6 Badger Group – No comments to make
- 6.7 Western Power Distribution (East Midlands) PLC – No objection

Ramblers – No comments to make
Wellingborough BC – No objection
County Archaeologist – No comment
PCT – Spinney Brook Medical Practice have informed me that their current patient list is 10,709 and they have 5.5 whole time equivalent doctors so the ratio of patients to doctors is still over the recommended level.

6.8 Neighbours:

- concerned about loss of affordable housing
- Not possible to comment due to the difficulty viewing the plans
- Object to any more building of homes. Irthlingborough cannot support more cars, the schools and doctors surgery are overloaded.

7. Evaluation

7.1 The issues which need to be considered under this application relate solely to the substituted 30 plots, including the principle of this in terms of density and housing mix, the visual impact, the impact on neighbours. All other details were established by the granting of planning permission reference 08/02282/FUL.

7.1 Revised Density and Mix

7.1.1 The loss of 3 dwellings in total from a site of this size will have a minimal effect on the overall density of the scheme. Members will no doubt be aware that since the previous decision PPS3 has been amended to remove the minimum density requirements although the advice is that the best use still needs to be made of land. The scheme would still do this.

7.1.2 Policy H4 in the East Northamptonshire District Local Plan requires a mix of housing. The following amendments to the dwelling mix are proposed:

	Approved	Proposed
2 Bed	8	11
3 Bed	18	21
4 Bed	4	1

This would still maintain a mix of dwellings and accord with the Policy.

7.2 Visual Impact

7.2.1 Pre-application discussions were held with the Council's design officer prior to her maternity leave. The scheme that has been submitted is based upon her advice. The provision of detached dwellings opposite the central area of public open space mirrors the detached dwellings on the opposite side of the open space and they follow the line of the road. There would be no adverse visual impact arising from the proposed alterations.

7.3 Impact on Amenity of Neighbours

7.3.1 The only existing dwelling adjacent to this plot substitution application is 9 Wyckley Close. Plot 45 is adjacent. (previously Plot 49). A pair of semi-detached properties are replaced by a detached property. The dwelling would be no closer to this existing dwelling and no windows are proposed in the side elevation. This plot substitution application would therefore have no more impact on residential amenity than the approved scheme.

7.4 Amendment to S106 Agreement

7.4.1 A Deed of Variation will be required to the S106 Agreement to refer to this application, to ensure that it is taken into account in the requirement to make contributions. Ie to make sure that the developer couldn't build this part of the site without providing contributions.

7.5 Recommended Conditions

7.5.1 It is important to ensure that all relevant conditions imposed on the original application (08/08228/FUL) are also applied to any decision made in relation to this application. However, unfortunately it is not a simple matter of copying across the conditions.

7.5.2 For the majority of the conditions imposed on the original application (08/08228/FUL) a condition discharge application has been submitted and approved or no amendments are required as the condition was an ongoing one and didn't require the submission of details. In this case the conditions have been amended to refer to the originally submitted/or approved details. For the ongoing conditions the wording remains similar. This applies to the following conditions:

- Condition 8 – Construction compound
- Condition 9 – Wheel washing
- Condition 10 – Foul water
- Condition 12 – surface water infiltration
- Condition 13 – surface water from parking areas
- Condition 14 – Development in accordance with the submitted FRA
- Condition 15 – Archaeology
- Condition 16 – Ecological mitigation
- Condition 17 – Noise Assessment
- Condition 19 – waste management strategy
- Condition 20 – litter and dog bins
- Condition 22- Renewable energy
- Condition 23 – Water efficiency
- Condition 25 – Construction hours
- Condition 28 – Tree works
- Condition 30-gating to undercroft parking
- Condition 30-bollards and barriers

7.5.3 In some cases however, whilst details have been approved, amendments to these details are required as a result of this partial replan application (or the other applications). Where this is the case recommended conditions are worded differently to refer to either details that were submitted with the application or to require the submission of details for approval. This applies to the following conditions:

Condition 2- levels – As set out in the accompanying report to application 11/0351/VAR, levels were approved under a condition discharge application. This plot substitution application is however accompanied by both plans showing the approved levels and also the proposed levels under application ref 11/0351/VAR. The condition in relation to levels has therefore been drafted on the basis that Members accept the officer recommendation in relation to the application to vary the conditions (ref 11/0351/VAR).Ie in accordance with the levels shown under application 11/0351/VAR If Members do not agree this but resolve to grant permission for this application then delegated authority will have to be sought for the condition to be amended.

Condition 3 – Materials – materials were previously approved under condition discharge application 10/01888/CND, however the developer has submitted details of revised materials which are pending consideration. This plot substitution application also includes a plan showing the materials proposed. The condition is worded to refer to this plan.

Condition 4 – Boundary Treatment – the previously approved details (10/01944/CND) will need to be amended as the plot boundaries and arrangement of dwellings are changed under this partial replan application

Condition 5 – Landscape Scheme- the previously approved details (10/01741/CND)) will need to be amended as the plot boundaries and arrangement of dwellings are changed under this partial replan application.

Condition 18 – Noise Barrier – this condition refers to the amended noise barrier details which were submitted under the application to vary the condition (11/01315/VAR).

Condition 27 – Plot 45 permitted development removal

7.5.3 There are also conditions where, to date, details have not been formally approved. In this instance a condition is recommended, as previously, requiring submission of such details. This applies to the following conditions:

Condition 6 – Offsite highway works. Whilst most of the works have been implemented there was one outstanding off-site highways works matter (at the time of writing this report) which means that the details have not formally been approved.

Condition 7 – Estate Roads – at the time of writing the report formal approval had not been given in relation to the submitted details.

Condition 11 – Contamination – parts 1,2,and 4 have been discharged. Part 4 can only be discharged when the site is complete.

Condition 21 – Lighting. Whilst details have been submitted they have not yet been formally discharged.

Condition 29 – Surface Water Drainage – Whilst the EA have seen and considered technical details the details submitted have not formally been approved. They showed a larger balancing pond than originally proposed.

8.0 Other Matters

8.1 Crime and Disorder – The Crime prevention officer raises no objection.

8.2 Disabled access- this will be dealt with under building regulations.

9 Conditions/Reasons -

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

Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This partial replan application shall be implemented in accordance with the levels shown on the drawing entitled Finished Levels Overall Layout (ref N511-110) received 9 August 2011. No other details, both in relation to this partial replan application or the remainder of the larger site which may be shown on this drawing are approved by this permission

Reason: to clarify the terms of this permission and in the interest of visual and residential amenity.

3. This partial replan application shall be implemented in accordance with the materials shown on drawing ref IRTH_MAT_2 Rev B. No other details, both in relation to this plot substitution application or the remainder of the site which may be shown on this drawing are approved.

Reason: In the interest of amenity.

4. Details of boundary treatment at a scale of 1:200 (unless agreed otherwise with the Local Planning Authority in writing) shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of this partial replan application and development shall be carried out in accordance with these approved details.

Reason: In the interest of amenity.

5. A comprehensive landscaping scheme for this partial replan application shall be submitted to and approved by the local planning authority in writing prior to the commencement of this partial replan application . This shall have been designed in accordance with the submitted landscape masterplan for the original application (08/02282/FUL) received 17 November 2009. It shall also be designed to encourage biodiversity within the site, and shall also include an implementation schedule. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a reasonable standard of development and visual amenity for the area and to take account of Section 197 of the Town and Country Planning Act 1990.

6. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, full engineering, drainage, street lighting, signing, road marking and constructional details of all off site and highway works shall be submitted to and be approved by the local planning authority in writing. Such works shall include,

The site access junction

The off-site kerbing and footway construction works, fronting Finedon Road from plot 93 to the western side of Road 1 (linking to existing footway facilities).

The closure and reinstatement of existing accesses onto the A6 County Road to prevent vehicle use.

The provision of a controlled pedestrian crossing of Finedon Road in a location which shall first be agreed in writing with the local planning authority including the associated high skid resistant surfacing works.

Other Pedestrian and Cycle enhancements

Such details as may be approved by the local planning authority shall thereafter be completed to the satisfaction of the local planning authority prior to the first occupation of the first dwelling of the development hereby permitted.

Reason: In the interest of Highway Safety

7. Notwithstanding the submitted details, prior to the commencement of development hereby permitted, the following internal estate street and residential access details shall be submitted to and be approved by the local planning authority in writing

Hard surface paving materials throughout the estate street.

Provision of pedestrian and vehicular visibility splays throughout the estate streets.

Means of surface water drainage throughout the estate street.

Means of drainage, to prevent the unregulated discharge of surface water onto the highway network.

Maximum gradient (1 in 15) from back of the highway boundary.

Street Lighting.

The development shall thereafter be completed to the satisfaction of the local planning authority in accordance with the approved details.

Reason: In the interest of highway safety

8. The accommodation of all site operatives, visitors and construction vehicles loading, off loading, parking and turning within the site during the construction period, shall accord with the details approved under the condition discharge application 10/01511/CND; specifically drawing ref N511 CP received 4 August 2010.

Reason: In the interest of highway safety.

9. Wheel washing shall be carried out in accordance with the details approved under the condition discharge application 10/01511/CND; particularly drawing ref N511 CP received 4 August 2010.

Reason: In the interest of highway safety.

10. All foul drainage shall be in accordance with the details approved under condition discharge application 10/01516/CND; in particular drawings 10083/DR/500; 10083/DR501B; 10083/DR/511; 10083/DR/512 received 5 August 2010.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure.

11. Prior to the commencement of development approved by this planning permission(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination of the site.
- 2) A site investigation scheme based on 1) to provide information for a detailed assessment of the risk to all receptors that may be effected, including those offsite.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how these are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance arrangements and contingency action.

Any changes to these components will need to be approved in writing by the Local Planning Authority.

Reason: To prevent pollution to the water environment and the risk of contamination elsewhere

12. No infiltration of surface water drainage into the ground is permitted other than that which may be approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: Any areas where soakaways are proposed should be characterised. This is to ensure that the use of soakaways does not pose additional risk to controlled waters from mobilisation of contaminants in soil.

13. All surface water from communal parking and manoeuvring areas shall be passed through trapped gullies prior to disposal to groundwater, watercourse or surface water sewer with an overall capacity compatible with the site being drained.

Reason: To prevent pollution to the water environment.

14. Development shall be carried out strictly in accordance with the Flood Risk Assessment submitted in relation to the original application ref 08/02282FUL and the Addendum to the Flood Risk Assessment dated 12 August 2011.

Reason: To prevent flooding.

15. All work shall be carried out in accordance with the written scheme of archaeological work approved under the condition discharge application 10/01488/CND.
Reason: To protect any potential archaeological interest.
16. Development shall be carried out at all times strictly in compliance with the Ecological Mitigation Plan submitted in relation to the original application 08/08228/FUL as amended by the statements of Lockhart Garratt received 3 August 2011 and 3 November 2011
Reason: To protect ecological interests.
17. Development shall be carried out strictly in accordance with the Noise Assessment submitted in relation to the original application (08/02282/FUL) as amended by the statement from Cole Jarman dated 1 September 2011 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To protect the proposed dwellings from sources of noise in the interest of residential amenity.
18. The noise barrier, as shown on drawing ref N511_01_Q Rev S shall be in place before the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority.
Reason: to protect future residents from noise, in the interest of amenity, whilst at the same time ensuring the free passage of newts.
19. Development shall be carried out fully in accordance with the waste management strategy submitted in relation to the original application ref 08/02282/FUL unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interest of amenity and sustainability
20. Litter and dog bins shall be provided in accordance with the details approved under the condition discharge application 10/01944/CND.
Reason: In the interest of amenity
21. Prior to the commencement of development a scheme for lighting the private parking areas, footpaths and areas of public open space shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.
Reason: In the interest of amenity and crime prevention.
22. The development shall be carried out in accordance with the Amended Energy Strategy approved under condition discharge application 10/01888/CND.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.
23. Development shall be carried out in accordance with the water efficiency statement, approved under condition discharge application ref 10/01659/CND.
Reason: To ensure that the development is sustainable and makes efficient use of water and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.
24. There is no condition 24 in relation to this replan application
25. No building works shall be carried out before 7.30 am or after 18.00 pm Monday to Fridays or before 8.00 am or after 13.00 pm on Saturdays or anytime on Sundays or Bank Holidays.
Reason: In the interest of amenity.

26. There is no condition 26 in relation to this replan application as the former condition related to Plot 9 only.
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no windows shall be inserted in the side/flank elevations of Plot 45.
Reason: To protect the amenity of adjacent occupiers.
28. All tree works shall be carried out in accordance with the details approved under condition discharge application 10/01944/CND.
Reason: To ensure the protection of trees on site
29. Development shall not commence until a surface water drainage scheme for the site has been submitted to and approved by the Local Planning Authority in writing. The scheme shall be subsequently implemented in accordance with the approved scheme before the development is completed.
Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.
30. Gating to the undercroft parking areas shall be carried out in accordance to the details approved under condition discharge application 10/01514/CND.
Reason: In the interest of crime prevention.
31. Bollards and motorcycle barriers shall be provided in accordance with the details approved under condition discharge application 10/01514/CND.
Reason: In the interest of crime prevention.
32. The drawings to which this decision relates are as follows:

Drawing Nos

Location Plan Re-Plan A - received 3 October 2011
Planning Layout ref N511_01_Q Rev S - received 18 October 2011
Materials Plan IRTH_MAT_2 Rev B received 3 October 2011
Tree Survey Plan 759 Tr Svy 1 received 22 August 2011
House Types: - received 22 August 2011
1BF01-PL03
1BF01-PL01
1BF01-PL02
3254-PL03
3254-PL01
3254-PL02
3254i-PL03
3254i-PL01
3254i-PL02
3254-PL03
3254-PL01
3254-PL02
3253i-PL03
3253i-PL01
4253--PL02
2251-PL03
2251-PL01
2251-PL02
3250i-PL03
3250i-PL01
3250i-PL02
2254-PL03
2254-PL01 Rev A

2254-PL02
3253-PL03
3253-PL01 Rev A
3253-PL02
3256i-PL03
3256i-PL01 Rev A
3256i-PL02
3257-PL03
3257-PL01 Rev A
3257-PL02

G01(SG)01 Rev B
G02(SG)01 Rev B
G02.P(SG)01 Rev B
G03(SG)01 Rev B
G01.G02(DET)01 Rev C
Finished Levels Overall Layout - N511-113 Rev Received 10 November 2011
Plan AA
Plan AA TPP 02 Rev A
Plans for Background/Reference only:
Planning Layout - N511_01_N1 - received 22 August 2011
Finished Floor and External Levels 10083/SK/003 Rev C
N511-111A Sections Sheet 1
N511-111 Sections Sheet 2
Sectional Details N511-ELE1 Rev C received 22 August 2011
Sectional Details N511-ELE Rev B received 22 August 2011

4775/04

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS9, PPG13, PPG16, PPG17, PPS23, PPG24 and PPS25; the North Northamptonshire Core Spatial Strategy Policy 1 - Strengthening the network of settlements
 - Policy 6 - Infrastructure Delivery and Developer Contributions
 - Policy 7 - Infrastructure Delivery and Developer Contributions
 - Policy 8 - Delivering Housing
 - Policy 9 - Distribution and Location of Development
 - Policy 10 - Distribution of Housing
 - Policy 13 - General Sustainable Development Principles
 - Policy 14 - Energy Efficiency and Sustainable Construction
 - Policy 15 - Sustainable Housing Provision; the East Northamptonshire District Local Plan
 - GEN3 - Infrastructure, services and amenities
 - H4- Housing types and sizes
 - RL3 - Open space for new development
 - RL4 - Play areas for new development
 - IR1B - Allocates site for housing (indicates that site could accommodate around 100 dwellings; Three Towns Plan - Preferred Options
 - ENC SPD - Developer Contributions
 - NCC SPG - Crime and Disorder
 - NCC SPG – Parking

Biodiversity SPD Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenities, the design and visual impact and highway matters. The application has been approved as:

- The revised density and mix would be acceptable
- There would be no adverse impact on visual amenity
- There would be no greater impact on residential amenity
- The proposed noise bund would protect the dwellings from an unacceptable level of noise
- There are no additional ecological, drainage, highway or other technical implications

2. Your attention is drawn to the contents of the attached letter from the Environment Agency.

3. No works may commence upon the existing public highway without the express written consent of the Highway Authority. Such consent would only be forthcoming subject to the completion of an Agreement under Section 278 of the Highways Act 1980. The preparation of the Agreement would require the submission of full engineering, drainage, street lighting, signal, signing, road marking and constructional details etc. Submitted details would be subjected to a full Technical and Safety Audit which may result in changes to layouts and works extents shown indicatively on the approved plans.

The Applicant is advised to seek the technical approval of such offsite works details from the Local Highway Authority before submitting such approved details to the Local planning Authority for the purposes of discharging the associated condition(s).

After the completion of the Section 278 Agreement, the commencement of any highway works will be subject to suitable Notices required by the New Roads and Street Works Act 1991 as amended by the Traffic Management Act 2004. This, in practice, means that a three month Notice is required to book the road space necessary to undertake works of this nature on any highway. Separate Notices will be required for works affecting different roads or at different times. The County Council's Traffic Manager may stipulate start and completion dates, duration of works and impose penalties for failure to adhere to conditions that may be imposed.

The provision of a controlled pedestrian crossing requires the processing of an appropriate Notice. Such Notices are open to public notification and observation outside the planning process. Any observations made may be considered and where appropriate mitigated prior to the confirmation of the Notice. The determining Authority for such notices is the County Council. It should be noted that changes to details and potentially slight changes to locations may be required, to resolve any observations made during the notification period. As such the details shown on the approved plans should be treated as illustrative.

High skid resistant material is required in advance of and up to a controlled pedestrian crossing. Such material should be laid on fresh and sound surfacing material. In order to ensure such material is applied it may be necessary to plane and resurface the carriageway prior to the laying of the material.

The adoption of internal streets would be subject to an appropriate agreement under the Highways Act 1980. The processing of such agreements will require the submission of engineering and constructional details. A quality Audit as promoted by Manual for streets and the County Council's "Place and Movement Guide" would be required.

Committee Report

Committee Date : 30 November 2011

Printed: 18 November 2011

Case Officer **Sue Wheatley**

EN/11/01351/VAR

Date received	Date valid	Overall Expiry	Ward	Parish
22 August 2011	2 September 2011	2 December 2011	Irthlingborough Waterloo	Irthlingborough

Applicant **Bloor Homes (South Midlands) - Mr P Clark**

Location Former Factory Site Finedon Road Irthlingborough Northamptonshire

Proposal **Variation: to amend approved details in respect of conditions 2 (levels) and 18 (acoustic barrier) of approved application EN/08/02282/FUL dated 16.07.2010: Redevelopment of site to residential development comprising 141 dwellings with associated roads, car parking, public open spaces, infrastructure and access**

1. Summary of Recommendation

- 1.1 That Conditions 2 and 18 attached to planning permission ref 10/02282/FUL be varied subject to the imposition of a condition itemising the relevant plan numbers.

2. The Proposal

- 2.1 The applicant has advised that difficulties have been experienced in relation to the viability of the site. A revised confidential open book viability assessment has been submitted together with the following three planning applications:

11/01351/VAR – variation to amend approved details in respect of condition 2 (levels) and 18 (acoustic barrier) attached to 08/02282/FUL.

11/01350/FUL – partial replan of approved application 08/02282/FUL.

11/01482/FUL – conversion of 18 affordable(social rent) units of application 08/02282/FUL to 19 private residential units.

- 2.2 This report considers the application for the variation of the two conditions(ref 11/01351/VAR).

Condition 2 states:

“Notwithstanding the submitted information prior to the commencement of development details of existing levels of the site in relation to adjoining land levels and proposed levels including finished floor levels shall be submitted to and agreed with the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.”

Condition 18 states:

“Prior to the commencement of development, details of the proposed noise barrier, which shall include measures to allow for the free passage of newts, shall be submitted to and approved by the Local Planning Authority in writing. This barrier shall be in place before the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority.”

- 2.3 It is proposed that levels be raised within the central portion of the site by between around ½ -1/1 ½ metres and that the 3m high approved acoustic fence be replaced with a 1 m high bund with 2 m high fence on top. The explanation given for this is that it would save the cost of exporting material off site.
- 2.4 During the course of the consideration of the application additional level information in relation to the roads was submitted, the bund detail was revised to change the position and profile of the bund and remove reference to the slope being too steep for newts to climb and a revised scheme was submitted in relation to the central area of public open space. Re-consultation was carried out.

3. The Site and Surroundings

- 3.1 The site is located on the north western edge of Irthlingborough. It was previously used for employment purposes by Sunseeker and Homeseeker Homes, who have now moved to purpose built premises in Rushden. Residential properties adjoin the site to the west and east. Whilst the site in part has a frontage to Finedon Road it is also set behind a number of properties which front Finedon Road. On the opposite side of the site there are residential properties and behind these is Huxlow School. The A6 lies to the north of the site.
- 3.2 Levels varied considerably within the site as the previous employment use was situated on an artificially created plateau.
- 3.3 There are a number of important trees along the frontage to Finedon Road, the western boundary of the site and along the A6 which are protected by a group tree preservation order. Within the site there are some areas of scrub.
- 3.4 The applicant has started work on the site and has done some site clearance, some earth moving work and has built a number of houses in close proximity to the site entrance. The applicant has called the development The Lanterns.

4. Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable development (incorporating new statement on Climate Change)
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG16 – Archaeology and Planning
PPG17 – Planning for Open Space, Sport and recreation
PPS23 – Planning and Pollution
PPG24 – Planning and Noise
PPS25 – Development and Flood risk

4.2 East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 13b – Housing Provision (Northamptonshire)
Policy 14 – Regional Priorities for Affordable Housing
Policy 17 – Regional Priorities for Managing the Release of Land for Housing
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 28 – Regional Priorities for Environmental and Green Infrastructure

Policy 29 – Priorities for Enhancing the Region’s Biodiversity
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 36 – Regional Priorities for Air Quality
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 40 – Regional Priorities for Low Carbon Energy Generation
Policy 41 – Regional Priorities for Culture, Sport and Recreation
Policy 43 – Regional Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 46 – A Regional Approach to Behavioural Change
Policy 48 – Regional Car Parking Standards
Policy 49 – A Regional Approach to Improving Public Transport Accessibility
Policy 53- Regional Trunk Road Priorities
Policy 54 – Regional Major Highway Priorities
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

4.3 MKSM Sub-Regional Strategy
Strategic Policy 3- Sustainable Communities

4.4 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the network of settlements
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 7 – Infrastructure Delivery and Developer Contributions
Policy 8 – Delivering Housing
Policy 9 – Distribution and Location of Development
Policy 10 – Distribution of Housing
Policy13- General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction
Policy 15 – Sustainable Housing Provision

4.5 Northamptonshire County Structure Plan

None relevant

4.6 East Northamptonshire District Local Plan

GEN3 - Infrastructure, services and amenities
H4 - Housing types and sizes
RL3 – Open space for new development
RL4 – Play areas for new development
IR1B –Allocates site for housing (indicates that site could accommodate around 100 dwellings)

4.7 Other Relevant Policies

Three Towns Plan – Preferred Options

ENC SPD – Developer Contributions
NCC SPG – Crime and Disorder
NCC SPG - Parking.
SPD Biodiversity

5. Planning History

5.1 Various applications to discharge conditions attached to 08/02282/FUL. The two that are of particular relevance are included below.

- 5.2 10/01613/CND- Condition 2 Levels. This was considered by the Development Control Committee at its meeting on 22 December 2010 and a copy of the report is attached for Members information.
- 5.3 10/01944/CND – Condition 18 Noise Barrier. This was considered under delegated powers on 8 February 2011.

6 Consultations and Representations

- 6.1 Irthlingborough Town Council – No objection
- 6.2 Local Highway Authority – requested level information for the roads. Raised no objection when this was submitted.
- 6.3 ENC Conservation(Trees) – raised the following concerns in relation to the initial submission:
- the proposed level changes would impact on the central area of open space
 - The proposed bund would breach the tree protection area
 - A revised landscaping scheme should be requested.

Discussions took place with the applicant and revised details were submitted in an attempt to address these concerns. Further concerns were raised:

- The new layout for the open space has become fragmented. The tree areas do not complement and flow into each other.
- The smaller area of open space on the western edge of the site(linking to the existing development) has a more open layout however it does not appear to have any visual or design based connection to the central open space.
- Whilst the appropriate use of levels might result in an attractive and useable area of open space further information is required including cross sections through the area including through the balancing pond and the brook.
- The current proposal however constrain the areas. The mounds overlook properties and create a barrier. Levels need to be considered more as part of the overall design. The paths set between the balancing pond and brook appear steep with little room either side.
- Paths and bridges are not appropriately located.

Further information was submitted, however these details remained unacceptable and the following concerns were raised:

- The attenuation pond fragments the area – is its size and shape fixed?
- The cross sections show some very steep slopes and there are questions about how useable the open space would be.
- Due to the amount of space taken up by the pond and mounding hard surfaced rather than grass paths are required

The developer then submitted two possible options for comments and concerns were raised in relation to:

- Levels into the pond and slope gradient.
- Access to the pond
- Variety of pond depths
- Provision of paths
- Species and planting mix

Finally a further revision was submitted which was judged to be acceptable to the Council's Tree Officer.

6.4 Environment Agency – No comments

6.5 Crime Prevention Design Advisor – No objection

6.6 Environmental Health(noise) – No objection as the level of protection for householders remains the same

6.7 Environmental Health (contamination) - This application is for the use of remediated soils to raise levels and construction of an acoustic bund. The soil used for this is site won material that has been passed through a bioremediation process to make it suitable for use. We have been in discussion with the Environment Agency, the applicant and Soiltechnics, their environmental engineers, in this respect.

The Environment Agency has confirmed that reuse of this material will not require an environmental permit. However, the applicant or their advisors will have to submit a Materials Management Plan (MMP) signed by the Qualified Person to the Environment Agency following guidance in the CL:AIR Report "The Definition of Waste: Development Industry Code of Practise".

Providing the MMP is submitted and approved by the Environment Agency and the soil meets the agreed remedial targets we have no objection to this planning application. However, it must be remembered the developer is ultimately responsible for ensuring the development is safe and suitable for the purpose for which it is intended.

6.8 Ramblers – No comments to make

6.9 Wildlife Trust – detailed comments provided in relation to newts and their activity. Advised to contact Natural England and specialist amphibian experts

6.10 Natural England - It was certainly worth querying the plan with the developer's ecologist. I've not come across this issue specifically before, but ultimately I also think that the comments provided by the ecologist are reasonable and acceptable.

7. Evaluation

The issues which need to be considered under this application relate solely to the proposed changes to the levels and the bund details. The principle of the acceptability of the scheme and all other details were established by the granting of planning permission reference 08/02282/FUL.

7.1 Visual Impact

7.1.1 The revision to the levels is confined to the central area of the site and the visual implications would, on the whole, be confined to views from within the site. Revised cross sections have been submitted which demonstrate that the raising of levels within part of the site would not have an adverse impact on the street scenes within the development.

7.1.2 The main visual impact from outside the site would be from the revised acoustic details. A 3m high fence is proposed to be replaced with a 1 m high bund with a 2 m high fence on top. There are existing trees alongside the A6 which would help mitigate any impact and the bund would have no more of a visual impact than the approved fence.

7.3 Impact on Public Open Space

7.3.1 The main issue that has arisen during the consideration of the application has been the impact that the revised levels would have on the central area of open space. The original proposal would have seen the levels increasing at a constant gradient across the open space which would have detracted from the usability of this space.

7.3.2 In addition, it was also noticed that the size of the balancing pond within the open space had been increased, without any approval for this having been granted.

7.3.3 Detailed discussions have taken place with the applicant regarding how best to treat this open space and the detail related to these discussions is set out in 6.3. After long discussion details have been submitted which are now acceptable.

7.4 Impact on Trees

7.4.1 The trees along the A6 are covered by a Tree Preservation Order. The details originally submitted in relation to the bund showed it sited within the protection zone for these trees. Revised details were therefore requested and submitted. These ensure that the bund would be positioned outside the tree protection area; however to allow for this the profile of the bund has been varied and in a number of locations it would have steeper sides than originally proposed.

7.4.2 The Council's Tree Officer has confirmed that she is happy with the amended proposals.

7.5 Ecological Impact

7.5.1 Due to the presence of newts on the opposite side of the A6 to the site the approved acoustic fence had been designed to allow for the free passage of this protected species. Concerns were therefore raised with the applicant as the original submitted plans included the following notation "Difficult for newt to climb". The applicant advised that this was a typographical mistake and removed the notation. The application was accompanied by a statement by the applicant's ecologist: who:

- Confirmed that he had no concerns with regard to the impact on newts from the bund
- Advised that presently the site remains newt free with the exclusion fence maintained on the northern boundary following trapping in October 2010
- Should minor sections of the fence need to be relocated I can do this through my licence
- The proposed mounding although steep will become vegetated and as such amphibians will be able to climb up the slope.
- The gaps beneath the fence will allow for amphibian access although it should be noted that the emphasis in the licence is to provide newt habitat in the northern buffer area between the site and the A6.

7.5.2 Advice was sought from the Wildlife Trust and Natural England to ensure that the proposed bund would not impede the free passage of newts. Natural England confirmed in relation to the bund as originally proposed that the comments provided by the applicant's ecologist were reasonable and acceptable and have provided a similar confirmation in relation to the steeper sided bund.

7.6 Noise Impact

7.6.1 The application was accompanied by an addendum to the noise assessment that was submitted at the time of the original application. Environmental Health are satisfied that the revised acoustic details would provide a similar level of protection to residents.

7.7 Highways Impact

7.7.1 The Local Highway Authority initially raised concerns as no level information had been submitted in relation to the roads. They have now confirmed that they have seen sufficient detail to satisfy them that the roads would be to adoptable standards.

7.8 Impact on Amenity of Neighbours

7.8.1 As all of the proposed level changes are to plots that are not adjacent to existing residential properties there would be no impact on residential amenity from this general raising of levels.

7.8.2 Whilst the proposed bund would adjoin existing residential properties located to the east and west this would have no more impact on the amenity of the occupiers of these properties than the approved 3 m high fence.

7.9 Contamination

7.9.1 The soil that is to be used to raise the levels is to come from the site. It has been bio-remediated on the site. Environmental Health have confirmed that the applicant or their advisors will have to submit a Materials Management Plan (MMP) signed by the Qualified Person to the Environment Agency following guidance in the CL:AIR Report "The Definition of Waste: Development Industry Code of Practise". Providing that this MMP is submitted and approved by the Environment Agency and the soil meets the agreed remedial targets they advise that they have no objection to this planning application. They do however point out that the developer is ultimately responsible for ensuring the development is safe and suitable for the purpose for which it is intended.

7.9.2 This Materials Management Plan is something required by separate legislation and therefore it would not be reasonable to impose a condition requiring its submission.

8.0 Other Matters

8.1 Crime and Disorder – The Crime prevention officer raises no objection.

8.2 Disabled access- this will be dealt with under building regulations.

Appendix 1 Report in relation to the previous approval of levels 10/01613/CND

1. Summary of Recommendation

That the level details be approved.

2. The Proposal

2.1 As Members are aware conditions are frequently imposed when planning permission is granted. The approval of details in relation to conditions and the discharge of conditions (the confirmation that development has been carried out in accordance with the approved details) is normally dealt with under delegated powers.

2.2 A request has been received in relation to the permission for 141 dwellings (ref 08/02282/FUL) at the former Sunseeker site for the approval of level details. The relevant condition states:

“ Notwithstanding the submitted information prior to the commencement of development details of existing levels of the site in relation to adjoining land levels and proposed levels including finished floor levels shall be submitted to and agreed with the Local Planning Authority in writing. Development shall be carried out in accordance with these approved details.”

2.3 During consideration of the application for the 141 dwellings (ref 08/02282/FUL) details of levels were requested from the developer because a significant amount of re-contouring work was proposed. A contour plan (ref 1352/EW/01E) and site sections were submitted and proposed levels reported to the Development Control Committee on 2 December 2009. (Copy of report attached – see section 7.6). The condition was imposed because the contour plan included the word “indicative” in its description and because there appeared to be some inconsistencies between the contour plan (1352/EW/01E) and site sections.

2.4 The details are being reported to Members as the proposed levels are now marginally higher than reported to Development Control Committee. The developer has sought to argue that due to the presence of the condition specific levels had not been approved by Committee. However your Officers are not convinced by this argument and are of the view that any increase in levels would need to be approved by the Development Control Committee.

2.5 The applicant has explained that these increases:

“are the result of a need to meet design criteria that provides safe means of vehicular access and egress from garages onto private drives onto the internal road network, which is being offered for adoption to Northamptonshire County Council (NCC) under Section 38 of the Highways Act.

In light of extensive correspondence between the applicants and Officers, the applicants have reviewed their proposed levels in great detail, taking into consideration the following existing / applicable constraints:

1. The existing level of Finedon Road at the site access (80.50mAOD);
2. Adoptable design standards (i.e. road gradients) expected of NCC to adopt the internal road network;
3. Maximum road gradients on private drives accessing garages;
4. Level thresholds for access/egress of proposed residential dwellings;
5. Existing boundary levels; and
6. The need to maintain the urban design principles and provide a suitable quality of life for future residents with minimal impact on neighbouring properties.”

The following plans have been submitted:

- Planning Layout (ref N511_01_N1) showing existing contours
- Finished Floor and External Levels (ref 10083/SK/003C)
- Sectional drawings (N511-ELE1C)

The applicant has also submitted the following summary sheet of the proposed changes.

Plot Ref.	Level Reported to November Committee (mAOD)	Proposed Level (mAOD)	Difference (m)
Western Boundary			
Plot 4 – garage	78.0	78.275	+0.275
Plot 4 – dwelling	78.0	78.425	+0.425
Plot 9	77.0	77.10	+0.1
Plots 10-11	77.0	76.73	-0.27
Plot 12	76.0	75.20	-0.8
Plots 16-17	75.50	74.80	-0.7
Eastern Boundary			
Plots 80-78	76.0	76.065	+0.065
Plots 77-76	--	75.70	--
Plot 75	75.0	75.20	+0.2
Plot 68	--	74.80	--
Plot 58	70.0	69.40	-0.6
Plot 49	--	72.50	--

3. The Site and Surroundings

3.1 The site is located on the north western edge of Irthlingborough. It was previously used for employment purposes by Sunseeker and Homeseeker Homes, who have now moved to purpose built premises in Rushden. Approximately ¾ of the site is therefore previously developed land. Residential properties adjoin the site to the west and east. Whilst the site in part has a frontage to Finedon Road it is also set behind a number of properties which front Finedon Road. On the opposite side of the site there are residential properties and behind these is Huxlow School. The A6 lies to the north of the site.

3.2 Levels vary considerably within the site as the employment used was situated on an artificially created plateau.

3.3 There are a number of important trees along the frontage to Finedon Road, the western boundary of the site and along the A6 which are protected by a group tree preservation order. Within the site there are some areas of scrub.

4. Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable development (incorporating new statement on Climate Change)
PPS3 – Housing

4.2 East Midlands Regional Plan

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement had been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration."

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design

4.3 North Northamptonshire Core Spatial Strategy

Policy13- General Sustainable Development Principles

4.4 Northamptonshire County Structure Plan

None relevant

4.5 East Northamptonshire District Local Plan

None relevant

4.6 Other Relevant Policies

Three Towns Plan – Preferred Options

5. Planning History

5.1 08/02282/FUL - Redevelopment of site to residential development comprising of 141 dwellings with associated roads, car parking, public open spaces, infra-structure and access. Granted 16 July 2010.

6 Consultations and Representations

6.1 As matters related to conditions are normally dealt with under delegated powers only the neighbours immediately adjoining the site have been notified. The period for neighbour comment expires on 16 December. Any comments received will therefore be reported on the Update Sheet.

7. Evaluation

There are two issues which need to be considered. The impact on the street scene and the impact on residential amenity.

7.1 Impact on Street Scene

7.1.1 The most significant change for the street scene relates to Plot 4, which is close to the front portion of the western boundary. The garage to this Plot would be 0.425 metres higher than the level shown at the time of the original application (ref 08/02282/FUL). The nearest existing dwelling to this is 188 Finedon Road. This property has a finished floor level significantly lower than the level proposed for Plot 4; 75.94 metres compared to 78.425 metres. However there would be around 15 metres between the two properties and this coupled with the extensive existing screening along the western boundary would ensure that the higher level would not have an adverse impact on the street scene.

7.1.2 The other area is the view from the end of Merefields. Lane 2 within the development, however, which is opposite Merefields is proposed at the same level as Merefields. There is an area of open space with a pathway running through it between 22 Merefields and the application site. There would thus not be an adverse impact on the street scene.

7.2 Effect on Residential Amenity

7.2.1 There are residential properties to the west, east and south of the site and the following section deals with each of these areas in turn.

7.2.2 Relationship with existing dwellings in Scotsmere.

4 Scotsmere – Plot 12 and Plots 10-11 would be the nearest units to this dwelling. The summary table submitted by the developer shows that the proposed dwellings would be lower than reported previously to Development Control Committee. No issues therefore arise in relation to the impact on residential amenity.

3 Scotsmere - Plots 16-17 would be the nearest units to this dwelling. The summary table submitted by the developer shows that the proposed dwellings would be lower than reported previously to Development Control Committee. No issues therefore arise in relation to the impact on residential amenity.

7.2.3 Relationship with existing dwellings in Finedon Road

188 Finedon Road – Plots 4 and 9 are the units in proximity to this dwelling.

Plot 4 is proposed 0.425 metres higher than reported to Development Control Committee at a level of 78.425m AOD compared to a reported finished floor level of the existing dwelling of 75.94. However the garage is the nearest element and only the flank elevation to Plot 4, which has no windows, would face this existing dwelling. In addition the garage to the existing dwelling is the part of the dwelling which is nearest to the application site boundary. The increase in levels would therefore not have a harmful impact on residential amenity.

Plot 9 is proposed 1.0 m above the level reported to Development Control Committee at a level of 77.10 metres AOD. It would however be around 13 metres from the existing dwelling. Whilst a flank elevation would face the existing dwelling which contains a secondary lounge/diner window a condition was imposed on the original planning permission (ref 08/02282/FUL) requiring that this window be obscure glazed. There is also a belt of existing screening along the boundary. The increase in levels would therefore not have a harmful impact on residential amenity.

170-176 Finedon Road – Plot 110 has not been included within the summary table, presumably because the specific level of this unit was not referred to in the report to the Development Control Committee. The level of this unit has however been raised. The illustrative contour plan (ref 1352/EW/01E) showed the 79 metre contour running through this unit and the level now proposed is 79.85 metres AOD. However the Committee report did note that there would be more than 30 metres between the two units and that the proposed dwelling would be at a lower level than the existing dwelling. The planning layout with existing levels superimposed (ref N511_01_N1) shows that the sub station adjacent to No 176 is at a level of 80.36 metres AOD. Therefore the unit proposed on Plot 110 would remain at a lower level than No176. No issues therefore arise in relation to the impact on residential amenity.

Plots 103, 106, 107 and 108 are proposed at the same level that was reported to Development Control Committee. No issues therefore arise in relation to the impact on residential amenity.

162-168 Finedon Road – The previous report to Development Control Committee noted that the proposed dwelling on Plot 102 would be approximately 2 metres lower than the existing dwellings. The proposed finished floor level is 76.7 AOD. The contour plan (ref 1352/EW/01E) submitted at the time the application was considered proposed a level of 77.5 metres AOD. No issues therefore arise in relation to the impact on residential amenity, as the proposed dwelling is now lower..

148 Finedon Road - Plot 93 is proposed in line with this dwelling fronting Finedon Road. The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

Two dwellings (Plots 91 and 92) are proposed behind Plot 93. The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

Plot 90 - The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

140-146 Finedon Road - The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

7.2.4 Relationship with existing dwellings in Ringwell Close

9 and 10 Ringwell Close- The previous report to Development Control Committee noted that the submitted contour plan (ref 1352/EW/01E) showed that Plot 80 would be between 75-76 metres AOD and also that, whilst unfortunately a site section was not available, from other information provided it appeared that the proposed dwellings would be at least one metre higher than the existing dwellings. The submitted summary table suggests that the level of plots 80-78 have been raised by +0.065 metres, however this summary table refers to a level of 76.0 metres being the reported level. The contour plan (ref 1352/EW/01E) submitted at the time of the application did however show the 76.0 metre contour running through this property. However the decision was clearly made on the basis that the proposed dwelling would be around 1 metre higher than existing dwellings and not more.

Unfortunately the submitted Finished Floor and External Levels plan (ref 10083/SK/003 Rev C) does not include the levels of the existing dwellings. A site section however has been submitted to illustrate the relationship with neighbouring properties. This shows that the new dwellings are proposed almost 2 metres higher than the existing dwellings. Potentially therefore it could be possible for occupiers of the proposed dwellings to have a view over a standard 2 metre fence towards ground floor windows of the existing properties. To mitigate this, screen planting is shown on the section drawing. In addition the back to back distance from the dwelling on Plots 78 and 80 would be between 28 and 30 metres from the existing dwellings. This should ensure that the increase in levels would not have an adverse impact on residential amenity.

11 and 12 Ringwell Close - The previous report to Development Control Committee noted that the submitted contour plan showed that Plots 78 and 79 would be between 75-76 metres AOD and also that, whilst unfortunately a site section was not available, from other information provided it appeared that the proposed dwellings would be at least one metre higher than the existing dwellings. The submitted summary table suggests that the level of plots 80-78 has been raised by +0.065 metres, however this summary table refers to a level of 76.0 metres being the reported level. The contour plan (ref 1352/EW/01E) submitted at the time of the application showed the 75.5 metre contour running through the dwelling on Plot 78.

Unfortunately the submitted Finished Floor and External Levels plan (ref 10083/SK/003 Rev C) does not include the levels of the existing dwellings. A site section however has been submitted to illustrate the relationship between neighbouring properties. This shows that the dwellings are proposed almost 2 metres higher than the existing dwellings. Potentially therefore it could be possible for occupiers of the proposed dwellings to have a view over a standard 2 metre fence towards ground floor windows of the existing properties. To mitigate this screen planting is shown on the section drawing. In addition the back to back distance from the dwelling on Plot 78 to existing dwellings is around 26 metres (albeit that the length of the garden is between 8-9 metres). This should ensure that the increase in levels would not have an adverse impact on residential amenity.

7.2.5 Relationship with existing dwellings in Merefields

19 Merefields – The previous report to Development Control Committee noted that the submitted street scenes showed that the new dwelling would be almost one metre higher than this existing dwelling and that the contour plan showed the dwellings to Plots 75 and 76 at 75 metres AOD. The contour plan (ref 1352/EW/01E) submitted at the time of the application shows the 75 metre contour running through the dwelling on Plot 75. The summary sheet proposes unit 75 at 75.2 metres AOD and Unit 76 at 75.7 AOD. There is thus an increase in levels.

Unfortunately the submitted Finished Floor and External Levels plan (ref 10083/SK/003 Rev C) does not include the levels of this existing dwelling. A site section however has been submitted to illustrate the relationship between neighbouring properties. This shows that the dwellings are proposed almost 2 metres higher than this existing dwelling. Potentially therefore it could be possible for occupiers of the proposed dwellings to have a view over a standard 2 metre fence towards ground floor windows of the existing properties. To mitigate this screen planting is shown on the section drawing. The dwellings on Plots 75, 76 and 77 are side on to this existing dwelling and the distance of the nearest dwelling to the flank elevation would be 19m. This should ensure that the increase in levels would not have an adverse impact on residential amenity.

22 Merefields – No levels were noted in the previous report to Development Control Committee. The contour plan submitted as part of the application (ref 1352/EW/01E) showed the 74.5 contour going through Plot 68. The summary sheet proposes a level of 74.8 metres AOD. The dwelling is thus marginally higher than originally proposed. As the relationship is blank flank elevation to blank flank elevation there are no residential amenity issues.

7.2.6 Relationship with existing dwellings in Wyckley Close

1-8 Wyckley Close –The dwelling to Plot 58 lies to the rear of 3 Wyckley Close. The level reported to Development Control Committee was 70.0 metres AOD and the Summary Sheet proposes a level of 69.4 metres which is 0.6 metres lower. There are therefore no residential amenity issues.

9 Wyckley Close – Plot 49 is adjacent to this property. The report to Development Control Committee did not refer to a specific level. The contour plan ((ref 1352/EW/01E) showed the 72 metre contour running through the dwelling on this plot. The Summary Sheet proposes a level of 72.5 metres AOD. As however the two dwellings would just be flank on to each other there would be no impact on residential amenity due to this increase.

8.0 – Other Issues

- 8.1 Crime and Disorder - this application does not raise any significant issues.
- 8.2 Access for Disabled – the application does not raise any significant issues.

9.0 Conclusion

There are two main area where levels have increased which require careful consideration:

1. The western portion of the site adjacent to 188 Finedon Road (Plots 4 and 9). There are two issues. Whether the increase in levels would have an adverse impact on residential amenity and also the street scene. Due to the orientation of the dwellings and the presence of existing screen planting, it is not considered that there would be any undue adverse impact on either of these issues.

2. The eastern portion of the site and the relationship with Ringwell Close and 19 and 22 Merefields (Plots 75-80). The issue here is the impact on residential amenity. The original Development Control Committee report suggested that the proposed dwellings would be around one metre higher than existing dwellings and with the levels now proposed the dwellings would be around two metres higher than existing dwellings although this difference would not be as pronounced at the plot boundaries. With the addition of screen planting and due to the distances between dwellings, it is again considered that on balance there should not be any undue adverse impact on residential amenity such as to warrant withholding approval for the clearance of this condition.

In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1 and PPS3, East Midlands Regional Plan Policies 1 and 2, North Northamptonshire Core Spatial Strategy 2008 Policy 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the impact on visual amenity and the impact on residential amenity. The application has been recommended for approval as:

1. The increase in levels would not have an adverse impact on the visual appearance of the street scene.

The increase in levels, subject to the provision of screening, would not have any undue impact on residential amenity.

10 Recommendation

10.1 That the submitted level details be approved under condition 2 of planning permission ref EN/08/02282/FUL

The Conditions attached to EN/11/01351/VAR

9 Conditions/Reasons -

1. Conditions 2 and 18 are hereby varied subject to development being carried out strictly in accordance with the following plans.

Location Plan Levels A received 30 September 2011; Proposed Levels/Bunding drawing ref N511 received 18 October 2011; Newt Bund Sections Shown on Approved Layout ref N511_7 scanned 10 November 2011; Finished Floor and External Levels 10083/SK/003 Rev C received 22 August 2011; Condition 2 Amendment Levels N511-110 Rev D received 30 September 2011; Sections Sheet 1 N511-111A received 22 August 2011; Sections Sheet 2 N511-112A received 22 August 2011; Sectional Details N511-ELE1 Rev C received 22 August 2011; Sectional Details N511-ELE REv B received 22 August 2011; Acoustic Fence 01B received 30 September 2011; External Levels for Condition 2 Amendment Sheet 1 of 5 N511-120 received 6 October 2011; External Levels for Condition 2 Amendment Sheet 2 of 5 N511-121 received 6 October 2011; External Levels for Condition 2 Amendment Sheet 3 of 5 N511-122 received 6 October 2011; External Levels for Condition 2 Amendment Sheet 4 of 5 N511-123 received 6 October 2011; External Levels for Condition 2 Amendment Sheet 5 of 5 N511-124 received 6 October 2011; Longitudinal Sections N511-LS Rev A received 6 October 2011; Proposed Road Cross Sections Sheet 1 of 2 N511-125 received 6 October 2011; Proposed Road Cross Sections Sheet 2 of 2 N511-126 received 6 October 2011; Public Open Space ref 4775/SK04 Rev B received 14 November 2011; Planting Plan POS 1 of 2 ref 4775/ASP4

Rev G received 14 November 2011; Planting Plan POS 2 of 2 ref 4775/ASP4 Rev G received 14 November 2011; Indicative Sections-POS 4775/SK05 Rev B received 14 November 2011(the following plans have been treated as being for information only: Planning Layout N511_01_N1 received 2 November 2011 and N511_01_S Rev S received 2 November 2011)

The approved noise bund shall be in place before the occupation of any of the dwellings approved under EN/08/02282/FUL are occupied unless otherwise agreed in writing with the Local Planning Authority:

Reason: To ensure development proceeds in accordance with the approved plans, in the interest of visual and residential amenity, to protect the existing trees within the site and to ensure the free passage of newts.

Informatives

Committee Report

Committee Date : 30 November 2011

Printed: 18 November 2011

Case Officer **Sue Wheatley**

EN/11/01482/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
15 September 2011	23 September 2011	23 December 2011	Irthlingborough	Waterloo

Applicant **Mr P Clark - J S Bloor (Northampton) Ltd**

Location **Former Factory Site Finedon Road Irthlingborough Northamptonshire**

Proposal **For the conversion of eighteen affordable (social rent) units of approved application EN/08/02282/FUL to eighteen private residential dwellings**

1. Summary of Recommendation

1.1 That, subject to the satisfactory assessment of the latest viability information, planning permission be granted subject to the imposition of conditions and subject to a Deed of Variation to the S106 Agreement in relation to the original application 08/02282/FUL to refer to this application and also to reduce the provision of affordable housing.

2. The Proposal

2.1 The applicant has advised that difficulties have been experienced in relation to the viability of the site. A revised confidential open book viability assessment has been submitted together with the following three planning applications:

11/01351/VAR – variation to amend approved details in respect of condition 2 (levels) and 18 (acoustic barrier) attached to 08/02282/FUL.

11/01350/FUL – partial replan of approved application 08/02282/FUL.

11/01482/FUL – conversion of 18 affordable(social rent) units of application 08/02282/FUL to 18 private residential units.

2.2 This report considers the application for the conversion of 18 affordable (social rented) units to private residential dwellings.

2.3 The plots that it is proposed to change are spread through the development and are plots; 7,8,12,13, 14,15,78,79,81,82,83,99,100,105,113,114,115 and 116.

2.4 Small changes are proposed to the house types to convert them from affordable to market units.

3. The Site and Surroundings

3.1 The site is located on the north western edge of Irthlingborough. It was previously used for employment purposes by Sunseeker and Homeseeker Homes, who have now moved to purpose built premises in Rushden. Residential properties adjoin the site to the west and east. Whilst the site in part has a frontage to Finedon Road it is also set behind a number of properties which front Finedon Road. On the opposite side of the site there are residential properties and behind these is Huxlow School. The A6 lies to the north of the site.

- 3.2 Levels varied considerably within the site as the previous employment use was situated on an artificially created plateau.
- 3.3 There are a number of important trees along the frontage to Finedon Road, the western boundary of the site and along the A6 which are protected by a group tree preservation order. Within the site there are some areas of scrub.
- 3.4 The applicant has started work on the site and has done some site clearance, some earth moving work and has built a number of houses in close proximity to the site entrance. The applicant has called the development The Lanterns.

4. Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable development (incorporating new statement on Climate Change)
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG16 – Archaeology and Planning
PPG17 – Planning for Open Space, Sport and recreation
PPS23 – Planning and Pollution
PPG24 – Planning and Noise
PPS25 – Development and Flood risk

Ministerial Statement Planning for Growth March 2011

4.2 East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 13b – Housing Provision (Northamptonshire)
Policy 14 – Regional Priorities for Affordable Housing
Policy 17 – Regional Priorities for Managing the Release of Land for Housing
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 28 – Regional Priorities for Environmental and Green Infrastructure
Policy 29 – Priorities for Enhancing the Region's Biodiversity
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 36 – Regional Priorities for Air Quality
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 40 – Regional Priorities for Low Carbon Energy Generation
Policy 41 – Regional Priorities for Culture, Sport and Recreation
Policy 43 – Regional Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 46 – A Regional Approach to Behavioural Change
Policy 48 – Regional Car Parking Standards
Policy 49 – A Regional Approach to Improving Public Transport Accessibility
Policy 53- Regional Trunk Road Priorities
Policy 54 – Regional Major Highway Priorities
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

4.3 MKSM Sub-Regional Strategy Strategic Policy 3- Sustainable Communities

4.4 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the network of settlements
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 7 – Infrastructure Delivery and Developer Contributions
Policy 8 – Delivering Housing
Policy 9 – Distribution and Location of Development
Policy 10 – Distribution of Housing
Policy 13- General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction
Policy 15 – Sustainable Housing Provision

4.5 Northamptonshire County Structure Plan

None relevant

4.6 East Northamptonshire District Local Plan

GEN3 - Infrastructure, services and amenities
H4 - Housing types and sizes
RL3 – Open space for new development
RL4 – Play areas for new development
IR1B –Allocates site for housing (indicates that site could accommodate around 100 dwellings)

4.7 Other Relevant Policies

Three Towns Plan – Preferred Options

ENC SPD – Developer Contributions
NCC SPG – Crime and Disorder
NCC SPG - Parking.
SPD Biodiversity

5. Planning History

5.1 Various applications to discharge conditions attached to 08/02282/FUL. The two that are of particular relevance are included below.

5.2 10/01613/CND- Condition 2 Levels. This was considered by the Development Control Committee at its meeting on 22 December 2010 and a copy of the report is attached to application 11/01351/VAR for Members information.

5.3 10/01944/CND – Condition 18 Noise Barrier. This was considered under delegated powers on 8 February 2011.

6 Consultations and Representations

6.1 Irthlingborough Town Council – Object. This is a reduction of social housing by 50%.

6.2 Local Highway Authority – No objection

6.3 Environment Agency – No objection subject to the imposition of a condition in respect of surface water drainage.

6.4 Crime Prevention Design Advisor – No objection

6.5 Environmental Health (contamination) – No objection subject to the imposition of conditions imposed on 10/02282/FUL

6.6 Badger Group – No comments to make

6.7 Western Power Distribution (east Midlands) PLC – No objection

7. Evaluation

The issues which need to be considered under this application relate solely to the proposed conversion of the 18 affordable units to market dwellings. The principle of the acceptability of the scheme and all other details were established by the granting of planning permission reference 08/02282/FUL. If planning permission is granted only 10 affordable (shared equity) units would remain.

7.1 The Principle of the Loss of the Affordable Units

7.1.1 Members may recall that when the original application was considered it was on the basis of a confidential open book viability assessment. This review was assessed by the North Northamptonshire Development Corporation who concluded that it was a fair assessment with appropriate amounts allowed for build costs and sales.

7.1.2 The S106 Agreement therefore only required the provision of 20% on-site affordable housing although there is also what is referred to as a “ community contribution” of £2,000 per dwelling which is to cover the following:

“contribution to capital cost of GP surgery
contribution towards greenway
contribution towards community facilities and economic development
contribution towards libraries
contribution towards offsite affordable housing”

7.1.3 This viability assessment has been updated for this application to reduce the amount of affordable housing. The report highlights that one of the main issues facing the development of the site are the increased costs that have arisen from the ground conditions. It notes that despite the initial extensive ground survey when work started on site a larger volume of contaminated material (some of it 5-6m below ground level) was found. In addition to the extra costs arising from the extra earth moving the report also identifies that there will be extra costs arising from the need for piled and extra depth trench foundations.

7.1.4 The revised viability assessment also highlights that a number of other costs have increased, including those for the provision of the public open space, the balancing pond and drainage works and the off-site highway works. What are referred to as “Preliminary works” have also been increased as it is anticipated that it will take longer to build the site out than originally anticipated.

7.1.5 An additional item has been included in the viability assessment which is referred to as “ Support Shared Equity Scheme”. This is the applicant’s finance charge to provide a capital sum to borrowers who are not able to provide the large deposits required by banks and building societies. It is based upon 60% of the private dwellings having support. This is not something that viability assessments normally include however Officers do not object to its inclusion as it could potentially help residents to afford to purchase properties within the District.

7.1.6 As Members will be aware the Written Ministerial Statement: Planning for Growth March 2011 (March 2001) states that:

“To further ensure that development can go ahead, all local authorities should reconsider, at developers’ request existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided that this remains acceptable in planning terms”.

7.1.7 The Council's Housing Strategy Manager has been involved in these discussions and is in agreement that the most appropriate contribution to amended is the social rented affordable housing. This is due to the fact that Irthlingborough has seen a significant level of new social rented (affordable) units over the last 3 years and there are more under construction. Irthlingborough has also amongst the highest existing proportion of Social Rent dwellings in the District.

7.1.8 Officers have spent some considerable amounts of time in discussion with the applicant regarding this revised Viability Assessment. Despite a number of requests it was not initially supported by invoices and quotes.

7.1.9 Following a significant degree of chasing by your Officers, further information has now been received. At the time of the preparation of this report this information was still being considered. Having regard to the pressure that the developer is under to progress with the scheme, your Officers have placed this application onto the agenda on the basis that if a satisfactory assessment of the latest information results then a recommendation for approval can be made. This decision is also taken having regard to the links with the other two applications on the same site. Should this not be the case then this item may need to be deferred. Members will be updated on the current position via the update sheet / at the meeting.

7.2 Visual Impact

7.2.1 The revisions to the house types are limited with the main alterations being:

Plot 14, Langdon – 2 Bed plus study unit instead of 2 bed unit and alteration to position of doors and windows to all elevations

Plots 81,82,83,100,114 and 115 – Bampton – 3 bed unit instead of 3 bed unit; introduction of gable and revision to windows and doors.

Plots 99,113 and 116 – Langley – 3 Bed unit instead of 3 bed unit; amendment to doors and windows.

Plots 7,8,12,13,78 and 79 – Marford – 2 bed unit instead of 2 bed unit ; alterations to windows and doors.

Plot 105 – Arden – 3 bed unit; maintained as feature property with hipped roof and windows to side elevation.

Plot 15 – Sedgely – 2 bed and study instead of 2 bed unit; alteration to position of doors and windows to all elevations

7.2.2 The alterations do not change the house types to an extent that they would be incompatible with the remaining approved house types and would therefore be acceptable.

7.2.3 The application is accompanied by a materials schedule which proposes the use of a mixture of red and buff bricks and red and grey roof tiles. There is therefore to need to impose a condition requiring the submission of material details.

7.3 Impact on Amenity of Neighbours

7.3.1 Plots 78 and 79 back onto existing properties in Ringwell Close. The same distance to the boundary would remain for plots 78 and 79 (8-10m).

7.3.2 Plot 81 is side on to the garden of 144 and 146 Finedon Road, however no windows are proposed in the side elevation as per the approved house type.

7.3.3 Plot 12 is side on to 3 and 4 Scotsmere however no windows are proposed in the side elevation.

7.3.4 The impact on residential amenity from the proposed conversion of affordable units to private market units would be no greater than from the approved scheme.

7.4 Conditions

7.4.1 It is important to ensure that all relevant conditions imposed on the original application (08/08228/ful) are also applied to any decision made in relation to this application. However, unfortunately it is not a simple matter of copying across the conditions.

7.5.2 For the majority of the conditions imposed on the original application (08/08228/FUL) a condition discharge application has been submitted and approved or no amendments are required as the condition was an ongoing one and didn't require the submission of details. In this case the conditions have been amended to refer to the originally submitted/or approved details. For the ongoing conditions the wording remains similar. This applies to the following conditions:

Condition 3 – Materials

Condition 4 – Boundary Treatment

Condition 5 – Landscape Scheme

Condition 8 – Construction compound

Condition 9 – Wheel washing

Condition 10 – Foul water

Condition 12 – surface water infiltration

Condition 13 – surface water from parking areas

Condition 14 – Development in accordance with the submitted FRA

Condition 15 – Archaeology

Condition 16 – Ecological mitigation

Condition 17 – Noise Assessment

Condition 19 – waste management strategy

Condition 20 – litter and dog bins

Condition 22- Renewable energy

Condition 23 – Water efficiency

Condition 25 – Construction hours

Condition 28 – Tree works

Condition 30-gating to undercroft parking

Condition 30-bollards and barriers

7.5.3 In some cases however, whilst details have been approved, amendments to these details are required as a result of this application (or the other applications). Where this is the case recommended conditions are worded differently to refer to either details that were submitted with the application or to require the submission of details for approval. This applies to the following conditions:

Condition 2- levels – As set out in the accompanying report to application 11/0351/VAR, levels were approved under a condition discharge application. This application is accompanied by plans showing the proposed levels under application ref 11/0351/VAR. The condition in relation to levels has therefore been drafted on the basis that Members accept the officer recommendation in relation to the application to vary the conditions (ref 11/0351/VAR).le in accordance with the levels shown under application 11/0351/VAR If Members do not agree this but resolve to grant this application then delegated authority will have to be sought for the condition to be amended.

Condition 3 – Materials – materials were previously approved under condition discharge application 10/01888/CND, however the developer has submitted details of revised materials which are pending consideration (11/01220/CND). This plot substitution application also includes a plan showing the materials proposed. The condition is worded to refer to this plan.

Condition 18 – Noise Barrier – this condition refers to the amended noise barrier details which were submitted under the application to vary the condition (11/01315/VAR).

Condition 27 – permitted development removal

7.5.3 There are also conditions where, to date, details have not been formally approved. In this instance a condition is recommended, as previously, requiring submission of such details. This applies to the following conditions:

Condition 6 – Offsite highway works. Whilst most of the works have been implemented there was one outstanding off-site highways works matter (at the time of writing this report) which means that the details have not formally been approved.

Condition 7 – Estate Roads – at the time of writing the report formal approval had not been given in relation to the submitted details.

Condition 11 – Contamination – parts 1,2,and 4 have been discharged. Part 4 can only be discharged when the site is complete.

Condition 21 – Lighting. Whilst details have been submitted they have not yet been formally discharged.

Condition 29 – Surface Water Drainage – Whilst the EA have seen and considered technical details the details submitted have not formally been approved. They showed a larger balancing pond than originally proposed.

7.6 S106 Matters

7.6.1 A Deed of Variation will be required to the S106 Agreement to refer to this application and to also amend the affordable housing requirement.

8.0 Other Matters

8.1 Crime and Disorder – The Crime prevention officer raises no objection.

8.2 Disabled access- this will be dealt with under building regulations.

9.0 Recommendation

9.1 That, subject to the satisfactory assessment of the latest viability information, planning permission be granted subject to the imposition of the following conditions and subject to a Deed of Variation to the S106 Agreement in relation to the original application 08/02282/FUL to refer to this application and also to reduce the provision of affordable housing.

10 Conditions/Reasons -

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

Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This application shall be implemented in accordance with the levels shown on the drawing entitled Finished Levels Overall Layout (ref N511-113) received 14 September 2011. No other details, both in relation to this application or the remainder of the larger site which may be shown on this drawing are approved by this permission
Reason: to clarify the terms of this permission and in the interest of visual and residential amenity.

3. This application shall be implemented in accordance with the materials shown on drawing ref IRTH_MAT_1 Rev A approved under condition discharge application EN/11/01220/CND.
Reason: In the interest of amenity.

4. This application shall be implemented in accordance with the boundary treatment shown on drawing ref External Works 01 N2 approved under condition discharge application 10/01944/CND.
Reason: In the interest of amenity.

5. This application shall be implemented in accordance with the landscape scheme drawing ref 4775/04 Rev C approved under condition discharge application 10/01741/CND.
Reason: In the interest of visual amenity.

6. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, full engineering, drainage, street lighting, signing, road marking and constructional details of all off site and highway works shall be submitted to and be approved by the local planning authority in writing. Such works shall include,
 - The site access junction
 - The off-site kerbing and footway construction works, fronting Finedon Road from plot 93 to the western side of Road 1 (linking to existing footway facilities).
 - The closure and reinstatement of existing accesses onto the A6 County Road to prevent vehicle use.
 - The provision of a controlled pedestrian crossing of Finedon Road in a location which shall first be agreed in writing with the local planning authority including the associated high skid resistant surfacing works.
 - Other Pedestrian and Cycle enhancements
 - Such details as may be approved by the local planning authority shall thereafter be completed to the satisfaction of the local planning authority prior to the first occupation of the first dwelling of the development hereby permitted.
 Reason: In the interest of Highway Safety

7. Notwithstanding the submitted details, prior to the commencement of development hereby permitted, the following internal estate street and residential access details shall be submitted to and be approved by the local planning authority in writing
 - Hard surface paving materials throughout the estate street.
 - Provision of pedestrian and vehicular visibility splays throughout the estate streets.
 - Means of surface water drainage throughout the estate street.
 - Means of drainage, to prevent the unregulated discharge of surface water onto the highway network.
 - Maximum gradient (1 in 15) from back of the highway boundary.
 - Street Lighting.
 - The development shall thereafter be completed to the satisfaction of the local planning authority in accordance with the approved details.
 Reason: In the interest of highway safety

8. The accommodation of all site operatives, visitors and construction vehicles loading, off loading, parking and turning within the site during the construction period, shall accord with the details approved under the condition discharge application 10/01511/CND; specifically drawing ref N511 CP received 4 August 2010.
Reason: In the interest of highway safety.

9. Wheel washing shall be carried out in accordance with the details approved under the condition discharge application 10/01511/CND; particularly drawing ref N511 CP received 4 August 2010.

Reason: In the interest of highway safety.

10. All foul drainage shall be in accordance with the details approved under condition discharge application 10/01516/CND; in particular drawings 10083/DR/500; 10083/DR501B; 10083/DR/511; 10083/DR/512 received 5 August 2010.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure.

11. Prior to the commencement of development approved by this planning permission(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination of the site.

2) A site investigation scheme based on 1) to provide information for a detailed assessment of the risk to all receptors that may be effected, including those offsite.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how these are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance arrangements and contingency action.

Any changes to these components will need to be approved in writing by the Local Planning Authority.

Reason: To prevent pollution to the water environment and the risk of contamination elsewhere.

12. No infiltration of surface water drainage into the ground is permitted other than that which may be approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: Any areas where soakaways are proposed should be characterised. This is to ensure that the use of soakaways does not pose additional risk to controlled waters from mobilisation of contaminants in soil.

13. All surface water from communal parking and manoeuvring areas shall be passed through trapped gullies prior to disposal to groundwater, watercourse or surface water sewer with an overall capacity compatible with the site being drained.

Reason: To prevent pollution to the water environment.

14. Development shall be carried out strictly in accordance with the Flood Risk Assessment submitted in relation to the original application ref 08/02282FULand the Addendum to the Flood Risk Assessment dated 12 August 2011.

Reason: To prevent flooding.

15. All work shall be carried out in accordance with the written scheme of archaeological work approved under the condition discharge application 10/01488/CND. To protect any potential archaeological interest.

16. Development shall be carried out at all times strictly in compliance with the Ecological Mitigation Plan submitted in relation to the original application 08/08228/FUL as amended by the statements of Lockhart Garratt received 3 August 2011 and 3 November 2011
Reason: To protect ecological interests.
17. Development shall be carried out strictly in accordance with the Noise Assessment submitted in relation to the original application (08/02282/FUL) as amended by the statement from Cole Jarman dated 1 September 2011 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To protect the proposed dwellings from sources of noise in the interest of residential amenity.
18. The noise barrier, as shown on drawing ref N511_01_Q Rev S submitted under application 11/01351/VAR shall be in place before the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority.
Reason: to protect future residents from noise, in the interest of amenity, whilst at the same time ensuring the free passage of newts.
19. Development shall be carried out fully in accordance with the waste management strategy submitted in relation to the original application ref 08/02282/FUL unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interest of amenity and sustainability.
20. Litter and dog bins shall be provided in accordance with the details approved under the condition discharge application 10/01944/CND.
Reason: In the interest of amenity
21. Prior to the commencement of development a scheme for lighting the private parking areas, footpaths and areas of public open space shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.
Reason: In the interest of amenity and crime prevention.
22. The development shall be carried out in accordance with the Amended Energy Strategy approved under condition discharge application 10/01888/CND.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.
23. Development shall be carried out in accordance with the water efficiency statement, approved under condition discharge application ref 10/01659/CND.
Reason: To ensure that the development is sustainable and makes efficient use of water and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.
24. There is no condition 24 in relation to this application as the buildings have now been demolished.
25. No building works shall be carried out before 7.30 am or after 18.00 pm Monday to Fridays or before 8.00 am or after 13.00 pm on Saturdays or anytime on Sundays or Bank Holidays.
Reason: In the interest of amenity.
26. There is no condition 26 in relation to this replan application as the former condition related to Plot 9 only.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no windows shall be inserted in the side/flank elevations of Plots 12 and 81.

Reason: To protect the amenity of adjacent occupiers.

28. All tree works shall be carried out in accordance with the details approved under condition discharge application 10/01944/CND.

Reason: To ensure the protection of trees on site.

29. Development shall not commence until a surface water drainage scheme for the site has been submitted to and approved by the Local Planning Authority in writing. The scheme shall be subsequently implemented in accordance with the approved scheme before the development is completed.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

30. Gating to the undercroft parking areas shall be carried out in accordance to the details approved under condition discharge application 10/01514/CND.

Reason: In the interest of crime prevention.

31. Bollards and motorcycle barriers shall be provided in accordance with the details approved under condition discharge application 10/01514/CND.

Reason: In the interest of crime prevention.

32. The drawings to which this decision relates are as follows:

HA Plot Sub received 14 September 2011

Planning Layout N511_01_N1 received 14 September 2011

Finished Levels Overall Layout N511-113 received 14 September 2011(levels related to the Plots the subject of this application only)

Plot 105 Type 3254 Arden ref 3254-PL105 Rev A (3 drawings; elevations and floor plans) received 4 November 2011

Plot 15 Type 2252 Sedgley ref 3252-PL03 Rev A (3 drawings; elevations and floor plans) scanned 2 November 2011

Plot 14 Type 2253 Langdon ref 2253-PL03 (3 drawings; elevations and floor plans) received 14 September 2011

Plot 81,82,100,114,115 Type 3250(G) ref 3250(G)-PL03 (3 drawings; elevations and floor plans) received 14 September 2011

Plot 99,113,116 Type 3253 Langley ref 3253-PL03 3 drawings; elevations and floor plans) received 14 September 2011

Plots 7,8,12,13,78,79 Type 2254 Marford ref 2254-PL03 3 drawings; elevations and floor plans) received 14 September 2011

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3 , PPS9, PPG13, PPG16, PPG17, PPS23, PPG24 and PPS25; the North Northamptonshire Core Spatial Strategy Policy 1 - Strengthening the network of settlements

Policy 6 - Infrastructure Delivery and Developer Contributions

Policy 7 - Infrastructure Delivery and Developer Contributions

Policy 8 - Delivering Housing

Policy 9 - Distribution and Location of Development

Policy 10 - Distribution of Housing

Policy 13 - General Sustainable Development Principles

Plan GEN3 - Infrastructure, services and amenities

H4- Housing types and sizes

RL3 - Open space for new development

RL4 - Play areas for new development

IR1B - Allocates site for housing (indicates that site could accommodate around 100 dwellings; Three Towns Plan - Preferred Options

ENC SPD - Developer Contributions

NCC SPG - Crime and Disorder

NCC SPG - Parking

Biodiversity SPD Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenities, the design and visual impact and highway matters. The application has been approved as:

The revised density and mix would be acceptable

There would be non adverse impact on visual amenity

There would be no greater impact on residential amenity

The proposed noise bund would protect the dwellings from an unacceptable level of noise.

There are no additional ecological, drainage, highway or other technical implications.

2. Your attention is drawn to the contents of the attached letter from the Environment Agency.

3. No works may commence upon the existing public highway without the express written consent of the Highway Authority. Such consent would only be forthcoming subject to the completion of an Agreement under Section 278 of the Highways Act 1980. The preparation of the Agreement would require the submission of full engineering, drainage, street lighting, signal, signing, road marking and constructional details etc. Submitted details would be subjected to a full Technical and Safety Audit which may result in changes to layouts and works extents shown indicatively on the approved plans.

The Applicant is advised to seek the technical approval of such offsite works details from the Local Highway Authority before submitting such approved details to the Local planning Authority for the purposes of discharging the associated condition(s).

After the completion of the Section 278 Agreement, the commencement of any highway works will be subject to suitable Notices required by the New Roads and Street Works Act 1991 as amended by the Traffic Management Act 2004. This, in practice, means that a three month Notice is required to book the road space necessary to undertake works of this nature on any highway. Separate Notices will be required for works affecting different roads or at different times. The County Council's Traffic Manager may stipulate start and completion dates, duration of works and impose penalties for failure to adhere to conditions that may be imposed.

The provision of a controlled pedestrian crossing requires the processing of an appropriate Notice. Such Notices are open to public notification and observation outside the planning process. Any observations made may be considered and where appropriate mitigated prior to the confirmation of the Notice. The determining Authority for such notices is the County Council. It should be noted that changes to details and potentially slight changes to locations may be required, to resolve any observations made during the notification period. As such the details shown on the approved plans should be treated as illustrative.

High skid resistant material is required in advance of and up to a controlled pedestrian

crossing. Such material should be laid on fresh and sound surfacing material. In order to ensure such material is applied it may be necessary to plane and resurface the carriageway prior to the laying of the material.

The adoption of internal streets would be subject to an appropriate agreement under the Highways Act 1980. The processing of such agreements will require the submission of engineering and constructional details. A quality Audit as promoted by Manual for streets and the County Council's "Place and Movement Guide" would be required.

Committee Report

Committee Date : 30 November 2011

Printed: 16 November 2011

Case Officer **Carolyn Tait**

EN/10/00820/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
29 April 2010	5 May 2010	30 June 2010	Higham Ferrers	Lancaster

Chelveston-cum-Caldecott

Applicant **Spire Housing**

Agent **Architectural And Surveying Services Ltd**

Location **Garage Block Accessed Between 11 And 12 Hillside Chelveston Northamptonshire**

Proposal **Outline: Erection of single storey dwelling with associated parking to replace garages (all matters reserved)**

This application is brought before Development Control Committee because of an objection received from Chelveston Parish Council.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to receipt of amended plan and conditions.

2. The Proposal

2.1 This is an outline application for the demolition of an existing garage block and the erection of a single storey dwelling with associated parking. All other matters are reserved for later consideration.

2.2 Indicative drawings show that the proposed dwelling would measure approximately 5 metres in height by 9.4 metres in length by 8 metres in depth. It would accommodate a lounge, two bedrooms, a kitchen/diner and a bathroom.

2.3 Nine garages would have to be demolished to accommodate the proposal and 8 replacement parking spaces are proposed.

3 The Site and Surroundings

3.1 The site is situated to the south of Hillside and is currently occupied by a court of 9 garages. These garages were originally constructed as part of the wider estate, which is characterised by semi-detached bungalows and two-storey dwellings. These dwellings were former council housing stock. They are now either in private ownership or have been transferred to Spire Homes.

3.2 The site is located outside of the settlement boundary as identified in the Three Towns Preferred Options Document, but is adjacent to it. There is open countryside to the south of the site.

3.3 Part of a Public Right of Way is located to the south of the application site adjacent to the eastern end of the existing garage block.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
 - PPS1– Sustainable Development
 - PPS3 – Housing
 - PPS7 – Sustainable Development in Rural Areas

- 4.2 East Midlands Regional Plan
 - Policy 2 – Promoting Better Design
 - Policy 3 – Distribution of New Development
 - Policy 13b – Housing Provision (Northamptonshire)

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

- 4.3 North Northamptonshire Core Spatial Strategy
 - Policy 1 – Strengthening the Network of Settlements
 - Policy 7 – Delivering Housing
 - Policy 9 – Distribution and Location of Development
 - Policy 10 – Distribution of Housing
 - Policy 13 General Sustainable Development Principles
 - Policy 14 – Energy Efficiency and Sustainable Construction

- 4.4 Supplementary Planning Guidance
 - Planning Out Crime, Adopted February 2004
 - Parking, Adopted March 2003

- 4.5 Three Towns Plan Preferred Options Document

- 4.6 Other Documents
 - Local Highway Authority Standing Advice for Planning Authorities

5 Relevant Planning History

- 5.1 62/0055//OTR Housing site (outline). PERMITTED.
- 5.2 62/0055/1//OTR Estate road, 15 dwellings and 9 garages (details). PERMITTED.

6 Consultations and Representations

- 6.1 Neighbours: Comments have been received from No's 15 and 22 Hillside, No.12 Duchy Close and No.2 Pokas Cottages. Their comments can be summarised as follows:
 - A dwelling on this site is not justified.
 - The garages are an asset to local residents.
 - Residents would be forced to park on the road.
 - The loss of garages and replacement with parking spaces would lead to theft and vandalism.
 - The rent from the garages must be an asset to East Northamptonshire Council.
 - There is a similar dwelling to the proposed for sale in the surrounding area, therefore why is there a need for this if other market properties are available?
 - Lack of privacy.
 - Noise.

- Undesirable visual impact.
- The garage wall forms a boundary for No.12 Duchy Close.
- Would lead to congestion in Hillside.
- The road is already overcrowded and narrow.
- Emergency vehicles can not access the street due to existing parked vehicles.

6.2 Parish Council: Object to the application. Their reasons can be summarised as follows:

- These are the only rentable garages in Chelveston.
- Loss of garages would lead to on-street parking.
- The proposal only includes 7 spaces. This does not provide for the 7 used garages that are lost as well as any parking that is required for the proposed dwelling. There are also vehicles which currently park on the hardstanding in front of the garages.
- Outside of the settlement boundary.
- No local need has been demonstrated.
- The proposal would involve redevelopment works to the rear of No's 12 and 13 Hillside.

6.3 Local Highway Authority: "To ensure that highway safety is maintained, this authority recommends to the planning authority that the highway standards and planning conditions set out in the NCC document 'Highway Authority Standing Advice Applications that have an effect on the highway' be applied to this planning application".

6.4 The Ramblers Association: We have no objection to the principle of redeveloping the site and would expect the eventual reserved matters application to address the affect the re-development will have on public footpath MM4".

6.5 County Council's Rights of Way Officer: No objection in principle to the application at this stage, but have concerns for the reserved matters and have made comments in relation to the Public Right of Way within the site. Their comments can be summarised as:

- A post and rail fence should be erected along any boundary of the Public Right of Way which adjoins the proposed new property.
- Recommend that the applicant checks the Right of Way and highway width to make sure that the parking bays are acceptable.
- Concerns for pedestrian safety with regards to parking bays and shrubs as they may conceal the entrance to the footpath.
- The parking bays should not be garages as garages would reduce visibility.
- A standard informative should be added to any decision notice, notifying the applicant of the standard Rights of Way requirements.

6.6 Site notice posted: 17 May 2010 on a lamp post at the entrance to the site.

6.7 A letter was received from the applicant's Agent on 6 July 2010 in which he responds to some of the comments that were submitted by neighbours and the Parish Council. These can be summarised as follows:

- A re-submitted plan shows that the proposal can accommodate access to the garage at No.6 Hillside.
- The Right of Way would not be obstructed. Any change to the Right of Way would be appropriate.
- The site boundary is as identified to the Agent on the Land Registry plans that were provided to them.
- Parking spaces are to be replaced by other means including the creation of parking bays and drives where appropriate. The proposal does not intend to increase on-street parking problems as all parking spaces have been provided for.
- The site provides 8 parking spaces.

- The site was considered an exception site if used to provide social housing. It is therefore considered that the application is justified.
- The value of the property that is for sale in the surrounding area is not within the affordable housing bracket.

7 Evaluation

7.1 The following considerations are relevant to the determination of this application.

7.2 Principle of development

7.2.1 Policy 1 of the North Northamptonshire Core Spatial Strategy states that in the remaining rural areas development will take place on sites within village boundaries, subject to criteria to be set out in development plan documents. Development adjoining village boundaries will only be justified where it involves the re-use of buildings or, in exceptional circumstances, if it can be clearly demonstrated that it is required in order to meet local needs for employment, housing or services. Whilst strictly speaking this is not the re-use of an existing building, it would replace an existing building and would be on previously developed land. This is supported by Policy 9 of the North Northamptonshire Core Spatial Strategy which states that priority will be given to the re-use of suitable previously developed land and buildings within the urban areas.

7.2.2 The site is located outside of the settlement boundary as identified in the Three Towns Plan Preferred Options Document.. Whilst the Three Towns Plan shows the site as being located outside of the settlement boundary it is surrounded by residential development on three sides, all of which is within the settlement boundary. The settlement boundary goes along the rear of the gardens between 6 and 13 Hillside, following the boundary of the application site and then goes along the rear of the existing garage block. It is not a particularly logical boundary and, in this instance, as the Three Towns Plan is unadopted, should be given limited weight.

7.2.3 In addition to the relationship of the site with the built form of Chelveston, the site is defined by PPS3 as being previously developed land. PPS1 and PPS3 encourage the reuse of previously developed land.

7.2.4 Chelveston is a site with a choice of means of transport and provides some local services including a public house. Chelveston is therefore considered to be a sustainable village and as such the proposal would be in a sustainable location.

7.2.5 Local residents and the Parish Council have commented that a dwelling on this site is not justified and that a local need has not been demonstrated given that it is outside of the settlement boundary. For the reasons stated above, the principle of developing this brownfield site is acceptable. The applicant is not required to provide justification in this instance as it is not considered to be located within the open countryside, where a justification would be required.

7.2.6 The principle of development is therefore considered acceptable.

7.3 Visual impact

7.3.1 Indicative drawings show that the dwelling would be single storey in height. Existing single storey buildings exist within the surrounding area. They are located within plots which have adequate amenity space to the front and rear. Therefore, the proposal by being single storey in height with amenity space to the front and rear would be in keeping with the built form of the surrounding area.

7.3.2 The indicative drawings received with the application show that the proposed dwelling would have a design which is simple in appearance. Whilst the proposal could possibly lack design detail, it is considered that it could accurately reflect the character of the surrounding built form.

7.3.3 Overall, based on the indicative drawings which have been received as part of this application, the scale, appearance and layout of the proposed dwelling appears acceptable. However, these matters would be subject to a reserved matters application.

7.4 Impact on neighbours

7.4.1 Indicative drawings show that the proposal could fit comfortably within the application site without causing any harm to neighbouring amenity. The drawings show that windows could be accommodated to each room without causing any undue overlooking. In addition, the proposal would be single storey in height and is therefore unlikely to result in any undue overshadowing or cause an undue overbearing impact. However, the drawings submitted are indicative and layout and design are matters which are reserved for consideration at a later stage.

7.4.2 Neighbours have commented that the proposal would lead to noise disturbance. However, a residential dwelling is not a use that would typically be associated with noise disturbance and as such this would not warrant a reason for refusal.

7.4.3 Neighbours have also commented that the existing garage block forms a boundary wall for No.12 Duchy Close. However, this is a civil matter and is not a material planning consideration.

7.5 Highway and parking matters

7.5.1 As the site is currently occupied by garages it is important to assess how their loss may impact on the parking facilities in the immediate area. The garages are currently owned by Spire Homes and are rented to local residents. The applicant has supplied information to give an indication as to their current status. There are 9 garages in total. One of the garages is empty and one is occupied by a resident who lives outside of a 200 metre boundary. The remainder are rented by people within a 200 metres boundary. 200 metres is considered to be an acceptable distance to provide parking for as most people like to park within close proximity to their property. It is therefore reasonable to assume that 7 spaces should be provided to accommodate the loss of the garages. The proposal shows that 8 spaces could be accommodated, including one for the proposed dwelling.

7.5.2 Neighbours have commented that the hardstanding in front of the garage court is used for residents parking. However, this land is in private ownership and is not formally provided for parking. It would therefore be unreasonable to request further parking.

7.5.3 A Section 106 Agreement is not required as parking provision would be accommodated within the site. A Section 106 Agreement would be required if alternative parking arrangements would have to be accommodated off site.

7.5.4 The Parking SPG states that for residential development a maximum of 1.5 spaces per dwelling is acceptable. Therefore, the one space proposed for the dwelling would be in accordance with this guidance.

7.5.5 Therefore, overall, the proposal would not lead to an increase in congestion or competition for parking during peak periods as sufficient parking would be provided given the loss of the garages. Therefore the proposal would not impact upon the access of emergency vehicles as sufficient off road parking would be provided.

- 7.5.6 The proposal would not lead to an intensification of use of the existing access and as such would not result in a detrimental impact on highway safety.
- 7.5.7 It is noted that No.6 Hillside has a garage which is accessed using the existing hardstanding within the site. They may therefore have a private right of way across this land, however, this is a civil matter and is not subject to planning consideration. Although this is the case, the indicative drawing shows that the proposal can be accommodated to allow the occupier of this property to access their garage.
- 7.5.8 Neighbours have commented that the proposed parking spaces would not be as safe as having a garage and that theft and vandalism is more likely to occur. However, it is considered that the proposed parking spaces would be overlooked by the proposed dwelling and as such it would act as natural surveillance and does not raise any significant issues.
- 7.6 Public Right of Way
- 7.6.1 The public Right of Way is located to the eastern end of the existing garage block and continues to travel in a southern direction. The proposal is unlikely to result in any harm to it but concerns have been raised by the County Council's Rights of Way Officer as set out below.
- 7.6.2 The County Council's Rights of Way Officer has some concerns regarding the proposal. She has stated that any boundary screening to the Right of Way should be a 1.2 metre high post and rail fence to allow for surveillance. This is an outline application and a condition is recommended for details of the proposed boundary screening to be agreed prior to the commencement of development.
- 7.6.3 She has also commented that the applicant should check the width of the Right of Way as this may effect the parking layout. This is an outline application only and layout is a matter for further consideration. The indicative drawing shows that the parking bays could be accommodated within the site whilst allowing access to the Public Right of Way. However, an accurate site plan showing the exact width of the Public Right of Way and how the proposed parking layout could be accommodated within the site has been requested from the applicant. This will be reported on the update sheet at Development Control Committee. The application is being recommended for approval subject to the submission of a satisfactory revised site plan.
- 7.6.4 Concern has also been expressed at the potential for landscaping and parking bays to obscure the entrance to the Public Right of Way. The indicative drawing shows that the entrance to the Right of Way would not be obscured, but this is outline only and landscaping and layout are matters for further consideration.
- 7.6.5 Finally the County Council's Right of Way Officer has stated that the proposed parking should be bays only and not garages. It would appear from the indicative drawings and the description of the proposal that this is the case. However, again this is an outline application only and design, layout and appearance are all matters for further consideration.
- 7.6.6 A standard informative is recommended to ensure that the proposal does not cause any harm to the Public Right of Way and that the standard regulations are adhered to.
- 7.6.7 Overall, the indicative drawing shows that the proposal would not result in any harm to the Public Right of Way.

8 Other issues

- 8.1 Neighbours have commented that there are other dwellings for sale in the area. This is not a reason to refuse planning permission and is not a material planning consideration.
- 8.2 Neighbours have also commented that the garages are an asset to East Northamptonshire Council. The garages are owned by Spire Homes who are a housing corporation. Therefore they are in private ownership and that is not a material planning consideration. Neighbours also state that they are an asset to local residents. However, as stated above the proposal would not lead to a loss of parking.
- 8.3 Access for Disabled – The proposal would not be subject to public access and therefore does not raise any concerns.
- 8.4 The Parish Council have commented that the proposal would involve redevelopment works to the rear of No's 12 and 13 Hillside. However, this is a civil matter and is not a material planning consideration.

9 Recommendation

- 9.1 That permission be GRANTED subject to receipt of an amended plan and the following conditions:

10 Conditions/Reasons -

1. Approval of the details of the siting, layout, and appearance of the dwelling, the landscaping of the site and the access to the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.
Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.
2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.
Reason: Statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: Statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.
4. The details required to be submitted by condition No. 1 shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before the development is brought into use and shall be retained thereafter in perpetuity, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

5. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include drawings showing the slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall thereafter be constructed in accordance with the details so approved in writing by the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings and the streetscene.

6. Before commencement of the development hereby permitted, details and samples of the external roofing and facing materials to be used for the construction of the dwelling and garage shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved detail, unless otherwise agreed in writing by the local planning authority.

Reason: To achieve a satisfactory appearance for the development.

7. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include a scheme of landscaping for the site. The development shall thereafter be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development.

Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

8. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 28 May 2010, drawing numbers: PL02 Location plan, site plan, block plan, floor plan and elevations and PL03 Location plan showing private garage, unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

9. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include drawings showing 8 parking spaces. The parking spaces shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the local planning authority. The agreed parking spaces shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of highway safety.

Informatives

1. Any asbestos found on site must be removed in a safe manner and disposed of at an appropriately licensed waste management facility.

2. In approving this planning application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS7, East Midlands Regional Plan policies 2, 3 and 13(b), North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, The Three Towns Plan Preferred Options, the Local Highway Authority's standing advice for local planning authorities, Planning Out Crime SPG and Parking SPG. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenities, the visual impact, the impact on the public right of way and highway matters. The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the guidance contained in national planning policies.
- The indicative drawings show that the proposal would not have a negative impact on visual amenity or the character and appearance of the area.
- The indicative drawings show that the proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
- There would be no intensification of use of the existing access and as such there would be no impact on highway safety.
- The proposal would not lead to an increase of congestion or competition for off road parking as sufficient parking spaces have been shown on the indicative drawings.
- The indicative drawings show that the proposal could be accommodated without causing any undue harm to the Public Right of Way.

3. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>

4. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:-

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 36 of the Highway Act 1980.
- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by Northamptonshire County Council's Rights of Way office, under Section 131 of the Highway Act 1980.
- If as a result of the development the Right of Way needs to be closed by applying for a Temporary Traffic Regulation Order and application for such an application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks notice is required. Please follow the link below: www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptr
- Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer, standard examples can be provided.

Committee Delegated Report

Printed: 17 November 2011

Case Officer **Amie Baxter**

EN/11/01087/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
14 July 2011	21 July 2011	15 September 2011		Lower
Nene	Warmington			

Applicant **Mr M Perkins**

Agent **ADC Architecture And Development - Mr Ashley Nunn**

Location **Warmington Social Club 18 - 20 Chapel Street Warmington Northamptonshire PE8 6TR**

Proposal **Residential Development of 6 affordable and 2 private dwellings**

This application is brought before the Development Control Committee in accordance with the scheme of delegation and as there has been an objection from Warmington Parish Council.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions

2 The Proposal

2.1 This application seeks full planning permission for the erection of 8 dwellings with associated parking (16 spaces). The dwellings would all be two storey and would be a mix of semi detached and terraced dwellings. Six of the proposed dwellings would be affordable and two would be open market. The scheme includes the following mix of units:

- 2 x 3-bed dwellings (open market dwellings)
- 2 x 3-bed dwellings (affordable units)
- 4 x 2-bed dwellings (affordable units)

2.2 The development is being proposed alongside various improvements to the adjacent Warmington Social Club but, although the club is included within the red line of the site, the proposals for the club are not part of this application.

3 The Site and Surroundings

3.1 The application site measures 0.0975 of a hectare and is located within the heart of Warmington Village, on what is currently the unmade car parking area for the Warmington Social Club. Apart from the social club, the site is surrounded by residential dwellings, mixed in character and age. To the north of the site, the dwellings are of modern design and appearance, as are the bungalows to the south east. The dwellings directly opposite the site are constructed from stone and have a traditional appearance. The dwellings to the west of the site are also of a traditional appearance but incorporate the use of render and more modern extensions. The Social Club is of modern construction from brick. A small green is positioned within the road to the south west of the site and a large area of open space lies to the north of the site, between the site boundary and the modern housing estate.

- 3.2 The general traditional green character of Chapel Street is contrasted by the modern design of the existing Social Club. Most dwellings are positioned close to or directly adjacent to the highway with gardens extending beyond.
- 3.3 The application site is not within a conservation area but is close to a number of Grade II listed buildings, known as 35 Chapel Street and 11 Hautboy Lane.
- 3.4 None of the existing trees within or immediately adjacent to the site are protected by a Tree Preservation Order.

4 Policy Considerations

- 4.1 Planning Policy Guidance
 - PPS1 - Sustainable Development
 - PPS3 - Housing
 - PPS5- Planning and the Historic Environment
 - PPS7 - Sustainable Development in Rural Areas
 - PPG13 - Transport
 - PPS23- Planning and Pollution Control
 - PPG24- Planning and Noise

- 4.2 East Midlands Regional Plan
 - Policy 1 - Regional Core Objectives
 - Policy 2 - Promoting Better Design
 - Policy 3 - Distribution of New Development
 - Policy 14 - Regional Priorities for Affordable Housing
 - Policy 27- Regional Priorities for the Historic Environment

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

- 4.3 Joint Core Spatial Strategy for North Northamptonshire
 - Policy 1 - Strengthening the Network of Settlements
 - Policy 9 - Distribution and Location of Development
 - Policy 10 - Distribution of Housing
 - Policy 13 - General Sustainable Development Principles
 - Policy 14 - Energy Efficiency and Sustainable Construction
 - Policy 15 - Sustainable Housing Provision
- 4.4 Rural North, Oundle and Thrapston Plan
 - Policy 2 - Windfall Development in Settlements
 - Policy 6 - Residential Parking Standards
 - Policy 8 - Housing Mix
 - Policy 9- Buildings of Local Architectural or Historic Interest
 - Policy 13 - Affordable Housing Requirements
- 4.5 Supplementary Planning Document
 - Design SPD, March 2009
 - Highways Authority Standing Advice Document
 - Warmington Village Design Statement

5 Relevant Planning History

- 5.1 EN/08/00477/FUL. Erection of 5 detached dwellings. Withdrawn on 03/09/08.
- 5.2 11/00215/FUL. Erection of seven affordable and four open market houses. Withdrawn on 27.05.2011.

6 Consultations and Representations

- 6.1 Objections have been received from numbers 10 Bosworth Close, 16, 46 Dexter Way, 16, 25, 29 Chapel Street, 22 Church Street, 11 Hautboy Lane, 30 School Lane, 8 Bevan Close and Elton Hall. They object for the following reasons:

Existing Path to Nene Pastures-

- The plans do not explicitly state that the existing pedestrian link between the residential development to the north and Chapel Street will be retained. This is a popular route to school for children.
- The path leading to the existing play area is shown as being 1.5 metres wide on the plans. It is felt that this path should be a minimum of 1.8 (or preferably 2 metres) wide.
- It is unclear from the plans as to how wide the path at the front of the site will be. At present, it is 115cm wide.

Lighting-

- No mention is made of external lighting. The existing lighting at the social club is obtrusive. Any additional lighting should be managed so that it is not a nuisance.

Overdevelopment, density and Mix

- The number of dwellings proposed would be overdevelopment of the site and would not be in keeping with the density and character of Chapel Street. The development would result in the development appearing more town like than what you would expect to find in a village and is not inline with the village statement.
- The proposed gardens are too small.
- There will be 16 bins on the public highway each collection day which would be unsightly and obstructive. The allocated bin storage area does not seem large enough to accommodate all of the potential bins.
- Policy 22 states that, on all new housing developments, there should be new open space or sport and recreation facilities provided. None are proposed with this development.
- The proposed development seems to be overwhelmingly outweighed to accommodate affordable housing. A different mix of smaller and larger houses and a reduction in units would be more appropriate.
- There is no recorded proven need for a development of such a high density, affordable or otherwise, within Warmington. The Warmington Village Design Statement says that any new development should represent the general density applying in any particular part of the village.

Access and Parking

- The number of proposed car parking spaces is not adequate. There is no provision for visitors parking and extra cars will need to park on Chapel Street.
- There is insufficient car parking provision for users of Warmington Social Club and, when there is a function, this will result in the overspill parking using Chapel Street and the grass verges.
- The development will encourage traffic around the same time as children will be walking through the site to get to school. This would create safety issues and would encourage parents to drive to the school instead of walking.

- The access onto Chapel Street is at a busy blind junction and is dangerous. Additional cars parked on Chapel Street as a result of the development will make crossing the road more dangerous. Chapel Street is also a bus route.
- The development would result in additional traffic within the village.
- The access to the site has been the scene of many accidents/near accidents and the proposed development would worsen the risk of collision.

Visual Impact, Layout, Design and Character-

- The northern boundary of the site is shown to be an open boundary. There is an existing post and rail fence along this boundary and this should be retained.
- Solar voltaic panels should be positioned on the south facing roof slopes.
- The existing trees within the site should not be felled.
- The design and character of the proposed dwellings are out of character with the existing dwellings along Chapel Street.
- The open outlook from Hautboy Lane would be replaced with that of a modern housing estate instead of the current view of open land. The proposed development is not sensitive to its context, in the heart of the village.
- There is little consideration with regards to landscaping and open space.
- The proposed dwellings would dominate the adjacent dwellings and would detract from the ancient buildings close by as they have a significantly higher ridge height.
- Dwellings along Chapel Street are set well back from the road, beyond wide grass verges, but the proposed dwellings area not.
- The existing social club is not of any merit and it is important that any new development does not worsen its impact.
- The removal of the stone wall to the front of the site would be visually detrimental.
- The proposed dwellings should be built from natural stone to match those surrounding the site, including the affordable units.
- There are no other similar back land developments in the local area.

Other-

- The infrastructure of Warmington will not cope with the additional occupiers.
- This application must not be considered individually and should be considered in conjunction with the current application for residential development at the Slaughters Fields.
- The quality of life for potential residents of the proposed dwellings would be poor, given the noise impact from the adjacent social club.
- The site was originally gifted to the residents of Warmington by the Proby family and in recognition, any development here should be of a community wide benefit.
- The financial struggles of the Social Club are noted and villagers would not want to see it close. The planning committee should not however, be pressurised into approving the application as the developers have no other interest than financial gain.
- Number 29 Chapel Street is not shown on any of the contextual information submitted, even though it is positioned directly opposite the site and dates from 1848.
- It is unclear from the plans as to how wide the path at the front of the site will be. At present, it is 115cm wide.

6.2 Warmington Parish Council – Object to the proposed development for the following reasons:

- The proposed density (45 dwellings per hectare) is far too great and, should the density be reduced, it would have the benefit of overcoming some of the other issues.
- The two dwellings at the front of the site pose safety issues with regards to the accesses exiting onto Chapel Street. This could be overcome by providing a single access.
- A large number of trees are to be removed. If the density were reduced than less trees would need to be removed.
- The Parish Council are keen to ensure that the footpath across the site is retained in perpetuity.

- 6.3 Local Highway Authority (NCC) – No objections, now that the access is to be made up to adoptable standards, subject to the use of conditions which ensure that the access is constructed in accordance with the most recently submitted plan (Ref: AB_100 Rev A) and that details be submitted and approved in writing of a street name plate which is to be installed within the application site, outside of any vehicle visibility splays which indicates that the area is private and does not form part of the adopted highway.
- 6.4 ENC Environmental Protection (Contamination)- No objection, provided that conditions are used to ensure appropriate investigation and remediation.
- 6.5 ENC Design Officer- The Design Officer has made no formal written comments in response to this application due to her maternity leave. However, she has been involved during pre-application discussions between the withdrawal of the previous application and the submission of this application. The Design Officer was satisfied that this application is a significant improvement on the previous scheme and has given input on more detailed design orally. Her comments have been fed to the applicants and the proposal has been amended accordingly.
- 6.6 ENC Housing Strategy –Support the application as the provision of affordable housing is welcomed but would prefer to see allocated parking rather than communal parking.
- 6.7 Northamptonshire Police- No objection subject to the following comments:
- Details need to be supplied for the illumination of all communal areas and approved by the LPA in consultation with the police prior to commencement.
 - More specific details need to be supplied for all boundary treatments and approved by the LPA in consultation with the police prior to commencement. They should be in accordance with ‘Planning Out Crime’ and ‘SBD’ guidelines.
 - Landscape details are required and vulnerable areas should have dense defensive planting i.e. to enhance security, damage and nuisance against vulnerable fencing/walls where natural surveillance is lacking.
 - All properties should utilise the security element of Code for Sustainable Homes. Ideally full Secured by Design accreditation should be sought as a minimum requirement. This is considered to be a minimum standard for safety and security. The following condition is recommended;
"the standards of external door sets and windows to be installed on the ground floor, or easily accessible first floor, of the buildings shall be made secure to standards, independently certified, set out in BSI PAS 24 ‘Doors for enhanced Security’ and BS 7950 ‘Windows for enhanced security’. Paragraph 69 of PPS 3 says 'In general, in deciding planning applications, Local Planning Authorities should have regard to: - Achieving high quality housing'. Achieving Secured by Design may indicate a commitment, by the Developer, to meet objectives of PPS1 and PPS 3.
- 6.8 Environment Agency: No objection.
- 6.9 ENC Environmental Health Officer (noise)- The submitted noise assessment looks at the impact of noise on the proposed dwellings with the assumption that the proposals for the demolition of the rear part of the existing Social Club will happen. However, the noise assessment doesn’t consider the noise implications if the demolition did not take place. The Environmental Health Officer has requested that a condition be used to ensure that the demolition of the rear part of the social club is undertaken and finished before the commencement of development on the proposed 8 dwellings.
- 6.10 Conservation Officer (Trees)- The removal of trees T4433 and T4434 is unnecessary and it is recommended that a condition is used to ensure their retention. Crown reduction works may need to be undertaken for the Hornbeam. The site layout appears to contradict the root protection areas for the trees to be retained but this could be

overcome by using appropriate construction techniques and it is requested that a Tree Protection Plan and a Arboricultural Method Statement is submitted. No dig techniques would also be required to prevent damage to tree roots.

- 6.11 NCC Archaeological Advisor: No objection subject to a condition requesting a programme of archaeological works.

7 Evaluation

7.1 The main considerations in the determination of this proposal are the principle of development; housing density and mix; design and visual impact; impact on neighbouring properties; impact on trees; noise impact; highway matters and other matters.

7.2 Principle of development:

7.2.1 The site is located within the settlement boundary of Warmington and according to Policy 1 of the RNOTP Plan is classed as a Smaller Service Centre. Policy 1 states: "The limited service centre roles of Nassington and Warmington will be strengthened. Development opportunities include the re-use of previously developed land and buildings, other windfall development and the development of greenfield sites identified in this Plan". The site is classed as windfall development on previously developed land so the proposal accords with this policy.

7.2.2 The land is within an established residential area and can therefore be considered a suitable site for residential development subject to weighing against normal planning considerations.

7.2.3 The proposals comply with the general requirements of national guidance and the adopted local plan policy in principle. The proposal should therefore be viewed favourably in principle.

7.3 Housing Density and Mix

7.3.1 Following recent changes to PPS3, housing density is no longer prescribed by national policy. It now falls to local authorities to determine appropriate housing densities, whilst working within the general requirement of PPS3 to make the most efficient use of land.

7.3.2 The proposal for 8 dwellings on this 0.0975 hectare site results in a density of 40.5 dwellings per hectare. The Parish Council calculated that the density would be 45 dwellings per hectare and this may be because a smaller site area (not including the access road) was used. When density is calculated roads need to be included. The proposed density is comparable to the density of the modern housing estate to the north of the application site. To demonstrate this, the following examination has been undertaken:

- Numbers 1, 3, 5, 7, 9, 11 and 15 Bevan Close and 61 Dexter Way (8 dwellings) fall into a site area of 2048 sqm and the density here is 40 dwellings per hectare.
- Numbers 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 Dexter Way (10 dwellings) fall into a site area of 2111 sqm and the housing density here is 47 dwellings per hectare.

7.3.3 Therefore, the proposed density is sensible for this area as it is not overly high and would be consistent with the existing character of the more modern part of the village, whilst making efficient use of brownfield land. It is noted that the application site is closer to the heart of the village and therefore it is claimed that the density should be much lower. However, the application site is positioned such that it would form a transition between the more traditional part of the village and the and the more modern development beyond.

7.3.4 Two of the proposed dwellings (those facing Chapel Street) would be for sale on the open market and the remaining six would be affordable units. The Housing Officer is satisfied that this is a good mix and would provide residential units in some of the most needed categories, being the smaller 2 and 3 bed units and the development would accord with the Strategic Housing Market Assessment (2007). It is anticipated that the tenure of the affordable units would be a mix of social rented and shared ownership and the split is to be agreed between the council and the registered provider at a later stage.

7.4 Design and Visual Impact

7.4.1 The site is currently a rough surfaced parking area, with a number of trees along the northern (rear) boundary of the site and a stone wall part way across the front of the site. The Social Club, which is a brick built modern building of no particular merit, is located on the east part of the existing site. The site is surrounded by a mix of both modern two storey dwellings, modern bungalows and more traditional stone built (of which two are listed) dwellings to the south and west. Therefore, there is a notable mix in terms of housing character and design, but the northern side of Chapel Street consists of a number of modern buildings and has a more recent character and feel when compared to the area to the south west of the site. Chapel Street, at this point, acts as a break between the new and old parts of the village.

7.4.2 The development itself would consist of eight dwellings, four positioned to face the existing area of open space at Nene Pastures, two to face over the Social Club car park and two to front onto Chapel Street with a car parking area in the centre.

7.4.3 The two open market dwellings which would front onto the highway (plots 1 and 2) would be the most visible and would therefore have a greater impact upon the character and appearance of Chapel Street. Therefore, close attention has been made to the scale, design and proportions of these dwellings in order to ensure that they follow those of the existing dwellings in the area where possible. Plots 1 and 2 would be positioned close to the highway and would be two storey, in line with the features of the neighbouring dwelling at 28 Chapel Street. The materials for these two dwellings would closely match that of number 28 as a mix of stone and render is proposed. The existing wall to the front of the site would be retained (apart from the lengths to be removed to allow access points as shown on the submitted plans) to enable the development to appear more established and in keeping with the village. A condition is recommended to ensure this, along with a condition which requires the submission of materials for written approval.

7.4.4 The proposed affordable units to the rear of the site would be of a similar design to the proposed open market housing and would incorporate large windows, chimney features and render. The design of the affordable units would be simpler but would remain in keeping with the surrounding area, particularly the more modern dwellings of Nene Pastures. Views of the affordable units would be achievable from the open space at Nene Pastures and effort has been made to ensure that the open space is used to its full potential by positioning four of the affordable units to face the open space.

7.4.5 Good definition between pedestrian and vehicle areas is apparent, created by the use of a mix of surfacing materials and the dwellings are well spaced and separated to give a feeling of openness, similar to that experienced in the original part of the village.

7.4.6 Overall then, the design, character and layout of the proposed development is appropriate and in accordance with the general principles of the Warmington Village Design Statement. The impact on the wider street scene is considered acceptable and, given the appropriate siting, scale and design of the proposed dwellings, there would be no harm caused to the setting of the nearby listed buildings.

7.5 Effect on neighbours:

7.5.1 The adjacent neighbours which could be affected by the proposed development in terms of residential amenity are: no's 25, 29, 35, 32 and 28 Chapel Street and 9, 11 and 15 Bevan Close. Also, the proposal should be considered in terms of residential amenity of future residents within the site.

7.5.2 The proposed dwellings have been positioned so as to prevent overshadowing, overlooking or an overbearing impact on any of the existing dwellings adjacent to the site. A front to front distance of a minimum of 24 metres has been allowed to prevent any overlooking numbers 29 and 35 Chapel Street. The two proposed open market dwellings at the front of the site would be positioned in line with number 28 Chapel Street, with a distance of 14 metres between the opposing side elevations of 28 and the nearest dwelling proposed for the front of the plot, which would prevent any overshadowing or overbearing impact on number 28. The nearest of the affordable units to the rear of the site would be positioned so that there would be an off-set back to back distance of 39 metres between the proposed dwellings and 28 Chapel Street. There would also be a sufficient distance of 23 metres between the front of the affordable units (marked as House Type 2) and the rear elevations of numbers 9, 11 and 15 Bevan Close.

7.5.3 The dwellings would be carefully positioned within the site so as to prevent unacceptable overlooking and overshadowing. There would be a minimal level of overlooking from plots 3 and 4 over the rear garden of plot 5. However, the overlooking would not be direct and there would be a sufficient distance between the dwellings to ensure that the level of overlooking was not detrimental to the enjoyment of each dwelling.

7.6 Highway issues.

7.6.1 The proposed development would make use of an existing access into the site but it is proposed to upgrade the existing access to adoptable standards. The Highways Officer is now satisfied with the proposed layout and has raised no objection to the proposed visibility splays and access points proposed for the two open market dwellings, off Chapel Street.

7.6.2 The development proposes a parking area within the centre of the site which would offer 12 spaces. These spaces would serve the affordable units (2 spaces per dwelling) and the open market dwellings to the front of the site would each have a garage and an off-road parking space.

7.6.3 The Rural North, Oundle and Thrapston Plan states that two car parking spaces should be provided per dwelling. PPG13 states that "local authorities should not require developers to provide more parking spaces than they themselves wish, other than in exceptional circumstances".

7.6.4 In terms of visitor parking, there would be no allocated spaces. Whilst this is so, there may be the opportunity for informal short stay or delivery parking within the parking area of the Social Club (during periods of low demand at the club) and there is also a limited amount of on-road parking further along Chapel Street to the east of the site.

7.6.5 Details of appropriate street lighting, hard surfacing and drainage facilities to prevent the discharge of water onto the public highway would be necessary and an appropriate condition can be imposed.

7.7 Trees:

7.7.1 Local residents have expressed concern over the four trees which would be removed from the northern boundary in order to facilitate the proposed development. It is felt by local people that the removal of the trees would have a detrimental impact upon the character and appearance of the general area.

7.7.2 The Conservation Officer has requested the submission of a Tree Protection Plan and Arboricultural Method Statement to ensure that the existing 'visually significant' trees, and particularly their roots, are not harmed. In addition, the Conservation Officer recommends a condition which would ensure the retention of two of the four trees proposed for removal as she considers their removal unnecessary. The Conservation Officer has no objection to the removal of the 2 other trees as she agrees with officers that the two trees to be removed do not contribute significantly to the character of the area.

7.7.3 Soft landscaping and additional tree planting is proposed throughout the site. A condition is recommended to ensure that appropriate planting is put in place and maintained across the whole site.

7.9 Noise

7.9.1 It is intended that the rear portion of the social club is to be demolished and the noise assessment carried out assumes that the intended demolition will go ahead. The council's Environmental Health officers are concerned about the impact of noise from the Social Club if the rear portion of the club is not demolished. If the circumstances changed and the rear portion was not demolished then this would require the submission of a new noise assessment.

7.9.2 The applicant has entered into an agreement with the developers of the eight dwellings to ensure that the rear portion of the club is demolished. (The housing scheme is dependant on this, otherwise there would be no parking for the social club).

7.9.3 Given that the social club has been included within the red line, it is possible to use a condition which insists that the demolition takes place prior to the development of the eight dwellings. The use of such a condition would meet the tests of Circular 11/95 in that it would be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

8.0 Other Issues

8.1 Access for the Disabled - No issues are considered relevant to the determination of this application for private residential units.

8.2 Developer Contributions: The development is below the threshold at which the council's Developer Contributions SPD allows us to seek contributions. However, the development would still contribute to the affordable housing provision.

8.3 Contamination- The site has been fully assessed and remedial measures are required to ensure the development can be safely delivered. The appropriate conditions are recommended.

8.4 Refuse collection- The application proposes a large bin collection area where residents would place bins on collection day only. The access road would be constructed to adoptable standards and therefore, refuse carts would be able to enter, turn and leave the site easily. Comments from the council's Waste Management Team are awaited and will be added to the committee update sheet.

- 8.5 Access path leading from Nene Pastures- The developer has recognised the need to provide and retain a link through the site connecting the open space at Nene Pastures and Chapel Street as it is a popular route to Warmington School. A hard surfaced pathway has been incorporated into the layout of the development which is of a sufficient width for pedestrians (1.5 metres then increasing to 1.9 metres). A condition is recommended to ensure that this link is retained in perpetuity.
- 8.6 External Lighting- A condition is recommended which requires the applicant to submit details of all proposed external lighting, in order to ensure that pathways and parking areas are appropriately lit and to ensure that neighbouring residents are not affected by glare and direct lighting issues.
- 8.7 Northern Site Boundary- A condition is recommended to ensure that the existing post and rail fencing along the north elevation of the site is retained, to provide enclosure and retain the character of the site where possible.
- 8.8 Solar Panels: A neighbour mentioned that solar panels should be included to optimise solar gain on the south facing roof slopes. The future occupiers of the dwellings could seek to do this if they wish.
- 8.9 Intention for the use of the site- It has become apparent that the application site was a gift from the Proby family to the residents of Warmington many years ago and residents have expressed concern that the site is being used for financial gain rather than for the benefit of Warmington as a whole. However, such issues are not material considerations and cannot therefore form part of the determination of this application.
- 8.10 Slaughters Field application- An application for 21 dwellings on Stamford Lane in Warmington is currently under consideration. Neighbours felt that the two applications should be considered together. However, each planning application must be considered under its own merits.
- 8.11 29 Chapel Street- The occupier is concerned that number 29 is not shown adequately on the submitted plans. The site plan submitted with the application clearly shows number 29 and the case officer has visited the site a number of times and is aware of the positioning of number 29.

9 Conclusion

- 9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, PPS7, PPG13, Policies 1, 2, 3, 14 and 27 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies 1, 6, 9, 10, 13, 14 and 15, Rural North, Oundle and Thrapston Plan policies 1, 2, 6, 8 and 13, Design SPD, Warmington Village Design Statement and Highway Authority Standing Advice Document, July 2008. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact, impact on trees, housing density, noise and the highway implications. The application has been recommended for approval as:
- The principle of the development is acceptable and is consistent with the development plan.
 - The proposal comprises the development of A suitable site within an existing residential area, in a local service centre.
 - The proposal would not have an unacceptable impact on the local highway.
 - The development would not harm the visual amenity or character of the area.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers.

10 Recommendation

10.1 It is recommended that the application be GRANTED subject to the following conditions:

11 Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development, a schedule and samples of all external materials to be used within the development including facing, roofing and fenestration shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details. Notwithstanding the information already submitted, blue slate shall not be used as a roofing material within the development.
Reason: To achieve a satisfactory elevational appearance for the development.
3. Prior to the commencement of development, details of the proposed boundary treatments for the site shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details. The existing post and rail fence along the northern boundary and the existing stone wall (with only the lengths demolished as shown on the submitted plans) along the south of the site shall be retained and form part of the scheme, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure an acceptable visual appearance and to protect neighbouring amenity.
4. Prior to the commencement of development, details of all proposed surfacing materials, means of drainage to prevent the discharge of water to the public highway shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.
Reason: In the interests of highway safety.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order amending or re-enacting that order with or without modification), no additional openings shall be inserted within the west facing elevation of plot 1 unless otherwise agreed in writing by the local planning authority.
Reason: In order to safeguard neighbouring amenity.
6. Notwithstanding the submitted details and before commencement of the development hereby permitted, a sustainability strategy, including a Site Waste Management Plan, shall be submitted to and approved in writing by the local planning authority to demonstrate that the development would meet requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy, Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy and the Site Waste Management Plans Regulations 2008. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1, Policy 14 of the adopted North Northamptonshire Core Spatial Strategy, Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy and the Site Waste Management Plans Regulations 2008.

7. Details of all external lighting within the parking courtyard area and along the pathway linking Nene Pastures and Chapel Street shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The external lighting shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted.

Reason : In the interests of crime prevention, the safety of the users of the parking area and to prevent any nuisance for surrounding occupiers.

8. Before any work is commenced on the development hereby permitted, details showing the slab levels of the proposed buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings (including the ridge heights and eaves height of neighbouring buildings of nos. 28 Chapel Street and the Social Club) shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping for the site, including the gardens of the individual dwellings, parking court and any 'green buffer' areas . The scheme of landscaping shall include native planting and shall be implemented strictly in accordance with the approved details in the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

10. All planting, seeding and turning comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and recording which has been submitted to and approved in writing by the local planning authority. Archaeological investigation and recording shall thereafter be carried out in the accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with PPS5.

12. Before any work is commenced on the development the subject of this permission, details of the provision of foul water and surface water drainage installations to serve the development shall have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard public health, in the interest of residential amenity and in the interest of highway safety.

13. Notwithstanding the submitted details, pedestrian visibility splays of 2.4m x 2.4m shall be provided on both sides of the vehicular access in front of the dwellings at Plots one and two hereby approved. The areas of land between the required sight lines and the carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.
Reason: In the interest of highway safety.
14. In accordance with the submitted Sustainability Appraisal and Energy Statement and Design and Access Statement, the dwellings hereby approved shall achieve a minimum of Level 3 of the Code for Sustainable Homes. A copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that code level 3 will be achieved and within 5 months of completion a copy of the Final Certificate shall be provided to the Local Planning Authority certifying that Code Level 3 has been achieved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development is sustainable in accordance with PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.
15. All works which cause any noise that is audible at the boundary of the site, or at any such other place as may be agreed with the Local Planning Authority, shall be carried out only between the hours of 7:30am and 5:30pm Monday to Fridays, 8:00am and 1:00pm on Saturdays and at no time on Sundays and Bank Holidays.
Reason: In the interest of residential and local amenity.
16. Prior to the commencement of development a method statement that includes details of measures to minimise noise and dust during construction works shall be submitted to and approved in writing by the local planning authority.
Reason: In the interests of the residential amenity of the existing nearby dwellings.
17. Notwithstanding the submitted details, a Tree Protection Plan for the trees onsite and those adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details.
Reason: To ensure the protection of trees on site
18. Notwithstanding the submitted details, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This statement shall be in accordance with BS5837: 2005. The development shall thereafter be carried out in accordance with these details.
Reason: To ensure the protection of trees on site
19. Notwithstanding the submitted details, details of a no dig construction method for hard surfacing that breaches the required root protection areas for the trees on and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with these details.
Reason: To ensure the protection of trees on the neighbouring site
20. The footpath shown on the submitted plans which links the open space area at Nene Pastures with Chapel Street shall remain publicly accessible at all times and shall not be closed off or obstructed by any gates or means of enclosure, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that the link is retained for the use of local residents and schoolchildren.

21. No development shall take place on the residential development hereby approved until the rear portion of the existing Warmington Social Club has been demolished and the remaining building made good, in accordance with details to be submitted to and approved in writing by the local planning authority (see informative).
Reason: Because the submitted noise assessment assumes that the planned demolition of the rear part of the club will take place and any deviation may need further noise assessments to be carried out.
22. The access of the development hereby permitted shall be constructed to adoptable standards and in complete accordance with the amended plan (ref: AB_100 Rev A), unless otherwise agreed in writing by the local planning authority.
Reason: In the interest of highway safety.
23.
Prior to the first occupation of the dwellings hereby approved, details of the introduction of a nameplate which shall be installed within the site and outside of any visibility splays, shall be submitted for the written approval of the local planning authority. The plate shall indicate that the site is private and does not form part of the adopted highway maintainable at public expense. The plate shall remain visible in perpetuity, unless otherwise agreed in writing by the local planning authority.
Reason: In the interest of highway safety.
24. Prior to the commencement of development approved by this planning permission(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified: all previous uses and potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination of the site.
 - 2) A site investigation scheme based on 1) to provide information for a detailed assessment of the risk to all receptors that may be effected, including those offsite.
 - 3)The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how these are to be undertaken.
 - 4)A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance arrangements and contingency action.
- Any changes to these components will need to be approved in writing by the Local Planning Authority.
- Reason: To prevent pollution to the water environment and the risk of contamination elsewhere.
25. Notwithstanding the submitted details, the existing trees (shown as 4437 Common Ash, 4434 Silver Birch, 4433 Hornbeam) shall be retained and all necessary steps required by conditions 18 and 19 to shall be taken to ensure their retention and the health of each tree, unless otherwise agreed in writing by the local planning authority.
Reason: In the interest of visual amenity.

26. The development hereby permitted shall be carried out strictly in accordance with the approved plans: 2709/02a, 2709/20, 2709/21, 2709/22, 2709/23, 2709/24 received by the Local Planning Authority on 21/10/11, 13/07/11, 21/07/11 and 15/07/11, unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, PPS7, PPG13, Policies 1, 2, 3, 14 and 27 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies 1, 6, 9, 10, 13, 14 and 15, Rural North, Oundle and Thrapston Plan policies 1, 2, 6, 8 and 13, Design SPD, Warmington Village Design Statement and Highway Authority Standing Advice Document, July 2008. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact, impact on trees, housing density, noise and the highway implications. The application has been approved as:

- The principle of the development is acceptable and is consistent with the development plan.
- The proposal comprises the development of A suitable site within an existing residential area, in a local service centre.
- The proposal would not have an unacceptable impact on the local highway.
- The development would not harm the visual amenity or character of the area.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers.

2. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>

3. The approval for demolition of the club referred to in condition number would either be a Prior Notification for demolition or would be included in the description of any subsequent planning application for works to the club.

Committee Report

Committee Date : 30 November 2011

Printed: 16 November 2011

Case Officer **Anna Lee**

EN/11/01571/RWL

Date received	Date valid	Overall Expiry	Ward	Parish
29 September 2011	29 September 2011	24 November 2011	Lower Nene	Warmington

Applicant **The Short Family**

Agent **Henry H Bletsoe And Son**

Location 13 Big Green Warmington Peterborough Northamptonshire PE8 6TU

Proposal **Replacement of extant planning permission 08/01490/OUT - Outline application: Residential development for five dwellings (All matters reserved)**

This application is reported to Development Control Committee because it falls outside the council's Scheme of Delegation, as it proposes more than two dwellings in a Limited Development Village (as defined in the 1996 Local Plan) and because the previous permission was considered at Development Control Committee.

1 Summary of Recommendation

1.1 The application be GRANTED subject to conditions.

2 The Proposal

2.1 This is an application for the replacement of an extant planning permission EN/08/01490/OUT, which is due to expire on 11 December 2011.

2.2 The application proposes the construction of five dwellings. The application seeks outline planning permission with all matters reserved.

2.3 According to the submitted Design and Access Statement, "each dwelling would have a maximum width of 10m and no more than 13m allowing for extensions. Building spans are proposed to be no more than 6m. The dwelling would have a maximum eaves height of 5m and a maximum ridge height of 7.5m."

2.4 The plans are exactly the same as those submitted for the original application.

3 The Site and Surroundings

3.1 The application site lies on the northern side of Big Green, a country lane on the eastern side of the village. Big Green is residential in character and comprises a variety of dwellings of different styles and ages, including traditional houses in brick and stone and more modern housing including 1950/60s terraces with rendered walls.

3.2 Ashdown Farm, a grade II listed building, lies immediately to the north west of the application site and to the immediate west is a pair of modern detached houses dating from around 1970s. To the east is a pair of small cottages.

- 3.3 The application site is 0.27 hectares in area and contains a number of buildings. The main building is a two storey stone farm house positioned at the front of the site and there are a range of dilapidated farm buildings to the rear positioned around a farm yard.
- 3.4 A native hedgerow marks the front boundary of the site. There is also a row of mature trees on the western boundary which screens the site from Ashdown Farm.

4 Policy Considerations

4.1 Planning Policy Guidance

The following national policy guidance notes/statements have remained in place and unchanged since the determination of the original application:

- PPS1 – Delivering Sustainable Development
- PPS9 - Biodiversity and Geological Conservation
- PPS23 - Planning and Pollution Control

The following national policy statements have been brought in or amended since the determination of the original application:

- PPS3 – Housing (2010)
- PPS5 – Planning for the Historic Environment (2010) (superseded former PPG16 – Archaeology and PPG15 – Planning and the Historic Environment)
- PPG13 – Transport (2011)

4.2 Regional Spatial Strategy for the East Midlands (RSS8)

- Policy 1 – Regional Core Objectives
- Policy 8 – Regional Housing Provision
- Policy 13b - Housing Provision (Northamptonshire)

The Regional Plan was in place at the time of the original decision so the policies therein have already been considered. All that has changed since 2008 is the certainty about how much weight can be given to these policies. On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

4.3 North Northamptonshire Core Spatial Strategy, 2008

- Policy 7 – Delivering Housing
- Policy 9 – Distribution & location of development
- Policy 10 – Distribution of housing
- Policy 13 - General Sustainable Development Principles
- Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Rural North, Oundle and Thrapston Plan (RNOTP), 2011

- Policy 1 - Settlement roles
- Policy 2 - Windfall development in settlements
- Policy 6 - Residential parking standards

4.5 The Northamptonshire County Structure Plan, referred to in the original decision, has been superseded by the NNCSS and therefore is no longer relevant.

5 Relevant Planning History

- 5.1 The original planning permission EN/08/01490/OUT was granted at Development Control Committee on 03.12.2008.
- 5.2 Planning permission was granted for a dwelling house with garages and vehicular access on the site on 05.12.2002, under EN/01/00531/OUT. This permission was renewed in 2005 under reference EN/05/01952/RWL and has not been implemented.

6 Consultations and Representations

- 6.1 Neighbours: no comments received.
- 6.2 Warmington Parish Council: no comments received.
- 6.3 Local Highway Authority (NCC): no objection on highway related issues.
- 6.4 Environmental Protection Officer: no objection. The officer, however, recommends that conditions be imposed to control hours of construction and demolition, and that a scheme for the control of noise and dust be submitted.

7 Evaluation

7.1 Approach to Determining Replacement Applications

- 7.1.1 The government guidance published in relation to replacement applications advises that Local Planning Authorities should take a positive, constructive approach to determination because the development has been judged to be acceptable at an earlier date. Local Planning Authorities should focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.
- 7.1.2 The only consideration in the determination of this application is therefore whether recent changes to planning policy and other material considerations are significant enough to lead the Local Planning Authority to come to a different view than that reached in 2008.
- 7.1.3 The principle of development, visual impact and design, impact on neighbouring properties, highway matters, sustainable construction and other matters have all previously been considered acceptable. Only changes to policy or material considerations should be relevant to the consideration of this application.

7.2 Principle of Development

- 7.2.1 Changes to PPS3 Housing (2010) relate to the classification of residential garden land as green field land and the requirement for Local Planning Authorities to develop their own housing density policies having regard to local context, for example in terms of infrastructure, accessibility and local character.
- 7.2.2 Whilst East Northamptonshire Council does not yet have density policies for this area, it was previously accepted that a proposal of five dwellings on this site would not be too dense. PPS3 recommended a minimum density of 30 dwellings per hectare. This minimum density was deleted from PPS3 in June 2010 to allow local authorities flexibility to set density ranges that suit local needs. The proposal equates to about 19 dwellings per hectare. This density is significantly below the 30 dwellings per hectare formerly recommended by PPS3 and the submitted illustrative layout demonstrates that a development of five dwellings on this site would not appear cramped.

- 7.2.3 This site is currently occupied by a two storey farmhouse and the proposal is to demolish the existing farmhouse and its associated buildings to allow redevelopment of the site. The submitted illustrative drawing demonstrates that dwellings can be positioned at the front of the site to follow the existing linear pattern of street frontage development along The Green and dwellings could be positioned at the rear within a 'court yard' arrangement to reflect the character of the site. Overall, the submitted drawing has demonstrated that a development of five dwellings can be accommodated on this site without detracting from local character.
- 7.2.4 PPS5: Planning for the Historic Environment (2010) replaces former PPG16: Archaeology and PPG15: Planning and the Historic Environment. Whilst PPG16 and PPG15 have been superseded by PPS5, there have been no significant changes which would lead the Local Planning Authority to come to a different view than that reached in 2008 about archaeology and the effect on the setting of the nearby listed building Ashdown Farm.
- 7.2.5 Similarly, whilst PPG13 was recently amended, there have been no significant changes which would lead the Local Planning Authority to come to a different view about the highway impact of this proposal.
- 7.2.6 The Rural North, Oundle and Thrapston Plan (RNOTP) has now been adopted by the council and Policies 1, 2 and 6 are relevant. These deal with the location of development and parking standards. The scheme considered here complies with these policies.
- 7.2.7 To conclude, the principle of development remains acceptable on this site and the proposal to extend the time for implementation of this development accords with government guidance contained within national policies, the adopted NNCSS and RNOTP.

7.3 Changes to Other Material Considerations

- 7.3.1 There do not appear to have been any significant changes in the circumstances and there are no other material considerations that would lead officers to come to a different recommendation to that reach in the 2008 application.

8. Other issues

- 8.1 Conditions suggested by Environmental Protection Officer – The Environmental Protection Officer recommends that conditions be imposed to control hours of construction and demolition, and that a scheme for the control of noise and dust be submitted. These conditions are considered necessary and reasonable given the proximity of the site to the nearby residential properties and the significant amount of demolition works associated with the proposal.
- 8.2 Sustainable construction – The original application was accompanied by a Sustainability Appraisal and Energy Statement. However, due to the lack of information provided to demonstrate how the development would meet the requirements of this policy, conditions were imposed on the previous permission to ensure that details of sustainable measures be submitted for approval before commencement of development. These conditions are again recommended on this application. Furthermore, in order to ensure the waste associated with the demolition of the buildings and construction of the dwellings are appropriately treated, managed and in the interest of sustainability, a condition is recommended to require the submission of a Site Waste Management Plan.

- 8.3 Trees – The effect of the development on trees was considered in the previous application and conditions to ensure the protection of the on-site trees are again recommended on this application.

9 Recommendation

- 9.1 It is recommended that the application be GRANTED subject to conditions.

10 Conditions/Reasons -

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.
Reason: The application is in outline only and the reserved matters referred to will require full consideration by the local planning authority.
2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.
Reason: Statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: Statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.
4. No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include planting plans; written specifications; schedules of plants, noting species, plant sizes proposed numbers and densities; and an implementation programme. The soft and hard landscaping shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, in the interest of residential amenity and local amenity.
5. All planting, seeding and turfing comprised in the approved details of soft landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.
6. No development shall commence until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority of all the trees and hedgerows to be removed and those to be retained and the method of protection of the retained trees and hedgerows during the course of development. The tree and hedgerow retention and protection shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of preserving the character of the area.

7. Prior to commencement of the development hereby permitted, details of the provision of boundary treatment to all boundaries of the site and garden of the individual dwellings shall be submitted to and approved in writing by the Local Planning Authority. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be retained/erected. This boundary screening shall then be provided in accordance with the details so approved prior to the first occupation of the dwelling(s) and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

8. Prior to commencement of the development hereby permitted, details of the provision of surface water drainage installations to serve the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard public health, in the interest of residential amenity and in the interest of highway safety.

9. Notwithstanding the provisions of Sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the scheme so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is adequately drained.

10. No development shall commence until samples of the materials to be used in the construction of external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

11. Details of the provision of on-site turning for emergency vehicles and other vehicles visiting the site shall be submitted as part of the reserved matters application.

Reason: In the interests of highway safety and convenience.

12. Notwithstanding the submitted illustrative layout and prior to commencement of development, the following access details shall be submitted to and approved in writing by the Local Planning Authority:

1. Hard surfacing materials to form the single and shared access driveways and accommodation works close to the existing vehicle access.
2. Means of drainage to prevent the unregulated discharge of surface water onto the highway.
3. Maximum gradient of 1 in 15 from the highway boundary.
4. Pedestrian visibility splays of at least 2.4m by 2.4m (2m by 2m where there is turning space within the site) shall be provided on each side of the single and shared vehicular access points. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above carriageway level.

These facilities shall have been completed and brought into use prior to the first occupation of the dwellings and be thereafter retained.

Reason: In the interests of highway safety and residential amenity.

13. No development shall commence until details showing the slab levels of the proposed buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings (including the ridge heights and eaves height of neighbouring buildings of nos. 7 and 9 The Green and the highway) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

14. A street scene elevation showing the relationship of the development to the neighbouring properties shall be submitted as part of the reserved matters application.

Reason: To ensure an acceptable form of development which is in keeping with the character of the area.

15. No development shall commence until details of a scheme for minimising water consumption within the dwellings has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out and in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

16. No development shall commence until details of a scheme for ensuring waste minimisation and re-use during construction, and to provide recycling facilities for residents, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out and in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

17. Notwithstanding the submitted details and prior to the commencement of development hereby permitted, details of techniques of sustainable construction to be used for the construction of the building(s) hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

18. Deliveries, demolition or construction works shall be not be carried out except between the hours of 08:00am -18:00pm Mondays to Fridays, 08:30am – 13:00pm on Saturdays, and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and local amenity.

19. Prior to commencement of the development hereby be permitted, a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with guidance found in BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). The development shall thereafter be carried out in accordance with the scheme so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, the orderly development of the site and to protect the environment.

20. Before commencement of the development hereby permitted, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development would meet the requirements Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy and the Site Waste Management Plans Regulations 2008. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1, Policy 14 of the adopted North Northamptonshire Core Spatial Strategy, Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy and the Site Waste Management Plans Regulations 2008.

Informatives

1. The additional information to which this decision relates is as follows:

Information received by the Local Planning Authority on 14 Aug 2008 and 8 October 2011, drawing number 1 dated December 2007; Archaeological Desk-Based Study; Report on Archaeological Evaluation; Design and Access Statement; Sustainability Appraisal and Energy Statement.

2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, PPS9, PPG13, PPS23; Policies 1, 8, 13b of the East Midlands Spatial Strategy 2009; Policies 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy 2008; and Policies 1, 2 and 6 of the Rural North Oundle and Thrapston Plan 2011. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the principle of the development, effect on local character, highway impact, neighbour amenity, archaeology, effect on setting of the nearby listed building and trees. The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policies.
2. The proposal would not harm visual amenity or the character and appearance of the area.
3. The proposal would not have an unacceptable impact on the local highway.
4. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
5. The proposal would not harm the setting of the listed building.
6. The proposal is unlikely to have an adverse effect on archaeology.
7. The proposal would not result in an unacceptable loss or harm to trees.

A full report is available on the council's website www.east-northamptonshire.gov.uk

3. Please note that the drawing number 1 submitted in support of this application is indicative only and does not imply any agreement to the layout which shall be considered at the reserved matters stage.

4. The applicant is advised that all nesting birds are protected by law. Development work should be carried out outside of the birds nesting season March to August.

5. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>

Committee Report

Committee Date : 30 November 2011

Printed: 17 November 2011

Case Officer **Amie Baxter**

EN/11/01678/EXT

Date received	Date valid	Overall Expiry	Ward	Parish
14 October 2011	14 October 2011	4 November 2011		

Applicant **Wellingborough Borough Council - Mr A Chapman**

Location Land At 144 Tower Farm Irchester Road Wollaston Wellingborough Northamptonshire

Proposal **Erection of 2 no.250KW vergnet wind turbines measuring 55m to hub and 71m to blade tip at maximum extent (each), plus ancillary control houses and transformer compound. Access from Hinwick Road**

1 Summary of Recommendation

That the Borough Council of Wellingborough be advised that East Northamptonshire Council has no objection to this proposal.

2. The Proposal

2.1 The proposal comprises the erection of 2 wind turbines. The site is approximately 6km south east of Wollaston, 5 km south west of the southern tip of Rushden and 12km east of the A509. Each turbine would be a maximum height of 55 metres to the hub and 71 metres to the blade tip. Each turbine would have a generating capacity of up to 250 KW of electricity.

2.2 The application also includes the use of 2 pre-fabricated control buildings and a transformer compound.

3 The Site and Surroundings

3.1 The site is agricultural land approximately 1 km to the east of Wollaston.

3.2 Given the positioning of the application site in relation to the topography and other features of the area, the only areas of our district that could be affected in visual terms are Rushden and Newton Bromswold.

4 Policy Considerations

4.1 National Planning Policy Statements / Guidance
PPG1 – Delivering Sustainable Development
PPG9 - Biodiversity and Geological Conservation
PPS22 - Renewable Energy
PPG24 - Planning and Noise

4.2 RSS8 - East Midlands

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has

however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

- Policy 1 - Regional Core Objectives
- Policy 2 - Promoting Better Design
- Policy 24 - Regional Priorities for Rural Diversification
- Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage
- Policy 27 - Regional Priorities for the Historic Environment
- Policy 28 - Regional Priorities for Environmental and Green Infrastructure
- Policy 40 - Regional Priorities for Low Carbon Energy Generation

- 4.3 North Northamptonshire Core Spatial Strategy 2008
- Policy 1 - Strengthening the Network of Settlements
 - Policy 5 - Green Infrastructure
 - Policy 9 - Distribution and Location of Development
 - Policy 13 – General Sustainable Development Principles

5 Relevant Planning History

None relevant to this application.

6 Consultations and Representations

- 6.1 The Council is being consulted by the Borough Council of Wellingborough as the neighbouring authority. The Borough Council of Wellingborough will undertake all consultations.

7 Evaluation

7.1 Principle of Development

- 7.1.1 The aims of PPS 1 and the associated companion guide are to promote and encourage renewable energy generation, and moreover not to restrict it. Local planning authorities are told they should not question the energy justification or the need for renewable energy. PPS7 also advises planning authorities to support renewable projects provided that there would be no adverse effects on landscape and designated sites. PPS22 states that significant weight should be given to the environmental and economic benefits of renewable development.

- 7.1.2 The proposed development would be in accordance with all the above national planning policy advice and would contribute to the aim in the Energy White Paper of generating 20% of UK electricity from renewable sources by 2020. The principle of the proposed development should therefore be supported.

7.2 Visual Impact of Development

- 7.2.1 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which examines the possible visual impact on neighbouring settlements and landscapes. It is also explained that the proposed wind turbines would be of a much more streamlined and thinner construction than most. The conclusion of the LVIA is that, whilst the wind turbines would have a visual impact upon the immediate area, the impact on longer views (from Rushden, for example) would not be detrimental, given the small number of turbines proposed, the local topography, local woodland areas and the specifications of the turbines themselves.

7.2.2 Cumulative impact on the local landscape, with the 9 wind turbines at Chelveston, is an important consideration. However, even if the Chelveston wind farm was permitted the proposed wind turbines at Chelveston would be positioned to the opposite side of Rushden and would be over 12 km away from the application site and so, would not be seen together in views into or out of Rushden.

7.2.3 Given the distance of approximately 5km between the site and the southern extent of the East Northamptonshire district boundary, the woodland areas along the edge of Rushden and the slight specification of the two proposed turbines, officers would agree with the submitted LVIA in that the proposed turbines are unlikely to have a significant detrimental impact on the district of East Northamptonshire.

7.3 Highway impact during construction

7.3.1 The proximity of the site to the main A45 and A509 distributor roads would ensure that there would be no significant impact on the highway network within East Northamptonshire.

7.4 Noise

7.4.1 There would be no impact on residents within East Northamptonshire due to the distance from the site.

8. Other issues

8.1 Agricultural impact, archaeology, ecology, noise, residential amenity, safety, light flicker and all other planning considerations will all be considered in detail by the determining authority, the Borough Council of Wellingborough. Given the separation of the site from East Northamptonshire, none of these issues would have a direct impact on our district so there is no reason for the Council to object in relation to these matters.

9. Recommendation

9.1 It is recommended that the Borough Council of Wellingborough be advised that East Northamptonshire Council has no objections to the proposal subject to the imposition of conditions relating to the points as set out below, albeit it is acknowledged that members may wish to take a different view.

10 Conditions/Reasons -

1. Scheme of external finishes of the turbine (including the blade), buildings and structures to be agreed.
2. Scheme submitted and implemented to restore land at the end of the turbine life of 25 years.
3. Hours and timings of vehicle movements to be limited during construction.
4. Submission and implementation of traffic management plan for both the construction and decommissioning phases of development, to be agreed and overseen by (amongst others) Northamptonshire County Council